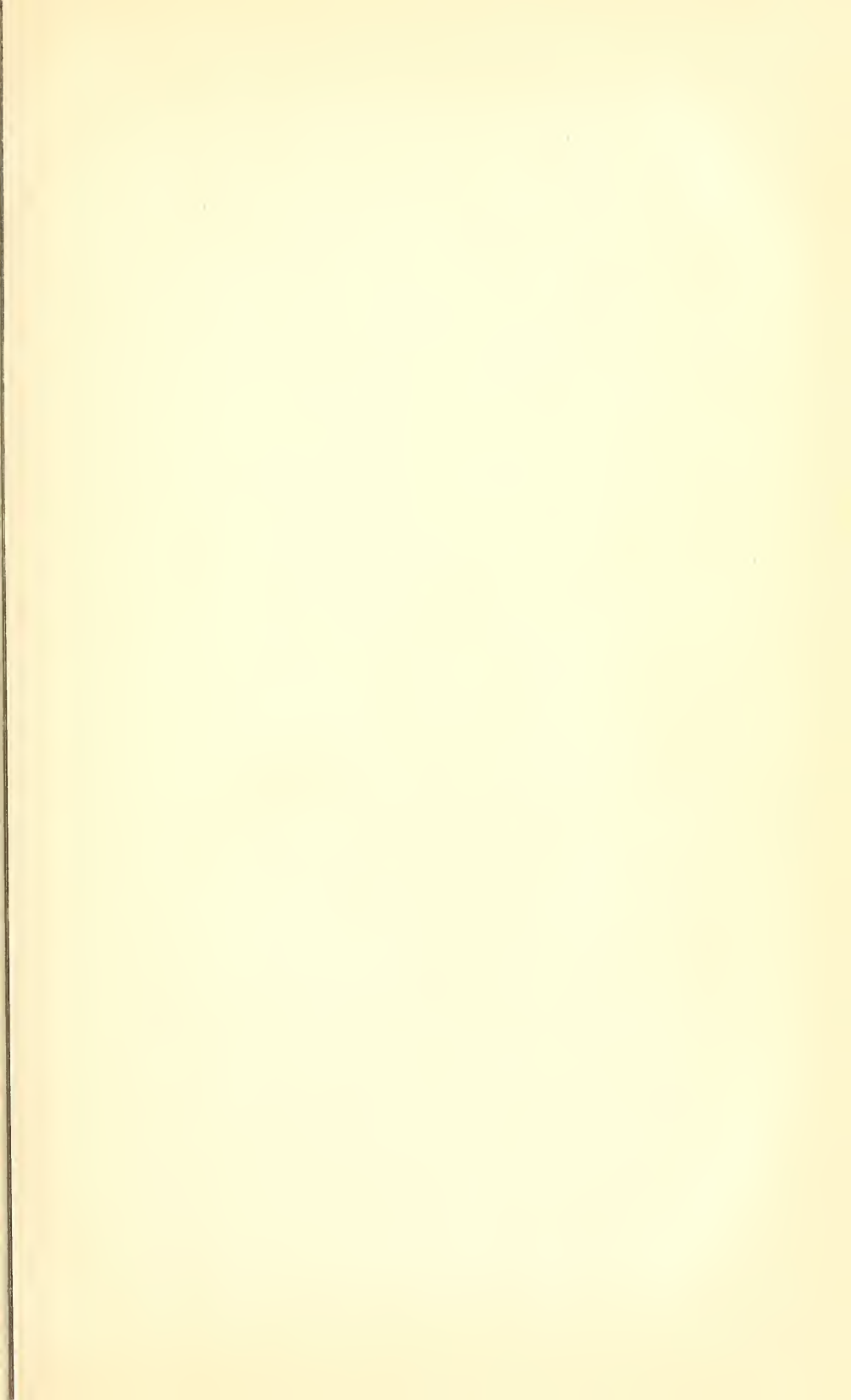




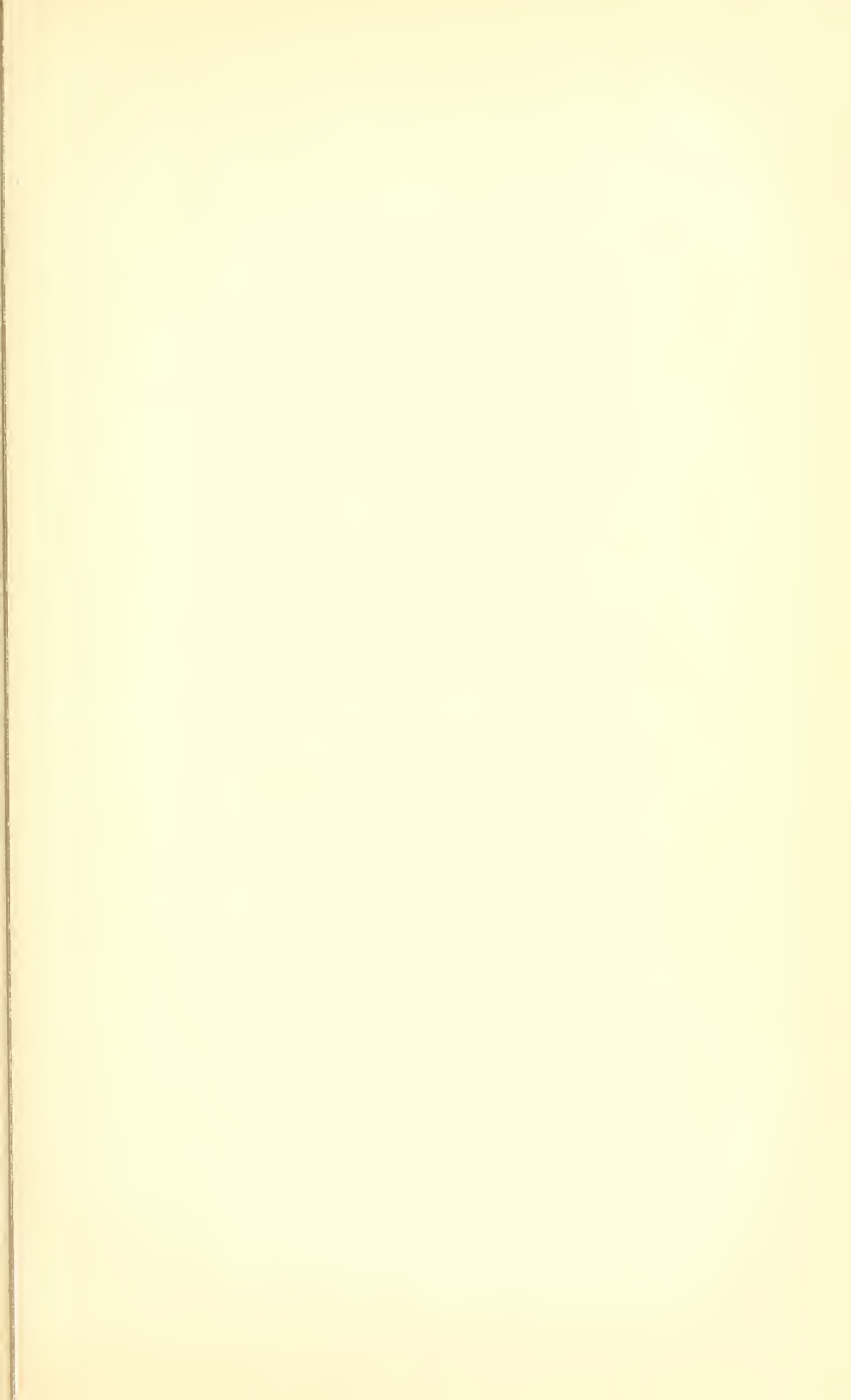
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ARCHIVES
OF THE
STATE OF NEW JERSEY.

FIRST SERIES.

Vol. III.

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 :

NATHANIEL NILES, *Chm.*
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DOCUMENTS
" 13390.

RELATING TO THE

COLONIAL HISTORY

OF THE

STATE OF NEW JERSEY,

EDITED BY

WILLIAM A. WHITEHEAD,

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

VOLUME III.

ADMINISTRATIONS OF LORDS CORNBURY AND LOVELACE,
AND OF LIEUTENANT GOVERNOR INGOLDESBY.

1703-1709.

NEWARK, N. J. :

DAILY ADVERTISER PRINTING HOUSE.

1881.

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PREFACE.

The first two volumes, of this series of Documents, contained those connected with the period ante-dating the surrender of the government to the Crown in 1703, which may be termed the Proprietary Era. In this and the succeeding volume, will be found the documents connected with the Union Era, of the administrations of the Governors to whose charge was committed both the provinces of New York and New Jersey; and the succeeding volumes will contain those relating to the Provincial Era, or that portion of the history of New Jersey covered by the various administrations, from that of Lewis Morris, in 1738, to that of William Franklin, with which the rule of England in New Jersey closed.

SOURCES

WHENCE THE DOCUMENTS IN THIS VOLUME WERE OBTAINED.

Public Record Office, London, England.

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

Smith's History of New Jersey.

*James Alexander's Papers, in possession of Mrs. John Ruth-
erford.*

Manuscripts of New Jersey Historical Society.

E R R A T A .

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1700, read 1701.

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NEW JERSEY
COLONIAL DOCUMENTS.

*Letter from Lord Cornbury to the Lords of Trade,
informing them of his having entered upon his
duties as Governor of New Jersey.*

[From P. R. O. B. T. New Jersey, Vol. 1 A. 15.]

Letre from the Lord Cornbury to y^e Board.

NEW YORK, 7^{ber} the 9th 1703.

MY LORDS

Having left New York in Order to goe into New Jersey on the 10th of August, I arrived at Amboy on the ii. and that day published my Commissions for the Government of that Province, having been met by severall of the Gentlemen of the Councill, and some of the Proprietors, the next day I proceeded to Burlington, where I arrived on the 13th afternoon, it being between fifty and sixty miles from Perth Amboy. I immediately published my Commission there, and would have had a Council that night, but some of the Gentlemen of the Councill were ill with riding, it being a very hot day, but the next morning I called a Councill where there appeared ten of the thirteen, of which the Councill was to be composed, in pursuance of her Majesty's Instructions to me; M^r Hunlock, and m^r Leonard, being dead before I received her Majesty's Commission, and Instructions, for that Government, and m^r Andrew Bowne was not able to travell soe farr, after I had taken the oaths and subscribed the Test,

and abiuration, I administered the same to as many of the Gentlemen of the Council as were willing to take them, that is M^r Morris, M^r Revell, M^r Pinhorne, M^r Walker, M^r Leeds, M^r Sandford, and Collonell Quarry, but M^r Jennings, M^r Davenport, and M^r Deacon being Quakers said they could not take an oath, and claimed the benefit of the Act of Parliament passed in the 7th & 8th of King William, this begot some debate among the other Gentlemen of the Council, one of them saying that he was of opinion that the Act above mentioned was not intended by the Parliament of England to ease Quakers any further then only in Cases where they were to be witnessed in Courts of Judicature, where their declaration was to be sufficient but he said he did not believe it was ever intended, they should be by that Act intituled to hold any employment in Government, he farther said that the Act by which the abiuration oath was enacted had noe exception in it, and that that Act having been passed long after the Act by which the Quakers were eased, and noe exception for them in it, he thought they ought to take that oath, the Quakers insisted not only upon the Act of the 7th & 8th of the late King, but likewise said, that they knew I had instructions to admit them into any Offices or employments which they should be found capable of, (by this I found that the Information I had formerly had was true that is, that m^r Morris had brought a copy [of] my Instructions with him into the Province when he came from England.) I looked into my Instructions and found that in the 49th paragraph I am commanded to administer, or cause to be administered the Oaths therein mentioned to the members, and Officers, of 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, and without which I am not to admit any person whatsoever into any publick Office; this I thought was very plain against the Quakers, but they desiring me

to look further. I found in the 52^d [53^d] paragraph these words [*And whereas we have been farther informed that in the first settlement of the Government of our said Province it may soe happen that the number of Inhabitants fully qualified to serve in Our Council, in the Generall Assembly, and in other places of trust or profit there, will be but small; It is therefore Our Will and Pleasure that such of the said people called Quakers as shall be found capable of any of these places or Employments, and accordingly be elected or appointed to serve therein, may upon their taking and signing the Declaration of their Allegiance to us in the form used by the same people here in England, together with a solemn Declaration for the true discharge of their respective trusts, be admitted by you into any of the said places or Employments.*] whereupon I told the Gentlemen of the Council, that I thought it very plain by that paragraph in my Instructions, that it was the Queen's pleasure they should be admitted to sit and Vote in Council signing the Declaration required which they did, and were admitted, they likewise signed the abjuration in a roll by themselves only altering the word (swear) to the word (declare,) thus that matter stands now, but I intreat your Lordships directions what I must doe for the future; I must needs say, that whoever it is that has informed her Majesty and your Lordships, that the number of Inhabitants fit to serve the Queen, would be but small, without admitting the Quakers, either did not know the Country, or else were not willing to own the truth they did know, for it will appear by the accounts I hope to send your Lordships shortly of the number of the Inhabitants of that Province, that the Quakers are much less in number, than those that are not Quakers, however that they might not say, or think, that I had any prejudice to them as Quakers, I have put severall of them into the Commission of the peace, if they approve themselves good subjects to the Queen, I have

noe more to require of them, I hear since I came from theme that they doe not like the settling the Militia, which I have begun and hope to perfect in a short time, I mean the Quakers who would have noe Militia at all, but the rest of the people are very well pleased that they are like to be put into a condition to defend themselves, which they have not been yet: At Burlington the first thing we proceeded upon, was to settle some Courts, and in order to it, I asked the Gentlemen of the Councill what Courts they had had under their Proprietary Government, they said that their Courts were never very regularly settled, but such as they were, it was under this Regulation, first they had a Court for determining all Causes under forty shillings, and that was by any one Justice, and if either of the partys did not like the Judgment of that Justice, he was at liberty to have a tryall by a Jury, paying the charges of the first suit, which I think was to render the benefit intended by the settling those Courts ineffectual; the next Court they had was a quarterly Court, where the Justices of the Peace determined all Causes under ten pounds, then they had a Court which they called the Court of Common Right, where all Causes both Criminall and Civill were heard and determined, and to this Court there lay an appeal from the quarterly Courts, this Court of comon Right consisted of the Governor and Councill, and if any man thought himself aggrieved by the sentence of the Court of com'on Right then he might appeal to the Gouvernor in Councill, which was appealing from, to, the same persons, this being the account they gave me, I told them I thought a Court for determining all Causes under forty shillings might be very usefull, but I thought it ought not to be in the power of one Justice of peace alone, but rather three and that the Judgment ought to be definitive, this they approved of and soe it is settled till the Assembly meets, when I will use my best endeavours to prevail with them to settle it by an Act.

then I told them I thought the Courts which sate quarterly in the Province of New York were more regular then theirs, for there the quarterly Courts are held in each County by a Judge of the Comon pleas and four Justices assistants, whereof three make a Quorum and the Judge of the Common Pleas or the first Assistant Justice always to be one, this they likewise approved of, and those Courts are soe settled by an Ordinance of the Gouvernor and Councill, till your Lordships shall be pleased to direct otherwise; I have appointed Sheriffs and Justices of the Peace throughout the whole Province; and as I desired the Gentlemen of the Councill to give me the names of such persons as they thought proper, to be put into the Commissions of the peace, and Militia, soe I indavoured to choose out such among them, as by the best information I could get, were the most likely men to join with me in endeavouring to reconcile the differences that have caused so much disorder in that Province, and which I am afraid will not be presently brought to passe, however I doe assure your Lordships nothing shall be wanting in my endeavours to perfect that work, I have already recommended that matter to the Councill, and shall likewise doe soe to the Generall Assembly as soon as they meet, which will be the 6th day of 9^{ber} at Perth Amboy; I must acquaint you that when first I acquainted the Councill that the Queen had by her Instructions commanded me to call a General Assembly with all convenient speed, they were extreamply pleased with it, but there arose some debate about the method of Isuing the Writts, because some of them said the Writts ought to Issue under the great seale of the Province, and there being noe great seale yet come, that could not be, some were of opinion the Proprietors seale of West Jersey should be made use of, others were for that of East Jersey, at last it was resolved that I should Issue the Writts for this time under my own seale, reciting the Power the

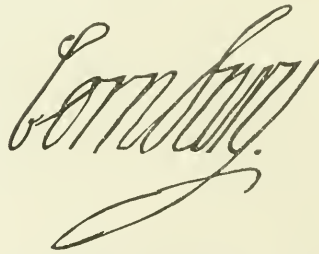
Queen has been pleased to grant to me under the great seale of England for the Government of the Province, and for the calling and holding of Assemblies, this was the only expedient could be thought of to have an Assembly, which they were not willing to stay for till the seale should come, I hope I have not done amisse in this matter, it was not of my own head alone I did it, and it was intended for the service of the Queen and Conuntry. I have quite settled the Militia of the Western Division, and I have begun to settle that of the Eastern Division likewise; thus I have given your Lordships a faithful account of the present condition of Nova Cæsarea, or New Jersey, only I must add that there is noe fortification in all the Province, noe stores nor ammunition nor noe publick store house, nor soe much as a house for a Governor to reside in; I hope the Assembly will provide for that; as soon as anything occurs relating to that Province I will acquaint your Lordships with it, in the meantime I entreat you to believe that I will at all times observe^d all such orders and directions as you shall think fit to send. I am

Just as I was going to seale up this letter, I am informed the people in New Jersey are much disturbed at the limitation prescribed in the qualifications of persons fit to choose and be chosen for the Assembly, and indeed it will happen that some very good men will not be chosen because they have not 1000 acres of land though perhaps they have six times that vallue in money;

L^{ds} of Trade &c.

My Lords

Your Lordships
most faithfull humble
servant



*Letter from Col. Quarry to the Lords of Trade about
New Jersey affairs.*

[From P. R. O. B. T. Plantations General, Vol. 7, old 5, new F. 37.]

Letter from Col: Quarry to the Board; Recd the
9 Decemb^r 1703.

RIGHT HON^{BLE}

(Extracts relating to New Jersey.)

I am obliged to hasten away from hence much sooner than I would, purposely to attend my Lord Cornbury at Amboy in East Jersey, where y^e first Assembly for y^t Governm^t meets about y^e latter end of this month: I will be just to y^e promise I made his Excellency being very sensible y^t his Lordsp is but very indifferently yoked wth a Council for y^t Governm^t: I purpose to return hither again early in y^e Spring, and then shall have an opportunity of writing to your Lordsp by y^e fleet; which is all y^t I will presume to say further to your Lordsp at present, but beg leave to subscribe myself what I will ever study to be.

Right Hon^{ble}

Yo^r Lordsp most faithfull & obed^t serv^t

ROB^r QUARY¹

I do most humbly beg your Lordsp favour in recomending me to y^e Hon^{ble} y^e Comiss^{rs} of her Majties Customs, and to y^e R^t Hon^{ble} the Lord High Treasur^r: y^t I may succeed M^r Randolph as Survey^r Gen^l of North America, the duty of which place I have discharged ever since I returned last to America, by virtue of a power from y^e Hon^{ble} y^e Commiss^{rs} tho I have not

¹ For notice of Colonel Quarry see Vol. II., p. 380—Ed.

had y^e sallery belonging to it, which will be a comfortable subsistence, and enable me y^e better to discharge y^e duty of your Lordsp^s Comissary in all these American Govern^{ts} which I will always endeavour to do with all y^e faithfullness imaginable.

I have here sent your Lordsp^s y^e minutes of her Majesties Council for y^e Jerseys.

Virg^a Octob^r y^e 15th 1703.

Right Hon^{ble}

Yo^r Lords'ps most obed^t humble servant

ROB^t QUARY.

I humbly request y^t your Lords'ps will please to order me a supply of Paper Pens Ink wax &^c I am often distrest for want of them in these parts.

*Speech of Lord Cornbury to the General Assembly of
New Jersey, November 10, 1703.*

[As printed in Smith's History of New Jersey, p. 277.]

GENTLEMEN

The proprietors of East and West New-Jersey, having upon very mature consideration, thought fit to surrender to her most sacred majesty the great queen of England, my mistress, all the powers of government which they supposed were vested in them; the queen has been pleased to unite these formerly two provinces now into one, under the name of Nova-Cæsaria or New Jersey; her majesty has been pleased graciously to honour me with the trust of this government, and has commanded me to assure you of her protection upon

all occasions; and you may assure yourselves, that under her auspicious reign, you will enjoy all the liberty, happiness and satisfaction, that good subjects can wish for; under a most gracious queen, and the best laws in the universe, I mean the laws of England, which all the world would be glad to partake of, and none are so happy to enjoy, but those whose propitious stars have placed under the most happily constituted monarchy: I will not question, but that you on your parts, will do all that can be expected from faithful subjects, both for the satisfaction of the queen, the good and safety of your country; which must be attended with general satisfaction to all people.

In order to attain these good ends, I must earnestly recommend it both to you, gentlemen of her majesty's council, and you gentlemen of the assembly, to apply yourselves heartily and seriously to the reconciling the unhappy differences which have happened in this province; that as the queen has united the two provinces, so the minds of all the people may be firmly united in the service of the queen, and good of the country; which are all one, and cannot be separated without danger of destroying both.

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

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

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

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

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

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

Now, gentlemen, I have no more to offer to you at this time, only I recommend to you dispatch in the matter before you, and unanimity in your consultations, as that which will always best and most effectually conduce to the good of the whole.

The Governor's speech being read in the house, produced the following address: N. C. D.

MAY IT PLEASE YOUR EXCELLENCY,

I am commanded by this house, to return your excellency our hearty thanks for your excellency's many kind expressions to them, contained in your excellency's speech; and it is our great satisfaction, that her majesty has been pleased to constitute your excellency our governor.

We are well assured the proprietors, by their surrender of their rights to the government of this province, have put us in circumstances much better than we were in under their administration, they not being able to protect us from the villainies of wicked men; and having an entire dependance on her majesty, that she will protect us in the full enjoyment of our rights, liberties and properties, do thank your excellency for that assurance you are pleased to give us of it, and think our stars have been very propitious in placing us under the government and direction of the greatest of queens, and the best of laws: And we do entreat your excellency to believe, that our best endeavours shall not be wanting to accomplish those things which shall be for the satisfaction of the queen, the general good of our country, and (if possible) to the universal satisfaction of all people: With our prayers to the God of Heaven, we shall join our utmost endeavours, to unite our unhappy differences; and hope with the assistance of your excellency and council it will not be impossible to accomplish that blessed work. We shall follow the directions given in your excellency's speech, with what dispatch the nature of the things require; and hope, that all our consultations may conduce to the best and greatest ends.

Memorandum, that all the members of this house do agree to the subject matter above written, tho' several of them dissent from some of the expressions therein contained.

Letter from Lord Cornbury to the Lords of Trade.

[From N. Y. Col. Docts., Vol. 4, p. 1075.]

To the Right Hon^{ble} the Lord^s Commiss^{rs} for
Trade and Plantations

My Lords:

Being just returned from New Jersey and finding a letter here from Captⁿ Herne (which ought to have come to me a fortnight agoe) to acquaint me that he shall sail in ten days, I take the liberty to trouble your Lord^{ships} with these few lines to acquaint you that the Assembly of New Jersey have sat four weeks and some days,¹ they had prepared some Bills but the season has been so severe that I was forced to adjourn them till May next, at which time I shall meet them at Burlington, I hope they will then prepare such Bills as will be agreeable to Her Maj^{ty's} commands in my instructions which I shall endeavour punctually to observe: if this ship stays any little time longer, I shall send your Lord^{ships} an account of all our proceedings in New Jersey which is now preparing.

* * * * *

I am, My Lords, &c.

CORNBURY

New Yorke December 18th 1703

¹ For an account of this session, see Smith's New Jersey, pp. 276-281.—Ed.

*Communication from Colonel Robert Quarry to the
Lords of Trade, about New Jersey affairs.*

[From P. R. O. B. T. New Jersey, Vol. I A 17.]

ABSTRACT of a Lre from Col^o Quarry to the
Board, Dated at Amboy in East Jersey, the
20th Decem^r 1703. [Rec'd 1st May 1704]

A. He sent his last from Virg^a by Her Ma^{ty}s ship
Guernsey, and refers to the same for the State of the
Sev^l Gov^{mts} on the Maine—He has been with the
Lord Cornbury ever since the 8th Nov^r last. B. The
Scotch in the Eastern Division by means of the Scotch
Gov^r carry things there with a high hand, and irritate
the People agst them. C. A Scotchman made High
Sherif—He has made a false return in favor of that
party. D. The Western Division is Chiefly in the
Hands of Quakers since Colobell Hamilton joined wth
them.—The Quakers insinuate that unless they are
Chosen the Assembly will burthen them with tithes
Taxes &c. E. The Countys Petitions ab^t the false re-
turns made—they were refused to be heard.
F. This Treatment had like to set the Country in a
Flame—the managm^t of this matter committed to
him—He proposes to them the method of accomo-
dation. G. The Gov^r Permits them to sit.—They
begin with a Bill very hurtfull in all the parts of it, as
Injuring the Queens Right to Land.—also depriving
more than 500 Inhabitants of their Rights:—The
Maj^r part of the Assembly are proprietors—The
Gov^r layes the Bill aside. H. The Assembly Tack it
to a Bill for enforcing an old money Bill—The Gov^r
rejects it. I. A Great many men besides Proprietors
get Estates by Stock Jobbing Land there—he de-

sires this Board to Inquire into the Abuse. **K.** The Assembly have raised nothing for the Queen—They intended 1400£ for the defraying old Debts due to y^m in Col^o Hamilton's time—There has been no bill past but an Act to hinder the purchasing Land from the Indians wthout the Gov^{mts} Licence.—The Assembly adjourned till May Next. **L.** He says my Lord Cornbury will send the several Bills this Conveyance.

R^{TR} HOX^{BLE}

A My last was from Virginia by her Maj^{ty}s Ship the Guernsey wherein I gave Your Lordship a true state of that Province wth the severall other Govern^{ts} on the Main to which I refer, I was obliged to hasten from thence in order to attend on my Lord Cornbury att the setting of the Assembly in Amboy the 8th of 9^{ber} where I have continued ever since¹

Before I proceed to give Y^r Lordship an Acc^o of what was done this Sessions, give me leave to lay before Y^r L^dship y^e p^rsent Interest of that Province.

B The Eastern Division hath been a long time in the hands of a very few Scotch, the head of w^{ch} party is now Coll: Morris, the whole Number of them are not at most above Twenty & yett they have always by the Advantage of a Scotch Governour carryed it with a high hand ag^t the rest of the Inhabitants—thò more then a thousand in Number, and y^e greatest part of them Menn^o of Substance and Sence: The hardships they have received from this small number of Scotch, have so prejudiced the whole Country ag^t them, that it is Impossible to reconcile it. (It must be a work of time) This great prejudice hath been now againe improv'd on the Occasion of the last Election of Members to serve in the Present Assembly.

¹ For the names of the members of this Assembly, see Proceedings N. J. Hist. Soc., Vol V., p. 24.—ED.

There appeared in y^e Field on the Scotch Interest but 42 persons (and a great part of them came from New York and long Island) who were Qualifyed to Vote Whereas on behalfe of the Country there appear'd betwixt three & four hundred men qualifyed & had they thought necessary could have brought severall Hundred more.

C. Butt notwithstanding this vast Odds, Yett the Scotch having by a false representation to his Excellency prevailed wth him to appoint one of their number to be made high Sheriffe¹

He did contrary to all Law, Reason, Justice or President returne the choice of the 42 Ellect^{rs} ag^t the choice of more then three hundred men.

I will not entertaine Y^r Lordship with the particulars of the carrying on this most unjust Election

First by delay of time, they thought to tyre out the Country by detaining them so long in a place where there was not any Accom'odation for such Number of People at that time of the yeare severall hundreds of Substantiall housekeepers being forc'd to lye out of doors in that bitter weather, when that would not doe, he multiply'd Tricks, upon Tricks, till at last barefac'd he made y^e returne contrary to the choice of the Country.

D. THE STATE of the WESTERN DIVISION hath allways been betwixt the Quakers and others, tho' the Quakers are the farr less in number yett they have allways had the Governm^t in their hands especially since Coll Hamilton joyu'd intirely with them. Their greatest number is in Burlington County, but in the other three Countys of that Division, they are but very Inconsiderable however by their usuall application & diligence with the Advantage of her Maj^{ty's} Instructions

¹ Thomas Gordon of Perth Amboy. See Whitehead's History of Perth Amboy and Surrounding Country, p. 64.—Ed.

for y^e choice of ten Members to be chosen in each Division, Whereas had the Election been in each County, they could not have carry'd it but in Burlington County only they had Influenc'd abundance of the Inhabitants, insinuating that unless they chose Quakers that Tythes, the Militia, & great Taxes, would be established by the Assembly.

This had the Effect they expected & the quakers were chosen (most of them Proprietors).

E When these two partys mett in Assembly having concerted all matters before hand, they soon lett the World know what they aim'd att; the first week was taken up in Petitions ab' the false returns, of w^{ch} the house of Assembly was sole Judge at last a day was appointed to heare the County by their Councill, But they were obliged to produce but 20 witnesses at the time fixed they did appeare, But were then told that they had heard severall witnesses upon acc^o & behalfe of M^r Gourdon (the high Sheriffe) & were fully satisfyed that he had done his Duty, & therefore was resolv'd they would not heare any Witnesses ag^t him But were satisfyed wth y^e Returne of Members, w^{ch} he had made, & so did discharge the Country & their Councill wthout giving them a hearing

F This treatm^t had like to sett the Country in an Uproar had not they been in hopes of Reliefe from his Excellency's Justice. The Improvm^t and managm^t of w^{ch} was by my L^d Committed to mee having gained a very great Esteeme from them by my appeareing warmly on their behalfe.

I hinted to them, that the most Effectuall way of prevailing with my L^d to lay these Quakers & Scotch aside; must be by good Assurance to be given that in case a new Election should be made that they should make such a choice as should Effectually answer all the ends of Governm^t (w^{ch} they promised to doe) And that they would give double y^e Value that this Assem-

bly did give & settle it as a Revenue for support of Governm^t

I desired them to make choice of one or two Men in each Township & Impower them to discourse me upon the matter & oblige themselves to stand by what they should promise on their behalfe which accordingly they did.

I gave my L^d an Acc^o from time to time of every Stepp I tooke & did nothing without his approbation.

G However my L^d having so good an Opportunity of trying both parties, was resolved to see what the p^rsent Assembly would doe, and like a prudent Govern^t encouraged their going on to Buisness Very well knowing that he had it always in his Power to lay them aside when ever he found that they did not answer the End of Governm^t w^{ch} was expected from them.

The first thing they did, or rather was done to their hands was a Bill Entitled An Act for secureing the Rights & Titles of y^e Propriet^{rs} and also for secureing y^e rights and titles of the people.

I may truly say that there was never more Villany & Injustice couched in any one Bill then was in this.

For in the First place to shew that they would be no Respectours of Persons they were pleased to begin with her Maj^{ty} and did by Asserting the bounds of the province take from her a great part of the province of New-Yorke no less than all Stratton Island this they give & confirm to the Proprietors & their Heirs for ever Notwithstanding the Queen hath been in Actuell possession of it above 40 years past without their pretending & claiming any Title to it at all.

The Stepp that they took next was to defraude the Queen of the reserved Rent in the first Deed from the Crown w^{ch} is 20 Nobles & all the Arrears w^{ch} is above 40 years and amounts to above 270£ Sterl when they had done this Notwthstanding the Proprietors had resigned

up the Governm^t: Yett the Assembly were pleased to take from her Maj^{ty} & give to themselves all Royalltys wh^osoever under w^{ch} generall Terme are concluded many parts of Governm^t: And when there was noe more Injustice they could doe the Queen they proceed then to take from more than 500 Inhabitants at once Their just Rights that they have been possessed of for above 30 years past, This is done by taking away from the Persons severall large tracts of Land w^{ch} they held by pryor grants then wh^o the Proprietors derive from my L^d Berkley and S^r George Cartrett For before the Duke of Yorke conveyed to them he gave a Power to one Coll. Nicholls to settle these parts which accordingly he did and granted severall Tracts of Land, and by his order they purchas'd the Indian Rights from them

This Title this Bill destroys att once wth out any regard to so many People concerned therein by sale transferring mortgage, Dowry, and otherwise which hath one way or other engaged the Inhabitants of the whole Province, and should this Bill pass would ruin & involve them all in Confusion; Besides they have destroyed even their own Grant to severall, And changed their Rent and Tenure.

But that w^{ch} seems y^e most Extravagant in these that pretend themselves to be Proprietors that they should goe ab^t to cheate so many of their own Brethren as by this Bill they have done.

In the first place they have destroyed y^e Joynt Tenancy by which all the Proprietors Joyntly hold, And have destroyed that tenure without giving their Brethren leave to be heard for themselves, Then they take their Property from them & give it to a few of themselves, Who have pick'd & Cull'd all y^e choice & best of the Land throout the whole Province all which by this Act they take care to Settle & Secure to themselves & their heirs for ever without being accountable

any ways to any of the rest, Who to this day have not one acre run out for them, but must take up the Barren Land or none w^{ch} is not worth a Penny whilst the rest have from 20 to 50 or 60 Thousand Acres a piece of the choicest & best Land worth a vast Sum^e of money, a few of the topping Proprietors in England are taken care for by these here, Butt the major part left to shift for themselves, a Comment on this bill would fill a Volume

I will therefore not trespass further on Y^r Lordships but will refer to severall other Relations w^{ch} will be sent on this subject, only am Obliged to Remark to Y^r Lord^s that the major part of the house of Assembly are Proprietors where they sitt & make Acts for themselves, to which they are Partys, And when they are past that house, Then the Bills are sent to his Excell^{cy} and Council, which do at p^rsent consist of above one third of Proprietors.

Its thought very hard by the Country that these Gentlemen should thus be allowed to be both Judges & partys, & fill up the Assembly and Council too.

I have often heard of Acts made to mend & strengthⁿ defective Titles, but very seldom heard of Acts made to Ruin & destroy mens Titles.

After the first reading of this Bill, It was comitted, & took up three Weeks of our time, for the more wee considered of it, the more & greater difficulty still arose, till at last his Excellency saw an Absolute necessity of laying it aside.

H. The Proprietors in the Assembly thought to have gained their point by tacking the money Bill to it, they would not part wth that Bill out of their house till they could see the Issue of their beloved Bill. But att last up it came, Attended with another Bill to reinforce a mony Bill made in Coll Hamilton's time, w^{ch} sett the Country together by the Ears & in Arms. There was about six or seven hundred pounds unpaid

of this old Bill; w^{ch} they had now againe by a new Act reinforced. The consequence of w^{ch} would have been to put the Country againe in Confusion, the Reinforceing this Act Past, by a Governm^t that was not qualified according to Law would be construed as a confirmation of what was done contrary to Law, but his Excellency knew better things then to give them that handle, for after a great Bustle about this old Bill new Vampt his Excellency found an easy way to lay it aside wthout noise, and then comes on the Stage the money Bill so long expected.

Att the first opening of y^e Assembly My Lord acquainted them with her Majesty's Instructions about raising a fund by way of Revenue for defrayeing the necessary charges of the Governm^t Butt when wee came to examine the Nature of this Bill we found that they had only taken care for one yeare and that but very indifferently too.

If they had but gott their own Business done they did not care whether the Country did Sink or Swim for the future. Beside it was the most unequal Tax that ever was lay'd on a Country.

I For May it please Yo^r Lordship there are a great Number of Men in this Province besides the Propriet^{rs} that have gotten great Estates by Stock Jobbing Land, Whose business is to buy all the good Land in the province & parcell it out again to a vast Advantage. These men improve noe land, But are Masters of all the money in the Country. These contribute nothing towards the support of Govern^t But all that, lyes on the Poore Industrious Farmers or Free holder of a hundred or Fifty Acres of improved Land (as it's call'd) whereas perhaps the hearte of this Land is worn out & good for nothing but to be turn'd out for pasture Yett He must pay for his Lands & also for his horse, Cow, Sheep, Servants & what other Stock he hath

When these great Number of Rich men pay nothing,

tho they have more then a hundred times the Estate of those that support the charge of Governm^t Severall of these men have from ten thousand to sixty thousand Acres a man and perhaps more then 20d p. Acre ready money.

This Injustice they Shelter under an Instruction Recommended by the Prop^retors to her Majesty under a false Gloss.

I hope Y^r Lordship will please to make an Enquiry into this Abuse w^{ch} you will find confirmed by the whole Country.

K I am obliged to turne againe to the mony Bill & observe to Y^r Lordship that tho this Assembly of Propriet^{rs} could not afford to give to her Majesty one thousand pounds w^{ch} is not much more than 600£ Sterl & that but for one Yeare Yett they had taken care to give themselves 1400£ to defray their own charges and reimburse themselves, old Debts due in Coll Hamilton's time all w^{ch} was to come into these very men's own Purses by all w^{ch} Y^r Lordship may guess what sort of men his Excellency my Lord Cornbury had to deale with, I am sure he knows them better then they know themselves & mannag'd them accordingly, there hath no Act past, but a short Act to prevent buying Lands from the Indians without a Lycence from the Governm^t the allowing of which is of very ill Consequence & therefore cannot be too much discouraged, But could wish that the Act did not look back above twenty years about w^{ch} time Laws were made to prevent that Evill. But the looking back from the very first, will I fear have an ill Effect, however that single Act will I hope have a reveiw of the next sessions My L^d hath thought fitt to adjourn the Assembly till May next.

I hope that Adjournm^t will by my Lords conduct end in dissolution w^{ch} will be the most effectuall means to settle this Province on a just & sure foundation the

People will thereby enjoy the Benefit of her Maj^{ty's} grace & favour in a free Election w^{ch} will Engage them for ever in her Maj^{ty's} Interest and make them chearfully contribute to the support of the Governm^t & hazard their Lives for & in Defence of her Maj^{ty's} Right, Crown & Dignity especially when they shall find themselves freed by his Excellencys good Governm^t over them, from the Tyranny of their old Taskmasters the truth of w^{ch} I am very well assured will be demonstrated in a very few months.

I should not soe positively assert these things to Y^r Lordship had I not a sure foundation for what I say All w^{ch} I have fully Laid before his Excellency my L^d Cornbury.

I doe most humbly begg Y^r Lordship's favour to observe one thing more before I conclude, w^{ch} is, that these very Men who have so notoriously shown their dishonest & unjust principalls in this their Bill of Property ag^t the Queen, Their fellow Proprietors & the whole Country, Yett they are pleased to pretend Conscience of giving her Maj^{ty} her due Titles & therefore to avoid it sent up the mony Bill without any preamble att all to it from the Effects of such men's consciences I Pray god preserve the Queen her Governm^t and all good men.

L. I have not yett had time to gett the Copy of the severall Bills, but his Excellency promises to send them to Y^r Lordship this Opportunity & the Secretary hath promised mee the same Your Lordshipps Pardon for this Trouble is the most, humble Request of

Right Hon^{table}

Yo^r Lordship- Most Obedian^t &

Faithfull Serv^{tt}

ROB. QUARY

Amboy in East Jersey this 20th December 1703

Communication from Peter Sonmans to the Earl of Nottingham, about the appointment of Jeremiah Basse as Secretary of New Jersey.

[From P. R. O. America and West Indies, Vol. 575.]

Reasons humbly Offer'd to The Right Honourable The Earl of Nottingham one of her Maj^{ties} Principall Secretary's of State by Peter Sonmans against passing the Bill formerly ordered by her Maj^{tye} whereby the Office of Secretary of Nova Cæsarea of [or?] New Jersey in America is granted to Jeremiah Basse.

HER MAJ^{TY} was pleased to Sign a Warrant for erecting and granting the Office of Secretary of Nova Cæsæra to y^e said M^r Basse on the 10th of November last in Obedience whereunto M^r Attorney Generall prepared and on the 18th day Following Subscribed y^e bill for the same.

The said M^r Basse altho' he very well knew the great disorders of the said province & y^t in order to Suppress y^m & settle a regular form of Governm^t therein the Lord Cornbury's Co'mission constituteing his Lo^{pp} Governour thereof was passed and y^e absolute necessity there would be of a Secretary to attend the Governour for her Maj^{ties} Service, Yett Basse so farr Slighted her Maj^{ties} favour and neglected his own duty as not to take any Care to make one Step further towards passing his pattent but Absconded Soon after, and in the month of Aprill last secretly wthdrew beyond Sea, and to prevent his Creditors finding him some of w^{ch} had Writts and others Executons against him instead of imbarking for new Jersey or new York

privately ship't himself on a Shipp bound to Virginia haveing caused it to be given out, that he had passed his pattent by w^{ch} he prevented any other from Endeavouring to Obtaine the said Office

But besides this great Neglect of the said Mr. Basse by w^{ch} it's humbly conceived he has fforfeited her Maj^{tyes} favour he has by many foul practises and indirect ways deservedly Obtained so very ill a Charecter and generall disesteem of all that have been acquainted with him (as will be fully made appear if your Lordshipp shall please to direct it) that it's hoped your L^{dpp} will not think him Worthy of the Honour of her Maj^{ties} grants.

The said M^r Basse has also by his indiscreet and Unhandsome behaviour when last in y^e s^d Province so disoblged and disgusted many of the Inhabitants thereof that his appeareing under any Comission will rather revive & encrease then be a means to help to Compose the disorders and confusions therein w^{ch} were chiefly raised in Opposition to his Administracon

The said M^r Basse haveing formerly been Intrusted by divers wth the management of their private Affairs, Agent and Attorney for some others in those parts has so very ill acquitted himself of those Trusts and gott their Money and other Effects into his hands that many and great demands have been made upon him for Satisfaction; to protect himself from w^{ch} he has Shifted his Lodgings to and ffro in priviledged places and abused the friends of others in America who will endeavour to obleidge him to make them repairaton by sueing him when they find him [in] New Jersey. But if he should be favoured with the grant of this Office he will under the Umbrage and Authority thereof be enabled to defeat or at least in a great Measure obstruct y^m from obtaining that relife w^{ch} might Justly be otherwise hoped for much of the Judicall proceedings passing through the Hands of the Secretary.

The said Sonmans being informed of the said Basses departure without passing his pattennt, and that for near a Month after, not any Applicaton for the same made in his behalf presumeing that the said Office would continue in Effect Vacant and being greatly interested in y^e said province and having resided there seu'ral yeares whereby he is well acquainted wth the Affairs thereof hoped he might be Judged capable of Serveing her Maj^{tie} in that Station & accordingly made his applycaton for the like favour being honoured wth my Lord of Londons letter of Recommendation to you Lordshipp.

WHEREUPOX after a months mature deliberat'on and Examination of the matter not any person appeareing for the said M^r Basse who had been gone near two Months your Lordshipp was pleased to give directions for drawing a Warrant for the said Sonmans for the s^d Office w^{ch} her Maj^{tie} was graciously pleased to sign y^e 31th of May last w^{ch} the said Sonmans received the first of June gott his bill Subscribed by M^r Sollicitor Generall on y^e 4th imediately brought back to your Lordshipp's Office and was signed by her Maj^{tie} the 7th instant but the delivery thereof was some days after Opposed by one M^r Wilcocks [Willocks] on the behalf of the said Basse who takeing advantage of y^e s^d Sonmans his Absence who was Obliged to be out of Town for 10 dayes then appeared after haveing lain still from y^e 18th of November when M^r Attorney generall Subscribed the bill nor done any thing for M^r Basse Since Aprill when M^r Basse left England. And altho y^e s^d Wilcocks [Willocks] had been Informed of the said Sonmans proceedings before his Warrant was granted and knew how ffar he was advanced nevertheless he then fetcht the said M^r Basses bill from M^r Attorney Generall Where it had lay dormant so many months and Setts it up in Opposition to the said M^r Sonmans.

WHEREFORE and in Consideraton of the promises

and for that the said Sonmans hath by no neglect or otherwise slighted her Maj^{ties} most gracious favour but on the Contrary hath been always ready to Employ his Interest in that province for her Maj^{ties} Service and more perticularly last year; being Instrumentall in perswadeing and Influenceing the proprietors of the said provinces to surrender their Claime of Government and hath endeavoured to passe his pattent wth the Utmost Expedition that he might be ready to enter upon his Duty and is ready to produce such Recommendation as he humbly hopes will be to your Lordships intire Satisfaction.

He the said Sonmans humbly submitts the matters aforesaid unto your Lordshippes Consideration Humbly beseeching your Lordshippes directions That his Bill Signed by her Maj^{tie} may be delivered to him.

[1704]

A True Representation of the Case of Jeremiah Basse.

[From P. R. O. America and West Indies, Vol. 575.]

The Case of Jeremiah Basse Esq Humbly Presented To the Right Hono^{ble} Daniel Earle of Nottingham, her Ma^{ties} Principall Secretary of State.

Sheweth

That the said Jeremiah Basse by Warrant from her Maj^{tie} was Constituted Secretary of New Jersey in America, And in hopes of Enjoying the same, hath been at great Charge and Expence, in Conveying him-

self his wife and Children, and all others his ffamily thither, but being under low Circumstances, made application to his ffriends here in England, who promised to assist him, and did Agree with him, That upon his Departure from England, and Arrivall in America, they would Advance so much money as would Pass his Patent; And before his Departure, he went to one M^r Peter Sonman's who was and is considerably indebted to him, and told the said Sonman, what occasions he had for money, who promised to Supply money for his Service, & pay the same to his the said Basse's Agent; Whereupon the said Basse Sent the Acco^t Signed by the said Sonman, to his the said Basse's Agent to receive the same of the said Sonman, who instead of paying what was justly due, went underhand to Intercept the said Basse of his Place and Patent, and is now endeavouring to obtain the same: The said Basse having paid the ffees for his Warr^t before his departure, and his ffrinds have since paid all the ffees, Excepting the Passing the Privy and Great Seale, which they are willing and ready to do; but upon their applying to have the same done, ffind a Stop put to the same; but hopes for no other reason, than his delaying in Passing the same; he being a Person that formerly was Governo^r of the said Jerseys, and since hath been very Instrumentall in bringing the same under her Ma^{ties} Authority and Direction, and out of the hands of the Proprietors. It is therefore humbly prayd that your Lord^{sh} will be pleased to Grant the Liberty of Passing the said Basse's Patent for the Place of Secretary of the Jerseys, or he and his ffamily will be utterly ruined and undone.

*Letter from Lord Cornbury to the Lords of Trade,
about New Jersey Affairs.*

[From P. R. O. B. T. New Jersey, Vol. 1, B. 1.]

L^r from the L^d Cornbury to the Board Dated at
New York 14th January 170³₄

MY LORDS

Hoping that this may still reach her Maiestys Ship Centurion before she sails from Boston, I take the liberty hereby to acquaint your Lordshipps with what has passed in New Jersey, at the meeting of the Generall Assembly of that Province, which according to her Maiestys commands, in her Instructions to me, met for the first time at Perth Amboy in the Eastern Division of New Jersey, and here I must first observe with humble submission, that the quallification prescribed *in the 15th clause of my instructions*, for the persons who are to Elect, and be Elected, will not be advantageous for that Province, and I am perswaded the persons that proposed that regulation, did not intend the good of the Country; the effects that have attended that way of Electing, (*for I did take care that the Queen's commands should be obeyed*) are these, first severall persons very well qualified to serve, could not be elected, because they had not a thousand acres of Land, though at the same time, they had twice the vallue of that Land, in money and goods, they being trading men, on the other hand some were chosen because they have a thousand acres of Land, and at the same time have not twenty shillings in money, drive noe trade, and can neither read nor write, nay they can not answer a question that is asked them, of this sort we have two in the Assembly; the next inconveniency that the people complain of in this way of electing, is; that there being ten members to be chosen

for each Division, it may soe happen that all the ten may be dwellers in one County, and the more likely to be soe, because the Election is made but in one County, and though the Election has been appointed as near as could be in the Center of each Division, yet a very great number of people could not come to the election, because some had above a hundred miles to travell, others were afraid of the charge espetially the roads being very bad in most places where any are made; Now I humbly conceive that these inconveniencys may all be prevented, if her Maiesty will be graciously pleased to alter the Quallifications of the persons chusing, and to be chosen, and the method of chusing, I believe it would tend very much to the service of her Maiesty and would be a Generall satisfaction to the Country, indeed to everybody, except some few persons who have a mind to opresse the people of what I doe not doubt but I shall satisfy your Lordships before I finish this letter. The Assembly met at Amboy on the 10th day of 8^{ber}, I then recomended to them the setling a Revenue for the support of the Government, the setling the Militia, the passing an Act to settle and confirm the Estates of all Proprietors and Purchasers of Lands in New Jersey, accordingly they did prepare a Bill under the Title of (An Act for the setling and confirming the Estates of all Proprietors and Purchasers Land within this Province of New Jersey,) how farr that Bill would have answered the title of it; will best appear by the Bill its' self, of which I herewith send your Lordships a copy, such as it was sent by the Assembly, to her Maiesty's Council, for their concurrence; I shall make some observations upon some of the clauses of the Bill and submit the whole to your Lordships.

I shall begin with that clause of their Bill which begins at the 13th line of the sixth folio, in which it is enacted that this confirmation shall be an efectuall

title in the Law for the said Proprietors and purchasers, their heirs and assigns, to have, hold and possesse & enioy, every part of the above recited tract of Land &c; as soon as this bill had been read once by the Gentlemen of the Councill, severall persons petitioned to be heard by their Councell against the Bill, setting forth that if it passed as it was great numbers of people would be devested of their Estates, to which they thought they had as good a title as the Proprietors, the first people that came to be heard, were the people of Elisabeth towne, who set forth that they have a Grant of the Lands they possesse, from Collonell Nichols who was the first Governour sent into these parts by his Royall Highnesse the then Duke of York, and that as this clause is worded they conceive that they should be devested of those Lands, the case as it appears to me stands thus, Collonell Nichols coming into these parts found the people of New York refractory, and not inclinable to submit to him, but found the people of Elisabeth towne ready to obey his orders in all things, by which means the people of New York became more tractable and did submit, Collonell Nichols thought himself obliged to doe something for the people of Elisabeth towne, that might be a reward for their fidelity, and upon that consideration granted them the Lands they now hold, indeed it does appear that his Royall Hignesse the then Duke of York did grant unto My Lord Berkley and Sr George Carteret all that tract of Land known by the name of New Jersey, and the Duke's grant bears date (as near as I remember) a month or six weeks before Collonell Nichols's grant, upon this the present Proprietors pretend that Nichols's grant is void, and that the people of Elisabeth towne shall hold their lands of them under the same quit rents which they have from other persons to whom they have sold Lands since, on the other hand the people of Elisabeth towne insist

that Collonell Nichols's grant to them is good, because (they say) he had power from the Duke to grant, and that his grant was made before he could know that the Duke had granted, they farther Insisted that if a Grant of that nature is set aside, it will not be safe for any man to make any improvement upon any Land obtained by grant from any Gouvernor in these parts, nor to purchase any Lands from any Trustee, Agent, or Attorney for any person in England; they say they ought to pay their quit rent to the Crowne, if the Queen is willing to give that to the Proprietors, they are willing to pay to them, but insist they ought to pay noe more quit rent than was reserved in Nichols's patent; the next one the people of Woodbridge who say that they had a Charter granted to them by Phillip Carteret, who was the first Gouvernor sent over by My Lord Berkley and s^r George Carteret, and they say that this clause will overthrow that Charter, Indeed I have seen the Charter, and doe think that it overthrows it's self;

The next clause Enacts that all and every such parts, shares, &c. surveyed, taken up &c. to all and every of the Proprietors and Purchasers within the said western division, Is, and shall, for ever be assured, ratified and confirmed unto the respective Proprietors &c;

The next clause in the 7th fol: Enacts that this present confirmation is hereby declared, and shall for ever hereafter be deemed taken and esteemed as a full, sufficient, Valid, and effectual Title in the Law for the severall and respective Proprietors, Purchasers, &c, (and afterwards enacts that) all other Proprietors Purchasers &c, &c, who have as yet neglected, or delayed, to take up their respective shares and proportions, shall be and are hereby obliged to take their equal proportions out of the Lands remaining &c., notwithstanding of their or any of them being Joint tennants, or tennants in Common, or any other Cause matter or thing in the Law whatsoever:

These two last clauses I must observe to your Lordships, are very uniuist in themselves, for they are contrived both for the same ends, first to confirm the injurys some people have had done to others in England, by making that good in Law, which is not soe in it's self, and then by a Law, to oblige the people iniured, to be content with the Iniurys they have received, that these would be the consequence of these two clauses will appear very plain, if your Lordships are pleased to consider, that the present Proprietors of the Western Division of New Jersey, by the purchase from my Lord Berkley, are Tenants in Common, now here is a clause to break that Tennancy in Common with respect to those Gentlemen in England, who have yet thought fit to come into America themselves, nor to send any Agent to take up their shares, and that without their knowledge, the truth of the matter is, that those Proprietors who are come hither, have taken up all the best of the Land, and that which lies most convenient for Trade, soe that those in England must be content (if this Bill had passed) to take their shares in the mountains. This I did not think at all reasonable and endeavoured as much as I could, with those persons who I thought had the most interest among the members of the Assembly, and Council to convince them of the unreasonableness of that Bill as it then stood, I told them severall of the objections I had to it, that they might get them amended before the Bill came to me, but as it was contrived to answer private ends (*as above mentioned*) it was impossible to get them to depart from those clauses.

The next clause *in fol: 8* Enacts, that all shares, parts, proportions, &c that have been designed, released, granted &c since the second day of february 1682 within the Eastern Division of New Jersey, &c. Is hereby declared, and shall for ever hereafter be taken, deemed, and esteemed a good, valid and

sufficient title in the Law, notwithstanding the want of Form, or any other matter, cause or thing in the Law whatsoever, soe that if one man's estate has been conveyed away to another (as I am afraid it has been done) why that conveyance was to be confirmed, and made valid in Law as well as many others, without ever producing one, to shew the necessity of such a clause.

The next clause I shall take notice of is the last clause in the 9th fol: by which it is enacted, that all and every perticular tract of Land formerly granted by my Lord Berkley and S^r George Carteret or by their Gouvernors and Council of New Jersey under the common scale thereof or by their Agents or Attorneys, conform to the Powers, Concessions, and Instructions to them given by the said John Lord Berkley or S^r George Carteret or either of them, are hereby ratified, assured and confirmed to each and every of the respective Grantees' &c: this clause at first sight seems to carry a fair face, but is in reality a very ill clause, it seems to confirm to the Grantees their estates, but then it is only such as have been granted conform to the Powers, Concessions and Instructions given by my Lord Berkley and S^r George Carteret or either of them to their Gouvernors, and every body here knows that those Gouvernors never acquainted the people what their powers were, only published their Commissions, so that those persons who purchased from those Gouvernors ^[to be] to be devested of the Lands they have honestly paid for, and have improved with great expence, labour, and industry, (unlesse they will purchase them again from the present Proprietors) because their Grants or Conveyances are not conform to the Powers Commissions and Instructions given by my Lord Berkley, and S^r George Carteret, or one of

¹ Piece torn out of the copy.

them, (which indeed very few of the Grants are) but at the time the Purchasers knew nothing at all of those Instructions, nor what they contained, if they had, it is reasonable to believe they would have conformed themselves to them, because it is very naturall for every man to desire as good a title to the Estate he purchases as he can.

The next clauses I shall take notice of are the last clauses in the tenth & eleventh pages, the first is to impower the Proprietor, Jointly or severally by themselves, or their receiver Generall, or their Agents, Attorneys, or servants, to make distresses for non payment of quit rent, and this is to be done by them or their servants, without taking any notice of any magistrate, or any Officer in the Gouvernement, but because they were told that was carried a little too farr, the next clause is to quallify it, and there it is Enacted that all the respective Sheriffs, and Constables, shall for ever hereafter (being required thereto by the said Proprietors &c) be aiding and assisting to make such distresses as aforesaid, and this is to be done by the Sheriffs or Constables without any warrant from any Justice of the Peace, or any body else, but *ex Officio* and at the request of any servant of a Proprietor, when perhaps his master may know nothing of the matter.

The last clause in the 12th folio Enacts that all tracts of Lands belonging to persons beyond the seas, or within any of the neighbouring Collonys, which have been sold by their Agents or Attorneys, since the first day of february 1682, by virtue of letters of Agency, or of Atorney, such sales are hereby declared, and shall for ever hereafter be deemed and esteemed, a good, sufficient, and valid title in the Law; this I confesse is a very necessary Clause for some people as the case stands, for great tracts of land have been sold by Agents without the knowledge, and contrary to the interest of the Owners, and some times contrary to their directions, soe that if there is not some clause of

this nature, now that the Law begins to take its proper course the right Owners may recover their own again, which will be noe small losse to some persons here, who have been Agents for persons in England, and have combined with other persons here to cheat: and defraud their Employers.

Thus I have gone through the severall Clauses of the Bill, which the Proprietors here, were soe fully resolved to have passed, that they were resolved noe Revenue should be settled, till that was done, I often put them in mind of the absolute necessity of settling a Revenue upon her Maiesty for the support of the Government. but still the Proprietor's Bill as they very well called it was insisted on, soe seeing there was noe good to be done with them at that time, and the season of the year being farr advanced, on the 13th of 10^{ber} I adjourned the Assembly to the 18th of May 1704, at which time I hope to find them in better humour if not, I must try another Assembly; I am with great respect

My Lords

Your Lordships most faithfull
humble servant

CORNBURY.

Objections of the Proprietors to Two of the Council.

[From P. R. O. B. T. New Jersey Vol. 1, A, 12.]

MEMORIAL of Several of the Proprietors of New Jerseys objecting against M^r Sonmans and M^r Cox to be of the Council there.

TO THE RIGHT HON^{BLE} THE LORDS COMISSIONERS FOR TRADE AND PLANTATIONS.

The memoriall of severall of the Propriet^{rs} of the United provinces of East and west *New Jersey*.

THE Propriet^{rs} most thankfully acknowledge your Lordships' favour in giving them notice of M^r Dock-

wra's reco'mending M^r Peter Sonman and M^r Daniel Cox to fill up the Vacancys in the Council of those Provinces And tho' the Propriet^{rs} cannot but think such a proceeding of M^r Dockwra without first consulting them, whose Interest is soe considerable in it selfe, and so much superior to his own, to be a great p^rsumpcon in him, and injustice to them, Yet without insisting upon that Excepcon, and the further objection that Justly be taken to any persons who are recomended by a man of his Charact^r, They humbly offer to your Lordship's the following reasons against the admission of those persons he has nominated, into that station.

1st M^r Sonmans became a Bankrupt about four years since, and compounded his debts for 7^s 6^d in the pound, which he has not yet paid. The greatest part of the Lands he p^rtends to have in these provinces, are (as the Propriet^{rs} are informed) claimed by his sisters and their husbands, and the residue may be claimed by his Credit^{rs} for nonpayment of his Composic^on, and perhaps if his Title were strictly enquired into, It will be found yet more p^rcarious, and the Lands to belong to the Crowne, his father from whom he claims as heire at law, having been an Alien, and continued so to his death.

THE Propriet^{rs} humbly submit it to yo^r Lord'ps Consideracon, how far it will be consistent with the Queen's Hon^r that a person who has so ill managed his own private affairs, and been guilty of so much injustice to her Subjects here, should be trusted with the Administracon or dirrecon of publick affairs there, and how p^rjudiciall it may be to her Maj^{ties} Right to those lands, or the Rights of his sisters and Credit^{rs}.

For these reasons the said Propriet^{rs} have refus'd to admit M^r Sonmans to be their Agent, tho' M^r Dockwra has falsely insinuated to yo^r Lordps that he is soe.

2^{dly} M^r Daniel Cox has no other p^rtence to any

Lands in those provinces than what he makes by late Conveyances from his father Doct^r Cox, who many years since sold all his lands, Right, Title and Interest in, and to those provinces, to some of the said Propriet^{rs} AND if before the determinacon of the Propriet^{rs} Right in a Course of Justice (to which they intend to resort) Yo^r Lords'ps shou'd place M^r Daniel Cox in the station of one of the Councill of those provinces, It may give a credit to his p^rtences amongst the inhabitants there, and raise a p^rjudice in them against the Propriet^{rs} Right, which they are assur'd yo^r Lords'ps would not so much as accidentally contribute to. All which they humbly submit to yo^r Lords'ps great wisdom.

THE Propriet^{rs} upon this occasion humbly crave leave to acquaint yo^r Lords'ps That They have received informacon from a person of Credit in New Jersey, that M^r Daniel Cox being lately there, has encouraged a faction of the meaner people to oppose, and subvert that part of the constitucon lately establish'd by yo^r Lord'ps, which relates to the Eleccion of Members of the Generall Assembly As to the qualificons of the Elect^{rs} and the Elected, the former of whom yo^r Lordsp^s requir'd to have 100 Acres of freehold Lands and the latter to have 1000 Acres of freehold Lands in their own respective Rights. This Constitucon placing the Legislative power in persons of substance, proves, as it was intended by yo^r Lord'ps an encouragement to such as are able to cultivate the Country and a security of their Improvements; But M^r Cox Coll Quarry and some other men of sinister designs have thought fit to insinuate amongst those people, that this is an infringement of the naturall right of the other Inhabitants, and tends to enslave them. By this plausible Artifice he has obtained so much credit to his owne p^rtences as to procure payment to himselfe of moneys for which the Propriet^{rs} Agent had sold lands they bought of his father; And if he be Countenanced and invested by

yo^r Lords'ps with any Charact^r within that province. he may be capable not only of depriving them of more of their lands, but of bringing the Country into such confusion, as will occasion most of the wealthier Inhabitants to forsake that province, as many of them have declar'd their resolucon to doe if that security be taken from them.

THESE Propriet^{rs} are likewise informed that purchases of lands from the Indians without the Propriet^{rs} consent are encourag'd, or at least conniv'd at by persons of authority there, which is not only directly repugnant to yo^r Lord'ps Orders, and an Usurpacon of the Propriet^{rs} Right, but as they conceive and are advis'd, is an invasion of the Queen's P^rogative under which they claime.

THESE Propriet^{rs} therefore humbly pray, that yo^r Lord'ps will give effectuall instrucc'ons to the Govern^r of New Jersey to p^rserve all the Articles of the late constitucon establish'd by yo^r Lord'ps after mature deliberacon, and with the unanimous consent of the Propriet^{rs} (and even of M^r Dockwra himselve) from the least violation.

THO LANE¹
 PAUL DOEMINIQUE
 ROB MICHEL
 E. RICHIER
 JN^o BRIDGES
 OBADIAH BURNETT^r
 JOHN WHITING
 FRA. MICHEL
 JOS: BROOKSBANK
 JOHN JURIN.

[Recd Janry 27th 1704]



¹ As manifested in many pages of Vol. II Sir Thomas Lane took an active interest in the affairs of New Jersey from his first connection with the West Jersey Society in 1690. He was at one time Lord Mayor of London, and a son, Henry, came to New York about 1710, engaged in business there and was elected one of the Council of that Province in 1731.--Ed.

Answers to the foregoing Memorial.

[From P. R. O. B. T. New Jersey, Vol. 1, A 13.]

Mr Dockwra, Mr Cox Mr Sonmans Answ^{rs} to the Memorial delivered to the Board 27th Last Month by Mr Doeminique and others, objecting agst the 2 Latter being admitted of the Council of New Jersey [Recd Read 14th Febr'y 170³₄]

TO THE RIGHT HONOURABLE THE LORDS COMMISSIONERS FOR FORREIGNE TRADE AND PLANTATIONS.

The severall answers of W^m Dockwra Secretary & Register to the Proprietors of the Eastern Division of the Province of New Jersie and of Peter Sonmans their Agent and Generall Attorney &c^a

To that part of the Memoriall Signed by severall of the Proprietors of the United Provinces of East & West Jersie, soe far as it concerns them

May it Please your Lordships

for as much as the said Memoriall chiefly consists of untrue allegations in Generall, and very undecent reflections in particular, not only on the said W^m Dockwra and Peter Sonmans but alsoe on Coll: Daniell Coxe included therein, They humbly conceive it may be convenient (for the more Ample information and sattisfaction of your Lordships) to separate their answers, soe as the said W^m Dockwra & Peter Sonmans may joyne in theirs, in reference to the Eastern Division: & the said Coll: Coxe answer apart the charge laid against them chiefly relating the Western Division of the s^d Province

And whereas those Subscribers have thought fit to begin wth their Accusations and Invectives against M^r Dockwra, he craves Leave of your Lordships to Answer first, viz^t

That those persons do untruly charge him with having recommended the said Coll. Coxe for one to fill up y^e vacansey of the Councell in those provinces, for that M^r Dockwra's Address to your Lordships was only on the behalf of M^r Sonmans to be recommended by your Lordsh^{ps} to supply the room of one Cap^t Leonard Lately deceased in y^e Eastern Division: Nor did he move your Lordships on that Subject upon his own particular application as y^e Memoriall unduely insinuates, but he did it by Speciall order and direction of the Committe and on behalf of the Proprietors of the Eastern Division in Generall, of whom all that were in England (except these factious Subscribers and their Partners), had then chosen and Constituted the said M^r Sonmans their Agent and Generall Attorney, and expected he should Transport himself in Company of the very next Convoy, The Committe of Proprietors having his orders and Instructions at that time, under consideration for his Dispatch his Commission being delivered to him under the hands and seales of all the Proprietors in England as aforesaid, except those men and the rest of their Partners as aforesaid, who usually Stile themselves y^e West Jersie Society; who might have Signed it too, if they had not thought themselves too great to condescend to a friendly compliance with the rest, but conceiting their Interest was soe considerable in itself, they have had the vanity to represent it to your Lordships, soe Superior to M^r Dockwra, that they arraigne him as guilty of a great presumption & injustice in Such a proceeding, (tho he addressed by order and direction of all the rest of the Proprietors in England) without first consulting them, when they would not be consulted with: And when

after all the undeserved aspersions and ungentlemen Like treatment, in Such a paper, insinuating as if they had a mighty Interest

Your Lordsh^{ps} may be pleased to be truly informed that the most they pretend to is but two Proprietyes & a half, in the Eastern Division, tho the rest of the Proprietors find no more then two on their Register, and can allow them noe more till they make out their title to another half if they can; soe y^t of 24 proprieties they have but two Appears, & the best part of y^e land that is taken up on those two proprieties, is already Sold away: in soe much that these Subscribers & their partners have soe little reason to represent their Interest to be soe considerable and to boast it to be soe Superior to M^r Dockwra's that he does assure your Lordships,—He would not Exchange his Single Interest & concern for the whole Joynt interest & concerne that the Society has in the Eastern Division of new Jersey.

And as to y^e Liberty your Lordships find they take in their paper to defame M^r Dockwras Character tho he cannot but take notice of their sly way of reflection to blast it Yet he thanks God for the sattisfaction he has, in the unblemisht Reputation he beares among all Worthy goodmen that know him, and is the less concern'd when his Character is reflected on, by some peculiar Persons among y^e Subscribers who have ensnar'd some honester unwary Gentlemen to Signe wth Such, whose tongues or pens (He presumes to believe) your Lordships will count noe Slander on M^r Dockwra's charracter, especially from those men who have soe great need (but take so little care) to defend their own. A further instance shows that they little regard their own Reputation when they obstinately persist, wrongfully, to accuse M^r Dockwra to have falsely insinuated to your Lordships, y^t M^r Sommans was the Proprietors Agent, when he attended yo^r Lordships with him, to

represent him as such: In Answer to which M^r Sonmans annexed paper, & the Originall Commission which he will produce under the hands and Seales of all y^e rest of the Proprietors in England; will shamefully confront their Callumny, & undeniably manifest the verity of M^r Dockwra's representation to your Lordships, to which clear evidence of the truth, he refers himself, and Relyes upon your Lordships wisdom & Justice to acquit him from those unjust imputations & unmerrited reflections contained in the said undecent Memoriall, being very sorry for the Needless trouble it has occasioned to Your Lordships: and humbly prays he may remain in Your Lordships favour and good opinion.

W^m Dockwra.

TO THE RIGHT HON^{BLE} THE LORDS COMMISSIONERS FOR
TRADE AND PLANTATIONS

The Answer of DANIEL COXE JUN^R to some part of a Memorial Sign'd by S^r Thomas Lane and several others.

I must in the first place crave leave to inform y^r Lordships, that M^r Dockwra's recommending mee, in conjunction with M^r Peter Sonmans, to fill up one of the Vacancys in the Councill of New Jersey, was absolutely without my knowledge, and tho' I believe M^r Dockwra design'd it as a Favour to mee, and no way injurious or detrimentall to the Country, as these Gentlⁿ endeavour to insinuate it must of necessity be yet I could wish He had never mention'd my name to y^r Lordships on that account, whereby y^r Lordships, these Gentlⁿ, and my self, would have been altogether

¹ For notice of William Dockwra see Vol. 1, p. 378.—Ed.

freed from so much unnecessary trouble. But being, without any just Provocation on my part, so unjustly misrepresented unto your Lordships, I think my self obliged to vindicate my Reputation, and it is no small Satisfaction that my Plea is before such discerning and impartial Judges.

Your Lordships, at the time of the Presentation of the Memorial from Sir Tho Lane, and some others, having declar'd your resolution not to intermeddle in disputes controversys concerning Titles to Land, by reason the Courts of Justice were the proper places for the determining Causes of that nature, I shall not trouble Your Lordships with any prolix or artificiall answer to these Gentlemens Allegations but only in short reply, that my Father absolutely denys his having sold them, or any others, his intire & total Intrest in and to those Provinces but on the contrary affirms, that he reserved to himself several very considerable Tracts of Land which the Writings I have ready to produce will clearly evince, and the Conveyances made to these Gentⁿ will further prove. And had these Gentⁿ any such Right, as they pretend too, and any writings to Confirm it, they surely would never suffer those Contumelys and reproaches w^{ch} are every day thrown on them, not only by Some of their own Agents and perticular Purchasers but by almost the whole Country, who for near twelve Years past, have demanded them to bee sent over to the Province, and enter'd upon the Register, which is always Customary, and without which, no man can bee assur'd or Secur'd in the Possession of his Lands and Estate.

As to what these Gent^m mention in their Memorial, to y^r Lorships, concerning the information they have rec^d from a Person of Credit in New Jersey, about my encouraging a Faction of the meaner People to oppose and subvert that part of the Constitution lately establish'd by your Lordships, w^{ch} relates to the Election of

Members of the General Assembly, as to the Qualifications of the Electors and Elected. I answer, that they having mentioned only in General Terms this information to proceed from a person of Credit, without taking any notice of his Name, or giving any Proof of the Charge, I'm apt to believe by this proceeding, the Gen^tman not to be of that Credit they would seem to intimate, or else, if any such there be, that he's some Instrument they make use of, to misrepresent my Actions, and justify their own. Howsoever I absolutely deny my encouraging of any Faction, especially of the meaner People, with whom I seldom convers^t; but when I did it was always concerning either my own private affairs, or to convince them of their happiness in being deliver'd from the Arbitrary Governm^t of their late Lords and Masters and in being now more immediately under the more moderate and gentle Governm^t of the Queen, who they might be assur'd would Secure them in the Possession of their Libertys and Estates, and suffer Justice to flow in its proper channel, which for several years past to their great grief and detriment had been obstructed. And I hope your Lordships will allow his Excellency the Lord Cornbury, who was a nice inspector of all my actions, to be a person of as much Credit and a much more proper Judge of my Behaviour than this Gentlemen from whom this information comes; and yet his Lordship has been pleas'd to give me a quite different Character, and which is yet of more Validity to confound these Gen^t insinuations, has honour'd and intrusted mee with the charge and Command of all the Forces in the Western Division of New Jersey; which I'm apt to believe his Lordship would not have done, had he in the least been sensible of my being guilty of what these Gentlemen lay to my charge.

I shall not take up at p^rsent so much of your Lordships time, neither indeed do I think it so proper in

this place, to enter into the merits of the cause, or Justify or Condemn the necessity or usefulness of the before mention'd Instruction, because I'm satisfy'd your Lordships, will by the first shipping from those parts, receive from his Excellency the L^d Cornbury a more ample and satisfactory information of that affair, than I am perhaps able to give.

I must here Acknowledge my particular obligations to these Gentlemen for the honour they have done mee, in associating me with that truly Worthy Gentleman Coll: Quarry, whom they have likewise accus'd for encouraging and promoting this pretended Faction. His Person and Character I'm well assur'd are not unknown to your Lordships, and his Services for the Crown have not been unregarded. Wherefore I doubt not your Lordships will expect some better and cleare proof of what these Gent^l charge upon him, than what has been hitherto produc'd, before You give the least Credit or encouragem^t to their sly and malicious insinuations.

And least these Gentlemen should leave one Stone unturn'd to traduce and blacken my Reputation, they are resolv'd to stick at nothing which they imagin can bee any ways serviceable in prosecuting their Sinister Designs, and therefore averr with the greatest assurance imaginable, that by insinuating amongst the People, that the before men'ion'd Instruction was an infringement of the Natural Right of the other Inhabitants, and tended to enslave them, I had obtain'd So much Credit to my own Pretences, as to procure payment to my Self of money for which their Agent had Sold Lands they bought of my Father; When the greatest part of the Country can witness, and I've Testimonials here in England to prove, that what moneys I receiv'd for any Lands in New Jersey was some months before the arrival of your Lordships Instruction to the Lord Cornbury, or the knowledge I

had of any such particular Instruction being inserted. And it was well known to the whole Country, before whom my writings were produc'd, and my Title Cavass'd, that nothing else but my indisputable Right to these Lands, own'd and acknowledg'd by the very Counsell of my Adversarys, could procure the payment of those moneys, and not any Credit I had gain'd by my Insinuations; which besides could never have been, the Poor People being grown so over and above cautious. Since their dealing with these Gentlemen, whose Agents rec^d from them wthout any manner of reason or Justice above one thousand pounds.

As for my depriving them of more Lands, and bringing the Country into such Confusion as will occasion most of the wealthy Inhabitants to forsake that Province, as these Gentlemen say, they have declar'd their resolution to do, if the Security of that Constitution be taken from them, I must answer that I know of no Lands I have yet depriv'd them off, neither am I capable to deprive them of more, the Laws of England being, Since these Gentlemen have had no Pretences to Gov^{rn}t in that Province, in Full fforce, and a Gov^t there constituted by the Queen, who will not suffer any Violence or injustice to bee us'd thô to the meanest and most abject of her Majestys Subjects. And I can assure your Lships that the wealthier people in the Province, wth most of whom I've often convers't, have declar'd they think this part of the Constitution to bee of so small Security to themselves in particular, or the Country in General, that on the other hand they are extreamly fearfull least the meaner Sort of People being discontented hereat should leave the Province, and transport their Familys and effects to the neighbouring Collonys, where they will not bee so strictly limited and confin'd—

And because I know your Lordships to bee discerning Judges, and to distribute y^r Justice without the

least Partiality, Should y^r L^dships admit these Gentlemen Plea ag^t mee, and for the reasons alledg'd, think mee unfitt to be Countenanc'd by your Lorships, or invested with any Character in that Province, ffor the very same reasons, I humbly presume your Lordships will think fitt to expunge M^r Lewis Morris, who thô their Agent, and my declar'd Enemy is by your Lordships the first nominated of the Councill since the Death of M^r Hunlock, and no doubt will have the same advantages of mee, as they pretend, should they have recourse to Law, I may have of them, The last Article concerning purchasing of Land from the Indians, I suppose is not levell'd at mee I being almost the only man espetially in the Western Division of the Province that publicly oppos'd that transaction, as my L^d Cornbury can testify; So shall joyn with these Gentlemen in enforcing and reco'mending it to y^r L^dships notice and Considerac'on and that you would bee pleas'd to give your further and Speedy orders to his Excellency the Lord Cornbury about it. But before I finish I must beg leave to inform your Lordships that as I never design'd to apply my self to your Lordships, in expectation of your ffavour, in being appointed to fill up one of the Vacancys in the Councill of N: Jersey, without my Lord Cornbury's Consent and Countenance, So I shall submitt to the Nomination of Such persons as his Excellency shall recommend to this hon^{ble} Board, in pursuance of your Lordships Instructions to him. All which is most humbly Submitted to your L^dships great wisdom by

My Lords

Y^r Lordships

most humble and most Obedient Serv^t

DANIEL: COXE JUN^r

*In answer to the Objections in the sd Memoriall against
PETER SONMANS, he humbly offers to your Lord-
ships.*

That many & very great losses, during the late Warr, & not ill managm^t or design of doing his Creditors injustice, as is very maliciously and untruly asserted in the sd Memoriall, obliged him about 4 years since to compound with divers Creditors, for 7^s6^d in the pound; w^{ch} so fully appeard to his Creditors that they not only readily accepted his offer: but also insisted upon no further security than his own bonds, w^{ch}, altho the contrary is unfairly alledged, are long ago paid and Satisfyed, as may appear by the sd cancelled bonds & generall releases.

But since these Gentlemen have been so very Severe upon the sd Sonmans on acc^t of his misfortunes, it had better become them, not to have permitted any to sign their sd Memoriall, who have not only faild many years ago, but also hitherto omitted to give their creditors any the least satisfaction.

Your Ld'ps having been pleas'd to declare, that you are not Judges of the Title of Land, & that all disputes relating thereunto are foreign to the matters before you y^e sd Sonmans does not presume to trouble your Ld'ps wth any answer to what is untruly & very unjustly alledg'd in the sd Memoriall about the precariousness of his Title to the Lands in New Jersey Only prays leave to inform Your Ld'ps, that he is, & has for divers years, been possessed of 5 Proprietys & a quarter of the Eastern & 2 Prop^{ys} of the Western Division of New Jersey. That his Title to the sd Proprietys was never disputed, save by M^r Joseph Ormston, who in right of his wife being sister to the sd Sonmans, about 5 years since exhibited his Bill in Chancery against the sd Sonmans, setting forth his

pretentions to one third of the sd Proprietys. But upon hearing of the cause, the Right Hon^{ble} The Master of the Rolls, dismiss his Bill wth costs. w^{ch} decree upon Appeal & Rehearing: The Right Hon^{ble} The Lord Keeper, confirmed as appears by the writt of Execuc^on under the Broad Seall.

The West Jersey Society aforesd, or so many of them as sign'd the sd Memoriall, conclude with Telling your Ld'ps, that for the reasons by them menc^oned, they refused to admitt the sd Sonmans to be their Agent, & that m^r Dockwra falsely insinuated to your Ld'ps, that he is so. Which Allegations are utterly untrue. The matter of fact May it please your Ldps being thus

The Proprietors of the Eastern Division of New Jersey, residing or being in England, who for many years have had the managm^t of all affairs.—having among them above 14 of the 24 Proprietys, being desirous to have the advice and consent of all their fellow Proprietors in so materiall a concern as the choice of a generall Agent, before they chose, or sign'd a commission for him, not only Summond the sd West Jersey Society, who among them have but 2 Proprietys to all their intended meetings, but also frequently mentioned the occasion and necessity thereof to induce them to come; w^{ch} letters or severall of them S^r Tho: Lane, whom they call their President, ownd to have received, But they nor any of them ever attending; the other Proprietors unanimously chose the sd Sonmans, And having all sign'd his Commission, ordered him to desire the sd Society's concurrence.

Accordingly the sd Sonmans attending attended S^r Tho: Land & m^r Dominique, with whom he left the sign'd commission, who promis'd to communicate it to the sd Society, & declared his approbation of the other Proprietors choice

Shortly after m^r Sonmans again attending m^r Domi-

inique he said that the Society had no objection against the sd Sonmans, but were willing to gratify him & sign his commission as to all things relating to him: but that they were not willing to sign it as it was drawn up because of some clauses relating to m^r Dockwra, with whom they would not be concernd, nor consent to what was therein confirmed to him.

But if the other Proprietors & m^r Dockwra would agree to have the sd. Commission new drawn without those clauses, they would sign it.

For proof of w^{ch} the sd Sonmans appeals to M^r Dominique himself.

The sd Sonmans humbly submitts the premises to your Ld'ps wisdom hoping your Ld'ps will not Judge him incapable or unworthy to Serve her Maj^{ty} only because he has had many losess Nor inconsistent wth the Queen's honour to have him in the Council who has so large a share in both Divisions of New Jersey, not upon a precarious or disputable Title, but such as after Solem hearings, has been Judged good by two decrees in Chancery as aforesaid.

Peter Sonmans

Memorial from Mr. Paul Doeminique, and other Proprietors of New Jersey, to the Lords of Trade, relating to New Jersey affairs.

[From P. R. O. B. T. New Jersey, Vol. 1, A. 16.]

TO THE LORDS COMMISS^{RS} OF TRADE AND PLANTATIONS.

The Memorial of Several of the Propriet^{rs} of New Jersey in America.

WHEREAS divers persons calling y^mselves the Council

¹ For notice of Peter Sonmans see Vol. 1, pp. 167-468. — Ed.

of Propriet^{rs} residing in Jersey have assum'd to themselves a power of purchasing & taking up Lands of the Indians in the West part of y^e Province wthout the knowledge or consent of the Propriet^{rs} in England. We humbly pray yo^r Lordships will give directions to to y^e Govern^t that a stop may be put to their proceedings till it appears to be pursuant to the constitution settled and agreed to by y^e originall Propriet^{rs}.

And we humbly offer to yo^r Lordships the following persons viz^t Col. Richard Townly Miles Forster, Abraham Bickly and D^r John Johnston to fill up the vacancies in the Council of the said Province who are Gentlemen that have considerable freeholds and reside upon the place.

For ourselves and diver's other Propriet^{rs} residing in England.

Paul Doeminique

John Bridges.

Rob. Machel

Rec'd April 6th, 1704.

¹ PAUL DOEMINIQUE was among the distinguished Englishmen that became an early member of the West Jersey Society, and seems to have taken a lively interest in its affairs. Shortly after the date of this paper he became one of the Lords of Trade, and his name is found appended to many documents affecting New Jersey. —Ed.

Letter from Colonel Robert Quarry to the Lords of Trade.

[From N. Y. Col: Doc'ts, Vol. IV., p. 1082.]

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

Right Hon^{ble} (Extract)

The Assembly at New York are now sitting. I hope before this fleet sailes to give your Lordships an account of what they have done, his Excellency My Lord Cornbury designs as soon as they rise to hasten up to Albany to settle the Frontiers, and in order to it he hath adjourned the Assembly of the Jerseys from the 20 of May to the 20 of June, at which time I resolve to attend his Excellency at Burlington where the Assembly are to sitt; I need not tell your Lordships of how great a consequence the effectual securing of the five Nations, and the frontiers of Albany is to her Majesty's service and the General good, not only of that Province but even of all her Majesty's Governments on the Main. I am very confident that my Lord Cornbury will do all that is in his power, but I fear it is impossible for the people of that Province under their present circumstances to support the charge of it. I doe very well know that the inhabitants of New York are suppose to be very rich people, but in reality they are not, its true they had formerly a very great trade and gott abundance of money the last war, when we had a Trade with the Spaniards, besides they had a very profitable tho an unlawfull Trade to and from Madagascar besides the advantage of several Privateers

and Pirates bringing great quantities of money and goods, amongst them, all of which is gone to pay their Creditors in England and have very little left amongst them, they have had very great losses this war both going and coming from England, and besides vast losses in the West Indies, their Trade is in effect quite gon the produce of the Country is of little or noe value, nor is there any markt for it any where so that on the whole matter, I do assure your Lordships that their circumstances are very low, and yet the charge of the Government is much higher than it used to be, and their neighbours less able to supply them than ever as I will briefly lay before your Lordships.
* * * * * I will begin with the Jerseys, who are able to supply their Quota of men, and subsist them, tho mony is very scarce amongst them, yet that want may be answered by the produce of the Country, his Excellency my Lord Cornbury very well knows how to manage that point. but there is a fatall obsticle which I fear will ruine all the hopes of being supply'd with men from hence, which is this, when the people of Jersey, find that their next neighbour of Pennsylvania do neither supply the Quota in men or money they will think it very hard that they must be under worse circumstances under her Majesty's Government, than their fellow subjects are under a Proprietor, but this is not the worst for those that are sent on this Expedition are generally single men, and rather than fare worse than their next neighbours will leave the Country and go to Pennsylvania, there being only a river that parts the two Provinces by which means her Majestys Service will be defeated her Province depopulated, and Mr Penns country filled with her subjects, who at present are useless to her; This I can assure your Lordships will be the consequence, and is already in every mans mouth, if we cannot live and enjoy the same quiet and privilege as they do in Pennsylvania.

we will goe and live there and turne Quakers, that we may be the better entituled to their priviledges, this will be the certain consequence.

* * * * *

Right Hon^{ble}

Your Lordships

Most obedient humble Serv^t

ROBT QUARY ¹

Virginia May 30, 1704.

*Letter from Lord Cornbury to the Lords of Trade.*²

[From a copy in the West Jersey Papers of James Alexander, p. 144.]

[i. e. 1704]
14 June 1704

[Extract.]

The Gen^l Assembly of New Jersey mett for y^e first time at Perth-Amboy in y^e E[astern] Devision of New Jersey, & here I must first observe y^t y^e Qualification prescribed in my instructions for y^e persons whoe are to Elect & to be Elected will nott be advantageous for y^t Province, y^e Effects y^t have attended y^t way of Electing are these; first, severall persons well qualified to Serve could nott be Elected becaus they had nott 1000 acres of Land tho att y^e same time they had twice y^e value of that Land in money & goods they being trading men; on y^e other hand Some when Chosen becaus they haue 1000 acres of Land & att y^e same time haue nott 20^d in money driue no trade & Can neither Read nor wright nay they cannott answer a question y^t is asked them of this Sort nor haue to in y^e

¹ For notice of Colonel Quary see Vol. II., p. 280.—Ed.

² This letter does not appear among the New York Colonial Documents, nor has it been met with in the Public Record Office in England. The copy from which it is here printed is very defective in its orthography and punctuation, but is thought to be otherwise correct, excepting in a few instances where the meaning is obscure from defective orthography.—Ed.

Assembly. y^e next Inconvenience y^t y^e people Com-
 plaine of in this way of Electing is y^t there being 10
 members to be Chosen for Each Division itt may so
 happen y^t all be dwellers in one Countie & y^e more
 lickly to be soe because y^e Election is made butt in one
 Countie & tho' y^e Election has been appointed as near
 as could be in y^e Center of Each Division yet a very
 great number of People Could not Come to y^e Election
 because some had about 100 Miles to travell others
 wear afraid of y^e Charges Especially y^e Road being
 very bad in most places where any are made, now I
 humbly Concieve y^t these Inconveniences may all be
 prevented If his Majestie would be Graciously pleased
 to alter y^e Qualification of y^e persons Chusing I believe
 it would tend very much to y^e Service of his Majastie
 & would be a Gener^l Satisfaction to y^e Countrey

The Assembly mett at Amboy y^e 10th 8^r I then
 Recomend to them setting off Revenue for y^e Sup-
 port of y^e Govern^t y^e settling y^e Militia y^e passing an
 act to settel & Confirm y^e Estats of all prop^{rs} & pur-
 chers of Lands in New-Jersey, accordingly they did
 prepare a bill under that title, I shall make some
 observations vpon some of y^e Clauses thereof, I shall
 begin with y^t Clauses in which is Enacted y^t this Con-
 firmation shall be an Effectuall title in y^e law for y^e s^d
 prop^{rs} & purchers their heirs & assigns to haue hold
 possess & Enjoy every part of y^e aboue recited tract of
 Land &c: As soone as this bill had beene once Read by
 y^e Gen^t of y^e Councill Severall P^{rs}ons P^{tioned} to be
 heard by their Counsell against y^e bill Setting forth y^t
 if itt passed as itt was greatt numbers of people woud
 be Devested of their Estats to which they thought they
 had as Good a title as y^e Propr^{rs} y^e first people y^t Came
 to be heard were y^e people of Elizabeth-toun whoc Sett
 [said?] that they have a grantt of y^e Land they possess
 from Co^l Nicolls who was y^e first Gover^r sent into
 these parts by his Royal Highness y^e then duke of

york & y^t as this Clause is needed they Conceive y^t they should be devested of these Lands y^e case as it appears to mee stands thus, Coll. Nicolls Coming into these parts found y^e people of New-York refractory & nott inclinable to Submitt to him butt found y^e people of Eliz: town ready to obey his orders in all things by which means y^e people of New-York became tractable & did Submitt Coll Nicolls thought himselfe obliged to do some thing for y^e people of Eliz: town y^t might be a reward for their fidelity & vpon y^t Consideration Granted them y^e Lands they now hold Indeed itt doth appear y^t his Royall highness y^e then duke of york did Grant vnto my L^d Berkly & S^r George Carteret all y^t tract of Land Known by y^e name of New-Jersey & y^e Ducks Grant being dated as near as I Can Remember A month or 6 weekes befor Coll Nicolls Grantt vpon this y^e P^sent propri^s P^tend y^t Coll. Nicolls Grant is void & y^t y^e people of Eliz: town shall hold their Lands of them vnder y^e same Quitt Rents which they haue from other p^sons to whome they haue sold Lands since: on y^e other hand y^e people of Eliz: town Insist y^t Coll. Nicols grant to them is good because (they say) hee had power from y^e Duke to grant & y^t his Grant was made before hee could Know y^t y^e Duke had granted, thay further Insisted y^t if a grant of that nature is sett aside itt will not be safe for any man to make any Improvem^t vpon any Land obtained by Grant from any Govern^t in these parts nor to purchas any Lands from any trustee agent or Attorney for any p^son In England they say they ought to pay their Quit Rents to y^e Crown if y^e Queen is willing to give that to y^e propri^s they are willing to pay to them butt Insist thay ought to pay noe more quit Rents then was Reserved in Nicolls pattent y^e next are y^e people of Woodbridge who say y^t thay had a Charter granted them by Philip Carteritt who was y^e first Govern^t sent ouer by my L^d berkly & S^r George Carterett & they

say y^t this Clauēs will ouerthrow y^t Charter Indeed I haue seen y^t Charter & do think y^t it ouerthrows itt Selfe.

The next Clauēs Enacted y^t this p^rsent Confirmation is hereby declared & shall forever hereafter be deemed taken & Esteemed as a full Sufficiēt valled & Effectual title in y^e Law for y^e Severall & respective prop^rs purchers &c: & Afterwards Enacted y^t all others prop^rs purchers &c Who haue as yet neglected or delayed to take up their respective shares & p^rportions that bee & are hereby oblidge to take their Equall proportions out of y^e said Lands Remaining &c Nottwithstanding of their or any of them being Joynt tennants or tenants in Common or any other Cause matter or thing in y^e Law whatsoever these to [two] Last Clauēs are very onjust in themselves for thay are Contrived both for y^e Same Ends Jvst to Confirm y^e Injuries some people here haue don to others In England by making that good In Law which is nott so in itt selfe & then by a Law to Oblidge y^e people Injured to be Content with y^e Injuries they have Received, y^t this would be y^e Consequence of those to [two] Clauēs will appear very plaine if your L^dshippes are pleased to Consider y^t y^e p^rsent propre^rs of y^e Northern Division of New Jersey by their purches from L^d Barkley are tenants in Common now here is a Clauēs to breake y^t In Common with Respect to these Gent^le men in England Whoe haue not yet thought fitt to Com into America themselves nor send any one to take up their shares and y^t without their Knowledge y^e truth of y^e matter is y^t these proprie^rs who are come hither haue taken vp all y^e best of y^e Land & y^t which lies most Convinient for trade so y^t those in England must be Content If this bill had passed to take their shares in y^e mountains this I did nott thinke att all Reasonable & Endeuered as much as I could with y^e persons Who I thought had y^e most Interest amongs y^e members

of y^e Assembly & Council to Couvence them of y^e unreasonableness of that bill as it then stood I told them Severall of y^e Objections I had to itt y^t they might gett them amended before y^e bill Came to mee but as it was Contrived to answer private Ends it was Impossable to get them to depart from those Clauses.

The next Clauses Enacted y^t all shars parts p'portions &c. y^t have been designed [devised?] Released Granted &c: Sence y^e of febr: 1682 within y^e Esterly Devision of New Jersey &c: is hereby declared & shall forever hereafter to be taken deemed & Esteemed a good vallied & sufficient title in y^e Law notwithstanding want of form or any other matter Cause or thing In y^e Law whatsoever, Soe y^t If any mans Estate has been Conveyed away to an other (as I am afrayd itt hath been don) why y^t Conveyance was to be Confirmed & made vallid in Law as well as many others without Ever produiceing once to show y^e necessity of such a Clauses.

The next Clauses I shall take notice of is y^e Last Clauses by which itt is Enacted y^t all and Every portackler tract of Land formerly Granted by my Lord Barkley & S^r George Carterett or by their Gover^r & Council of New Jersey vnder y^e Com'on Seale thereof or by their agents or attorneys Conforme to y^e powers Concessions and Instructions to them given by y^e said John L^d Barkly or [and] S^r George Carterett or Either of them are hereby rattified assured & Confirmed to each & every of y^e Respective Granttees & this Clause att a first sight seems to a faire law, butt it is In reallity a very Ill Clause itt seems to Confirm to the Granttees their Estate but itt is only such as haue been Granted Conforme y^e powers Concessions & Instructions given by my L^d Barkley & S^r George Carterett or Either of them to their Gover^r & every body here Knowes y^t these Gover^{rs} never acquainted y^e people with their powers, now only Published their Com-

'issions see that those . . . who purched from those Gover^{rs} are now to be Devest of y^r Lands they have honestly paid for & haue Improved with great Expen^{ce} & labour & industry (vnlest they will p^{ch}es them againe from y^e p^{rsent} proprie^{rs}) because their Grants or Conveyances are n^{ott} Conforme to y^e Powers Concessions & Instructions given by L^d Barkely & S^r George Carterett or one of them (which Indeed very few of y^e Grantees are) but att y^e Same time y^e purchasers Know nothing att all of those Instructions nor what they Contained If they had it is Reasonable to believe they would have Conformed themselves to them because itt is very naturall for Every man to Desire as good a title to y^e Estate hee purchases as hee Can

The next I shall take notice of are the Last Claues in y^e 10th & 11th page y^e first is to Impower y^e propri^{rs} Joynty or Severaly by themselves or their Receiver Generall or their agents or attornies or Servants to make destrest for none paym^t of Quit Rents & this is to be done by them or theire Servants without taking any notice of any Majestrats or any officers in y^e Gover^t butt because they never told y^t was caried a littell to farr, y^e next Claues is to qualifie itt & there itt is y^t all y^e Respective Shriffes [Sheriffs] & Constables shall forever hereafter (being Required thereto by y^e s^d Prop^{rs} &c) be aiding & assisting to make such distrest as aforesaid, this to be don by y^e Shrieffe or Constable without any warr^t from any Justice of y^e peace or any body Else butt Ex office & att y^e Request of any Servantt of A propri^r when p^haps y^e Attorney may know nothing of the matter.

The Last Claues in y^e 12th page Enacts y^t all tracts of Land belonging to prop^{rs} beyond y^e Seas or within any of y^e Neighbouring Collones Which have been sold by theire agent or attorney since y^e first of feb^r 1682 by vertue of L^{tters} of agency or of attorney such Sales are hereby Declared & shall for Ever hereafter be

Deemed & Esteemed a good Sufficient & vallid title in y^e Law, this I confest is a very necessary Claues for some people as y^e stands for Great tracts of Land haue beene sold by Agents without y^e Knowledge & Contrary to y^e Intrust of y^e owners & sometimes Contrary to their Directions so y^t If there is nott some Claues of this Natture, now y^t y^e Land begins to take itt's proper Course y^e right owners may Recouer their owne again, Which will be noe small Lift to some persons here who have beene agents for persons In England & haue Combinded with other persons how to Cheat & Defraud their Employers.

Circular Letter of Lords of Trade to the Governours of Plantations, relative to information conveyed through French Vessels.

[From P. R. O. B. T. Plantations General, No. 32, Entry Book C, p. 470.]

Circular Letter to y^e Sev^l Gov^{rs} in America relating to Intellig^{ce} had in French by Lett^{rs} taken on Board Ships coming from the Plantations.¹

My Lord

Her Majesty having been Informed y^t Intelligence has been had in France of the state of the Plantations by Letters from private Psons to their Correspondents in England taken on Board Ships coming from the Plantations, & Carryed into France, which may be of dangerous consequence, if not prevented for the future; It is therefore Her Majesties pleasure, That your Lord-

¹ This Letter to Lord Cornbury Coll: Dudley Coll: Seymour and Coll: Nicholson was sent inclosed in a Letter from the Sec^{ry} to Coll Dudley of the 11th July 1704.

ships signify to all Merchants Planters and others, that they be very Cautious in giving any Account by Letters of the publick State and Condition of the Provinces of New York and New Jersey und^r your Governments; and your Lordship is further to give Directions to all Masters of Ships, or other Persons to whom you may intrust your Letters, that they put such Letters into a Bagg with a sufficient weight, to sink the same immediatly in Case of imminent danger from the Enemy, and your Lordship is also to let the Merch^{ts} 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 your Lordship is further to advise all Mast^{rs} of ships that they do sink all Letters in Case of danger in the manner before mentioned.

We are

My Lord

Whitehall June 1 Your Lordships most humble
the 29th 1704. Servants.

ROBERT CECILL
PH: MEADOWS
JOHN POLLEXFEN
MAT: PRIOR

An Order of Council, referring to the Lords of Trade a petition from Peter Sonmans and Wm. Dockwra, about the title to Staten Island.

[From P. R. O. B. T. New Jersey. Vol. 1 A, 18.]

An Order of Council of the 6th Ins^t referring to this Board y^e Petition of Peter Sonmans &

W^m: Dockwra &c relating to their Title to
the Island of Staten in New Jersey &c
Recd July 10th 1704.

* * *
L. S.
* * *

At the Court at S^t: James's the 6th day
of July 1704.

Present,

THE QUEENS MOST EXCELLENT MA^{TY} IN COUNCILL.

Upon reading this day at the Board the Petition of Peter Sonmans and William Dockwra for themselves and the rest of the Proprietors of the Eastern Division of the Province of Nova Cæsaria or New Jersey in America, relating to the Island of Staten, which the Governor of New Yorke pretends to, in Right and for the use of Her Ma^{ty} and keeps Possession thereof, and praying that Directions be given for the hearing and finally Determining of that matter. It is ordered by Her Ma^{ty} in Councill That it be, as it is hereby Referred to the Lords Comm^{rs} of Trade and Plantations to Examine the matter of the said Petition, a Copy whereof is hereunto annexed, and upon hearing the Pet^{rs} and others concerned, to Report to this Board, what they conceive fitt for Her Ma^{ty} to do thereupon.

JOHN POVEY.

TO THE QUEENS MOST EXCELLENT MAJESTY

THE humble Petition of Peter Sonmans and William Dockwra for themselves and the rest of y^e Proprietors of the Eastern Division of the Province of Nova Cæsarea or New Jersey in America.

Sheweth

That his late Ma^{ty} King Charles the Second by his Letters Patents bearing date the 29th of June in the

26th Year of his Reign, for the Considerations therein mentioned did Grant and Confirm unto James Earl of Perth, S^r George Meckenz, Rob^t Berkley Argent[Arent] Sonmans, W^m Dockwra and others their Heirs and assigns for ever that part of the aforesaid Lands which then was and ever since till very lately has been called by the name of East New Jersey Extending Eastward and Northward all along the Sea Coast, and Hudsons River from little Egg Harbour to that part of Hudsons River which is in 41 Degrees of North Latitude and otherways bounded and Limited as in the said Grant and Confirmation as expressed with all Islands, Bays, Rivers &c^a to the same belonging or in anywise appertaining within which said boundary lyes an Island called Staten Island.

That Your Ma^{ty}s Governor of New Yorke pretends in right and for the use of Your Ma^{ty} to Claime the said Island and keeps Possession thereof, and thò. Your Pet^{rs} by Councell Learned in the Law are advised they have an undoubted Right to the said Island, yet out of their great duty and Deference to your Ma^{ty} doe restrain themselves from taking any other method for Recovery thereof than by humble Representation of their Case for your Ma^{ty}s most Gracious Pleasure and Direction therein, to which your Pet^{rs} shall most Readily and Intirely Submitt.

Your Pet^{rs} therefore most humbly pray That Your Ma^{ty} will be Graciously pleased to give such Orders and Directions for the hearing and finall determining of this matter as your Ma^{ty} in your great Justice and wisdome shall think fitt.

And Yo^r Pet^{rs} (as in duty bound) shall ever pray &c^a

PETER SONMANS

W^m DOCKWRA

Commissioners for New York, New Jersey and Connecticut.

[From P. R. O. B. T. Plantations Generall, Vol. 32, page 497.]

CO'MISSION^{RS} FOR NEW YORKE NEW JERSEY &
CO'NECTICUT. 1704 July the 13th

The Right Hon^{ble} the Lord Cornbury Her Majesties Cap^t Generall & Governour in Chief of Her Majesties Provinces of New York and New Jersey in America, and the Governour or Commander in Chief of the Provinces of New Yorke and New Jersey for the time being.

Richard Ingoldsby Esq^r Lieuten^t Governour of the Province of New York & New Jersey, and the Lieutenant Gov^r or Lieutenant Governours of the said Provinces for the time being.

The Governour of Her Majesties Colony of Co'necticut for the time being.

The Vice Admiral or Vice Admirals of the Provinces of New York New Jersey and Connecticut for the time being.

NEW YORK.

William Smith, Peter Schuyler, Sampson Shelton Broughton, Wolfgang Will^m Romer, William Laurence Gerardus Berkman Ripvan Dam, John Bridges, Caleb Heathcote, Thomas Wenham, Mathew Ling Killian Van Ranslaer Esq^{rs} Memb^{rs} of Her Majesties Councill in the Province of N York during their being of Her Maj^{ty}s said Councill and the Memb^{rs} of Her Majesties Councill in the said Province for the time being.

NEW JERSEY.

The Councillors of New Jersey viz^t Lewis Morris, Andrew Bowne, Samuell Jennings, Thomas Revell

Francis Davenport, William Pinhorn, George Deacon, Samuell Walker, Daniel Leeds, Will^m Sandford and Robert Quarry Esq^{rs} Members of Her Majesties Council in the Province of New Jersey during their being of Her Majesties said Council, and the Members of Her Majesties Council in the said Province for the time being.

The Chief Justice or Chief Justices of New York and New Jersey for the time being.

The Judge or Judges of the Vice Admiralty in the Provinces of New York New Jersey, and Connecticut for the time being.

The Captains and Commanders of Her Majesties Ships of War within the Admiralty Jurisdiction of the Provinces of New York New Jersey and Connecticut for the time being.

The Secretary of the Province of New York for the time being.

The Secretary of the Province of New Jersey for the time being.

The Receiver of Her Majesties Revenue in the Province of New York for the time being.

The Surveyor Generall of Her Majesties Customes in America for the time being.

*Letter from the Lord Cornbury to the Lords of Trade,
about New Jersey affairs.*

[From P. R. O. B. T. New Jersey, Vol. 1, B. 5.]

Letter from the Lord Cornbury to the Board.

New York 9^{ber} the 4th 1704

My Lords

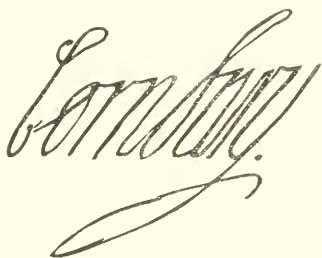
I trouble your Lordshipps with these lines to acquaint

you that the Assembly of New Jersey met on the first day of 7^{ber}, to which time I had adjourned them by Proclamation. I was in hopes they would have done what might have been expected from them, but instead of that they fell upon their Proprietors Bill again, and never brought in any Bill to settle a Revenue, till soe late that they knew I could not stay to passe it, because I was to meet the Assembly of New York, besides the sum was not suitable to the occasion, for they proposed to settle noe more then a thousand pounds a year, and but for three years, indeed at last they would have made it fifteen hundred pounds a year, but I saw very plainly that they did not intend to doe anything, soe upon the 28th of 7^{ber} I dissolved that Assembly, and in a few days after I issued writs for the calling of another, which I hope will doe better then the Last, they are to meet the ninth of this month at Burlington, I intend in two days to set out for that place, though it is very late in the year. I take the liberty to acquaint your Lordshipps that the Quakers in West Jersey interrupt the proceedings in Courts of Judicature very much, for now they find that they are admitted into all manner of employments without taking of oaths, their consciences are soe tender that they can't suffer an oath to be taken in their presence soe that either Quakers must not be admitted to sit in Courts of Judicature, or else all causes must be tried by Jurys who have taken noe oaths, and upon the Evidence of witnesses not sworn, I think it would be much more for the service of the Queen that none should be admitted into employments but those who are willing to take the oaths; the people in New Jersey seem uneasy at the quallifications prescribed for persons to serve in the Assembly, they could rather wish that each County might send two, and I am of opinion we should have better Assemblys if it were soe, then we have now, however I shall be able by the next Vessell

that sails from hence to give your Lordships an account what the New Assembly will doe, in the mean time I remain with great respect

My Lords

Your Lordships very faithfull humble servant



Lieutenant-Governor Ingoldesby, to Lord Cornbury.

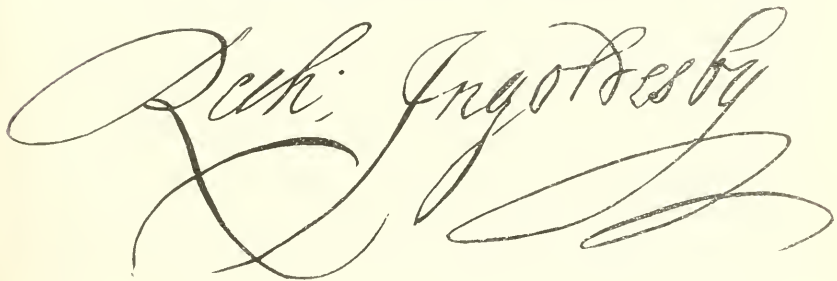
[From N. Y. Col. Docts., Vol. 4, p. 1164.]

NEW YORK 12th November 1704

My Lord

As soon as the inclosed came to my hands and I found it directed in Her Ma^{ties} service, I gott together the gentlemen of the Councill who were in town, and opened the same. I believed your Excellency would find it difficult to find any one at Burlington to translate the inclosed letter, that is in Dutch. I therefore herewith send the translation of it. I design not to leave this place untill the return of the messenger who is sent express on this occasion. I am, My Lord

Your Excellencies most obedient Servant



Lord Cornbury to Lieutenant-Governor Ingoldesby.

BURLINGTON November 15 1704

SIR

Yours of the 12th Instant came to my hands last night, and it was no small surprise to me to find by it that you had opened a letter directed to me, when you had no instruction from me to do it; if I had thought fitt to have left you at New York in the managm^t of that governm^t, I would have left you proper Instructions for that purpose; but you know very well that I have appointed your station in this place. Indeed you desired that you might stay a day or two after me, because of the inconveniency of the inns upon the road, which I readily consented to, expecting you would have followed me; but seeing you doe not, I hereby require you forthwith to repaire to your duty here; that I may not have occasion to accuse you of breach of orders. I expect you comply with this order immediately upon the receipt of this. I am, Sir

Col. Ingoldesby.

Your humble Servant

CORNBURY

Letter from Lord Cornbury to the Lords of Trade about New Jersey Affairs.

[From P. R. O. B. T. New Jersey, Vol. 1 B 13.]

L^{re} from the Lord Cornbury to the Board ;

New York february 19th 1704 5

My Lords

Your Lordshipps letter of the 23^d of May 1704 came to my hands on the 15th of 10^{ber} at Amboy, in which

you are pleased to say, you daily expect the perticular account of the affairs of New Jersey, which I promised to your Lordships by my letter of the 18th of 10^{ber} 1703; by w^{ch} I perceive my letter of the 14th of January 170³ is not come to your hands; I returned from New Jersey to this City on the 14th 10^{ber} 1703, and hearing the Centurion was not sailed from Boston, and the Post being just ready to goe away, I stopt him long enough to write to your Lordships that Letter of the 18th of 10^{ber} 1703, about a fortnight after that hearing that the Centurion had had a mischance going out from Boston, and was forced to return into Port again, I wrote the letter above mentioned of the 14th of January, 170³, and sent it to Boston in hopes it would come time enough to reach the Ship Centurion, and after that I sent a duplicate of it to Rhode Island, which was put on board a Vessell going for England, by a Minister who had promised me to take care to send it by the first Vessell that should sail from Rhode Island, or Boston, and which he wrote me word he had done, however those ways being very uncertain I did send another duplicate of that letter to your Lordships by her Majestys Ship Jersey, which I hope is come to your hands before this time, by which you will see what was done at Amboy in the first sessions of the Assembly of that province; and in another letter by the Ship Jersey bearing date the 4th day of 9^{ber}, I did acquaint you with what had passed at the next meeting of the Assembly of New Jersey at Burlington which was in 7^{ber}, and on the 28th of that month, I did dissolve that Assembly, and Isued Writs to call another Assembly to sit on the 9th day of 9^{ber} at which time they met, and passed the severall Acts following, *Viz'* *An Act for raising a Revenue for the support of her Majestys Government within this Province of New Jersey for two years. An Act for uniting and quieting the minds of all her Majestys Subiects within this Province of New*

Jersey. An Act for altering the present Constitution, and Regulating the Election of Representatives to serve in the General Assembly of this Province of New Jersey. An Act for setting the Militia of this Province. An Act for laying out Regulating clearing & preserving public, common, highways throughout the Province of New Jersey. An Act for the suppressing of Immorality within this Province of New Jersey. An Act for Reviving and continuing the Courts of Quarter Sessions and Common Pleas in the Countys of Bergen, Middlesex and Monmouth, and the proceedings of the same. An Act for regulating Negro, Indian & Molatto staves within this Province of New Jersey. The first of these Acts is what the last Assembly would never have past unlesse I would have past their Proprietor Bill such as I sent it to your Lordships by the Centurion first, and last by her Majestys Ship Jersey, when I first saw this last Bill, I sent for one of the Assembly whom I thought I could more freely talk with, then the rest and asked him what was the reason they had given the Revenue for soe short a time, he answered me very readily that it was for noe other reason, but because they had never had a Generall Tax throughout the whole Province, and that they could make noe manner of computation what the Country was able to bear, that this would be a tryall of that, and that if I would be satisfied with this Bill for the present, when they saw what the Country would be able to bear, they would be ready to settle such a Revenue as would effectually answer the occasions of the Government, this being soe frankly told me, and considering how stubborn the last Assembly had been upon this point, and being every day informed that the Quakers bragged that there should be noe Revenue settled, that the Queen had sent them a Gouvernor, but they would keep him poor enough; these and such like reports were spread about not by the meanest men among

them but by the topping leading Quakers; therefore I thought it proper to let that Bill passe, and intreat your Lordshipps to recomend it to her Maiesty for her Rayall Approbation: the second is an Act for quieting the minds of the people, this I thought a very reasonable Bill, because it will put an effectual end to many prosecutions which were intended to have been carried on in New Jersey, against some persons who opposed Collonell Hamilton's Gouvernement, and her Maiesty having qeen pleased to command me, not to suffer any proceedings to be carried on against any persons upon account of former animositys, I thought this would be the most effectuall way to answer her Maiestys commands, espetially since M^r Morris, to whom the Queen had done the honour to make him one of her Councill, was very warm for those prosecutions, as appeared the last year, that he prevailed with m^r Griffith, the Attorney Generall of New Jersey, to preferr a Bill of Indictment against some of the people of Elizabeth Towne, for a Riot said to have been committed during the time of the Gouvernement of Collonell Hamilton, this the Attorney Generall was prevailed with to doe without my knowledge, but a complaint being brought to me of that matter, I directed the Atorney Generall to enter a Noli Prosequi, which he did accordingly; it is an Act which will make the people easy, therefore I hope the Queen will be pleased to confirm it, the third is an Act to alter the manner of Electing members to serve in the Generall Assembly of New Jersey, in the 15th clause of my Instructions, her Maiesty is pleased to make use of these words, (and that this number of Representatives shall not be enlarged, or diminished, or the manner of Electing them altered, otherwise, then by an Act, or Acts, of the Generall Assembly there, and confirmed by the aprobation of us, our Heirs & successors,) by which I suppose the Queen, was graciously pleased to leave it to the consideration of

those whom she has appointed to serve her Maiesty in that Province, to propose a method of Electing members to serve in the Generall Assembly there, which may be more advantagious to the Queens service, and the good of the Country, then the Regulation contained in her Maiesty's Instructions to me, and indeed I am of opinion that this Act will answer that end. for the number is not altered, which was appointed by the Queen, but only the quallification, and the method of Electing, by which means we shall be able to have the men of the best substance chosen, for as I have informed your Lordshipps by a former letter, the Landed men are not the men of the greatest substance in these parts of the world, I intreat you will be pleased to intercede with the Queen that this Act may be confirmed. the fourth is an Act to settle the Militia, this is soe necessary an Act that I hope it carries reason enough in it's self to obtain her Maiestys confirmation. the fifth is An Act for laying out and preserving high ways, this is an Act of absolute necessity, and indeed without An Act of this kind, the roads in New Jersey would in a short time be unpassable, soe I hope that Act will be confirmed. the sixth is an Act for suppressing of Immorality, I wish it may answer the intent, if it does, it will be the best Act that ever was passed, I hope it needs noe farther recommendation to get it confirmed, then the good which is intended by it, and certainly there is great need of it. the seaventh is an Act for reviving, and continuing, the Courts of Quarter Sessions, & Common Pleas, in the Countys of Bergen, Midlesex, and Monmouth; the reason for passing this Act was, because those Courts hapned to fall out at the time that the Assembly was sitting at Burlington, and the Judges of those Courts are Members of her Maiesty Councill, and could not attend the Courts at that time, soe that all Causes depending would have abated to the preiudice of the Partys concerned, had

not such an Act been passed, therefore I hope her Maiesty will be pleased to confirm it. the eighth and last of these Acts is an Act for regulating of slaves, and indeed considering the situation of the Province of New Jersey, that Act is absolutely necessary, and indeed without it, it will be impossible to keep slaves in any Order, for if a slave is punished for any fault, he will run away, and there are people enough who will hide them to have the benefit of their labour in the mean time, to the greate losse of the owners, and I hope this will be a means to prevent both that, and their thieving, to which they are all very much addicted, and it will be a great help to the Owners of those slaves, who now very often loose the labours of their slaves, for a month together, and some times longer, therefore I intreat your Lordships to intercede with her Maiesty, that this Act may be confirmed. thus I have given your Lordships an account of all the Acts of Assembly passed in the Generall Assembly of New Jersey in the first Sessions of the New Assembly, they were of Course to have held them next Sessions at Amboy, but we find by experience that holding the winter Sessions at Burlington, and the Spring Sessions at Amboy, is very inconvenient, soe at the Request of severall persons both of the Councill, and Assembly, I have adiourned the Assembly to meet the next time at Burlington, which will be the 7th of April next, then the next time they will meet at Amboy, and soe alternately, unlesse you are pleased to direct otherwise. Now I think it my duty to acquaint your Lordships that M^r Lewis Morris, whom the Queen was pleased to nominate for one of her Maiestys Councill in New Jersey, has behaved himself very ill, as I think, for ever since he came hither from England he has endeavoured to perswade the Proprietors in Jersey, and those people who are in our Interests, that the Gouvernement was surrendered to the Queen upon certain terms, and

conditions, agreed upon before the Proprietors would surrender, being informed of this I sent for M^r Morris, and asked him how he came to raise that report, which he must know not to be true, for that if any such thing had been, I should certainly have been informed by your Lordships, and by the Right Hon^{ble} the Earle of Nottingham what those terms, and conditions, were, that I might conform myself to them, and that since I had noe such directions, there could be noe such thing, to which m^r Morris replyd that it was true, that the Gouvernement was surrendered upon terms, and that if they could not have obtained those terms, they would not have surrendred at all, I desired him to shew me those terms, he told me they were contained in my Instructions, and instanced perticularly the 15th clause, in which the quallifications of persons to elect, and be elected, are contained, and said that was one of the terms; and said that the 53^d clause, where I am directed to admit Quakers into Offices, or Employments, signing the Declaration of their Allegiance &c. was another of the termes, to which I answered that he might as well say, that the 37th clause, where I am commanded not to suffer any persons besides the Generall Proprietors, or their Agents, to purchase any Land from the Indians was one of those terms too upon which he said that they had noe need of such a clause, and that the Queen was mistaken in that clause for that the Proprietors had noe need of any Licence from the Queen to purchase from the Indians, for the Land was their own already, by virtue of the Grant from his Royall Highnesse the Duke of York, to my Lord Berkley and S^r George Carteret, whose Right they have purchased, I told him the Queen was best Judge what clauses were proper to be incerted in the Instructions she was pleased to honour me with, and that as I found them I would obey them, and I told him it did not become him to speak at that rate of

the Queen; and indeed that Gentleman does give his tongue too great a liberty, however for that time we parted, and I did not see him in some months, for going to Amboy in my way to Burlington, to meet the Assembly there, I appointed m^r Morris and Captain Bowne, to meet me at Amboy on the 30th of August, upon the account of some disturbance that was like to be occasioned, by a Rape committed by an Indian upon a white woman, and some of the Justices had imprisoned the Indian. Captain Bowne met me according to appointment, but m^r Morris chose that very day to goe from his house in New Jersey, to New York without so much as writing one line of excuse, or taking any manner of notice. I pursued my Journey to Burlington, but m^r Morris neither came, nor wrote, soe on the last day that the Councill sat. I did suspend m^r Morris from his place in Councill, and ordered the Clerk to enter a minute in his book, of his suspension and the reason of it which was for neglecting her Maiesty's service, without having obtained leave to be absent; when I was at New York, one D^r Ennis a Minister of the Church of England, who is settled in M^r Morris's neighbourhood in New Jersey, came to me, and told me that m^r Morris was very sorry that he had committed soe great a fault, and desired that he might have leave to come to me, and acknowledge it, I told him he might come when he pleased, and the next day m^r Morris and he came to me, and owned his fault, and said that if I would restore him to his place, he would by his constant application to the Queen's service, convince me that it was not out of any disrespect, that he had neglected his duty before, I told him I did not desire to be severe, or uneasy to any Gentleman, but that it was my duty to take care, the persons who had the honour to serve the Queen in that Province should doe their duty espetically at a time, when severall things were to be done, necessary for

the settling the Country, soe we parted, and I did not hear from him any more, till a few days before I went to New Jersey to meet the New Assembly, when I received a letter from him, from a farme he has in West Chester County, in this Province of New York, by which he acquainted me, that having lately taken that farme into his hands, he was very busy putting his affairs in order there, and that it would be a great prejudice to him, if he should be forced to attend his duty at Burlington and therefore desired I would dispence with his attendance for ten days, to which I answered, that ten days could break noe squares, because it would be near ten days before we should enter upon businesse, therefore I would not differ with him for that, and I went to Burlington at the time appointed, but m^r Morris did not come, till after three weeks, before which the House of Representatives had passed the Bill for the Revenue, and it had had one reading in the Councill, however I would not differ with him for a few days, in hopes he would be as good as his word, but instead of that after the Bill had been read twice, and was committed to a Committee of the Councill, m^r Morris did what he could to make that Act miscarry by offering such amendmets to it, as he knew the house of Representatives would never agree to, notwithstanding I had desired him perticularly, to give what dispatch he could to that Act, because of the season of the year, which was so farr advanced, that we were in great danger of being frozen up; Captain Bowne and some others of the Gentlemen of her Maiestys Councill, having told me of M^r Morris's obstinacy, and he coming immediately into my lodgings, I asked why he would give any interruption to that Act, which he knew to be soe unnecessary, [necessary?] and which he had soe faithfully promised me to forward, to the utmost of his power, he told me had very good reasons for what he did, that he had calculated what the

occasions of the Gouvernement would require, and that two thousand pounds would not suffice, I told him that I looked upon that to be only a pretence to loose the Bill, and desired him not to insist upon anything of that nature, but that he would meet at the Committee the next morning pursuant to their Adiournment, and dispatch the Bill, but instead of that, the next day he went to Philadelphia without taking any notice of me, or asking leave, though he was going out of the Province, however I was not willing to take advantage of that, hoping he might come to his sences again, and therefore I did stay to the last day, that the Councill sate, but he never thought fit to attend his duty in Councill, though he was returned from Philadelphia four, or five days, before I left Burlington, but when he was asked how he came not to come to me, he answered he vallued not the Gouvernor of a farthing, soe whan I was going to dismissee the Councill I did again suspend m^r Morris from his place in the Councill till her Maiesty's pleasure might be known, and I hope the Queen will be pleased to confirm that suspension, and that he may be dismissed from being a member of that board, and a better man put in his stead, for I am well satisfied, he will always obstruct the Queen's service, and indeed he has soe intirely given himself up, to the Interest of the Proprietors, that he can see with no other eyes but theirs, and I can not say that they have always pursued the Interest of the Crowne; M^r Morris is one of those who have endeavoured to possesse the people here, that they have a right to have Generall Assemblys, and that the Assemblys in these Collonys, have the same Priviledges, Powers, and Authoritys as the House of Commons in England, he must not deny this, for he said it to me severall times, and said that the people here were English men, and were intituled to all the Priviledges of English men, and that if the Queen would not allow them to send

Members to represent these Collonys in the House of Commons in England, it was highly reasonable they should have Assemblys of their own, and that they were to be Gouverned by Laws of their making; indeed I have as often answered him, that he was mistaken, that the Assemblys which have been held here, in these parts, are purely by favour of the Crowne, that I look upon their Power of making Laws, as intended to be noe more than what every Corporation in England has, that is, to make Bylaws for the well governing of that Corporation, this offended m^r Morris very much, and indeed if it were his opinion alone, I should not regard it, but it is the opinion of many people in the Provinces of New York, and New Jersey, espetially to the East end of Long Island, where they are generally Commonwealths men, this opinion can tend to nothing, but the diminishing the Authority of the Queen in these parts, which I hope will not be suffered, this Gentleman has not been contented with spreading this doctrine as much as he can in New Jersey, but endeavours to incourage it in this Province, where it has already taken root, he is now soliciting to get himself chosen for the County of West Chester for an Assembly which I intend to call in few days, I hope he will not succeed, because I am well satisfied his intention is not good. I did formerly take the liberty to recommend to your Lordships, Collonell Townley, and M^r Daniell Cox, to be of her Maiestys Councill of New Jersey, in the room of M^r Edward Hunlock, and M^r Samuel Leonard, who were dead, before I received the honour of her Maiesty's Commission for that Gouvernment, since that time, one M^r Samuel Walker, who was alsoe one of the Councill is dead, soe that now there are three vacancies in the Councill, which I humbly intreat your Lordships may be filled by Collonell Richard Townley, M^r Daniel Coxe, and M^r Roger Mompesson, whom I have appointed to

be Chief Justice of New Jersey, till the Queen's pleasure may be knowne, and I desire you will be pleased to recomend him to the Queen to be confirmed in that place, he is very proper for it, and has brought the Supream Court in this Province of New York into very good Order, and I don't question but he will doe the same in New Jersey, I farther intreat your Lordshipps, that I may have a Statute book sent me for this Province of New York, and another for New Jersey, to remain with the Clerk of the Councill of each Province, there is indeed a great necessity of this, because there are often pleadings before the Councill, where the Lawyers take the liberty of quoting Acts of Parliament of England falsely, which they think they may the more freely doe, because they know there is noe Statute book belonging to the Gouvernement; I desire you will be pleased to intercede with her Maiesty that I may have a great seale for the Province of New Jersey, I am at a mighty losse for want of one, there have been two barbarous murders committed lately, one by a woman who joined with a man to murder her husband, the other of another woman who murdered her own Child, the Country was very desirous to have these two people tryed as soon as possible, because there are no Goals sufficient to keep Criminalls in, and indeed I would have Issued a special Commission for the Tryall of them, but for want of a seale I could not; I must likewise beg your Lordshipps directions in some matters relating to the Gouvernement, and perticularly with respect to fines, forfeitures, and Escheats, which some of the Proprietors upon the place, pretend to say the Queen has nothing to doe withall, but that they belong to the Proprietors, however till I receive your commands in that matter, I have taken care, where any thing of that nature has hapned, to have secured for the Queen; there is likewise a thing called horse hunting, the woods are full of wild horses; in the

province of New York, the Gouvernor of New York appoints a Ranger Generall, who deutes persons under him for every County to take care of all such horses as are taken up wild in the woods, and I have appointed one in New Jersey but the Proprietors here say it is their Right, soe I would not let the person I had named proceed, till I had received your Lordshipp's directions, which I intreat I may have; thus I have acquainted you with what relates to New Jersey, I take the liberty to acquaint your Lordshipp's that in 7th last I went downe the River DeLaware as low as Salem, which is the lowest County but one on the Jersey side, towards the Capes of Delaware River, and is seaventy three miles below Burlington. there is a pretty little towne built there called Salem, which is capable of being made a good place for Trade, there being a Creek there, in which there is no lesse than fifteen foot water at Low water, soe capable of receiving good ships; I did intend to have gone downe as farr as the Capes, but the North West Winds began to set in, and I being but in a small boat, thought it not proper to venture for fear of being blown out to sea, which often happens at that time of the year, but I intend (God willing) to goe downe this Spring, because I am willing to give the Queen the best account I can of all the parts of those Gouvernements she has been pleased to honour me with the Gouvernment of: I am with great respect

My Lords

Your Lordshipp's most
faithfull & very humble servant

CORNBURY

I had almost forgot to observe to your Lordshipp's some of the inconveniencys that may attend one of the Instructions I received from her Maiesty relating to the Gouvernment of New Jersey, and that is the 37th clause in which I am directed not to suffer any persons besides the Generall Proprietors, or their

Agents, to purchase Land from the Indians; now I conceive that this will be a means to hinder the Country from being cleared, and peopled soe soon as it would otherwise be, for the Proprietors will not sell any Land but at certain rates, which they who live in the Province have agreed among themselves, shall be the Price, and under such quit rents as they think fit, soe that severall people who would settle in New Jersey, goe over into Pensilvania and settle there; I am of opinion that if a certain Quit Rent were fixed to be paid to the Proprietors for every hundred acres of Land, and soe for a greater, or lesser quantity, and that the Gouvernor for the time being, may be at liberty to grant licences to any person who has a mind to purchase from the Indians, it can be noe prejudice to the Proprietors, but will be a means to people the Country much sooner:

Petition of the West Jersey Proprietors to the Lords of Trade, relating to Lord Cornbury's proceedings.

[From P. R. O. B. T., New Jersey, Vol. 1. B. 8.]

Petition of M^r Dockmenic &c^a relating to the Lord Cornburys having acted contrary to his Instructions in sev^l particulars; & praying for a Copy of the whole Instructions.

TO THE R^t HON^{ble} THE LORDS COM^{rs}SSIONERS FOR TRADE AND PLANTATIONS.

The humble Pet^{con} of the Propriet^{rs} of the Western Division of New Jersey in America.

Sheweth

THAT your Pet^{rs} having made a Surrender of the Government of West Jersey upon Conditions which yo^r Lord^{ps} were pleas'd to Assure them should be kept

inviolable; and to that end be inserted in the Instructions of the Queens Govern^t for the time being, they have received information from their Agents in Jersey that the Lord Cornbury has Acted in severall particulars contrary to those Conditions, and to your Pet^{rs} great Detriment, But they being unable to draw up a proper Charge without a Copy of the Instructions themselves.

The Pet^{rs} humbly pray that your L^{dps} will be pleas'd to grant them a Copy of the whole Instructions.

JN^o BRIDGES

THO LANE

ROB MICHEL

PAUL DOEMINIQUE

JOS: BROOKSBANKE

E. RICHIER

THO SKINNER

JOHN WHITING

JOHN NORTON

FRA: MICHEL

Memorial of Daniel Cox, Jun^r, William Dockwra, and Peter Sonmans, to the Lords of Trade.

[From P. R. O. B. T., New Jersey, Vol. 1, B. 9.]

A Memorial from M^r Cox, & M^r Dockwra, relating to New Jersey, and the Election of Members &c

TO THE RIGHT HONOURABLE THE LORDS COMMISS^{rs} FOR FOREIGNE TRADE AND PLANTATIONS.

The Memorial of Daniel Cox Jun^r, William Dockwra and Peter Sonmans, in relation to the Province of Nova Cuesarea or New Jersey in America.

YOUR LORDSHIPPS having been pleas'd to favour us with Extracts of sundry Letters from and Instructions to his Excellency The Lord Cornbury, we have perused the same and begg Leave humbly to represent to yo^r Ld'ps

That his Excellencies report in his Letter dated the fourth of November 1704 relating to the Quakers in West Jersey and his opinion thereupon, seems to be Just, reasonable and well grounded Not only for the Reasons his Ld^p mentions in his said Letters: But also for the following, (viz:)

1st Because it can never be expected the Militia or Revenue for Support thereof or of the Government, Should ever be Settled while the Quakers are in Council or Assembly their very principles militating against such Establishment.

2^{dly} Because whilst they are so far encourag'd as to be admitted in the Council and other publick places and Employments they awe and frighten many by their power and authority who would otherwise leave that perswasion and come over to the Christian Church.

3^y Because refusing to pay Tythes on pretence of Conscience they will consequently oppose and obstruct the passing any Act in favour of the said Church or its Settlement as far as in them lyes.

4^y Because Quakers are not allowed or admitted into publick Offices or Employ^{ts} (as we are inform'd) in any other branch of the whole English Empire the proprietary Government of Pennsylvania only excepted.

5^{ly} Because the Information given for the ground and reason of yo^r Lord^{ps} incerting that Article in the Lord Cornbury's Instructions to admitt Quakers into publick Offices and Employments manifestly appears to be as false as 'tis scandalous, there being more than a sufficient number of people fitly and duly qualified to serve the Country in any publick Station or Employ whatsoever in either Division as is evident from my Lord Cornbury's Letters and paper of Daniel Leeds, formerly deliver'd to yo^r Lordships by M^r Cox and the testimony of diverse Gentlemen now in England.

Wherefore we hope your Lordships will be pleas'd to concur with his Excellency The Lord Cornbury and represent this matter to her Maj^{ty} for her directions that the Quakers may be excluded from the Council, the General Assembly (and all other places of publick trust in the said Province.

That we are entirely convinct his Lordships objections in his Letter dated the Fourteenth of Jan^y 170³ to that part of the Constitution lately establish'd by your Lordships relating to the Election of members of the General Assembly as to the Qualifications of the Electors & elected, the former of whom your Lordships required to have an hundred Acres of Freehold Lands and the latter to have a thousand acres of Freehold Lands in their own respective rights, together with the manner of choosing them viz^t all in one County, are just and true in fact and conceive unanswerable. We therefore pray your Lordships would be pleas'd to alter that part of his Excellency's Instructions in such manner that all the Inhabitants being Freeholders may have full Liberty to choose such persons as they think fittest to Serve her Ma^{ty} and the Country, and that there may be two elected for and in each County of the Eastern division. But because there is one County more in the Eastern than in the Western division and consequently there will be a Superiority of Members of the General Assembly in one division more than y^e other. We humbly pray some Care may be taken for keeping up the equality of Members for each Division.

That the Bill mentioned by his Excellency as prepar'd and Sent over is to full of incoherencies and attended with Such inconveniencies as may tend to the detriment, if not utter ruine, of many families; So y^t we have reason to rejoice it did not pass into an Act; but because it may be very just and necessary a Bill should be past whereby the Right and Property of the General

proprietors and all other Purchases of Land in y^e s^d province may be confirm'd to them according to their respective rights and titles together with all Quitt-Rents and all other priviledges, as are exprest in their Severall Conveyances. (except only the right of Governm^t) We would begg leave to present yo^r Ld^{ps} with the draught of such a Bill to be perusd and approv'd by yo^r Ld^{ps} and afterwards recomended to the General Assembly.

AND WHEREAS we are assur'd yo^r Ld^{ps} have been inform'd of the two Vacancy's in the Councill of New Jersey by the death of Ed. — Hunlock late for the Western and Sam: Leonard for the Eastern Division. We humbly pray yo^r Ld^{ps} to reco'mend two Such persons to her Ma^{tye} as in yo^r Ld^{ps} Judgm^t shall be best qualifyd to Serve in y^t Station, and by her Maj^{ties} great Wisdome and favour may be appointed to fill up the s^d vacancies, which would be the more necessary if yo^r Lordshipps shall think fitt to represent to her Maj^{tye} that the Quakers may be excluded from the Councill the Assembly and all other places of publick trust.

[Rec'd 5 April 1705.]

PETER SONMANS.
W^m. DOCKWRA.
DAN COXE JUN^r.

Memorial of the Proprietors of West Jersey to the Lords of Trade, complaining of Lord Cornbury and asking for the restoration of Lewis Morris to the Council.

[From P. R. O. B. T. New Jersey, Vol. 1, B. 17.]

Mem^l of the Proprietors of the Western Division of the Province of New Jersey, relating to the Lord Cornburys not haveing com-

plied with his Instruct^s for that Govern-
ment, And desiring that M^r Morris may be
restored to his place in the Council. Recd:
1st Sep^r 1705.

TO THE R^t HON^{ble} THE LORDS COM'ISSIONERS FOR
TRADE AND PLANTATIONS.

The Humble Memoriall of y^e Propriet^{rs} of the
Western Division of the Province of New
Jersey in America

We humbly acknowledge your Lordships great Justice in making the terms of our Surrender of Government, as part of the Lord Cornburys Instructions relating to the said Province; and heartily wish his Excellency had given us occasion of Acknowledging his due Observation of the Instructions, instead of troubling your Lord^{ps} with a complaint of his breach of them, which we are fully assur'd from Undoubted Testimonys his Excellency has made in the following Instances; And thó he endeavor^s to palliate his proceedings there by frequently and publickly asserting that yo^r Lord^{ps} consented to noe terms upon our Surrender, yet were that as great a truth, as It is a mistake, and those Instructions had been only of grace and fav^r, we Conceive him to be oblig'd, and our selves intituled to his punctuall Observance of them.

It is one of the terms Consented to by Yo^r Lord^{ps}, and one of his Excellency's Instructions from your Lord^{ps}, that the Generall Assembly shall consist of four and Twenty Representatives, Two to be chosen by the Inhabitants Householders of the City or Town of Perth Amboy. Two by the Inhabitants householders of the City or Town of Burlington. Ten to be Chosen by the Freeholders of the Eastern, and Ten by the Freeholders of the Western Division; In which Elections every

Elector is to have *one hundred acres* of Freehold Lands in his own Right within the Division for which he shall choose, and every person Elected is to have *one Thousand acres* of Freehold Lands in his own Right within the Division for which he shall be chosen.

This Instruction which we relied on as the Chief Security of our Estates in that province, his Excellency has not only violated, but has totally destroyed that part of our Constitution, and in such a manner as will render all Assemblys a mere piece of formality, and only y^e Tools of a Govern^{rs} Arbitrary pleasure For setting which proceeding in a due Light, We must crave leave to lay before yo^r Lord^{ps} the Account we have received of It from our Agent and other reputable persons of that Province.

An Assembly having been called and Chosen in the year 1703 pursuant to your Lord^{ps} Instructions, prepared Bills for settling the Rights of the Proprietors and Planters, and for raising a Revenue of *Thirteen hundred Pounds p. Annu for three years* (which they knew was the utmost the County could bear) for the support of the Government; but his Excellency requiring a greater su^me, severall persons our constant Enemys and Invaders of our propertys, and who therefore opposed the Bill for Settling our Rights, undertook to procure an Assembly more Obedient to his Excellencys Demands; and by that, and other Arguments which out of Regard to his Hon^r we choose to waive the mention of, prevaild upon him to dissolve that Assembly, and to call another to sit in November last. The writs were issued, and the Elections directed to be made, in such hast. that in one of the writs the Qualifications of the persons to be elected was omitted, and the Sheriff of one County not sworn till Three days before the Election, and many of the Townes had not any (much less due) notice of the day of Election.

But passing by these, and many other illegall Artifices usd by those Undertakers to obtaine an Assembly to their own hum^r: Wee shall insist only upone one Grand instance, which is not to be paralelled in any of her Ma^{ty}s Plantations, and could not have been attempted without his Excellencys encouragement nor put in practice without his Concurrence.

When this Assembly was mett and attended his Excellency in Councill in order to be sworn, m^r Revell and m^r Leeds (two of the Govern^rs Councill, and of the Undertakers to procure such an Assembly as they had promis'd) Suspecting the strength of their party, Objected against Three of the Members return'd, as persons not having each One Thousand acres of Land, and therefore Unqualified to serve in the Assembly. Though these persons had such estates in Land, and were generally known to have So, and at the time of their Election had convinc'd Revell & Leeds who oppos'd them under that pretence, of the Truth of It, and this objection was not Examinable or determinable by his Excellency, or his Councill, or otherwise than in the house of Representatives, who are the only proper Judges of their own Members: yet his Excellency upon this bare suggestion of Revell and Leeds, refusd to swear those Members, and excluded them from sitting to serve their Country. This Attempt was Seconded by another trick of Revell and Leeds, who im'ediately sent the following note to the House of Representatives.

To the Hon^{ble} the house of Representatives
Gent^m:

We Underwritten supposing we had good reason to charge three of the persons Returned to serve as Representatives in this Generall Assembly, but upon due Consideration find it difficult to come to a true

determination thereof Untill we can by further enquiry find the truth of what we have been informd of: Wee therefore humbly desire ffourteen days time further that we may be able more fully to Inform this house therein, which we humbly suppose at present cannot reasonably be expected from us. Wee subscribe ourselves your humble Supplyants.

Novemb^r 14th 1704.

Tho Revell

Dan: Leeds

The Countys for which they were chosen to serve, Expressd a great dissatisfaction at the Exclusion of their Members, and these and severall other Rep^sentatives delivered an Adresse to his Excellency for having them admitted to their Right, which mett with noe other Reception, than being called a piece of Insolence, and Ill manners.

By this Exclusion of three Members, and the Contempt of the Adresse for their admission, the Undertakers gain'd a Majority by one in the House of Representatives, who adjourned the Hearing of this Case untill they had reap'd the fruits of their Iniquity, and Accomplished the ends for which It was contrivd. For whilst this Case was depending, a Bill for taking away the Qualifications of the Elect^s and the Elected, and placing the Right of Choosing and being Chosen in the Freeholders Generally, without any expresse value of their Estates, was prepar'd and pass'd, wherein there is this Remarkable and self-condemning declaration of his Excellencys proceedings viz^t that the Representatives met in Generall Assemblys are, and shall be the Judges of the Qualifications of their own Members.

After this, and one other Act which we shall hereafter take notice of in Its proper place, were passd, a Day of Hearing was allowed to the three Excluded Members, and notice of It given to Revell and Leeds, who would not vouch safe to Appear, but hav-

ing allready obtaind their ends, graciously Signified by a Message their mistake in their Objection to those Members.

The House proceeded in the Enquiry, and by Deeds, and other Authentick proofs was soe fully satisfied of the Estates of those Excluded Members, and that Revell and Leeds had been convinced thereof at the time of their Elections; that the House unanimously declar'd them duly qualifed, and sent two of their Body to acquaint his Excellency of It, and to pray they might be sworn, But his Excellency (whether out of a desire of Assuming the glory of this Arbitrary proceeding wholly to himselfe, or of making the Country sensible that notwithstanding the act soe lately passd declaring the House Judges of their own Members, he was resolv'd to Exercise that power for the future, or for what other reason we know not) told those Mesengers He must be satisfied of their Qualifications as well as the House, and still keeps them out of the Assembly.

This We conceive to be an Assuming a Negative Voice to the Freeholders election of their Representatives, and such an Invasion of the Rights of the Assembly, as will, if tolerat'd or conniv'd at, place the whole Legislature in the Govern^r: for if he can at his pleasure reject Three Representatives, he may reject All, and make what Laws he thinks fit without the formality of an Assembly.

But if this Notorious Violation of o^r Constitution had not been made by him, and the Assembly had consisted of Its full proportion of duely Elected Members, We conceive, and are advis'd, that his Excellency had noe authority, nor any probable Col^r from his Instructions for passing this Act: For though the Instruction relating to the election of Generall Assemblies, allows an Alteration by Act of Assembly of the Number of the Representatives, and the manner of

their being elected ; It leaves noe power to the Generall Assembly to alter the Qualifications of the Electors, or Elected, which was intended to be a standing and unalterable part of the Constitution, as most agreeable to y^e Constitution of England, where the Elect^{rs} of Knights for the Countys must have a certain fix'd freehold and the elected are generally the principall landed men of their respective Countys. But y^e Alteration now made was intended to put the election of Representatives into the meanest of the people who being impatient of any Superi^{rs}, will never fail to choose such from amongst themselves, as may oppose us, and destroy our Rights.

It is another term of our Surrender, and an Instruction to his Excellency, that noe Act should be made to lay any Tax upon unprofitable Lands.

But his Excellency has encouraged, and Assented to a Bill in this last Assembly, for taxing (without distinction,) All lands belonging to the Inhabitants there, and to all others not Inhabiting there, who have settled any Plantations either by Tenants, Servants or Negroes. It is objection enough to this Act that there is no other Colony in America wherein Uncultivated Lands are tax'd, and As this Act was intended, soe none more effectually could have been contriv'd, to prejudice the Country in Generall, or the propriet^{rs} in particular. For if any man who has a thousand or more acres of Land which he can neither Manure, nor Sell, (as most of the first Planters have) he must pay a Tax for this Land which may eat up the greatest part of the profit of what he can, and does cultivate ; or he must desert the whole ; and if we who have great tracts of Lands of many Thousand acres to sell ; Lett or settle but a few acres to maintaine our Agents, or Servants, we must pay a tax for all y^e Residue which yields us nothing. In consequence of this Act severall persons who had agreed with our Agent for

Lands, have renounced their bargaines, and removed into other Countrys, where they can purchase great Tracts of Land, and preserve them for their posterity to settle on ; and we unlesse reliev'd from this Oppression, must deliver up our Lands, or our purses.

This Tax is imposd by the Act passd in the Assembly for raising a Revenue of *Two Thousand Pounds* p. Ann for two years for the Support of her Maj^{ty}s Government within that Province. And we have great reason to believe It to be part of the Return promis'd by the Undertakers to his Excellency for his dissolving the former Assembly, and curtailing the Last of Three Members.

It is another term of our Surrender, and an Instruction to his Excellency, that the Survey^{rs} and other persons appointed by us for Surveying and recording the Surveys of Lands granted and sold by us, shall be permitted to execute their respective Trusts.

But his Excellency has taken upon him even contrary to the advice of his Councill, to appoint Fees for patenting Lands, which has created an Opinion in the People that the power of granting Lands is in him, has lessend the Credit of our Title to the Lands, and encourages the Planters to dispute our Right.

His Excellency has ordered All Publick Books, Records and Papers to be delivered by our Late Secretary to M^r Basse our Great Debt^r and therefore our Avowed Enemy, and has carried our Records of Deeds and Conveyances out of the Province.

By this method the Propriet^{rs} of both Divisions are deprived of all meanes to justify their past administration, of the Evidences of their Grants of Lands to the purchasers under them, (All the Surveys and Patents being recorded in those Books) and will destroy the office of our Register, or at least will disable him to perform his Duty in some Cases which by Acts of Generall Assembly he is obligd to.

It is a further term of our Surrender, and Instruction to his Excellency that all officers be Appointed by advice of the Council.

But his Excellency has constituted severall Officers without such advice, and particularly a Sheriff of Burlington, who was therefore suspended by order of Council, and yet continued to act under his Lord^{ps} Appointment.

We are further informed that his Excellency hath put severall mean and Contemptible persons into the Commission of the peace, particularly one Salter, whom he knew to be under prosecution for felony, and has given Com^{issions} in the Militia to others who have no Estate in the Province, and therefore are not like to be zealous in the defence of It

It is a matter of some wonder to us, that after so many Acts of Despotick power, his Excellency did not Assume to himselfe, or obtaine from the last Assembly, an Authority of Licencing any persons to purchase Lands from the Indians : but Condescends to Apply to yo^r Lord^{ps} for an Alteration of his Instructions in that particular, There wants only the breach of this Instruction, to Compleat the Ruin of our Interests in New Jersey, and we humbly hope yo^r Lord^{ps} will not enable him to give that finishing Stroke.

This Instruction founded upon the Right which y^e Crown of England Claimes by the Law of Nations to all Country's discovered by English Subjects, was intended to Assert that Right, against the pretences of many Planters, who set up the Indians Title in Competition with It, and if that Right be taken from the Grantees of the Crown, All Patents and Grants of the whole maine Land of North America have been only Royall Frauds under the Sanction of the Great Seal of England and noe man will ever after purchase lands under that Title.

His Excellency was lately soe fully satisfied of the

Policy and reasonableness of asserting this Right to the Crown, and its Grantees, that in the year 1703. he recomended, and Assented to an Act of Assembly for restraining all persons besides the propriet^{rs}, from purchasing Lands of the Indians, under great penaltys, and for vacating all such purchases formerly made unlesse the purchasers took a fresh Grant from the Propriet^{rs}, of which Act we humbly pray yo^r Lord^{sh} perusall.

We are purchasers for ready money under a Grant from King Charles the Second, and are willing to sell our Lands and the Indians Title to It, at reasonable rates, according to the goodness of their Soyle, and Scituation: and ought not to be Compelled to accept a Quit-Rent (much lesse a Quitt-Rent to be set by other persons than our selves, as his Excellency proposes) instead of Selling for ready money nor ought our Properties to be at the disposall of a Govern^r, 'Tis not the want of a power in the Planters to purchase Lands from the Indians, but the taxing of uncultivated Lands, & over turning the Constitution for Assembly men, that has occasion'd those persons mentioned by his Excellency, to remove to Pensilvania and other Colonys

MAY IT PLEASE YO^{UR} LORD^{SH}

The Usage we have received from his Excellency is soe Contrary to the terms of our Surrender of Government, to the Assurances we had from your Lord^{sh} of the due observance of them, and to the plain Instructions given by yo^r Lord^{sh} to his Excellency, that We humbly hope It will not be thought any im'odesty or want of Duty in us to protest, as we doe protest, against all the proceedings of the last Assembly, wherein by the Arbitrary Exclusion of three members without any just Exception, the Country was not duely rep'sented; and to beg your Lord^{sh} intercession with her Maj^{ty}, that the Acts passd in that Assembly may not be confirmed by her Royall Assent.

We further pray, that Coll Lewis Morris who has been a Second time Suspended from his place in Council by his Excellency, only for using the Freedom which every Member of the Council is intitled to, and ought to Exercise, of Opposing any Bill brought before them, if he conceives It prejudiciall to the Interest either of the Country in Generall or of any Particular persons, may be restored, and that your Lord^{ps} will please, to place in the Roomes of such as are dead, some of the persons following, viz^t m^r Miles Foster, M^r Richard Townley, M^r Hugh Hoddy, M^r William Hall and M^r John Harrison who are men of known Integrity and Estates, and as a further security of our Estates there and that no persons may at any time be admitted of the Govern^{ts} Council or to be in the Com'ission of the peace or of the Militia but such who have Reall Estates in the province Suitable to their Stations and who reside there.

[April 17th 1705]

E. Richier

Tho Skinner

Richard Greenaway

Jos: Collyer

Cha' Michel Jr

Jos Mickelthwait.

Tho Lewes

W^m Snellig

Michael Watts

Tho Lane

Paul Doeminique

Jn^o Bridges.

Rob Michel

Tho. Burrow.

Fra'. Michel

Eben^r Jones

Jos: Brooksbank

Jn^o Norton

Jo^s Bennett

Additional Instruction to Lord Cornbury.

[From P. R. O. B. T. New Jersey, No. 12, p. 190.]

Representation with Draught of Additional Instruction to the Lord Cornbury, relating to the Government of New Jersey.

To the Queen's most Excell^t Majesty.

May it please Your Majesty;

Having receiv'd Letters from the Lord Cornbury, Your Majesty's Governor of New Jersey, Representing to Us several Particulars wherein Your Majesty's Service may require some Alterations in Your Majesty's former Instructions to his Lordship, and having heard the Persons concerned in the Propriety of that Country; We herewith humbly present to Your Majesty, the Draught of an Additional Instruction to the Lord Cornbury, Which We humbly conceive will very much conduce to the better Settlement of that Province.

Which is most humbly Submitted.

Whitehall, April 20th 1705.

DARTMOUTH.

PH: MEADOWS.

W^m BLATHWAYT.

Jⁿ^o POLLEXFEN.

MATT: PRIOR.

Additional Instruction to the Lord Cornbury,
Enclosed in the foregoing Representation.

ADDITIONAL INSTRUCTIONS¹ to our Right Trusty and Wellbeloved Edward Lord Cornbury, our Capt^l General and Governor in Chief in & over Our Province of

¹ Printed in Smith's History of New Jersey, p. 235.—Ed.

Nova Cæsarea or New-Jersey in America: Given at our Court at S^t James's the 3^d Day of May 1705. In the Fourth Year of Our Reign.

WHEREAS by a Clause in Our General Instructions to You for the Government of Our Province of New-Jersey, the Representatives for the General Assembly of that Province are appointed to be Chosen as follows, viz^t Two by the Inhabitants, Housholders of the City or Town of Perth Amboy in East New-Jersey, Two by the Inhabitants, Housholders of the City and Town of Bridlington in West New-Jersey; Ten by the Freeholders of East New-Jersey, and Ten by the Freeholders of West-New-Jersey; and it having been Represented to Us by You Our Governor, that several Inconveniencies have arisen from the foresaid Manner of Choosing Representatives; It is our Will and Pleasure, and you are accordingly to make the same known in the most publick manner, that the Method of Choosing Representatives for y^e future, be as follows, viz^t Two by the Inhabitants Housholders of the City or Town of Perth Amboy in East New-Jersey, and Two by the Freeholders of each of the five Counties of the said Division of East New-Jersey: Two by the Inhabitants Housholders of the City or Town of Bridlington in West New Jersey. Two by the Inhabitants Householders of the Town of Salem in the said Division, & Two by the Freeholders of each of the Four Counties in the said Division of West New Jersey; which Persons so to be Chosen make up together the Number of Twenty-Four Representatives, as limited by Our former Instructions. And it is Our further Will & Pleasure that no Person shall be capable of being Elected a Representative by the Freeholders of either Division, as aforesaid, or afterwards of Sitting in General Assemblies, who shall not have 1000 Acres of Land of an Estate of Freehold in his own Right, within the Division for which he shall be Chosen, or a

Personal Estate in Money Goods, or Chattels to the Value of £500 Sterling; and all Inhabitants of Our said Province being so Qualify'd as aforesaid, are hereby declar'd capable of being Elected accordingly. And it is likewise Our Pleasure that no Freeholder shall be capable of Voting in the Election of such Representatives, who shall not have 100 Acres of Land of an Estate of Freehold in his own Right within the County for which he shall so Vote, or a personal Estate in Money, Goods or Chattels to the Value of £50 Sterling, and all Freeholders in our said Province being so qualify'd as aforesaid, are hereby declared capable of Voting in the Election of Representatives; which Number of Representatives shall not be enlarged or diminished, or the Manner of Electing them (hereby directed) altered there otherwise than by an Act or Acts of the General Assembly, to be Confirmed by the Approbation of Us, Our Heirs and Successors.

And whereas it may be inconvenient that the Governor and Lieutenant Governor of Our said Province of New-Jersey be both of them absent from thence at the same time; It is Our Will and Pleasure, That as soon as the General Assembly of Our said Province shall have provided a House for y^e Reception of you Our Governor, and Our Lieutenant-Governor; with a convenient Room for the Meeting of Our Council, and settled convenient Salaries, which you are in Our Name to press them to do; that either you or our Lieutenant-Governor do constantly reside in Our said Province, and that you be not both absent at the same time.

It is likewise Our Will and Pleasure, That no Fees be exacted or taken by any of the Officers under you for the Grants of Lands made by the Agents of the Proprietors: and the said Agents are to deliver over to you in Council Duplicates of all such Grants to be Registered in Our Council-Books.

Letter from the Lords of Trade to Lord Cornbury.

[From P. R. O. B. T. New Jersey, Vol. 12, p. 197.]

To the Right Honourable, the Lord Viscount Cornbury, Her Majesty's Captⁿ General & Governor in Chief of Her Majesty's Province of Nova Cæsarea or New-Jersey in America; Or to the Com'ander in Chief of the said Province for the time being.

My Lord,

We are now to answer your Lordship's Letters of the 14th of January 1703, and the 4th of November last, relating to your Government of New-Jersey.

We have considered what your Lordship writes about the Method of Chusing Assembly-Men as appointed by your Instructions; and have laid before Her Majesty the Draught of an Additional Instruction for altering the same, which We hope will tend more to the Ease and Advantage of the Province.

We agree with your Lordship, that the Bill to Settle and Confirm the Estates of the Proprietors, as you have transmitted it to Us, was unfit to be past; your Lordship will do well therefore upon all Occasions to Examine carefully all the Bills that shall be presented unto You, to be Passed into Acts.

We observe what your Lordship writes about the Proceedings of the Assembly, in relation to the Settling of a Revenue; whereupon We must advise your Lordship to move the next Assembly that they settle the Revenue for 21 years, and in case they will not come up to that Form, your Lordship do not accept it for less than Eleven Years; We think that £1500 for

the first Year, and £1000 p annu' for the succeeding Years may be sufficient, if disposed of as follows, viz' £400 p annu' for your Salary, & travelling Charges; £200 p annu' for the Salary of y^e Lieutenant Governor, and for his travelling Charges; and the Residue for the contingent Charges of the Government.

And you are to recommend to the Assembly, that in the Taxes to be raised, there be a due Proportion in the Assessments that shall be laid, as well upon those Lands according to their Value, as upon Personal Estates.

We think, your Lordship will do well to leave the Determination about Elections of Representatives to that House, and not to intermeddle therein, otherwise than by Issuing of Writs for any New Election.

And in all other Matters your Lordship is to take especial Care, that in the Administration of the Government, all things be carry'd on in the most equitable & satisfactory manner to the Inhabitants of that Province, with regard to their separate Interests.

And as your Lordship does take notice to Us, That some Members are Chosen into the Assembly, that are incapable of Serving Her Majesty and their Country: against which, Provision is now made by Her Majesty's Instruction by the enlarging of the necessary Qualifications; so We hope, your Lordship will take care on Your part, that no other Persons be Chosen Justices of the Peace or other Officers, but such as may be of a Competent Estate and Capacity for that Service.

We are My Lord,

Your Lordship's Most Humble Servants,

DARTMOUTH.

PH. MEADOWS.

W^m BLATHWAYT.

J^{no} POLLEXFEN.

MAT. PRIOR.

Whitehall, April 20th 1705.

Memorial of Wm. Dockwra, Secretary and Register of East Jersey, to the Lords of Trade, proposing Peter Soumans to be one of the Council of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. 1, B. 12.]

Mem^l from M^r Dockwra, proposing M^r Soumans to be of the Council of New Jersey.

TO THE RIGHT HONOURABLE the Lords Commissioners for Foreign Trade & Plantations.

The Memoriall of the Com^{it}tee of Proprietors of the Eastern division of the province of New Jersey in America.

The said Proprietors Humbly beg leave to represent to your Lord^{pps} That before the Proprietors of the now United Province surrendered their right of Government to her Majesty, among other things then insisted That such Agent as they should at any time appoint to goe over and manage their affaires in the said Province might always be of the Governours Council, To informe the Governour of the State of all matters relateing to their Lands Quit rents & other their Proprietary concerns that might come before him and to look after their Generall and particular Interests to defend them from wrong, w^{ch} your Lord^{pps} were pleased to Judge so very Just & reasonable, That Collonell Morris (who the West Jersey Society had made their Agent) was admitted one of the Council, but the Proprietors of the Eastern Division not then haveing chosen any Agent they could not nominate a person for that Station which lost that present opportunity.

But The said prop^{rs} sometime time after being Informed by Sundry Letters from Jersey of two vacancies in the Council by the death of Samuel Leonard who had been appointed for the Easterne and Edward Hunlock for the Western Division, and having constituted Peter Sonmans their Agent and Gen^l Attorney, Did severall times apply to your Lordships for his admission to fill up the vacancy of Leonards Decease, But your Lord^{ps} were pleased to deferr your Answer untill you Should receive Letters from his Excellency my Lord Cornbury—

Your Lord^{ps} haveing afterwards received Letters from my Lord Cornbury and been pleased to communicate sundry abstracts of them to the said Proprietors They presented an Answer to your Lord^{ps} in their memoriall of the 5th of April last 1705, and therein againe prayed that your Lord^{ps} would please to recomend two such persons to her Majesty to fill up the said vacancies as in your Lord^{ps} would then have been pleased to recomend M^r Peter Sonmans as Agent for the Proprietors of the Eastern Division of the said Province—

But the said Proprietors being since informed That your Lord^{ps} have not yet been pleased to present any person to fill up the said vacancies, & that your Lord^{ps} other dispatches to his Excellency my Lord Cornbury are not hitherto signed by Her Majesty, presumeing It may not be too late for the Ships now going under convoy to new York by which opportunity they are ready to dispatch M^r Sonmans their Agent

They crave leave to Informe your Lord^{ps} That it will be an unspeakable loss to their Affaires, if their said Agent be not recomendet to be admitted into the Governours Council, which they are the more willing to flatter themselves your Lord^{ps} will not now deferr, because your Lord^{ps} have all along seem'd convinced

of the Reasonableness of their desire, and that the Agent for the West Jersey Society have already obtained that favour.

All which is humbly submitted to your Lordships by order of the Committee of Proprietors of the Eastern Division of New Jersey.

W^M DOCKWRA
Secr & Reg^r

May 8th 1705

*Letter from Lord Cornbury to the Board of Trade,
about New Jersey affairs.*

[From P. R. O. B. T. New York, Vol. 14 old, 1st new, X 18.]

New York July the 8th 1705

My Lords

Since my letters to your Lordships of the 19th of february last, which went by the way of Boston, to her Maiesty's Ship Advice, I have not had any opportunity of writing to your Lordships till now (except one letter which I sent by the way of Anbego) but now Collonell Quary, having informed me, that his affairs called him into England, I make use of this good opportunity, to acquaint you with what has occurred since my last, both in the Province of New York, and the Province of New Jersey. * * * * *

Now I beg leave to inform your Lordships that with respect to the Province of New Jersey very little New has hapned, since the account I gave you by her Maiesty's Ship Advice, Captain Morrice Commander, who sailed from Piscatagua some time in Aprill last, in those letters I acquainted you that I had adiourned the Assembly of New Jersey till May following, at which time I went to Burlington to meet the Assembly

according to adiournment, the Members of the Eastern Division came to Burlington, but the Members of the Western Division did not appear, except those who served for Burlington, soe I adiourned by Proclamation for a few days, in hopes the Members would come up, but they did not, the Members of the Eastern Division grew uneasy, and presented a Petition to me, to desire they might have leave to return to their Country affairs, their attendance being to noe purpose, since the Members of the Western Division did not attend, and farther prayed that the Assembly might be adiourned to some more seasonable time, this Petition being delivered to me, and being informed by very good hands that the reason why the Members of the Western Division (who are all Quakers except one, did not attend) was because some body had told them that if the Assembly did not meet, it was dissolved of course, and they had a mind to try a new Election, to see if they could not get some of their friends in for the Eastern Division, and having waited for them upwards of three weeks, and the time for the sitting of the Assembly of New York drawing near, I thought it proper to adiourn the Assembly of that Province to the month of ^{S^{ber}} next, to sit at Amboy, at which time I will not fail to attend my duty there, whether they will come or not, I can not tell, however by the first opportunity that offers afterwards, I shall acquaint your Lordships with all matters that shall happen; In the mean time I entreat you that a Great Seale may sent for that Province, there having been none yet, for want of which many things remain undone, which should be done; I beg your Lordships opinion, and directions, concerning the Clause in my Instructions, in which her Maiesty is pleased to direct me in the words following, (You shall alsoe propose unto the said Generall Assembly, and use your utmost endeavours with them, that an Act be passed for raising

and settling a publick Revenue, for defraying the necessary charge of the Government of our said Province, in which provision be perticularly made for a competent sallary for your self as Captain Generall, and Gouvernor in chief of our said Province, and to other and succeeding Captain Generalls, for supporting the dignity of the said office, as likewise due provision for the respective Members of our Councill, and Assembly, and of all all other Officers necessary for the Administration of that Gouvernement)—this is the 22^d Clause of my Instructions, now what I intreat your Lordshipp's opinion in is, whether her Maiesty is pleased that the Gentlemen of her Councill should have fixed sallarys, and if the Members of the Assembly should have sallarys out of the Revenue, and I have two reasons which move me to desire your opinion upon this matter, the first is because I am afraid it will be a means to induce the Gentlemen of her Maiesty's Councill for the Province of New York, to desire the same; whereas they have never yet had any such allowance, the other is because the Revenue will not answer it, as for the Members of Assembly in the Province of New York, the severall County's and Borroughs pay their Representatives without burthening the Revenue with it, and with submission to your Lordships I conceive it may be ordered the same way in New Jersey without any preiuduce; however I shall observe such directions as you shall be pleased to send me; In the mean time I shall acquaint your Lordships that the Revenue is already raised for one year, according to the directions of the Act, and in the places where it falls the heaviest, it amounts to noe more than two pence three farthings in the pound, and that according to the value set upon the Land in the Bill which is ten pounds for every hundred acres, whereas it is certain that Land sells in New Jersey from forty pounds, to sixty pounds for a hundred acres, soe that

in truth the tax does not amount to more than three farthings in the pound of the real Vallue, which makes the people very easy: this is all I shall trouble your Lordships with at this time, soe I remain with great respect

My Lords

Your Lordships most faithfull humble servant

CORNBURY

It is upwards of seaven months since I have heard one syllable from England.

*Letter from Lord Cornbury to Mr. Secretary Hedges,
about New Jersey.*

[From New York Col. Docts., Vol. IV., p. 1155.]

Sir

New York July 15th 1705

[Extract.]

* * * * * Now as to the Province of New Jersey I shall first observe that His Royal Highnesse the Duke of York made a grant of all that land now called New Jersey to my Lord Berkley and Sir George Carteret; they divided it into East and West Jersey, and after that sold it to severall persons who are now called the Generall Proprietors; it is a large and fertile Country it extends from Cape May northwards above two hundred and fifty miles along Delaware River and eastwards it extends in some places fifty-four miles, in others upwards of sixty miles; the Eastern Division is inhabited by English, Scotch and Dutch; the English are the most numerous, but the Scotch during the time of the Proprietary Gouernment had the sole rule in that Division: the Western division is inhabited by English and a few Swedes, who live in the southern-

most parts of it; the Quakers are pretty numerous in this Division and in the time of the Proprietary Government they had all the power in their hands, and used it very arbitrarily. There is a Church erected here at Burlington, which I have named S^t Ann's Church and notwithstanding that Burlington is the Chief habitation of the Quakers I have seen a congregation of above three hundred people at Church there. These two Divisions when under the Proprietary Government, were two distinct Provinces, had distinct Assemblies, and the laws of one division were not laws in the other; There have for some years past been great disputes between those persons here, who call themselves Proprietors, and the people; by reason whereof there has been noe Administration of Justice for at least two or three years before the Gouvernement was surrendered to the Queen, but now I hope a little time will quiet all those disputes; the Assembly of that Province have sat three several times, in the last of which they have settled a Revenue for two years, of two thousand pounds a year; they did passe some other Acts, all of which I transmitted into England by Her Majesty's Ship Advice. Thus I have given you a short account of the Province of New Jersey, I have nothing farther to trouble with, but to intreat you to believe that I shall always punctually observe all such directions as you shall favour me with, and that I am with very great respect

Sir

I have not had one line
from England above
these seaven months.
S^t Charles Hedges.

Your most faithful
humble Servant
CORNBURY.

Attorney General Northey to the Lords of Trade, as to the rights of the Proprietors of New Jersey in Fines, Escheats, &c.

[From P. R. O. B. T. New Jersey, Vol. 1. B. 16.]

M^r: Attorney Gen^ls Answer to a Letter writ him the 6 July last, relating to Fines Forfeitures & Escheats; As also to the Power of appointing Rangers of Woods &c in New Jersey

TO THE R^t HON^{ble}: THE LORDS COMM^{rs}. FOR TRADE AND PLANTATIONS.

May it please y^r Lord^{sh}s

In humble Obedience to y^r Lord^{sh}s Commands Signified to me by M^r: Popple Jun^r y^r Secretary I have Considered of y^e Annexed L^{rs} and papers therewith Sent, and have perus'd y^r L^{rs} patents and Surrend^r mentioned in y^e s^d Lett^r: And am of opinion That y^e Fines Forfeitures and Escheats in New Jersey belong to her Ma^{ty} and not to the proprietors of y^e Soyle of that Colony, For as to y^e Fines and Forfeitures for Offences, They were not granted to his Late Ma^{ty} King James 2^d when Duke of York by the L^{rs} patents Granted to him of y^e Jerseys and other Lands under w^{ch} Grants The p^sent Proprietors Claim, And as to y^e Escheats The Whole Tract was Granted in fee to y^e D. of York to be holden of y^e King in Co'mon Socage as of his Mannor of East Greenwich, and y^e inheritance of P^t being Granted away by y^e Assignees of y^e Duke to other Psons in Fee, they hold of y^e Queen & not of y^e Proprietors and therefore the Escheat must be to her Ma^{ty}

As to the Appointing of Rangers of y^e Woods The Inheritance of those Woods being in the Proprietors Assignees of y^e D. of York, I am of opinion The Right of Appointing Rangers in y^m belongs to the owners of those Woods and not to her Ma^{ty}

All w^{ch} is most humbly Submitted to y^r Lord^{ps} great Wisdom

EDW NORTHEY

Oct 19th 1705.

Lieutenant-Governor Ingoldesby to the Lords of Trade, complaining of Lord Cornbury's treatment of him.

[From New York Col. Docts, Vol. IV., p. 1102.]

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

My Lords

I have formerly since my arrival into this part of the world tendred my most humble duty to your Lord^{pps} and should not have omitted doing the same by evry conveyance, had I not been fearful of disturbing your Lord^{pps} more weighty affaires without having any matter of moment to acquaint your Lord^{pps} with all, for since my arrival and publication of Her Majestys Commissions appointing me Lieu^t Gov^r of the Province of New York and New Jersey, I have not been allowed by Mylord Cornbury to Act as Lieu^t Gov^r and not having been of the Council, or been acquainted with the affairs of either of the provinces, so as to give an acc^t of the same unto your Lord^{pps} has been the only reason of my silence.

I believe her Majesties intention in appointing me to be Lieu^t Gov^r of the two provinces over which Mylord

Cornbury is Captⁿ General, was: that neither of the two Govern^{ts} should at any time be wanting of a person to take care of them, and that while Mylord Cornbury was in one of the Govern^{ts} I should be in the other and act according to my Commissions and such Instructions as I should receive from Her Majesty or Mylord Cornbury here; but I have not yet received any Instructions either from home or from Mylord Cornbury here to Act by.—

About the beginning of November last His Lord^p left the Province of New York, where I then was, and went to New Jersey to meet the Assembly, in a little time after a letter came from the fronteers at Albany directed for Her Majesties service to Mylord Cornbury being sent from the Gentlemen at Albany appointed to manage the Indian affairs to him, this letter having been delivered to me and the Messenger that brought the same discoursing in the Town, that several Indians were seen skulking about Albany and Schenectady, and that the people there were much frightened, and I being informed that that letter was sent to Mylord Cornbury, on that head, I convened the Council, and took their advice concerning the matter who advised me to open the letter which I did in Council, and found a paper inclosed in Indian and Dutch which I immediately got translated into English, and sent the same Express to Burlington in New Jersey to His Lord^p (a copy of which and of the translation from the Indian and Dutch I enclose to your Lord^{pp^s}, together with a copy of his Lord^p's letter to me on the receipt thereof¹) by which your Lord^{pp^s} will perceive that Mylord Cornbury directs me (while he himself is in New Jersey) to repair thither, he having appointed that for my station and New York to be left without

¹ See ante, page 67, for the correspondence, a copy of which was transmitted with this letter.—Ed.

either Gov^r or Lieut^t Govern^t. I immediately obeyed his Lord^{ps} commands and on my arrival at Burlington waited on his Lord^p for his directions, but did not, nor have to this day received any instructions from him.—

About three months since, (I having been before that time commanded to Burlington by his Lord^p) and then residing there, one of our Chief Indian Sachems, having travelled from this Country to Pennsylvania to Trade and having gott a pass from the Gov^r of that Province to Burlington, and being arrived here he applyed to me for a pass to the province of New York, which I granted to him, of which Mylord Cornbury being acquainted, told me that I had done what I had no power to do that it was his prerogative only to grant passes, wherein I desired that his Lord^p would please give me Instructions, that I might know what I had to do, but he told me, he did not design I should Act at all, and that therefore he would not give me any instructions, adding further that when he was in either of His Govern^{ts} of New York or New Jersey he was in both.

These Mylords are the only two Acts of Govern^t I have done since my arrival here, of which I believe it my duty to acquaint your Lordships.

I humbly pray that since Mylord Cornbury does not think fitt to give me any directions or Instructions to Act by as Lieut^t Governour of her Ma^{ty}s said two provinces, that your Lord^{pps} will be pleased to give me directions how I shall discharge my duty to Her Majesty with relation to the Commissions Her Majesty has been pleased to grant me the doing of which none shall be more ready and willing than—Mylords

Your Lord^{pps} most faithfull

Burlington in New Jersey most obedient servant

10th Nov^r 705.

RICH^d INGOLDESBY.

Lord Cornbury to M^r Secretary Hedges, on New Jersey affairs

[From N. Y. Col. Docts., Vol. IV., p. 1768.]

New York 9^{ber} the 22^d 1705

Sir

[Extract.]

The very day that I Adjourned the Assembly of New York I went towards Amboy to meet the Assembly of New Jersey, which stood adjourned to the 15th of 8^{ber} which was a Munday. I arrived there on Sunday morning before, very early, having been upon the water all night. When I arrived there I found but two of the Gentlemen of the Council come from the Western Division, the rest, being Quakers, think I am bound to wait their leisure. There were none of the Members of the Western Division come neither: they are all Quakers too, except one: but on the 17th the House sat, on the 18th the House came to this resolution, the motion being made and the question put, that His Excellency's speech containing very weighty matter, whether this House shall proceed upon any businesse untill it be full or not: it passed in the negative. Soe you see they were not to proceed upon any businesse at all till the House was full. Now Sir that you may the better understand what they mean by the House being full I must acquaint you that at the first meeting of this New Assembly, which was at Burlington in 9^{ber} 1704 when the Members came before me in Council to qualify themselves, I administered the oaths to all those who were willing to swear, and then the Quakers were going to take their attestation: but two of the Members of the Council, that is M^r Revell and M^r Leeds objected against three of the

Members of the Western Division for not being qualified according to the Queen's instructions to me, that is, for not having a thousand acres of land in their own right in the Division for which they are chosen. Upon this I asked the opinion of the Council, who were of the opinion that those against whom there was no objection should qualify themselves and that those three should make proof of their qualifications, that is, of their having a thousand acres of land each, and accordingly the rest were admitted; and I recommended it to the Assembly to proceed in the first place to inquire into the qualifications of those three Members excepted against. But they did not do as I desired them, but proceeded upon business and towards the end of the Sessions they sent me a message of two of their Members in which they acquainted me that they were satisfied the three Members excepted against were duly qualified. To which I made [answer] that the exceptions were not taken by me, but by the Council, and that if they would impart these proofs to me in Council which had satisfied them, I would admit them immediately. But the pride of the Quakers would not let them do that, and the House was adjourned a few days afterwards, to the month of May following, and those three Members not admitted. In May I went to Burlington to meet the Assembly, but the Members of the Western Division not coming I was forced to adjourn the Assembly to the month of 8th to meet at Amboy, at which time they made the Resolve mentioned on the other side, and sent me the same message they had sent me a year agoe about the three Members, to which I made the same answer. Whereupon they sent the three Members to prove their qualifications. This took some days, because some papers were wanting: as soon as those papers were come they proceeded to prove that they were each of them possessed of a thousand acres

of land, but I can't say it was in their own right : for there is a cause depending concerning some of their lands. However the Gentlemen of the Council were of opinion they ought to be admitted & accordingly they were, and I sent the Secretary to acquaint the House that they had quallified themselves; but instead of proceeding upon businesse they adjourned till the next day which was a Saturday, and then they adjourned to the Tuesday following. I asked the Speaker how they came to adjourn for soe long a time considering how late it was in the year. He told me he and his friends must goe to the yearly meeting which was to be held at Shrewsbury the Sunday following soe that as long as the Quakers are allowed to be chosen into the Assembly, the service of the Queen and the businesse of the country must wait upon their humours. However on Tuesday they met and adjourned again till the next day : they met & I find in their Journals these words :—Whereas the motion was made and question put that the House should not proceed on any businesse untill such time as it was full, which past in the negative, and that whereas now the said obstruction is removed and the House being full, Resolved that the House shall forthwith proceed upon businesse. Now I must observe to you that at the time they said the House was full, there were three Christian members wanting, but the three Quakers being got in the House was full, soe that it was not a full House of Members that they wanted, but a full House of Quakers, now their being a full House as they call it, they think fit to make an Adresse, of which I send you a copy : how well they have followed their adresse in their acting, their Journall of which I send you a copy will best show. However seeing they were resolved to doe nothing and hearing from New York that that part of the Jamaica fleet which had put in there was almost ready to sail, I was

forced to adjourn the Assembly to the first day of May next to meet at Burlington : where I will not fail, if I am alive, to be at the time appointed, to see if they will do any thing even for their own good. Thus I have given you an account of what has happened since I wrote last ; if I have made any mistake in my proceedings here I beg I may receive your commands how to rectify them, which shall always be obeyed by
Sir

Your Most faithfull humble servant

CORNBURY

S^r Cha: Hedges

*Lords of Trade proposing Gentlemen for the Council
of New Jersey.*

[From P. R. O. B. T. New Jersey, Vol. 12, page 253.]

Representation proposing M^r Townley, M^r Cox,
& M^r Mompesson, to be of the Council of
New Jersey.¹

TO THE QUEEN'S MOST EXCELL^t MAJESTY.

May it please Your Majesty;

Having receiv'd Letters from the Lord Cornbury, Your Majesty's Governor of New Jersey, wherein amongst other things he has acquainted us that by reason of the Death of three of the Members of Your Majesty's Council there, he had admitted ²Colonel Rich-

¹ By Order of Council, November 29th, 1705, the gentlemen recommended were confirmed in their respective positions, as recorded in P. R. O. B. T. New Jersey, Vol. 1. B 20.—Ed.

² RICHARD TOWNLEY was a prominent resident at Elizabethtown. He came to the Province in 1684, having arrived at Virginia the year previous in the suite of Lord Effingham, Governor of Virginia. In 1685 he married the widow of Gov. Philip Carteret. He became one of Lord Neil Campbell's Council in 1686; and, although a resident of New Jersey, he was a member of the New York Council in 1692 and 1697, although subsequently accused by Lord Bellomont of never attending either. He died in April, 1711, then holding the position of Presiding Judge of the Quarter Sessions. See Hatfield's History of Elizabeth.—Ed.

ard Townley, 'M^r Daniel Cox, and 'M^r Roger Mompesson, of whom he has given Us a good Character, into the said Council : and prays that your Majesty would be graciously pleas'd to Confirm them in the said Places : We humbly offer, That Your Majesty be pleas'd to Confirm and Constitute the said M^r Richard Townley M^r Daniel Cox, and M^r Roger Mompesson, Members of Your Majesty's Council of New Jersey accordingly.

Which is most humbly Submitted.

Rob. Cecill.

Phil. Meadows.

W^m Blathwayt.

J^o Pollfexen.

Mat. Prior.

Whitehall 21st Nov^{br} 1705.

¹ COLONEL DANIEL COXE was son of Daniel Coxe, M.D., of London (see Vol. II., p. 41), who, having purchased Edward Byllynges' right to West Jersey for the sum of nine thousand pounds sterling, and, as will be seen from this document, become interested in East Jersey, was first thought of as one of the Council, in both New York and New Jersey shortly after Lord Cornbury's appointment as Governor; but during Governor Hunter's administration, he having made himself obnoxious to that officer, he was superseded, but was shortly after elected a member of the Assembly of New Jersey and became Speaker of that body in 1716. He was expelled, however, in 1718. In 1734 he was appointed an associate Justice of the Supreme Court, which position he held until his death, in the spring of 1739. Having become interested in Carolina, from a claim his father had to the titles of that province, he wrote a treatise in 1722, entitled "A Description of the English Province of Carolina, by the Spaniards called Florida, and by the French La Louisiane," in the preface to which occur certain suggestions, looking towards the foundation of an American Union, so similar to the so-called "Albany Plan of Union," submitted by Dr. Franklin in 1754 to the Convention which assembled that year in Albany, for the purpose of forming a league with the Six Nations of Indians, as to warrant the supposition that Dr. Franklin was aware of their character and availed himself thereof. Notwithstanding his connection with Lord Cornbury and his differences with Governor Hunter and the Assembly of the Province, he lived to regain the confidence and respect of the community and discharged his judicial duties with ability and integrity. Field's "Provincial Courts of New Jersey."—Ed.

² ROGER MOMPESSEON was a lawyer of ability, who had been a member of two parliaments. He came to America in 1703, having been appointed Judge of the Admiralty Court for New York and the adjoining colonies. In 1704 he became Chief Justice of New York, and afterward of New Jersey. In February, 1705, he was made one of the Council of New York. Mr. Field, in his "Provincial Courts of New Jersey," gives him credit for great learning in his profession, and for the service he rendered in organizing the judicial system of the State. Having been

Lords of Trade on Memorial of West Jersey Proprietors relating to Lord Cornbury's Proceedings.¹

[From P. R. O. B. T. New Jersey, Vol. 1, B 18.]

OBSERVATIONS made by the Lords Comm^{rs} for Trade and Plantations upon the Memorial of the Propriet^{rs} of the Western Division of New Jersey, Nov^r 14: 1705

Page . . . 1st. Upon an Assertion in the Mem^l That the Government was Surrendered upon Terms;—It is Observed that the Surrender was absolute & without Terms, But the Lords Comm^{rs} did make several of the Articles desired part of the Gov^{rs} Instructions. And an Act has been since passed for the better Regulating that Governm^t;

Page 3^d & 4th. Upon Complaint that there has not been due Notice and time given for chusing the last Assembly;—Care shall be taken that due & timely Notice be given for the Future, of the Time and Place of Election of Representatives, and the place of Election to be within each respective Town and County.

Page 7 Upon Complaint of 3 Members being kept out of the Assembly,—The Gov^r shall be writ to ab^l the three members, w^{ch} he refused to admit into the Assembly.

recommended for the Council of Lord Cornbury, he performed the duties of his position very much in conformity with the views of his Lordship, and not in a way to insure him the affection of the people. Subsequent pages will show what his relations were to other administrations. He married a daughter of William Pinhome, who was associated with him on the Bench of the Supreme Court of the Province.—Ed.

¹ See page 81.—Ed.

Page 11 As to the Complaint of the Gov^{rs} appointing Fees for the Patenting of Lands,—He has lately had an addition^l Instruction not to meddle in that matter.

Page 11 Upon Complaint that the Books & Records of the Prop^{rs} are taken out of their Agents hands :—All the Papers of Public Proceedings ought properly to be in the Custody of the Secry: of the Province ; But if the Gov^r or the Secretary have taken or Carried away any Papers or Records which relate only to the Proprietors, He shal be Directed not to meddle therewith, much less to permit the Carrying y^m out of the Province.

Page 12 Upon Compl^t that the Governor has Appointed Officers &c without advice of the Council.—It does not appear by his Commission or Instructions that he is obliged to have the Advice of the Council in appointing Sherifs, But may do therein as he sees cause for her Maj^{ty}s Service.

Page 12 Upon Compl^t that the Governor has put one Salter into the Commission of the Peace ; The Board will write to Lord Cornbury thereupon

Page 13 No Alterations have been made in the Instructions relating to the Purchasing of Lands.

Page 15 The Acts past by the Assembly shal be considered.

Upon a Desire that Colonel Morris should be readmitted into the Council, The Board will (as soon as Colonel Morris or his Correspondents here shal have agreed upon a due form of submission to be made by him to the Governor,) recommend that his Suspension be taken off.

*From Lord Cornbury to the Lords of Trade, relative
to his new instructions, &c.*

[From P. R. O. B. T. New Jersey, Vol. I. C. 1.

Lre: from the Lord Cornbury to the Board;¹

New York 9^{her} the 27th 1705

My Lords

I had the honour of your Lordshipps letter of the 20th of Aprill last by her Maiestys Ship Lastoffe, which arrived at New York on the 20th of July, I have likewise received her Maiesty's Additionall Instruction, which I shall take care to observe, I am of opinion it will give satisfaction to the people of New Jersey, however I must observe to your Lordshipps, that the Inhabitants of the Western Division of New Jersey, are tennants in Common, noe partition has been yet made, soe that it is pretty hard to know who has a thousand acres of Land in his own Right, soe that hitherto those that are possessed of a thousand acres of Land have been allowed to be within the meaning of her Majesty's Instructions to me, and the Queen being pleased to make use of the same words in the Additional Instruction I have now received. I shall put the same Construction upon them as I have done hitherto; Your Lordshipps are pleased to direct me to move the next Assembly to settle the Revenue for 21 years, and if they will not come up to that term, that I shall not accept it for lesse than eleaven years, all which I shall punctually observe; You are pleased to think that 1500^l for the first year, and 1000^l p^r annum for the succeeding years may be sufficient to be dis-

¹ Rec'd: 1st February, 1705-6.

posed thus, 400[£] a year for my sallary and travelling charges, 200[£] a year for the Lieutenant Gouvernor and his travelling charges, and the residue for the contingent charges of the Government, as for what relates to me perticularly I shall always readily submitt to whatever Orders you are pleased to send me, but as for what relates to the contingent charges of the Gouvernment, I must beg leave to represent to your Lordships that the Residue of the sum above mentioned will not be sufficient to answer the necessary charges of the Gouvernment, for that Residue will be but 400[£], and I conceive there must be a sallary for the Collector, for the Chief Justice, for the Attorney Generall, and for the Secretary, besides other Contingent Charges, now if these sallarys must be equivalent to those the same Officers have at New York, they are as follows, the Collector has £200 sterling a year, the Chief Justice £130 York money, the Atorney General 100[£], and the Secretary has 30[£] a year a Secretary and £50 a year as Clerk of the Councill, besides a messenger, and all Custome house Officers, and besides all other charges that will accrue accidentally, and which cannot be ascertained, soe that the certain charge will amount to 1170[£] a year besides Custome house Officers, a messenger for the Councill, a Printer, and all other casualtyes; as for what relates to my own private concerns as I said before I shall always readily submit that to the Queen's pleasure, only give me leave to observe that the Queen was pleased to allow me 500[£] sterling a year for the Gouvernment of New Jersey, and indeed travelling is very chargeable in these parts. Your Lordships are pleased to direct me to recommend to the Assembly that in the Taxes to be raised there be a due proportion in the Assessments that shall be laid as well upon those lands according to their vallue, as upon Personall Estates. I will not fail to obey your commands; you are like-

wise pleased to direct me to leave the Determination about Elections of Representatives to the House and not to intermeddle therein, otherwise than by Issuing Writs for any new Election; I shall follow your directions herein punctually. I have always used my utmost endeavours and shall continue so to doe, that the Administration of the Gouvernement should be carryed on in all things in the most equitable and satisfactory manner to the Inhabitants of that Province with regard to their seprate Interests, but indeed it is a very hard task, for that Province is inhabited by some people who call themselves Proprietors, some who pretend to hold their Lands by virtue of a patent from Collonell Nichols, who was formerly Gouvernour for the Duke of York, and others who have purchased their Lands from the Proprietors, now it is certain that during the time the Proprietors had the Gouvernement in their hands, they oppressed the people extreamly. I mean the Proprietors here upon the place, and they would now have their Irregular proceedings in those days, Justified by an Act of Assembly such as was the long Bill; however I doe assure your Lordshipp that I shall engage in no party, but behave my self equally to all, by which I am satisfied I shall obtain the ill will of many people, however I shall not vallue that as long as I doe my duty to the Queen; I beg leave to acquaint your Lordshipp that I have not put one Justice of the Peace into Commission, nor one Militia Officer yet, without the recomendation of some of the Gentlemen of her Maiesty's Council for that Province, and I take them to be the fittest persons to advise with in those matters, when first I published my Commission in that Province, M^r Morrice was very forward in recommending persons for the Peace, and the Militia, and I have found by experience that in his recomendations he pitched upon such persons only as he knew he could mannage to serve his Ends, without

any regard to their capacity, and some scandalous fellows whom I have since put out at the request of some of the Gentlemen of the Councill, for being drunk every day, and perticularly at their Quarter Sessions in Court, and I doe assure you that my rule shall always be to chuse the ablest men, and those of the best Estates in the Country to fill those Commissions, and perticularly those who are well inclined to her Maiesty's service; thus I have answered your Lordshipps letter of the 20th of Aprill, I hope to your satisfaction. I shall now take the liberty to acquaint you that on the 13th of S^{ber} last I went to Amboy to meet the Assembly of New Jersey, I got thither on the 14th in the morning, but noe body was come but two of the Councill, and two or three Members of the Eastern Division, soe that it was the 17th of S^{ber} before the Housesat * * * * [Then follows the same information that was communicated in his letter of November 22d. on page 112.] * * * * Thus I have given your Lordshipps an account of what has occurd in New Jersey since I wrote last. I am

My Lords

Your Lordshipps most faithfull

humble servant

CORBURY.

Circular letter from the Lords of Trade, relative to the appointment of John Bridger as Surveyor General of Her Majesty's Woods.

[From P. R. O. B. T. Plantations General, No. 33. Entry Book D, p. 117.]

Circular Lett^r to the Sev^l Gov^{rs} on the Continent of America.

S^r:

Her Majesty having thought fit to appoint M^r John Bridger Surveyor Generall of Her Majesty's Woods on the Continent of America, and to give him Instruc-

tions for his better Guidance therein, as also for Directing the Inhabitants in the Places through which he shall pass in the best Method of making & Curing of Pitch, and Tar, and other Naval stores; and he being Required by his said Instructions to give You a Particular Account of all his Proceedings in the Province of Under Your Government, Her Majesty has Directed Us to signify Her Pleasure that You Receive from the said Bridger such Acc^{ts} and that you Examin and transmit the same from time to time to Her Majesty by one of Her Principal Secretaries of State, and Duplicates thereof to Us, with Your Opinion thereupon, how that service goes on, what probability there shall be, of its being brought to perfection and what may be further proper to be done towards the forwarding and Effecting the same.

You are also to move the Assembly of to pass such *Act or Acts* as may be necessary for the further Encouraging of this so Advantagious Undertaking

And Whereas the Travelling of the said Bridger and his Continuing in the Woods with his servants and Clarks for the Instructing Her Majesty's subjects in this Work will Occasion a Constant and Extraordinary Expen^{ce}, We do therefore recommend to You that he may be Assisted, and Enabled to perform this service for the benefit of the Inhabitants, in such manner as You may Judge most Convenient, so We bid You Heartily farwell

Your Very Loving Friends

Rob^t Cecill

Whitehal

Ph: Meadows

February the 4th 170⁶

W^m Blathwayt

Jn^o Pollfexen

Mat: Prior

Governors on the Contin^t of America. New Hampshire. Massachusetts Bay. New York. New Jersey. Virginia. Maryland.

The Lords of Trade to Lord Cornbury, on New Jersey affairs.

[From P. R. O. B. T. New Jersey, Vol. 12, page 259.]

Letter from the Board to the Lord Cornbury of
New Jersey.

To the R^t Hon^{ble} the Lord Cornbury, Governor
of Her Majestys Province of New-Jersey.

My Lord,

Since Our Secretary's Letter to your Lordship, of the 8th of May Last, inclosing an Additional Instruction from Her Majesty relating to the Election of Representatives to serve in General Assembly, as also a New Seal for the Province of New-Jersey, with a Warrant for Using the same. We have receiv'd your Lordship's Letter of the 19th of February last, and the Papers therein Referr'd to.

✓ We observe what your Lordship says of M^r Morris's Behaviour, and have been apply'd to by some of the Proprietors his Friends, Men of Credit and Estate here, who have assured Us, that he will comport himself for the future with all due Respect and Regard to your Lordship and Her Majesty's Service ; So that, in order to reconcile the minds of all under your Lordship's Government, We do think fit at present, that upon his Submission, Your Lordship do re-admit him, into the Council of New-Jersey.

✓ We must likewise observe, that what has been alleg'd in relation to the pretended Terms of the Surrender of that Government, is not true. The Surren-

der was absolute, and without Terms ; We did indeed Consent, at the Proprietors Desire, to add some Clauses to Your Lordship's Instructions ; but that was no Condition of the Surrender : And therefore We think, Your Lordship has done well in maintaining the *Contrary*.

Her Majesty has upon Our Representation, been pleas'd to appoint M^r Townley, M^r Cox and M^r Mompesson, of the Council of New-Jersey, in the Room of the three your Lordehip has named to Us, to be dead.

As to your Lordship's desire, that We Should recommend M^r Mompesson to Her Majesty, for the Place of Chief Justice of New Jersey ; We must refer your Lordship to what We writ you the 26th of March last, in relation to New York, upon the same Subject.

M^r Dockwra, in the name of the Proprietors of the Eastern Division of New-Jersey, having recommended to Us M^r Peter Sonmans, their Agent and General Attorney, who is lately gone over to New Jersey, as a Person fitly qualify'd to fill up any Vacancy that may happen in the Council there, and being inclinable to gratifie the said Proprietors herein, if your Lordship have no Objection hereunto, We desire to hear from Your Lordship, what you have to offer thereupon.

In Answer to what your Lordship writes about Fines, Forfeitures and Escheats, and to the appointing of a Ranger of the Woods in New-Jersey, We must refer your Lordship to M^r Attorney General's Report upon those Matters, a Copy whereof is here inclosed, which will be a guide to your Lordship upon other occasions.

We have consider'd the Acts your Lordship sent Us, which were past in November 1704, and have not any material Objections thereunto ; but as there are some things which We wish might be amended, We shall defer laying the said Acts before Her Majesty, till your

Lordship has had an opportunity of acquainting the Assembly with our Observations thereupon, viz:

The Act for the Settling the Militia, in the last Proviso but one, Enacts that the Sums of Money thereby to be Levy'd, are to be paid into the Hands of the Receiver General or Secretary, or such other Person as the Governor under his hand shall appoint; and the Money to be apply'd also to such Publick Uses as the Governor shall direct; whereas We think that Publick Moneys ought only to be paid into the hands of the Receiver General, and the Uses to which it ought to be apply'd for the support of the Government, should be express'd in the Act; and not left at large as it is in this; Which We desire your Lordship therefore to be mindful of in the future.

Tho' the Design of the Act for Uniting and Quieting the Minds of All Her Majesty's Subjects in New Jersey, be very good, yet there are somethings in the Act which render it unfit for Her Majesty's Royal Confirmation, viz. That it pardons (amongst other Crimes) all Murders, High-Treason and Piracy committed before the 13th of August 1702; whereas Her Majesty has reserv'd to Her Self by Her Instructions to you, the Pardoning of those Crimes, and therefore We desire your Lordship to endeavor to get this amended in another Act to be pass'd for the like Purpose

We have no other Objection to the Act for altering the Present Constitution and regulating the Election of Representatives, &c but that it does not regulate the Quantity of Acres necessary to qualify Persons to Elect or be Elected Representatives in the General Assembly; your Lordship will have seen by Her Majesty's Additional Instruction, which was sent You in Our Secretary's foresaid Letter of the 8th of May last, what We intended upon that matter, viz^t That 1000 Acres or 500£ Personal Estate should qualify Persons to be Elected, and that 100 Acres and 50£ Personal

Estate Should qualify to be Electors: But if your Lordship find this Regulation too high, you may endeavour to get a New Act Past for proportioning that Matter otherwise. In the meantime, this Act will remain in Force, without being Confirmed by Her Majesty; and your Lordship will make a suitable use of your Instructions in that behalf.

A Complaint having been made to Us, That the Elections for the last Assembly were made in such haste, that there was not due and timely Notice, and some Towns no Notice at all of the Day appointed for that purpose; We desire your Lordship therefore to be mindful for the future of giving such Notice (fourteen days, at least) that all who have a Right, may have time to repair to the place of Election, as they shall see fit.

There has also been a Complaint, that three Members were kept out of the Said Assembly upon some Objections made against them by Thomas Revell and Daniel Leeds, and that after the said Objections were removed, your Lordship still refused to admit them, We must therefore advise your Lordship to be careful in preserving such Privileges of the Assembly, as are belonging to them.

The Proprietors of the Western Division complain that Your Lordship has caused their late Secretary to deliver all Publick Books, Records and Papers, to M^r Bass Secretary of the Province, and that their Records of Deeds and Conveyances are carry'd out of the Province, which they alledge, may be of very great Prejudice to them. We are of Opinion, that all Books and Papers, Deeds and Evidences, relating to the Proprietorship of the Soil, be not taken out of the Hands of the Proprietors Agents; and that if it be done, they be restored; and that no Publick papers whatsoever be carry'd out of the Province.

It has further been complain'd of to us, that your

Lordship has put into the Commission of the Peace several mean and contemptible Persons, particularly one Salter, whom your Lordship knew was under Prosecution for Felony : And granted Commissions in the Militia to other Persons who have no Estates in the Province : What Truth there is in this Complaint, your Lordship can best judge, But We think it however necessary to advise Your Lordship to be careful what Persons you put into the Commission of the Peace and Militia, that they be Persons of good Estates, and well qualify'd for those Employments.

We must take notice to your Lordship, that we have not receiv'd any Minutes of the Council or Assembly since Your Lordship's being in that Government, We therefore desire that We may have fair Transcripts of the said minutes both for the time past, and for the future; As also Copies of all other Publick Proceedings and Acts of Government.

The want of Prisons in New-Jersey is a matter proper to be laid before the General Assembly : Your Lordship will therefore represent to them the necessity of having such Prisons built, that they Grant a sufficient Fund, which may be appropriated to that Service.

A New Seal for the Province of New Jersey, was sent your Lordship by Col^o Nott, Governor of Virginia, and We doubt not, but your Lordship will have receiv'd it long before this.

By the Words, *due Provision for the respective Members of Our Council and Assembly*, in the 22^d Clause of your Instructions ; it cannot be understood that a Salary should be settled upon them, but only that due Provision be made of Paper, Ink, Fire and other necessaries, for carrying on the Service, and suitable Salaries be provided for the Clerks and other Officers that attend the said Council and Assembly.

We are glad to perceive, That the Tax for one year

has been so easily raised; and We hope, That by your Lordship's prudent Conduct everything else will be made easy also. We are,

My Lord,

Your Lordship's most humble Servants,

Dartmouth.

Rob: Cecill.

Ph. Meadows.

W^m Blathwayt.

J^{no} Pollexfen.

Matt. Prior.

Whitehall, Feb^y 4th 170⁶.

The Proprietors of East Jersey to the Lords of Trade, asking for the appointment of Peter Sonmans to be one of the Council of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. 1, C. 5.]

The Memoriall of the Proprietors of The Eastern Division of New-Jersey praying that their Agent M^r: Sonmans may be constituted one of the Council of New Jersey &c Recd 24 April 1706

TO THE RIGHT HON^{ble}: THE LORDS COM'ISSIONERS FOR TRADE, AND FORREIGN PLANTATIONS.

The Memoriall of the Com'itte of Proprietors of the Eastern Division of New Jersey in America.

THE said Proprietors beg leave to represent to Yo^r: Lo^{pp}s that before they surrendered their Right of Governm^t to Her Majesty among other things they insisted, That such Agent as they shou'd at any time after appoint by their Com'ission to go over (to manage

their affairs in the said Province) might always be of the Gov^{rs}: Councill.

That so he might be present to inform the Governour of the State of all matters relating to their Lands, Quit rents, & other their Propriety Concerns, which shou'd at all times come before the Councill, and to take care that the Rights, & Generall Interests of the Proprietors might be preserved, which yo^r: Lo^{pps} were pleased to allow to be very just & reasonable.

But the Proprietors at the time of filling up the list of the names of twelve Persons to be of the Governours Councill viz^t: Six for the Eastern, & Six for the Western Division of New Jersey had not then chosen an Agent and so cou'd not nominate a Person to yo^r: Lo^{pps} for that Station in the Governours Councill.

But sometime after the said Proprietors did elect M^r: Peter Sonmans for their Agent, Generall Attorney &c^t: authorising him by Com[']ission under their hands, & Seals; and so soon as they had advice of a vacancy, in the Governours Councill, by the Death of one Capt^t: Leonard in the Eastern Division, & M^r: Hunlock in the Western Division they applied to Yo^r: Lo^{pps} that the said Peter Sonmans might be humbly recom[']ended to Her Majesty as their Agent, to fill up one of those vacancies in the Govern[']: Councill.

But yo^r: Lo^{pps} were pleased to deferr yo^r: Answer untill His Excellency the Lord Cornbury shou'd send his next Letters to the Board—And when they came His Lo^{pp} signified the Death of a third Member of His Councill, one Cap^t: Walker, upon which my Lord not knowing the Proprietors had constituted M^r: Sonmans their Agent, He recom[']ended three Persons for the said three vacancies, viz^t: Coll Coxe, Coll Townley, & M^r: Mompesson which being represented by Yo^r: Lo^{pps} to Her Majesty, She has been pleased to grant Her Letter of Approbation to each of those Gentlemen.

Now so it is (may it please Yo^r Lo^{pp}s) that M^r Sonmans arrived in New-Jersey about six Months since, & immediately addressed himself to His Excellency the Governour, & acquaint^d Him with the Contents of his Com^{is}sion for Agent, Gen^l Attorney &c who received him with great Civillity, & kindness, and was pleased forthwith to order His Council to meet at Amboy in East Jersey in August last, where his Com^{is}sion was opened, read & examined, & allowed by the Governour in Council.

Yet some of the unruly Scots, & those of their faction (abetted by their Ringleader) in New Jersey, who are the Correspondents, & Informers of the Memoriallists here against the Lord Cornbury opposed M^r Sonmans Com^{is}sion there, pretending they had the Majority of the Proprietors power in them to constitute the Generall Agent.

Whereupon His Excellency (ready to hear their Complaint) appointed a day for all Parties to appear, and were also allowed to bring Council at Law on both sides, and after a long, & full hearing, the whole number of the Pretenders in Jersey were not able to prove their authority (in the Right of themselves, or as Proxies legally substituted by others (putting them altogether) to exceed one Propriety, & three Quarters to support their pretended Majority of twenty four (which are the Originall number of Proprietors)—On the other hand M^r Sonmans proved his Com^{is}sion (given in London) to be above six times, of more authority then theirs; who have assumed to act as a Majority of Proprietors, but were so notoriously detected, for the falsity of their Pretensions, that their Council at Law had no more to say for such Clients, who to their Shame, and Confusion were so publickly convicted.

And M^r Sonmans having so clearly proved the authority of his Com^{is}sion the Governour, & Council

confirmed it (as amply Authentick) before a very great Audience of the Country to their great Satisfaction, and ordered his Com'ission to be enter'd on Record— His Excellency also declaring that He had Orders by his Instructions from Her Majesty, to admit the Proprietors Agent to be of his Councill, and did expect, that M^r Sonmans had brought the Queens Letter of approbation with him.

Yet were these factious Pretenders, so perverse, and Insolent, as to incite one Barclay a Scotch man to persist in receiving the Quit rents, and other monys of the Proprietors (he being one of their tools) to whom they had presumed to take upon them to give a Com'ission to be Receiver Generall, and the said Barclay resisted M^r Sonmans Com'ission, & obstinately continued to justify his own: untill His Excellency issued out a Proclamation, to make void his pretended authority, and to prohibit him from receiving, & all others to pay him anything more, com'anding all Persons to observe M^r Sonmans Com'ission so fully proved to be ample, & authentick to constitute him the General Proprietors Agent Receiver Generall &c.

THE Proprietors therefore now humbly hope Yo^r Lo^{pps} will be pleased to make such speedy Representation to Her Majesty, (as they presume his Excellency has desired) for the dismissal of M^r Morris from the Governours Councill, & that yo^r Lo^{pps} will please to recom'end their establishd Agent M^r Sonmans to Her Majesties favour for Her Letter of approbation to supply the room of M^r Morris; & humbly pray it may be so dispatcht as to be sent by the hands of Coll Quary and Coll Coxe who are now ready to embark for New York.

Hoping Yo^r Lo^{pps} will be pleased to pardon the Importunity hereof; from the necessity there is for the affairs of the Proprietors, & the Service of that Collony, that Her Majesties letter of Approbation for

M^r Sonmans to be of the Governours Council, might go by this Convoy ready to sail.

All which is humbly submitted

London By Order of the Committee of Proprietors
February of the Eastern Division of New-Jersey
14th 170⁶;

W^m. DOCKWRA,
Sec^r & Reg^r

The Answer of William Sloper, Agent of Lord Cornbury, to the complaints of the West Jersey Proprietors.

[From P. R. O. B. T. New Jersey, Vol. 1, C. 6.]

The Mem^l of W^m Sloper Agent to the Lord Cornbury Gov^r of Newy^k & Newjersey—

IN ANSWER

To the Complaint of Severall Psons Stiling themselves the Proprietors of the Western Division of New Jersey in America. Recd 24 April 1706.

TO THE RIGHT HON^{ble} THE LORDS COMM^{rs} FOR TRADE AND PLANTATIONS.

The Memoriall of W^m Sloper Agent to his Excell^{ty} the Lord Cornbury, Governour of New York &c^a

May it Please Yo^r Lordps^{ts}

I have seen a copy of a Memoriall given to your Lordps by Severall persons who pretend to be, and stile themselves the Proprietors of the Western Division of New Jersey, whereas they are not above a fifth Part of what they so pretend to, and yet they have the assurance to represent the whole, having neither

authority, just ground nor any pretence from the persons chiefly Concerned in the Propriety of the said Division, for so doing; however I take leave to lay this before your Lord^{ps} as an answer to the said scurrilous Memoriall untill his Excellency the Lord Cornbury has notice of it, to answer it more Particularly.

In the first place they suggest, that the terms of Surrender of the Government of that Country is Part of the Governours Instructions and complain of the breach of his said Instructions which they Pretend to have undoubted Testimonies of, which I hope your Lord^{ps} will please to order them to produce, whereas your Lord^{ps} very well know that her Ma'tie did not, nor would receive that Governm^t upon any Terms of Surrender which were pretended to be made, and I am very well assured from persons credible and unbyass'd, that his Excellency has punctually observ'd, and followed such Instructions as her Ma'tie has been Pleased to give him, together with your Lord^{ps} Commands. In all matters relating to that Province.

As to the Generall Charge of his Excellency's violating the Constitution of that Province, in respect to the Generall Assembly it plainly appears, by the fifteenth Clause of his Instructions, that the manner of electing Representatives, might be alter'd by an act or Acts of Assembly, as appears by the Words made use of in the said Instructions, which are as follows. (and that this number of Representatives (viz^t 24), Shall not be enlarged, or the manner of Electing them alter'd, otherwise than by act, or Acts of Assembly there, and confirm'd by us our Heirs and Successors) and his Excellency has strictly confin'd himself to the letter of his Instructions, for when the Country found the Inconvenience that attended the former Constitution, they humbly applyed themselves to his Excellency, by their Representatives that they might have such alterations, as were suitable to their Circum-

stances, and good of the Country, and most agreeable to the Laws and Constitution of England, for which a Bill being brought in by the Assembly, and pass'd in their House was consented to by his Excell^{ty} Pursuant to her Ma'ties Instructions.

To the 4th Paragraph I answer and agree that an Assembly was called in the year 1703 but withall I am obliged to represent to your Lord^{sh} the manner of the Election which is as follows: The persons employed as Tools by those Pretended proprietors prevailed so far upon my Lord, as to have one of their number to be appointed Sheriff of the Amboy County, where the Election for that Division was to be, which was one m^r Gordon a Scotchman who to destroy the Liberty of the People, did contrary to all Justice, honour, or the obligation of his Oath, return for members of that Assembly Persons who had not 50 votes, whereas there appear'd upwards of 300 for the other Candidates, by whom a Poll was demanded, but refused by the said Sheriff, which so alarm'd the whole Country that nothing but my Lord Cornbury's great Prudence, could have preserved the peace of it; however the Persons Pticularly aggriev'd took the proper Methods to preserve their Rights, by petitioning the house of Assembly against the Sheriff for his illegall and undue return and after a tedious attendance, the Assembly appointed a Day of hearing, but with such Limitations, as not to appear with more than a Certain number of Witnesses. According to the time appointed they appear'd with their Councill and Witnesses, but were then told by the Assembly, that they were satisfied with the Acco^t given them, by the said Sheriff, and refused to admit them to lay their Case before the House, but determin'd it against them without being heard.

And that your Lord^{sh} may see that this set of Men thus unduly returned were intended to carry on the unjust Designs of these pretended proprietors residing

in East Jersey who are most of them persons not of the best reputation and of but small Interests in proprieties yet headed and encouraged chiefly, by Lewiss Morris stiled Agent to the West Jersey Society in England (who are the informers in this Memoriall against the Governour, and Stile themselves the West Jersey Proprietors, tho' they have but one fifth Part of West, and but two Proprieties among them all in the Eastern Division of New Jersey. I am oblig'd to represent to your Lord^{ps} that the first step they took, was the bringing in a Bill which was call'd the Proprietors Bill and consisted of nothing but mischief, Injustice and oppression, for in the first Place it defeated the Queen of all her Quit Rents for above 40 years, it took from her a great Part of the Governm^t of New York, which the Crown has enjoyed near 40 years, no less than all Staten Island, besides the Royalties of Governm^t of New Jersey even after they had resigned it to the Crown The next thing contained in the Bill, was to cheat and Defraud the rest of the Proprietors, by destroying the very foundation of their Title which is a joint Tenancy, or tenancy in common, this Bill would likewise destroy the just right and proper titles of above 500 of the Inhabitants with many more unjustifiable and barbarous designes contrary to all Law and Justice too many to trouble your Lord^{ps} with and therefore shall rather refer your Lord^{ps} to the Bill it self this Bill they pass'd in the House of Representatives and used all their Endeavours to pass it likewise in the Councill and thought to have laid a necessity on my Lord so to doe by tacking it to a pretended money Bill (which was far short of answering the end, for the support of the Governm.) but they found their mistake for his Excell^{cy} having more honour, Justice and Sence, than to be so far prevail'd with or imposed upon as to pass anything so unjust & wicked as to destroy the Rights and prerogative of the

Queen and the ruin of the Country, put a stop to it and after having tryed the nature and temper of these People, and found that they had no Design for the good or settlement of the Country, but to carry on their unjust pretentions he thought it high time, (for these and no other reasons notwithstanding what is unjustly suggested in the memoriall) to hearken to the Complaints and Peticon of the whole Country for dissolving this Assembly, so unjustly returned, and giving the People a free choice in the Election of a new one.

The next Article of their Charge is that which relates to the 3 Members Upon which I humbly observe to your Lord^{ps} that in this as well as all other things my Lord Cornbury kept very Punctuall to the observance of his Instructions which obliged him not to suffer any Person to sit in the House of Representatives but under certain Qualifications, however my Lord was so tender in a Point of this Nature that he did not undertake to judge and Determine the right of these persons but left it and recommended it to the Determination of the House of Representatives as may appear by their Journalls relating to that matter, which are as follows. Wednesday the 15th of Novem^r 1704 M^r Leeds and M^r Revell two of the Councill having delivered a Petition into the House against three Pretended Members, On a debate of the House was allow'd to be received, in the words of the said Petic'on, and the Petic'oners had 14 days allow'd them, by the House to make good the allegations thereof; two day after viz^t on the 17^o of the same Month upon a Motion made by one of the Members of the House in behalf of the said 3 Pretended Members, it was order'd that they should be admitted to make good their Qualifications to sit, & at their request were allow'd time till the Wednesday Sevenight to make their Qualifications more fully appear to the House; which was the same day Leeds and Revell were to appear to make good the allegations

of their Petition but the said three Members did not appear at the day appointed, So that on Fryday following being the first of Decem^r the House made a new Resolve In these words (viz^t) Resolved on a Motion whether the three Members Should be heard by a motion or Petition, that they Should be heard by Petition. They not appearing to make good their Qualifications to Serve in the Assembly, at the time allow'd them, so that it is very Plain by the Journalls the whole matter was fully examin'd after their own Methods, and that the Governour did not hinder or molest them, or the Complainants in using such Methods as they thought fittest to right themselves, and these Gentlemen not appearing at the day appointed gave just Cause of Suspicion that at the time of their Election they were not qualify'd by which it appears that the delay was occasion'd by themselves nor could it be reasonably expected that the business of the Country should be neglected by their Delays, but the truth of the matter lyes thus, When m^r Morris the head of the Scotch Faction, and the rest of the tools of these Pretended Proprietors found that they could not gain their unjust Bill, or carry on their Arbitrary designs to the Ruin of the Country, their next chief Aim and business was as far as lay in their Power to oversett the whole frame of Government by their Endeavours to prevent the Passing of an Act for the Support of it, and of a Militia Act to defend it, The whole History of their design will appear by the measures m^r Morris took during the whole Course of that Assembly, these proprietors pretend that the tack'd Bill for £1300 was the utmost the Country could bear and yet upon Passing the last Bill of £2,000, their tools, in the Assembly held at Burlington, endeavoured to destroy it, by pretending the Sum'e was too little for the Support of Governm^t, which shew how inconsistent these Persons are with themselves when they

are to Carry on their own unjust Designes, and how ignorant these Gentlemen here in England are in matters transacted in that Country; they take it upon the single Credit of Letters from Two or Three factious troublesome Persons with! being able to judge of the truth of things, and on this Rotten foundation, presume to trouble your Lord^{ps} with Memorials stuff'd with scurrilous reflections of the Queens Governour and the whole Governm^t which I hope your Lord^{ps} will please to consider and allow it such a Weight as it justly deserves. As to the former Instructions for qualifying persons Elected and Electors it is notoriously known to have been managed and contrived by these Proprietors and their tools on purpose to carry on their owne Designs, and to have it almost in their Power to choose what Assembly they Please, few persons in the Country having such a Quantity of Lands as is required, except these in their Interest, who had purposely and by indirect means got Large Tracts of Lands on purpose to carry on this design but the happiness of the Country was, that her Ma'tie was graciously pleased to leave a Power in the Governour and Assembly to alter that Pernicious constitution which accordingly is done, to the great satisfaction of the whole Country, of which Act your Lord^{ps} are the best Judges it now lying before you, and I hope your Lord^{ps} will be pleased to recommend it to her Ma'tie for her approbation

The next Act is an Act for support of Governm^t to which their Objections are very frivolous since by that Act my Lord hath strictly observed his Instructions, there being no unprofitable Lands tax'd, tho some have been uncultivated, for the Assembly being very sensible that there was no method to raise money, for the Support of Governm^t by way of Trade but upon Land and Stock and by a modest Computation the tax will not amount to above 2 $\frac{3}{4}$ ^d P pound and these Gen-

themⁿ that Complain had they any Sense of Gratitude they ought to have thank'd my Lord and the Assembly for having their Lands in Particular excused, and the whole Country as well as the Assembly being highly satisfied with the reasonableness of the said Tax would have given the Revenue for a Longer time, and instead ✓ of Complaining the Representatives with the Councill (except the pretended Agent Coll^o Morris) were unanimous, zealous and speedy in passing it, but that there never had been a generall Tax throughout the Province so as to make a just Computation of what the Country was able to bear, which when known they would be very ready to settle such a Revenue, as would effectually answer the occasions of the Governm^t, and tis very well known that not an English man was against it except a few who have joined themselves to a certain Faction who opposed it for no other Reason but because 'twas not done after their arbitrary Schemes and tack'd to their wicked and unjust Bill. Being always unwilling according to the motion of their Restless spirits to comply to any reasonable thing, which themselves are not authors of. Your Lord^{ps} may judge of the temper of these Men by their false, scurrilous, and unmannerly reflections on a Person of Honour, (and her Ma'ties Governour) without any ground, foundation or Proof, they having been so very well acquainted with bribing the Managers and late Undertakers of their wicked and unjust Bill which tended to the Ruin and oppression of the whole Country, which makes them reflect so barbarously on others; For your Lord^{ps} very well know that that Bill contains nothing, but what is reasonable just and honourable, and tends to no other End, but the Interest & security of the Province, which all good Men ought to join in, and consequently no room for Indirect Means to gain so reasonable just and honourable Ends
As to the next Complaint wherein they alledged that

my Lord does obstruct the Officers in the execution of their trust, these Gentlemen at home ought in the first place to make it appear that those Pretenders abroad in East Jersey have a sufficient Power to Commission any Officers at all, which I am well Informed they have not, as not having the Power of one Fourth part of the general Proprietors, for they want the authority of the majority of the Committe of Proprietors in London, in whom the Power of appointing and Commissioning of all Officers under the Generall Proprietors is vested

And as to the Books, Records and Papers that any way concern the Lands or Personall Estates of the Generall Proprietors, his Lord^p has no intention of Invading the Right of m^r Dockwra who has been their Sec^ry and Regist^r above these 20 years by patent, as appears upon their Records, and made Tho^s Gordon his Dep^ty in whose Custody they continued many years untill of late that m^r Sonmans the Proprietors Agent, went over to New Jersey and by authority from the said m^r Dockwra, and the Rest of the proprietors in London. moved his Lord^p to command the said Gordon to deliver up all such Books, Records and papers of the Proprietors in his Hands, and thereupon put them into the Custody of m^r Royce in East Jersey, there to remain untill m^r Dockwra shall appoint his Deputy to receive into his Care and Custody all such Books Records and Papers belonging to the proprietors Lands and Personall Estates which will thereupon be presently deliver'd, producing such deputation, but for all other Books, Records and Papers relating to state matters, or Governm^t they ought to remain in the Care of the Sec^ry of the Province, appointed by her Ma^tie, nor were any of them carried out of the Province as they falsely suggest

Their next charge is that his Excellency hath appointed severall Officers with^t the advice of his

Councill, which is not true in fact for he hath always Pursued his Instructions, and taken the advice of his Councill. As to the particular Instance of the Sheriff of Burlington 'tis a notorious mistake for he suspended that person by the advice of his Councill and again restor'd him by their advice also (and not otherwise) he being a man of Probity and understanding, one that lives well and Hospitably, is Loyall to the Crown & governm^t and will not be debauch'd by these factious Persons. As to the next Article which charges his Lord^p with having given Commissions both in the Peace and Militia to contemptible Persons and without Estates it is as groundless as the other, for it is evident that his Excellency having displac'd some persons recommended to him by these Informers who were not fit to serve, put in their Places Honest Men sufficiently qualified to serve their Country and as for the Gentleman pointed at (supposed to be Coll^o Cox) as Commission'd in the Militia, there are some here ready to make appear, that he has a better Interest and Estate in West Jersey (as he has done formerly before your Lord^{ps}) than most of these vexatious persons put together.

In answer to their Charge against his Excellency of endeavouring to Procure an alteration in his Instructions whereby to be Impower'd to admit any Persons to purchase from the Indians to the great detriment of the Propriet^{rs} I must humbly refer your Lord^{ps} to such Representac^ons (if any) as his Excellency has sent your Lord^{ps} whereby he used any such endeavours and its strange these Gentlemen who Complain should in this place take the Liberty of mentioning so many Acts of Despotick Power without having been able to make one of 'em seem evident

And now may it please your Lord^{ps} these Gentlemen are come to their finishing Stroke and do no less than protest against the Queens authority and the repre-

sentatives of the People in Assembly which alone sufficiently discovers the ignorance of their advisers and how easily they are led into any gross Error to which I shall make no answer, But humbly Submit it to your Lord^{ps} whether the bare alligations of a few who have but very inconsiderable Interests in the Province and who are so much Strangers to it as to protest against the Acts of its legall Constitution upon the information alone of a Few troublesome factious Persons these should meet with any Countenance from your Lord^{ps} but on the Contrary such a reprimand as may deter others from attempting for the future a thing tends so directly to the disturbance of her Ma'ties Peace and the tranquility and quiet of her Governm^t in those parts.

I cannot omit putting your Lord^{ps} in mind of what the Lord Cornbury has represented upon his having suspended m^r Morris a second time from sitting in Council, and whether the Reasons offer'd by his Lord^p for the same which are his Constant opposing her Ma'ties Interest, his frequent & wilfull absenting himself from the Council neglect of his Duty and continuall endeavours to embarras and perplex the business and affairs of the Country, are not Sufficient to satisfie your Lord^{ps} that he is a Pson very unfit to be continued of her Ma'ties Council.

And lastly I humbly begg that your Lord^{ps} will excuse any insufficiency of these Answers because I have been oblig'd to Collect 'em from such informac'ons as I could best pick up, at so great a Distance from the Place where matters were transacted; And that your Lord^{ps} will be pleased to deferr giving any Credit to the allegations of the Complainers untill his Excell^{cie} can have time to send your Lord^{ps} such an answer of his own as may set this affair in a true light, and fully satisfie your Lord^{ps} that his Conduct in the Governmen^t of the Province has been agreeable to Law

and the Instructions given him and that he has no way forfeited the Continuance of your Lord^{ps} good opinion and favourable Protection of him,

I am.

London Febry the 14th 170⁶;

May it please your Lordships—
Yo^r Lord^{ps} most dutifull
& most, Obed^t humble Serv^t
W^m SLOPER.

Letter from William Popple, Jun., Secretary to the Lords of Trade, to William Sloper, about Lord Cornbury's Salary.

[From P. R. O. B. T. New Jersey, Vol. 12 p. 279.]

To M^r Sloper.

S^r:

My Lord Cornbury having acquainted the Lords Conimissioners for Trade and Plantations, in one of his late Letters, that Her Majesty has appointed him, as Governor of the Jerseys, a Salary of Five Hundred Pounds p Annum ; Their Lordships have com'anded me to desire, you will inform me when and how the said Salary was Settled on his Lordship.

I am,

S^r:

Your most humble Servant,
W^m Popple, jun^r

Whitehall Apr. 5. 1706

Order in Council revoking Colonel Ingoldesby's Commission as Lieutenant-Governor of New York, and appointing him one of the Council of New Jersey.

[From N. Y. Col: Doc'ts, Vol. IV., p. 1174.]

At the Court at Kensington the 11th of April
1706 PRESENT THE QUEEN'S MOST EXCEL-
LENT MAJESTY in Council

Upon reading this day at the Board, a representation from the Lords Commiss^{rs} for Trade and Plantations dated the 8th inst: in the words following viz^t

May it please Your Majesty

Having received letters from New York and New Jersey and particularly from Coll. Ingoldesby, relating to his two Commissions from your Majesty, one as Lieut^t Gov^r of New York & the other of New Jersey, wee do find that the execution of the said two Commissions does cause disorders and differences in these Govern^{ts} with regard to the Gov^r in Chief and otherwise, Whereupon we do humbly represent to Your Majesty that upon the surrender of the Govern^t of New Jersey to your Majesty the Gov^r in Chief of the neighbouring province of New York, was by a distinct commission constituted Gov^r of the said province of New Jersey, And whereas the Gov^t of New York, does mostly reside at New York and that upon the occasions of his being absent from thence to visit the Jerseys, there is a president and Council in New York for the dispatch of business there, Wee are humbly of opinion, that your Majesties service does no ways re-

quire. that there be a Lieut^t Gov^r of New York, and that therefore the Commission to Coll: Ingoldesby as such be revoked

And whereas we do find that notwithstanding his being L^t Gov^r of New Jersey, where it will be his duty to reside, he is not yet appointed of the Council there, wee are further humbly of opinion that your Majesty be pleased to appoint him of the said Council of New Jersey.—

All which is most Humbly submitted

DARTMOUTH. ROB^T CECILL. PH. MEADOWS.
JOHN POLLEXFEN. W^M BLATHWAYT. MAT: PRIOR.

Her Majesty approving of the said Report, is pleased to order that the Commission for Constituting Coll: Ingoldesby Lieut^t Gov^r of New York, be revoked, and that he be forthwith admitted and sworn one of the Council of New Jersey, and the Right Hon^{ble} M^r Sec^r: Hedges is to cause a Warrant or Warrants to be prepared for her Majesty's Royal Signature accordingly

CHRIST: MUSGRAVE

*Revocation of Richard Ingoldesby's Commission as
Lieut. Gov. of New York.*

[From P. R. O. B. T. New York, No. 50, Ent. Book F, p. 456.]

Letter to M^r Sec^ry Hedges with the Draught of
a Warr^t for revoking Coll Ingoldesby's
Com^{iss}ⁿ as L^t Gov^r of New York and for
Constituting him one of the Council of
New Jersey

To the R^t Hon^{ble} M^r Sec^ry Hedges.

Sr

In Answer to your Letter of the 22th Instant. We return you here inclosed, the Draught of a Warrant

for revoking the Commission of Collonel Ingoldesby as Lieutenant Governor of New York and for Constituting him a Member of Her Majesty's Council of New Jersey. We are.

Sr

Your most humble Serv^{ts}

Whitehall April
24th 1706.

Dartmouth
Rob^t Cecill.
Ph: Meadows.
W^m Blathwayt.
Mat: Prior.

Right Trusty and Wellbeloved Cousin Wee Greet you well. Whereas it has been represented unto Us, That the Execution of the Two Com^{is}sions Wee have been pleased to grant to Our Trusty and Wellbeloved Richard Ingoldesby Esq^r Lieutenant Governor of New York and of New Jersey does Cause Disorders and differences in those Governments. Wee have therefore thought to revoke & Null and determine as wee doe hereby revoke Annull and determine Our Commission to the said Richard Ingoldesby to be Lieutenant Govern^r of Our said Province of New York, declaring the same to be void to all intents and purposes as if no such Com^{is}sion had ever been granted;

Whereof you are to give Notice to the said Richard Ingoldesby that he may pay due Obedience to Our Pleasure herein: And that you Cause the same to be registered in the Books of Our Council of New York; And it having been further Represented unto Us, That the said Richard Ingoldesby notwithstanding his being Lieutenant Governor of New Jersey, where it will be his duty to reside is not yet appointed of the Council there. OUR WILL AND PLEASURE is, That upon the Receipt hereof you doe forthwith Cause him the said Ingoldesby, to be Sworn and admitted of Our Council

of Our Province of New Jersey as aforesaid. And for so doing this shall be your Warrant, and so Wee bid you heartily farewell. Given at Our Court at the Day of 1706. In the Fifth Year of Our Reign
 By Her Majesty's Com^d

Letter from the Lords of Trade to Governor Cornbury.

[From P. R. O. B. T. New Jersey. Vol. 12 p. 282.]

To the Right Hon^{ble} the Lord Cornbury, Governor of New-Jersey.

My Lord,

Since Our Letter of the 4th of February, a Duplicate whereof is here inclosed, We have receiv'd your Lordships of the 27th of November last.

In Answer to what Your Lordship says, relating to the number of Acres of Land necessary to Qualify Persons to Elect and be Elected Members of the General Assembly; We must refer your Lordship to what we writ you in Our foresaid Letter of the fourth of February.

We observe that your Lordship writes in relation to the Salaries of the respective Officers in your Government of New Jersey; But we do not think it necessary; they should be so high as those in New-York, New Jersey not being so considerable a Province; However your Lordship will do well to move the Assembly again to provide sufficient Salaries for the said respective Officers, in case the present settled Revenue will not answer those Ends, whereof the Establishment should be sent to Us.

Your Lordship says, That Her Maiesty has been

pleas'd to Settle Five Hundred Pounds Sterling a Year upon you for that Governm^t But your Lordship does not tell Us how and when the same was done, & by what Establishm^t

We are glad to understand your Lordship's Resolution of not engaging yourself in any Party, but of behaving yourself equally to all Her Majesty's Subjects; which will most tend to Her Majesty's Service, and Good of the Country.

As to Col^o Ingoldesby; We are to acquaint your Lordship, that Her Majesty has been pleas'd to revoke the Commission to him as Lieutenant-Governor of New-York, and to order that he do reside in New Jersey, where he is likewise appointed one of the Council.

We are My Lord, Your Lordship's
most humble Servants,

Dartmouth.

W^m Blathwayt.

Whitehall,
May 1st 1706.

J^{no} Pollexfen.

Matt. Prior.

From Governor Lord Cornbury to the Inhabitants of Bergen, asking for trees to construct stockades.

From the Original among the N. J. Hist. Soc. MSS.]

[Addressed]

To the Inhabitants of the Town of Bergen in
the Eastern Division of New Jersey

New York May the 16th 1706

GENTLEMEN

Having had intelligence lately from the West Indies that a french Squadron of Men of Warr with Land forces on board them, intend to attack this place, I

am taking the best methods I can to put the place into a position of defence, for which purpose I shall want a considerable number of Stockades, and being informed that there are great numbers of trees growing upon bergen point fit for that purpose, I send this therefore to desire that you will allow some persons who shall be sent from heare to cut the Stockades we want, and likewise that some of your people may help with their Carts to bring them to the water side for which they shall be paid.

I am Gentlemen

Your assured friend

CORNBURY

Affidavit of George Ingoldesby relating to sundry Proceedings of Lord Cornbury.

[From P. R. O. B. T. New Jersey, Vol. 1, C. 25.]

Affidavit of M^r Ingoldesby relating to M^r Revel and Leeds two of the Council of New Jersey, and to the Arbitrary Proceedings of the Lord Cornbury &c

George Ingoldesby late of the Province of New Jersey in America Gent maketh Oath that in or about the Month of Novemb^r in the Year of our Lord 1703, an Assembly having been Called, and Chosen, prepared Bills for Settling the rights of the propriet^{rs} and planters, and for Raiseing a Revenue of ffifteen hundred pounds for One Year, and One Thousand pounds Yearly for Two Yeares more; for y^e Support of the Government, which said Assembly was afterwards dissolved, and in 1704 another Assembly was Called,

who mett, and Attended his Excellency my Lord Cornbury in Councill, in Order to be Sworne, But M^r Thomas Revell, and M^r Daniel Leeds, Two of his Lordships Councill objected against Three of the Members Returned (Viz^e) M^r Thomas Lambert, M^r Thomas Gardner, and M^r Joshua Wright as persons not having a Thousand Acres of Land a piece, and therefore not Qualified to Serve in the Assembly; thò they were Generally knowne to have so much Land at the time of the Elec^on, and had made it appear before the said Revell and Leeds, thò as the Depon^t humbly Conceives it was not Examinable by his Lopp^p, or his Councill, but in y^e house of Representatives, or Assembly only. Yet his Lopp^p Refused to Swear the said Three Members, and Excluded them from Sitting to Serve their Country. And this Depon^t further Saith That y^e County for which the said Three Members were Chosen, and Several other Representatives delivered an humble address to his Lopp^p, desiring that y^e afore-said Three Members might be Admitted into the Assembly, but they were Still kept out upon y^e Groundless Suggestion of Revell, and Leeds, And the said Address Called a piece of Insolence, and Ill manners: And this Depon^t further Saith that by this Illegall Exclusion of the said Three Members, his Lopp^s party gained a Majority by One in the house of Representatives, And then Adjourned the hearing of the Case of the said Three Members till his Lopp^p, and his party had Obtained the Ends for which the New Assembly had been Called: ffor this Depon^t Saith that while the Case of the said Three Members was depending, his Lopp^p Caused a Bill to be p^pared, and passed for taking away the Qualifications of Electors, and the Elected, and of placeing the right of Chooseing, and of being Chosen in the Freeholders Generally, without any Express Value of their Estates: And this Depon^t further Saith That after these proceedings, and another Act, or Acts had passed in the Assembly, a day for

hearing the Case of the said Three Members was appointed, And the said Revell, and Leeds had Notice thereof but never appeared against the said Members, and thereupon the House after a full Examinac'on declared the said Three Members duly Qualified, and Sent Two of their body to acquaint his Lopp' therewith, Who (Notwithstanding it is Expressly declared in the aforesaid Act that the Representatives meeting in Generall Assemblies Should be the Judges of the Qualificac'ons of their own Members) Told the Members that were sent with the aforesaid Message that He alsoe must be Satisfyed with their Qualificac'ons, as well as the house, and Still kept them out of y^e Assembly: And this Depon^t further Saith that the said Lord Cornbury hath assented to a Bill in the aforesaid Assembly for Taxing without distinction, All Lands profittable, or Unprofittable belonging to y^e Inhabitants in New Jersey, whether Residing there themselves or by their Tenants, which Said Tax is Imposed for raising a Revenue of 2000£ p. Ann for Two Yeares under p^tence for the Support of her Maj^{ties} Governm^t there, And hath Contrary to y^e Advice of his Councell appointed Fees for Patenting Lands; And this Depon^t further Saith that the said Lord Cornbury hath Ordered All publick Books, Records and papers to be delivered to M^r Jeremiah Base, who hath Carryed them out of the province of East Jersey, and hath without y^e advice of his Councell Constituted Severall Officers, and particularly William Fisher Sheriff of Burlingtone who was Suspended by his Councells Order, but is Continued Nevertheless to Act by his Lopp's Appointm^t, And his Lopp' hath put into y^e Com'ission of peace Severall persons of Scandalous Reputac'on, and in particular One Ric'd Salter whome his Lopp' knew to be under prosecuc'on for Felony: And this Depon^t further Saith That Thomas Rillingworth Judge in Salem County is known to his Lopp' to be a Scandalous person, and

Owned by him publickly as Such And this Depon^t Saith that y^e aforesaid W^m Fisher has been burnt in the Hand as a Criminall, and one Guilty of Notorious Rogueries, and was Suspended by the Councill, and Restored again by his Lopp' to Act his Rogueries de Novo: for in a late Elecc'on without Assigning the least Cause for what he did, he refused (as Sheriff) to allow any person to Vote, unless for Such Men as he named, and the Quakers in particular were wholly Excluded their right of Voteing, And this depon^t further Saith that upwards of One Hundred & fifty of the people at that Elecc'on, protested against y^e Illegall proceedings of the said Fisher the Sheriff, And this depon^t further Saith that by reason of the aforesaid Tax upon Unprofitable Lands, And the Arbitrary proceedings of the said Lord Cornbury, Severall people have been discouraged from Settling within y^e Bounds of his Jurisdicc'on, and particularly Thirty people who Came from Esopus, and Albany with Intent to purchase Land there, but hearing of his Arbitrary proceedings went to Pennsylvania: And this Depon^t further Saith that Contrary to y^e Seaventh and Eighth Acts of William & Mary his Lopp' has made a Frenchman Receiver Generall, and One who is not Soe much as an Inhabitant of the Province And Contrary to y^e Trust reposed in him doth misapply great part of the Publick Revenue by reason whereof and of his Neglect in payment of the Souldiers the Fronteers of New Yorke province are Neglected and Left defenceless All which proceedings of the said Lord Cornbury if Speedy Care be not taken will in this Depon^{ts} Judgment turne to the utter ruine of Trade and Impoverishm^t of the Said Provinces

GEOR: INGOLDESBY

Jurat 16^o die July Anno D'ni

1706 coram me

Tho Rawlinson Mayor

[A similar affidavit was made on the 15th July, 1706,

by John Hamilton, excepting that the reference in this to the characters and acts of William Fisher and Thomas Rillingworth is omitted. It Closes with the following paragraph, which is not found in the above: "And this Depon^t further Saith that his Lo^{pp} hath been Guilty of Bribery and this Depon^t the better knows the Same for that John Johnstone John Harrison George Willcocks Miles Foster and Severall others told this Depon^t that they had given his Lop^p Two hundred pounds to befriend them in Some particular Matters." Both affidavits were received by the Lords of Trade on May 19th, 1708.—ED.]

*Letter from Lord Cornbury to the Lords of Trade,
about Proceedings in New Jersey.*

[From P. R. O. B. T., New Jersey, Vol. 1, C. 8.]

Letter from Lord Cornbury to the Board.¹

NEW YORK 7^{ber} the 10th 1706

My Lords

In your Lordships Letter of the 4th of February 170⁶. You are pleased to direct me to readmit M^r Morriss into the Councill upon his submission. I assure your Lordships that he shall noe sooner doe the one, but I will doe the other, and I shall be very well satisfied if the Gentlemen who have answered for his behaviour to your Lordships doe not find themselves mistaken: I return your thanks for the confirmation of the three Gentlemen I recom^dended to be of the Councill of New Jersey: As to what relates to M^r Peter Sonmans I must

¹ Recd: from Mr. Sloper, 28 November, 1706.

acquaint you that he has been here some time, and I have not observed any thing in him yet but is very well, he is dilligent and zealous in promoting the Proprietors Interest; but has always done it with that respect to her Majesty that became him, and indeed I look upon him to be a very fit Person to serue in Councill, there is now living for the Western Division M^r Jennings, M^r Reuell, M^r Davenport, M^r Deacon, and M^r Leeds for the Eastern Division, Captain Andrew Bowne, M^r Pinhorne, and M^r Sandford, besides Collonell Quarry, and her Majesty having been pleased to Add Collonell Coxe, Col: Townley, and M^r Mompeson, and your Lordships having directed me to restore M^r Morriss upon his submission, there will be noe Vacancy yet, but M^r Reuell, M^r Davenport, and Capain Andrew Bowne are all three dangerously ill at this time and I am afraid of an incurable disease, I mean old age, besides other distempers, I send you inclosed the names of twelve persons which I think are the fittest to serue in Councill, as others drop off; I have perused the Attorney Generall Northey's opinion, and will take care that it be observed: As for what your Lordships observe concerning the Acts of Assembly passed in 1704: I will endeavour to get those alterations you desire, made at the next Sessions which is to begin at Amboy on the 24th day of s^{ber} next; Your Lordships are pleased to say that a Complaint has been made to you that the Elections for the last Assembly were made in such hast, that there was not due and timely notice, if soe the fault must be among the Sherifs, for I have always directed the Secretary to take care there be at least forty days allowed between the Testé, and the Returne of the Writt. Your Lordships likewise mention a complaint made that three Members were kept out of the Assembly upon some objections made against them by M^r Reuell, and M^r Leeds, and that after the said objections were removed, I still refused

to admit them. As to this matter I must beg leave to refer your Lordships to my letter of the 27th of 9^{ber} 1705 which went by her Majesty's Ship Nonsuch Captain Boyce Commander. In that letter you will find that as soon as they removed the objections they were admitted. As for the complaint made by the Proprietors of the Western Division, I have this to say, that at my first taking possession of the Government of New Jersey severall people complained to me that the Agent for the Proprietors very often refused to let them see the Record where their Patents were recorded, and that they had great reason to believe that their Patents were not fairly recorded, and desired that the Records might be lodged in the Secretary's Office where they might have resourse to them at all times, which I ordered accordingly, but since your Lordships are of opinion that they ought to be restored to the Proprietors Agents, I will take care it shall be done forthwith. As for the Records of Deeds and Conveyances being carried out of the Province, I know nothing of it, nor doe I believe it has been done. The next Complaint your Lord mention to have been made to you is that I have put into the Commission of the peace severall mean and contemptible persons, particularly one Salter whom (they say) I knew was under prosecution for felony, and that I have granted Commissions in the Millitia to other persons who have noe Estates in the Prouince; to this I answer that I have not put one Man into the Commission of the peace in the Province of New Jersey, but such as have been recommended to me by one, or more, of the Gentlemen of her Majesty's Councill for that Province. As for Salter he was recommended to me by Captain Andrew Bowne, and I doe solemnly protest I never heard that he was under any prosecution at all till I received your letter, and since that time I have made the strickest inquiry I can about that matter and I doe find that

severall years agoe there was one Salter that was under prosecution in England for some Crime, but what that Crime was I can't learn, but it is positively affirmed to me that this is not that Man, and realy if he were that Man it would be a pretty extraordinary thing that the Country should choose such a Man to be one of their Representatives in Generall Assembly, for he is actually soe now in this Assembly, and I protest I never yet saw any thing ill in the man; as for the Millitia Officers, I have always chosen them by the Recommendation of the Gentlemen of the Councill or the Field Officers of the respective Regiments, and by the best inquiry that I can make, I can't find that there are such scandalous persons in Commission, whenever any body will inform me of any such persons I shall soon remove them; Your Lordshipps shall have fair Transcripps of all the minutes of Councill and Assembly with the first opportunity; and all other directions you are pleased to give me shall be duely observed by

My Lords

Your Lordships most faithfull
humble servant

CORNBURY

I have received the New Seale for the Province of Nova Casarea.

Since I finished this Letter some of the Gentlemen of New Jersey have been with me, and desire me not to send any List till the meeting at Amboy which will be very shortly I find they have a mind to recomend some persons, therefore I intreat your Lordshipps will not be displeased that I doe not now send the List which I had prepared.

*Summons from Lord Cornbury to the Council of
West Jersey.*

[From copy in Alexander West Jersey Papers, p. 147.]

EDWARD VISCOUNT CORNBURY Captain Generall
& Gouvernor in Chiefe in and ouer the
Prouince of New Jersey New York and all
the Territories and Tracts of Land Depend-
ing thereon in America & Vice Admirall of
y^e same &c

To Samuell Jennings¹ Tho: Gardner John Read-
ing Christopher Weitherell William Riddle
and others that Call themselves the Coun-
cill of Propriet'rs of y^e Western Deuission
of y^e Prouince of New Jersey. *Greeting*

You are hereby Required and Comanded to Attend
me in Councell att Burlington the Twentieth day of
April next ensueing then and there to show what
Authority You haue or Pretend to as a Counsel of Pro-
prietors and from Whom you deriued that Authority

¹ Samuel Jenings and his family arrived in West Jersey in September, 1680. He was commissioned Governor by Edward Byllynge soon after his arrival, and at the suggestion of William Penn, allowed himself to be elected to the office by the people, shortly after: causing differences with Byllynge which led to his being sent by the Assembly to England, with Thomas Budd, to confer with him in relation thereto. The mission was only partially successful. The differences were referred to the "judgment and determination" of George Fox, G. Whitehead and twelve other distinguished Friends, whose award was to the effect that, the government was rightfully in Byllynge, and that no authority existed for the election of a Governor by the people. In consequence of this award, made in 1684, Byllynge in 1685 appointed John Skene to be Deputy Governor. For some years this mission of Jenings continued to be a subject for discussion, calling for much animadversion and recrimination on both sides.—See "The Case Put and Decided and Truth Rescued from Forgery & Falshood 1699."

During the period of suspense that antedated the conferment of the government on Lord Cornbury, Jenings was recommended for one of the Council, he at that time (1701) being Speaker of the West Jersey Assembly, having continued to fill

and that in y^e meantime you forbear Granting any Warrant for Laying out Lands or making New Purchases from the Indeans without first Obtaining a Lycence from the Government according to y^e Act intituled An Act for Regulating the Purchasing of Lands from the Indeans, And of this you are nott to faile.

Given in Councill the fourteenth
 day of Nouember in y^e fifth year
 of her Majesties Raigue Anno
 Dom. 1706

By his Excellencys
 Comand

CORNBURY

Letter from Lord Cornbury to the Lords of Trade.

[From P. R. O. B. T. New Jersey, Vol. 1, C. 12.]

Letter from the L^d Cornbury to the Board;
 Recd 28th April 1707.

New York 9^{ber} the 18th 1706

My Lords

In my letter of the 10th of 7^{ber} last which went by the Mast Fleet from Boston I acquainted your Lord-

positions among his fellow Jerseymen notwithstanding the difficulties above referred to. A contemporaneous writer says of him, "he was a suppresser of vice, and an encourager of virtue, sharp towards evil doers, but tender and loving to them that did well; giving good counsel and wholesome advice to friends and neighbors; an able minister of the gospel [among the Quakers] and laboured much therein, to the comfort and edification of many people both in this province and other places." Mr. Jenings was made one of Lord Cornbury's Council and continued such during the rest of his life, which ended in 1708. During most of this time he as also Speaker of the Assembly and several documents of interest that have his name attached to them, show that his position in the Council of the Governor did not prevent his presenting in the most forcible manner views which he knew were at variance with those of that functionary. Smith says of him: "Alive to the more generous emotions of a mind form'd to benevolence and acts of humanity, he was a friend to the widow, the fatherless and the unhappy, tender, compassionate, disinterested; abhorring oppression in every shape, his whole conduct discovered a will to relieve and befriend mankind, far above the littleness of party or sinister views." He left three daughters, who married three brothers named Stephenson.—Proud's Hist. of Pennsylvania, Smith's Hist. of New Jersey, p. 323, Field's Provincial Courts, p. 63.

ships that the Assembly of New Jersey was to sit at Amboy on the 24th of 8^{ber} to which time it had been adjourned, at my arrivall at Amboy, I found none of the Councill there, and but four of the Assembly, this was upon friday, soe I thought fit to adjourn the Assembly till the Munday following, to give the Members both of the Councill and Assembly time to come in, on the Saturday M^r Pinhorn, M^r Mompesson, and Collonell Townley arrived, on Munday Collonell Ingoldesby and Collonel Cox came to towne and four more of the Assembly, soe there not being enough to make a house I adjourned the Assembly to the next day, and soe for severall days, on tuesday Major Sandford arrived and four more of the Assembly, and on thursday I received letters from the Western Division to acquaint me that M^r Reuell, M^r Davenport and M^r Leeds, all three of the Councill were very Ill, and likewise that the Speaker was ill but hoped in a few days to be able to travell, M^r Jennings who is a quaker and one of the Councill wrote to me himself to desire that he might be excused from serving any more in Councill, saying that the Charges that attended that service were too great for a Man in his circumstances. I acquainted the rest of the Councill with that letter, who were all of opinion that his request ought to be granted, which I have agreed to, and if your Lordships please that M^r Sonmans be admitted in his stead, it shall be done, as soon as I receive your Orders for it.¹

After having attended till the 14th day of 9^{ber} and finding noe likelihood of any more Members of the house coming I adiourned the Assembly by Proclamation to the 12th day of March next. but since that, having discoursed Collonell Quarry, and some others of the Councill, I have resolved to dissolve that Assembly,

¹ The Queen in Council, May 20, 1707, appointed Mr. Sonmans in place of Mr. Jenings. P. R. O. B. T. New Jersey, Vol. 1, C. 14.—Ed.

that we may have a new one Chosen according to her Majesty's Additionall Instruction to me.

I must now beg leave to acquaint your Lordships that having last Summer received from M^r Secretary Harley her Majesty's Royall Commands to cause a Grant, or Grants, to be passed under the seale of the Province of New Jersey of all the Proprieties and shares of Arent Sonmans deceased, and Peter Sonmans his Son, to one Joseph Ormston of London Merchant and Rachell his Wife; this letter was brought to me by one John Ormston, at a time when my Wife lay very ill of a sicknesse of which she is since dead. this Ormston was very pressing for me to goe immediadely into New Jersey to dispatch that Grant, the letter being directed to me and Councill, I told him that as soon as I could see my Wife in such a condition that I might hope to find her alive at my return I would goe. And accordingly I did in some time after that (hoping my Wife had been upon the recovery) send to the Secretary of New Jersey to acquaint all the Gentlemen of the Councill that I desired them to meet me at Amboy on a certain day in June, at which time I was there according to appointment, but there met me but three of the Councill. And as by my Instructions, I am directed not to Act with lesse than five unlesse it be in Cases of Emergency, in which I may act with three, soe I did not think this Case to be of that nature, espetially when the Secretary acquainted me that M^r Peter Sonmans had entred a Caveat in his Office against the passing of any such Grant before he was heard; I told M^r Ormston that I was sorry it hapned soe that he could not be dispatched at that time, but that I hoped in a little time I should get the Councill together, and that he should always find me ready to obey her Majesty's Commands in all things; after this I returned to York where the people were in continual allarms occasioned by the frequent

accounts we had from the West Indies, of Monsieur D'Ibervilles design of attacking this place, And indeed I did not think that a proper time to be absent from this place. I was therefore forced to put M^r Ormston off till the time the Assembly was to meet at Amboy, which was to meet in S^{ber} this M^r Ormston was extremely angry at, and told some persons here that he would send complaints against me into England for this delay, this came to my knowledge but within a few days, and that is the cause of my troubling your Lordships with this matter at this time hoping you will be soe kind as to stand my friends on this occasion, considering the reasons that obliged me to it. I shall now farther acquaint your Lordships that being at Amboy at the time the Assembly was to have sate there, and there being five of the Councill there I did acquaint them with the Commands I had received from her Majesty, and ordered the letter to be read, which being done and the Secretary acquainting the board that M^r Sonmans had entred a Caveat in his Office, I ordered M^r Ormston and M^r Sonmans to be called in, and acquainted them that I had communicated the Queen's Commands to the Councill, and that we were ready to hear what they had farther to offer upon that subject. M^r Ormston said that the Queen's Orders were positive and that he expected in obedience to them he should have a Grant under the Seale of the Province, of the Estate of Arent Sonmans deceased, and Peter Sonmans his Son, to this M^r Sonmans replied, that this Order was obtained after he left England, and consequently without his being heard, that he is naturalised, and consequently ought to be looked upon as a naturall born subject, and that as such he ought not to be divested of his free hold without being heard, that he had many things to offer against the passing of any such Grant, and desired he might be heard by his Councill. this was thought a

reasonable thing, and it was ordered that he should be heard by his Councill on the Munday following, this Order was made on saturday the 9th day of 9^{ber}, and accordingly on munday M^r Sonmans Councill was heard. M^r Ormston hauing Councill alsoe, the Councill for M^r Sonmans insisted that the Queen was deceived in her Grant and offered many reasons to prove it, which I dont trouble your Lordships with now because I have sent a full account by the way of the West Indies, they farther insisted that, though an Alien can hold noe Lands but in the Right of the Crowne, yet the Queen can make noe Grant of any such Lands till they are vested in the Queen by an Office found upon Record; the Councill for M^r Ormston did not offer any things against the points of Law urged by the Councill of the other side, but insisted that the Queens Commands were positive and ought to be obeyed, and that the Gouvernor and Councill of New Jersey are not competent Judges whether the Queen's Commands shall be obeyed or not, and this was all that was offered on that side, this being done, I desired the Gentlemen of the Countill to consider what had been offered on both sides, and that if they were not ready to give their opinions then, they should have time, but I had rather they would doe it then, they all said they were ready, and declared one after another, that they were of opinion that noe Grant ought to passe, till the whole matter were humbly laid before her Majesty, And her pleasure farther known; this I have endeavoured to doe as fully as I could by way of the West Indies, both to the Right Hon^{ble} M^r Secretary Harley, and to your Lordships of which I would have sent duplicates by this Ship, but I am come to towne Just time enough to write this letter.

I am My Lords Your Lordships

most faithfull humble servant

L^{ds} of Trade &c.

CORBURY

*Petition from Proprietors and Purchasers of West
Jersey to Lord Cornbury.*

[From original in Alexander West Jersey Papers, p. 149.]

TO EDWARD VISCOUNT CORNBURY Captain Generale and Governour in chief in and over the Province of New Jersey New York and all the territories and tracts of land depending thereon in America and Vice Admirall of the same &c:

THE HUMBLE PETITION of divers of the proprietors and purchasers of the western division of New Jersey in all humility sheweth.—

THAT Whereas we are fully Informed that the Council of Proprietors for the western division have received a Prohibition from the Lord Cornbury in Council held at Amboy the fourteenth day of November Anno Dom: 1706 for granting any warrants for laying out lands &c by reason whereof no warrants can be obtained for that end, to the great prejudice of such as haue (as they Concieve) a good and lawfull right to take up their Just proportions of land In the division aforesaid haveing as good an undevided right as any else can pretend to and have also bought the same of the Indians for a very valuable consideration. WHEREFORE we humbly pray that such prohibition and Impediments may be removed and we evidencing our rights to such person or persons as the Proprietors have appointed to Inspect the same may be admitted thereto and we shall as in duty bound forever pray.

THOMAS BRIAN

JOHN SHARPE

HENRY BURR

WILLM STEVENSON

RICHARD HAINES

SAMUEL LIPINCOTT JUNR

DANIEL WILLS

WILLIAM HEULINGS

RICHARD FENIMORE

JOHN GOSLING

HENRY BALLINGER

WILL. PETTY J ^r	JOHN JONES † his mark	JOHN SHINN
EDWARD ELKINTON	JOHN STOKES	
JOSHUA HUMPHRIES	JOHN WOOLMAN	
THOMAS EVES	JOHN CLARK	
THOMAS STOKER	JOSEPH KIRKBRIDE	
JOHN HAINES	WM BILES	
WILLIAM EVENS	JOHN SWIFT	
BENJAMIN MOORE	ROGER PARKE	
STEPHEN WILSON	SAM ^{ll} FERRIS	THOMAS PEACHER
JOHN HORTEN	NATH POPE	NATHAN ALLEN
THOMAS WILKINS	JOHN ^{his} _{mark} DAY	EDWARD ROCKHILL
WILLIAM HORTON	JOHN ABBAT	JOHN BACON
	MATTHEW WATSON	

Speech of Lord Cornbury to the Assembly of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. 1, C. 18.]

Copy of the Lord Cornburys Speech to the Assembly of New Jersey recommending to their care the Dispatch of public Business &c^a referred to in his Lord^{ps} Lre: of the 7 June 1707 Rec'd: 27 Janu: 1707

GENTLEMEN

I am glad to see so full an Appearance at the beginning of y^e Sessions, I could have wished the rest of the members had Attended their Duty to the Queen & their Country likewise, for I must be of Opinion, that business is always best done in a full House.

The first thing I shall Recomend to y^e Consideration of y^e Gentlemen of the House of Representatives, & w^{ch} I have in Command from y^e Great Queen of England my Mistres, is, That you settle such a Revenue upon her Maj^{ty} as may be sufficient to support y^e Dignity & Supply all the necessary Charges of Govern^t

And because it has been Represented to the Queen, y^e y^e Country is not yet able to Answer very great Taxes, her most Sacred Maj^{ty} who is always Solicitous, not only for y^e welfare & happiness, but also for y^e ease of all her Subjects, as far as it is possible, has Com-manded me to Acquaint you, that she is graciously pleased to Accept of Fifteen hundred pounds a year, in Lieu of Two Thousand w^{ch} was Granted for two years, w^{ch} ended on y^e 13th day of December last, I am likewise to Acquaint you That y^e Queen expects it should be settled for one & Twenty years.

The next thing w^{ch} I most earnestly Recomend to yo^r serious Consideration, is y^e preparing a Bill or Bills, whereby y^e Right & Property of y^e General Proprietors to the Soil of this Province may be Confirmed to them, according to their respective Rights & Titles, & like-wise for y^e Confirming & settling y^e particular Titles, & Estates of all y^e Inhabitants of this Province, & other purchasers Claiming under y^e General Proprietors: This I must observe to you, I have Recommended to y^e Assembly, every Sessions since I have had y^e Honor to serve her Maj^{ty} in y^e Government of this Province, what has hindred it till this time I will not undertake to Say, but sure I am, that nothing can Contribute more, to y^e Settlement, Welbeing, & happiness of this people & Country, than y^e doing this as it ought to be; I hope this Assembly will have y^e Good Luck to find y^e Right Methods of Attaining these great & good Ends, in which no Assistance of Mine shall be wanting.

I must Observe to you, That y^e Highways directed to be laid out by a former Act of Assembly of this Province, have not been laid out according to y^e Direc-tions of that Act, tho' the Commissioners have been often Called upon to do their Duty, I cannot but take Notice y^t the Bridges, are in so ill a Condition, y^t after any sudden rain it is very dangerous to go over them.

I think if a Tax were laid for the building of Bridges, & good Managers appointed, for y^e laying out y^t money, & seeing y^e work effectually done, it would not only be a Conveniency & safty to Travellers & Traders, but it would be less Charge & trouble to the People, for then a very Small Charge wth Care, would maintain them many years.

I think it my Duty to Recomend to you, y^e preparing a Bill for the Settling y^e Qualifications of Persons to serve upon Jurys, the lives of men & y^e Titles of their Estates are often lyable to be called in Question, & I think it is not proper that every Idle person, should be capable of serving upon those Occasions.

GENTLEMEN

I have often Recomend a Review of the Laws in force in this Province, before y^e Government was Surrendered to her Maj^{ty} perhaps some may be found fit to be Re-enacted in y^e same words they are now Conceived, or at least with some Amendments may be made fit for the Queens Approbation, if any such are you shall always find me ready to Receive them.

I must further Acquaint you Gentlemen That her most Sacred Maj^{ty} y^e Queen who is desirous y^t all her Subjects may equally enjoy, y^e benefit & Advantage of Trade without ineroaching one upon y^e other, Expects y^t a Bill or Bills be past, to lay y^e Same Dutys & Impositions upon Goods Imported into, or exported out of this Province, as are paid by her Subjects of y^e Neighbouring Province of New York, y^t by that means her Subjects there & here, may be upon an equal foot.

I cannot Conclude without putting you in Mind, that y^e Act for settling y^e Militia of this Province is Expired by its own Limitation, I propose to you y^e Reviving that Act for y^e ease of the People, for if it is not Revived, I must Govern my self with Respect to the Militia, according to y^e Laws of England, which will not be so easy, especially to some people as y^t Act was.

These Gentlemen, are y^e things I thought proper to Recomend to you at this Time, if there be any thing else, for y^e Service of y^e Queen & real good & welfare of y^e Country (w^{ch} I must say are in their own Natures Inseparable) w^{ch} you think ought to be provided for by a Law, you shall alway's find me ready, to Imbrace, & as far as in me lyes to Incourage such things: I have nothing more to add, but to recomend to you Dispatch in y^e Affaires before you, & the best way to Attain that will be, to lay aside all private Animosities, yⁱ you may the more freely Apply all yo^r thoughts & yo^r Time to y^e Service of the Queen & yo^r Country.

Spoken at Burlington

April y^e 7th 1707.

GENTLEMEN

The reason of my Requiring yo^r Attendance at this Time is, because in reading yo^r Votes of yesterday, I Observe you are falling into several Irregularities, never thought of before by any Assembly of men in any part of y^e Queens Dominions, therefore I think it my Duty to take notice to you of them, that such things may be avoided, from which no good can ensue, but only an Interruption & hindrance of the Publick Business, to y^e Manifest prejudice of her Majesties Service, & the Good & Welfare of the people in General.

The first thing yⁱ I shall Observe is, That you being Resolved into a Committee of the whole House, have turn'd out y^e Clerk who is a Sworn Officer, & a Man of known Integrity, this Gentlemen is without precedent, & that which I dare be bold to say, no Com'ittee of y^e whole House of Commons in England ever Attempted.

The next thing is a greater irregularity, if possible than this, for you Appoint one of yo^r Members to be your Clerk, by which you deprive a Member of his Right of Debating & Voting; for a Clerk can neither

Debate nor Vote. These Gentlemen are things extremely irregular, & therefore ought carefully to be avoided. The best Advice I can give you upon this Occasion is, to Return to yo^r House & proceed calmly upon the weighty matters before you, like men determined to do their Country Service. I am well satisfied the people expect to have their Titles, & their possessions of their Lands settled & Quieted by some good Bill, or Bills to be passed in this Assembly, y^e Queen expects to have a Revenue Settled, there are other matters of great Moment before you, w^{ch} will imploy yo^r Time much better, than unnecessary Disputes or Irregular proceedings will do. Therefore once more, I exhort you to return to yo^r House, & give such Dispatch to y^e matters before you, as may be reasonable. If you have any Grievances to Complain of, I dare assure you, that as soon as they are known, & appear really to be such, they will be Redressed.

Spoken at Burlington

April y^e 9th 1707.

Additional Instruction to Lord Cornbury, as to the administration of the Government in case of his death or absence.

[From P. R. O. B. T. New Jersey, No. 12, p. 291.]

An Additional Instruction¹ to our Right Trusty and Well-beloved, Edward Lord Viscount Cornbury, our Captain General and Governor in Chief of our Province of New Jersey in America, and in his Absence to our Lieutenant-Governor or Commander in Chief

¹ "Sent to the Earl of Sunderland 23d April, 1707."

of our said Province, for the time being—
Given at our Court at Kensington, the
third day of May, in the Sixth Year of our
Reign : 1707.

WHEREAS by a Clause in Our Commission and Instructions to You, Our Captain-General and Governor in Chief of Our Province of New Jersey, It is directed, That upon your Death or Absence (in case there be no Lieutenant-Governor appointed by Us upon the Place) the then Council do take upon them the Administration of the Government, and that the Eldest Counsellor do preside, as by the said Commission and Instructions is more particularly set forth; and We having Observ'd, that this Instruction has given Occasion of many Controversies and Disputes between the Presidents and the Counsellors, and between the Counsellors themselves, and otherwise, in several of Our Plantations, to the great Hindrance of the Publick Business, and to the Prejudice and Disturbance of Our Service there; Our Will and Pleasure therefore is, That if upon Your Death or Absence, there be no Person upon the Place Commissionated by Us to be Our Lieutenant Governor or Commander in Chief, the Eldest Counsellor, 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, and execute Our said Commission and Instructions, and the several Powers and authorities therein contained, in the same Manner, and to all Intents and Purposes, as other our Governor or Commander in Chief should or ought to do, in case of your Absence, until your Return, or in all Cases, until Our further Pleasure be Known thereon. So We bid you very heartily Farewell.

By Her Majesty's Command.

Petition of the General Assembly of New Jersey to the Queen, relating to the difficulties attendant on Lord Cornbury's government.

[From Contemporaneous Draft among N. J. Hist. Soc. MSS.]

TO THE QUEENS MOST EXCELLENT MAJESTY

The Humble Petition of the General Assembly
of your Majesties Province of New-Jersey.

DREAD SOVEREIGNE

Your Majesties Loyall Subjects the Representatives of this Province in General Assembly met and Assembled Begg leave to lay at your Majesties Royall feet an Account of the hardships they Indure under the administration of his Excellencie Edward Lord Viscount Cornbury some time after the publication of your Majesties Letters patents to his Excellencie an Assembly was Called who met at the Citty of Amboy and after some time were adjourned to the Citty of Burlington who was willing to raise such a summe of Money for the support of your Majesties Government here as the Circumstances of the Country would admitt of. But Sundry persons being dissatisfied with them and thinking themselves agrieved privately Raised Considerable Summs of money to dissolve the then Assembly and Constitute such officers Civill and military as the Contributors should approve of, upon which their Assembly was dissolved and many mean and mercenary men put into office, who dayly harrass and abuse your Majesties most Considerable Subjects in this province. Your Majesties Loyall Subjects the Assembly of this Province having had Several Evidences taken before them have great Reason to believe that the money so Raised was given to his Excellencie and did Induce him to dissolve the then Assembly and

Refuse to Swear three members duly Elected and Returned by the Sherife to serve in the Next *Assembly* upon the Groundless Suggestion of two members of your Majesties Council here viz: Thomas Revell and Daniel Leeds which Councillors when the *Assembly* had appointed a day of hearing never appeared to Justifie their allegations to the *Assembly* who upon a thorough Examination of the Matter found them duly Elected and Qualified and accordingly sent two of their Members to Acquaint his Excellencie with it and to Pray him to admitt them to be Sworn that they might take their places in the *House* which his Excellencie did refuse to do pretending he had a Right to Judge of their Qualifications and keep them out nigh Eleven Months which being a great violation of the Rights and Liberties of your Majesties Loyall Subjects here and an assuming to himself a negative voyce to the freeholders Election of their *Representatives* and by which Means he procured the passing of Severall *Laws* which *Have* and *Do* greatly oppress your Majesties Loyall Subjects and have so farr Impoverished them that they are Incapable of Raising Such a *Revenue* for the support of your Majesties Government here as is desired of them or as otherways they would be Inclined to do.

THEY therefore In all *Humble Manner* Throw themselves at your MAJESTIES Royall feet Imploring Your *Majestie* to Relieve them from the oppressions they groan under by the arbitrary and Illegal Practices of his s^d Excellencie, and if your Majestie would be Graciously pleased to appoint A. *Governour* over this your Majesties *Province* that is not Governour also of your Majesties *Province of New York* it would Infinitely Conduce to the Ease and *Prosperitie* of your Majesties Loyall Subjects here whose Circumstances are such that they are not able to pay the Salary of a Governour and the Extraordinarie Charges of his

travelling from New-York to this place and back again.

Did not a series of *Male Administration* give us reason to despair of any reliefe by application to his Excellencie Wee had not presum'd to trouble your Majestie with our Complaints to whom it must be uneasie to hear that any (though the most contemptible) of her subjects are opprest, the Remotest part of her Dominions not being Exempt from her Royall Care and Intituled to a proportionable Share of her *princely* Goodness and Clemencie

IN HUMBLE hope and Confidence of being heard by your Majestie Wee pray that your Majestie will be pleased to take such Measures for the Reliefe of your Majesties poor opprest *Petitioners* as in your Royall Wisdom you shall Judge most fitt and your *Petitioners* as in Duty bound shall ever Pray that *God* will give your Majestie many glorious Days and make your Majestie Compleatly happy both here and hereafter.

By order of the House of Representatives

A: M: Die Lune, 5^o Maij Anno Dom: 1707.

Divers of the Members of this Assembly being of the people Called *Quakers* do all assent to the matter and substance of the above written but make some Exceptions to the Stile.—

Remonstrance of the Assembly of New Jersey, against certain evils, to which the Province was subjected, and Lord Cornbury's Answer.

[From P. R. O. America and West Indies, Vol. 6.]

To his Excellency the Lord Viscount Cornbury
Capt. General & Governor in Chief of the
said Province. Delivered by Samuell Jen-

ings, Speaker of the said Assembly, at Burlington the 8th day of May, 1707. [Inclosed in Mr Morris 9th Feb'y 1707-8.]

May it Please the Governour ;

We her Majestys loyal subjects, the Representatives of the Province of New Jersey, are heartily sorry, that instead of raising such a Revenue as is by the Governour (as we suppose by the Queens directions) required of us, we are obliged to lay before him the unhappy Circumstances of the Province; It is a Task we undertake not of choice, but necessity, and have therefore reason to hope, that what we say, may meet with a more favorable reception.

We pray the Governour to be assured, its our misfortunes extorts this procedure from us, and that we should betray the trust reposed in us by our Country if we did not endeavour to obtain Relief.

The Governours promises encourages us to hope, he will not be deaf to our entreaties, nor by his denial render our attempts, for the best ends, fruitless.

We may not, perhaps, rightly apprehend all the causes of our sufferings, but have reason to think some of them are very much owing to the Governours long absence from this Province, which renders it very difficult to apply to him in some cases that may need a present help.

It were to be wished, that the affairs of New York would admit the Governour oftner to attend to those of New-Jersey, he had not then been unacquainted with our Grievances, and we are inclin'd to believe they would not have grown to so great a number.

1 It is therefore in the first place humbly represented to the Governour's consideration, that some persons under sentence of Death for Murder; have not only remained till this time unexecuted (they being con-

demned not long after Lord Cornbury's accession to this Government) but often have been suffered to go at large. It is possible the Governour has not been informed, that one of these Persons is a Woman who murther'd her own Child, another of them a Woman who poyson'd her Husband; the keeping of them so long has been a very great charge, and how far its a Reflection on the Publick Administration, to suffer such Wretches to pass with impunity, we dare not say. But sure the Blood of those Innocents crys aloud for Vengeance, and just Heaven will not fail to pour it down upon our already miserable Country, if they are not made to suffer according to their demerits.—

2^{dly} We think it a great hardship that persons accused for any Crime, should be obliged to pay Court Fees, notwithstanding the Grand Jury have not found the Bill against them: They are men generally chosen out of the Neighborhood, and should be the most substantial Inhabitants, who cannot well be supposed to be ignorant of the Character of the Person accused, nor to want as good Information as may be had; when therefore they do not find the Bill, its very reasonable to suppose the accused Person innocent, and consequently no Fees due from him. We pray therefore that the Governour may give his assent to an Act of Assembly, to prevent the like for the future, otherwise no persons can be safe from the Practices of designing men, or the wicked effects of a vindictive Temper.

3^{dly}. The only Office for Probate of Wills being in Burlington, it must be very expensive and inconvenient for Persons, who live remote, especially for the whole Eastern Division. We therefore pray the Governour to assent to an Act to settle such an Office in every County or at least in each Division of this Province, and that the Officers may be men of Good Estates and known Integrity in the said County or Division.

4^{thly}. That Secretary's Office is not also kept at Am-

boy, but that all the Eastern Division are forced to come to Burlington, that have any business at the said Office, is a Grievance which we hope the Governour will take care to redress, it seeming inconsistent with the present Constitution of Government established by the Queen, which doth not admit one of the Divisions of this Province, to enjoy more privileges and advantages than the other. We therefore intreat the Governour not to take it amiss, that we desire his assent to an Act to be past, to oblige the Secretary to keep his Office at both places.

5^{thly}. The granting of Patents to cart goods on the Road from Burlington to Amboy, for a certain number of years, and prohibiting others, we think to be a great grievance, that it is contrary to the Statute, 21. Ja. 1. ch. 3. against Monopolies, and being so, we doubt not will easily induce the Governour to assent to an Act, to prevent all such grants for the future, they being destructive of that Freedom, which Trade and Commerce ought to have.

6^{thly}. Establishing Fees by any other Power or Authority then by the Governour, Council, and Representatives met in General Assembly, we take it to be a great grievance, directly repugnant to Magna Charta, and contrary to the Queens express directions in the Governours Instructions which says, You are to take care, that no Man's Life, Member, Free-hold or Goods, be taken away or harmed in our Province under your Government, otherwise then by established and known Laws, not repugnant to, but as much as may be agreeable to the Laws of England. We therefore pray that the Governour will assent to an Act to be passed to settle Fees, without which we think no more can be legally demanded, than the Persons concerned by agreement oblige themselves to pay.

7^{thly}. The Governours putting the former publick Records of the Eastern Division of this Province into

the hands of Peter Sonmans, the pretended Agent of the Proprietors, one that doth not reside in the Province, nor has not given security for the well and true keeping of them, as is by the Queen directed, and keeps them so that Her Majestys Subjects cannot have recourse to them, and their being carried out of the said Division, is a great and crying grievance; they are the only Evidences, that one half of this Province has to prove the Titles of their Estates; and this House is humbly of opinion, that they ought to be so kept, that Persons may have recourse to them, and in the hands of such of whose Fidelity there is no reason to doubt. This being a thing so reasonable, encourages us to Request the Governour to assent to an Act to be passed, to put them in proper hands for the future, that the Country may not be under the same disappointments they now are.

These, Governour, are some of the Grievances this Province complains of, and which their Representatives desire may be redrest, but there are others of an higher nature, and attended with worse consequences; They cannot be just to the Governour, themselves, or their Country, should they conceal them. We did expect when the Government of the Jerseys was surrendered, to feell the benign influences of the Queens mild Government, under Her more immediate administration, and to be protected in the full injoyment of our Liberties and properties, the last of which we thought ourselves something more secure in, then some of the neighbouring Plantations, and had an intire dependence, that Her Majesties Royal Bounty and Goodness would never be wanting to make us easy and happy, even beyond our Wishes.

It's our misfortune that we must say, the success has not answered the Expectation, and the Queens Subjects here have felt the Reverse of what they had most reason to hope. That greatest and best of Princes,

is, without peradventure, ignorant of our Pressures, or we had long since had Relief: She is too good to continue even the deserved sufferings of the Miserable, and has more of Heaven in Her than not to hear the Cry of those that groan under Oppression, and the unkind effects of mistaken Power, to whom we owe our Miseries; and what they are, the sequel shews.

In the First place, the Governour has prohibited the Proprietors Agents, commonly called the Council of Proprietors, from granting any Warrant for taking up of Lands in the Western Division of this Province. We cannot see by what Law or Reason, any mans Property can be disposed of by the Governour, without his consent. The Proprietors when they surrendered the Government, did not part with their Soil, and may manage it as they think fit, and are not to take directions from any Person whatsoever, how and when to do it. If any Person concerned is agrieved, the Laws are open, by which disputes in Property are decided, and he, doubtless, will not be left remedyless. We are very sorry the Governour gives us occasion to say, it is a great Incroachment on the Proprietors Properties; but we are not surpris'd at it when a greater Incroachment on our Liberties led the way to it, and that was the Governours refusing to swear or attest, three Members of the last Assembly, upon the groundless suggestion of Thomas Revel and Daniel Leeds, two Members of the Queens Council, by which means they were kept out of the Assembly. We are too sensibly toucht with that procedure, not to know what must be the unavoidable consequences of a Governours refusing to swear, which of the members of an Assembly he thinks fit, but to take upon himself the Power of judging of the Qualifications of Assembly Men, and to keep them out of the House, as the Governour did the aforesaid three Members, nigh eleven Months, till he was satisfied in that point, after the House had

declared them Qualified, is so great [a Violation of the Liberties of the People, so great a Breach of the Privileges of the House of Representatives, so much an assuming to himself a Negative Voice to the Freeholders Election of their Representatives,] that the Governour is intreated to pardon us if this is a different Treatment from what he expected: It is not the effects of passionate Heats, or the Transports of Vindictive Tempers, but the serious Resentments of a House of Representatives, for a notorious Violation of the Liberties of the People, to whom they could not be just, nor answer the truth reposed in them, should they decline letting the Governour know, they are extremely dissatisfied at so unkind a Treatment, especially when its Causes and Effects conspire to render it so Disagreeable.

It is notoriously known, that many considerable Sums of Money have been raised to procure the Dissolution of the first Assembly, to get clear of the Proprietors Quit Rents, and to obtain such officers as the Contributors should approve of.

This House has great reason to believe, the Money so gathered was given to Lord Cornbury, and did Induce him to Dissolve the then Assembly, and by his own Authority keep three Members out of the next Assembly, and put so many mean and mercenary Men into Office, by which corrupt Practice, Men of the best Estates are severely harassed; Her Majestys Good Subjects in this Province so Impoverished, that they are not able to give that Support to her Majestyes Government as is desired, or as they would otherwise be inclined to do. And we cannot but be very uneasy when we find by these new methods of Government our Liberties and Properties so much shaken, that no Man can say he is Master of either, but holds them as Tenant by Curtesie, and at Will, and may be stript of them at Pleasure. Liberty is too valuable a thing to be easily parted with, and when such mean induce-

ments procure such Violent Endeavours to tear it from us. We must take leave to say, They have neither Heads, Hearts or Souls, that are not moved with the Miseries of their Country, and are not forward with their utmost Power lawfully to Redress them.

We conclude, by advising the Governour what it is that principally engages the Affections of a People, and he will find no other Artifice needful, then to let them be unmolested in the enjoyment of what belongs to them of Right; and a wise Man that despises not his own happiness, will earnestly labour to regain their love.

By order of the House,

Saml Jennings

A. M. Die Luna 5 May, 1707.

Speaker.

His Excellency's Answer to the said Remonstrance, Given to the said Assembly at Burlington, on Munday the 12th day of said May, 1707.

Gentlemen;

On Thursday last I receiv'd a Paper from you which you call a Remonstrance. I then told you it was of an extraordinary nature, and contain'd many particulars, which tho' they lay open enough to receive an immediate Answer, yet because I would not put it in your power to say, I had given you a rash inconsiderate Answer, I would make no return to it till the Saturday following, at which time I sent you word by

the Secretary that I would not expect your attendance till this day.

I shall not take notice of any thing in your Preamble, but the two last Clauses of it; In the first of which you say, "That you have reason to think that
"some of your Sufferings are owing to the Governours
"long absence from this Province, which makes it
"very difficult to apply to him in some cases that may
"need a present help.

This is so far from being true, that besides my being in this Province twice every year, and have never staid less than a Month, sometimes six weeks or more, the Post goes every week to New York, by which I may easily be informed of any emergency; moreover, the Lieut Governour, Coll Ingoldsby, resides constantly in this Province, and would certainly have done right to any persons who would have complained to him; which makes this allegation appear very frivolous.

In the next Clause you say, "It were to be wished,
"that the affairs of New-York would admit the Governour oftener to attend those of New-Jersey.

The affairs of New-York have never hindered the Governour from attending those of New-Jersey when ever it has been requisit. And I may safely say, that I don't know of any Grievance this Province labours under, except it be the having a certain number of People in it, who will never be faithful to, nor live quietly under any Government, nor suffer their neighbours to enjoy any peace, quiet or happiness, if they can help it. Now I begin with your Articles.

1st. Two Women have been condemned for Murder and have not been executed, there having appeared most notorious Malice and Revenge in some People who were zealous in those Prosecutions. The Queen is the fountain of Honour, Justice and Mercy, and as she is so, she may, when she pleases, exert her Mercy in either reprieving or pardoning any Criminal, that

Power of Pardoning & Reprieving, after Condemnation, the Subjects of this Province, her Majesty has been pleased to entrust me with, & I am in no wise accountable to any person or number of persons whatsoever, for what I do in these matters, except to the Queens Majesty alone.

As for what you say with relation to the apprehensions you have, that just Heaven will not fail to pour down Vengeance upon your already miserable Country, if these Criminals are not made to suffer according to their demerits

I am of opinion, that nothing has hindered the Vengeance of just Heaven from falling on this Province long ago, but the infinite Mercy, Goodness, Long-suffering and Forbearance of Almighty God, who has been abundantly provoked by the repeated crying sins of a perverse Generation among us, and more especially by the dangerous and abominable Doctrines, and the wicked Lives and Practices of a number of People, some of whom under the pretended Name of Christians, have dared to deny the very essence and being of the saviour of the World.

2^{dly}. It is a strange thing that such an Assembly of Men as the Representatives of the People of the Province are, or ought to be, should complain of any thing under the name of Hardship, before they had informed themselves whether the thing they had a mind to complain of, were really a hardship or not. This is plainly your case at this time; for if you had asked any man that knows any Practice of the Law in England, you would have found, that if any Proceedings have been carried on against any Persons supposed to be guilty, they have always paid the Court Fees, notwithstanding the grand Jury have not found the Bill. This is so known a Practice, that it is not to be disputed; but when men will intermeddle with, or pretend to things which they neither know nor under-

stand, they cannot fail of misguiding themselves, and mis-leading those who have a mind to be guided by them.

Indeed, if Juries in this Country were what they ought to be, the supposition might be in some measure allowed, but we find by woful experience, that there are many men who have been admitted to serve upon Grand and Petty Juries, who have convinced the world that they have no regard for the Oathes they take, and especially a sort of People, who under pretence of Conscience, refuse to take an Oath, and yet many of them under the cloak of a very solemn Affirmation, dare commit the greatest Enormities, especially if it be to serve a Friend, as they call him; and these are the designing Men and the vindictive Tempers, of which all the Queens good Subjects ought to beware, and be protected from; And these are the crying sins which will undoubtedly draw down the Vengeance of just Heaven upon this Province and People, if not timely and seriously repented of.

3^{dly}. If I should persuade my self to wonder at any of the Enormities contained in this Remonstrance (and which I would do, if it came from any other men) it should be at this, because no reasonable man can easily perswade himself to believe, that a number of men chosen by their Country to represent them, would presume to complain of a thing as a Grievance, when the thing complained of, is, in fact, not true; for the Office of Probate of Wills, is where-ever the Governour is, and consequently not at Burlington only. Ever since the Queen has done me the honour to entrust me with the Government of this Province, I have never failed of being in the Province twice every year, once at Burlington and once at Amboy, except the last year, that I had the unspeakable misfortune of loosing a Wife whom I loved as much as my own Soul, after a very long tedious Sickness, during which, I am per-

swaded, no reasonable man could expect I would leave her for any time; and yet, notwithstanding that, I was twice at Amboy last year, where any body, that had a Will to prove, might have had it done, if they pleased; besides my being twice every year in the Province, considering the remoteness of Cape-May County, and the County of Salem, I did appoint a Surrogate at Burlington, before whom any of the Inhabitants of either Division, might have had their Wills proved. I did not think it necessary to appoint one in the Eastern Division, because the Inhabitants of that Division, who are most remote from New-York, are within a very easie days Journey of my Surrogate at Burlington, and much the major part of the People of that Division, are within a very small days Journey of New-York, where their private affairs daily calls many of them, and where any of them may have their Wills proved, without any injury or incroachment upon their Properties, Rights or Priviledges. This is so certain a truth, that I am perswaded all judicious and impartial men will look upon this Complaint to be malicious, scandalous and frivelous, contrived only to amuse poor ignorant People with notions of Grievances, when, in truth, there is no manner of cause of Complaint. Besides, what you desire Is a direct Invasion of the Queens Prerogative; for it belongs to her Majesty alone to appoint who shall be Probate of Wills, and grant Letters of Administration, and that Power the Queen has been pleased to vest in the Governour; and I am sure that I will never so far betray the trust her Majesty has honoured me with, as to sacrifice her Prerogative Royal to the humours of any person or persons whatsoever. But of all the People in the World, the Quakers ought to be the last to complain of the hardships of travelling a few Miles upon such an occasion, who never repine at the trouble and charges of travelling several hundreds of Miles to a

yearly Meeting, where it is evidently known, that nothing was ever done for the good of the Country, but on the contrary, continual Contrivances are carried on for the undermining the Government both in Church and State.

His Excellency's Answer.

4^{thly}. You have had as little regard to the truth of matters of fact in this Complaint, as in some of the rest; for it is certain that the Secretary's Office is kept at Amboy as well as at Burlington, as far as the nature of the thing requires, and it can admit of; for the Records of the Eastern Division are kept in the eastern Division, or at least so many of them as the Agent for the Proprietors of that Division, could hitherto recover from one Thomas Gordon, into whose hands they were put in the time of the Proprietary Government, and who has embezzled several of them, for which he must be answerable. There is a Supreme Court held once every year at Amboy, there is no more at Burlington; so that one Division does not enjoy more Priviledges and Advantages than the other: And you have no more reason to desire a Secretary's Office to be settled at Amboy, than the People of the County of Cumberland would have to desire a Secretary of State's Office to be settled in their County because it is a great way for them to travel to London, when they have any business in the Secretary's Office. The thing is inconsistent in it self to have two Secretary's Offices in the same Province, and consequently unreasonable, and I am pretty well satisfied, without President; besides, I don't know any body that can claim the right or power of appointing a Secretary in this Province, but the Queen, and she has been pleased to appoint one under the great Seal of England, and

her Majesty is pleased to think one sufficient, as undoubtedly it is; but if you had thought, that another had been necessary, it would have been much more modest to have acquainted me with it, that I might have humbly represented it to her Majesty, rather than to have Remonstrated that as a Grievance, which is done in pursuance of the Queens Commands; but this is of the same nature with the rest of your Complaints, contriv'd on purpose to amuse poor ignorant People with a notion of Grievances, when, in truth, there is not the least colour of Cause of Complaint.

5^{thly}. I could wish, (since you had a mind to colour this Complaint with the Authority of an Act of Parliament in England) that you had advised with some Lawyer, to know whether this could be any way brought under that Statute, or can by any Construction in the world be call'd a Monopoly; I am apt to believe, those Gentlemen would have told you, it could not. Nothing can properly be call'd a Monopoly, but where a man engrosses a Commodity into his own hands, and imposes what unreasonable Prices he pleases upon that Commodity; or where a man is suffered to enjoy any Trade or Occupation, exclusive of others, to the prejudice of the Publick, or particularly to the hindering or burthening of Trade. The thing now complained of is so far from being of that nature, that it is directly contrary; for by the Patent now complained of, the Subjects of this Province have the conveniency of sending such Quantities of Goods to and from Burlington and Amboy, as their private occasions, or the nature of their Trade may require, at reasonable and certain Rates, and at certain Times, which they could never do before; but before the settling of this Waggion, if any Person had occasion to send any Goods to or from either of these Places they were forced to hire a Waggion, though perhaps they had not the tenth part of a Load, and were forced to

pay such Rates as the owner of the Waggion thought fit to impose upon them; whereas at present everybody is sure once a Fortnight to have an opportunity to send any quantity of Goods, great or small, at reasonable Rates, without being in danger of being imposed upon at the will of the owner of the Waggion. And the settling of this Waggion is so far from being a Grievance, or a Monopoly, that by this means, and by no other, a Trade has been carried on between Philadelphia, Burlington, Amboy and New-York, which was never known before, and in all probability would never have been, had it not been for this certain convenient way of sending such quantities of Goods, as People pleased, from place to place. And in all the parts of Europe, the having publick Carriages for Goods, has always been esteemed of absolute necessity, and the want of them has been looked upon as a hardship. But it seems those things which in the wisest and best Governments in Europe have not only been thought convenient, but esteemed of absolute necessity, are found out by some of our wiser People here, to be Grievancies and Monopolies. This being undoubtedly true, it is plain, the Patent complained of cannot come within the Statute of the 21 Ja. 1 Cap. 3. This, I believe, will be sufficient to convince all reasonable men, how frivolous and unreasonable this Complaint is. I shall observe, that when I was first applyed to for a Patent for the allowing this Waggion, which was by one Dell (a man, who in Coll. Hamilton's time, was permitted to drive a Waggion for the carrying of Goods, though under no regulation, either with respect to times of going, or Prices for carrying goods, and then there was no Monopoly) before I would grant it, I did acquaint the Council with it, and desired them to let me know if they apprehended any inconveniency in granting such a Patent: Those Gentlemen were all of opinion, there could be no incon-

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 veniency in it, but rather a great conveniency; and indeed experience has proved that Opinion to be true; Nay, M^r Lewis Morris himself, the chief promoter of these unreasonable and frivolous Complaints at this time, who had the honour then to be one of her Majesties Council, expressed himself very fully to that purpose; indeed, if that Gentleman had ever been consistent with himself in any two Actions of his Life, I should wonder how he could so soon alter his Opinion in a case of that nature; but his behaviour at all times having fully convinced the world, that he never was so, makes me cease wondering.

His Excellency's Answer.

6thly. This Clause of your Remonstrance is, indeed of a more extravagant Nature than the former; for you presume to call that a great Grievance, and affirm it to be directly repugnant to Magna Charta, and contrary to the Queens express Directions in the Governours Instructions, which is most certainly exactly pursuant to, and in obedience of the express words contained in the Queens Instructions to the Governour. So that you make the Governour's faithful obedience to the Instructions the Queen has honoured him with, to be a great Grievance; which is no less than accusing her most sacred Majesty, the best of Queens, of commanding her Governour to do things which in themselves are great Grievances. How grateful a return this is to her Majesty, for the repeated favours she has been pleased to shew to this Province and People, let the world judge. That Clause of my Instructions which you recite in this Article, has no manner of relation to Fees. Indeed, there is another Clause in my Instructions, which directs how, and by whom all Fees shall be settled, and the Queens Commands have

been observed. The words of the Clause are these,
“ And you are, with the advice and consent of our said
“ Council, to take special care to Regulate all salaries
“ and Fees belonging to places, or paid upon Emergen-
“ cies, that they be within the bounds of Moderation,
“ and that no Exaction be made on any occasion what-
“ soever: as also, that Tables of all Fees be publickly
“ hung up in all places where such Fees are to be paid.
“ And you are to transmit Copies of all such Tables of
“ Fees to Us, and to our Commissioners for Trade and
“ Plantations, as aforesaid. And I challenge every
one of you, and all Mankind, to shew how, where and
when any Mans Life, member, Free-hold or Goods
have been taken away or harmed in this Province
since it came under her Majesties Government, other-
wise than by established and known Laws, not repug-
nant to, but as much as may be, agreeable to the Laws
of England.

His Excellency's Answer.

7^{thly}. When I first read this Clause I could not
imagine what it was put in for, unless it were on
purpose to arraign the Queens express Commands to
me. First, Mr. Sonmans is not the pretended Agent,
but is lawfully constituted Agent for the Proprietors
of the Eastern Division of this Province and has quali-
fied himself according to the Queens Instructions to
me and he does reside the greatest part of his time in
this Province The Records are not carried out of the
Eastern Division unless it be those which Tho. Gordon
has imbezled; but those that came to the hands of M^r
Sonmans are kept at Amboy where any body may
have recourse to them, that will desire, at any season-
able hour; and the Country is not under any disap-
pointment upon that account: Besides, the Records of

the Eastern Division were put into the hands of the Proprietors Agent by an Order from England, upon a Complaint made in England, that the Records were not in the hands of the Proprietors Agents.

This is certainly one of the boldest Assertions that ever was made, especially when there appears no manner of Proof to make it out. When I read these two Clauses; for there are two before you come to enumerate these Grievances of an higher Nature, and attended with worse Consequences, I expected to have found my self, or some other Persons intrusted with me in the Administration of the Government over her Majesties Subjects in this Province, not only accused, but made plainly appear by undeniable manifest Proofs, beyond the possibility of a Contradiction, to be guilty of the most enormous Crimes. Who can imagine, when such a Body of Men, as the Representatives of a Province venture to say, "That they "did expect when the Government of the Jerseys was "surrendered, to feel the Influences of the Queens "mild Government under her more immediate "Administration, and to be protected in the full "Enjoyment of their Liberties and Properties, the last "of which they thought themselves something more "secure in, than some of the Neighbouring Planta- "tions, and had an entire dependence, that her Majes- "ties Royal Bounty and Goodness would never be "wanting to make them easie and happy, even beyond "their wishes: Its their misfortune that they must "say, The Success has not answered the Expectation, "and the Queens Subjects here have felt the Reverse "of what they had most reason to hope. That great- "est and best of Princes is, without all peradventure, "ignorant of their Pressures, or they had long since "had a Relief; She is too good to continue even the "deserved Sufferings of the Miserable, and has more "of Heaven in Her than not to hear the Cry of those

“ that groan under Oppression, and the unkind effects
“ of mistaken power, to whom they owe their Mis-
“ eries. Who would not, I say, after such Assertions,
expect to see the Governour proved guilty either of
Treason or betraying the Trust reposed in him by
depriving the Subjects of their Lives, their Estates or
properties, or at least denying them Justice, and per-
verting the Laws to the Oppression. instead of admin-
istering them for the Protection and Preservation of
the People committed to his Charge. These or the like
Crimes, manifestly proved, are the only things that
can justifie Men in the accusing a Governour of Cor-
rupt Practice, and of shaking the Liberties and Prop-
erties of the People. But if none of these things can
be proved, but on the contrary it does appear plainly,
that no one Act of Severity, much less of Injustice, or
Oppression, has been done, since the Government of
this Province came under the Queen, but that there
has been an impartial, just and equal Administration
of Justice observed throughout the whole Course of
my Government, and that many Acts of Mercy have
been extended to Persons, who deserved to be severely
punished; then what sort of Creatures must these bold
Accusers appear to be in the eyes of all impartial and
judicious Men? That these are Truths beyond Contra-
diction, and which all the People of this Province
know, I do Challenge you, and every of you to prove
the contrary. And tho’ I know very well, that there
are several unquiet Spirits in this Province, who will
never be content to live quiet under any Government
but their own, and not long under that neither, as
appears by their Methods of Proceeding when the Gov-
ernment was in the hands of the Proprietors, when
many of these very Men who are now the Remon-
strancers, were in Authority, and used the most Arbi-
trary and Illegal Methods of Proceeding over their
fellow Subjects, that were ever heard of Yet I well

satisfied, there are very few men in the Province, except Samuell Jenings and Lewis Morris, Men known to have neither good Principles nor Morals, who would have ventured to accuse a Governour of such Crimes, without any Proof to make good their Accusation. But they are capable of any thing but good.

But that the unreasonableness of these Complaints may appear the Plainer, let us consider what these Enormities of mine are, that have turn'd the benign influences of the Queens mild Government into Oppression and the unkind effects of mistaken Power.

His Excellency's Answer.

First. By the Instructions her most sacred Majesty, the Queen, has honoured me with, I am to allow of all such Agents as the general Proprietors shall appoint, such Agents qualifying themselves by taking such Oaths as the Queen is pleased to direct, and no others. No Persons, under the Name of a Council of Proprietors, have ever tendred themselves to take those Oathes, consequently they are not capable of acting as Agents, besides. I say, these People who call themselves A Council of Proprietors, are a parcel of People pretending to act by a Power derived from certain Persons who have no power to grant. The Governor has therefore done in this case nothing but his duty, in hindring, as far as in him lay, that pretended Council of Proprietors from acting illegally, which they have long done, to the great prejudice of her Majesties Subjects. This is a truth I can't doubt of, because, besides the other reasons I have to satisfie me in that point, you have voted my putting the Records of the Eastern Division, into the hands of Peter Sonmans, to be a Grievance, tho' M^r Sonmans has qualified himself long ago; so that the Council of Proprietors not having

qualified themselves at all is a much greater Grievance. By the Queens Instructions to me, she is pleased to direct, That no person shall be capable of being elected a Representative by the Freeholders of either Division or afterwards sitting in General Assembly, who shall not have One Thousand Acres of Land of an Estate of Free-hold in his own right, within the Division for which he shall be chosen: Two Gentlemen of the Council informed me that three Persons, whose Names they then mentioned, were not qualified; upon which I refused to take their Attestations (for they were all Quakers) and in so doing I did my duty. I recommended it to the Assembly, at that time, to proceed, in the first place, to enquire into that matter; but they did not think fit to do it, till they had sate about three weeks, and then they sent me a Message to desire those three Members might be sworn, for they were qualified. I sent them word, that if they would communicate to me the Proofs which had satisfied them, I should be ready to admit them; but that they would not do. In some few days the Assembly was adjourned to meet at Amboy where they met at the time appointed, and sent me the same Message as they had done before; I sent them the same Answer; upon which they ordered the three Members to produce to me the proofs of their Qualifications, which having done, I admitted them immediately, which I could not do before without breaking the Queens Instructions; so that it was entirely through their own stubbornness, that they were not admitted sooner, and no intent or desire of mine to keep them out. If I had had a mind to have kept any Members out of the House, I could have made Objections which they could never have answered, but such practices are below me; & it is not true that I have made any Violation of the Liberties of the People, nor have I assumed to myself a negative Voice to the Free-holders election of their Representa-

tives, as this House of Representatives has lately most notoriously done. But of that more anon. Indeed, the treatment I have met with from this house of Representatives far different from what I and all reasonable men expected from most of them, thinking them indued with Reason and common Justice to Mankind; but it is not different from what I expected from Samuell Jenings and Lewis Morris, two men notoriously known always to have been Disturbers of the quiet and peace of this Province, Men always possest with passionate Heats and the transports of most vindictive Tempers, but never capable of such serious Resentments as would become a House of Representatives, if there were any occasion given them to shew any. How they have been able to prevail with the major part of the House to join with them in destroying, as far as in them lay, the Reputation of a Gentleman, who has the honour to serve the Queen as Governour of this Province, and is so far from deserving such Treatment from them, that he has always done to the utmost of his power for the good, wellfare and prosperity of this Province and People, and would have done much more, if the Assembly would have put it into his power, by preparing such Bills as the Governour at the beginning of every Sessions has recommended to them, and the Condition of the Country required; but that they must answer for to God and their own Consciences, if they can; and, perhaps, one day to me too.

Whether many considerable sums of Money have been raised or not, I know not; and if they were raised, for what intent or purpose they were raised, I know not: but this I know, that if any Money was raised, it was not given to me, nor was ever any Money offered to me to procure the Dissolution of the first Assembly or to get clear of the Proprietors Quit-Rents, or to obtain such Officers as the Contributors should approve

of, as is falsely alledged. The Reasons why I dissolved the first Assembly were evident to all Mankind; for it was plain that House never intended to do anything for the support of the Queens Government, nor for the good of the Country; and indeed better could not be expected from an Assembly so corruptly chosen as that was; for some of the now Remonstrancers, and some other People, prevailed with Thomas Gordon, than Sheriff of the County of Middlesex, to refuse a Poll, when demanded; and when the Persons injured by that Practice, complained to the House of Representatives, they had a day assigned them to be heard, but were limited to bring but twenty Witnesses; the People attended at the day appointed, with the number of Witnesses they were allowed to bring, but were then by that House refused to be heard, not only by themselves, but by their Council, and their Witnesses refused to be examined, tho' at the same time they heard Thomas Gordon, who was the Person complained against, and did examine some Witnesses on his behalf; upon which the Petition of the Complainants was dismissed: thereby supporting the illegal proceeding of the Sheriff. This was a Violation of the Rights of the People with a Vengeance, and a sufficient Reason (if I had no other) for the Dissolving that Assembly, that the People might once more have a free Choice of their Representatives. As for getting clear of the Proprietors Quit-Rents, that is such an absurdity to mention, that no body could be guilty of it but Samuel Jenings and Lewis Morris; for it is evident, that at the beginning of every Sessions, I have recommended it to the Assembly, to prepare a Bill or Bills for settling the Rights of the Proprietors; which, I suppose, will be a full Answer to that part. And as I know of no such Men as Contributors, so I can have had no such Application made to me: I have not, knowingly, put any mean or mercenary Men into

Office; indeed, at my first coming to the Government of this Province, I desired the Gentlemen of the Council to recommend Persons to me, fit to put into Offices, Military and Civil; several of them gave me Lists, and among the rest M^r Lewis Morris gave me one, which I have still by me, in which indeed, by experience, I find there are some mean scandalous men, but I cannot accuse any body else of doing the like.

Thus much I thought my self obliged to say in answer to your Remonstrance, to satisfie the world of the falshood of your Allegations, and the unreasonableness of your Complaints. I have said the less in answer to the scandalous Reflections you have cast upon me, because I don't doubt, but upon my most humble Application to her most sacred Majesty, the Queen, she will be graciously pleased to allow me to take such measures as may be most proper to procure me ample satisfaction for the great and Extravagant Injuries you have done me.

As for the Advice you conclude with, I shall only say, That I can never answer the taking advice from Men who do not know how to govern themselves, and who have always opposed the Service of the Queen, and the Interest and good of their Country, which are inseperable.

Now, Gentlemen, I shall take notice to you of some of your last unwarantable Proceedings in this Assembly, which I cannot pass by without a breach of the Trust reposed in me by her Majesty; And, first, I shall observe, that at the opening of the Sessions, I recommended to you the settling a Revenue, and the preparing several Bills, which I thought might be useful for the Country; and I told you, that if you found anything else necessary to be provided for by a Law, you should always find me ready to agree to anything that might be reasonable; but instead of proceeding upon those things so necessary that they

ought to have employed your first thoughts, you have squandered away your time in hawking after Imaginary Grievances for the space of one whole Month, without making one step towards the Service of the Queen or the Country.

You have presumed to take the Queens Subjects into the Custody of your Serjant at Arms, who are not Members of your House, which you cannot lawfully do, and is a notorious Violation of the Liberties of the People.

You have taken upon you to administer an Oath to one of your Members, and have expelled him from the House-for refusing to take an Oath, which you could not legally administer to him: This is most certainly Robbing that Member of his Property, and a most notorious assuming to yourselves a Negative Voice to the Free-holders Election of their Representatives; for which there can be no President found.

You have Arbitrarily taken upon you to command the High-Sheriff of this County to discharge a Prisoner, who was in his Custody at the Suit of one of the Queens Subjects, and he has been weak enough to do it, for which he lies lyable to be sued for an escape, whenever the Gentleman thinks fit to do it, and from which you cannot protect him. This is a notorious violation of the Rights of the Subjects, and a manifest interruption of Justice.

You have taken upon you to appoint one of your Members to act as Clerk of the Committee of the whole House, which you have no power to do, and the Party officiating is liable to be prosecuted for acting without lawful Authority, and without being qualified to act.

These, Gentlemen, are some of the Irregularities you have been guilty of this Sessions: Some of them are Inroachments upon the Queens Perogative Royal, the rest are all notorious Infractions upon the Rights, Liberties and Properties of the People. I was going to

conclude, with giving you some wholesom Advice, but I consider, that will be but labour lost; and therefore shall reserve it for Persons, who, I hope, will make the right use of it.

FINIS.

Affidavits and Depositions in support of the foregoing Remonstrance.

[From P. R. O. America and West Indies, Vol. 6.]

A Collection of Affidavits, Depositions and Petitions to the Assembly of New Jersey, to support the accusations of the said Assembly against Lord Cornbury's Administration of that Province. Inclosed in Mr. Morris's 9 Feb'y 1707.

JOSEPH FITZRANDOLPH Aged about fifty one years being sworn saith that some time in or about the Month of March 1707; Richard Salter being at the House of Benjaⁿ Hull in Piscataway sent for this Depon^t about some bussiness on which sd depon^t came to sd House and then said Salter told sd depon^t that now was the time to have their Liberties and Priviledges in chusing Assembly men and having Officers appointed to the good liking of the People and to be freed of their Quitrents if there were a sum of money raised to be privately disposed of to that end and that the sd depon^t having a great Deal of Land might very well give ten pounds for so good ends Others of Less ability (naming several Neversinks which the depon^t has forgot except one of the Lawrances) having given

more to which sd depon^t answer'd that he sd depon^t was a Poor man but yet he would give five pounds if he were sure to have these things done to which sd Salter reply'd that there was no doubt to be made of having them done by means of which fair Promises the depon^t was prevail'd upon to grant an Obligation to Cap^t John Bowne for the payment of five pounds which was presently fill'd up in a blank Obligation severall of w^h sd Salter had ready written by him.

Sworn as before Apr. 29th 1707.

LEWIS MORRIS chairman

WILLIAM LUCAR Aged sixty seven years being sworn saith that M^r Salter perswaded him to sign a Bond for forty pounds payable to Cap^t John Bowne which at first he the sd deponent refused by reason he would not tell him what it was for but said he must ask no questions and that it was for a Publick good but Jose: Lyon Jonas wood & Benja Meaker promising the the depon^t to pay ten pounds each Encouraged him to sign the sd Bond and afterwards being in company wth M^r Salter and severall others at the House of Jos. Meaker severall men at that time sign'd Obligations to this depon^t for the sum of forty pounds upon which he released Jonas Wood Jos. Lyon and Ben. Meaker and they at that time together with John Woodroff Benja^m Ogden and Benja^m Lyon signed Bonds for ten pounds each payable to Cap^t John Bowne as did also John Tomson for Eight pounds as they inform'd this depon^t and this depon^t further saith that M^r Salter had blank bonds with him for that purpose and this depon^t further saith that this money was not raised to pay the Lawers but that there was fifty pounds raised for them to plead against the Long Bill &c before this and this depon^t further saith that he was in hopes they shou'd be clear'd from paying Quitrents by their

raising this money and that he heard severall whose names he cannot remember say the raising this money was to desolve the then Assembly and get new Justices and this depon^t further saith he heard that John Pike Capt Langstafe Jos Fitz Randolph John Drake Benja^m Hull and Edmund Dunham gave about five pounds each & further this Depon^t saith not.

Sworn as above Apr: 28th 1707

LEWIS MORRIS chairman

Some time on or about January 1703 RICHARD SALTER came to Woodbridge and desir'd to speak with some of our People which was comply'd with meeting at M^r Powels House John Pike being one: the sd Richard Salter began and said now was the time to have our agrievances Remedied, for my Lord (he said) stood Inclⁿ'd to the dissatisfied party, and that now was the time to prosecute the opportunity and make my Lord (said he) a present of a peice of money of seven or eight hundred pounds and there was no question to be made but that it wou'd do that we shou'd be confirm'd in our Rights and have such Officers both civil and Military as the People shou'd best like of And that my Lord (he said) had already put him (speaking of himself.) and Anthony Woodward in the Commission of the Peace which caused a great consternation in the contrary Party and further said that the money must not be carried to My Lord for he would not be seen in it but there was another hand by which that might be done with these and other like Inticeing arguments did prevail with John Pike to sign a Bond.

SAM^l DENNES

This was Sworne before John Harrison Justice

The Deposition of ISACK WHITEHEAD of Elizabeth-town Aged fifty four years or thereabout this Depon^t saith that he being present at a tryal between W^m Lucar Plantif & John Crain Defendent before Coll Townley that this depon^t heard Coll Townley ask the Plantif what he had to offer as matter to prove the debt alledged against John Crain upon which the Plantif Produc'd a paper with a number of names and seals and Coll Towley reading over the Paper this Depon^t heard Coll Townley say that now he Saw John Meaker was a man of his word for he herd the sd meaker shou'd say that he the sd Meaker had paid four pounds for the desolving of the Assembly and further this deponent saith not.

May the 5th 1707 this day sworn before me

BENJAMIN PRICE Justice

BENJAMINE OGDEN Aged about fifty three years being sworn saith that Richard Salter upon pretence of the publick good did perswade this deponent in March 170³ to grant bond to John Bowne for the payment of ten pounds which he this depon^t paid the 6th of May 1707 which at granting sd bond he expected the money shou'd be given to my Lord Cornbury who was to perform this publick good as he supposed.

Sworn as above May y^e 6th 1707

BENJAMIN OGDEN

LEWIS MORRIS chairman

The 8th day of March 170³ I sign'd and seal'd a Bond to Cap^t John Bowne of ten pounds which was design'd for a Publick good I cannot tell what use this money was converted to nor what it will be I have as much

reason to think his Lordship has part of it as anybody because he is the most able to oblige us I have paid the money and taken up my Bill.

JONAS WOOD

Sworn as above 6th may 1707.

LEWIS MORRIS chairman

The 8th day of March 170³ Being at Joseph Meaker's House in Elizabethtown I was perswaded to sign a Bond to Cap^t John Bowne of ten pounds by Joseph Meaker M^r Salter said it should be for the Countries Good which money I have paid to Cap^t John Bowne I cannot tell who this money was intended for but I believe 'twas for his Ldship

JOHN WOODRUFF

Sworn as above May y^e 6th 1707.

LEWIS MORRIS chairman

To the Hon^{ble} House of Representatives for the Province of New Jersey now sitting in Burlington
The Petition of JOHN PIKE of Woodbridge in the County of Middlesex in the sd Province

Humbly Showeth

That Richard Salter of the County of Monmouth in the sd Province in the Latter end of the year 1703 or Beginning of the year 1704 Did at Woodbridge aforesd by subtile and crafty words and cuning insinuations (and (as your Petitioner beleives) with sinister ends inform your Petitioner and M^r Samuel Dennes together with other Inhabitants of Woodbridge that the s^d Province was groaning under insuperable burthens viz. that the constitutions of the Qualifications of Electors and Members requir'd to serve in General Assembly was an Incroachment upon and destructive to the Liberties and Priviledges of the Inhabitants of

this Province that the then Representatives of the Generall Assembly were Enemies to the Country that the then Officers Civil and Military were such as were no friends to the Country and Obnoxious to the People That Titles of the Freeholders lands were like to be call'd in question and either destroy'd or become precarious for a Remedy whereof the sd Salter did propose to your Petitioner the sd Sam^l Dinnes and others That if the Country (or the Eastern Division as your Petitioner understood him) wou'd raise a sum of Seven or Eight hundred pounds which must be privately disposed of there could be obtained a dissolution of the then Assembly a New one Elected the constitution of the qualifications of Electors and Representatives altered the Lands confirmed Particularly the Commons of Woodbridge secured such Officers turn'd out and in their Stead such others appointed as might be pleasing to the People and such in Woodbridge as the Inhabitants of Woodbridge shou'd nominate and that the money raised wou'd only be Lent because an Act cou'd be obtained from the next Assembly to Reimburse those generous Inhabitants that wou'd advance the same. by which specious pretences the sd Salter prevail'd upon your Petitioner that he entered under a penal obligation of the sum of forty pounds for the payment of twenty pounds to Cap^t John Bowne a Member of your House according to the sd Salters desire who did inform your Petitioner that the sd Capt Bowne upon receipt of sd obligation would readily advance the money since which time your Petitioner perceiving the Fallacie and Deceit of the the above sd Pretences was unwilling to pay the whole sum but tho' to his prejudice hath offered to compound with the sd Bowne Provided he wou'd make an abatement which he still refuseth to do but on the contrary threatens to put the sd obligation in suit

Your Petitioner hath been Credibly Inform'd that

the sd Salter took such measures as aforesd through most parts of the Eastern Division by which was obtained Large sums of money Your Petitioner therefore Humbly Prays that the Hon^{ble} House of Representatives will take the above s^d Petition into consideration and to take such measures therein as in your Wisdom shall think fit for Relieving your Petitioner from paying the sd Fraudulent Obligation and to take such measures for the future to discourage Impostors from carrying on such cheating Impositions upon the Inhabitants of this Province and as in duty bound yo^r Petitioner shall ever Pray &c^r

April 21st 1707

JOHN PIKE

And further more this depon^t upon Oath declares

That upon Discourse with Richard Salter the depon^t told s^d Richard it was very unjust and unreasonable that we shou^d buy with our money that which of Right belong^d to us and sd Salter Reply^d that it was customary in England so to do &c^r. And further saith that being in company with Cap^t Bowne at Amboy he demmanding the money specified in the Petition I told him that it seem^d to me unreasonable to pay our money before we had an account of the disposing of it which he told me that he wou^d give me or any other concern^d single or alone and not otherwise The which hath not yet been done to me or any other that I know of and further saith not.

This was sworn before John Harrison Justice.

JOHN PIKE

To the Hon^{ble} the House of Representatives of the Province of New Jarsey the Petition of GEORGE DRAKE of Piscataway in the County of Middlesex & sd Province
Humbly Sheweth.

That sometime in or about the Month of March

anno domini 170 $\frac{3}{4}$ Richard Salter came to the House of Benjamin Hull of Piscataway aforesd and did inform your Petitioner with many others That now was the time to have their grievances Redressed and to have their former Liberties and Priviledges Restored Especially in Chusing Assembly men and to have the naming of their Officers Civil and Military or at least have such put into those Offices as should be pleasing to them If they wou'd contribute and raise a sum of money to be privately used and disposed of to that end by means of which cunning subtile and craftie insinuations and fair Promises your Petitioner was Prevail'd upon to grant a bond to John Bowne for the payment of four pounds which is now threatned to be put in suit against your Petition to the great Lose and Damage of your Petitioner and his Family Your Petitioner never having had the least Valuable consideration for granting the sd obligation.

May it therefore Please this Hon^{ble} House to take the Premises into serious consideration and take such measures therein to Releive your Petitioner against the sd obligation and to discourage and Prevent such cheats for the future as to this Hon^{ble} House in their Wisdoms shall seem most meet and convenient. And your Petitioner as in Duty bound shall ever Pray &c.

GEORGE DRAKE.

To the Hon^{ble} House of Representatives of the Province of New Jarsey the Petition of BENJAMIN HULL of Piscataway in the County of Middlesex in the sd Province.

Humbly Sheweth.

That sometime in or about the month of March anno domini 170 $\frac{3}{4}$ Richard Salter came to the House of your Petitioner and did inform your Petitioner with many

others That now was the time to have their Grievances Redressed and to have their former Liberties and Priviledges Restored Especially in chusing Assemblymen and to have the Naming of their Officers Civil and Military or at lest such put in those Offices as shou'd be pleasing to them to get free of their Quit rents or words to this effect if they wou'd contribute and raise a sum of money to be privately used and disposed of to that end by means of which cunning subtile and Crafty insinuations and fair Promises your Petitioner was prevail'd upon to grant a Bond to John Bowne for the Payment of three pounds which bond is now threatned to be put in Suit against your Petitioner to the great Lose and Damage of your Petitioner and his poor Family your Petitioner never having had any the least valuable consideration for granting the sd Obligation.

May it Therefore Please this Hon^{ble} House to take your Petitioners case into Serious Consideration and to take such measures in the Premises as to this Hon^{ble} House shall seem meet to Releve your Petitioner against the aforesaid Obligation and to discourage and Prevent such cheats for the future and your Petitioner as in Duty bound shall ever pray &c^e.

BENJAMIN HULL

To the Hon^{ble} House of Representatives of Her Majesties' Province of New Jarsey the Petition of JOHN LANGSTAFF of Piscataway in the County of Middlesex in the Eastern Division of sd Province.

Humbly Sheweth

Whereas your Petitioner being serv'd with an Order of this Hon^{ble} House to Attend this Hon^{ble} House at Burlington the 28th Instant In obedience to w^{ch} Order your Petitioner having duly attended this Hon^{ble} House

in order to give his Evidence in such matters as shou'd be demanded by this Hon^{ble} House was last night arrested at the suit of Cap^t John Bowne for the sum of ten pounds contain'd in the same bond which was craftily Extorted from your Petitioner by Richard Salter for the payment of five pounds upon the sd Salter's fair and specious Promises of the Publick Good Greivances Redressed &c and your Petitioner is now detain'd in Prison the Sherrif having Refused to Accept of severall of the Members of this Hon^{ble} House who kindly offered themselves to be Bail for your Petitioner who is so far from Home and a Stranger here.

May it therefore Please this Hon^{ble} House to take your Petitioner's case into consideration and be pleased to grant your Petitioner such Releife against the sd arrest and the sd fraudulent Obligation as to this Hon^{ble} House in their Wisdoms shall seem most meet and convenient and your Petitioner as in Duty bound shall ever pray &c

JOHN LANGSTAFF

JOHN JOHNSTONE aged about forty five years being sworn saith that some Gentlemen of the Eastern Division of this Province Prevail'd with him to go to New York to my Ld Cornbury in the Month of May or June before he Published his Commission in the Jarseys to acquaint him that they expected him to be their Governor and that they had obtain'd from the Queen some Terms on surrender of their Government which were to be given his Ldp. in his Instructions a copie of which he this Deponent then gave his Ldp. to look over desiring he wou'd be pleased to let him know if he thought any of them were such as he cou'd not when Gov^r put in execution withall telling his Ldp. that he had reson to believe some of them wou'd be

opposed by a great many People, whose Interests or Inclinations they did not answer withall the Depon^t told his Ldp. that these Gentlemen had ordered him this depon^t when his Ldp came to be Gov^r to make him a present of a piece of Plate to the value of two hundred pounds hoping his Ldp. wou'd nicely observe his Instructions and use his Endeavours to put them in Execution his Ldp. told the depon^t he was commanded by Her Ma^{tie} to receive no presents but whatever Instructions she gave him he wou'd certainly observe and that this depon^{ts} demmands were such as he wou'd perform That seeing this Depon^t gave his Ldp. the perusal of those Instructions his Ldp. wou'd read them over his Ldp. appointed a time for this depon^t to call again which this depon^t then did and then appointed another time when his Ldp. deliver'd back the copie to this depon^t his Ldp. said he had perused them and told this depon^t when his Instructions came y^t his Ldp. wou'd exactly observe them with which the depon^t acquainted several of the Gentlemen who desired the depon^t when his Ldp came to Publish his Commission to give his Ldp one hundred pounds with which this deponent waited on his Ldp at his chamber in M^r Forster's house but his Ldp refused to take it saying her Maj^{ty} had for bid him and he wou'd not touch with it upon which this Depon^t left it in his Ldps. chamber and came away sometime after during the sitting of the first Assembly this depon^t was desir'd to carry his Ldp the other hundred pounds (some of the Gentlemen concern'd thinking his Ldp began to cool in observing his Instructions) which this depon^t did carry to his Ldp's chamber in his Ldgings telling his Ldp that what this depon^t had promised was now brought w^{ch} his Ldp with seeming earnestness refused saying the Queen had ordered him to receive no money this depon^t told his Ldp that had this depon^t known what peice of Plate wou'd have been most agreeable to his

Ldp' it shou'd have been put into that w^{ch} this depon^t believ'd her Ma^{ty} had not forbid and that it was not given as a Bribe but a mark of favour and regard to his Ldp' for nothing had been demmanded but what was Just and reasonable if otherwise this depon^t desir'd to know that such things might be forboren for the future to which his Ldp' said there never had and withall told this depon^t that he this depon^t had Lent his Ldp' one hundred pounds already which he would pay again after which and many other words this depon^t left the hundred pounds (being what he had promised) where he had laid it (which he thinks) was on the table and went away. And further this depon^t saith that sometime after his Ldp's Instructions came this depon^t Enquired of his Ldp' whether they agreed with those this depon^t had shown to his Ldp' which his Ldp' said he thought they did in every thing. and this Depon^t further saith that he this deponent did never receive the hundred pounds which his Ldp' said he wou'd pay again nor never did expect it nor this last hundred pounds. And further this depon^t saith that a few days since being in company with Richard Salter and discoursing about the Assembly, Enquiring how the money was disposed of that was privately raised the sd Salter told this depon^t he cou'd direct them to a Person to enquire of and being asked by this depon^t who that was replied D^r Bridges and said that if any body cou'd tell it was he and further this depon^t saith not

May 1st 1707 Sworne before

a Grand Committee of y^e LEWIS MORRIS chairman
House of Representatives

JOHN LANGSTAFE Aged sixty years being sworn saith That Cap^t Richard Salter some time in the Month of March 170² being at the House of Benjamine Hull

in Piscataway in company with the depon^t and some others he said to the sd depon^t that now was the time to have their Grievances Redressed to have such Officers Civil and Military as the People best liked of to be freed of their Quitrents to have the then Assembly desolved but the doing of these things wou'd require a sum of money to be privately raised and disposed of to that end and further said that tho' the money was to be given to my Lord yet it might not be carried directly to his Ldp' but that it was to be conyey'd to his Ldp' by an: other hand and also that the money now raised should be only lent for the next Assembly wou'd raise money to repay them that did advance any money now or words to this effect by means of which fair Inticing Promises the sd Depon^t was prevail'd upon to grant an Obligation to Cap^t John Bowne for the Payment of five pounds which was fill'd up in a blank Bond many of which sd Salter had ready which he said were drawn by a Boy of his and further saith not.

Apr: 29 1707 Sworne before.

LEWIS MORRIS chairman

M^r ANTHONY WOODWARD being Sworn and upon his oath declares as followeth That he paid unto Capt John Bowne Ten pounds to be apply'd by him towards the paying some Lawers and such other Publick use as he should think fit and further saith not.

Sworn as above Apr: 21 1707.

LEWIS MORRIS chairman

JOSEPH MEAKER Aged fifty nine years being Sworn saith that M^r Richard Salter told this depon^t that he thought the then Assembly would be dis'olved and that the Countrey had not a free choice of their Repre-

sentatives in that Assembly and that if a sum of money cou'd be raised which he the sd Salter perswad ed to; He sd Salter said he knew he could procure from my Ld Cornbury that they shou'd have a free choice of their Representatives their Quit rents clear'd and new Justices made such as the People had a mind to this depon' further saith that Richard Salter in a great company where himself Jonas Wood Joseph Lyon Benjamine Meaker and severall others were, Salter told them that the money raised was to be given to my Ld Cornbury to obtain the Ends aforesd that this depon' paid four pounds himself with intent to be given to my Ld Cornbury for to obtain the Ends aforesd and that most of the Contributors in Elizabeth Towne told this depon' that they had given the money to be given to my Ld Cornbury to obtain a dissolution of the then Assembly and other the ends before named this depon' says he does not know whether the money was given to my Lord Cornbury or not but he believes it was.

Apr. 28 1707 Sworn as before.

LEWIS MORRIS chairman

SEFTY GROVER Aged forty nine years being Sworn saith that he saw severall Billes in Salter's hands for several sums of money Particularly one from M^r John Royce for a sum above thirty pounds one from one Lucar (but whether the younger or older he knows not) for forty pounds and from one Dunham or some such Name for five pounds that the sd Salter wou'd have had this depon' sign a Bond to Cap^t Bowne and accordingly produced a blank Bond ready drawn which this depon' refused to sign untill he knew what it was for Salter reply'd it was for the good of the Country and 'twou'd prove so and this depon' urged very hard to know what it was for he the sd Salter told this de-

pon^t He should never know more than he did know this depon^t saith further that he saw a parcell of Papers in Salters hands which Salter told him were Billes and read severall of them to him but he does not remember the Persons Names or Sums but that they were most or all taken in Cap^t John Bownes Name he the s^d depon^t also saith that James Grover told him he gave ten pounds on the account James Cox told him six or seven times that he had given ten pounds James Bowne told the depon^t he had given six pounds George Allen told this depon^t he had given twelve pounds Gersham Mot told this depon^t it had cost him twenty pounds but whether it was for the Lawyers or upon the other account which generally obtain'd the name of the blind tack this depon^t can not tell y^t William Winter told this deponent he had given four pounds upon that blind tack John Bray told this depon he had given six pounds and that he was straitned to procure the money y^t this depon^t heard Salter read a Bill from himself to Bowne but remembers not the sum this depon^t further saith that by Common fame the Persons hereafter nam'd were supposed to contribute to the blind tack, as follows viz. Widow Reape twenty pounds Steven Cook six pounds Joseph Cox twelve pounds Garet Wall thirty pounds he told this depon^t it had cost him forty pounds Nathaniel Parker Eight pounds John Lipincot six pounds Joseph Parker six pounds Elisha Laurance twenty pounds and that all the Laurances except Benjamine gave money Richard Hartshorne thirty pounds Cap^t Andrew Bowne thirty six pounds this depon^t thinks Salter shew'd him Cap^t Andrew Bownes Bond for that sum Edward Woolly seven or eight pounds John Woolly eight pounds Obediah Bowne thirty pounds Moses Lipet six pounds John Stout six pounds W^m Winter told this Depon^t he was by when Lipet and Stout gave it John Williams Eighteen shillings Joseph Wardell Eight

pounds John Scot five pounds and upwards John Laurance seven pounds William Hartshorn six pounds Richard Lipincot five pounds and upwards Thomas White eight pounds James Ashton seven or Eight pounds George Hulet six pounds Old Robins forty shillings Richard James Six pounds that it was generally believ'd one man had all the money aforesd William Winter told this depon^t Salter promised to get his Quitrents off and that Cap^t Stillwill shou'd be put out of office and this depon^t saith that it was Salter generally went about to perswade the raising the above sd money this depon^t further saith it was some little time after he the sd Salter had taken the Oaths for to be a Justice of the Peace that this depon^t had this discourse with him and that some time before that, the sd Salter had desir'd this depon^t to send severall persons to meet him at Middletown at an appointed time which this depon^t did do and some of the persons afterwards told him they had given him the sd Salter Bills on account of the Blind Tack aforesd and further this depon^t saith not.

Apr: 26th 1707 Sworne as before.

LEWIS MORRIS chairman

GEORGE ALLEN aged about thirty five years being Sworn saith that he gave a Bond to John Bowne for the payment of six pounds intended for the good of the Country and for paying of Lawers fees and that he his depon^t received twenty shillings from M^{rs} Bickly without her telling this depon^t on what account it was or saying anything to this depon^t about it which twenty shillings he this depon^t gave to Obediah Bowne as his own money but says he believes the sd M^{rs} Bickly gave the sd twenty shillings to this depon^t on that account that it is for the Lawyers fees this depon^t further saith that upon recollecting his memory that he

receiv'd two pieces of Gold more of sd M^{rs} Bickly and three pounds of Jean Borden and six pounds of John Woolly and six pounds of George Hulet all which sd depon^t paid to Obediah Bowne to be by him paid to John Bowne or Richard Salter but which of them sd Obediah Bowne paid sd Eighteen pounds this depon^t knows not certainly but believes sd Obediah Bowne paid it to Richard Salter and the sd depon^t further saith that he believes that the design of raising and paying sd money was for Lawers fees to prosecute Thomas Gordon and to stop the passing of the long Bill and sd depon^t further saith that he has heard that there was a great deal more money raised to dissolve the first Assembly to have the choice of Officers Civil and Military &c and that sd money so raised was to be repaid by the next Assembly and much more to that effect and further the depon^t saith not.

Sworn as above May 3^d 1707.

THOMAS GORDON Chairman

ASHER CLAYTON Aged about thirty three years being sworn saith that Richard Salter being in company with this depon^t told him that the greatest part of the People in the Country that had any Regard to the future had given or agreed to give money and further told this depon^t that his father had agreed to give twenty pounds but that if he and his Brother wou'd give ten pounds they shou'd be excused which they did promise to do if their father had Engaged to pay such a sun but upon Enquiry finding it to be false and being well assured that their father had made no such promise they did not pay to the sd Salter any money upon which refusal the said Salter writ them a Letter that they did severally Engage their faith that if he wou'd pay ten pounds into the stocks then raised for

the service of the Country against the Proprietors Interest that then seem'd to Tower above the Levell of their Neighbours they the sd Clayton's wou'd repay it and which if they did not do he threatned to Enter his Suit in the High Court of Chancery against them further this depon^t saith Richard Salter show'd him a List of Names of Persons which the sd Salter said had given money and Remembers he saw in that List the Names of Thomas Killingworth and William Dares that against Killingworth's name was ten pounds and against Dares five pounds or ten but the depon^t is not positive which or whither the ten pounds was against Dares Name and the five pounds against Killingworth's but is positive there is no sum in that List above ten pounds And Salter said notwithstanding his the depon^t's father had promis'd to give twenty pounds he the said Salter would accept of ten from this depon^t and his Brother if he was willing to give it And further the depon^t saith that when he acquainted sd Salter that he was Inform'd that his Father had made no such Promise the sd Salter grew Angry and said he had not laid the money down for him nor by God wou'd not except the depon^t paid him and further the depon^t saith not.

Sworn as above Apr: 25th 1707.

LEWIS MORRIS chairman

JOHN CLAYTON aged about twenty seven years being attested said that Richard Salter being in company with this Deponent at Burlington in August or September about two years and a half since the sd Salter did tell the sd depon^t that his Father had promised to give twenty pounds to the publick stock then raising for the service of the Country against the Prop^r's Interest but that if this depon^t and his Brother wou'd give ten pounds he wou'd accept of it which this de-

pon^t and his Brother promised to do if his Father had made any such Promise^t this depon^t further saith that the sd Salter at the time and place aforesd did shew this depon^t a List of persons names who had subscribed to pay severall sums of money and that this depon^t saw Tho Killingworth and Cap' Will. Dare subscrib their Names to the sd List and that against Killingworth's name to the best of his memory was ten pounds put and against Dare's Name five pounds was put by the sd Killingworth and Dare and further the Depon^t saith not.

† but y^t they were afterwards informed be y^e deponents Father had made no such promise

Sworn as before Apr: 28th 1707.

LEWIS MORRIS chairman

WILLIAM LAURANCE Aged forty eight years being sworn saith that he gave twenty pounds to Capt John Bowne to be disposed of for the Publick good of the Province viz. to pay some Lawers that had been Engaged to plead before the Assembly against some Persons which this depon^t and others then thought to be unduly elected and unjustly returned by the Sheriff and not meeting with the Satisfaction they expected from the then Assembly: Did design to Employ an Agent if need required to go for England to manage the matter against Thomas Gordon the then Sheriff and further this depon^t saith that being three days since in Company with Richard Salter the sd Salter in a merry way of discourse about the Assembly's Enquiry concerning the two Blind Taxes as they are call'd said if they wou'd have a further account they may go to (or enquire) of D' Bridges or words to that effect And further this deponent saith not.

Sworn as above May 1st 1707.

LEWIS MORRIS chairman

JOHN ROYCE Aged fifty years being sworn saith that he paid forty pounds to Cap^t John Bowne for the service of the Country to hinder the Passing of the Long Bill either here or in England and that some money was given to Lawers but what became of the rest this Deponent knows not but that the common report was that the money was given to my Lord Cornbury but this Deponent is rather of Opinion that it was deliver'd to D^r Bridges and further this depon^t saith not.

Sworne as before May 1st 1707.

LEWIS MORRIS chairman

ELISHA PARKER Aged forty six years being sworn saith That he paid Eight or Ten pounds to Cap^t John Bowne but is not certain which and that it was for the good of the Country and was perswaded by Cap^t Richard Salter and others that the Proprietors had a greater Interest with my Lord Cornbury than the People and therefore this Depon^t did join with others in contributing a sum of money to present to his Ldp^r and his Favorites to Induce him to be more the Freind of the People than at that time he thought he was and that this depon^t was Informed by sd Salter but not in direct terms that it was given to D^r Bridges and my Ld Cornbury and this depon^t is of opinion 'twas shar'd between them and further this deponent saith not.

Sworn as above May y^e 1st 1707.

LEWIS MORRIS chairman

EDMOND DUNHAM Aged about forty six years being sworn saith that about three years ago being at the House of Cap^t Andrew Bowne in Company with Cap^t Richard Salter sd Salter told the depon^t that he thought

it convenient that some money might be rais'd for the Publick good and the Depon^t Enquiring for what sd money was the sd Salter reply'd there must be no questions asked and sd Salter having a blank Obligation ready sd Depon^t did sign one for the payment of five pounds to Cap^t John Bowne and further saith not.

Sworn as before Apr. 29th 1707.

LEWIS MORRIS chairman

JOHN DRAKE Aged about fifty years being sworn saith that some time in March anno domini 170 $\frac{3}{4}$ being in company with Richard Salter at the House of Benja^m Hull in Piscataway He sd Salter said to this depon^t now was the time to raise money for the publick good and to be freed of their Quitrents he this depon^t answer'd what way was the money to be employ'd for if it was to be disposed of here he thought it wou'd do little good but if it were to be Employ'd at Home against the Proprietors to be freed of their Quitrents he the said depon^t wou'd freely contribute to which sd Salter reply'd that the way of disposing of the money must not be spoken of but to be sure the Person intrusted with the money wou'd take care it shou'd be disposed of for the Publick good by means of which fair promises he this depon^t was prevail'd upon to sign an Obligation (several of which sd Salter had ready writ blank) for the Payment of four pounds to Cap^t John Bowne.

Sworne as above Apr. 29th 1707.

LEWIS MORRIS chairman

I JOHN WOOLLY Aged about forty six years being Attested say that I deliver'd six pounds to George

Allen to be delivered to John Bowne to pay some Lawyers that had been Employ'd to plead before the Assembly Against Thomas Gordon concerning the Ill usage that the greatest part of the Eastern Division thought they met with at the Election at Amboy and no other Reason that I know of Induc'd me to pay that money and to the best of my memory it is three years the last first and second month.

JOHN WOOLLY

Sworn as before May y^e 6th 1707.

LEWIS MORRIS chairman

To the Hon^{ble} Representatives of the province of New Jersey in General Assembly the petition of us underscribers freeholders and Inhabitants in y^e Eastern Division of sd province

Humly Sheweth

That whereas your Petitioners are Credibly Informed y^t y^e publick Records Laws & other publick writings y^t were formerly kept in y^e Secretaryes office of and belonging to y^e province of East New Jersey now y^e Eastern Division of sd province are or have of late been in y^e Custodie of Peter Sonmans who Calls himself Agent to y^e proprietors of sd Division.—And whereas it has been Credibly Reported y^t sd Sonmans is a Bankrupt & has absconded from his Creditors in England & is Generally Esteemed a person of no reputation. nor known to have any Certain abode.

And whereas your petitioners are further Informed y^t y^e sd publick Records &c and Carried out of sd Eastern Division but where or how disposed of Cannot as yet learn so y^t neither your petitioners nor many others concerned knowes not where nor to whom to have recourse as occasion offers.

And whereas y^e sd Records &^c are y^e Chiefe Evidences of not only your petitioners but most if not all y^e freeholders Estates within sd division.

Your Petioners therefore humbly prayes y^t you y^e sd Hon^{ble} Representatives of sd province will be pleased to take a matter of so great Importance under your Consideration & be pleased to take such measures as your prudence shall direct y^t y^e sd publick Records &^c may be taken out of y^e custodie of sd Sonnans & Committed to some person of a visible Estate & good Reputation within sd Eastern division where they may be safely kept y all concerned may have ready access thereunto. and as in duty bound Your petitioners shall ever pray &^c.

Sam^l Dennes.

Sam^l Hale.

John Blomfield.

Ephraim M^{hs} Andrews
marke.

John Pike.

The Answer of the West Jersey Proprietors to certain questions of Lord Cornbury.

[As Printed in Smith's Hist. of N. J., page 285.]

The answer delivered to the Governors three questions, Delivered to him by the Council of Proprietors.

WHEREAS our governor the lord Cornbury, was pleased at our attending on him in council, the thirteenth day of this instant May, to require answers to three questions, viz. who was the council of propri-

etors the last year; and who are chosen for this year 1707, and to have the names of them? the second is, what are the powers the said council pretend to have? the third, by whom constituted?

And in obedience thereto, we being part of the trustees or agents commonly called the council of proprietors, are willing to give all the satisfaction we are able, in humble answer to his lordships requirings, viz.

First, the persons chosen for the last year to serve the proprietors as agents or trustees, were William Biddle, Samuel Jenings, George Deacon, John Wills, and Christopher Wetherill, for the county of Burlington; and John Reading, Francis Collings, John Kay and William Hall, of Salem, for the county of Gloucester, and below; and for this present year 1707, William Biddle, Samuel Jenings, Lewis Morris, George Deacon, John Wills, John Kay, John Reading, Thomas Gardiner and William Hall of Salem.

2. In the year 1677, the first ship that came here from England, which brought the first inhabitants that came to settle in these remote parts, by virtue of Byllinge's right, before she sail'd the proprietors being met together at London, thought it advisable to settle some certain method how the purchasers of land from Byllinge, &c. should have their just rights laid forth to them, concluded on a number of persons, viz. Joseph Helmsly, William Emly, John Penford, Benjamin Scott, Daniel Wills, Thomas Olive and Robert Stacy, as should be called commissioners, and they were first impowered to purchase what land they could from the Indians, and then to inspect all rights, as any lands were claimed, and when satisfied therein, to order the laying it out accordingly; which commissioners when arrived here, did forthwith make several purchases of land, and acted as aforesaid, for some time, till some of them being not longer able to

struggle with such hunger, and many other great hardships as were then met withal. return'd again for England; so for preventing confusion among the people, the assembly took the trouble of it on them; this continued in practice till about the year 1687; then the assembly having much other business, and not being able to spend their time and money abroad, would not longer be troubled with that business, as was wholly belonging to the proprietors, and so threw it out of the house, and told the proprietors they might choose a convenient number of persons of themselves, to transact their own business: Accordingly the 14th day of February, the same year, the proprietors met at Burlington, and then and there chose and elected eleven persons of themselves, to act for the whole, for the next ensuing year; but then finding that so many and at such distances being hard to be got together, they next year chose but nine, and accordingly signed instruments for the confirming that constitution, of which his lordship has a copy; and the same methods have been every year since practised to this present year 1707; and in all this time no inconveniencies hath arisen from it, but on the contrary, much ease and advantage to the proprietors; as by a further declaration of many other of the proprietors under their hands, is ready to be proved.

Now as to the powers of these as are now and have all along been, they are the same with the first that came over from England in the year 1677; that is to say, to purchase land of the Indians, with the consent and advice of the said proprietors as chose them, and to inspect the rights of every man as shall claim any land, so that the same may be surveyed to him or them: and for the more easy and speedy settling of the province, commissioners have been appointed in each county, to inspect all rights as aforesaid; the said agents, trustees or council, also to choose a recorder, a

surveyor general and rangers in each county, to range for the benefit of the said general proprietors, and to appoint persons to prevent the wasting and destroying of the proprietors timber, upon their unsurveyed lands, &c.

The proprietors residing in England have had a knowledge of a committee of the agents or trustees of the proprietors here, who were to act and negotiate their affairs by their agents, from time to time, acting in conjunction with them, as Adlord Bond, John Tatham, agents to doctor Coxe; and when Jeremiah Bass was agent, he acted with them also; after him, when our late governor Hamilton was made agent, he acted as one of the said agents, trustees or council for several years, and was president of the same; and now Lewis Morris, as agent to the society, is one of the said trustees or council; and not only the agents of the agents of the proprietors at home, but any proprietor now hath, and have had liberty, to come and meet with the said agents, trustees or council, when he or they pleased.

Lastly, as to the constitution of the said agents, trustees or committee; and by whom constituted; it is on certain days in the county of Burlington and Gloucester, yearly and every year, they are chosen by the proprietors: The above is as good an account as we that are present are able to give, in answer to what was required of us by his lordship, and pray it may find acceptance as such; but if any further thing may seem needful to be answered, we humbly pray it may for this time be suspended, till the whole can be got together.

[May 30th, 1707.]

*Letter from Lord Cornbury to the Lords of Trade,
relating to affairs of New Jersey.*

[From P. R. O. B. T. New Jersey, Vol. 1, C. 17.]

Letter from the Lord Cornbury Governour of
New Jersey; Dated the 7th June 1707.
received from M^r Sloper 27 Janu 170⁷

New York June the 7th 1707

My Lords

In my letter of the 18th of 9^{ber} last, I did acquaint your Lordships, that the Assembly of New Jersey which was to have met at Amboy on the 24th of 8^{ber}, did not sit by reason of the Speakers indisposition, and the Absence of severall of the Members who did not think fit to attend their Duty, and that I had adiourned the Assembly to meet at Burlington the 12th day of March 170⁶, and that after that I had resolved to dissolve that Assembly, which I did, and Issued Writts for the chusing a New Assembly according to the directions contained in her Majesty's Additionall Instruction, they were to meet on the 25th day of March at Burlington, but all the Members did not get together till the 5th of April on which day I directed them to chuse a Speaker, whom they presented to me on the 7th of April, their choice fell upon Samuell Jennings a Quaker who had been a Member of the Council, and but the last fall had desired to be dismissed from the Council for the reasons I then acquainted your Lordships with, but now it appeared very plainly that the true reason why he desired to be dismissed from the Council was, that he might be chosen into the Assembly, where he knew he could oppose the Queens service more effectually, then he could doe in the Council. I

was once of opinion that I ought not to admit a Man to be Speaker of the Assembly who had refused to serve the Queen in the Station her Maiesty had been pleased to put him, but having communicated my thoughts to some of the Councill, and perticularly to Collonell Quary, they told me they did not like the Man, but they were of opinion that if I did reiect him, the House would make use of that as a handle to refuse the doing anything, that therefore they could wish I would allow their choice, that they might have noe excuse, upon this I did allow the choice they had made of Jennings to be Speaker, and in my Speech I acquainted them what I thought necessary to be done, a copy of which I here send inclosed for your Lordshipp's perusall, the Assembly met and instead of proceeding upon the matters I had proposed to them, or upon any other thing that might have been of use to the Country, they set up a Committee of Grievances, and spent a whole month in finding out Grievances which noe body in the Province had heard of before, what those were your Lordshipp's will perceive by the enclosed paper, which is a true copy of the Remonstrance they delivered to me, and the answer I made to it and which I did not deliver to them till I had imparted it to the Gentlemen of the Councill who all approved of it except M^r Deacon who is a Quaker, and now I beg leave to digresse a little to acquaint you with the behaviour of M^r Lewis Morris, your Lordshipp's were pleased to command me to restore M^r Morris to his place in the Councill upon his submission, in answer to which I did acquaint you that as soon as M^r Morris should doe the one, I would immediately doe the other, but he has been so far from making the least submission, that he has never come near me since I received your Lordshipp's commands, but among his friends he has bragged that he could take his place in the Councill when he pleased, but that he did not vallue that,

and indeed since it appears what his intent was, for he has got himself chosen of the Assembly, and Morris and the Quaker Samuel Jennings are the two men that have hindred the Assembly from settling a Reuenue, or from doing anything else this last Sessions, M^r Morris is the Man that drew the Remonstrance, he is the Man that moved the seuerall heads in the house, and caused all the resolutions of the House to be entred in the Journalls Nemine Contradicente when some Members were absent and others who were present dissented, as severall of them have told me. In the beginning of the Assembly when they agreed to find out Grievances to amuse the Ignorant people, and squander away the time, the House resolved itself into a Committee of the whole House to seek after Grievances, or rather to receive the heads of Imaginary Grievances the produce of M^r Morrisses peevish brain, the first step they made was to order their Clerk to withdraw, he told them he could not doe it without a breach of his oath, that he was an Officer appointed by the Government, and under an oath to attend the service of the House at all times, M^r Morris told him that he was the servant of the House, and that the House might doe what they pleased with their servants, he told M^r Morris he was a servant of the Queen, as well as to the House, and that the ordering him to withdraw looked as if he had something to say that he was not willing the Gouv-ernor should know, upon this they would not suffer the Clerk to take the Minutes, but appointed one of their own Members to Act as Clerk, hearing of this, I sent for the Clerk and told them in a short speech how Irregularly they had proceeded, and advised them to take into consideration those things I had recommended to them, in a few days after they addressed to me for another Clerk complaining against M^r Anderson, who was then their Clerk for the answer he had given M^r Morris, which they pretended was given to

the House, M^r Anderson was made Clerk to the Assembly upon the Recommendation of severall of the Councill and severall of the Members of the first Assembly even some of those who now are soe angry with him, he is an honest sober Man and a good Christian, has behaved himself with unspotted fidelity and unwearied dilligence and Care in his place, nevertheless because I would leave those Gentlemen without any excuse for their not dispatching the matters before them, I did remove M^r Anderson, and I put in one M^r Pinhorn son to one of the Gentlemen of the Councill, and one against whom they can have noe objection that I know of, nevertheless they would not suffer him to serve as Clerk to the Committee of the whole house, but made one of their own Members Act as Clerk, which can be for noe other reason but because they would not have me know what they were doing, they proceeded in the same manner they had done before, and thinking they had found out something to accuse me of, they sent for severall persons in Custody of their Sergent at Arms and examined them upon oath, hoping to prove that a certain Sum of money, was raised priuately, and given to me to procure the dissolution of the first Assembly, but when the witnesses had said what they could, they found it would not answer their expectation, then M^r Morris who was Chairman of the Committee of the whole House, tendred an Oath to Captain John Bowne one of the Members, Captain Bowne told him, he had noe Power to Administer an Oath to him, and therefore he would not take it, upon this, the House expelled Captain Bowne, and then went on in making such Votes as they thought fit, out of which they framed their Remonstrance, to which I made an answer, to which I beg leave to referr your Lordshipps.

Now I have acquainted you with what the Assembly of New Jersey have done, I must beg your Lordshipps

soe farr to stand my friends with the Queen, that I may have leave to take such measures to obtain satisfaction from those Gentlemen, for the extrauagant Iniury they have done me, as the law will allow, this I hope will not appear unreasonable, and therefore I take the liberty to ask your fauour in this matter.

Upon this occasion I think myself obliged to observe some things to your Lordshipps, and perticularly with respect to the Assemblys in these Parts, the Queen is pleased to command those that have the Honour to serue her Majesty as Gouernors of Provinces, to call and hold Generall Assemblys, the Gouernor in obedience to those commands Issues Writts to call an Assembly, which meets at the time appointed, the Gouernor after they have chosen a Speaker acquaints them what he thinks necessary or proper to be done that Sessions, the Assembly does not like some of the things proposed to them, (though perhaps they are proposed to them by the Queens immediate Command) they trifle away their time, severall Members obtain leave to goe into the Country upon their Private affairs, the House by that means grows thinn, and then noe businesse can be done, soe the Gouernor is forced to adjourn the Assembly to another time, when that time comes the Members being resolved not to doe what is required, the Maior part of the Members don't appear, soe there can be noe Assembly, noe support can be had for the Gouernment, nor can any thing else be done for the good of the Country, this has been the Case more than once in the Province of New Jersey, and perticularly the last Fall when the Assembly was to have met at Amboy; it has been said by severall persons that it is true the Gouernor has a Negative Voice, and we can fit him as well, for if we don't meet he can have noe Assembly, and then nothing can be done he can't force us to attend if we have noe mind to it, he can but dissolve the Assembly, and call an-

other, most of the same Men will be chosen again, and they will take the same course; and indeed I must say that will be the Case as long as the Quakers are admitted to serve in the Assembly; I wish some method might be found to oblige the Members when chosen to attend their Duty, it is noe small charge to me, and to the Gentlemen of the Councill, to attend upon all occasions of the sitting of the Assembly, but that we are well contented with, but we can't help being concerned to find our endeavours defeated by a few obstinate fellows, who would never if they could help it be under any Gouernment but their own; I hope your Lordships will be pleased to consider this matter, and fauour me with your commands in it; In Washington's Abridgement, 7th & 8th of King William Cap: 34, relating to Quakers, in the 7th paragraph, it is said, Noe Quaker or reputed Quaker shall by virtue of this Act be quallified to give Evidence in any Criminall Cause, to serve on any Jury, or bear Office or Place of Profit in the Gouernment. for this reason I have not suffered any Quakers to have any Office in the Gouernment of New York, but in the Gouernment of New Jersey the Queen was pleased to command me to admit such Quakers as were capable, into any Office, in obedience to which, I have put severall of them into imployments, but I have always found them obstinate, unwilling to be ruled, never forwarding, but still interrupting businesse; What Quakers would be had they the Power in their hands, and which they are very fond of, appears uery plainly in the Province of Pensiluania, where noe Man can tell what is his own, or how to get what is Justly his due; and now I am mentioning Pensiluania give me leave to mention to your Lordships an accident that hapned in those parts lately, when I was last at Burlington, I thought it a proper time to Visit the lower parts of the Province of New Jersey in Order to the doing whereof I Ordered a

Sloop to be got ready to carry me to Cape May which is about a hundred and fifty miles from Burlington downe the River Delaware, and is the extreamest part of the Province of New Jersey Southward. I proceeded on my Voyage as farr as six Miles below Salem, which is about eighty Miles below Burlington and there meeting with contrary winds, I put into Salem, where I stayed severall days Wind bound, it seems during the time I was at Salem, Collonell Evans was beginning to erect a Fort at Newcastle, and had got an Act of Assembly past in the lower Countys for the laying a duty of half a pound of powder a Tonn, upon all Vessells that should sail by Newcastle, and the intent of that Fort was to make them pay it, a Sloop belonging to some of the Chief Quakers of Philadelphia being laden, and ready to sail for Barbados, came downe the River, when she was within a Mile of Newcastle the Custome house Officer went off and went on board the sloop, demanded of the Master his Register, and his Clearing, which he readily produced, the Officer told him he must come to an Anchor, upon that one of the Owners told the Custome house Officer that the Wind being fair it would be a great preiudice to them to be stoped a whole tide, especially considering that Northerly winds are very seldom to be had in the spring, the Officer told him if he would not come to an anchor he would carry away his Register which he had in his hand, upon that the Owner snatcht the Register out of the Officers hand, upon which the Officer went into his boat and went on shore, the sloop continued her course, and when she came over against Newcastle, Collonell Evans ordered a Gun to be fired at her, which was done, a second Gun was fired which went over her, but the sloop made all the sail she could, in order to get down to Salem, Collonell Evans took his boat and pursued the sloop, and ordered the Custom house Officer to doe the same, which he did, but the wind

blowing pretty fresh, the sloop out sailed them, and came to an anchor under the Stern of my sloop, the Owners hoping that would have protected them it being in another Gouvernement, but Collonell Evans went on-board the sloop and after having given the Master a great deale of ill language and struck him, he forced him into his boat and sent him to Newcastle to Prison, in the mean time Collonell Evans had sent his Navall Officer to Salem where I was, (which is three Miles up a Creek) to complain to me of the Master, and to tell me that he was coming himself after him for the same purpose, I stayed something above an hour expecting his coming, but seeing he did not come, by the complaint one of the Owners had made to me, I did believe he intended to carry away the sloop, which I was resoled not to suffer, soe I ordered my boat to be got ready, and Collonell Ingoldsby offering to goe, I directed him to bring up the Master, and to order the Master of my Sloop, not to suffer the other sloop to stir, but if any body offered to weigh her anchor, to fire upon them, he went downe and found Collonell Evans on board the Philadelphia sloop, he told Collonell Evans that he had done very ill, and that he would doe very well to satisfie me if he could, upon that Collonell Evans came to Salem with Collonell Ingoldsby, as soon as he came into the house where he was he desired to speake with me in private, I took him into my Chamber, there he made great complaints of the Master of that sloop, I asked him where the Master was, he told me he had sent him to Newcastle, I asked him by what Authority he had seized a Man in my Gouvernement, he said it was upon the water I told him that was as bad, for that he had noe Commission from my Lord High Admirall, and consequently had noe Power upon that River, I told him I would not give one word of answer to his complaints till he produced the Master, and the Officer that had dared to carry him away, he

told me he was sensible he had committed an Error, that he would immediately send for the Master, but begged I would not insist upon having the Officer, because he had done nothing but by his Order, he did send for the Master, who was brought to me in few hours, then I heard Collonell Evans, the Master, and the Owners, and I found upon hearing of them all, that the only complaint Collonell Evans had to make was their passing by Newcastle without paying the powder money, I thought that was not cause sufficient to stop the Master soe I dismissed him in Order to proceed on his Voyage which he did the next day: Afterwards I told Collonell Evans I thought it was very odd that the Assembly of Newcastle should pretend to tax the Queen's Subjects for trading from one Province to another, and both under the Queen's immediat Gouernment, and where the People of Newcastle have nothing to doe, for if all Vessels must pay powder money, then sloops trading from New York to Burlington, and those trading from Cape May, and Salem, to Burlington, must pay though they have nothing to doe with Newcastle, I told him farther that if I heard he made any of our sloops pay, I would soon get some Guns downe to Elsingburgh point (which is a place where the Swedes had formerly a fort) and is below Newcastle, and would make every Vessell that went up the River or downe pay three times as much as he did, soe how he will treat our people I cant yet tell I ask your Lordshipp's pardon for this long digression, and return to New Jersey where the Quakers who are in the Assembly, have declared they will never pass any Militia Act. they say they will have noe Militia, but that will not be in their power nor choice, though the people are refractory enough, and indeed we want a good Act regulating the Militia in all these parts very much, but I despair of getting any such Bill passed in New Jersey as long as the Quakers are

allowed to serue in the Assembly; Your Lordships will perceiue by the Remonstrance the Assembly thought fit to give me, that they say. It is notoriously known that many considerable sums of money have been raised to procure the dissolution of the first Assembly, to get clear of the Proprietors Quit Rents, and to obtain such Officers as the contributors should approve of. This House has great reason to believe the money soe gathered was given to the Lord Cornbury, and did induce him to dissolve the then Assembly &c; as for all the rest of their Remonstrance I begg leaue to referr your Lordships to my answer, which I intreat you to believe is true in every part, and to the truth whereof, I will make oath whenever your Lordships shall require it, but the words abovementioned seem of soe extraordinary a nature that I think myself obliged (besides what I have said on that subiect in my answer,) to assure your Lordships that if any such sums of money have been raised, I am intirely a stranger both to the raising, and the disposall of it, if I had been soe greedy of money, I should have taken the 1200£ that was offered me to perswade me to passe a certain long Bill the Assembly offered to me the first Sessions of the first Assembly, which offer I reiected with contempt; then for the Proprietors Quit Rents, it is soe farr from what they say that euey Sessions I have recommended it to the Assembly to prepare a Bill or Bills to settle the Rights of the Proprietors, which certainly I should not have done, had I taken money to get clear of the Proprietors Quit Rents, as they call it, as for obtaining Officers, [offices!] as I know of noe contributors, soe I am sure noe Man has made any application to me upon that subiect, and I doe assure your Lordships that I haue not put in one Person into the Commission of the Peace, nor Millitia in the Province of New Jersey, but such as have been recomended to me by some one, or more of the Gen-

tlements of the Council, or the Collonells of the Regiments, this being truth as most certainly it is, I hope their saying they have great reason to believe the money was given to me, will have no credit with your Lordships; I did intend to have sent the Journall of the House by this opportunity, but the Clerk could not get it ready in soe little time; If I have been any thing harsh in my answer to the Assembly, I hope you will be pleased to consider the Provocation I had, which I believe is without parralel; I am informed the Gentlemen of the Council are preparing an Adresse to her Maiesty to inform the Queen of the State and condition of the Province of New Jersey.

I am with great respect

My Lords

Your Lordships most
faithfull humble servant

CORNBURY

L^{ds} of Trade &c.

Letter from Colonel Robert Quary to the Lords of Trade, about New Jersey affairs.

[From N. Y. Col: Doc'ts, Vol. V., p. 17.]

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

Right Hon^{ble}

[Extract.]

I have dayly expected to have heard that M^r Penn hath already surrendered up the Government [of Pennsylvania] to the Queen, or at least that it is done by some other persons for whenever the Government is in the Crown, all these confusions will be at an end,

provided the Quakers are excluded from having the Administration of the Government in their hands, and now that this great truth may more plainly appear to your Lordships I beg leave to show of how pernicious a consequence the infectious humour, temper and evill principles of the Quakers are of, in relation to Government give me leave to mind your Lordships of that daring insolent Act past by the assembly of Pennsylvania which directly struck at the Queens Prerogative by disowning her orders and Instructions, and passing an Act in opposition to it, this matter hath been laid before your Lordships with an address from her Majesty's good Subjects, who are members of the Church of England setting forth the very great injuries and hardships which they labour under by that Act, all which hath been fully considered by your Lordships, and as I am inform'd, the proper resolutions taken thereon and therefore will not take up more of your Lordships time in making any further remarks or comments on it, but proceed to show the evill effects and consequences of the Quakers insolent opposition and affronting the Queens Authority, and this will appear to your Lordships by the severall steps taken by the same sect of People, the Quakers of her Majesty's Province of New Jersey, his Excellency my Lord Cornbury having issued out writts for calling an Assembly the first step taken by Samuel Jennings the head of them, was his declaring that he would no longer serve the Queen as one of her Council his pretence was, that he could not bear the charge of it, but the true reason was, that it was not in his power in that station to doe so much mischief to the Queens interests, as he might do in the Assembly into which he was sure to be chosen and in order to haveing himself and others of his principals brought into the house of Burgesses, there was effectuall care taken to possess the whole Country, that all their libertys and

propertys lay at stake, & depended on their choice of the Assembly they had prepared a list as such as they thought fitt for that purpose and assured the people, that if they would choose of them that then there should be no money raised for the support of Government, nor any Militia Act past, this was to powerfull a baite and produced the desired effect, those very men were chosen in the Western Division and the same methods taken by Collonel Morris and his faction in the Eastern Division but for the more effectuall carrying on this design the heads of the faction in both Divisions agreed on a most scandalous libell, of which they got a vast number printed, and took care to disperse them through the whole Province, perhaps there was never a more scandalous libell published, a copy of which with the severall steps taken by his Excellency to discover the authors & publishers, I must refer to my Lord who I presume sends it by this opportunity And now after all these indirect means used it is not strange, that they gained their end on an Assembly for their purpose who att the day appointed mett, and then to show that they were resolved answer the end for which they were chosen, satt above a month, in all which time they did not make the least stepps towards the preparing any act for the support or defence of the Government, but their whole time was taken up in matters that did not concern them. The service of the Queen or that of the Country y^e particulars I cannot refer to the Journal of the house since the greatest part of what they did was secreted not only from the Clerk of the Assembly, but from severall of their own members and whilst the house was busy in doing what was nothing to the purpose. Mr Jennings & Coll: Morris with the assistance of two or three others was very hard at work hatching the most scandalous paper, that ever I saw in my life. I will not presume so far on your Lordships time as to make

remarks on the severall parts of it since that will be done by all the Gentlemen of her Majesty's Council for that Province, who are the most propper Judges, and therefore will refer to their address but cannot let it pass without asserting thus much concerning it, that it is false malitious unjust and most barbarously rude they have treated his Excellency most inhumanly without the least regard to his Character under the Queen nor have they so much as considered him as a Gentleman, but loaded him with scandalls, which they very well know are false and cannot be proved, but I think my Lord ought to be very easy under his barbarous usage since they have not spared her most Sacred Majesty, but have charged her with injustice but there is still behind something of a more pernicious consequence than all this which I think myself obliged, to lay before your Lordships; you have seen that the Government of Pensylvania have thrown off all respect & regard for any of the Queens order or instructions, which appears to your Lordships, by making an Act of Assembly directly opposite and contrary to them were this evill confined to that Government: only, I should not give your Lordships any trouble about it, but the infection of this grand evill is spread over all the Queen's Governments, and that it hath taken deep rooting in that of the Jerseys will appear to your Lordships, by my acquainting you that I was present in Councill when his Excellency having occasion to summon Coll: Morris Samuel Jennings & severall others of the heads of that faction his Lordship was pleased in order to the giving them satisfaction about some matters which they clamoured against, to produce her Majesty's instructions to them, out of which he ordered some particular clauses to be read, thinking (as I suppose) that they would be concluded by them, but it had quite a contrary effect for Collonel Morris at the mouth of them all told his

Lordship that the Queens order & instructions did not concern or effect them, nor should it conclude them any further than they were warranted by law, this bold assertion occasioned some debate, but after all they were firm in this their pernicious principles, and now your Lordships may plainly see what these men do aim at, and what the consequence must quickly be, if not prevented, for having thrown off all respect and obedience to the Queens orders and instructions: by what must they be Governed for the Laws of England they will not allow of but when it suits their interests, or to serve a turn; when it is contrary to their wild notions then it shall not oblige them unless the Queen will allow them to send representatives to sitt in the Parliament of Great Brittain, so that there is but one way more to Govern those men, which must be by laws of their own making but in this they are safe enough since they resolve to make no laws, but such as shall lessen and impower [impair?] the Queens prerogative and Authority and suit with there own humours if her Majestys Governours will not consent to such laws, then they will give no money to support either Governour or Government but all shall sink, this is the gam which they now resolve to play in Pensylvania, New Jersey and NewYork the first of these had not given the last tax, but as a bribe to have the Act pass'd for affronting and destroying the Queens orders, the Assembly of the Jersey resolve to give no money unless they can be freed from a Militia, and have an Act to ruin half the people of the Province, and should they gain all this, yet they will not give enough to support the Government, and that itself shall be under such circumstances and limitations as to answer no end; the Revenue of New York expires very quickly in May 1709, & they resolve never to renew it, this is the discourse in every mans mouth, but some of the most considering men

will say, that perhaps they will give money for the support of Government but it shall be only from year to year, and disposed of as they think fit, so that the Governor and all the officers of the Government shall depend on them for bread, and then farewell to the Queens interest, thus I have laid before your Lordships the plain and true state of these Provinces, which do require your serious considerations and a speedy effectuall remedy, were your Lordships on the spot, to hear and observe it would alarm you, I am sure it gives me many uneasy thoughts, I will not presume to propose the remedy of these great and growing evils, without your Lordships leave and direction, but I am sure something ought to be done and that quickly I do most humbly begg your Lordships pardon for the freedome I take, since it proceeds from a most hearty zeal for the Queens Service, I am now hastening to visit all the Northern Governments from whence I shall find subject matter enough to give your Lordships the trouble of another letter from which I hope your Lordships will excuse and pardon

R^t Hon^{ble} Your Lordships most

faithful & obed^t Servant

ROB^T QUARY

Philadelphia June 28, 1707.

Address of the Governor and Council of New Jersey to the Queen, congratulating her on the success of Her Majesty's Arms.

[From P. R. O. B. T. New Jersey, Vol. 1, C. 20.]

A Congratulatory Address from the Lord Cornbury, Lieu^t Governor and Council of New Jersey to Her Majesty on the Success of

Her Maj^{ty}s Armies in 1706, referred to in the Lord Cornbury's Letter of the 20th of July 1707.¹

TO THE QUEEN'S MOST EXCELLENT MAJESTY

The Humble Address of the Governor, Lieutenant Governor and Council of her Majestys Province of Nova Cesarea or New Jersey in America.

WEE your Majestys most Dutifull and Loyall Subjects the Governor Lieutenant Governor and Council of this Your Majestys Province of Nova Cesarea or New Jersey HAVING with great Joy received from one of your Majestys Principal Secretarys of state the happy news of the glorious successes of your Majestys Arms in conjunction with those of your Allies against the common Ennemy & espetically of that memorable Victory obtained at the Battle of Ram'elies under the Command and by the extraordinary courage and conduct of his Grace the Prince & Duke of Marlborough Humbly beg leave to throw our selves at your Majestys Royall feet to Congratulate those great and happy Successes which are intirely owing under God to your Majestys extraordinary Zeale for redeeming Europe from Tirany & oppression the rescuing the true Religion from the Invasions of Antichrist & procuring for your People a lasting & durable peace & wee earnestly intreat your Majesty to believe that as we shall never be wanting faithfully to discharge our dutys to the best of our Skils & understandings in the severall Stations in which your Majesty has been graciously pleased to place us Soe our prayers to Almighty God that the success of your Majestys Arms may increase dayly

¹ The letter refers principally to the services of Captain Davis in attacking a French Privateer off the coast. It is printed at length in *New York Colonial Documents*, Vol. V., p. 20.—Ed.

shall never be wanting That your Majesty may enjoy
A long life & happy Reigne in this world & at last
though very late receive the Crown of eternal bliss &
immortality are & constantly shall be the earnest and
fervent prayers of Your Majesty's most dutiful & Loy-
all Subjects.

CORNBURY

RICH: INGOLDESBY

GEORGE DESCOM [Deacon] W^M PINHORNE

DANIEL LEEDS W^M SANDFORD

THO: REVELL ROBT^T QUARY.

RIC. TOWNLEY. DAN: COXE.

ROGER MOMPESSEX.

*The Lords of Trade to the Earl of Sunderland, with
a draft of an Instruction relative to the attend-
ance of the Members of the several Councils.*

[From P. R. O. B. T. Plantations General, No. 33. Entry Book D. p. 147.]

To the R^t Hon^{ble} the E^l of Sunderland.

My Lord

In obedience to Her Majesty's Order in Council of
the 4th of August Last, directing Us to prepare the
Draught of an Instruction to Her Majesty's several
Governors in America. Requiring them to oblige the
Counsellors in their Respective Govern^{ts} to a due at-
tendance in Council. We have prepared the same, and
herewith Transmit them to Your Lord^{sh} for Her Maj-
esty's Royal Signature Accordingly.

We Are

My Lord, Your Lord^{sh}s Most humble servants.

Whitehal

STAMFORD.

Octob^r the 23^d 1707.

HERBERT.

PH: MEADOWS.

JN^o PULTENEY.

Circular Letter.

TRUSTY AND WELBELOVED We greet you well. Whereas, We are sensible that Effectual Care ought to be taken to oblige the Members of Our Council, to a due attendance therein, in Order to prevent the many Inconveniencies that may happen from the want of a Quorum of the Council to transact business as Occasion may Require. It is OUR WILL AND PLEASURE, that if any of the Members of our said Council shal hereafter wilfully absent themselves when duly summon'd, without a Just and Lawfull Cause, and shal persist therein after admonition, you suspend the said Counsellors so absenting themselves till Our further Pleasure be known, giving Us timely Notice thereof: And We hereby Will & Require you That this OUR ROYAL PLEASURE be signified to the several Members of Our Council in And that it be Entred in the Council Books of Our said . . . as a Standing Rule. So We bid You farewell. Given at our Court at the Day of in the sixth Year of our Reign.

By Her Majesty's Command.

Address of the Assembly of New Jersey to Lord Cornbury, replying to his answer to their Remonstrance.

[As printed in Smith's Hist. of N. J., p. 313.]

May it please your excellency &c

WE, the representatives of her majesty's province of New Jersey, finding her majesty's subjects greatly, and as we are very well satisfied with good reason, aggrieved; thought we could not answer the trust re-

posed in us by our country, should we not endeavour to get those hardships removed under which they labour.

It was needless to hunt after imaginary grievances, real ones in too great numbers presenting themselves; and though from you we had miss'd of obtaining that relief that the justice of our complaints intitled us to; yet we do not despair of being heard by her sacred majesty, at whose royal feet we shall in the humblest manner lay an account of our sufferings; and however contemptible we are, or are endeavour'd to be made appear, we are persuaded her majesty will consider us as the representatives of the province of New-Jersey, who must better know, what are the grievances of the country they represent, than a governor can do, who regularly ought to receive informations of that kind from them; and we do not doubt that glorious queen will make her subjects here as easy and happy as she can.

When we told your excellency, we had reason to think some of our sufferings were very much owing to your excellency's long absence from this province, which rendered it very difficult to apply to your lordship in some cases that might need a present help, we spoke truth; and notwithstanding all your excellency has said of a months or twelve weeks in a year, and the weekly going of a post; we cannot be persuaded to believe, that nine months and upwards in a year, is not a long absence, especially when the seal of the province is carried and kept out of the government all that time; and the honourable colonel Ingoldsby, the lieutenant governor, so far from doing right, that he declined doing any act of government at all; whether he governs himself by your excellency's directions or not, we cannot tell; but sure we are, that this province being as it were without government for above nine months in a year, we must

still think it a great grievance, and not made less so by carrying the seal of the province to New-York, and laying her majesty's subjects under a necessity of applying from the remotest part of this province, for three parts of the year and better, to your excellency at fort Ann, in New-York, from which place most of the commissions and patents granted during your excellency's absence, are dated, (by what authority we shall not enquire) notwithstanding a lieutenant governor resides in the province, and is by her majesty's commission impowered to execute the queen's letters patents, and the powers therein contained, during your excellency's absence from this province of New-Jersey; without which powers given and duly executed, a lieutenant governor is useless and an unnecessary charge; and we cannot think, that her sacred majesty, who honoured that gentleman with so great a mark of her royal favour, as giving him a commission for lieutenant governor of New-Jersey, did at the same time inhibit him from executing the powers therein exprest.

Things are sometimes best illustrated by their contraries; and perhaps the most effectual way to convince the world, that this complaint is frivolous and untrue, as by your excellency alledged, would be, for your excellency to bring the seal of the province of New-York to Burlington, keep it there, and do all the acts of government relating to the province of New-York, at Burlington, in New-Jersey, for above three fourths of a year, and let the lieutenant governor reside at New-York during that time, without doing any act of government, adjourn their assemblies on the very day, or day before they are to meet, that they may not lose the advantage of travelling to New York, from the remotest part of that province, and at a time when it cannot be done without the utmost prejudice to their affairs; it's hardly probable

they would be pleased under such an administration, notwithstanding the ease of informing your excellency every week by post of any emergency that might happen.

We are apt to believe, upon the credit of your excellency's assertion, that there may be a number of people in this province who will never be faithful to, or live quietly under any government, nor suffer their neighbours to enjoy any peace, quiet nor happiness, if they can help it: such people are pests in all governments, have ever been so in this, and we know of none who can lay a fairer claim to these characters than many of your excellency's favorites.

What malice and revenge were in the prosecution of the condemned persons, we don't know; we never heard of any till now, and can hardly be persuaded to believe it's possible there should be in both the instances.

It is not impossible, there might be malice in the prosecution of the woman who was condemned for poisoning her husband: there not being (as is said) plain proof of the fact, but it was proved she had attempted it before more than once; and there were so many other concurring circumstances as did induce the jury, who were of the neighbourhood (and well knew her character) to find her guilty, and it is hardly probable their so doing was an act of malice.

The woman who murdered her own child, did it in such a manner, and so publickly, that it is unreasonable to suppose there could be any malice in the prosecution of her, and we cannot think (notwithstanding your excellency's assertions) that you can or may believe there was. This woman was a prisoner in the sheriff's custody for breach of the peace, and going about some of the household affairs the sheriff employed her in, with a knife in her hand, her child who was something froward, followed her crying;

upon which the mother turned back to it and cut it's throat: but not having cut it deep enough, the child still followed her all bloody and, crying. O! mother you have hurt me; the mother turned back a second time, and cut it effectually, and then took it up and carried it to the sheriff or his wife, at whose feet she laid it: How far such a wretch is intitled to the queen's favour, her majesty can best tell, when she is made acquainted with the fact; but sure we are, she never gave your excellency the power of pardoning wilful murder: Whether your excellency has or has not reprieved them, you best know, and are only accountable to her majesty for your procedures therein; tho' we have too much reason to believe, the favourable opinion your excellency has so publickly expressed of her, has been a great reason to induce her to make her escape, which she has done.—We thought it our duty, humbly to represent that matter to you excellency's consideration, and had reason to be apprehensive of the judgments of almighty God, whose infinite mercy has hitherto suspended the execution of his justice, notwithstanding that great provocations have been given him, by impiety, prophaneness and debauchery, under the mask of a pretended zeal for his glory, and love for his church: It is not our business to enter into religious controversies; we leave them to divines, who ought best to understand things of that nature, and who may perhaps inform us what is meant by denying the very essence of the saviour of the world.

We cannot yet be persuaded, that an innocent person should pay fees; what the practice in England is, we did never enquire, but believe, that persons acquitted by a grand jury, do not pay those extravagant fees they are made to pay here; we did not govern ourselves by the practice there, but the unreasonableness of the thing; and your excellency does

grant, that what we say is in some measure to be allowed, were the juries in this country such as they ought to be; we hope they are, and our experience has not convinced us, that persons who under pretence of conscience refuse an oath, have yet no regard for the oaths they take, as your excellency says. The temptations to resentment prove often too powerful, and irresistably engage us in unbecoming heats, and when the characters of men are written with pens too deeply dipt in gall, it only evinces a want of temper in the writer. Our juries here are not so learned or rich as perhaps they are in England; but we doubt not full as honest. We thought the only office for probate of wills was at Burlington; but your excellency has convinced us, that it is wherever your excellency is, and consequently may be at York, Albany, the east end of Long-Island, or in Connecticut, or New-England, or any place more remote should your excellency's business or inclination call you there; which is so far from making it less a grievance, that it rather makes it more so; and notwithstanding those soft, cool, and considerate terms of malicious, scandalous and frivolous, with which your excellency vouchsafes to treat the assembly of this province; they are of opinion, that no judicious or impartial men, will think it reasonable, that the inhabitants of one province should go into another to have their wills proved, and take letters of administration at Fort Ann, from the governor of New-York, for what should regularly be done by the governor of New-Jersey in Jersey, to which place all the acts of government relating to New-Jersey, are limited by the queen's letters patents under the great seal of England; and when your excellency is absent from New-Jersey, to be executed by the lieutenant governor; and by the said letters patents not the least colour of authority is given to your excel-

lency, to do any act of government relating to New-Jersey, any where but in Jersey; nor is there any instruction (that we know of) contradicting the said letters patents any where upon record in this province, to warrant your excellency's conduct in that affair: If this be not cause, and just cause of complaint, we do not know what is; we are inclined to believe, the province of New-York would think it so, were they to come to Amboy or Burlington, to prove wills, &c.

We do not think, that what we desire, is an invasion of the queen's right; but what her majesty, without infringement of her prerogative royal, may assent to; and their late majesties of blessed memory, did by their governor colonel Fletcher, assent to an act made in New-York, in the year 1692, entitled, '*An act for the supervising intestates estates, and regulating the probate of wills, and granting letters of administration;*' by which the court of common pleas in the remote counties of that province, were impowered to take the examination of witnesses to any will within their respective counties, and certify the same to the secretary's office; and the judges of the several courts in those remote counties, impowered to grant probates of any will, or letters of administration, to any person or persons, where the estate did not exceed £. 50; what has been done there may with as much reason be done here, without sacrificing the queen's prerogative royal to the humours or caprices of any person or persons whatsoever.

It is the general assembly of the province of New-Jersey, that complains, and not the quakers, with whose persons (considered as quakers) or meetings we have nothing to do, nor are we concerned in what your excellency says against them; they perhaps, will think themselves obliged to vindicate their meetings from the assertions which your excellency so

liberally bestows upon them, and evince to the world how void of rashness and inconsideration your excellency's expressions are, and how becoming it is for the governor of a province to enter the lists of controversy, with a people who thought themselves entitled to his protection of them in the enjoyment of their religious liberties; those of them who are members of this house, have begged leave in behalf of themselves and their friends, to tell the governor, they must answer him in the words of Nehemiah to Sanballat, contained in the 8th verse of the 6th chapter of Nehemiah, viz. *There is no such thing done as thou sayest, but thou feignest them out of thine own heart.*

We are so well assured the fact is true, that the secretary's office is kept at Burlington only, that we still are of opinion it is a grievance, for the reasons we have assigned; the proprietors records has not any thing to do with the secretary's office, but is an office wholly belonging to the proprietors, and altogether at their disposal; and is not a secretary's office kept at Amboy, either as far as the nature of the thing requires or can admit of, or any way at all.

And as the assemblies and courts sit alternately at Amboy and Burlington, so it is highly reasonable the secretary's office should be kept alternately also at both these places, or by deputy in one of them, and may be very well done without making two secretaries.

Both this and the rest of our complaints, are not with design to amuse the people, but are just and reasonable; and we believe, will by the people be thought to be grievances till they are redressed; who can no more think it reasonable, that all the inhabitants of the eastern division should come to the office at Burlington, than that all the western division should go to Amboy.

We are still of opinion, the grant we complain of is

against the statute we mentioned, because it is exclusive of others, and to the prejudice of the publick. It can never be thought reasonable to prohibit any body to cart their own goods, or any body's else, as by virtue of that grant has been done; and not only in the road from Amboy to Burlington, but in the road from Shrewsbury; and a patent may as well be granted to keep horses to hire, by which a man may be hindred to ride his own: It is destructive to the common rights of men, and a great grievance, and we had reason to endeavour to get it redressed.

It's true, a certain convenience for transportation of goods, is no doubt of great use, and the profit that accrues by such undertakings, is the motive that induces any persons to be at the charge of them, and providing fit carriages for that end, and of ascertaining the times and prices of carrying; and the more providers of such carriages, the more certain and cheap the transportation, and freest from imposition; and consequently the fewer carriages, the less certain and dearer, and the persons under a necessity of using them more subject to be imposed upon by the carrier: now whether granting by which others are excluded, waving the unlawfulness of it, be a means to increase the number of the undertakers in that kind, or to lessen them, and confine those who have any occasion to transport goods, to give such price as he that has the patent thinks fit to impose, we leave to all men of common sense to judge; and if experience may be admitted to determine that matter, it is plain that transportation of goods, both by land and water, is dearer than it was before the granting of that patent: It's true, the certainty was not so great as now; for now we are certain that a man cannot with his own carts carry his own goods, but that if he does they will be seized; and if that be one of the conveniences which the wise people in Europe think of absolute

necessity, we shall think it no irony to be called wiser, in differing from them, and calling them monopolies as they are, and prejudicial to trade, and especially that between York and Amboy, Burlington and Philadelphia; which did not owe it's beginning to your excellency's patent, but was begun long before your excellency had any thing to do with New-Jersey, and in all probability had much more encreased were it not for that patent; and we believe whenever the gentlemen of the law will give your excellency their true opinion of it, you will not be long in doubt whether 'tis a monopoly or not: We thought it a monopoly, as we do still, and a grievance, as is also both that and other grants made by your excellency at fort Ann in New-York, for any thing in Jersey.

Your excellency has neither by birth nor acquisition, a right to the sovereignty of New-Jersey; nor have you any power of governing the queen's subjects here, but what her majesty is pleased to grant you by her letters patents, under the great of England; by which letters patents the powers therein contained, are limited to that country, which was formerly granted by king Charles the second, under the name of Nova Cæsaria or New-Jersey, and which has since been subdivided by the proprietors, and called East New-Jersey, and West New-Jersey, and which her majesty is pleased to reunite under one entire government, viz: "The divisions of East and West New-Jersey, in America; and in case of your excellency's death, or absence from that country, which was subdivided by the proprietors, and called East New-Jersey and West New Jersey, the powers of government are lodged in other hands." Now either fort Ann and the city of New-York, is in that country granted by king Charles the second, and sub-divided by the proprietors thereof, and called East New-Jersey and West New-Jersey; or your excellency is absent from New Jersey, when you are

at fort Ann in New-York; that fort Ann is in New-Jersey, we believe, that even your excellency will think impracticable to persuade us to do so much violence to our reason as to believe; therefore your excellency when at fort Ann, or any where in New-York, is absent from New-Jersey; and what the consequence is we need not say, thinking the pretence of a power to do acts of government relating to New-Jersey, at fort Ann, in New-York, to be so manifestly absurd, as to need nothing further to be said against it.

There is nothing more common in the statutes than the establishing fees, and we are of opinion that all fees have been established by act of parliament; and indeed it seems to us unreasonable they should be established by any other authority; for if a governor, either with or without his council, can appoint what sums of money shall be paid for fees, he may make them large enough to defray the charge of government, without the formality of an act of assembly, to raise a revenue for the necessary support of the same; and if it does not come up to the taxing of the queen's subjects, without their consents in assembly, we are to seek what does.

We cannot think the clause of your excellency's instructions, which we have recited, to be so foreign to the matter of fees, as your excellency says it is; for the enforcing the payment of fees by any authority but that of the assembly's, is taking away a man's goods otherwise than by established or known laws, except the act of a governor and council be a law, which we think is not, nor never intended by the queen it should; nor do we think, by the instructions your excellency mentions, you are to establish fees; but only to regulate those already appointed, and to take care that no exaction was used; but if it did, your excellency has convinced the world, that you do not think yourself bound by the queen's instructions, but where the law binds also.

As in the case of Ormston, where nothing could be more positive than her majesty's directions; yet your excellency did not think yourself ministerial, or by not complying with her majesty's orders, that you accused the best of queens, with commanding her governor to do a thing which was not warranted by law; nor never enquired, whether the refusing obedience to her commands, was a fit return for the many favours she had bestowed upon you; but govern'd yourself in that singular instance as near as you could by the law. The seventh clause was not put in to arraign the queen's express commands to your excellency: but to complain of the great hardships her majesty's subjects lay under, by your excellency's putting the records there mentioned, into the hands of Peter Sonmans, who is not the proprietor's recorder, nor had no express command from the queen to put the books into his hands; and may in part answer the challenge made by your excellency in the last part of the next foregoing clause; for your excellency had commanded the said records to be put into the hands of Mr. Bass, the queen's secretary; upon which, application was made to her majesty, who was pleased to give an order in favour of the proprietors; and without all peradventure, it was intended they should be in the hands of the proprietor's recorder, which Mr. Thomas Gordon was at that time, and regularly is still, being constituted by the majority of the proprietors in the eastern division, and by your excellency sworn: mr. John Barclay was also by your excellency sworn, and a proclamation issued in his favour; since which Mr. Peter Sonmans arrived from England, and upon application to your excellency, was by your excellency, admitted receiver general of the quit rents, and the proprietors records by your excellency put into his hands; which, with submission, we think could not be done regularly by your excellency: For in the first

place, they were constituted by the majority of the proprietors, whose servants they were, and to whom they were accountable, and to none else.

2. These places were the properties of Mr Thomas Gordon and Mr. John Barclay; and to deprive them of them, without due course of law, is what your excellency has no authority to do, nor can have.

3. Whether they were made by the greater or lesser part of the proprietors, your excellency was no ways concerned, nor had any right of determining in the favour of either one or other, the law being open to any who thought themselves aggrieved.

4. Those books and records were the properties of the general proprietors; and if your excellency can dispossess any proprietor of them (for Thomas Gordon was a proprietor) and put them into the hands of another, you may by the same rule dispossess any one of their goods, and give them to who you think fit, and any proprietor of their property, and give it to which of the proprietors you think fit, as is actually done by your excellency in the case of Sonmans; and was attempted with the same violence in favour of Mr. Bass: It will not be a sufficient answer to this, to say, Sonmans was proprietor's agent; which whether he was or was not, your excellency had no right to determine to any other purpose but administering an oath to him, after which he was of course to be allowed; and so ought as many as many agents as the proprietors made, who were not accountable to your excellency for any procedures in the proprietors affairs, that were not unlawful.

5. Sonmans neither had, nor pretended to have, at that time (whatever he has done since) any right or colour of right, to be the proprietors recorder, not any mention being made of it in that very lame commission he had; and were he to have the top of his pretences, it would but to be deputy to a person in

England; and whether he has a right or not, is a great question, and regularly only determinable at the common law; but your excellency's shorter method of procedure saves disputes of that kind: If this be acting according to established and known laws, not repugnant to, but as agreeable as may be, to the laws of England; if this be administering those laws for the preservation and protection of the people, we would be very gladly informed, what perverting of them can be; as to the matter of fact, we aver it to be truth, that Mr. Sonmans did not reside in the province, had not given security for the keeping of those records, as by the queen is positively directed, they were carried out of the Eastern division, and were produced at the supreme court at Burlington at the time of our complaint.

Those things, and that gentleman's character, are so well known, that it is needless to offer any thing else in justification of that reasonable request we made, that they might be so kept as her majesty's subjects might have recourse to them, and in the hands of such of whose fidelity there is no reason to doubt.

These, may it please your excellency, were the grievances we complained of; and they were but a small number of many we could with equal justice remonstrate; and which, notwithstanding those soft, cool, and considerate terms of false, scandalous, and malicious, and other bitter invectives which your excellency so often uses to the representative body of a country: we are still of opinion, they are not imaginary, but real grievances, not false, but God knows too true; and which it was our duty, in discharge of the truth reposed in us, to get redress'd.

Our sad experience has convinced us, that our endeavours have not met with a success answerable to what might reasonably be our expectations, and that instead of redressing the grievances of the country,

their number is increased; Before we enumerated those grievances of an higher nature, and attended with worse consequences, we first said, the treatment the people of New-Jersey had received, was very different from what they had reason to expect under the government of a queen deservedly famous for her just, equal and mild administration; that the hardships they endured, were not owing to her majesty, who they were well assured, would by no means, make any of her subjects miserable, nor continue their misfortunes were she acquainted with them, and in her power to give them relief; but that the oppressions they groaned under, were the unkind effects of mistaken power; and what these effects were, and who the cause of them, we proceeded to shew; and if the instances we there give, be true, it will then appear to the world, that the expressions we have used, are the softest could be chosen, and very far short of what the nature of the thing could bear, and that these bold accusers are a sort of creatures called honest men, just to the truth reposed in them by the country, who will not suffer their liberties and properties to be torn from them by any man, how great soever, if they can hinder it.

And that the reasonableness of our complaints may appear the plainer, we shall consider what your excellency has said in answer, and leave it to our superiors, and to all just and impartial men, whether we are not a people the most abused of any of her majesty's subjects.

As to the first instance, your excellency does acknowledge the fact to be true, and offers the following reasons to justify your conduct to the council of proprietors: The first is, that by her majesty's directions you are to allow of all such agents as the general proprietors shall appoint, such agents qualifying themselves by taking such oaths as the queen is pleased to

direct, and no other; that no persons under the name of a council of proprietors, have ever tendered themselves to take such oaths; consequently they are not capable of acting as agents.

2. That the council of proprietors are a people pretending to act by a power derived from certain persons who have no power to grant, and that this is a truth, viz. that they are a people pretending to act by a power derived from certain persons, who had no power to grant, your excellency is satisfied; besides other reasons, by this in particular, that the assembly have voted to put the records into the hands of Peter Sommans, to be a grievance; whereas their not qualifying themselves is a greater grievance. To set this matter in a true light, it will not be improper to produce the words of the instructions; which are as follows: "You are to permit the surveyors and other persons appointed by the forementioned general proprietors of the soil of that province, for surveying and recording the surveys of lands granted by and held of them, to execute accordingly their respective trusts: And you are likewise to permit, and if need be, to aid and assist such other agent or agents, as shall be appointed by the said proprietors for that end, to collect and receive the quit rents, which are or shall be due unto them, from the particular possessor of any tracts or parcel of land from time to time; provided always, that such surveyors, agents, or other officers appointed by the said general proprietors, do not only take proper oaths for the due execution and performance of their respective offices and employments, and give good and sufficient security for their so doing; but that they likewise take the oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy; as also the test, and subscribe the forementioned association; all which you are accordingly to require of them, and not otherwise to admit any person into any such office or

employment." After the proprietors had surrendered their power of government, relating to their soil, they were under a necessity of employing persons, to survey and record the surveys of lands granted by and held of them: and in the Eastern division, several quit rents being due to them, there was a necessity of having one or more agents to collect and receive those rents; which persons (because the crown intended, that the proprietors by the surrender of their government, should by no means be insecure in their properties) your excellency was directed not only to permit such officers to be and execute their respective trusts, but also to aid and assist them, if need were; and because both offices were places of trust, both with respect to the proprietors and the inhabitants, it was directed, that they should take proper oaths, and give good and sufficient security; and that they who enjoyed those places of trust, might be persons well affected to the present government, there was especial care taken, to direct, that they should take the oaths appointed by act of parliament to be taken, which your excellency was to require of them, and not otherwise to admit them to execute those trusts: From all which we observe, first, that no agents are concerned in that instruction, but such as were to survey and record the surveys of lands, and collect the quit-rents.

2. That the proprietors were not limited to employ a certain number of agents, but might employ as many as they thought fit; all which your excellency was to aid and assist if need were.

3. Your excellency was not to expect while they tendered themselves to take the oaths appointed, but to require them to take them; and upon their refusal not to admit them: for it was impossible they, or any else, should deem themselves bound by the queen's instructions to certain performances, except such instructions had been made publick, and they made acquainted with it.

Now in the first place, your excellency never published any such instruction, nor ever did require those agents called the council of proprietors to comply with it by taking any oaths.

2. The council of proprietors are not such agents as the instructions mention.

3. Were that instruction binding, your excellency has by no means complied with it; for the surveyor appointed by the proprietors of the western division, has several times tendered himself to take and subscribe according to her majesty's directions, and has been refused.

4. Mr. Sonmans, tho' a bankrupt, and his powers disputed, admitted to keep the records of the eastern division, and that without any security; and persons who were sworn to those places, and employed by proprietors, and a greater number, not only not permitted to act, but deprived of their places (with which your lordship had nothing to do) without a due course of law, forceably by your lordship's directions.

Lastly, the council of proprietors are attornies to private men, for the taking care of their several properties, and are neither concerned in that instruction, nor bound by it; if they were, we shall not dispute how far that instruction may be a law to your lordship, but we are sure 'tis so to no body else, but where the laws of the land bind without it; and if so, 'tis no sufficient warrant to destroy any man's property, or deprive him of the use of it, without the judgment of his peers: for your lordship cannot but know, if you do not, the last clause of the petition of right will tell you, that the queen's servants are to serve her according to law, and not otherwise; and every gentleman of the law can inform your excellency, if he pleased, that the queen's authority or warrant produced (if you had done any such thing) cannot justify the commission of an unlawful act: which this certainly must be, except

the law provides that no man must make an attorney but with your Lordship's approbation: As to the second reason, to use your excellency's expressions, if we could wonder at any thing your excellency has done, it would be at the reason your excellency gives, as much as at the action; it being a plain pretending to a right of judging solely who have a right to their estates, and who not, and according to that judgment to permit them to retain or force them to part with their possessions; for in the first place, that matter was never brought before your lordship, and what information you had (if you had any) was private; and we are told no freeman can be dispossessed of his freehold but by judgment of his peers, or the law of the land; but here is at once a determination, that a number of proprietors, nigh or above nine tenths of the whole, have no right to grant, and accordingly they are prohibited taking up or disposing of their lands; for the council of proprietors, are all proprietors themselves, except mr. Morris, their president; and we can't see, but any freeman, or number of freeman in the province, may be dispossessed by the same measures; for 'tis but your lordships saying, the persons they had their lands from, had no right to grant, and then order the possessors to make no further improvements, nor to dispose of any of their lands; and thus conclude them without the tedious formality of the old magna charta way: and who is hardy enough to dispute with a man that commands two provinces?

2. What your excellency asserts, with relation to the council of proprietors, viz. that they were persons deriving a power from those who had no right to grant, is what your excellency neither did, nor could know; that you did not know it, nothing is more plain; because your excellency some days after your lordship's answer to our remonstrance, summoned some of the council of proprietors before yourself in council, and

there asked them the following questions, viz. First, who the late council of proprietors were? Secondly, who were the present council of proprietors? Thirdly, who they derived their powers from? Fourthly, what their powers were? By which it appears, your excellency neither knew who the council of proprietors were, what their powers were, nor who they derived them from; which is very far from knowing whether the persons who gave them those powers, had power to grant or not; because the deeds of what proprietors are in this country, you never did see; and those that are in England, you could not see.

How your excellency is, from our voting the putting the records into mr. Sonmans hands to be a grievance, satisfied that the persons from whom the council of proprietors derive their power, have no power to grant; is very much beyond our poor capacities to understand, and may perhaps be of the number of those unanswerable objections your lordship tells us of in your answer. To the next clause your lordship justifies your proceedings with the assemblymen, as being your duty; and that what you did, was by virtue of the queen's instructions; how far they will justify your excellency's conduct is our next business to speak to; but in the first place we are obliged to your excellency, for acknowledging the matter of fact; which tho' notoriously known, was omitted to be entered in the journals of this house, by your excellency's faithful servant, mr. William Anderson, late clerk of this house.

By the queen's instructions, not the least colour of authority is given to your excellency, to be a judge of the qualifications of assemblymen, so as to admit or reject them; which is not only a direct contradiction to the very nature and being of assemblies, but must render the liberties, lives and properties of the people entirely at your excellency's disposal; which as her majesty never intended, so without doubt she never

did intend by any instruction to make so precarious; and how well she'll be pleased at wresting her instructions to authorize what we are well satisfied she will be very far from countenancing, time may inform us: This house could not be so much wanting to themselves, and the province they represent, as to omit taking notice of a procedure, which tends to destroy the very being of assemblies, by rendering them the tools of a governor's arbitrary pleasure, and the enemies instead of the preservers of the liberties of their country; and we are well assured, that nothing your excellency has said, will persuade the world to believe, that your excellency or any other governor, has that power you pretend to, or that it can be consistent with the liberties of a free people.

That there were considerable sums of money raised; that most of them were raised with intent and purpose to give to your lordship, to procure the dissolution of the last assembly, and procure such officers as the contributors should approve of; that in all probability the money so raised, was given to your lordship; that the assembly was dissolved; that the contributors were complied with as far as could be; that you did receive from doctor John Johnston, two hundred pounds, upon the score of the proprietors of the eastern division of New-Jersey; are such notorious truths, that it is a vanity to deny them; and will be believed, notwithstanding all the force of evasive arts to persuade to the contrary: And since we have mentioned doctor Johnston, it's not amiss to enquire, whether the services you were to do the proprietors were such as your lordship ought, or ought not to have done; if they were such as you ought to have done, you ought not to have taken money for the doing of them; if they were such as you ought not to have done, much less ought your lordship to have taken money; and had you not been more than ordinarily concerned in those private con-

tributions, without all peradventure would have used all possible endeavours to have detected the thing, and not given those publick marks of your favour to the persons most concerned in the persuading and procuring of them.

As to what relates to the assembly, as your lordship is not accountable to this house for what reasons you dissolved them, neither is this house to your lordship for their proceedings: they acted as became a house of representatives in the affair of Mr. Gordon, and what they did, was not without your lordship's approbation: if that could add any thing to the power they had: As to your excellency's reflections on private men, 'tis below the representative body of a province to take any further notice of them, than to do that justice to the two worthy members of this house, as to say, they both have, and deserve better characters than your excellency gives them: and that the humblest application you can make to her majesty will never induce her to grant you a power to use any means to procure a satisfaction but what the laws allow of, without such application: We concluded, by acquainting your excellency, that the way to engage the affections of a people, was to let them be unmolested in the quiet enjoyment of those things which belong to them of right, and should have dated our happiness from your excellency's complying with so reasonable and just a desire; to which your excellency replied, that you could never answer taking advice from men, who did not know how to govern themselves, and who have always opposed the service of the queen, and interest and good of their country: We shall wave the admirable coolness of temper, and considerateness of the reflection; and say, your excellency could hardly have used plainer terms, to tell us, you will not let us be quiet in the enjoyment of what belongs to us of right; and your excellency's proceedings since that, has

effectually convinced the world, that we have not put a wrong construction on your excellency's expressions.

Are not her majesty's loyal subjects haul'd to goals, and there lie without being admitted to bail? and those that are the conditions of their recognizances are, that if your excellency approves not of their being bailed, they shall return to their prisons: several of her majesty's good subjects forced to abscond, and leave their habitations, being threatned with imprisonment, and no hopes of receiving the benefit of the law: when your excellency's absolute will is the sole measure of it: One minister of the church of England, dragg'd by a sheriff from Burlington to Amboy, and there kept in custody, without assigning any reason for it, and at last haul'd by force into a boat by your excellency, and transported like a malefactor, into another government, and there kept in a garrison a prisoner: and no reason assigned for these violent procedures, but your excellency's pleasure: Another minister of the church of England, laid under a necessity of leaving the province, from the reasonable apprehensions of meeting with the same treatment; no orders of men either sacred or civil, secure in their lives, their liberties or estates; and where these procedures will end, God only knows.

∟ If these, and what we have named before, be acts of mercy, gentleness and good-nature; if this be doing for the good, welfare and prosperity of the people of this province; if this be the administring laws for the protection and preservation of her majesty's subjects; then have we been the most mistaken men in the world, and have had the falsest notion of things; calling that cruelty, oppression and injustice, which are their direct opposites, and those things slavery, imprisonment and hardships, which are freedom, liberty and ease; and must henceforth take France, Denmark, the Muscovian, Ottoman and Eastern empires, to be the best models of a gentle and happy government.

∟

Your excellency at last endeavours to persuade the country, that the assembly, instead of protecting are invading the liberties of the people; and if we might have the liberty of using some of your excellency's cool and considerate terms, perhaps the following instances might justify those expressions; but we leave that to just and impartial men, who no doubt will apply them where they are most due.

Your excellency asserts in the first place, "You have presumed to take the queen's subjects into the custody of the serjeant at arms, who are not members of your house; which you can't lawfully do, and is a notorious violation of the liberties of the people." Answer: There is nothing more known, than that the contrary to what your excellency says is true, and hardly a session of parliament but affords multitudes of instances, nay, several instances can be produced during the time of your excellency's being in the house of commons; and what your excellency means by asserting a thing, which every body that knows any thing, knows is not so, we can't tell.

Secondly, "You have taken upon you to administer an oath to one of your members, and have expell'd him from the house for refusing to take an oath which you could not legally administer to him; this is most certainly robbing that member of his property, and a most notorious assuming to yourselves a negative voice to the freeholders election of their representatives, for which there can be no precedent found." Answer: We never did administer an oath, (tho' we think we have power so to do) what oaths were administered were administered by justices of the peace before us: We expell'd that member for several contempts; for which we are not accountable to your excellency, nor no body else in this province: We might lawfully expel him; and if we had so thought fit, might have rendred him incapable of ever sitting

in this house; and of this many precedents may be produced. We are the freeholders representatives; and how it's possible we should assume a negative voice at the election of ourselves, is what wants a little explanation to make it intelligible.

Thirdly, "You have arbitrarily taken upon you to command the high-sheriff of this county, to discharge a prisoner who was in his custody at the suit of one of the queen's subjects; and he has been weak enough to do it, for which he lies liable to be sued for an escape, whenever the gentleman thinks fit to do it, and from which you can't protect him; this is a notorious violation of the right of the subject, and a manifest interruption of justice." Answer: The person we ordered to be discharged, was an evidence attending by order of the house, and under the protection of this house; who were only wanting to themselves, in not sending the high-sheriff and lawyers to the same place, for daring to offer so publick an affront to the representative body of a country.

Fourthly, "You have taken upon you to appoint one of your members to act as clerk of the committee of the whole house, which you have no power to do, &c." Answer: Your excellency has been so very much mistaken in all the foregoing clauses, that we have great reason to believe you are so in this: This house has always, till of late, made their own clerks, and your excellency cannot shew us any law why we may not do it still, should we think fit to insist on it: We have made no encroachments on her majesty's prerogative royal, nor never intended to do it, but shall to our utmost, study to preserve, and honourably support her government over us, and hope your excellency will think it for the service of the queen to comply with our reasonable desires; which will very much encourage us so to do.

Divers of the members of this assembly being of the

people called Quakers, do assent to the matter and substance, but make some exception to the stile.

By order of the house,

SAM. JENINGS, speaker.

P. M. Die Veneris. 24 Octobris. 1707.

[The foregoing was tendered to the Governor through a Committee, on the 29th October, when he refused to receive it, and it was then ordered to be entered on the Journal of the Assembly.]

Letter from Lord Cornbury, to the Lords of Trade, on the affairs of New Jersey

[From P. R. O. B. T. New Jersey. Vol. 1. C. 30.]

Letter from the Lord Cornbury to the Board.

NEW YORK 9^{br} the 27 1707

My Lords

By my Letter of the 14th of sth last I gave your Lordships an Account of my Voyage to Albany, from whence I returned to this place on the 12th the next day after, severall of the Members of the Assembly, and some of the Gentlemen of the Councill came to towne, but there was not a sufficient number to make a House till the 23^d. at which time I sent for them, and acquainted them what I thought was proper for them, to proceed upon at that time, withall telin them, that if any thing else occurd to their thoughts, fit to be provided for by a Law, they should always find me ready to receive any thing that might be for the service of the Queen, and the good and welfare of the Country, and I carefully avoided taking any notice to them of their Irregularity's the Sessions before because

I would not give them the least pretence to be ill humored, but it seems they were resolved upon that before hand, for M^r Morris, and Samuells Jenings the Speaker had been very busy during the recess, which was from May to 8^{br} to perswade severall of the Members of the House not to grant any Reuenue, what effect their Indeavours have had, your Lordships will perceiue by their votes of the 27th of 8^{ber}, of which I herewith send you a Copy, I did intend to have sent your Lordships a Copy of their Journall, but the Clerk could not get them ready yet, but I shall certainly send it by the Mast fleet which is to sail from Boston about the middle of January. I dont know that they pretend to complain of any Grievances, but those contained in a Remonstrance which they thought fit to give me at their first Sessions at Burlington, to which I made an Answer, both which I sent to your Lordships, and which I had communicated to the Gentlemen of her Maiestys Councill, who approved of it, before I gave it to the Assembly: when I put an End to the Sessions in May last, before I dismissed the Councill, I desired the Gentlemen to inquire in the severall Countys where they dwell, what grievance (if any) the people complained of, and to let me know them, that if In my power they might be redressed, at our meeting at Amboy in 8^{ber}. I asked them if they had inquired according to my desire, they told me they had, and that the only complaint they met with in the Country was, that some Laws were wanting which would be of Use to the Country, that I have at the begining of every Sessions recommended to the Assembly the passing such Laws will appear by their own Journall, therefore I hope I shall not be blamed for what is not in my power to remedy. Upon this occasion give me leave to observe, that their refusing to settle a Reuenue upon her Maiesty, does not proceed from the Want of Redresse of Grievances soe much as from their own ill

natures, for it appears by their own Vote, that if all their Imaginary Grievances were redressed, they would raise a Reuenue but for one year, though I had by your Lordshipps commands demanded it for one and twenty years. It is very plain to me that as long as her Maiesty is pleased to allow the Quakers to sit in the Assembly of that Prouince Noe Reuenue will be setled, I can proue by severall good Witnesses that severall of the topping Quakers, and perticularly Samuell Jennings have frequently said that since the Queen would have the Gouernment, she might send a Gouvernor when she pleased they would keep him poor enough, and indeed they will make their words good, for I have now made three Journeys into New Jersey since the Act which granted a Revenue for two years is expired, and those Journeys are generally pretty chargeable. Your Lordshipps were pleased to direct me not to intermeddle with the quallifications of the Members of the Assembly which Orders I have punctually observed, but now I am obliged to acquaint your Lordshipps that unlesse some Method is prescribed, to inquire into the Qualifications of Members returned to serve in Generall Assembly, the Queens Additionall Instruction to me will be of noe effect; because as this House is quallified the Ringleaders among them don't inquire if the other Members are quallified according to the Queens Instructions, but whether they will Join with them to refusing to give a Reuenue if soe, then noe matter whether they are quallified according to the Queens Instructions or not, the Queens is pleased to direct that noe person shall be capable of being chosen, and afterwards of sitting as a Member of the Assembly of New Jersey, but such as have a thousand acres of land in their own right, or are worth five hundred pounds, now to my certain knowledge some have sat these two last Sessions's, who have noe land in New Jersey in their own right, and are not worth five hundred pounds, but because

they were zealous in opposing the settling a Reuenue were very good Members, therefore I humbly conceive that it will be necessary, that some Method may be appointed to inquire into the Qualifications of Members to be returned to serue in Generall Assembly in the Prouince of New Jersey, but this and the Method for doing it I humbly submit to your Lordships better Judgments, there is one thing more which I beg your directions in, which is this. M^r Byerley in this Province of New York, and M^r Moore a Minister in the Prouince of New Jersey have lately set up a Notion, that if I send any order from New York into New Jersey, relating to the Affairs of New Jersey it is of noe Force, and ought not to be obeyed, because it is given at New York, and soe the like of any Order given in New Jersey relating to New York. Now if it be her Maiesty's pleasure that it should be soe, I am well satisfied, but give me leave to say it will sometimes interupt businesse, for if I am at Burlington, and the Gentlemen of the Councill of New York send to me for any Directions upon any accident that may happen. I must return into the Prouince of New York (which is between fifty and sixty miles) to return an answer that may be of force on the other side if I am at Albany and the Lieutenant Gouvernor sends to me upon any occasion in which he has a mind to have directions from me. I must come a hundred and fifty miles into New Jersey to give an Answer that may be of force, and indeed I can not see what Inconveniency can attend the giving Orders in one Prouince, and sending them into another, however I intreat I may have your Lordships directions in this matter, that I may conform myself to them: I have adiourned the Assembly of New Jersey to the 2^d day of April next, i will farther adjourn them, unlesse I have the happinesse to hear from your Lordships before that time. I have not received one letter from your Lordships now near twelve months.

I could wish I had directions concerning the Union, which I hear is proclaimed in the West Indies, but I have noe Orders yet which makes me a little uneasy, for fear any Scotch Vessell should come in, as soon as I receive them, they shall be punctually obeyed by

Just as I was going to seale up this letter a Gentleman Just come from Connecticut informs me that Collonell Winthrop is dead, and that the people haue chosen M^r Saltonstall who was Minister at New London, to be their Gouvernor.

MY LORDS

Your Lordships most faithfull humble servant

CORNBURY

Letter from Colonel Robert Quarry to the Lords of Trade.

[From N. Y. Col. Docts., Vol. 5, p. 30.]

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

R^t Hon^{ble}

[Extract.]

I have often represented to your hon^{rs} the unhappy circumstances of her Majesty's Provinces on North America, who are ruined in their Trade harass'd and destroyed by a handfull of people, for the French are not more than three thousand effective men in all the parts of Canada, and Port Royall, whereas the Queen hath more then Eighty thousand men in her severall Provinces, which are able to eat up all the French, and yet this handfull of men wth ther conduct will in time if not prevented ruin us all, I have represented

the true state of this affair to your Lordships very fully in severall memorialls, to which I cannot add but am sure that if some effectual means be not used this Warr, to remove the French, it will be too late afterwards.

I will not presume further on your Lordsh^{ps} time by inlarging on this subject but with your honors leave return to the Governments of New Yorke, and New Jersey, neither of which places have taken the proper methods of raising a fund for the support and defence of the Country the Assembly of New York, hath hitherto had some regard to the safety of their Frontiers and support of Government, but not so effectually as to answer the end, p^rhaps they may better consider the state of affairs at their next meeting but as for the Assembly of New Jersey, I much fear they will not do anything either for the Queens service or the Country, in respect to its defence or support, especially so long as they are influenced by three or four men amongst them, they sate at Amboy in October last, but would do nothing, but past a vote that they would raise no money till their grievances were redrest and then but for one year, what their grievances are will appear to your Lordships by the inclosed remonstrance of theirs, to which his Excellency hath given an answer; Your Lordships will find that the Queens Instructions are part of their Grievances, I am very sure that it is impossible to satisfy or please the turbulent uneasy spirits of two or three men in that Assembly, who would sacrifice the happiness and quiet of the whole country to their private resentments, revenge, and malice. I assure your Lordships y^t I have no difference or the least prejudice to any of these but what I say is the opinion of almost all that know these men nay there are many that will give this Character of these men, who at the same time will warmly justify their proceedings in Assembly, by

reason that they think they reap the benefit of it in not paying any money towards the support of Government or being under any regulation of a Militia, these are powerful motives for their choosing such men into the Assembly. As for M^r Samuel Jennings and the rest of the Quakers, they are driving at the same game acted in Pennsylvania by their Friends there, who are resolved to allow no prerogative of the Crown nor any pow^r in a Governour but will have all power lodg'd in themselves, as I have represented to your hon^{rs} in my former, and therefore since their principles and practices are such, I think they are inconsistent with Government, and not to be intrusted with it. I doe most humbly presume to mind your Lordships that this growing evil and mischief requires a speedy remedy else I fear will spread over the whole Continent so that in time if not prevented the Assemblys of America will find work enough for your hon^{ble} Board to reduce them to reason or keep them within the bounds of it, to dispute the Queens prerogative in her instructions of Government to refuse the raising such a revenue as may support her Government, to neglect the settling a Militia for the defence of the Queens Provinces, to libell, slight and affront her Governours, are such steps as ought to be taken notice of in time, for fear they should goe further, the due consideration of all which is most humbly submitted to your Lordships wisdom and Judgement by

R^t Hon^{ble}

Philadelphia

Your Lordships most

Jan. the 10. 1707

faithful & obed^t Serv^t

ROBERT QUARY.

Letter from Lewis Morris¹ to the Secretary of State, transmitting various documents explanatory of the difficulties in New Jersey.

[From N. Y. Col. Doct's, Vol. V, p. 33.]

Lewis Morris, Esq. to the Secretary of State.

Right Hon^{ble}

I was^e entrusted by the Assembly of New Jersey to transmit you a letter from the Speaker, a petition from that house to the Queene; a remonstrance made to his Excellency my Lord Cornbury, and some affidavits taken before them. All which I sent by severall conveyances and they also come with this with an addition of what has been done since, which is a reply made by that House to an answer of his Lordships to them.

I did not transmit his Lordship's answer because I had no directions from the Assembly to do it, and because I did suppose he would take that care, being what he valued himselfe very much upon, but I believe consideration has abated that good opinion he had of it when the transports of his passion were recent, and perhaps has been a means of hindring its coming to your hands, or of making those alterations without which he could not but know he would before so competent a judge, very much arraigne himselfe in his assertions about the powers of the House of Commons or (pardon the expression when 'tis used comparatively) of the Generall Assembly of New Jersey. I therefore send it as he caused it to be printed, at New Yorke, and would advise that the severall Assemblies of the Plantations be directed from time to time to send coppies of their Journalls to one of her Majesties Prin-

¹ For notice of Lewis Morris see Vol. II., p. 217.—ED.

cipall Secretaries of State, directly from themselves, and if some such method were taken with the severall Councils, I am very much deceiv'd if the acco^{ts} you receive were not much more to be depended on yⁿ now they are. How just my Lord has been in his representations of men and things he best can tell, but if from what has been seen of them here an estimate may be made of what has not, truth, indeed a good judgment, is what is least to be expected in them, and a character whose veracity is not to be depended on, is not the fittest to command Provinces. Such persons ought to be strangers to mean compliances, but when they prostitute their reputation and fall victims to an avaritious temper, stooping to sordid measures for gaine, become the murchandize of factions and price of the highest bidder, what are the ills not to be expected under such an administration, or rather what is the good to be hop't either to her Majestie or her subjects. But to leave this w^{ch} however true looks too much like resentments; to give some light to the papers before you, I shall give Your Hono^r y^e state of that province when my Lord arriv'd and what 'tis now.

When he arrived there he found it divided into two parties, the one called Hamiltons and the other Basses partie; not to trouble your Hono^r from whence they rose, Hamiltons partie, in that now called the Easterne division of New Jersie, formerly East New Jersey, consisted of the gentlemen of the best figure and fortune and majority of the people. Basse being formerly an Anabaptist Minister, those of that religion, some Quakers, and a miselanious mob, where of his partie. In the Westerne Division y^e Quakers and by very much the greater part of the people, where of that called Hamiltons partie. When my Lords commission was publisht, it was the endeavours of both these parties to be uppermost, that of Basses haveing, dureing the unsettled state of that Province, been guilty of severall

irregular actions, endeavoured his Lordships countenance in order to procure an Act of Indempnity in their favour. and many of the other partie where not for obliging them in that point. When the time came for the choice of Assemblymen, y^c writs (according to her Majesties directions) appointing the Qualification of the Elected to be 1000 acres of land, and of the Electors to be 100. verry much disobliged a great number of persons, and y^c mob in generall, because the choice was taken out of their hands, and that made the majority of the Eastern division consist of that called Basse's partie; but notwithstanding by an artifice of the other partie they lost the field in the election. In the Western division Hamilton's partie carried it to a man; so that the first Assembly consisted of that partie called Hamiltons. There was in that province a third partie, or rather a partie within a partie, who had designs of their owne, abstract from governement, and these were Proprietors. These having upon the surrender of their government, obtained a certain form of instructions to be given to y^c Governours, which should from time to time be sent into New Jersie, thought them selves secure in the Governours obedience of them, and were encouraged by my Lords promises to think they might safely depend he would not faile in the performance of what was so much his duty and interest to do; but after some time being better acquainted wth his character, and considering that if he should breake them, that such was the vast distance from England the difficulty that attends applications in controverted cases, the possibility (after all) of their being thought in the wrong and of being misrepresented, that should they meet wth success yet it would be so long a time first that the mischiefs they might suffer would be irreparable, they choose to make more sencible application to my Lord than bare words: and accordingly Doctor Johnstone

waited on him wth £200. at twice, as is exprest in his affidavit. That partie of Basse's having most of them being in y^e Assembly and haveing made some endeavours to procure an Act of Indempnity which proved ineffectuall, had recourse to other measures, and it haveing got wind that his L^p rec^d money of Doctor Johnstone, and guessing the sum much bigger then really 'twas, began to entertain some hopes, very justly conceiving that he that was not prooffe against one sum, would not withstand another, and since he was to be purchas'd resolv'd to bid for him, and being encourag'd by his confident D^r Bridges Chiefe Justice of New York, since dead, they raised the severall sums mentioned in the Affidavits, and many more that we cannot yet get accounts of, as we judge to y^e value of about fifteen hundred pounds. This money was paid to one Richard Salter (who had been presented by a Grand Jury for felony under the former administration) and to one Capt. John Bowne; both which persons travail'd through the Province and by untrue insinuations perswaded the raising of this money. They are both protected and honored by my Lord, and what places he can well bestow, given them. Bowne was a Member of the Assembly, and by them expelled for refusing to tell what he did with the money. Salter kept out of the way and could not be got; but while he kept out of the Serjeant's way, my Lord admitted him to his company, and sent for a boat and had him shipt over into Pensylvania government. By all which your Honour may perceive what it is y^t hinders it from being fixt on my Lord, and that it cannot be well knowne how these persons dispos'd of that money, except Her Majestie thinke fit to order them to be sent to England and examined there, or till an honest man be sent in my Lords roome. It can be proved (without Bowne and t'other) that t'was given to D^r Bridges in my Lord's house, and there is

all the reason in y^e world to beleive his Lordship had it. But the effect it has had, and the service or rather disservice it has done her Majestie I shall endeavour to show. My Lord proposed to this first Assembly, to raise a revenue for the suport of her Majesties government. I was then of her Majesties Councill, and I privately askt him what sume he thought would do. He told me fifteen hundred pound a yeare. I had some influence over the most leading men of that Assembly, to whom I proposed it; but all I could say did not prevaile with them to come up to that sum. One thousand a yeare, for three years they would give, and indeed its a wonder they ever came so farr at once; the greatest tax that had ever been raised being £675, and at that the people were ready to run mad and would never pay it) that not pleasing, they were adjourned till a further time. In the interim this money I have been speaking of, was paid, and the contributors did openly boast of their assurance of having that Assembly dissolved. Whether the fears of y^e partie that was then uppermost of haveing that Assembly dissolved or what it was that wrought upon them I can't tell, but they thought it adviseable to come up to my Lords proposall of fiftene hundred pounds p^r annum for three years. Whether they had past a vote or not, my memory wont serve me, but I think they past a vote for it, and no sooner was my Lord assured of that, but he dissolved them. It was now no longer a doubt he had been promist more, besides other prevailing arguments ready downe, and assurance they could carry the majority of the Assembly; but it was something surpriseng that any man in his right witts should part wth a certaine 1500 a yeare, for an uncertainty and depend upon promises wth any man that could see an inch before his nose might be morally as not in their power to performe.

A new Assembly was chosen, which demonstrated

the vanity of their promises and the folly of depending on them; however the best was to be made of a bad market, and the business was to be done per fas aut ne fas, and the way they took was as follows:— The majority of the Assembly consisting of those who were enemies to y^t faction, who by bribery had procured their dissolution and it being impossible to obtain the end the contributors had procured their dissolution and it being impossible to obtain the end the contributors had promis'd without getting some of them out of the House, when therefore the Assembly came to be sworn (which is done before the Governour in Councill) Thomas Revell and Dan^l Leeds Esq^{rs} two of her Majesties Councill objected against three of the Members chosen to serve, as being unqualified, upon which my Lord refused to sware them; by this means they got the majority by one. Some little time after, y^e same gentlemen present to that faction of a house the following, which they called a Petition. "We underwritten" & ¹ This fourteen daies they askt they thought to be time enough to accomplish their designs, but that not doeing, the hearing of them was defered from one time to another till they had done what they intended. At last the matter came to a hearing, but neither Revell nor Leeds ever as much as appeared to justifie their allegations, y^e end being answered for which they did it. Well the Assembly even that faction of yth when they had examined the matter

¹ We underwritten supposing we had good reason to charge three of the persons returned to serve as Representatives in this Generall Assembly, But upon due consideration upon the premises find it difficult to come to a true determination thereof until we can by further inquiry find the truth of what we have been inform'd of: We therefore humbly desire fourteen days time further that we may be able more fully to informe this House therein, wch we humbly suppose at present cannot be reasonably expected from us. We subscribe ourselves your humble suppliant.

THOS REVELL
DANIELL LEEDS.

Your Honor is prayed to excuse this not being in the letter, for my Amanuensis had omitted and the post did not stay long enough for me to new copie that sheet. I am Yo honors humble Servant

LEWIS MORRIS

were satisfied they were qualified and sent two of their Members to desire my Lord to sware y^m. w^{ch} he refused to do, pretending he was the judge of their qualifications, and that upon his determination they were to be admitted or refused; and so he kept them out about eleaven months. Perhaps of y^e kind there has hardly been a greater complication of villany. Among other Acts they past then, there was one to raise a Revenue of 2000 pounds a yeare for two yeares, and in that he consented to lay taxes on uncultivated lands, w^{ch} was directly contrary to his instructions, another Act for laying out High waies, and another to settle the Militia, all w^{ch} had the following effects:— In the Militia Act the Quakers that could not for conscience forsooth beare armes was to pay a certaine sum yearly and forfeitures were laid upon other defaulters, but there was no provision made to returne y^e superplusse of y^e distresses, if any such thing should be. My Lord had made a set of Officers sutable to his turne, to say no more of them: these were punctuall in making distresses, and generally above ten times the value, w^{ch} when they came to expose to sale, no body would buy so that there is or lately was a house at Burlington, filled wth demonstrations of y^e obstinacy of y^e Quakers: there was boots, hats shooes cloaths, dishes, plowes, knives, earthenware, with many other things, and those distresses amounts, it is said, to above 1000 a year, almost enough to defray the charges of y^e government without any other way.

The layers out of the High way were appointed by the Act, and such as were y^e most inveterate party men, and such as were resolved to be no more wanting in their part of mischief than y^e Militia officers were in theirs, and as fit for the turne of such a faction of an Assembly, as the others were for such a Governour. They pull'd down their enemies inclosures, laid waies through their orchards, gardens and improve-

men^{ts} there was one gentleman at whom they had an extraordinary pique, and they laid a way over a mill pond, to necessitate him to pull down dam & mills that could not be erected for 100 pounds, or to pull it down themselves, though the gentleman offered to build a bridge over the streame, at his own charge, $\frac{1}{4}$ of a mile distant w^{ch} would have been $\frac{3}{4}$ nearer and better way. To be short they were truly industrious & fully answer'd the end of their makers, never omitted an ill turn they could do, and alwaies went out of their way to do it.

The Revenue Act, though the money was to serve two years, yet it oblig'd the payment of it in one. It was a vast sum for that province, and the makers who by laying of a tax on land thought it would fall easie upon their own partie, who had but small tracts, found the success did by no means answer the expectations; for though it fell heaviest upon y^e men that had great tracts of land, yet they [were] better able to bear it, & their numbers were inconsiderable compared wth y^e whole. The poore it undid for having to purchase the opportunity of plaguing their neighbors and of giving so much money (for that was all they got, except the putting of a parcell of scabs in office) paid all y^e money they had or by their credit could get, and the bonds they had given becoming now due, and the tax and that to be both paid and they haveing no money and their creditt pawn'd for above the value; it's not to be exprest y^e confusion and perplexity they were in. The whole Province was filled with murmurs and complaints; but neither that nor ye hearty curses they liberally bestow'd upon the villains that were ye^e authors of their sufferings, avail'd anything; they were forced to get money, some by taking it up at 10 20 30, & more p^r Cent interest, those whose credit would not go, even on y^e most desperate terms, were forc't to sell w^h they had was vendible, to raise money, and

very many there was y^r sold milch coves to raise six shillings. By this means y^r tax was paid, and that coming from y^e neck of the money raised to give his Lordship, and y^e extravagant distresses from y^e Quakers, has so impoverisht New Jersie that they are not only unwilling to raise a support for a wretch who by the whole conduct of his life (here) has evinc't y^r he has no regard to hon^r or virtue, but they are also unable to raise such a suport as he saies her Majistie demands, w^{ch} is 1500 pounds per annum for twentie yeares.

There has no occasion offered but her Majestie has exprest abundance of tendernesse for that people, and they have no other inducement to believe this demand is really her Majesties, as tis said to be, but that there is kind consideration of y^e inabilities of y^e people, who were not able to give 2000, and therefore her Ma^{ty} abates 500 p^r annum. Had they not been drained by their private and public taxes they had been able to do it, but now they are not, 1000 pound is the utmost they can do : & whoever acquaints the Queen they are capable of doing more does not understand that Province and abuses her Majistie. I believe in a few years they may be able to raise above 1500, and whatever they are able to do they will be wiiling under the Administration of any person y^r does not invade their liberties, and equally adminsters y^e laws : but they think no consideration obliges them to support oppression.

As to raieseing a revenue for a certain time, especially so long a time 'tis what they are utterly averse to, for y^e instances of y^e misapplication of y^e revenue in the neighbouring government of New Yorke are so many and the extravagance of its application in New Jersie so great, that it is in my opinion impracticable to perswade an Assembly in this part of America to trust a Governor after my Lord Cornbury. When I spoke of the extravagant application of y^e Revenue of

New Jersie, I forgot to add the difficulty of knowing how 'tis applyed, for though her Ma^{ty} directs that y^e Assembly examine y^e Acc^{ts} of y^e disposall of money raised by them, yet y^e Governour eludes y^e ends of that instruction and protects one Peter Fauconier, a Frenchman Receiver Generall in that Province, from giving the Assembly the satisfaction they ought to have. The fact is thus ;—the Assembly orders Fauconier to lay the Acc^{ts} before them ; he did, and severall articles there were, w^{ch} they thought very extravagant ; they ordered him to bring his vouches ; the answer he returns is (if I remember) he is accountable to the Auditor Generall, and wth out my Lord's direction he can not do it, w^{ch} he has not had nor is not like to get, and there it sticks.

If this, and what's inclosed lets your hon^r see y^e state of New Jersie, I have my end, I ad that its y^e impudent conduct of y^e Governours, to call it no worse, that has been y^e great prejudice of her Majesties service in America, the various kinds of injustice and oppression, y^e sordid and mercenary measures they have taken, the mean things they have stoopt to, the trash of mankind that has been their favorites and tools and by them raised to posts of hon^r and proffit as rewards for accomplishing y^e worst ends, has stunted the growth of these otherwise thriving plantations, and you may easily judge what effects are y^e unavoidable consequences of such causes, except mankind can be brought to love such things as by y^e principalls of human nature they must necessarily hate.

Tis this has filled y^e Charter governments wth people and makes them fond of supporting an administration in w^{ch} they can call their Governour to an account & punish them for male administration wthout y^e uncertain & tedious success of application to courts ; and were it not for y^e stingeness and narrowness of their

principles (pardon this disagreeable truth) the governments under her Majesties more imediate administration had long ere this been thin'd of inhabitants, and when a way is found that Governours may not do acts of injustice with impunity y^e Charter governments wont long subsist.

All the apologie I shall make for y^e lenth of this is, that I mean it for her Majesties service and hope y^e goodness of y^e intent will induce a pardon for y^e meanesse of y^e performance, and did I not feare trying your Hon^r would enter into y^e state of y^e Province of New York : but I hope some abler hand has done this Province & my Lord Cornbury so much justice as to lay before you an administration no where so exactly paralel'd as in that of Gessius Florus, Governour of Judea, and has told you that her Majesties revenue here is nigh expiring and will certainly fall, if some elce ben't sent in my Lord's stead.

We are told Sir Gilbert Heathcote has made some interest for his brother Coll. Caleb Heathcote ; he will be a man to y^e generall sattisfaction of y^e people, and at this juncture to obtaine a resettlement of her Majesties revenue, no man fitter I know no man understands y^e Province or People better, or is more capable of doing her Majestie reall service. He is an honest man and the reverse of my Lord Cornbury : of whom I must say something w^{ch} perhaps no boddy will think worth while to tell, and that is, his dressing publickly in woman's cloaths every day and putting a stop to all publique business while he is pleaseing himselfe wth y^e peculiar but detestable magot.

It is not good manners perhaps to pray from a Secretary of State a line in answer, but I have soe much reason to feare y^e interepcting of my letters that I would entreat some notice of y^e receipt of this, and that for your owne sake as well as mine, to prevent your being troubled with a second edition wth additions.

presuming you like long letters except where it cant be helpt as little as does:—

Much Honor^d I was here concluding, but the ill performance of my amanuensis makes it necessary to entreat your excuse for it ; he had been us'd to write in mercantile affairs w^{ch} I suppose has made him use figures so much, and should I transcribe it I should miss this post and possibly the conveyance by the mast fleet. I am with all submission

Right Hon^{ble}

Your Hon^{rs} most humble servant

New Yorke y^e 9th of Feby 1707.—[1707—8]

Letter from Lord Corubury to the Lords of Trade, forwarding an address from the Lieutenant Governor and Council to the Queen, objecting to the proceedings of the Assembly.

[From P. R. O. B. T. New Jersey, Vol. 1, C. 33.]

New York february 10th 170⁷/₈¹

My Lords

I take the liberty to trouble your Lordshipp with

¹ Received May 19, 1708—Ed.

this to accompany an addresse to her Most Sacred Maiesty the Queen, signed by the Lieutenant Gouvernor and Councill of the Province of New Jersey, I received it some few hours agoe with a desire to me to transmit it to your Lordships with their letter to you. I shall not pretend to add any thing to what they have said, nor to diminish from it, they are most of them much better acquainted with the people of that Province then I can pretend to be, and consequently are better able to represent the true Interest of the Country then I can, though I think I may without vanity say that I am not a Stranger neither to the Countrey, nor the People, their Interests, nor Inclinations. I have taken the liberty to offer your Lordships my thoughts upon these matters already by these conueyance, therefore am not willing to trouble you any farther at present only to Intreat your Lordships to believe that I am

My Lords

Your Lordships most
faithfull humble servant
CORNBURY.

Address accompanying the foregoing letter.

[From P. R. O. B. T., New Jersey, Vol. 1, C. 35.]

Copy of an address from the Lieut. Gov^r & Councill of New Jersey to her Majesty relating to the Proceedings of the assembly of that Province Rece'd 19th May 1708.

TO THE QUEEN'S MOST EXCELL'T MAJESTY.

The Humble Address of the Lieutenant Governour
& Council of Nova Cæsaria or New Jersey in
America.

May it please Your Majesty.

WEE the Lieutenant Governour and Council of Your Majesty's Province of Nova Cæsaria or New Jersey in America have seriously and deliberately taken into our Consideration the Proceedings of the present Assembly or Representative Body of this Province, thought Our selves bound both in Duty and Conscience to Testify to Your Majesty our Dislike and abhorrence of the same, being very sensible that the unaccountable Humours, and pernicious Designs of some particular men, have put them upon so many Irregularitys, with intention only to occasion Diversions and Distractions to the great Disturbance of the great and Weighty Affairs which both Your Majesty's Honour and Dignity as well as the Peace and Welfare of the Country required. Their high Inroachments on your Majesty's Prerogative Royall, Notorious violations of the Rights and Liberty's of the Subjects, Manifest Interruption of Justice, and most unmannerly Treatment of his Excellency the Lord Cornbury, would have induced Us sooner to have discharged our Duty to Your Majesty, in giving a full Representation of the unhappy Circumstances of this Your Majesty's Province and Government, had We not been in hopes that his Excellency my Lord Cornbury's full and ample Answer to a most scandalous Libell, called a Remonstrance of the Assembly of Nova Cæsaria or New Jersey which was delivered to the Governour by the as-

sembly at Burlington in May last, would have opened the Eyes of the Assembly and brought them back to their Reason and Duty, But finding that those few Turbulent and uneasy Spiritts in the Assembly have still been able to Influence, and amuse the Judgement of many well meaning men in that Body, as appears by another late Scandalous and Infamous Libell, called the Reply of the House of Representatives of the Province of New Jersey to an answer made by his Excellency Edward Viscount Cornbury Govenour of the said Province, to the humble Remonstrance of the aforesaid House ; We are now obliged humbly to represent to your Majesty the true cause, and what We conceive may be the Remedy of these Confusions ; The first is wholly owing to the Turbulent, Factious, uneasy and Disloyal Principles of two men in that assembly Mr. Lewis Morris and Mr. Samuel Jennings, a Quaker, men notoriously known to be uneasy under all Governments, men never known to be consistent with themselves, men to whom all the Factions and Confusions in the Government of New Jersey and Pennsylvania
L for many years are wholly owing, men that have had the confidenee to Declare in open Council, That your Majesty's Instructions to your Governours in these Provinces shall not oblige or bind them, nor will they be concluded by them further than they are warranted by Law, of which they will also be the Judges ; and
F this is done by them, as we have all the reason in the world to believe, to Incourage not only this Government ; but also the rest of your Majesty's Governm^{ts} in America to throw off your Majesty's Royal Prerogative, and consequently to involve all your Dominions in this part of the world, and the honest, good and well meaning people in them in Confusion, hoping there by
L to obtain their Wicked Purposes. The Remedy for all these Evils We most humbly propose is, That your Majesty will most graciously please to Discountenance

these wicked designing men, and Show some dislike of this Assembly's Proceedings, who are Resolved neither to support this Your Majesty's Government by a Revenue, nor take care to Defend it by Settling a Militia. This last Libell, called the Reply &c, came out so suddenly that as yet wee have not had time to answer it in all its particulars, but do assure Your Majesty that it is for the most part false in fact, and that part of it which carry's any face of Truth, they have been malicious and unjust in not mentioning the whole Truth, which would have fully justified my Lord Cornbury's just conduct. Thus having Discharged this part of Our Duty, which we thought at present Incumbent upon Us, Wee begg leave to assure Your Majesty. That whenever we shall see the People of this Province labour under anything like a Grievance, we shall according to Our Duty immediately apply to the Governour, with our best advice for the redress of it ; and wee have no reason yet to doubt of a ready compliyance in him. Wee shall not be particular in, but crave leave to referr. to his Excellency's Representation of them to the Right Hon^{ble} the Lords Commissioners for Trade and Plantations. The strenuous Asserting of Your Majesty's Prerogative Royall, and vindicating the honour of Your Governour The Lord Cornbury, will in our humble Opinion, be so absolutely necessary at this Juncture, that without so doing Your Majesty will find your self deceived, either in your Expectations of a Revenue for the support of the Government, or a Militia for its Defence. In hopes your Majesty will take these important things into your consideration, and his Excellency the Lord Cornbury with the Members of Your Majesty's Councill into Your Royall Favour and Protection. We shall conclude with our most fervent Prayers to the most High to lengthen your days and increase your Glories,

and that our selves in particular and all others in Generall, who reape the Benefit of your Majesty's most Gentle and happy Government may be, and ever continue, the most Loyall and Dutifull of Subjects, to the most Gracious and best of Queens.

	THO : REVELL. ¹	
	DAN : LEEDS.	RICH ^d : INGOLDSBY ²
ROB ^t : QUARY	DAN : COX.	W ^m : PINHORNE
	RIC : TOWNLY	R : MOMPESSEON
	W ^m SANDFORD	

Tho: Revell

¹ Thomas Revell, with his wife, children and servants, came to West Jersey on board the ship *Shield* in December, 1678, and landed at Burlington:—that being the first vessel ascending the Delaware to that point. The first position that he held in the province seems to have been that of Provincial Clerk and Recorder at Burlington, but he does not appear to have become much interested in land and his name is not among those who surrendered the province in 1702. He was for many years the Register or Recorder of the West Jersey Proprietors at Burlington, and "Revell's Books of Record" are still in existence and the despositories of much valuable information respecting that portion of New Jersey. In 1699, in connection with John Tatham and Nathaniel Westland, he got up an anonymous pamphlet aimed at Samuel Jenings which did not tend to raise him in the estimation of the people. His connection with Daniel Coxe adverted to in subsequent documents, and his subserviency to Lord Cornbury also operated to his prejudice. It is thought that the same relations existed between Coxe and Daniel Leeds as with Revell. As Leeds filled the position of Surveyor, the landed interests of Coxe may have had something to do with their association. Leeds' first official position seems to have been as member of assembly in 1682.—Ed.

Rich: Ingoldsby

was of a good family in England and arrived at New York as Captain of a company of troops on 28th January, 1692; but having seen some field service in Holland and Ireland, he was accorded the title of Major. The Leisler difficulties, and other public measures, to which the peculiar circumstances of the times gave prominence, caused him to be charged with important duties in which he manifested much ability, although designated by Governor Bellomont as "a rash, hot-headed

Minutes of the Assembly of New Jersey from the 5th to 12th of May, 1708.

[From P. R. O. B. T. New Jersey, Vol. 1. C. 70.]

[Endorsed.]

Minutes or Journall of the Assembly of Nova-Cæsarea or New-Jersey begun the 5th May 1708 at Burlington. But were Factionous & mutinous And would do nothing so adjourn'd them to 3^d Tuesday in Septemb^r 1708 to meet at Amboy Lord Cornbury Governor referred to in M^r Dockwras Mem^l Rec'd: 2 Novemb^r 1709

MINUTES of the House of Representatives of the Province of Nova Cæsarea, or New-Jersey; in the Third Sitting of the first Sessions of the Third Assembly begun at Burlington, the first day of May One thousand Seaven Hundred & Eight, In the Seventh Year of Her Majestys Reign.

Die Mercurii A: M: 5^o Maji 1708.

man." He conducted a conference with the five nations of Indians in June, 1692, he then holding the position of Commander in Chief of New York. He warmly urged his claims to the Governorship of the province but without success, and in 1696 he obtained a furlough for a year and went to England, with a view probably to that appointment. Much to the dissatisfaction of Governor Bellomont and other functionaries of New York, he remained in England until 1704. "Tis an unpardonable neglect in that man," wrote Governor Bellomont to Secretary Vernon in 1700—"to be away so long from his duty: his wife and children are starving at Albany, and he is so inhuman as not to look after or supply them in the least." He arrived in New York by way of Virginia in March, 1704, bringing a commission as Lieutenant Governor of that province. Preceding documents show how little accord there was between him and his superior Lord Cornbury, make known the revocation of his commission, and his subsequent acts when, on the death of Lord Lovelace, he assumed the supreme authority both in New York and New Jersey. On the appointment of Governor Hunter as Governor of New Jersey in 1709, Major, or as he was then generally called Colonel Ingoldsby withdrew from all connection with the affairs of New Jersey, and it is presumed, as he is represented by Governor Hunter as being in necessitous circumstances, that he returned to England, as nothing is known of his subsequent career. N. Y. Col. Documents, Vols. III., IV., V.—ED.

His Lordship was pleased to Adjourn the Assembly till to Morrow morning Eleven a Clock.

Die Jovis A: M: {
6o May 1708. } The House mett and a Message from His Excellency by the Clerk of the Council, Acquainting the House His Excellency Required their Attendance, the House waited on his Exc^{ll} accordingly, and Informed His Excell that the Speaker was at present Indisposed, and prayed His Exc^{ll} would Adjourn the House till Munday next Upon which His Exc^{ll} was pleased to Adjourn the Assembly till Munday next.

Die Lunæ A: M: {
10o May 1708. } The House waited on his Exc^{ll} & Inform'd His Lord^{sh} the Speaker was so Indispos'd, he was not Capable of Attending the House, and prayed His Lord^{sh} Direction His Lord^{sh} Ordered them to Repaire to the House & Choose another Speaker and present him to His Lord^{sh} at five a Clock in the After-noon if they cou'd make their Choyce Soon enough or otherwise to morrow Morning at Eight a Clock.

The House Return'd and proceeded to the Choyce of a Speaker and accordingly did Choose THO GORDON Esq^r their Speaker and did Conduct him to, & place him in the Chair.

The House went to Attend His Excell' and Acquainted His Excell' they had Chosen Thomas Gordon Esq^r their Speaker, who his Excell': was pleased to approve of, and Required their Attendance at Eight a Clock to Morrow Morning.

The House adjourn'd till to Morrow Morning 8 a Clock.

Die Martis A: M: {
11o May 1708. } The House met according to Adjournment M^r Speaker left the Chair, and with the House went to Attend His Excell': and being Return'd M^r Speaker Resum'd the Chair, and acquainted the House His Excell' was pleased to Make them a

Speech and had Given a Cobby of the same which was laid upon the Clerk's table.

ORDER'D the Same to be read presently which was accordingly Read in these words,

GENTLEMEN

The Great desire I have to see the Service of the Queen and the Good of this Province carried on, Supported & provided for as they ought to be, is the cause of my giving you this opportunity of Meeting to prepare such Bills to be past into Laws as may Be proper for the Support of Her most Sacred Majesty's Governm^t; and the peace, quiet, Happyness and Wellfare of your Country. Therefore that I may not be wanting in my Duty, in the Station the Queen has been pleased to Honour me with: I shall put you in mind of those things which I think ought to be Immediately provided for; the first of which is, the Providing a Revenue for the Support of the Governm^t; the Revenue which the Queen Expects is £1500 a Year for one and twenty year's: The next thing I shall recom^dend to Your Care is, the Reviving or Re-enacting the Militia Bill: which will Expire with the End of this Sessions I have every Sessions since I have had the Honor to Serve our Most Gracious Soveragne in this Province, put you in mind (by Her Maj^{ty}s Express Com^{and}) of Passing a Bill or Bills for the Confirming the Right & Property of the Soyle of this Province to the Generall Proprietors according to their Respective Rights & Tytles; and Likewise to Confirm and Settle the Peticular Titles and Estates of all the Inhabitants of this Province, and other Purchasers claiming under the Proprietors. I am still of Opinion that Such Bill or Bills will best Conduce to the Improvem^t of this Province as well as to the Peace & Quiett of it, I did likewise last Year Recomend to You the Passing of Bills for Erecting, and Repareing Prisons, and Court Houses, in the Severall Countys of this Province: and

the Building of Bridges in those places where they are wanting; and which will never be well done, but by a (Generall Tax for that purpose; very late experience has taught us how necessary it is to pass a law for the Settling the Qualifications of Persons to Serve upon Jurys; therefore I hope you will take Care to prepare such Bills to be passed into laws as will answer the purposes aforementioned.

I can't conclude, without again putting you in mind of Reviewing the Acts of Assembly passed in the time of Proprietary Governm^t that if any of them may be of Use they may be Re-enacted; in Order to be humbly Represented to Her Majesty for Her Royal Approbation. If any thing else occurs to You fitt to be provided for, by a Law; You shall allways find me ready to Consent to any thing that may be for the Service of the Queen, and the Real good and advantage of the Country.

RESOLVED that the House will Resolve it self into a Grand Com^{it}tee of the whole House, at two a clock in the afternoon to consider of His Excell^t: Speech.

The House adjourned till two a Clock.

ORDERED that all the members of this House attend the service of the House at two a Clock in the afternoon

P. M: Ejust: Diei The House according to order Resolved into a Grand Com^{it}tee of the whole House to Consider of His Excell^t: Speech and after some time spent therein M^r Speaker Resumed the Chair, and Cap^t Farmer Reported from said Com^{it}tee that they had made some Progress in the matter to them Referr'd; and that he was directed to move that they might have leave to Sitt again at tenn a Clock to morrow morning.

RESOLVED that the House will resolve itself into a Grand Com^{it}tee of the whole House at ten a Clock

to morrow morning, to consider farther of His Excell^y:
Speech.

The House adjourn'd till to morrow 10 a Clock:
A: M:

Die Mercurii A: M: } The House according to Order Re-
12o May 1708 } solved into a Grand Com'ittee of the
whole House, and after some time spent therein M^r
Speaker Resumed the Chair and Cap^t Farmer Reported
from said Com'ittee that they had considered His
Lords^{ps} Speech in all it's parts, and had drawn up an
Answer to the same, which they directed him to
Report to the House.

ORD'RED the said Answer to be Read Presently,
which was Read according.

Motion being made and the Question put whether
the Answer to His Lord^{sps} Speech should pass as it was
last Read in the House It pass'd in the Affirmative,
Nemine Contradicente.

The House adjurn'd till two a Clock Post: M:

P: M: Ejus'd: t } ORD'RED that M^r Machelson & M^r Price
Diei } wait on His Lords^p to know when His
Lord^{sp} would be pleased to be waited on by the House,
with an Answer to His Lordships Speech.

M^r Price Reported, that M^r Machelson & himself had
waited on his Excell^{cy} with the above message and
that His Lord^{sp} appointed the House to attend him at
five a Clock in the Afternoon.

A Letter from Cap^t Parker making his Excuse for
not attending this House was Read, and Referr'd to
farther Consideration.

M^r Speaker with the whole House went to attend
His Lord^{sp} with their Answer & Read the same &
delivered it to his Lordship; and is as followeth.

MAY IT PLEASE YOUR EXCELLENCY.

Wee the Representatives of this Her Majesty's Prov-
ince of New Jersey in Gen^l Assembly mett and As-

sembled, do with Loyall hearts, and willing minds Imbrace this Oppertunity, to Testifie how ready and desireous we are, as we always have been to maintain and Support, Her most Sacred Maj^{ty's} Governm^t over us to the utmost of our poor Abilitys, and are hearty Sorry, that any Misunderstanding has happen'd between Yo^r Excell^{cy} and us.

Wee Indeed about a Year agoe humbly Represented to Yo^r Excell^{cy}: Some of those many Grievances our Country then layboured under, most of which doe yet remain; and are very Sorry we are forced to Say, that they have and doe Still daily Increase, we find Her Majestys Good Subjects of this Province have been, and are daily persecuted upon Informac^{ions} upon very frivolous pretences, a Method which renders that Excellent and happy Constitution of Grand Jury's useles; and if Continued, puts it in the power of an Attorney Generall to raise his fortune upon the Ruins of our Country.

Wee find it's a great charge to our Country that Jurys and Evidences are brought from the Remotest parts of the Province to the Supream Courts at Burlington & Amboy.

We find it's a great Grievance to our Country that the practice of the Law are so precarious that when Innocent Persons are prosecuted upon Informac^{ions} and Actions brought by some Persons against severall of Her Majesty's good Subjects, the Gentlemen who are Lycensed to practice the Law are affraid to appear for the Defendants, or if they doe appear, dare not discharge their Duty to their Cliants, for fear of being Suspended without been convict of any Crime, deserving it, or Reason assign'd as was done at Burlington in May last, to the Damage of many of Her Majesty's Subjects.

Wee find the Representatives of this Her Majesty's Province, so Slighted and their Com'ands so little

regarded, that the Clerk of the Crown has refused to Issue out a Writt for the Electing a Member wanting in our House.

Wee hope your Excell^{cy} will Consider and Remove these and Many other Inconvenienc's and Grievances, which this poore Province Labours under; which will Enable us to Exert the utmost of our Abilitys in Supporting Her Maj^{ty}s Governm^t. And will make us happy under the mild & meek Administration of the Greatest and most Glorious of Queen's we doubt not were Her Maj^{ty} Rightly Informed of the Poverty and Circumstances of our Country, and that Our Livelyhoods depends upon the Seasons of the Year; Our Most Gracious Soveraigne would Pitty our Condition, and never Expect the Settlement of any Support of the Government, further than from Yeare to Yeare.

Wee find the Present Militia Bill so great a Grievance to our Country, that wee can never think of Reviving or Re-enacting it, as now it is, tho' we hearty willing to Provide for the Defence of our Country which we hope may be done, with greater Ease to the People.

Wee have been, and Still are, Endeavouring to Answer Her Majesty's Comands in Confirming the Rights and property, of the Soyle of this Province, to the Generall Proprietors thereof according to their Respective Rights & Tyttles and Likewise to Confirm the Perticular Tyttles & Estates of all the Inhabitants of this Province; and other Purchasers Claiming under the Proprietors; but tho' we have had Severall Oppertunitys of meeting in Gen^l Assemblys, Yett have not had an Opertunity to Perfect it.

Wee humbly Acknowledge your Excellencys favour in putting us in mind of Providing Prisons, Court Houses and Bridges, where such are wanting which we shall take into Consideration.

Wee had a Bill for Settling the Qualifications of Jury's prepared last Sitting, at Amboy; and shall now present it.

Wee can't Omitt Rendring yo^r Excellency our hearty thanks, for minding us of Revising of our former Law's, we had last Sitting at Amboy, appointed a Com'ittee for that End; but were Impeded by M^r Basse the Secretary's positive refusing to let us have the perusall of them.

As we have always used our utmost endeavours in the faithfull Service of our Queen and the advancing the Good and benefitt of our Country; so we shall still continue to doe the Same, with all the Dispatch wee are Capable of.

Divers of the Members of this Assembly being of the People call'd Quakers doe Assent to the Matter and Substance, but make Some Exceptions to the Stile

By Order of the House

THOMAS GORDON Speaker

JN^o PINHORN Cl:—

Die Mercurii A; M; {
12o May 1708 } His Lord^{sh} was pleased to Adjurn the Assembly to the third Tuesday in Septemb: next to meet at Amboy.

End of the Third Sitting of the 3^d Assembly.

J: PINHORNE.

From the Lords of Trade to the Secretary of State, with draft of a Commission to Lord Lovelace to be Governor of New Jersey.

[From P. R. O. B. T. New Jersey, No. 12, p. 329.]

To the Right Hon^{ble} the Earl of Sunderland,
Her Majesty's Principal Secretary of State.
My Lord.

Having pursuant to Your Lordship's letter of the 28th of last Month, prepared the Draught of a Commission for the Right Hon^{ble} the Lord Lovelace to be Captain General and Governor in Chief of Her Majesty's Province of New Jersey, in the room of the Lord Cornbury; We transmit the same to your Lordship.¹

¹ It is thought unnecessary to print the Commission, as, excepting some slight verbal alterations, it was the same as that given to Lord Cornbury, for which see Vol. I. pp. 489-500.—ED.

together with a Representation for laying the said Draught before Her Majesty in Council; and are,

My Lord, Your Lordship's most humble Servants,

Whitehall
April y^e 19th
1708.

J. PULTENEY. STAMFORD.
R. MONCKTON. HERBERT.
PH: MEADOWS.

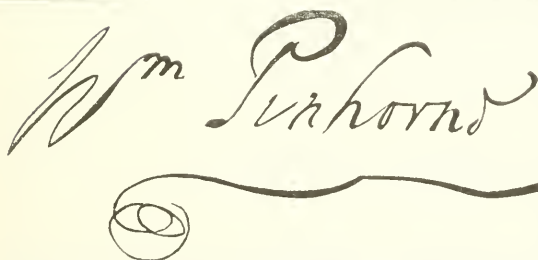
Nominations for the Council of New Jersey.

[From P. R. O. B. T., New Jersey, Vol. 1, C. 33.]

List of Persons proposed to be of the Council of
New Jersey Rec'd from L^d Lovelace &
Propriet^{rs} 12th May 1708

NEW JERSEY

Rich^d Ingoldesby L^t Gov^r
E Coll Lewis Morris
E William Pinhorn¹
W Georg Deacon
E William Sandford
Roger Mompesson
Miles Foster [Forster]
Rich^d Townley
Hugh hoddy
William hall
John Harrison
Capt Hamilton Son of y^e late Gov^r



¹This gentleman who had filled many prominent positions in New York prior to his connection with New Jersey affairs, arrived in that province on 7th August, 1678, being a fellow-passenger with

Governor Andros on board the Ship Blossom. His first office in New York appears to have been that of alderman, and in 1685 he became member of the assembly. In 1690

Objections by some of the Proprietors, to the continuance in office of several members of the Council of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. I. C. 24.]

Objections against Some of the present Council of the United Provinces of East and West New Jersey, humbly Submitted to the Consideration of the Right Hon^{ble} the Lords Comi^{rs} for Trade and plantations, by severall of the Proprietors of the said United Provinces.¹

THOMAS REUELL [Revell], besides his detaining our

he was appointed one of Gov. Slaughter's council. In 1691 was Recorder of the city and one of the Justices of the Supreme Court of the province. Having removed to New Jersey in 1692 he was suspended from his offices on account of his non-residence, but was reinstated the following year on his resuming his residence in New York. In 1698, political power having got into the hands of those inimical to him, he was again suspended and returned to his plantation in New Jersey, which consisted of more than a thousand acres between the Hackensack and Passaic Rivers, described in Scot's "Model of the Government of East Jersey" (p 137) as "a brave plantation near unto Snake Hill," being one half of a tract bought by Edward Earl, Jr., in April, 1676. He paid therefor "and for one half of the stock christian and negro servants, five hundred pounds." Not being willing to lose his opportunity for advancement in public life. Mr. Pinhorne gave up his residence in New Jersey and removed to New York in 1693. He became one of Governor Basse's council in 1698; and also the Second Judge of the Supreme Court. His associate was Roger Mompesson who afterwards married his daughter. The arrival of Lord Bellomont as Governor of New York caused such a change in the political atmosphere of the Province, that Pinhorne was suspended from his offices of Judge and Councillor on the charge of having "spoke most scandalous and reproachful words" of the King; and he returned to his plantation on the Hackensack river. It "became his future residence" says Mr. Field "and was honored with the name of 'Mount Pinhorne; certainly a more euphonious appellation than Snake Hill. It was the seat of simple but not inelegant hospitality, and the home of a numerous family." He was appointed by Lord Cornbury second Judge of the Supreme Court of New Jersey, and as such took his seat on the Bench at the first term, held at Burlington, November, 1704; having been appointed previously one of the Governor's Council. He held various other positions in the following years, and married a daughter of Lieutenant Governor Ingoldsby; a relationship which caused him to be made a participant in some of the injurious comments upon the name of that functionary. He also had to share in the obloquy cast upon his associate Chief Justice Mompesson, who was his son-in-law; so that in conjunction with the fact that he had to bear up under considerable odium for asserted official misconduct, it has to be admitted that he was not personally popular. On the arrival of Governor Hunter, in 1711, Mr. Pinhorne's dismissal from office was asked for but it did not come until 1715. Thereafter he took no part in public affairs and died in the first part of 1730.—Field's Provincial Courts, pp. 73—82; East Jersey under the Proprietors, 2d edition, p. 406 &c.; N. Y. Col. Docs., Vol. III, p. 716; Winfield's Hudson County, pp. 126—127. —Ed.

¹ Received 10th May, 1708.

money and taking part with Coll. Cox to defeat us of our purchase from his Father, he was one of the persons made use of by L^d Cornbury to keep out Unjustly three of the Members of the Assembly untill they had procured Severall Acts to pass Contrary to his Lord^{ps} Instructions and very prejudiciall to the Country, and to the Rights of the Proprietors, as more fully appears by the Depositions of John Hamilton and George Ingoldesby, to which we refer yo^r Lord^{ps} he is likewise represented to us, as having no land in the province, and Guilty of a Notorious fact in furthering the Escape of one pursued for Burglary accompanied with very Extraordinary Circumstances aggravating the Crime.

DANIEL LEEDS another of the L^d Cornburys Instruments in the matter above related as appears by the aforementioned Depositions.

ROBERT QUARRY¹ represented to us as having no Land in the Province, and Joynes with Reuell and Cox in their Unwarrantable practices

PETER SONMANS a person of a broken fortune, he went over with a pretended and most Illegal power, from some of the proprietors of the Eastern Division, in the name of the whole by vertue whereof he was admitted by the Lord Cornbury as Agent and Receiver of the Quitt Rents, notwithstanding there was another person duely authorized for that purpose, but he having his Lord^{ps} favour proceeds in Executing his Arbitrary and Illegal Commission, and if Continued of the Councill, will be too much Countenanced in his violations of the proprietors Rights and Justice more difficultly obteyned against him.

DANIEL COX² by his Interest with the Lord Cornbury hath been Encouraged to sett up a pretended title to Lands purchased by us of his Father, and is in Confederacy with Reuell Sonmans and others to defeat the

¹ For notice of Robert Quarry see Vol II p 284.

² For notice of Daniel Cox see Page 116.

proprietors of their Rights, and to promote Illegal and Arbitrary proceedings.

The particulars to which these facts Relate have been so fully made out by Letters, and by the Informa'con of persons come from thence, that wee have no Ground to doubt the truth of them, and therefore humbly Offer that in the place of the aforementioned persons.

THESE Subjoined or some of them may be of the Councell, being men of Estates, and known Integrity (viz)

²E Miles Foster [Forster]¹
 E Richard Townley
 W Hugh Hoddy
 W Will^m Hall
 W John Harrison
 W John Hamilton

All which is humbly Submitted to yo^r Lord^{ps}

19th May 1708

THO LANE
 PAUL DOEMINIQUE
 H. BENNET
 ROB MICHEL
 JN^o BRIDGES.
 E. RICHIER
 JOS: BROOKSBANK
 FRA^s MICHEL

Miles Forster

¹ MILES FORSTER is first mentioned in the provincial records in 1681, as deputy to William Haige, the Receiver and Surveyor General, and in 1687 he was made Collector of

the Customs at Perth Amboy. From 1689 to 1695 he seems to have had his residence in New York, and is called "merchant." As some indication of the estimation in which he was held, it may be stated that Col. Lewis Morris, father of Gov. Morris, appointed him one of his executors in 1690. He subsequently became a resident of Perth Amboy, where he held considerable property. He died in 1710, and William Bradford, the printer, of New York, was one of his executors. His wife was Rebecca, daughter of Gawen Lawrie, Deputy Governor of the Province prior to 1687.—See Whitehead's History of Perth Amboy, &c., p. 16.—Ed.

² The letters "E" and "W" designate the locality whence the persons were taken, either East or West Jersey.—Ed.

Letter from William Penn to William Popple, Secretary to the Lords of Trade, respecting Mess^{rs} Revell and Leeds.

[From P. R. O. B. T. New Jersey, Vol. 1, C, 27.]

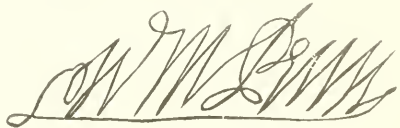
Letter from Mr. Penn signifying that he thinks it for the advantage of New Jersey that M^r Revel and Leeds be not continued in the Council of that Province Rece'd 27th May 1708

26. 3^m (May) 1708

Esteemed Friend

Considering the reason of y^e Settlem^t of West Jersey especially, and the reall Interest of the same with respect to the encouragem^t and Satisfaction of the most valluable inhabitants in y^e place, I am of opinion Leaving those Persons, Tho : Revell & Daniel Leeds out of the Councill, will tend most to publick quiet and Satisfaction of y^e people of those parts, w^{ch} I take to be of moment at this time, on divers acc^{ts} one Keeble y^t is to be wth ye Lords, knows them both, pray ask him & favour his proposall of a Noble Staple, Potash, to encrease our Returns (our present defect) & believe that I am

Thy assured & affec^t Friend



*Memorial of John Keble to the Lords of Trade, relating
to the manufacture of Pot ashes in New Jersey*

[From P. R. O. B. T. New Jersey, Vol. 1, C 23 and C 43.]

Memorial from M^r Keble proposing to set up a
Manufacture of Pot-Ashes in New Jersey,
with her Majesty's assistance, & praying
a Patent for the Salt Pans in that Province
Rece'd 27th May 1708.

TO THE RIGHT HONOURABLE THE LORDS COMISIONERS
FOR HER MAJESTIES PLANTATIONS IN AMERICA:

*The Case of John Keble of West Jersey adjoyning to
Pensilvania Merchant most humbly representeth—*

The said John Keble did about eight years past go over to Pensilvania with considerable Effects and there purchased a certain tract of Land, whereon he planted Tobacco and Indian Corn and set up likewise a Pot-ash Work, but it so hap'ned that both himself & Servants fell sick of the Seasonings, which deprived him of severall of his Servants & all his Crop, which Unhappy devastation he was no way able to retrieve, yet by the assistance of a few Friends on the Place he carryed on (what was chiefly aimed att) his Pot-ash Work & brought the said manufacture to such Perfection as (upon y^e Trial of some of it imported here,) to be well approved by the Soap Makers in London, this gave him encouragement to go on, with the said Work, & having embarqued a large quantity for England with hopes of a good return ye Ship & Cargo was Unfortunatly taken by ye French, which utterly disabled y^e said John Keble in y^e progress of so hopefull an undertaking, without a Suitable assistance, whereof he has no prospect (since his former unhappy defeat) but

from y^e Publick, to Benefit y^e farther prosecution & success of y^e said Work will manifestly redound, viz:

By y^e increase of her Majesties Customs (the said Pot-ash paying £4-10^s P Ton) y^e case of Returns P Exchange, being now £50-or 60 P C^t & by this means promote y^e greater Consumption of our Woolen & Linnen manufactures & divert y^e attempts of making them in y^e aforesaid Plantations.

Now to enable y^e said John Keble to pursue the produce of this so (?) . . . a manufacture he humbly begs y^e advance of such a Sum of money as may be deemed Expedient, & y^e grant of a patent for y^e making of Salt in her Majesties Colonies in North America, being he is the first projecture of it, w^{ch} is a main help he proposes to himself (by y^e product of Salt, and y^e ashes made under y^e Salt Pans) to support & carry on y^e said Pot-ash Work he not taking more than 3^s P Bush Sterling money from y^e Pans. That your honours may be pleased, so to Expose this Case of Defeated Industry truly represented, as to make application to her Majestie on this behalf, y^e she will be graciously pleased to grant him a Patent for ye Salt Pans, & such a Sum of money as by a modest Computation may encourage & enable him to proceed in this Usefull design, to accomplish what he hath with great expence and durance already begun is y^e humble & earnest request of

Your Honours most humble Serv^t

JOHN KEBLE.

Certificate from the Honourable W^m Penn Esq;
& others.

WEE whose Names are hereunder written being sensible of the great Expence and Losses (by Sundry accidents) yo^r Petic^oner John Keble hath sustained in

bringing the Pot-ash manufacture to such perfection as to be approv'd by the Soap-boylers in London and that the said John Keble is the cheif who by his Art & Industry hath given apparent hope of producing a Staple Com'odity in the Queens Colony's in North America as will effectually help the Country to returns & so to augment & expedite Trade which hitherto are very difficult and chargeable to make Remittalls being at 50£. or 60£. if not 70£ P cent. Doe therefore humbly recomend the said John Keble as a fitt person to be encouraged in the future progress of his Undertaking of the said Pot-ash worke which we are perswaded he will faithfully perform to the Publick good as well as private Utility.

EVAN EVANS Minister of Philadelphia

W P NANE of New Jersey

W^m PENN Phil

JN^o HINNEY of Pen^a

JAMES THOMAS of Pens^a

*Memorial of Peter Sonmans to Governor Cornbury, against John Harrison, Judge of the Court of Common Pleas.*¹

¹From P. R. O. B. T. New Jersey, Vol. 1, C. 74.]

TO HIS EXCELL^{cy} EDWARD VISCOUNT CORNBURY,
Cap^t Generall, & Governour in Chief; in,
and over Her Majestys Provinces of New
Jersey, New York, and of all the Territories,
& Land, depending thereon, in America, &
Vice Admirall of the same in Council.

*The Memorial of the Agent of the Proprietors of the
Eastern Division of New Jersey.*

HUMBLY REPRESENTETH.

THAT upon a full hearing before your Excellencie in

¹ Referred to in Mr. Dockwra's Memorial of Oct. 31, 1709.—ED.

Councill, of all the Objections, made against the said Agents Deputation, by the said Proprietors; and of the Powers and Authority given him, Your Excell^{cy} by Proclamation dated at Perth Amboy the 9th of November last past: was pleased to confirm the approbation made by your Lords^{hp} in Council (the 24th Aug^t last year) of the said Deputac^{on} pursuant to Her Maj^{ty}s Instruction: and further by said Proclamac^{on}: To require all & every of the Justices of the Peace, Sheriffs, and other of Her Majestys Officers for the time being; in the said Province: to be aiding and assisting, unto the said agent from time, to time.

THAT notwithstanding Yo^r Excell^{cy}s Comands thus publisht, Capt. Jn^o Harrison altho Honor'd with a Comission of the Peace and Judge of the Court of Com^{on} Pleas, for the County of Middlesex, in the said Province; has been so farr from obeying yo^r Excell^{cy}s Proclamation; that he has with the utmost diligence endeavoured to obstruct, Defame, & Scandalize the said Agent, not only in all parts of the said Province; but also in all other places, particularly on the 10th day of Aprill last, at the House of Theophilus Pearson, at the town of Newark, in the County of Essex; the Court then sitting there; In Derogac^{on} of Yo^r Lo^{pp}s Judgem^t, in the Council, grounded upon a long debate by Council at Law on both sides; In Opposition to the the said Proclamac^{on}, in Defiance of Yo^r Excell^{cy}s authority; took upon him to say, & declare Publickly, in the Presence of Major W^m Sandford, and diver others; that he did not vallue the said Agent more than the Dirt under his feet; for that the said Agent was fled out of England for his debts; and that he wou^d do the same from here, before two years was Expired.

THAT the said Agent had no Authority as he pretended, relating to the Proprietors affairs, nor power to receive the Quitt. Rents, of the said Eastern Division; and he the s^d Harrison offer'd to lay a wager of £10. that whosoever paid any money for Quitt Rents to the

said Agent, wou'd be forc't to pay it over again. That the said Agents Com'ission for that purpose was of no force, or effect, altho Signed by some Prop^{rs} but that some of them had been dead two years before the said Agent left England. The said Harrison then & there read a letter, which he alledged came from her Maj^{ty} declaring that the said Agents father was an Alien at his Death, to which the said Harrison added that the said Agent was an Alien as well as his father, therefore insinuating that the said Agent had not the least Right to any Land, nor cou'd manage the Affairs of the said Proprietors; all which and many more Scurrilous things, the said Harrison said, Severall times before, against the said Agent; the said Agent is ready to procure, when ever Yo^r Excell^{cy} shall please to appoint.

THAT by these false aspersions, especially considering the Station Yo^r Excell^{cy} has been pleased to put the said Harrison in, which has so farr imposed upon many (Especially the Inhabitants of Newark aforesaid, who before declared they were not against paying their Quitt-Rents; but have now sent word to the said Agent, they will not pay any; but resolve to stand Tryall with him), that the said Agent dayly meets with insuperable Instructions, & Difficulties, in gathering the said Quitt-Rents; and performing the other parts of his Agency; as well as in prosecuting his own private Affairs whereby the Proprietors not only loose the benefitt of Her Majestys Gracious Instructions to your Excellency on their behalf: but are also absolutely frustrated of Yo^r Excellencys favours in Assisting their Agent.

Wherefore the said Agent finds himself Obliged to Represent to Yo^r Excellencys in Councill these things; and to pray such Remedy, as your Excell^{cy} in your Wisdom and Justice shall think fitt; to which it's humbly Submitted by &c^a

PETER SONMANS.

Representation of the Lords of Trade on Lord Lovelace's Instructions.

[From New York Col. Docts, Vol. V., p. 42.]

TO THE QUEEN MOST EXCELLENT MAJESTY.

Having in obedience to Your Majesty's commands laid before your Majesty the Draughts of Commissions for the Right Hon^{ble} the Lord Lovelace to be y^r Majesty's Captain General and Gov^r in Chief of Your Majesty's Provinces of New York and New Jersey; we herewith humbly lay before Your Majesty the Draughts of Instructions to his Lordship, for the said Governments, which Instructions are to the same purpose as those that have from time to time been given to the Lord Cornbury.¹

And whereas it has been represented to us by several of the most considerable proprietors of the Western division of that Province, that Thomas Revel & Daniel Leeds, two members of Y^r Majesty's said Council for the said Division have been concerned in arbitrary proceedings, which have rendered them unacceptable to the said Proprietors, and thereby less able to serve Your Majesty in that Station. We therefore humbly offer that William Hall, and John Harrison, who have been recommended to us by the said Proprietors as persons fitly qualified to serve Your Majesty, may be constituted members of your Majesty's said Council, in the stead of the said Revel, and Leeds and that their names be accordingly inserted in the Instructions herewith humbly laid before Your Majesty.²

Which are most humbly submit^d

STAMFORD

HERBERT

PH: MEADOW

JN^r PULTENEY

Whitehall
May the 31st 1708.

¹ See Vol. II., pp. 506—536

² Request granted at a meeting of the Queen in Council, June 26th, 1708. N. Y. Col. Docts., Vol. V., p. 115.—Ed.

Memorial from Joseph Ormston against the continuance of Peter Sonmans in the Council of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. 1, C. 35.]

To the Lords Commissioners of Trade & the Plantations.

The Memoriall of Joseph Ormston of London Marcht.

HUMBLY SHEWETH

That he having received yesterday Information, that one Peter Sonmans was nominated of the Governours Council in the province of Nova Cesaria, or East & West New Jersey in America, he thought himselfe in duty bound to Lay before the Lords Comm^rs the unfitnes of the s^d Peter Sonmans, to serve in that station for the reasons following and humbly to request that his name may not be put into the Commission, till the Lords Comm^rs are pleased to hear not only the proof of the following reasons, but also what he the s^d Joseph hath further to offer against him--

1^o He the s^d Peter, Injoys no Land in either of the Divisions, but what he derives a right to, from his father Arent Sonmans, the purchaser thereof, who was an Alien, born in Holland, and never naturalized.

2^o The Queen hath been pleased to Assert her Prerogative and to assume to her selfe the right of those Lands as being the estate of an Alien, of which she was further graciously pleased to give her grant unto him the s^d Joseph Ormston, and Rachell his wife (a daughter of the s^d Arent Sonmans) in trust for the said Arent¹

¹ See Notices of the Sonmans family in "Contributions to the Early History of Perth Amboy," p. 75.

3^o The said grant hath been published and acknowledged in the province afores^d and the people there have esteemed it good, tho the L^d Cornbury for some reasons best known to himselfe, declined to act in pursuance thereof—

4^o The s^d Joseph doth humbly Conceive that appointing the s^d Peter of the Governors Council, will be deemed a Recognizing of his the s^d Peters right, in manifest prejudice of the Queens right, who hath been pleased to grant as above, all Lands possess by the s^d Peter, in right of his father—

5^o The s^d Joseph also Conceives, & in all humility mentions, that it will appear to be an Inconsistency in the Queens proceeding first to grant the Lands possess by the s^d Peter to another, and afterwards to appoint him of the Governors Council for which he cannot be qualified, Except he is an Eminent Landholder there.

6^o The s^d Peter can be deemed no other than an Itinerant person, and no Inhabitant of the province his wife and family having ever since his going Over, Lived in Cheeswick in the County of Midd^x where they still continue.

LASTLY—The s^d Peter is a man very unacceptable to the Countrey as doth appear by severall remonstrances of the Assembly of the Province to the L^d Cornbury, printed Copys whereof are ready to be produced and the Inhabitants will hope for so much bounty and goodness from the Queen, as that a person so ill qualified for other reasons also, should not be appointed of the Governors Council, and Consequently a Judge over them—

JOSEPH ORMSTON

June 4^o 1708.

[A few days subsequently (received June 18)

he submitted another Memorial as follows:|

That he conceives to have made sufficiently appear that the Majority of the Prop^rs residing in & about London, did not sign peter Sonmans his Commⁿ so consequently void, by M^r Dockwras

That such Prop^rs were acknowledged to be such by s^d Dockwra, and for a more Clear view of the case, the s^d Joseph referres to the Annexed paper—

That he hopes William Dockwra shall be accounted only a single prop^r, since he derives the other from P^r Sonmans, who had no right to Convey, as appears by the Late Attorney Genlls report, who doth positively declare the right to be in the Crown—

That since the Ld Comm^rs are pleased to Exclude the daughters of Arent Sonmans, tho it did appear they were recognized by all the prop^rs, by W^m Dockwra, & even Peter Sonmans himselfe, and tho they have the same evidences to produce for their right, as W^m Dockwra hath for his, and also the will of their deceased father (an authentick Copy whereof is in Sec^{ry} Boyles office) he the s^d Joseph doth hope that Peter Sonmans, shall not be adjudged to give any vote in his own right, nor deemed qualified to be of the Councill, untill the Queen is pleased more fully to declare her mind, as to the Estates of the deceased Arent Sonmans—

The said Joseph doth with all humility hope, that the L^d Comm^rs will please to represent to the Queen, the unfitness of the s^d Peter to serve in the Councill, y^t because he doth not reside in the province, as doth appear page 6th of the reply from the house of representatives, and also that his wife and family do still reside in Cheeswick Coun: Midd^x.

2^o He is a person very unacceptable to the people, as appears both from the remonstrance & reply of the house of Representatives, they having voted his Injoying a publick post in keeping the Records to be a grievance, and that he had no right to act as Receiver Genll of the Quit Rents, as appears by s^d Reply page 6th.

JOSEPH ORMSTON

A List of the names of those that did sign Peter Sonmans his Commission [rec'd from Mr. Ormston, and Mr. Dockwra's observations thereupon Rec'd 9th June 1708.]

	Their Interest
William Pen	1: —
Clement Plumstead	$\frac{1}{2}$
Thomas Barker	$\frac{1}{2}$
Thomas Cooper—since sold out	$\frac{1}{2}$
John Haddon, his propriety was actually sold before his signing the Com ⁿ	1: —
William Dockwra	1: —
D ^o in right of Peter Sonmans	1: —
	5: $\frac{1}{2}$
Of which 1 $\frac{1}{2}$ is actually sold	1: $\frac{1}{2}$
	4: —

A List of the Proprietors names Residing in and about London that did not sign Peter

Sonmans his Commission [rec'd from Mr. Ormston and Mr. Dockwra's observations, thereupon]

Their Interest
or Shares

S ^r . Thomas Lane		
Paul Doekminique		
Robert Mitchill		
Edward Richier		
John Bridges		
Edward Minshall	for 2 proprietys	4½ 2: ½
Obadiah Burnett		
Michael Watts		
Joseph Brooksbarke		
Thomas Skinner		
James Braine		
Benjamin Braine		1: —
Walter Benthall, & Hon: Adderley		½
Thomas Hart		1: —
Charles Durster, in right of the Earle of perth		½
Joseph Wright & Joseph Ormston, for the 2 daughters of Arent Sonmans.		3: ¼
Joseph Ormston for David Lyell, by purchase		½
D ^o as Proxy for Edward Anthill & Miles foster		1: —
D ^o as Proxy for George Willcockes		1: —
D ^o as Administrator to Frances Hancock, the widow of Arent Sonmans		½
Total—Eleven proprietys & three qt ^{rs}		11: ¾

M^r Dockwras Observation upon a List of the Names of those that did Sign Peter Sonmans's Commission.

He took notice that he had $\frac{1}{2}$ a propriety more then M ^r Ormston had allowed him	$\frac{1}{2}$
That the Earl of Cromarty did Sign M ^r Sonmans Commission, and that he had then $\frac{1}{4}$ of a Propriety)	$\frac{1}{4}$
That Mr. Sonmans himself signed the said Comm ^{on} , & has $4\frac{1}{4}$ propriety's)	4: $\frac{1}{4}$

5 Pro—

Which 5 Proprieties being added to the $5-\frac{1}{4}$ in M^r Ormstons List make 10— $\frac{1}{2}$ Propriety's

M^r Dockwras Observations upon a List of the Prop^{rs} Names residing in and about London that did not sign Peter Sonmans his Commission.

As to the 10 first Persons: M ^r Dockwras said, they had but 2 Proprieties, so that there is to be struck off that Article $\frac{1}{2}$ a propriety	$\frac{1}{2}$
Thomas Hart, he said did actually Sign M ^r Sonmans Commission, and therefore His Propriety ought also to be struck off.	1: 0

(N.B. There was no proof to this Allegation)

Charles Dunster he said was not in Town when the Comm ^{on} was signed and therefore that $\frac{1}{2}$ propriety ought to be struck off	0 $\frac{1}{2}$
--	-----------------

(N. B. M^r Ormston offered to prove to ye Contrary.)

He said that David Iyel had only the Quit Rents, and not the Soil and therefore ye $\frac{1}{2}$ Share placed upon his Acc ^t ought also to be struck off	}	0: $\frac{1}{2}$
Edward Antill, he said, was no Prop ^r ; and for Miles Foster had but $\frac{1}{2}$ a Prop ^r , and therefore one $\frac{1}{4}$ ought to be struck off	}	0: $\frac{1}{2}$

3: 0

So that by this Acc^t of M^r Dockw^{rs} there is three Shares to be cutt off from the 11 & $\frac{3}{4}$. So that there remain but 8 & $\frac{3}{4}$. from whence it appears that there was more Prop^rs that Signed for M^r Soumans than there were that did not.

Instructions to Lord Lovelace as Governor of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. 12, p. 355.]

INSTRUCTIONS for Our Right Trusty and Well-beloved, John Lord Lovelace, Baron of Hurley, Our Captain General and Governor in Chief, in and over Our Province of Nova Cæsariæa or New Jersey in America. GIVEN at Our Court at Kensington, the 27th day of June 1708, In the Seventh Year of Our Reign.

1. 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 of Our Province in New Jersey.¹

¹ See page 298.—Ed.

2. You are with all convenient Speed to Repair to Our said Province,¹ and being there arrived, You are to take upon you the Execution of the Place and Trust We have reposed in you, and forth-with to Call together the following Persons whom We do by these Presents Appoint and Constitute Members of Our Council, in and for that Province, viz: Lewis Morris, Andrew Bowne, Francis Davenport, William Pinhorn, George Deacon, William Sandford, Richard Townley, Daniel Cox, Roger Mompesson, Peter Sonmans, Hugh Hoddy, William Hall and Robert Quarry, Esquires.

* * * * *

[With some exceptions the Instructions were like those issued to Lord Cornbury which may be found in Vol. II, pp 506-536, and it is therefore thought unnecessary to insert them in full. In addition to some unimportant verbal alterations, the exceptions referred to are as follows:

Sections Nos. 15, 16, 22 & 65 of Lord Cornbury's instructions are omitted, and the following appear as additional sections, either modifying the purport of those omitted, or containing new matter.]

11. And in the Choice and Nomination of the Members of Our Said Council, as also of the Chief Officers, Judges, Assistants, Justices and Sherriffs; You are always to take care, that they be Men of Good Life and well Affected to Our Government, of good Estates and Abilities, and not necessitous people or much in Debt. * * * * *

14. 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 from the want of a Quorum of the Council to transact business as Occasion may require; It is Our Will and

¹ Lord Lovelace arrived at New York, Dec. 18th, 1708. - Ed.

Pleasure, that if any of the Members of Our said Council shall hereafter wilfully absent themselves, when duly Sum'oned, without a just and Lawfull cause, and shall persist therein after Admonition, You suspend the said Counsellors So absenting themselves till Our further Pleasure be known, giving Us timely notice thereof. And we hereby will and require you that this Our Royal Pleasure be Signified to the several Members of Our Council aforesaid, And that it be entred in the Council Books of Our said Province as a Standing Rule. * * * * *

16. WHEREAS in a Clause in Our Instructions to Our Right Trusty and Welbeloved Edward Lord Cornbury the Representatives for the General Assembly of New Jersey were appointed to be chosen as follows. Viz: two by the Inhabitants Householders of the City or Town of Perth-Amboy in East New Jersey, two by the Inhabitants Householders of the City and Town of Bridlington in West New Jersey, Ten by the freeholders of East New Jersey, and ten by the Freeholders of West New Jersey; And it having been Represented unto Us; that several Inconveniences have arisen from the manner of Choosing Representatives in Our said Province; It is OUR WILL and PLEASURE, and you are accordingly to make the same known in the most publick Manner, that the Method of Choosing Representatives be for the future, 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 of the said Division of East New Jersey; Two by the Inhabitants Householders of the City or Town of Bridlington in West New Jersey, two by the Inhabitants Householders of the town of Salem in the said Division, and two by the Freeholders of each of the four Counties in the said Division of West New Jersey; which persons, so to be Chosen, make up together the Number of twenty four Representatives.

And it is Our further WILL and PLEASURE, that no Person shall be capable of being Elected a Representative by the Freeholders of either Division as aforesaid, or afterwards of Sitting in General Assemblies, who shall not have one Thousand Acres of Land of an Estate of Freehold in his own Right, within the Division for which he shall be Chosen, or a Personal Estate in mony, Goods or Chattels to the Value of five Hundred pounds Sterling; And all Inhabitants of Our said Province, being so qualified as aforesaid are hereby declared Capable of being Elected accordingly.

And it is likewise OUR PLEASURE, that no Freeholder shall be capable of Voting in the Election of such Representatives who shall not have One Hundred Acres of Land, of an Estate of Freehold in his own Right, within the County for which he shall so vote, or a Personal Estate in mony, Goods, or Chattels to the Value of fifty pounds Sterling and all Freeholders in Our said Province being so qualified as aforesaid are hereby declared capable of Voting in the Election of Representatives; which Number of Representatives shall not be Enlarged or diminished, or the manner of Electing them (hereby directed) altered there otherwise than by an Act or Acts of the General Assembly, to be Confirmed by the Approbation of Us Our Heirs and Successors. * * * * *

18. AND OUR further WILL and PLEASURE IS, that in every Act which shall be transmitted; there be the several Dates or respective times when the same passed the Assembly, the Council, and received your Assent. And you are to be as particular as may be in Your Observations (to be sent to Our Commissioners of 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 Commission^r the reasons for passing of such

Law, unless the same do fully appear in the Preamble of the said Act. * * * * *

21. You are also to take care that no private Act be passed, in which there is not a saving to the right of Us, Our Heirs & Successors, all bodies politick or Corporate, and of all other Persons, Except such as are mentioned in the said Act.

22. And whereas great Mischeifs may arise by passing Bills of an unusual and Extraordinary Nature and Importance in the 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 to any Bill or Bills in the Assembly of Our said Province, of unusual and Extraordinary Nature and Importance wherein Our Prerogative, or property of Our Subjects may be prejudiced, without having either first Transmittted unto Us the Draught of Such a Bill or Bills; And Our having Signified Our Royal Pleasure thereupon, or that you take care in the passing of any Act, of an Unusual and Extraordinary Nature, that there be a Clause inserted therein, Suspending and deferring the Execution thereof until Our Pleasure be known concerning the said Act; to the end our Prerogative may not Suffer, and that Our Subjects may not have reason to Complain of hardships put upon them on the like Occasions. * * * *

24. WHEREAS We have been inform'd that Intelligence has been had in France of the state of Our Plantations by Letters from Private Persons to their Correspondents in Great Britain, taken on Boards Ships Coming from the Plantations, and carried into France, which may be of Dangerous Consequence, if not prevented, for the future OUR WILL & PLEASURE IS, that you Signify to all Merchants, Planters and others that they be very Cautious 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.

25. AND whereas in the late War, the Merchants and planters in the West Indies did correspond and Trade with the French, and carry 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 with the French, whose strength in the West Indies gives very just apprehensions of the Mischiefs that may Ensue, if the Utmost Care be not taken to prevent them.

26. WHEREAS an Act was past this last Session of Parliament, in the 6th and 7th Years of Our Reign 1708 Entituled, *An Act for the Encouragement of the Trade to America*, A Copy whereof will be herewth delivered to you; You are to take care that the same be duly complied with. * * * * *

28. And whereas Several inconveniencies have arisen to Our Governments in the Plantations, by Gifts and Presents made to Our Governours by the General Assemblies; You are therefore to propose unto the said General Assembly and use your utmost endeavours with them: that an Act be passed for raising and settling a publick revenue for defraying the necessary Charge of the Government of Our said Province, And

that therein Provision be particularly made for a Competent Salary to your Self, as Captain General and Governor in Chief of Our said Province, and to other Our Succeeding Captains General, for Supporting the Dignity of the said 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 when such Revenue shall so have been Settled, and provision made as aforesaid, then Our Express WILL and PLEASURE is, that neither you Our Governor nor any Governor, Leivten' 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 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 Governm^t

29. And We do further direct and require this declaration of Our Royall will and Pleasure be Communicated to the Assembly at their first meeting, after your Arrival in Our said Province, and Enter'd into the Register of Our Council and Assembly, that all persons whom it may concern may Govern themselves accordingly. * * * * *

33. 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 for the Constituting such Court or Courts for the ease of Our Subjects there. And you are from time to time to transmit to Our said Commissioners for Trade and Plantations an Exact Account of what Causes shall be

determined, what shall be then depending, As likewise an Abstract of all Proceedings in the Several Courts of Justice within your said Governmen^t * *

91. Whereas great Inconveniencies do happen by Merchant Ships and other Vessels in the Plantations, wearing the Colours born by Our Ships of War, under Pretence of Commissions Granted to them by the Governors of the said Plantations, and that by Trading under these Colours, not only amongst Our own Subjects, but also those of other Princes and States, and Committing divers Irregularities, they do very much dishonour Our Service: For prevention whereof You are to Oblige the Commanders of all such Ships, to which you shall Grant Commissions, to wear no other Jack than According to the Sample here described, that is to say, such as is worn by Our Ships of War, with the distinction of a White Escutcheon in the Middle thereof; and that the said mark of distinction may extend itself to the One half of the Depth of the Jack, and One Third of the fly thereof.

FLAG.

Communication from the Lords of Trade to Lord Lovelace, Governor of New Jersey.

[From New York Col. Docts., Vol. V., p. 46.]

To the Right Honourable the Lord Lovelace.
My Lord,

Notwithstanding Her Majestys Instructions to Your Lordship there are Severall other particulars relating

to Your Government of New Jersey, which we think ourselves Obliged to take notice of to Your Lords^h

The Lord Cornbury having had some Doubts in relation to Fines, Forfeitures & Escheats, and to the Appointing of a Ranger of the Woods; We consulted Her Majesty's then Attorney General thereupon; And inclose a copy of his Report for Your Lord^{sh} better information and Guidance in those matters.

Having received from the Lord Cornbury several Acts past in New Jersey in November 1704, We considered the same and transmitted to his Lord^{sh} our observations thereupon, that he might lay those Observations before the Assembly for their consideration & amendment of the said Acts, before we presented them to her Majesty for her Confirmation. But not having received any Answer from the Lord Cornbury, We think it necessary to repeat our fore-mentioned Observations to Your Lord^{sh} that upon your arrival in New Jersey you may consult the Assembly and give us further light in that matter.

The Act for Settling the Militia, in the last proviso but one, Enacts that the sums of money thereby to be levied, are to be paid into the hands of the Receiver General, or Secretary, or such other person as the Gov^t under his hand shall appoint; And the money to be applied also to such public Uses as the Governor shall direct; Whereas we think that Publick Moneys ought only to be paid into the hands of the Receiver General, and the Uses to which it ought to be applied for ye Support of ye Government shou'd be expressed in the Act, and not left at large as it is in this: Which we desire Your Lord^{sh} therefore to be Mindful of for the future.

Tho' the Design of the Act for Uniting and quieting the minds of all Her Majesty's Subjects in New Jersey be very good, Yet there are some clauses in the Act, which render it unfit for her Majesty's Royal Confirm-

ation, viz^t That it pardons (amongst other Crimes) all High Treasons, Murders and Piracy, committed before the 13th of August 1702; whereas her Majesty has Reserved to herself, by Her Instructions to you, the Pardoning of those Crimes; which Crimes are always Excepted in Acts of the like nature here; and therefore We Desire Your Lord^{sh} to endeavour to get this amended in Another Act to be passed for the like purpose.

We have no other Objection to the Act for Altering the Present Constitution and Regulating the Election of Representatives, &c. But that it does not Regulate the Quantity of acres necessary to qualify persons to Elect or be Elected Representatives in the General Assembly: Your Lord^{sh} will see by her Majesty's Instructions what is intended upon that Matter, viz^t That 1000 Acres of Land or £500 Personal Estate should qualify persons to be Elected; and that 100 acres of Land and £50 personal Estate, shou'd qualify to be Electors: But if Your Lord^{sh} find this Regulation too high, you may endeavour to get a new Act passed, for Proportioning that Matter otherwise. In the meantime this Act will remain in force, without being confirmed by her Majesty; And Your Lord^{sh} will make a suitable use of your Instructions in that behalf.

We must Desire Your Lord^{sh} upon transmitting [the laws] that you be particular in giving us Your opinion upon each respective Act, together with the Reasons for passing the same, in such manner as you are required by Your Instructions.

A complaint having been made by the Proprietors of the Western Division, that the Lord Cornbury had caused their late Secretary to deliver all public Books, Papers and Records to Mr. Bass Secretary of the Province, and that their Records of Deeds had been carried out of the Province, which may be of great prejudice to the said Proprietors. We are of opinion (and ac-

cordingly signified the same to the Lord Cornbury) that all Books and Papers, Deeds and Evidences relating to the Proprietorship of the soil, be not taken out of the hands of the Proprietors Agents; and therefore if this be not remedied, Your Lord^p will do well to give Directions therein.

The Lord Cornbury having informed us, that an opinion had lately been started in his Governments viz^t If he send any orders to New Jersey, relating to the affairs of that Province, whilst he is resident at New York, they are of no force and so the same of his sending orders from New Jersey to New York: We think it necessary to acquaint Your Lord^p that it is a very trifling and Extravagant Opinion the Contrary being practised every day here by the Lords Lieutenants of Counties; and particularly by the Lords Lieutenants of Ireland, who frequently send Orders into Ireland, whilst they are Resident in this Kingdom. * * * * *

The Lord Cornbury having transmitted to us, a Remonstrance from the Assembly of New Jersey to him, with his Answer, thereunto (a Copy whereof is here inclosed) We have considered the same, and have made the following Observations thereupon, which we think necessary to communicate to Your Lordship.

The First Article. It appears evidently by the Lord Cornbury's Commission that he has no power to pardon Treason and Wilful Murder; But in such cases he is allowed to grant Reprieves to the offenders untill and to the Intent Her Majesty's Royall Pleasure may be known therein. In order thereunto he is with all convenient Speed, to Transmit to Her Majesty a full State of the matter of fact relating to such Offenders, which we do not find that the Lord Cornbury has done. Upon this Occasion We must take notice to Your Lordship that the want of Prisons in New Jersey is a matter proper to be laid before the General

Assembly: Your Lord^{sh} will therefore Represent them the necessity of having such prisons Built, that they may grant a sufficient Fund, which may be appropriated to that Service.

The Second Article. As to the complaint of paying the Fees of Court, tho' the bill of Indictment be not found by the Grand Jury. We are of opinion that the Person accused not being properly in Court, till arraigned before the Petty Jury, no fees till then can be demanded.

The Third Article. 'Tis true that the Probate of Wills and Granting of Letters of Administration, is by Her Majesty, entrusted with the Governor; Yet we do not see that the settling such an Office in each Division in New Jersey, as proposed by the Remonstrance for the Ease of Her Majesty's Subjects there will be a lessning of the Rights of the Prerogative, or of the Governor

The Fifth Article. We are of Opinion, Notwithstanding the Lord Cornbury's Answer to the Remonstrance, that such a Patent for the Sole carting of Goods, as is therein mentioned, is a Monopoly, within the 21st Jac: 1st Cap. 3^d.

The Sixth Article. We are also of Opinion that no fee is lawful, unless it be Warranted by Prescription, or Erected by the Legislature, as was adjudged in Parliament in the 13th Hen 4th in the Case of the Office then Erected, for measurage of Cloths and Canvass. Vid. Cook's 2: Inst: fol. 533, 534. We are, my Lord,

Your Lord^{sh}s most humble Servants

HERBERT

PH. MEADOWS

JX. PULTENEY

CH. TURNER

Whitehal

June the 28th 1708.

Letter from the Earl of Sunderland to the Lords of Trade, relating to the desire of the New Jersey Company that Mr. Morris may be of the Council of that Province.

[From P. R. O. B. T. New Jersey, Vol. 1, C. 42.]

Whithall 29th June 1708

MY LORDS AND GENTLEMEN

My Lord Lovelace having intimated to me that the New Jersey Company desire that M^r Lewis Morris may be of the Council in that Plantation instead of either M^r Cox or Mr. Sonmans, I desire you will let me have your Opinion thereon that I may lay the Same before Her Ma^{ty}

I am

My Lords and Gentlemen

Your most humble

Servant

SUNDERLAND

Council of Trade

Letter from the Lords of Trade to the Earl of Sunderland, in answer to the foregoing.

[From P. R. O. B. T. New Jersey, Vol. 12, p. 430.]

To the Right Honourable the Earl of Sunderland.

My Lord,

In answer to Your Lordships Letter of the 29th of June relating to the desire of the New Jersey Company, that M^r Lewis Morris may be of the Council

there, instead either of M^r Cox or M^r Sommans. We must acquaint Your Lordship, that We have no Objection to the said M^r Morris being restored to his Place and Precedency in the said Council from which he has been suspended by the Lord Cornbury: But We are apprehensive, some Inconvenience may Insue upon the displacing of either M^r Cox or M^r Sommans, some time since appointed Members of the said Council by Her Majesty, and therefore are of Opinion that they be continued, and that M^r John Harrison who is the Last of those We had proposed by Our Representation to Her Majesty, of the 31st of May last for that Council, be left out to make Room for the said Morris.

We are, My Lord

Your Lordship's Most Humble Servants,

Whitehal

July the 1st 1708.

HERBERT.

PH: MEADOWS.

J: PULTENEY.

CHA: TURNER.

Report from the Commissioners of the Customs to the Lord Treasurer, on the Memorial of John Keble.

[From P. R. O. B. T. New Jersey, Vol. 1. C. 43.]

Report on the Petition of Mr. Keble.¹

May it please your Lord^{sh}!

In obedience to your Lord^{sh}'s Commands Signified to us by M^r Lowndes on the Annexed Petition of John Keble of West Jersey adjoining to Pensilvania Merch^{ts}

¹ Keble had petitioned for a patent for the manufacture of Potash in New Jersey, on the recommendation of William Penn and others, and the certificates of soap makers in London as to the good quality of the article manufactured, see pages 304-305.—Ed.

Setting forth That about 8 Years past he went over to Pensilvania and there purchased a certain tract of Land, whereon he planted Tobacco, Indian-Corn, and made Pottash, but it so happened that both himself & Servants fell sick of the Seasonings, whereby he Lost severall of his Servants, and all his hoped for Crop, which Loss (by reason of his great expence) he could not againe retrieve Yet by the Kind assistance of a few Friends on the place he made some further progress in the Pott-ash work, and brought it to Such perfection as to be approved by the Soap-boylers in London who used a small quantity thereof, as may be fairly attested, Afterwards a greater Cargo coming over, it was unfortunately taken by the French to the very great prejudice of the Petition^r and has disabled him in the progress of So hopeful an undertaking, Likely to prove very beneficiall to the Publick

Humbly praying yo^r Lord^{ps} favourable recomendation to the Lords Comm^{rs} for Plantations, that he may have such Encourag^{mt} as they shall judge meet.

Wee do humbly Report to yo^r Lord^p That Wee have upon this Occasion caused an Accompt to be drawn out (by the Inspector Generall of the Exports and Imports, of Pott-ashes and Pearle ashes Imported into this Kingdom from the East Country and other For-eigne parts in Three Years time between Christmas 1703 and Christmas 1706, with an Estimate of their values, And for your Lord^{ps} more particular Information Wee have hereunto Annexed the said Accompt Wee do further humbly acquaint your Lord^p That the Petition^r hath produced before us, some Certificates and Papers tending to prove, That part of his allegations, That the Pott-ashes which he made in her Ma^{ty}s Plantations were approved by the Soap-Boylers in London, And that he is Capable of making a further Progress in this his undertaking And Wee are Humbly of Opinion, That if the manufacture of Potashes can be

Brought to perfection in the Plantations, it will be a usefull Trade, And of Publick benefitt to this Kingdome.

Which is humbly Submitted to yo^r Lord^{ps} Consideration.

Custome house London

1st July 1708

N. DUELLEY

SAM CLARKE

T: NEWPORT

JO: WERDENN

J. STAPLEY.

Complaint of John Barclay at the non-recognition of his Commission as Receiver General.

[From N. Y. Col. MSS. Vol. IV., p. 117.]

The Case of John Barclay.

In the year 1704 John Barclay Esq^r was by the Proprietors of the Eastern Devision of New Jersey Commissionated Reciever Genll of their Quitt Rents &c: And on the 17th of June In s^d yeare My Lord Cornbury then Govern^r of s^d Province Issued out a Proclamation requiring all Justices of the peace Sheriffs &c to be aiding and Assisting to him In the Execution of his s^d office on y^e 24th of August 1705 Peter Sonmans Esq^r produced before my Lord Cornbury & Councill A Comission from severall of the Proprietors Residing In & about London Appoynting him their Agent & Reciever Genll: of their Quitt Rents &c on which Proclamation was Issued out on behalfe of s^d Sonmans &c. In which Comission of s^d Sonmans it was Expresely provided that any person producing an other Comission under the hands & seals of five persons who are or shall be Proprietors of part of the s^d Eastern Devision and who shall Reside In or near London before y^e Gover: & Councill of s^d Province for the time being then s^d Comission of s^d Sonmans should thereafter be utterly voy'd to all Intents & purposes whatsoever.

On the 7th of November 1707 the Afores^d John Barclay produced before My Lord Cornbury then Govern: of s^d Province & Councill A Comission for Reciever Genr: of s^d Proprietors Quitt Rents &c: signed in London the 10th of May 1706 under the hands and seals of ten of y^e Proprietors of part of s^d Devision of s^d Province Residing In or near London which vacated M^r Sonmans s^d Comission but Mr. Barclays s^d Comission was most unjustly and Maliciously kept & retained from him by My Lord Cornbury & Councill as Appears by ye Coppie of ye order of Councill hereunto annexed, whereby he has been & still is kept out of s^d office to his great Loss and Damage notwithstanding Also that Mr. Barclays first Comission was under the hands and seals of A greater Number of Proprietors than Mr. Sonmans s^d Comission was.

John Barclay

A Coppie of the Order of Council.

November 7th 1707.

At a Council held at Perth Amboy Present—His Excellency Edward Viscount Cornbury Capt. Genl: & Governour, His Honour the Leut: Governour.

William Pinhorne	}	Esqrs.
Roger Mumplesson		
Coll Danll Cox		
Will Sandford		
Col: Robert Quarrie		

Mr. Barclay Acquainting this board that he had received an Instrument Sealed from the Proprietors of

¹ For notice of John Barclay see Vol. II, p. 81.

the Easterne Devision of this Province to be their Receiver Genll: and desired that he might be Qualified as such & delivering the s^d Paper Into the board he with drew, ordered that the s^d Instrument be transmitted home to England and laid before Her Majestie.

J. BASS.

Letter from Lord Corubury to the Lords of Trade, about Emigration from New York into New Jersey.

[From N. Y. Col. Doc'ts, Vol. V., p. 56.]

To the Right Hon^{ble} The Lords Commiss^{rs} for Trade & Plantations.

[Extract.]

My Lords,

* * * Two sorts of people remove out of this Governm^t into the neighboring Provinces, the first are trading men, of these but few are removed since I came hither; The other sort are Husbandmen, Of this sort many are Removed lately, especially from King's County on Long Island; And the reasons why they remove are of two kinds: The first is because King's County is but small and full of people, so as the young people grow up, they are forced to seek land further off, to settle upon; The land in the Eastern Division of New Jersey is good, and not very far from King's County, there is only a bay to crosse: The other reason that induces them to remove into New Jersey is because there they pay no taxes, nor no duties; The most effectual way to prevent the Removal of the first sort of people, would be to bring all the Colonies and Plantations upon the Continent of America under the same Duties and Customs, for goods Imported and Exported.

If this were once settled the trading Men wou'd then consider which is the healthiest, pleasentest, and most convenient place for Trade; whereas now the Chief Consideration is, where the least duties are paid; of this we have had several instances lately: since the French destroyed Nevis several families have removed from that Island, with intent to settle in this place, but when they found what Duties people have paid, and do pay here, and that at Philadelphia they pay none at all, they remove thither. As for Husbandmen, I can't see how they can be hinder'd from removing out of one province into the other. * * * *

My Lords

Your Lordshipp's most
faithfull humble servant

New York

CORNBURY

July the 1st 1708

*Letter from Lord Cornbury to the Lords of Trade,
about New Jersey affairs.*

[From P. R. O. B. T. New Jersey, Vol. 1, C. 52.]

Letter from the Lord Cornbury Governor of
New Jersey. Rec'd 3^d Novem^r 1708

New York July the 1st 1708.

My Lords

I was faoured with your Lordshipp's letter of the 7th of May 1707 relating to New Jersey on the 25th of June last at Shrewsbury in the Eastern Division of New Jersey from whence I returned to this Place on the 28th, at my arriual here I was informed that a Ship would be ready to sail in few days directly for Bristoll, which opportunity I was glad to embrace to acknowledge the reciet of these letters which are the first I

had the honour to recieve from your Lordships since the Queen has been pleased to renew her Commission, of which I beg leave to wish your Lordships much Joy.

Your Lordships are pleased to Inform me that it is her Majesty's pleasure, and Exprese Command, that the Gouvernors of all forriegen Plantations, doe from time to time, giue unto you frequent and full Information of the State and Condition of their respective Governments and Plantations &c. In all these things I shall endeavour to obserue her Maiesty's Commands punctually, as soon as time can possibly allow it, but some of the things your Lordships are pleased to require of me, will take some time to transcribe, however it shall be done as fast as possible; In the mean time I will give you satisfaction in the Question's you ask me as farr as the short time this Ship will allow me will permit; I am concerned to find by your Letter that there are not in your Office any Minutes of Council or Assembly since my coming to the Gouvernement of New Jersey, because I did two years agoe send your Lordships the Minutes of Council to that time, and I have constantly sent the Minutes of Assembly by the first opportunity after each Sessions, and I hope M^r Popple may find them among his papers, as for the accounts of the Reuenue they have not been sent because the Deputy Auditor has refused to Audit them, the Queen has had no Reuenue in the Prouince of New Jersey only for two years, since they were expired, the Assembly by the under hand practises of M^r Lewis Morris, and severall of the Quakers, one Doctor Johnson, and some others, have been preuailed upon not to give the Queen any Reuenue, and I am of opinion that as long as the Queen is pleased to allow the Quakers to sit in the Assembly, they never will settle a Reuenue, nor a Millitia. I will by the first opportunity send your Lordships an exact Transcript

of the Accounts of the Reuenuue for those two years whether the Deputy Auditor will Audit them or not. I here send you Inclosed a List of the present Councill, and likewise a List of such persons as by their Circumstances are in my Judgment proper to fill any Vacancy that may happen in the Councill. About two years and a half agoe I did transmit compleat Lists of the Inhabitants of each Country in the Prouince of New Jersey. the Sherriffs are now making new Lists which shall be transmitted to your Lordships by the first opportunity. The numbers of Inhabitants of New Jersey are considerably increased by the reasons I have offered you in my letter relating to New York, to which I beg leaue to referr. None of the Inhabitants of New Jersey remoue into the Neighbouring Collonys. The Millitia of New Jersey will amount to about two thousand three hundred Men besides the Quakers, but of this you shall have compleat Lists by the first opportunity. Nothing is exported from the Prouince of New Jersey to England; Neither has the Prouince of New Jersey any trade with any other place, except the neighbouring Prouinces of New York, and Pensiluania. the Eastern Diuision bring their grain of all sorts to New York, and their sheep &c, the Western Diuision carry all their produce to Philadelphia the Western Diuision has not one Vessell belonging to it; the last year some of the Inhabitants of the Eastern Diuision, built a sloop and fitted her out to sea, she has made one Voyage to Barbados, and that is all the Vessels that belong to the Eastern Diuision, except Wood boats that bring fire wood and pipe staues to New York, the Prouince of New Jersey is furnished with European goods thus, the Eastern Diuision from New York, the Western Diuision from Philadelphia. The Province of New Jersey has noe Trade but as above mentioned. There have sometimes Goods been Run into the Eastern Diuision by Vessels

bound to New York, but it is now pretty well known by the Men of Warr lying at Sandy Hook, and there is an Officer at Amboy, there have likewise goods been run on shoar in the Western Division by Vessels bound up the River Delaware to Philadelphia. Collonell Quary has appointed an Officer at Burlington and one at Salem, I hope their delligence will in a great measure preuent Illegal Trade on that side. There is noe shipping belonging to New Jersey except as is mentioned on the other side; Neither is there any seafaring Men, unlesse the Men that goe in the wood boats may be called such. There have been three or four sloops and one Briganteen built at Woodbridge in the Eastern Division since I came to the Gouvernement of New Jersey, and one Briganteen and one sloop have been built at Burlington in the Western Division. In New Jersey they make good linnen for common Use and they begin to make woollen stuffs. I have offered my thoughts to your Lordshipps concerning the latter of these, In my letter concerning the Prouince of New York, to which I beg leaue to referr,¹ thus I have endeauoured to answer the Queries contained in your Lordship's letter as well as the shortnesse of time this Ship allows me, I will take care by the next to supply what may be wanting in this.

Your Lordshipps are pleased to command me to Add whatever else I think conducive to her Maiesty's service, to the Interest of England, to the Aduantage of that perticular Prouince, and to your assistance in the discharge of the Trust reposed in your Lordshipps. Many things may be offered under these directions,

¹ The reference was as follows: "The Manufactures settled in this Province are Linnen and Woollen; they make very good Linnen for common use, and I don't doubt but in time they will improve that considerably: as for the Woollen, I think they have brought that to great perfection already; they already make very good Serges, Linsey Wolsey, and in some places they begin to make coarse cloth, and without doubt in a short time they will not want the assistance of England to Cloth themselves."—N. Y. Col. Doct., Vol. V., p. 59.—Ed.

but I dare not venture to doe it off hand, but by the next I will endeavour to offer such things to your Lordships as may be proper upon this subject. In the mean time I think it my Duty to lay some matters before you for your consideration, which I think very much for her Majesty's service, for the Interest of England, and indeed for the Advantage of that particular Province, if the People could be persuaded to understand things right; the first thing is the Militia, but having mentioned that in my letter concerning New York, I shall say no more of it in this, only that the Queen must not expect a Militia Act to be past, as long as the Quakers are allowed to sit in the Assembly. The next thing I shall offer to your Lordships considerations is that some method may be directed to enquire into the qualifications of Members returned to serve in the Generall Assembly, Her Majesty is pleased in her Instructions to me to direct how people shall be qualified to chuse, and to be chosen, and that no person though chosen, shall be suffered to sit unless soe qualified, the late Lords of Trade and Plantations upon a complaint made to them that I kept three Quakers out of the Assembly (which was done by Advice of the Council, and only till they shewed their qualifications) were pleased to direct me for the future not to intermeddle with the qualifications of the Members of the Assembly but to leaue that matter to the House in obedience to their Lordships commands, I have not Intermedeled since that time, the consequence has been this, that upon the last Election in some places they chose some persons who are not qualified according to her Majesty's Instructions, in the Eastern Division they chose one person who has not a foot of Land in the Province, nor does not Inhabit in the Province, but because he is a forward Man, and promised them that if he were chosen he would not consent to the giving a Reuenue to the Queen, they chose him, and the House have suffered him to sit

notwithstanding that every Member of the House knows he is not qualified; there are more of the same sort, and it will always be soe, unlesse Her Maiesty is pleased to appoint some Method to inquire into the qualifications of persons returned to serve in the Assembly, other than the House themselves. These things I intreat your Lordships consideration off.

Your Lordships are pleased to signifie to me that an Act of Parliament is passed for a perfect and intire Union of the two Kingdoms of England and Scotland, and you are pleased to say that you send me two of the said Acts that it may be published in the most solemn manner in the Prouince of New Jersey &c, I take the liberty to acquaint your Lordships that I have not receiued any such Acts, but having procured one from the Attorney Generall of New York, I will take care to publish it in the most solemn manner possible.

I am uery much concerned that your Lordships have not receiued my Letter relating to M^r Ormston and M^r Sonmans, because besides that which I sent by the way of the West Indies, I sent a Duplicate by the way of Boston, and another by the way of Philadelphia I hope some of them have reached your hands before this time, however I now send another duplicate of the same; and I don't at all question your Lordships Justice to me. I likewise send a Duplicate of my letter of the 21st of June last; in which you will see an account of the Proceedings of the Assembly of New Jersey this Spring to which I beg leaue to referr. Just as I was going to seale this letter, I haue received her Maiesty's commands to Admit M^r Sonmans into the Councill which shall be done accordingly. This is all I shall trouble your Lordships with at present and remain

My Lords Your Lordships most
faithfull humble servant

L^{ds} of Trade &c.

CORNBURY.

Nominations for the Council of New Jersey from Lord Cornbury.

[From P. R. O. B. T., New Jersey, Vol. 1, C. 53.]

List of the Council of New Jersey, & of persons recommended by the L^d Cornbury to supply Vacancies therein. [referr'd to in foregoing letter.]

List of Persons fit to be of the Council.

Persons Names.	Place of Abode.
M ^r Wheeler.	} At Burlington.
M ^r Huddy.	
M ^r Newbold	
Captain John Bowne	Monmouth County.
Captain Kingsland.	Essex County.
M ^r Longfield.	Middlesex County.

List of the present Council of New Jersey.

Persons Names.	Place of Abode.
Collonell Ingoldsby L ^t G ^r	} At Burlington.
M ^r Renell [Revell]	
M ^r Leeds.	
M ^r Deacon, a quaker.	} At Mount Pinhorn.
M ^r Pinhorn.	
M ^r Mompeson.	
Maioir Sandford.	At New Barbados.
Collonell Townley.	At Elizabeth Towne
Collonell Quarry.	} At Philadelphia.
Collonell Coxe.	
M ^r Sommans.	At Amboy.

Two are dead Vizt Captain Andrew Bowne of the

Eastern Division, and M^r Dauenport a Quaker of the Western Division.

I dont send your Lordships a full List for the Province of New Jersey, because I would willingly be better informed then I am, of the circumstances of some people I should have named.

I should be glad if your Lordships please that Captain John Bowne may suply the place of Captain Andrew Bowne, for the Eastern Division, and M^r Wheeler may suply the place of M^r Dauenport in the Western Division.

Letter from William Lowndes, Secretary of the Commissions of the Treasury, to Secretary Popple of the Lords of Trade, relating to the Petition of John Keble.

[From P. R. O. B. T. New Jersey, Vol. I. C. 43.]

Letter from M^r Lowndes inclosing a Report from the Commissioners of the Customs to the Lord Treasurer upon the Petition of Mr. Keble & other Papers ab^t a Manufacture of Pot-Ashes in New Jersey.

To William Popple Jun^r Esq^r Secretary to the R^t Hono^{ble} the Lords Commis^{ioners} for Trade and Plantations.

These

Sir

The inclosed Report of the Comm^{rs} of her Majestys Customes on the Peticoⁿ of John Keble with the severall other Papers relateing to the promoting the Manufacture of Potashes in Her Ma^{ty}s Plantac^{ions} having

been laid before my Lord Trea'rer. His Lo'p commands Me to transmit the same to You, and desires You will please to lay that matter before the Lords Comm^{rs} for Trade and Plantations for their consideration therein. I am

Sir Your most humble Servant

Trea'ry Chambers

WM LOWNDES.

7th July 1708

M^r Popple

Report on the Petition of M^r Keble.

MAY IT PLEASE YOUR LORD^{SH}

In Obedience to your Lord^{SH} Commands Signified to us by M^r Lowndes on the Annexed Petition of John Keble of West Jersey adjoining to Pennsylvania Merch^t Setting forth that about 8 years past he went over to Pennsylvania and there purchased a certain tract of Land, whereon he planted Tobacco, Indian-corn and made Pott-Ash, but it so happened that both himselfe and Servants fell sick of the Seasonings, whereby he Lost severall of his Servants, and all his hoped for Crop. Which Loss (by reason of his great expence) he could not again retrieve Yet by the kind assistance of a few Friends on the place he made Some further progress in the Pott-Ash work, and brought it to Such perfection as to be approved by the Soap-boylers in London who used a small Quantity thereof, as may be fairly attested. Afterwards a greater Cargo Coming over it was unfortunately taken by the French to the very great prejudice of the Petition^r And has disabled him in the progress of So hopefull an undertaking. Likely to prove very beneficiall to the Publick.

Humbly praying Yo^r Lord^{SH} favourable recomendation to the Lords Comm^{rs} for Plantations, that he may have Such Encouragement as they shall judge meet.

WEE do humbly Report to Yo^r Lord^{ps} That Wee have upon this Occasion caused an Accompt to be drawne out (by the Inspector Generall of the Exports and Imports, of Pott-ashes and Pearle-ashes Imported into this Kingdom from the East Country and other Forreigne parts in Three years time between Christmas 1703 and Christmas 1706. with an Estimate of their values, And for your Lord^{ps} more particular Information Wee have hereunto Annexed the said Accompt Wee do further humbly Acquaint your Lord^{ps} That the Petition^r hath produced before us, some Certificats and Papers tending to prove, That part of his allegations, That the Pott-ashes which he made in her Ma^{ty} Plantations were approved by the Soap-Boylers in London, And that he is Capable of making a further progress in his undertaking. And Wee are Humbly of Opinion, That if the manufacture of Potashes can be brought to perfection in the plantations, it will be a usefull Trade, and of Publick benefitt to this Kingdome

Which is humbly Submitted to yo^r Lord^{ps} Consideration

SAM CLARKE
T: NEWPORT
JO. WORDEN
J: STANLEY
M. DUDLEY.

Custome House London

1st July 1708

[Enclosed]

The Humble Petition of John Keble of West Jersey adjoining to Pensilv^a

[Of similar purport to that made to the Lords of Trade see page 304]

AN ACCOUNT of the Quantity of POTT & PEARLE

ASHES, Imported into England, and From what Parts from Christmas 1703, To Christmas 1706. In three Distinct Yeares, with an Estimate of the first Cost or Value—Viz.:

	IN WHAT YEARS.			TOTAL OF THE 3 YEARS.	Amount of the Estimate at $2\frac{1}{2}$ to $3\frac{1}{2}$ Per Pound..		
	Christmas 1704	Christmas 1705	Christmas 1706				
	Quantity	Quantity	Quantity				
WHENCE.....							
IMPORTED.....							
	Pound wei't	Pound wei't	Pound wei't	Pound wei't	£	S	D
East Country.....	3,373,021	1,745,138	3,074,335	8,192,494	104,406	3	6
Holland.....	20,921	3,969	3,245	28,135	135	13	9
Ireland.....	14,581			14,581	182	5	3
Russia.....	606,878	816,571	214,151	1,637,600	20,470	0	0
Sweden.....			7,040	7,040	88	0	0
New England.....		220		250	3	2	6
Pensilvania.....	630			630	7	17	6
Prize-Goods.....		3,016		3,016	25	4	0
Germany, Pearl Ashes w'ch pays Duty as Pott-Ash..	185,278	25,202	84,911	295,386	3,692	6	6
TOTALS.....	1,201,304	2,593,116	3,383,682	10,178,132	127,226	13	6

INSPECT: GEN^{LLS}:

Office 29th June 1708.

Proposals of John Keble for manufacturing Pot-ashes in New Jersey.

[From P. R. O. B. T. New Jersey, Vol. I. C. 41.]

The Proposals of John Keble, of West Jersey in America for carrying on the Pot-ash works in her Majesties Plantations there.

The Potash I made first there, was about fifty hundred weight whereof two Barrels of it was transmitted to London & well approved by the Soap-makers, as

appear by a Certificate, the next Cargo was Unfortunately taken by the French in its passage for England, if otherwise the said Cargo had safely arrived to have produced a Return it would have Enabled me to have made a farther progress in the said work.

That I am the Chiefest Person who with great expence & Industry brought this Work to such Perfection, is certified by the Honorable William Penn Esq: & others who know the Circumstances of this Affair.

In the first place returns are as appear by the Certificate at 50 or 60 P C^t & is a great hindrance in taking off our Woolen & Linen Manufacture &c.

And whereas the Pot-ashes that are made in the Czar of Muscovies Country, he has made an act that what Manufactory of Pot-ashes &c. we have from thence must be paid two thirds in Money & one in Goods.

Which if this Undertaking of mine in America meets with Encouragement it will take off none of our money & will be made of the Country's produce & be a means of making good Returns to England.

The supply that I humbly beg is Two Hundred Pound & the Transport of Sixteen Servants along with the Convoy's that go with my Lord Lovelace to New York & a Patent to make Salt in North America being I am the first Projecture of it.

Which Salt Pans being once set at Work, the wood that I boyl my Salt off with, will Supply me with a good quantity of ashes and y^e Salt that the Pans produce will be a constant Supply for raising me Effects for making of y^e said Pot-ashes that if it should please God that I should meet with any Losses by Sea still this would be a Constant support to me in Carrying on of the Pot-ash Works.

So soon as it shall please God I shall arrive there I have a Potash Work ready that will make about 20 Tonn a year, which I intend to go to Work upon, & when I have finished my Salt-Pans that they be at

Work I intend to enlarge my Pot-ash Works as a Year after my arrivall to make about 50 Tonn a Year, & as it please God to bless my undertaking shall be for further Inlarging the works.

Haveing these aforesaid incouragements I shall not be wanting in making the Pot-ash Publick being such a Noble Country for Wood & of such a vast extent that in One or two Years Time will bring a Considerable Revenue to the Crown, besides the Returns for y^e Country.

That for the Two Hundred Pound, I pray to be advanced to my Assistance and Encouragement, I will Oblige my self after the first Year to pay her Majesty fifty pound thereof & so Yearly till the whole be paid, which Encouragement, I humbly hope will be granted Since it is Apparent many good Effects are likely to Accrue to the Publick, & to the advantage & Emoluments of her Majesties said Plantations &c.

[Additional Proposal Received 8th July 1708]

My Proposals that I humbly offer'd for a Patent for the making of Salt. I apprehend the chief Foundation towards carrying on of my Pot-ash Works, and am willing to pay the Queen Six pence a Bushell for what Salt I make, and I propose to make two hundred Bushels a Week which will so far enable me, that in a year after my Arrival, I intend to make or cause to be made about Fifty Tons a year. w^{ch} pays Duty to her Ma^{ty} 5£ 10s. P Tun for y^e Pot-ash w^{ch} is in y^e year 275£. besides y^e Salt w^{ch} will pay near as much, and for y^e Transporters Sixteen Servants, it will not amount to about 80£ w^{ch} he craves may be allowed him in regard the two hundred pounds, w^{ch} I humbly desire to be advanced, is to be repaid in four years time after y^e first year of my arrival.

JOHN KEBLE.

*Letter from Secretary Popple to Secretary Lowndes,
about the Petition of John Keble.*

[From P. R. O. B. T. New Jersey. Vol. 12, Page 49.]

To William Lowndes, Esq^r in Answer to his
Letter of July 7th

S^r:

The Lords Commissioners of Trade and Plantations having consider'd the Report from the Commission^{rs} of Her Majesty's Customs to my Lord High Treasurer. Upon the Petition of John Keble of West Jersey, relating to his setting up a Pot Ash Work in that Province, referred to, in your Letter of the 7th Instant, And their Lordships having also received from the said Keble his particular proposal in that behalf: They have Commanded me to desire You to Lay before my Lord High Treasurer the Substance of the Said proposals with their Lordships opinion thereupon, as follows:

1st He desires, for the better enabling him to carry on the said Pot Ash Work, That Her Majesty would be pleased to advance to him two Hundred pounds: That he will give Sufficient Security here for the repayment thereof in five Years (Viz^t) Fifty pounds at the end of two first Years, and fifty pounds a year afterwards, till the whole be paid: and that the said Bond be put into the hands of the Right Honourable the Lord Lovelace, the Said payment may be made to his Lordship, for her Majesty's Use at New York.

2^{dy} He desires that Her Majesty would be pleased to give him the Transportation of 16 Servants, which he proposes may be done at five pounds P head in the Ship that is to carry over the Lutherans and the Recruits to New York, and without which Servants he cannot proceed upon the Pot Ash Work. He pro-

poses the first Year to make 20 Tun of Pot-ashes, The next Year fifty, And doubts not but after he shall be well settled, to make Annually a much greater quantity and will make it as good, and sell it as Cheap as what we have from foreign Countries.

Lastly. He proposes for his further Encouragement, and for the better Enabling him to carry on the said Work, that He may have a Patent for 14 Years for making Salt in West Jersey, Exclusive of all others in America; Without which he shall not be able so Effectually to carry on the said Work; for the Wood burnt in making of Salt. will afford him considerable quantity of Ashes, And the Salt will Supply him with Effects for carrying on the pott-ash work; But their Lordships having objected to him, that the making of Salt in America is not a mere Invention, and therefore does not Entitle him to the Benefit of the Statute of the 21st of King James the first, Chap: 3rd He said that he did not doubt to procure Certificates from all the General Assemblies there, of their Concurrence with his desire of having Such a Patent; and that he hoped that when he had transmitted over such Certificates, which he promised to do. after his Arival there, Her Majesty would be graciously pleased to grant his request.

Upon the Whole, their Lordships are of Opinion That Pot-Ashes being a Commodity so absolutely necessary here, The Setting up of Pot Ash Works in the Plantations. will be of very great advantage to this Kingdom. Besides the particular advantage it will be to Her Majesty in Her Revenue of the Custom's; And therefore such a Work ought to be Incourag'd and promoted as much as may be; for the returns for the American Pott-Ashes will be made in the Woolen and

¹ There is no information as to Mr. Keble's success, but in July, 1729, the merchants of London asked that the manufacture of both Pot and Pearl Ashes might be encouraged in the plantations, and some interesting documents referring thereto will be found in the succeeding volume.—Ed.

other Manufactures of this Kingdom; whereas at present all the Pott Ashes we have from the Czar of Muscovy's Dominions, are paid for two thirds in money and but one third in Goods, which is a great disadvantage in Our Trade. For which Reasons their Lordships think it will be for the benefit or this Kingdom, that Her Majesty be pleased to give the said Keble Credit for two Hundred pounds upon Security, for repaying the said Sum in the manner aforesaid, he being disabled in his fortune, by reason that his last Cargo of Pott: Ash intended to be imported here, was taken by the French Their Lordships further offer that her Majesty be pleased to allow him the Transportation of 16 Servants at 5£ P head, As proposed.

As for his Patent of making Salt, Their Lordships have nothing to offer upon that head, till they shall receive from him the Certificates he has promised to send. I am S^r Your mostHumble Servant

Whitehall

W^m POPPLE

July: 15th 1708.

Order of Council restoring Lewis Morris to the Council of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. 1, C. 51.]

Order of Council upon the Letter to y^e E. of Sunderland of the 1st of July 1708, relating to M^r Morris's being restored to his Place in the Council of New Jersey.

At the Court of Kensington the 18th August
1708.

PRESENT

THE QUEENS MOST EXCELL^t MAJESTY IN COUNCILL.

Upon reading this day at the Board a Letter from the Lords Com^{rs} of Trade and plantations to the Earle

of Sunderland Her Ma^{ty's} Principall Secretary of State in the words following Viz^t

Mem^d here y^e L^re for Constituting Lewis Morris of the Councill of New Jersey instead of John Harrison, was inserted at large.

Her Majesty in Councill approving what is above proposed is thereupon pleased to Order that the Right Honourable the Earle of Sunderland One of Her Ma^{ty's} Principall Secretarys of State doe Cause to be prepared what is necessary for the signification of Her Ma^{ty's} pleasure herein accordingly.

CHAS: MUSGRAVE

Account of Her Majesty's Revenues and Fines from December, 1704, to December, 1708.

[From P. R. O. B. T. New Jersey, Vol. 1, C. 84.]

A General State of the Account of Her Majesties Revenue on y^e Province of New Jersey from y^e 13th Day of X^{ber} 1704, That y^e same was Settled for Two years by Act of Assembly, to y^e 13th X^{ber} 1706, That y^e same expired¹

The Province of New Jersey was to Pay to Her Majesty.

In y^e X^{ber} 1704 to y^e 13 X^{ber} 1705..... £2000

The Several Counties here under named were to pay:

1705.

Bergen County.....	123	13	3	3
Essex County.....	319	15		
Middlesex County.....	283	9	7	

¹ Transmitted by Mr. Cockeril to the Earl of Stamford.

Somerset County.....	50	8	4	2
Monmouth County.....	310	12		
Cape May County.....	63	11	4	
Salem County.....	292	18	7	
Glocester County.....	153	16		
Burlington County.....	414	9	2	
				2012 13 2 3

1706.

Bergin County.....	113	17	9	
Essex County.....	334	4	5	2
Middlesex County.....	258	15	8	
Somerset County.....	78	18	6	
Monmouth County.....	322	8	3	
Cape May County.....	65	4	6	
Salem County.....	215		6	
Glocester County.....	164	9		
Burlington County.....	406	10	7	3
				2020 9 3 1
				£4033 2 6

The said Counties have paid to ye Receiver General:

1705.

By Andries Lawrence of Bergin....	122	5	3	
By Theophilus Pierson of Essex....	314	14	6	
By Thomas Pike of Middlesex....	274	12	6	
By John Harrison of Somerset....	50	8	6	
By Ben Burden of Monmouth....	310	12		
By John Hand of Cape May.....	61	16	4	
By Tho. Thompson of Salem.....	286	5	9	3
By Will. Warner of Glocester.....	127	2	4	2
By Nathl Westland of Burlington..	400			
				1951 17 3 1

1706.

By Andries Lawrence of Bergin....	113	17	9	
By Theophilus Pierson of Essex....	335	4	5	2
By Thomas Pike of Middlesex....	188	19	3	

By John Harrison of Somerset.....	78	18	6
By Ben: Burden of Monmouth.....	322	8	3
By John Hand of Cape May.....	54	14	1 2
By Tho. Thompson of Salem.....	275	12	9
By Will. Warner of Gloucester.....	170	1	6
By Nath ^l Westland of Burlington..	402	14	9
	<hr/>		
		1942	11 4
		<hr/>	
		3394	8

Her Majesty was to pay to her officers in s^d Province:

1705.

To His Ex ^{ty} y ^e Governor.....	650
To y ^e hon ^{ble} Lieut. Governor.....	300
To y ^e Chief Justice.....	130
To y ^e Second judge.....	100
To y ^e Attorney General.....	100
To y ^e Secretary for Salary....	30
To d ^e as Clark of y ^e Council....	50
To d ^e for contingencies.....	20 100
To y ^e Clark of y ^e Assembly....	50
To d ^e for contingencies.....	20 70
To y ^e Printer.....	50
To y ^e Governor Houses Rent &c..	180
To y ^e Receiver General.....	260
To y ^e Door Keeper of y ^e Council..	30
To y ^e Doorkeeper of y ^e Assembly..	30
	<hr/>
	2000

1706.

To His Excell ^y y ^e Governor.....	650
To y ^e hon ^{ble} y ^e lieut. Governor....	300
To y ^e Chief justice.....	130
To y ^e Second judge.....	100
To y ^e Attorney General.....	100
To y ^e Secretary & Clerk.....	100
To y ^e Clerk of y ^e Assembly.....	70
To y ^e Printer.....	50

To y ^e Governor's houses, &c.....	180	
To y ^e Receiver General.....	260	
To y ^e Doorkeeper of y ^e Council...	30	
To y ^e Doorkeeper of y ^e Assembly..	30	
		-----2000
		£4000
To y ^e Secretary for other contin- gencies		40 15 6
To May Bickley Esq ^r for extraor- dinary Services to y ^e Govern- ment		14

		£4054 15 6

*The Receiver General has paid to Her Majties s^d
Officer:*

1705.

To y ^e Governor for Salary.....	650	
To d ^o for Houses Rent &c.....	180	
To y ^e Lieut ^r Governor.....	300	
To y ^e Chief justice advanced.....	130	
To y ^e second judge advanced.....	100	
To y ^e Attorney Gen ^l advanced.....	66	
To y ^e Secretary & Clerk.....	88	10
To y ^e Clark of y ^e Assembly.....	51	18
To y ^e Printer advanced.....	24	
To y ^e Receiver General.....	260	
		-----1850 8

1706.

To y ^e Governor for Salary	650	
To D ^o for Houses Rent &c.....	180	
To D ^o advanced on Ditto.....	61	9 1
To y ^e Lieut ^r Governor.....	300	
To y ^e Chief justice.....	140	
To y ^e second judge.....	100	
To y ^e Attorney General.....	89	4 2 3
To y ^e Secretary and Clerk.....	152	5 6

To y ^e Clerk of y ^e Assembly.....	58	1	9
To y ^e Printer.....	18		
To y ^e Receiver General.....	260		
To May Bickley Esq ^r	14		
To			
	—————2050 19 3		
The Whole Summe Paid is.....	£3901	7	3
and the Summe Received was.....	3894	8	7 1

The Receiver General therefore Paid more
then he Received..... 6 18 5 2

Memorandum y^t on y^e £89 4 2 3 Past here above on M^r
Attorney General's acco^t there is a Vote of £25. Philadelph^y
Money, makin here £22 4 5 2 accepted, but not yet Paid.

There Remains yet Due to said Officers:

1705.

To y ^e Attorney Gen ^l on warr ^t	14		
To d ^e without warrant.....	20		
To y ^e Secretary & Clark.....	11	10	
To y ^e Clark of y ^e Assembly.....	18	2	
To y ^e Printer.....	26		
To y ^e Doorkeeper to y ^e Council...	30		
To y ^e Doorkeeper to y ^e Assembly..	30		
To y ^e sum ^e Due being.....	————— 149 12		
adding y ^e sum ^e Paid being..	1850	8	
you'll have.....	————— 2000		

1706.

To y ^e Attorney General.....	44	15	9 1
To y ^e Clark of y ^e Assembly.....	30	2	
To y ^e Printer.....	58		
To y ^e Doorkeeper to y ^e Council...	60		
To y ^e Doorkeeper to y ^e Assembly..	60		
To y ^e sum ^e Due being.....	————— 252 16		
Adding y ^e sum ^e Paid being..	3901	7	3
you'll have.....	————— £4154 3 1		

Out of which Deducting w ^t ad- vanced being To y ^e Governor.	61	9	1
To y ^e Lieu ^t Governor.....	37	18	6
	<hr/>		
You'll have then.....	4054	15	6

being y^e Sum^e y^e Necessary Charges amounted unto.

General Accompt. of Fines in New Jersey.

1708.

DEBTOR.

December 28 To Peter Fauconnier for Travel- ing Charges of Him His Man & 2 Horses from y ^e 12 th of 9 ^{br} to y ^e 28 x ^{br} 1708, being 46 Days y ^t He spent going, by absolut orders of the Governm ^t thro' Burlington, Glocester & Salem Counties, about the Militia Fines, at 20 Shelings a Day, on which He has Received y ^e £29 3 8 on y ^e other side and there- fore there Remains still Due to Him £16 16 4 to make up said	}	46
--	---	----

General Accompt. of Fines in New Jersey.

1706.

CREDITOR.

Novemb. 5. By His Excellency My Lord Cornbury for 33 Sheep Delivered Him Cap ⁿ William Dare at Burlington & sold to M ^r Henry Malows by his Lordship for £12 Phil- adelphia Money w ^{ch} at £12½ per cent Differ- ence makes.....	10	13	4
---	----	----	---

May	1. By ditto for one Sheep put on Board of His Lordships sloop by s ^d Dare at Salem -----	15		
	My Lord Cornbury is therefore still Debtor to said acco ^t of Fines, for-----		11	8 4
	D. By Cash Received of s ^d Will. Dare for 2 Sheep by Him sold at Salem for £1 12 10 Philadelphia Money being-----	1 9 2		
Novemb. 5.	By D ^o Received of s ^d Will. Dare in £12 Philadelphia Money-----	10 13 4		
1708 Feb ^y . 25	By D ^o Received of y ^e Late Sherif of Monmouth County Daniel Hendrickse.-----	6		
X ^{ber}	2. By D ^o Received of Cap ⁿ Peter Long in £7 9 goods Philadelphia Money.-----	6 12 4		
	By D ^o Received of Cap ⁿ David Straughen of Salem in £5 Philadelphia Money-----	4 8 10		
			29	3 8
			<hr/>	
			£40 12	

I certifie These to be True accompts witness my Hand.

FAUCONNIER.

*Report of Mr. P. Fauconnier on papers retained by
Lord Cornbury.*

[From P. R. O. B. T., New Jersey, Vol. 1, C. 83, 84.]

Accompt of Several Publick Papers yet in the
Lord Cornbury's hands February 1709
transmitted by m^r Cockerill to the Earl of
Stamford.

May it Please your Excellency

According to what I doe conceive to be my duty in
Respect to the office I have the Honor to Beare under
Your Lordship in New Jersey; First I Lay Before your
Excellency in a Sheet of Paper, the whole State of Her
Majesties accompt of Revenue, and Fines, in Said
Province, to y^e 13th day of X^{ber} 1706, that the Same
expired, Since which all Salaries according to y^e ac-
count and Establishment hereunto annexed, are owing
and growing Due; and then I'll Beg leave to acquaint
Your Excellency, that there are Several Papers and
Original acts of Government, concerning both the
Lords Propriators and Her Majesties Interest in that
Province, w^{ch} are yet in My Lord Cornbury's hands, &
w^{ch} I suppose the Trouble of mind He Lays under, has
made Him forget to Deliver to your Excellency, that
having an account thereof before you in writing, you
may the better take what measures you'll think most
proper in Relation thereunto;

1^t Among other Papers, there are Several Bundles
of Proceedings of the Governors & Council, and of the
Courts during the time of the Propriatory Govern-
ment, Delivered Him for His Perusal by M^r Huddy
while Secretary.

2^{ly} Two original wills, one of Briget Guy, & y^e other of Thomassin Fowle, in Both w^{ch} are considerable Legacies left to the Quakers Meeting: wether y^e Same be Devolved to y^e Crown, The Said Meeting being not a Body corporat, and therefore not capable of Inheriting (as His Lordship thought when He took them in His hands) or noe, is what I humbly Leave to your Excellencies Determination.

3^{ly} The original Acts of Assembly for Indian Purchasses, and the ordinances for Fees, and for Establishing of Courts.

4^{ly} A Bond of £200. Philadelphia money from one Richard Robins to one Samuel Hunter, Whereupon there is neer Five years Interest Due, and ready to be Paid when the Bond appears, said Robins being good and able to Pay (as I am Informed) the said Bond belongs to Her Majesty, the Estate of said Hunter having been legally forfeited to Her Majesty after His Escape, He being arraigned wth one Mary Taylor, for Poysoning Her Husband.

5^{ly} Several Escheats and Forfeitures not yet wholly Determined. (viz^t)

The Papers relating to 50. acres of Land near Moores, & 200. acres at Maniton near Salem, y^t Capⁿ Daves lives upon, belonging to y^e Estate of john Woodrof Deceased intested, without any Heir y^t has yet appeared.

6^{ly} The Executions ag^t Henry Slouby for Piracy, & Peter Blackfields and Hedge for Entring Security for Him, Their Estates w^{ch} are prety considerable, falling to ruine for wants of being carefully lookt after.

7^{ly} Several other Such Public Papers y^e Nature whereof I'll acquaint yo^r Ex^{cy} wth as y^e Same comes to my Knowledge, as I shall likewise allways be ready to communicat to Yo^r Lordship, without all manner of Privat affection, Prejudice, and Partiality, what some

years Experience and observations, has made me capable to Know of, or relating to, any Publik matters and Transactions, when ever Your Excellency shall think fitt to Lay your commands on me; I thinking my Self wholly obliged to Serve yo^r Ex^{cy} in This and all other Respects, with zeale and Sincerity, not only by the Duty of my office, but above all by reason of my liberty, which I acknowledge I oweth entirely to your Excellency. I Reckoning my Self Free from a Kind of of Slavery, that y^e Interest of my Family made me Submit unto, and in a condition to Demand my owne, so long and so unjustly detained, but from the happy Day of your Lordship's arrival into This Province. These are the Thoughts and y^e real Disposition of mind of

May it Please your Excellency your Lordships
Most Duty full & most obedient Humble Servant
P. FAUCONNIER

New York February y^e 8th 1708.

Letter from Lord Lovelace, Governor of New Jersey, to the Lords of Trade.

Letter from the L^d Lovelace Governor of New Jersey,¹ Rece'd 25th May 1709

My Lords.

I am come hither to hold an assembly, which Met Yesterday and chose M^r Thomas Gordon Speaker. I have given orders for y^e proper Officers to transcribe fair acc^{ts} of the Minutes of the Councill, and assembly, that were holden both here and at New York. The Lists of the Ships Entred and Cleared, and the

¹ Lord Lovelace arrived at New York, December 18th, 1708, after a passage of nine weeks and odd days." N. Y. Col. Docts, Vol. V., page 67. He summoned the New Jersey Council to meet him at Bergen, December 20th. See Smith's New Jersey, p 355.—Ed.

Accounts of the Revenue during my Lord Cornbury's, time there is Also preparing now an Acc^t of The Remains of the Stores of War at New York, and Albany, I know not how Soon they can be got Ready, But I shall send y^r Lo^{ps} Quarterly, or half Yearly accounts of these things during my Continuance here. Y^r Lo^{ps} directions relating to the accounts of the Numbers of the Negroes imported from Africa for Severall years past I am afraid Cannot be Complied with, but I will endeav^r in all things to follow My Instructions, and give y^r Lop^s from time to time an account of my Proceedings.

I take the Liberty to add that M^r Mompesson having heard Since my arrival that two Gentlemen in England are putting in for his office of Chief Justice, hath desired me to Remind Y^r Lop^s of a Letter which Y^r Lo^{ps} Sent to my Lord Cornbury an Extract of Part whereof is Inclosed, and thinking from thence himself Secure in his Employment hath therefore made no application to England to be Confirmd Nor begg^d the Favour of Y^r Lop^s Reccommendation to the Queen, on his behalf

I am My Lords

Your Lordships most
obedient humble Servant

LOVELACE

Perth Amboy
March y^e 4th 1708

*Documents connected with the Proceedings of the
Council and Assembly of New Jersey, March and
April, 1709*

[From P. R. O. B. T. New Jersey, Vol. 1, C. 81.]

The Lord Lovelace, his Speech to Y^e assembly
of New-Jersey: The Councils address to

Her Majesty, and Several other addresses from the Council, the Representatives &c^d to the Lord Lovelace.¹

HIS EXCELLENCY

John Lord Lovelace, Baron of Hurley, Capt. General and Governour in Chief of the Province of Nova Cæsarea or New Jersey, New York and Territories depending thereon in America and Vice-Admiral of the same.

HIS SPEECH

To the General Assembly of New Jersey, conven'd at Amboy the 4th day of March 1708 [1708-9]

Gentlemen;

I am very sensible of the great Difficulties that do attend this honorable Employment in which her Majesty hath been pleased to place me, the Government of this Province; but I hope you will never fail to assist me to serve the Queen and her People here.

Her Majesty hath shewn in the whole course of her Reign, a Reign glorious beyond Example, how much she aims at the good and prosperity of her People. She hath, with indefatigable pains, united her two kingdoms of England and Scotland, and she continues the same application to unite the Minds of all her Subjects. This is her great care, and ought to be that of those whom she deposes to govern those distant Provinces, which are not so happy by their Situation to be under her more immediate Government.

I cannot set before me a better Pattern; I shall endeavour therefore to recommend myself to you by following (as far as I am able) her Example.

I perswade myself, I shall not give you any just

¹ Reced: 14 November 1709. Transmitted by Mr. Cockeril to the Earl of Stamford.

cause to be uneasie under my Administration; and I hope you will not be uneasie with one another. Let past Differences and Animosities be buried in Oblivion, and let us all seek the Peace and Welfare of our Country.

Her Majesty would not be burthensom to her People, but there being an absolute necessity that the Government be supported I am directed to recommend that matter to your Consideration. You know best what the Province can conveniently raise for its support, and the easiest Methods of raising it.

There is another thing also will require your Consideration, the making of a Law for the putting the Militia upon some better foot than it is at present, with as much ease to the People as possible.

I shall only add, That I shall be always ready to give my assent to whatever Laws you shall find necessary for promoting Religion and Vertue, for the encouragement of Trade and Industry, for the discouragement of Vice and Profaneness, and for any other matter or thing relating to the good of the Province.

To his Excellency John Lord Lovelace, Capt.
General & Governor in Chief of the Province of New-Jersey, &c.

The Humble address of the General assembly
of New-Jersey.

May it please your Excellency;

We esteem it our great happiness that her Majesty has placed a person of so much Temper and Modera-

tion over us, and make no question your Excellency will surmount every Difficulty with Honour and Safety.

Her Majesty's Reign will make a bright Leaf in History; and as 'tis the advantage of the present, so 'twill be the admiration of future ages, not more for her Success abroad than her Prudence at home; and tho' our distance has, and may sometimes be disadvantageous to us, yet we experience the Effect of her Princely Care, in putting an end to the worst administration New-Jersey ever new, by sending your Excellency, whose administration must always be easie to her Majesties Subjects here, and Satisfactory to your self, whilst you follow so great and so good an Example. ✓

We have no Annimosities with one another, but firmly agree to do our Selves and Country Justice; and perswade our selves, none that deserve publick Censure, will have share in your Excellency's esteem, but that we shall meet with a hearty Concurrence from you in all those measure that conduce to our Peace and Satisfaction.

We shall contribute to the Support of her Majestys Government to the utmost of our abilities, and most willingly so at a time when [we] are free'd from Bondage and arbitrary Incroachments; and are very much satisfied that Vice and Immorality will meet with a different Treatment from what it did, and not receive the publick Countenance and Approbation.

We do assure your Excellency, all your reasonable Desires shall be Commands to us, and that we will study to make your Excellency's administration as easie and happy as we can to your Excellency and our selves.

March 8, 1709.

Several Members of this House being of the People called Quakers do approve of the matter and substance above-written, but make some exceptions as to the stile.

House of Representatives, March 9, 1709.

May it please your Excellency;

This House being credibly informed, that an address was sent to her Majesty by the Lieut. Governour and Council, in the year 1707, a Copy of which this House has hitherto, in vain, endeavoured to obtain, This House therefore humbly prays, That your Excellency would be pleased to take such measures as your Excellency shall think fit, that a Copy of said address may be laid before the House.

— —

[The address asked for in the preceding message.]

To the Queens Most Excellent Majesty.

The Humble Address of the Lieut. Governour and Council of Nova Cæsarea or New Jersey in America.

May it please your Majesty,

We, the Lieut. Governour and Council of Your Majestys Province of Nova Cæsarea or New-Jersey having seriously and deliberately taken into our Consideration the Proceedings of the Present assembly or Representative Body of this Province, thought our selves bound, both in Duty and Conscience, to testifie to your Majesty our Dislike and Aborrence of the same, being very sensible, that the unaccountable Humours and pernicious Designs of some particular men have put them upon so many Irregularities, with intention to occasion only Diversions and Distractions, to the disturbance of the great and weighty affairs which both your Majesty's Honour and Dignity, as well as the Peace and Welfare of the Country required. Their high Ineroachments upon your Majesty's Prerogative Royal, Notorious Vio-

lations of the Rights and Liberties of the Subjects, manifest Interruptions of Justice, and most unmanly Treatment of his Excellency the Lord Cornbury, would have induced us sooner to have discharged our Duty to your Majesty, in giving a full Representation of the unhappy Circumstances of this Your Majesty's Province and Government had we not been in hopes that his Excellency the Lord Cornbury's full and ample answer to a most scandalous Libel, called The Remonstrance of the Assembly of Nova Cæsarea or New-Jersey, which was delivered to the Governour by the assembly at Burlington in May last, would have opened the Eyes of the assembly, and brought them back to their Reason and Duty; but finding that those few turbulent and uneasy Spirits in that Assembly have still been able to influence and amuse the Judgment of many well meaning men in that Body, as appears by another late Scandalous and infamous Libel, called, The Reply of the House of Representatives of the Province of New-Jersey, to an answer made by his Excellency Edward Viscount Cornbury, Governour of the said Province, to the humble Remonstrance of the aforesaid House. We are now obliged humbly to Represent to your Majesty the true Cause, and what we conceive may be the Remedy of these confusions.

The first is wholly owing to the Turbulent, Factionous, Uneasy and Dis-loyal Principles of two Men in that assembly, M^r Lewis Morris, and Samuel Jenings a Quaker; Men notoriously known to be uneasy under all Government: Men never known to be consistent with themselves; Men to whom all the Factions and Confusions in the Governments of New-Jersey and Pennsylvania for many Years are wholly owing: Men that have had the Confidence to declare in open Council, That your Majesties Instructions to your Governours in these Provinces shall not oblige or bind them, nor will they be concluded by them, further than they

are warranted by Law; of which also they will be the Judges; and this is done by them, (as we have all the reason in the world to believe) to encourage not only this Government, but also the rest of your Governments in America to throw off your Majesties Royal Prerogative, and consequently to involve all your Dominions in this part of the World, and the honest good and well meaning People in them, in Confusion, hoping thereby to obtain their wicked Purposes.

The remedy for all these Evils, we most humbly propose, is, That your Majesty will most graciously please to Discountenance those wicked designing Men, and shew some Dislike of this assembly's Proceedings, who are resolved neither to Support this your Majesty's Government by a Revenue, nor take to Defend it by settling a Militia.

This last Libil, called, the Reply, &c. came out so suddenly, that as yet we have not had time to answer it in all its Particulars, but do assure your Majesty, That it is for the most part false in Fact; and that part of it which carries any face of Truth, they have been malicious and unjust in not mentioning the whole Truth, which would have fully justified my Lord Cornbury's just Conduct.

Thus having discharged this part of our Duty, which we thought at present Incumbent upon us, we beg leave to assure your Majesty, That when-ever we shall see the People of this Province labour under any thing like a Grievance, we shall, according to our Duty, immediately apply to the Governour with our best advice, for the redress of it; and we have no reason yet to doubt of a ready Compliance in him. We shall not be particular in, but crave leave to refer to his Excellency's Representation of them to the Right honourable the Lords Commissioners for Trade and Plantations.

The strenuous asserting of your Majesty's Prerogative Royal, and vindicating of the Honour of your

Governor, the Lord Cornbury, will, in our humble Opinion be so absolutely necessary at this juncture, that without your so doing, your Majesty will find your self deceived either in expectation of a Revenue for Support of the Government, or Militia for its Defence.

In hopes your Majesty will take these important things into your Consideration, and his Excellency the Lord Cornbury with all the Members of your Majesty's Council, into your Royal Favour and Protection. We shall conclude with our most fervent Prayers to the most High to lengthen Your Days and increase your Glories; and that our Selves in particular, and all others in general who reap the benefit of your Majesties most gentle and happy Government, may be, and ever continue the most Loyal and Dutiful of Subjects to the most Glorious and best of Queens.

ROBT. QUARRY, THOMAS REVELL. RICH. INGOLDESBY.
 DANIEL LEEDS, WILLIAM PINHORNE.
 WILLIAM SANDFORD, DANIEL COX, R. MOMPESSEX.
 RICHARD TOWNLEY.

House of Representatives, March 14, 1708 [1708-9]

May it please your Excellency;

This House renders their humble and hearty Thanks to your Lordship for favouring us with a Copy of that Paper, called, The Address of the Lieut Governour and Council of New-Jersey, to her Majesty, which we conceive rather to be an Impeachment, and lays the House under a necessity humbly to address your Excellency, That you will be pleased to desire the Lieut. Governour, and all those Gentlemen that signed the said Address, to attend your Excellency at such time

as you Think fit to appoint, to prove their Allegations contain'd in said Address, and that this House may have leave to be present, that Her Majesties dutiful Subjects of this province may have an opportunity of making their just Defence to clear themselves from such Imputations.

To his Excellency John Lord Lovelace, Capt.
General & Governor in Chief of the Province of New-Jersey, &c.

The Humble Address of the General Assembly of New-Jersey.

May it please your Excellency;

We have now a considerable time waited in expectation that the Gentlemen of the Council would have laid before your Excellency something in Justification of the Address they sent to the Queen; it is what (if they have any value for their Reputations) they are obliged to doe; but their Neglect of it, after the time set them, looks as if they Studied to avoid coming to the Test.

We cannot suppose them unprovided, having (as they say) seriously and deliberately taken into Consideration what they thought themselves bound in Conscience and duty, to testifie their dislike of, to her Majesty; and having now had so long time to collect what Proofs they are able, which if they decline to do, we hope your Excellency will take it for granted, that what they have writ is not true, but that the Conscience of their own Guilt, makes them shun that tryal, which is so necessary to enable your Excellency to set the Differences between us, in a true light, before her Majesty.

We have drawn out the several Articles in that

Address, which amount to about sixteen; and what ever pretences they may make to Temper and good Manners we presume they won't offer this Address as an Instance of either: if they do, we must confess our selves so unfortunate as to entertain different sentiments of it; but of that enough; the Articles are,

“ I. That they had Seriously and Deliberately taken
“ into Consideration the Proceedings of the present
“ Assembly, or Representative Body of this Province,
“ and that they were in Duty and Conscience bound to
“ testify their dislike and abhorrance of the same to the
“ Queen.

II. “ That the unaccountable Humours and pemi-
“ tious Designs of some perticular men have put them
“ upon so many Irregularities, with Intention only to
“ occasion Divertions and Distractions, to the Disturb-
“ ance of the great and weighty Affairs which her
“ Majesties Honour and Dignity, and the Peace and
“ Wellfare of the Country required.

III. “ That we had highly ineroach't upon her
“ Majesties Prerogative Royal.

IV. “ That we had notoriously violated the rights
“ and Liberties of the Subjects.

V. “ That we had manifestly interrupted Justice.

VI. “ That the Remonstrance was a most Scandal-
“ ous Libel.

VII. “ That the Lord Cornbury made a full and
“ ample answer to it.

VIII. “ That the reply of the House of Representa-
“ tives of the Province of New-Jersey was a scandalous
“ and Infamous Libel.

IX. “ That these disturbances are owing wholly to
“ Lewis Morris and Samuel Jennings, Men of turbu-
“ lent, factious, uneasy and disloyal Principles; Men
“ notoriously known to be uneasy under all Govern-
“ ment, and Men never known to be consistent with
“ themselves.

X. "That to those Men are owing all the Factions
 "and Confusions in the Governments of New-Jersey
 "and Pennsylvania.

XI. "That this is done with design to throw off the
 "Queens Prerogative Royal and consequently to
 "involve all her Majesties Dominions in this part of
 "of the world, and the honest, good and well meaning
 "men in them, in Confusion, hoping thereby to obtain
 "their wicked purposes.

XII. "That the Assembly are Resolved neither to
 "Support the Queens Government with a Revenue,
 "nor Defend it by settling a Militia.

XIII. "That the Reply (which they again call a
 "Libel.) came out so suddenly, that they had not time
 "to answer it in all its particulars.

XIV. "They assure her Majesty, 'tis for the most
 "part false in fact.

XV. "That where it has any face of Truth, we have
 "been Malicious and unjust in not mentioning the
 "whole Truth.

XVI. "That when-ever the People labour'd under
 "any Grievance, they would, according to their Duty,
 "apply to the Governour with their best advice.

Your Excellency must needs think, here are but too many Temptations to Resentment, and would justify our Treatment of the Authors with a Suitable Warmth, to find this House accused so unjustly, and with so peculiar a Virulence, cannot be very grateful to us. But when we consider that the whole design of this Address was an endeavour to render Assemblies altogether Useless, to lodge the whole Legislature in Edward Viscount Cornbury, and a few unhappy Men (for so we must call them) who were fond of being the Ministers of his Arbitrary Pleasure. And to obtain this end, no less an Accusation was used, than that we designed to throw off her Majestys Prerogative Royal. Its not unreasonable to suppose: that those

who used the thing beyond its largest acceptation, did not use the word in its most restrained sence; We say, its no wonder that at such an Accusation as this we appear in some measure concern'd, and tell your Excellency. It is what we abhor and detest from the bottom of our hearts: That we think our selves happy under her Majesties Government: and hope, we have given you Demonstration that what we say is true. No Resentment that we might justly have to the Lieut. Governour has hindered us from paying an Honour to the Queens Commission, by giving him Two hundred Pounds for this year; tho' we take leave to inform your Excellency, 'tis not his own Merits, nor any hopes we have of his future Conduct that induces us to it, but purely in honour to the Commission (as we said before) Nay, more, it is an Office to us altogether useless, and a Charge we cannot bear. And we beg leave further to inform your Excellency, That tho' we have given one hundred Pounds, for a year, to a chief Justice, yet we never did intend, that either Roger Mompesson, Esq; or any of the Signers of that Address, should receive any benefit by that Sallary appointed for the Office of Chief Justice, but pray, That your Excellency would be pleased to remove the said Roger Mompesson, Esq; from the said office of Chief Justice, we having too great reason to fear, that her Majesties Subjects cannot be safe in their Properties, so long as a Person that has so falsly represented her Majesties good Subjects to our Gracious Sovereign, executes that Office. We also humbly submit it to your Excellency's Consideration how fit it will be for her Majesty's Service and Peace and Welfare of this Province, to continue any of the Signers of the above-mentioned Mis-representation to her Majesty, in her Council, or any other office of Trust or Profit in this Government.

We conclude by acquainting your Excellency, That

we have address her Majesty, and beg leave to recommend it to your Excellency's care, and hope that you may always, as you do now, give us reason to pray for your Health and long continuance among us.

March 31 1709

By Order of the House,

THOMAS GORDON, Speaker.

Several Members of this House being of the People called Quakers, do approve of the matter and substance above written, but make some exceptions as to the stile.

To his Excellency John Lord Lovelace, Baron
of Hurley &c.

The Humble address of the Lieut-Governour
&c.

May it please your Excellency;

Your Excellency having been pleased to communicate to the Gentlemen of the Council an address from the present House of Representatives, in relation to a Paper, called, The Copy of an address signed by the Lieut-Governor and Council of New Jersey, to her Majesty. We desired time till the rest of the Gentlemen, who are charged with signing this Address, can have time to appear to give answer to your Excellency; whereupon the Clerk of the Council was ordered to write to the several Gentlemen of the Council, to attend in their respective Stations in eight Days; which time being expired, We whose names are here asserted in the Copy as having Signed thereto, altho' we believe there are some Mistakes in transcribing, and tho' some of the Gentlemen, said to have signed the same, are not here, yet we in behalf of our Selves, with all Humility and Submission, presume to offer this as our answer:

That in the Station her Majesty hath been pleased to place us, We have endeavoured to discharge a Con-

science in the faithful Execution of our Trust, and by the Oaths that we have each of us taken, have sworn, That we shall not know or hear anything that may be prejudicial to the Common-wealth, Peace or Quiet of her Majestys Realm, or this Province, but that we shall, with all diligence Reveal and Declare the same to her Majesty, &c. Whereupon being sensible how prejudicial the Proceedings of some certain Persons were to her Majesty's Interest, and the Peace and quiet of this her Majesty's Province, we thought it our Duty to represent the same to her Majesty, And your Excellency having been pleased to communicate to us her Majestys Commands, signified in a Letter from my Lord Sunderland, That upon your Excellency's arrival here you enquire into the matter of Fact, and send him an account thereof, as it shall appear to your Excellency, that he may lay the same before the Queen. In order to enable your Excellency to return an Answer thereto, we shall produce such Proofs and Instances, as, we presume, will justify us in her Majesties Opinion, for the Advice we have thought it our Duty to offer: but the same being a matter that will necessarily take up some time in getting Copies of the Records of several Counties, and taking the Evidences of several Witnesses, disperst at great distances in the Province, must crave a convenient time to be allowed by your Excellency for our so doing.

RICH. TOWNLEY,	RICH. INGOLDESBY,
ROB. QUARRY,	WILLIAM PINHORNE,
DANIEL COX,	WILLIAM SANDEFORD,

At the same time Mr. Mompesson delivered his answer in the words following, viz.

May it please your Excellency:

The address being tender'd unto me as an act of the Lieut. Governour and Council, and signed by all the Gentlemen, before brought unto me: upon considera-

tion of the Lord Audley's case mentioned in Hutton's reports where the Ld Chief Justice's Opinion was different from the other Judges, yet his was involved in theirs, and reported to the Lords on that Tryal, as the Opinion of all the Judges: On the Citation of that Case, and the like, the House of Commons were of Opinion, that when seven Commissioners were appointed to inspect into the forfeited Estates in Ireland, when four had sign'd the Report, the other three ought to have sign'd it, and were censur'd for not signing tho' contrary to their Opinions. 'Tis likewise taken notice of in the Ld. Strafford's Tryal, fo. 231 & 232. That the usual method in the Privy Council of Ireland, is, That if an Order were made on a Council day, when it was drawn out fair, it was afterwards signed by the other of the Council, tho' absent at the time when making the Order, or altho' they gave their dissent to it, when present at the making. The method likewise at New-York has been, that when a reference has been made unto three of Her Majesty's Council there, to make their Report thereon, if in such case two have been of One Opinion, and the third of another, yet all have signed the Report, and it has been there look't upon as regular. & requisite to be done. On these and other Considerations of the like nature, I signed the address before-mentioned without examining into the particulars thereof.

ROGER MOMPESSEX.

To His Excellency John Lord Lovelace, Capt.
General & Governour in Chief of the Province of New Jersey, &c.

The humble Address of the Representatives of
her Majestys Province of N. Jersey.

May it please Your Excellency:

W^h the Representatives of this her Majestys Prov-

ince of New Jersey having examined into the truth of several Complaints made against Peter Sommans, Esq; one of her Majesty's Council for this Province, do find, that the said Sommans has illegally used the Power he is cloathed with, to the great hurt of several of her Majesty's Subjects, and, if tolerated, will be of evil example, and render their Liberties and Properties precarious, and at the disposal of every Magistrate, who will make his will, and not the Law, the Rule of his Actions.

We are heartily sorry that that Gentleman, who has the honour be of her Majesty's Council, and does not want sufficient Abilities for her Service, should by his imprudent Conduct lay us under a necessity of so publick a Complaint against him; but we cannot be so much wanting to the Country we represent, as to be silent in a case that so justly requires our Consideration, and perswade ourselves, Your Excellency will not protect him in the breach of the Laws, and abuse of her Majesties Subjects; but on the contrary, think it for the honor of the Queen to punish a Person who uses her Authority so contrary to the end for which it was confer'd on him. Tho' we have but too much reason to believe those Arbitrary measures with which the late Administration under the Ld. Cornbury, so much abounded, were very much owing to his Councils, he being one of the Persons on whose advice his Lordship very much rely'd, yet we shall not insist on any thing that may look like Conjecture, but take care to inform your Excellency,

That in the first place, he advised and procured the arresting of Mr John Barclay on Whitsunday last, coming out of the Church from the Sacrament, which is a manifest breach of the Peace, and contrary to the Laws in that case made and provided, and must tend to the discouragement of Religion, and the Publick worship of God, if Persons can't be secure at the Altar in the most Solemn Acts of Worship.

2dly, He took from one John Brown his Horse, without assigning him any Reason for it, and detains him to this Day. And some time after the poor Man had commenced an Action against him, to recover, if possible his Beast unjustly detain'd from him one Reeves complain'd against one Mellin, a Taylor (who had some time before us'd some expressions against some of M^r Sonmans Friends) for detaining a Coat of the said Reeve's, which M^r Sonmans was pleas'd to call Fellony; and was going to commit the said Mellin for Fellony, tho' Mellin prov'd, and Reeves afterward confest, that Mellin only detain'd the Coat he had made, till Reeves should pay him for making of it. Mellin finding there was no contending against absolute Power, found a way to escape from Sonmans and was set over to Statten Island by the aforesaid Brown, who was altogether ignorant of what had happen'd: upon which Sonmans (to gratifie his Resentment)-contrary to Law committed the said Brown to Goal; and when the Sheriff had admitted him to Bail, Sonmans used many threats to him for his so doing, ordering him to take him back again, telling him, he would throw up his Commission, and go to York, and desire my Lord to send Soldiers to rule them; which Threat, and the fear of being govern'd by Martial Law, induc'd the Sheriff to take him into Custody again, and keep him in Prison till My Lord Cornbury was pleas'd to allow he might be admitted to Bail. This Procedure, as it was most unlawful and unjust, so it tended not only to render her Majesties Subjects intirely depending on my Lord Cornbury, or those he thought fit to honour with Magistracy, but to create in the Minds of the People an aversion to her Majesty's just and mild Government, when by a humor a Gentleman of the Council could Dragoon them at pleasure.

3dly, In a Case depending between the Queen and M^r Harrison, upon Information exhibited by the Attor-

ney General, he the said Sommans endeavour'd to persuade the Sheriff to pack a Jury, and accordingly gave him a List of eleven Men, all Dutch Men, and promis'd to bring them in his way, that he might be at little trouble, had this been after the Threat of Dragooning and with a man of less vertue than the present Sheriff in all probability it had taken effect, and the Gentleman had been Ruin'd.

4thly, In a Suit depending before him in the Court of Pleas, between M^r Michael van Veighty and Mr Alexander Walker, a Friend of M^r Sommans, the said Veighty had ordered M^r Tho. Gordon to take out a Writ and sign it with his the said Veighty's Name, which Veighty acknowledged in open Court, and offer'd to sign it himself; notwithstanding, he the said Sommans did not only not admit the Action to be Try'd but taxed a Bill of Cost against the said Veighty for three Pounds seven Shillings and Ten Pence, in abatement, in which Case no Cost ought to be paid, And that the Partiality and Injustice of M^r Sommans may appear more plainly to your Lordship, in the same Court another Writ sign'd in the same manner as that was met with no objection from him but was allow'd of.

5thly, The afore-mentioned Alexander Walker after beating and cutting his Wife in a miserable manner, threatened to wash his hands in the Blood of his Son-in-law, and on Sunday in the morning attempted it with an Ax. and had, in probability, murdered him, had not the suddain coming of help prevented him, upon which, application being made to M^r Sommans, to bind the said Walker to the Peace, he absolutely refused it, pretending he was immediately going out of Town on your Lordships Business, tho' he staid in Town part of the next Day.

6thly, In Contempt of the Laws in that Case made and provided, he openly Cohabits with a Scandalous

Woman, has had one Bastard by her; This is to the evil Example of her Majesties Subjects, in so publick a violation of the Laws, by a Person who ought to give a good Example, and punish that Crime in others.

7thly. He stands indicted of Perjury and Adultery, and we fear the Consciousness of other Guilts, prevailed upon him, after an unpresidented manner, to hinder the Grand Inquest from doing their Duty at the last Court; by which means, several Breaches of the Peace, Riots and Misdemeanours have escap't that notice which should be taken of such Crimes.

8thly and lastly, Whereas her Majesty has been graciously pleased to admit the People call'd Quakers to bear and share in the several Offices of this Government. M^r Sonmans has turned them out of Juries, and not admitted them to serve in those Stations in Courts of which he has been Judge: This is endeavouring to Defeat her Majesties good Intentions to her Subjects of that Perswasion, and render her Government uneasie, which is what we are satisfied She in no means designs.

Were there no more to be said against him than his being indicted for Perjury and Adultery, we humbly conceive, would justifie what we are to desire of your Lordship: A Person of that Character being a Scandal to her Majesties Council: and we believe your Excellency will think it a Reflection on the Publick Administration to continue him in that Station. We therefore pray, That your Excellency would remove him from your Presence, Her Majesties Council, and all Places of Trust and Profit in this Province.

By Order of the House,

THOMAS GORDON, Speaker.

March 18. 1708.

M^r Sonmans Address to his Excellency is as followeth.

May it please Your Excellency;

Ever since your Excellency did me the Favour of letting me see the Address of the Representatives relating to me, I have diligently applyed my self to answer the same: but having been obliged to attend your Excellency daily in Council, and the Committees of the said Council, to draw and Copy every thing relating to the said Answer my self, have not yet had sufficient time to perfect, but hope, by continual Application to finish and deliver the same to your Excellency in three or four Days.

PETER SONMANS.

April 1, 1709.

House of Representatives, March 22, 1708 [1708-9]

May it Please your Excellency;

The Representatives of this her Majestys Province of New-Jersey, have endeavoured, in vain, hitherto, to bring Peter Fauconnier, Esq; Receiver General of the last Revenue, to account; and he being now in the Province of New-York, under your Lordships Administration, obliges us Humbly to pray your Excellency to command the said Fauconnier to attend this House with his Accounts and vouchers of the said Revenue; which if he neglect or refuse to do speedily, we humbly desire your Lordship will be pleased to order his Securities Bonds to be put in Suit.

House of Representatives, April 2 1709.

May it please Your Excellency;

Though this House has an Entire Confidence in your

Excellency's Justice and Prudence, that your Excellency would dispose of the Money raised for the Support of the Government, to the Purposes designed; yet we dare not say, that we have that Confidence in these Gentlemen that are now of her Majesties Council, which is the reason we have altered the former Method, and which we pray your Excellency will please favourably to represent to her Majesty in our behalf.

By Order of the House,

THOMAS GORDON, Speaker.

Address of Lewis Morris to Lord Lovelace.

[From P. R. O. B. T. New Jersey. Vol. 1, C. 76.]

Address of Mr Lewis Morris to the Lord Lovelace to which is annexed some Verses upon his addressing alone.¹

To His Excellency John Lord Lovelace Baron of Hurley, Cap^t Generall and Governor in Chief in and over Her Majesties Provinces of New Jersey-New-York &c^a and Vice Admirall of the Same.

The Humble Address of Lewis Morris of Her Majesties Council.

May it please your Excellency

I was not here when the Gentlemen of the Council address Your Excellency, and am glad Providence has given me the Opportunity of appearing alone on this Occasion to congratulate the arrival of a Person New-Jersey has So much with impatience expected, to put a Period to an Administration, The Representative Body of this Country justly Stiles the worst it ever knew.

¹ Referred to in Mr: Dockwras Memll: Reced: 2 November 1709

And I doubt not your Conduct will be Serviceable to Her Majes^{tie} and pleasing to her Subjects, wherein those rash Methods, which caused the Infelicity of past times, will be avoided, and a just distinction made between those Persons who endeavoured to make the World believe, the most Arbitrary Acts were an asserting of the Queen's Prerogative Royall and those who are equally tender of Her Majesties Honour and the Safety of their Country, and are for preserving to both their undoubted rights.

I promise to my Self the whole course of Yo^r Administration will be like this Temperate beginning which will imbalm Your Memory, and procure You a Solid and lasting Fame when the Strained Encomiums of Mercenary Pens will only prove Satyrs on their Authors, whose hate and praise is equally contemptible.

My Poor endeavours shall never be wanting to contribute to Your Real Service, and I ask your favour and esteem no longer than while I approve my Self to be what I really am

Her Majes^{ties} Loyall Subject and
Yo^r Excell^{cies} humble & most
faithful Serv^t!

LEWIS MORRIS.

This address was delivered by M^r Morris alone on Saturday evening, which made a Poeticall Spiritt, rise in some Gentlemen who on the next morning made the following Verses thereon which were all about the Town by noon.

The First Coppy.

As Kings at their Meals sitt alone at a Table,
Not deigning to eat with the Lord or the Rabble:
So the Great-Lewis-Morris presents an address,
By himself all alone, not one else of the mess.

To show he's above all the rest of the Councill,
 As the top of the door the poor humble Groundsill;
 Don't laugh I beseech You, tho' the thing is uncommon
 And never was practised by Greek or by Roman,
 The action will make a ⁽¹⁾Bright Leaf in His-story
 And highly redound to the ⁽²⁾ President's glory.

The Second Cobby.

As Jack-puddings on Stages have different waies,
 From the rest of the Actors to meritt the Bayes,
 So Tall-Lewis-Morris o'retops all the rest
 And by playing the fool Shows his Character best;
 He addresses alone, because tis his Part
 To differ from the Councill in Manner and Heart;
 What matter though it never was heard of before,
 He has more inconsistencies still in his Store.
 Which makes him as fit for ⁽³⁾Dark-Room, and Clean Straw
 As any Dull ⁽⁴⁾ Madman that ever you Saw.

These two Setts came out within half an hour the One of the other the two Authors not having Spoke one word, the one to the other about it, nor did one know the other was about any Such thing. These verses being in every bodies mouth: Some Commending them and praising the Authors; others ridiculing them as very Silly, Dull and heavy, and perswading the assembly to take notice of it, that the Authors ought to be prosecuted as Libellers, and that the Governmen^t ought by Proclamation, or Some other way to forbid and discountenance Such things. Most agreed that M^r Morris ought to answer them, or that it would be a Reflection upon his Witt and Poetry, which having been told him in Private and afterwards Severall

¹ the meaning of a Bright Leaf in His-story; was to ridicule an expression in the address from the assembly to my Lord which Mr. Morris perswaded the assembly to put in; and he was very fond of it, vizt.: Your Majesties reign will make a Bright Leaf in History.

² the President's Glory, because he pretends to be, and calls himself President of the Councill; tho' it is an honour given by Himself to Himself.

The ³ Dark-room, Clean Straw, and ⁴ Madman need no explanac'on to Mr Dock wra, who knows the Originall of that.

times before my Lord at his Table before much Company, at last, after about three Weeks Study, the following two Setts came out viz!

The first Cobby.

If th' addressers are angry 'tis by no means unfit
That at once they discharge both their Spleen and their witt.
Since the Town is oblig'd they'll thank 'em no less
For a Scurvy Lampoon than a Fawning address;
They're both helps to discourse, and though never so mean
The world can discern 'twixt the Witt and the Spleen;
And Honest Will Bradford is not so Morose
But he'll publish their Talents in Verse and in Prose;
That the Town mayn't be wanting to render due praise
To those who So justly meritts the Bayes.

The Second Cobby.

As Ravens and Night-owls their Voices betray,
So asses are certainly known when they bray.
And Spight of the Noise and bustle they've made
Mankind will believe that a Spade is a Spade.
That Bullies and Bankrupts, and men without Store
Dull wretches that have not one Virtue or more.
The Pests of the Country, whose Practise has been
To flatter the Governor, and Lie to the Queen,
Have right to no favour in a well-govern'd State
But to Swing in an Halter, or peep through a Grate.

This abominable Stuff raised a Poetick Indignation in the Gentlemen that made the first Verses, viz! [as Kings at their Meals] who lasht the author of these two Setts in the following Verses.

Appollo sat upon Parnassus hill;
And artfull numbers measur'd at his will.
Melodious notes had vanquisht all his cares,
Distracted Jealousies and endless fears;
He thought on nothing but melodious Verse,
Which Charming Muses did by turns rehearse,
The Spheres combin'd to sooth his Heavenly Soul,
Nature Submitted to his just Controul.

But, dire misfortune! when behold from afar
A large black Cloud came flying through the Air:
And as it nearer drew in view, 'twas plain
It bore along the figure of a Man.

A Generous Anger glow'd within his Eyes
And from his breast proceeded deep-fetcht Sighs:
Alas! Great God he cri'd, what have I done
Thus to be punisht with so harsh a Doom!
That Grubstreet writers should pervert my Muse
And my Strong Fancy wretchedly abuse?
Must those Dull Mortals Bunnian, Saffold, Case
Insult me on this Scandalous Disgrace?
To You, Great God, I show a Juster Claim
Revenge my Quarrel, and assert my Fame.
The God Supriz'd, demanded who he was
And bid him tell the Meritts of his Cause:
He answer'd thus—

In fam'd Augusta's streets I am well known
My Muse allow'd the Darling of the Town:
It often strikes the tender Virgin's heart,
And ev'ry line wounds deep as Cupid's dart:
It paints the Miser, and the Spendthrift Beau,
Tea-table-Scandal, and the Cuckolds row
Nature it Self in its abrucest Part
I search into, and mend it by my art:
My name is Garth, known in Cæsarea's plain.
Though distant far from Europe's fertill main
These Doggrell Scriblers whilest from me they glean
Debauch my Witt, to gratify their Spleen.

What Nobler thought could ever Bard produce.
Or charming lines flow from a Poet's Muse!
" Asses and Owls unseen themselves betray
" When these pretend to hoot and those to bray.
There is the thought! and those the well penn'd lines!
Which into wretched Nonsense thus declines.

vizt } " As Ravens and Nightowles their Voices betray }
 } " So Asses are certainly known when they bray. }

Appollo Started at the Rumbling Noise
And thus He spake, and thus *betray'd* his Voice

You damn'd dull Mortals nere pretend to witt
Nor attempt Poetry in Nature's Spight.
Your Rhiming can't procure my Laughter
Your Brain holds Witt just as a Sieve holds water

If er'e you think of Poetizing more,
 Or are found Nimming in Parnassus Store,
 Your Jaded Fancy like a tired horse
 Shall ever fail you, when you want her most,
 Fle Shave you first, then write on Your thiek Scull
All that's within is Ignorantly dull.

These last Verses Morris, nor the whole Morrisanean Faction either could, or would not answer. So we had no more versifying.

Address from the Assembly of New Jersey to the Queen, referring to the Address of the Council complaining of the Assembly.

[From P. R. O. B. T. New Jersey, Vol. 1, C. 82.]

TO THE QUEENS MOST EXCELLENT MAJESTIE

The Humble Address of the Representatives of
 Her Majesties Province of New Jersey.¹

May it Please Your Majestie

We are very sorry that this address is occasioned by the unhandsome treatment we have met with in an address made to Your Majestie by y^r Leiv^t Governour and Council of your Ma'ties loyall Subjects the Representatives of ye said Province are accus'd of many great & heinous crimes and among the rest of a design to throw off your Ma'ties prerogative Royall & involve your dominions in this part of y^e world & your good Subjects in them in Confusion, thereby to obtain their wicked purposes.

We think our Selves under ye greatest obligation to your Ma'tie for your Justice in appointing his Excell^t John Lord Lovelace to enquire into y^e matters of fact alledged in that address & to lay them before your Ma'tie, which we make no question he will do with

¹Transmitted by Mr. Cockeril to the Earl of Stamford.

much truth & Justice & Set y^e difference between y^e Gentlemen of your Ma'ties Council and this House in its true light

We cannot accuse our Selves either of doing or designing any thing prejudiciall to your Ma'ties Service, & have said nothing we know of either in our Remonstrance or our Reply to y^e L^d Cornburys answer to our Remonstrance but what was true & what we can make out by unquestionable proof, having us'd all y^e caution we were capable of to inform our selves in y^e Severall matters of fact there related, and had not y^e Addressers given too much way to y^e Resentments of y^e Lord Cornbury, we perswade our Selves they would not have appear'd so violent in y^e Justification of a person whose conduct did not entitle him to So great a Regard as they have paid him.

The intemperate language they treat us with, as it does not become persons in their stations, so we could wish they had forborn that unaccountable heat so prejudiciall to your Ma'ties Service and Joyn'd with us in Such measures as might have conduced to y^e publick good, but that was what they have (by this address) fully evinct we had no reason to expect from them, & we have but too much reason to fear they will make no Scruple of Sacrificing the Publick peace of the Province to their private resentments whenever any opportunity is given them.

We beg leave to inform your Ma'tie that this Address of the Lieut Governour & Council was rejected in Publick Council & is no act of Council, but sign'd by the said Liev^t Governour & the rest of the Addressors at different times & in different places being carried privately about for that end, & what is worse not only without that Consideration publick procedures of that kind required but by many of them as we have reason to believe without so much as reading of it as the Liev^t Governour himself has acknowledged he did.

We believe the Safetie and welfare of your Ma'ties

Plantations in America is not ye meanest part of your Royall care nor of y^e least concern to y^e advantage & flourishing condition of your Ma'ties kingdom of Great Brittain & that the Suggesting to your Ma'tie that all or any of them are inclin'd to throw of your prerogative Royall is an Endeavour to render your Ma'ties loyall Subjects in the Plantations Suspected to your Ma'tie & of alienating your affections from them which must be of the last consequence to your Ma'ties affairs.

We think our proceedings can not Justly be charg'd with the consequences they deduce, such we very much abhorr or any other measures that looks like want of duty, affection, or loyalty to your Ma'ties Royal person and Government and hope that nothing will induce your Ma'tie to believe the Contrary either of us or of any other of your Plantations in America.

We cannot tell what reason these Gentlemen had to tell your Ma'tie that you would be disappointed in your expectations of a Revenue if some dislike of the Assemblys proceedings were not shewn by your Ma'ties Government was voted long before that address was made, and it was altogether the fault of y^e Lord Cornbury & y^e Addressors that it was not rais'd, and this house is so far from making their Resentments any obstruction to your Ma'ties Service that in honour to your Majesties Commission they have given Leiv^t Governour two hundred pounds for one year though he is a person that has least deserved it of them & an office no ways usefull to your Ma'ties Subjects here, and which we are not able to Support, and though we are one of the poorest of your Ma'ties Provinces in these parts have paid that regard to that office which New York tho' abundantly better able has not done.

When his Excell' represents the matter of fact to your Ma'tie we doubt not you will perceiv how much your Ma'tie & your good Subjects here have been abused by y^e misrepresentations of y^e Addressors, and

how unfit those men are who have so grossly endeavour'd to mislead your Ma'tie to be of your Ma'ties Council here and who we fear will create differences & animosities among your loyall Subjects which will wholly obstruct all Endeavours for your Service or the good of this Province we humbly Submit to your Majesties consideration.

We heartily pray that God may continue your Majesty a blessing to your Subjects and a Scourge to your enemies, give Success to all those good designs in which you are Engag'd and make your Ma'tie as happy as possible both here and hereafter.

Severall of the Members of this house being of the people Called Quakers do Consent to the matter and Substance above written but make some Exceptions to the Stile

By order of the house

THOMAS GORDON, Speaker.

March y^r: 31: 1709

Memorial from Peter Fauconnier, Collector and Receiver General of New Jersey, to Lord Cornbury, recommending the adjustment of the Line between New York and New Jersey.

[From N. Y. Documents, Secretary of State's Office, Albany, Vol. I, p 35.]

To his Excellency Edward Lord Viscount Cornbury, Capⁿ Gen^l and Govern^r in Cheif of her Majesties Provinces of New Jersey, and New York and Vice-admiral of the same, &c.

The humble Memorial of Peter Fauconnier, Collector & Receiver Gen^l of New Jersey.

Sheweth

That yo^r Excellencies Memorialist, thinks himself un-

avoidably obliged by the duty of y^r office w^{ch} yo^r Excellency has been pleased to bestow upon him in the Province of New Jersey, to apply to yo^r Excellency (as Govern^r of both Provinces) and humbly to represent of what ill consequence it is to said Province of New Jersey, in the assessment and receipts of y^e £2000 Taxes lately laid by y^e Gen^l assembly of that Province on all y^e Inhabitants thereof and on acc^t of another act relating to y^e Militia and indeed to this Province of New York in like cases, that the limits and true bounds of both provinces be yett undecided so that the Planters that live on both Frontiers be thereby exposed to pay Taxes to, and fined for not mustering in both provinces (w^{ch} would be very hard) or both Provinces deprived of w^t one of them ought in justice to expect from them, for their proportion of Taxes &c. by them due to y^e province they rightly belong to. if a true line was run and ascertained between both.

For y^e redress whereof yo^r Excellencies Memorialist, most humbly prays yo^r Excell. to issue out warrants to the Surveyor Generall of each Province to go forthwith (while it is yet time) with the assistance of such other Persons yo^r Excellency shall see meet, and fully instructed of wh^t the Patents of both Provinces contain, to run an exact line between both so y^t upon a report of their proceedings, yo^r Excell^t ascertaining the true bounds of both y^e said Provinces the Inhabitants thereof may be exactly known and all disputs & controversies on that acct. intirely put at an end for time to come. & yo^r Memorialist shall ever pray &c.

P. FAUCONNIER.

New York, ap^l 2, 1709.

Address of Lieutenant Governor and Council of New Jersey to Lord Lovelace, relating to the Proceedings of the Assembly.

[From P. R. O. B. T. New Jersey, Vol. 1, C. 67.]

To His Excellency John Lord Lovelace Baron of Hurley Cap^t Gen^l and Commander in chief, in and over her Majesties Provinces of New York New Jersey and all the Territories & Tracts of Land depending thereon and Vice Admirall of the same &c. [Presented to said Governour in April 1709 Rec^d in London Septemb^r 1709]

My Lord

Whereas your Excellency was pleased to acquaint us wth an order from Her Majestie communicated by a letter of my Lord Sunderlands to your Excellency bearing date 29 July 1708 in these words,

Whitehall July 29th 1708

My Lord

I am co'manded by her Majestie to send y^r Lordship the inclosed copy of an address from the Lieuten^t Govern^r and Council of New Jersey complaining of the Proceedings of the Generall Assembly there, and to signifie her Majesties Pleasure, that you (upon your arrival there) inquire into the matter of fact, and send me an account thereof as it shall appear to you, that I may lay the same before the Queen.

I am my Lord

Your Lordships most Obedient humb.

Serv^t

SUNDERLAND.

To Lord Lovelace

Upon sight of which we acquainted your Excellency

that we should take first opportunity to enable you to give an account thereof that so it may be laid before the Queen. *But to our great Surprise, we found that y^r Excellency even before you communicated the said letter to us, had delivered a copy of our address unto this Assembly,* who thereupon spared none of the heats of the former, and could have no patience till her Majest^{ies} pleasure was known therein, but (besides a violent prejudice contracted thereby against the gentlemen of her Majesties Council for discharging their Duty to the Queen, have anticipated her Majest^s Judgement on that affair and have contrary to all moderation and the forms of Justice sentenced and condemned the Gentlemen of the Council reviling them in their addresses and have left us in greater confusion than we were in before the Sessions when we might reasonably expected some Settlement for y^e future and Provision made for Payment of the former Debts of the Government, but find not the least Step towards either, but the *main Business to Insult the Council and officers of the Government and make encroachments on the Prerogative of the Crown.*

My Lord tis true there is a money bill passd. But whither it will bear the name of Revenue or be anything like a Settlement, or a Support for a Government, or rather *whither it be not the boldest Stroke at the Prerogative that ever was made in America,* and whither it will not be an Example to the rest of her Majest^{ies} Colonies we humbly leave to her Sacred Majesties Determination.

And indeed my Lord, we think it impossible under this Establishmen^t for the officers of the Governm^t to act with Honour and Justice and hold their places, which are now become Precarious and only depend upon the will of a Party, So that if a Chiefe Justice give Judgem^t with the greatest reason & warrant of Law

and Equity, yet if it Effect or but dislike any of the leading men of the faction, out he must go, or starve the next year, since there will be nothing allowed for his Support, the same by the Lieut. Govern^r nay a Governour himself, if he dares put any thing of the laws in practice and honours not the world in their incroachments on the Prerogative, and their licentious Riots and Innovations, and this Justice we do not doubt from Your Excellency to remember that we each man of us Shewed our particular dislike to the Said Bill and largely offord our reasons ags^t it and assented to the passing the same from bare necessity, not thinking it prudence the Assembly who had levelled at us in their addresses & over run us here like a Torrent. The advantage over us to say, They had raised a Revenue for the Support of Governm^t and the Council threw it out, since hitherto they have not been able to make a single chardge against the Council, other then that they are guilty of Addressing her Majestie, *whose Roy^l Judgement thereon we humbly Presume is the only Tribunall we are liable to,* and shall with all duty and humility receive the same, whether it contain a censure or a justification.

These things we thought fitt to Intimate to y^r Excellency & shall proceed to obey her Majest^{ty} commands in laying the matter of fact in relation to our Address before y^r Excellency that the same be laid before her Majestie.

But must first begg leave to touch upon such a piece of Injustice in the first Assembly, which gave the first heart burning and was the originall of our present Confusions, that it may be was never paraleld in any age.

1702, The matter was chiefly the Projection of *M^r Lewis Morris, Doctor John Johnston* and *M^r George Willocks*, who having obtained a Sheriff for their Turn

viz^t *Thomas Gordon* our *Present Speaker of the Assembly, who then Kept a Taphouse at Amboy to be High Sheriff of Middlesex.*—and having obtained the writts for choosing Representatives for this Eastern Division to be directed to him the Said Gordon, whose necessity rendered him so much *their Tool*, That they were sure to have whom they pleasd returnd, and accordingly when the writt was Published and about *Thirty Six* appeared on the one side and *about Three hundred* on the other, who alledge that they demanded a Pole and were refused return was made by the said sheriff Gordon in favour of the thirty-six.

The other Party enraged with this, hardly forbore offering Violence to the Sheriff and his Party. But by an Extraordinary temper and prudence of some leading men mischief was prevented in hopes of a redress from the Justice of the House.

But upon Petitioning ags^t the said Sheriff for the falseness of his return they received such Injustice as must amaze mankind and remain an Indelible mark upon a Representative body of the Jerseys. For after a vote past the House on the 13th Novemb^r 1703 That the Petitioners have leave to call such Evidence as they may seem meet to prove their allegations in their said Petitions, So that the number of the Evidences do not exceed twenty, and a vote Enterd. of 16 Nov^r 1703 viz^t Cap^t Jn Brown praying leave to be admitted, desired the House to grant him a Summons for three persons (which were unwilling otherwise to appear as Evidence for him) to make good his Allegations in his *Petition against T. Gordon: Esq^t*

Resolved That the former order of this House to Richard Saltar and others to produce such Evidence as they shall think meet to prove the allegations of their Petition, the number not exceeding Twenty, was Sufficient, and the House does not think fitt to grant any other, Yet after this when the Complainers at-

tended with their Twenty Evidences, to prove the Allegations of their Petition, They were deny'd producing any Evidence or being heard by y^r Council and the following votes of the 18th Novemb^r past in these words.

The House after long Debate, whether the Evidence produced by Thomas Gordon Esq^r and Examined before this House be sufficient and no further Evidence be allowed.

A motion being made and the Question put, That the Evidence which was produced for the Regularity and Legality of the Return made by Tho: Gordon Esq^r for Members to sitt in this House was sufficient or no, and it past in the Affirmative. And in the afternoon of the same day, Resolved, That the said Petition of Cap^l Jn^o Brown and others be dismist, and the *said Tho: Gordon* was then a sitting member in the House being *returned by ye Constable of Amboy* for that Town, being in the *County of Middlesex for which he was High Sheriff.*

My Lord, we have been the larger & more particular in this matter because it has been the rise of all our disorders and that we thought it highly necessary Her Majesty bee fully acquainted with the circumstances of the unhappy Province, and of the Busie designing men that have run us into these Confusions. It may probably seem strange, that three or four factious men Should be capable of Infatuating mankind, and misguiding them so contrary to their duty & true Interest; But when by Specious & Popular Pretences the honest well meaning men have a blind drawn over them; and the Quakers who like Sheep all leape after the Bell-weather, If the leading man of that Persuasion goes wrong, and they the Major part of the House, the whole may easily be supposed to go Astray.

May it Please your Excellency there is yet one thing more we judge highly necessary to take notice of viz!

The Dissatisfaction of this Province at the favour Shown by your Excellency to a *high flowne* Jacobite [Geo. Willocks ¹] to whom we attribute part of our Present Misfortunes: the Roars of the Assembly and the Divisions that are amongst us, He being a man of a restless and uneasie temper, who not only refuses to take the oaths prescribed by act of Parliament himself but *upbraides other Gentlemⁿ may even the Members of the Couucill with being damned for taking them* and at the same time is trusted with a *Dedimus Protestam* from your Excellency to swear the officers of the Governm^t, and amongst the rest a *Quaker High Sheriff of the County of Burlington although he lives within fifty paces of the Lieuten^t Governour rode fifty miles to this Non-Juror to take the Oaths.*

It was impossible your Excellency being a stranger could have any Knowledge of men but by recom^endation but it must be allowed to remain a just reflection upon those who had the Impudence to recom^end him for that End, which none but a man in love w^h Inconsistencies would have offered at, and gives just grounds to distrust that those who have acted so preposterously will stick at nothing to carry on their wicked Designs.

This man we look upon, My Lord, as a dangerous man was a *Confederate with M^r Morris in the former disorders of the Province* and Prosecuted for Publishing a Libell against the Govern^{mt} in my Lord Cornbrys time, and is still under Prosecution for the same; an active and malicious Preferror of Indictments against the officers of the Governm^t is a man always noted for a Peevish and Turbulent Temper—*by name George Willocks.*

¹ For notice of Mr. Willocks, See Vol. II., page 186.

“ This man my Lord hath had too great an Influ-
 “ ence over the Assembly, even to Scandall hath had
 “ a great hand in directing all that has past the House.
 “ By Drawing of Bills & tampering with y^e Members
 “ Insomuch that there has hardly a Comittee sat
 “ without him, where he hath undertaken to take
 “ Examinations, and threaten the Parties if they did
 “ not make answer to his Questions. This man is now
 “ busie in all what relates to Governm^t in the highest
 “ degree Industriously crowding himself into juries.
 “ and by a Bill which past the House, but was rejected
 “ in the Councill *designed a further liberty and Privi-
 “ ledge to Non-Jurors and Quakers then the laws of
 “ our Land allow.*

These things my Lord we thought it our Duty to
 premise and come to our Answer, and cannot but take
 notice of their first step in Relation to the Remon-
 strance of the Assembly which was both unusuall &
 Inconvenient, a Method Scarce becoming honest Peace-
 able men who sought redress of grievances, but rather
 Prejudiced Peevish Persons to gratifie their Malice.
 For the House of Representatives after they had
 searched for and Resolved what were the Grievances
 of the Province, Instead of first Representing them to
 his Excellency & expecting a Redress at home, They
 apply by way of Petition and Complaint to the Queen
 That this is matter of fact the Votes will Justifie, for
 the Petic^on to the Queen the Letter to Mr. Secretary
 Harley and the Order to the Speaker to Sign both Pe-
 tition and Letter past in the House and were accord-
 ingly Complied with, Some Days ere his Excellency
 receiv^d the Remonstrance of their Grievances or had
 ever denied to redress them, or could Imagine any
 thing of that matter. Now where is the justice,
 where is the Ingenuity of such a Proceeding? and we
 doubt not but her sacred Majesty and the great minis-
 ters of the State will hereby perceive their noise of

grievances to be of no other use then to gratifie their malice and carry on their Evill Designes.

This together with the Knowledge that we had that they were hudling up their clamour against his Excellency and that as soon as they could get the *Address to the Queen and the Letter to M^r Harley finished which they still Keep as a Close Secrett and have made no Entry to this Day on the Journall of the House they Resolved to adjourn themselves*, and as far as we could apprehend to return no more, under a pretence of being Slighted by my Lords making a short Voyage down Delaware River in Obedience to her Majesties com'ands to take a view of the River adjoining to that Government while they were Sitting.

“ Those unfair and unworthy Proceedings and that
 “ most audacious pride of the Speaker in the Delivery
 “ of the Remonstrance, by often stopping and *staring*
 “ *my Lord in the face, in Such an Insulting manner as*
 “ *was odious to all men of common Modesty*, and more
 “ particularly when he came to that part wherein they
 “ word it highest upon his Lordship: where he made a
 “ full stop, pull'd off his hatt laid it downe upon a chest
 “ of Drawers, returns to his place, sits both arms a Kim-
 “ boll with his thumbs upon his Hipps, and in that pos-
 “ ture stares my Lord a considerable time in the face,
 “ then deliberately puts on his spectacles and proceeds
 “ in his Triumph, So Odious an Insult, so Detestable a
 “ Pride was never before been offer'd to the Person of a
 “ Governour.

This with the ferment the Country was put into by open railings, and a number of Seditious Pamphletts industriously Spread among the people caused us with Just reason seriously to deliberate upon the miseries of this Poor Province, and finding the Assembly instead of Discouraging the disorders we labour'd under, making Resolves in the House for the encouragement of such as the Governm^t thought fit to prosecute by a Due

Course of Law for making and Publishing the said Seditious Libells as appears by their votes of fry-day the 31st October 1707

Their Resolutions of not raising any money for the Support of the Governm^t nor of making or repairing jayles, a work of so absolute a necessity. But finding them so throwly Guided & *Driven by Mr Morris and Sam^l Jennings whose mischievous tempers this poor Country hath for many years past groaned under.* we thought it our duty in Conscience to testifie to her Sacred Majestie our dislike and abhorrence of the Same.

The Assembly appointing a Clerk of the Com^{it}te of the whole House and *Excluding the Clerk of the Assembly com^{is}sion'd by the Crown,* we did then and must Still think it a high Encroachm^t upon her Majest^{ty}s Prerogative Royall, which matter of fact is evident by their votes of Aprill the Eight 1707 *Thomas ffarmar a Member of the House being by the House apointed Clerk of the Com^{it}te of the whole House thereby not only encroaching on the Prerogative but robbing the Country of a Member for a Clerk cannot vote.* The Rude and Contemptible treatment of the Queen's Instructions by *M^r Morris M^r Willocks & others before the Governor and Conncill* of w^{ch} we are all witnesses, and the Assemblies forming two articles of y^e 7 viz^t Their Sixthly and Seaventhly in their Remonstrance, with that heat against my Lord Cornbury barely for Obeying her Majesties Instructions, appeared to us to be a Diminution of the Prerogative Royall and of very evill consequence, ffor the *Resoluc^ons & Instructions of Princes are the fruit of great wisdom and Deliberation and ought to be steadily persued and not lightly alter'd, much less contemued and despised by the subject in the face of the Government it self and how high a valew Mr Morris puts upon the directions of the Lords of Trade Your Lordship hath*

heard in part by what he offer'd upon the Surrender of the Jerseys, who in Contradiction to what their Lordships assert in their Report to her Majestie of y^e 25th of June 1702 as to the Surrender, that it was absolute and not condition^l and also their Directions to my Lord Cornbury on that matter bearing date the fourth of february 1705 in these words, viz^t

“ We must likewise observe that what has been al-
 “ ledged in relation to the Pretended terms of Surren-
 “ der of that Government is not true; we did Indeed
 “ consent at the Proprietors desire to add some clauses
 “ to your Lordships Instructions, but that was no con-
 “ dition of the Surrender, and therefore we think your
 “ Lordships has done well in maintaing the Contrary.

*Notwithstanding which your Lordship hath heard Mr Morris affirm the Contrary, and say that he knows this matter better than their Lordships; and whilst the Gentlemen are so tender of the Honour & Prerogative (as they call it) of the House, for that very term [of Prerogative] was arrogated in the House by Mr. Gordon Speaker of this Assembly, in the very Sessions; and made use of to deny the Members their Priviledge in putting a Question though Demanded and Seconded by severall Members of the House which we look upon to be wholly arbitrary and a notorious violation of the Priviledyes of the Subject, and whilst they that assume to themselves the Councill is treated with the utmost contempt Mr Morris himself even during the Sessions of this Pres^t Assembly “ telling a Gou^t of the
 “ Councill, That he knew no Priviledges belonging to
 “ them as Councillors, That the Lords at home had but
 “ two, The one, that they might not sware, and the
 “ other that they might not be arrested, and the conse-
 “ quence was that no body would trust them nor no
 “ body would believe them, These words were spoke at
 Harrisons before a great number of men.*

These ways did then, and do still appear to us to

lead to the lessening her Majesties Honour and Dignity as well as to the disturbance of the Peace and welfare of the Country.

Then for the notorious violations of the right and liberties of the Subject by the two former Assembly^{es}: *For the first in Relation to the Justifieing the then Sheriff (now Mr Speaker) Gordon's return as is already set forth* nothing could be more unjust, nothing of a more pernicious nature to rooting up and destroying of all the Priviledges we Boast of as Englishmen;

And for the violation of the Liberties of the People, they cannot according to our understandings be true or more clearly exprest then in the words of my Lord Cornbury in his answer to their Remonstrance viz'

“ You have presumed to take the Queens Subjects into
“ the Custody of your Sergeant at Arms who are not
“ Members of your House, which you cannot lawfully
“ do, and is a notorious violation of the Liberties of the
“ People, this matter of fact appears in the votes of the
“ 20th of Aprill & May 30th 1707

“ You have taken upon you to administer an oath to
“ one of your Members, and have expelled him the
“ House for refusing to take an Oath which you could
“ not legally administer to him, This is most certainly
“ robbing that Member of his Property; and a most no-
“ torious assuming to your selves a negative voice to
“ the ffreeholders Election of their Representatives for
“ which there can be no President found.

“ This matter of fact appears in [the votes of Aprill
“ the 29th 1707 and of Aprill 30th 1707.

“ You have Arbitrary taken upon you to Com'and the
“ High Sheriff of this County to discharge a Prisoner
“ who was in his custody at the Suit of one of the
“ Queens Subjects and he has been weake enough to do
“ it, for which he lies liable to be sued for an Escape
“ whenever the gentlemen thinks fit to do it, and from

‘ which you cannot protect him, This is a notorious violation of the Rights of the Subject, and a manifest interruption of Justice This matter of fact appears in the votes of the first of May 1707.

To add to these, the attempt of the House of Representatives to make void severall Bonds duly Executed before credible witnesses, as may be seen in the minutes of the house of the 3^d of May 1707, many of the Persons Indebted on the said Bonds thought they were bound by the laws of God and man to make good their Obligations which they have accordingly complied with, and others who thought the vote of the House would anticipate the Verdict of a Jury comitting their cause to the Decision of the Law have been obliged, by Judgement to pay the Same.

And on the 30th of April the same Sessions the Representatives of the Province thought fitt to expell Cap^t Jn^o Brown their House, the tenth of May following. M^r Lawrence moved that a writt might Issue out for the choice of a Representative to serve in the County of Monmouth in the Room of Cap^t John Brown who was Expelled the House, But the motion was referred to a further Consideration; *so that during the sitting of that Assembly the Proper Methods were never used to fill up that vacancy*, as is evident by the minutes of the House, their not sending for one of the Members chosen to serve for the County of Cape May who *never appeared during the whole Sessions*, and was not only the occasion of the loss of a Member to that County but likewise to the whole Province.

The falseness as to matter of fact of the Chardges in the Remonstrances are already taken notice of in my Lord Cornburys answer, to which referr; Those that appear so to us in the reply are as follows

First it is evidently false what is said of the Honourab^l Collon^l Richard Ingoldsby the Lieuten^t Gov-

em' that he was so far from doing right that he declined doing any act of Governm^t at all & for we know he hath discharged the duty & trust of his office in executing Acts of Governm^t as occasion required and the Honour Justice and Moderation of that Gentleman and other officers of the Governm^t is what alone is the present cause of their ill treatment, and as matters are circumstanced an equall and Impartiall distribution of Justice, and Steady obedience to her Majesties Royall & just Commands threaten ruine to all who have the honour to bear Commissions under her Majesty in the Province.

Her Gracious Majesty is not intrusted with the distribution of one penny of mony rais'd in the Province no Revenue (or any thing like it) for the Support of Governm^t nay so much as to defray the chardge of an Express in sending a message from one part of the Province to the other or giving the Indian Sachems a Pot of Syder or a Dram of Rum as occasion may require at the calling them in to treat with them; and there is at this present owing to the Secretary for Expresses and other contingencies a considerable sum for in near six years he has been in the office he has only been reimburst for the Incident chardges of two years and none of the officers of the Government have received one penny by virtue of their office for any longer time since the Governm^t came into her Majesty's Hands then for two years and unless her sacred Majesty's Justice Interpose must from the Infatuated humour that reigns amongst us (so contrary to the Honour and Safety of the Crown and contrary to the common Justice and reason of mankind) never expect to be reimburst, or any ways considered for their Chardges or Expence of time in the discharge of their Duties.

The Queen indeed has the power of commissionating Governours and Judges &c^t but we are taught from

the Proceedings of this Present Assembly and the former, that They must approve of the men, and that their places are wholly Precarious for no longer then they are truckling tools to the Faction that is uppermost, shall they reap one farthing advantage from their Com'issions, for tho' they can fix no charge to remove them, or have power to Supersede their Com'issions, *yet they have an approved remedie by starving them out*, and unless we must run into an Independent Com'on-wealth it will be necessary her Sacred Majestic exert her Authority over us to inform us that we are part of her Majesties Dominions and Dependant upon the Imperiall Crown of Great Brittain.

The Reply it self says that two hundred Pounds was given by Doctor Johnson to serve the Proprietors, and a little before saies that money was raised for base detestable Ends, Such as no man who had a Spark of Honour Conscience or Honesty would have admitted the thought of being only fitt for a Second Guido Four viz'

The Dissolution of the Assembly and the Procuring Such officers as the Contributors should approve of. If true every one must allow it was horrid villainy and most Detestable Knavery in the officers, and if they had been Gratified therein would have utterly ruined this Province for some men have shown the world by the Election at Amboy already mentioned *what they could do if they had Sheriffs of their own*; and they have showed at a Court of Common right held at Amboy *what they could do if they had the appointing of Judges and Clerks*, where the Proceedings were so monstrous, that we appeal to the Conscience of every man that reads them whither they ever heard the like. The Case was thus:

It was at a Court of Common Right held at Amboy in an action between the Proprietors Pl^t and Jeffery Jones Def^t *When Thomas Gordon the Present Speaker*

was Clerk of the Court; and as the Jury were called over Each man was asked by him whither he held under the Proprietors or Genr^d Nicholls his Patent? If he answered under Genr^d Nicholls Patent, he was bid go to the left, he was not to serve on that Case; If he answered under the Proprietors, he was bid lay his hand on the Book, Under which Goodly Method, out of twenty four summoned, they pickt out a Jury of Twelve, who nevertheless found for the Defendant and yet notwithstanding this, The Court gave Judgm^t for the Pl^t which Judgment has since been reversed in England.

Must not the Ears of every honest man tingle that hears it and ought not this Poor Province have a just fear and dread of men who have behaved themselves so ill? and are unHINGING the very frame of Governm^t and are now crouding into Publick Affaires with an Impudence only Peculiar to themselves.

That Twelve Hundred Pounds was offered to my Lord Cornbury in behalf of some Pretended Proprietors to perswade his Lordship to pass a certain long Bill drawn by M^r. Morris and the busie Non Juror Willocks. His Lordship will proove when required and we think it highly to redound to his Honour that he rejected the offer with contempt; and his Behaviour in that matter we can also witness to be consistent with Honour Prudence and Justice, by taking pains to Informe himself by Severall Publick hearings with Councilll on both sides what might be alledged for or against passing the Same, by sending a Cobby of the Bill to the Lords of the Comittes for their Directions in a matter of so great Moment, who in answer thereto of the 20 of Aprill 1705 are pleased to direct in these very words.

“We agree with your Lordship *That the Bill to*
 “settle and confirm the Estates of the Proprietors as
 “you have transmitted it to us, *was unfit to be Past,*

“ your Lordship will do well therefore upon all Occasions to Examine Carefully all the Bills that shall be presented to be Past into Acts.

And on the other hand it appears by my Lord Cornbury his Speeches at the opening of Every Sessions, That he has Recomended it to the Assembly to Prepare a Bill or Bills to Settle the Rights of the Proprietors. So that it must appear that in this matter he has carried it wth Equall and Indifferent Justice, and the rage of his Enemies seems only because He would not be Bribed to Injustice.

And another daring Untruth is asserted in the Reply when they say, They acted as became an House of Representatives in *the affairs of Mr Gordon &c.* That whole matter viz^t Their Proceeding with *relation to the Election at Amboy* is already so largely spoke to that wee would say no more but admire the courage of men who build Trophies upon such absurd and such apparent falsities

The rude and unmannerly treatment of the then Governour my Lord Cornbury both in Remonstrance and Reply is such as we presume no age can parallel, such Conceited Oratory Crooked Illustrations and ever strained flourishes to make Shadows appear Substances; such daring chardges without any proof. But (we have Reason to beleeve) such arro-gant Taunts & malicious Sarcasms appear throughout the one, and the other, Together with the falseness of severall allegations; that we can deem them no less than Scandalous and Infamous Libells.

And Indeed, My Lord, we did then hope that my Lord Cornbury his full and ample answer would have opened the Eyes of the Assembly, and brought them back to their reason and duty, or else we should sooner have discharged our duty in giving her Majestie a Representation of the unhappy circumstances of this her Majesties Province and Government But alas!

Those few *Turbulent and uneasie Spirits have still been able to Influence and amuse the Judgments of many well meaning men in that Body* (and we Pray God Your Excellency feel not the Effects of their Devices) *and did lay a necessity upon us to Represent the true Cause* and what wee conceived may be a remedy to the Confusions this Province laboured and still labours under; and that we conceived those disturbances to be wholly owing to the uneasie and disloyall Principles of *Two men in that Assembly. M^r Lewis Morris and M^r Sam^l Jennings a Quaker.* never known to be consistent with themselves. Men to whom all the factions and confusions in the Government for many years are wholly owing. In which Expressions we thought our selves fully Justified in our own knowledge of the men, and their Actions in the world.

But to Enable your Excellency to lay matters of Fact before her Majestie; and that she may come to a true knowledg^e of these Gentlemen, *we shall give you a further Character of them.*

As to M^r Morris the whole County where he lived namely the County of Monmouth are witness to his troublesome temper, whereby he was a perfect torment to his neighbours; those who know him best have most reason of complaint, And since he came to write man hath been *Eminently concerned if not Principall in all the Rebellious & Disorders that have been in this Province, as may appear by his own hand writing of which No. 24, 25 & 26 are Coppies: and by Records of Courts and Certificates No. 4, 5, 6, 7, 9 & 12; Affidavits No. 1, 2, 3, & 8* there is hardly a County in the Eastern Division wherein he did not succeed to stirr them to dangerous and notorious Riotts and Rebellions, but only the County of Bergen where he did not faile for doing mischief for want of good-will, But that the Dutch People therein were wiser, and treated him with that Contempt his Evill Designs Required; *ffor*

his old and Present Confederate the Nonjuror Willocks and He made a Journey (or Voyage) into that County to Infuse the same notions of Rebellion ags' Governm^t as they had preached at Elisabeth Town, with better success. But all they got of that People was They did not understand oversetting of Governm^t and pulling Magistrates Judges and Justices from the Bench ; It was a werke they had no liking to; and so closed their Resolutions among themselves, that they would not have to do with the Spiker-maker: That was the very term of Contempt (being Dutchmen) they used towards Morris grounded upon the Iron works his Unkle left him.

*What we have said of M^r Morris and Samuell Jennings Viz^t That They were men notoriously Known to be uneasie under all Governm^{ts} men, never known to be consistent with themselves Men, to whom all the Factions and Confusions in New Jersey and Pennsylvania for many Years are wholly owing. Are such notorious and self Evident Truths. That they may be rankt among the *Perspicua Vera que non sunt Probanda.**

But after the Red-hott Letters of *M^r Morris* Especially that to the Governm^t No. 26—*which is wrote with that Pride and venom that Bedlam would scarce afford a man mad enough to sell a Governm^t at such Defiance and treat Gentlemen with that contempt: and his and Willocks their Short Epistle No. 12. aforesaid brought into the Council by M^r Willocks whilst the Assembly was sitting, and Morris and Willocks aboard a Sloop turning it in the Bay before the Town, Firing Guns as by way of Defiance to the Governm^t and the Record of com'on right no 4. 5. 6. 7 &c^a in all which Morris was personally contriver and actor of the Disorders as also the Records of those Dangerous Riots in Essex County (after Morris^s Inconsistencies had made him Almanzor like change Parties) carried on*

by the same Principles *and the same men that Morris had stirred up into Rebellion, where a Body of about seventy horse came Purposely to destroy the Courts. Pulled the Magistrates of the Bench, tore their Cloaths from their Backs, Striking and abusing them with the greatest Billingsgate Language they could find as appears by the Record of the Court of Sessions at Newark N^o 28. 29. A Place where Morris himself in Person with most of the same men had used a Court much at the same Rate but a little before.* So that his affording them Precepts and Examples the last Rebellion (tho he was not Present) may Justly be laid at his Door. As also that other Ryott of forcing the Keys of the Jail of the County of Essex from the High Sheriff, and abusing his Person, and setting Criminals at liberty, being no more then was done by the same men, (as appears by the Records of the Court of Com'on Right) but a little before in Middlesex County. *for M^r Morris when with a Beam of an house they Batterd Woodbridge Jail to Pieces and set him and his Seditious Companion Willocks at liberty.* Who were there comitted for Severall High Crimes and Misdemeanours as appears by the Presentm^t of the Grand Jury No 6 and 9.

My Lord, when Morris began to disturb the Peace of this Province the People were quiett under the Proprietors Government; in Conformity to a Command from the Crown under King Charles the Second his Hand, Dated Novemb. 23. 1683, wherein his Majesty
 .. declares his Royall will and Pleasure and doth
 .. Strictly chardge and comand The Planters and In-
 .. habitants, and all other Persons concernd in the Said
 .. Province of East New Jersey, That they do submit
 .. and yield all due Obedience to the laws and Governm^t
 .. of the Grantees their heirs and Assignes as absolute
 .. Propriet's. and Governours thereof. And we *have*
 Just reason to say that the Disturbances of this Prov-

ince seems to be owing wholly to those two men viz! Lewis Morris and Sam! Jennings, their naturall tempers and the constant business of their lives was to be always in Broiles, always in Contention: Humanum est Errare, sed Diabolic'n perseverare; Those mens Extravagances are a large field; But after an Instance or two more of Morris's Inconsistencies shall desist.

When M^r Morris was in the Councill at the Beginning of my Lord Cornbury's Governm^t he was against allowing any Authority in the Courts of the Province, Because the Broad Seal was not yet arrived, which alone could give them a Sanction, and the first Difference between my Lord Cornbury and him was upon that head. *But M^r Morris in the Assembly is not at all like M^r Morris in the Councill;* for notwithstanding his opinion given warmly in Councill of the necessity of the Seal of the Province, Yet you find this Orator who had the penning of the Remonstrance for the Representative Body of y^e Province makes it their first and greatest Grievance. That Two women, condemned not long after Lord Cornburys accession to this Government were yet living; *when both Morris and the Rest of the Representative Body of the Province Knew that they were tryd and sentenced by a Court held before the Seal of the Province arrived;* But it is plain that if Execution had been done on that Sentence, yet however the Grievance might not have been lost, nor the fine Speech in the closure of it for without any alteration of y^e least Syllable and with a great deal more of reason, by only putting the Judges in the roome of the women it might stand as it does viz!

“ How far it is a Reflexion on Publick Administra-
 “ tion to suffer such wretches to pass with Impunity
 “ we dare not say but sure the Blood of these Inno-
 “ cents cries aloud for Vengeance and Just Heaven
 “ will not fail to pour it down upon our already mis-

“ erable Country if they are not made to suffer according to their Demeritts.

The hast the Country was in for Tryall of the said women and amongst other reasons there being no Judges to Secure them occasion'd my Lord Cornbury to grant a Special Comission to some gentlemen of the Western Division for their Tryalls, wherein there was Irregularity sufficient to set aside the former Sentence, and to our Knowledge My Lord had taken some Steps therein in order to a new triall before the Judges of the Province by allowing a writ of Error but in the mean time they made their Escape.

That this may be called a Grievance to a Province that there is no Jayl to hold a Crimminall we allow, but after a Govern^r has prest the consideration thereof as appears by his Speeches for so many years, and the Assembly wholly neglected to do anything therein, must leave it to her Sacred Majestie to determine at whose door the fault lies, whither at the Govern^{rs} or the Assemblies, and we cannot miss here taking notice of a false Representation made to the Lords of Trade, *That my L^d Cornbury had pardoned the women, when he only reprieved them which occasioned a Reprimand to my Lord Cornbury thereon. So false have they been in their Representations to their Lordships* and leads us humbly to conceave That their Representations in the Respect of the Monopoly was not stated with the whole truth necessary circumstances requisite to form a Judgement thereon.

That the fixing a certainty of land Carriage betwixt Burlington and Amboy at moderate Rates is, Utile Regine et Populo, none can denie, as also that no man is hurt thereby because no Tie was in that way of Trade, and no such like convenience ever like to be, Except the Person who was to try the Experiment was encouraged by an assurance of enjoying the same for some years, for the uncertainty how it would an-

swer was very great, and a necessity of advancing a considerable sum money to carry on the Undertaking: for the Invention is here now, and in Consideration of the whole circumstances, wee must with all Humility & Submission declare that it was Our Opinion that it was within y^e considerac'on of the Act of 21 Jacobi 1^{mi} and that her Majesty might Grant a Patent for the same for fourteen years.

M^r. Lewis Morris a Counsellor upon the Com'ittee the money Act that granted 2000 P ann: for 2 years insisted on an amendmen^t for the adding five hundred pounds P ann: more & Drew a Scheme to demonstrate that less would not support the Governmen^t.

The same M^r Lewis Morris an assembly man is not for allowing the least amendment to a mony Bill and that fifteen hundred pounds P ann is more than what is needfull.

M^r. Lewis Morris in the year 1698 as by his letter N^o 24. Setts the Government the Proprietors and the Quakers at utter defiance terms their Governours Base Inconsiderate fellows, Persons who really have not the right to govern, and further adds with Relation to the Quakers in these words

“ Nay even among the Mock Lords Proprietors there
 “ are some that deny the use of Arms, A Tenet not the
 “ safest to be held by those who pretend a right to
 “ Govern, it leaves us naked and defenceless A Prey to
 “ any bold Intruder, subject to all the Rage of a Cruell
 “ Enemy, and the Barbarous Insults of the Perfidious
 “ Heathen round about us.

Then Speaking of the Proprietors, Says, “ There is no
 “ believing anything they say or write: Sayes their
 “ Quitrents are an unjust Tax upon us and our Heirs
 “ for Ever, Calls Gods Holy Name to witness that they
 “ care not one straw, whither the King or the Devill has
 “ the Govern^t: if they have the money in it, terms
 “ them Wretches that consider not what will become of

“ this poor Country, so as their Voracious appetites be
 “ but satisfied.

Have but patience till the *year 1700 and you will find him quite another man wonderfully changed in less then two years time*, Then you shall find him accept of Comissions from the Proprietors Governm^t, and declaring that he would go through with them, and if any man resisted he would spill his Blood or he should Spill his; for he made no Scruple of Conscience, and would go through with the office he had accepted from y^e Governm^t though the Streets ran with Blood as P certificate No 13 *Quantum mutatus ab illo!*

It's needless to prove how far an agent (as he pretends himself for Some Proprietor) in the Eastern Division, and the West Jersey Society (as they term themselves) and a man who remonstrates the Grievances of the Province in a Quaker Stile is changed from what he was, and by his letter of y^e Second of August 1700 directed to Elisabeth Town to be left wth Samuell Whitehead, it is apparent what opinion his old friends had of him. Even those whom he led into the former Violences against Government, *who broke Jayls to release him* His own words are these viz^t “ It was your
 “ complaint I had left you in the lurch like a villain,
 “ deceived you, ingaged you in a Business and left you
 “ in the middle of it, That if I came to your Town you
 “ would tear me to pieces and more Expressions of this
 “ nature you used No. 25

So that we think he has proved his Inconsistences himself under his own hand plain Enough, without any need of our Paraphrase or Explanation, and upon the whole matter. *The Question lies only here whither he was Guilty of Rebellion in the Year 1698 or in the year 1700.*

As to Samuel Jennings Since God hath been pleased to take him out of the world, so the fear of further disorders from his ambitious turbulent and Inconsis-

tent temper are removed we shall not rake into his ashes, but refer to a character of the man as find it Stated in Print Intituled.

“ *The Case put and Decided*, by George Fox, George Whitehead Stephen Crisp and other the most Ancient and Reverend Quakers between Edward Billing of the one part and some New Jersians headed by Sam^l Jennings on the other part. in an Award relating to the Government of this Province, wherein (not moulded to the palate of the Said Samuell) the Light, the Truth, the Justice, and Infallibility of those friends are arraigned by him and his Accomplices.”

and such an account given of their Usurpation Riotts & Rebellions, as without saying more, will warrant the most Severe of our Expressions upon that mans character.

For the Quakers we meddle not with their Religious Perswasions and have no design to abridge them in any of their liberties and Priviledges they therein Injoy; But their Insolencies in Governm^t are Intollerable, by their weekly monthly quarterly and yearly meeting (where civill affairs are managed as well as Spirituall) their Intelligence from all Foreign Parts and General Combinations they become Mischievous and daring even to the affronting Magistrates and contemning the laws, and Particularly Pride themselves on being able to Cramp and Confound Governm^t and we do humbly suppose the End of Her Gracious Majestys Goodness, and Indulgency towards them by allowing them to Injoy many Priviledges beyond what their own com^unity do or can Injoy in Great Britain in admitting them into the Legislative Power of this Her Majesties Province and to allow them to be Magistrates Justices & Judges of the lives Liberties and Properties of Her Majesties Subjects was, *in Expectation that they would answer the End of Governm^t and so deserve her Majesty^s Gracious*

favour extended towards them. But when instead of a gratefull and Dutifull Return to her Majestie for her great favour and Indulgence to them they not only refuse to pass such laws as the Honour of her Sacred Majestie and the Peace Security and Settlement of the Country required, but abuse Scandalise and affront her Majesties Governours, join with Persons notoriously Known to be Turbulent and uneasie men, who have been open disturbers of the Quiet and Peace of this her Majesty^s Government for Severall years past and so fond of their Proceedings as to have it drest in Quaker Stile; They seem to take off the Vizard and show what they would be at, and tell us plainly, That nothing would please them less than the old Established Magna Charta of New Jersey viz^t

That the whole Power be in their own hands, That the Council are an Unnecessary Clogg, and That the Governour be their Tool.

For in West New Jersey we have a Great Fundamental Law recorded; made when Samuel Jennings usurpt the Government; That the Govern^r. for the time being shall sign all Acts whatsoever the Representatives from time to time please to Enact, and the Speaker of this Present Assembly the oft menc^d Tho. Gordon as do severall others of the members still assert their Old Laws to be of force.

My Lord, most of us have Estates in the Province which we would not willingly be driven from, Wherefore my Lord upon our own score as well as our Duty to the Queen, to your Lordship, and the Country, we thought fitt to lay those matters before your Lordships Considerac^on, and however Humble the Quakers Profess themselves or appear to be at home, They have been so Rampant *as with whips clubs and staves to drive out the Magistrates from the Court house,* and not suffering them to Keep Court, thereby

stopping the Curreant of Justice, till the Governour was forced to go with a Body of men in arms to quiett the Rebellion. and *Tho: Gardiner a Quaker*, a warm member of the Present Assembly a Great Incendiary in that Rebellious resisting the Governm^t Going from County to County to stir up the People to Sedition, and to oppose the holding of any courts by the Govern^ts authority, and threatening such as yielded obedience thereunto. and *Sam^t Jennings his Maxim* so thoroughly followed viz^t That the Queen indeed might Com^{mission} officers in the Governm^t whom if they would Keep themselves honest They would take care to Keep them Poor. Which indeed they have Punctually performd not the Least Provision for any officers of the Governm^t having been made for any longer time then two years Since the Governm^t came into the hands of the Crown.

May it Please Your Lordship

When we saw the whole Province Involved in Confusions Factions and Parties, and that no Provision for the Support of Governm^t no remedy to those Evills could be Expected here: we thought it our Duty to make a Representation of all this to Her Majestie, and according to the Best of our Skill and Judgm^t to lay at Her Majesties Royall Feet The True Cause & Remedy of those Evills, in which we have had a Strict Regard to Truth: and if in Discharge of our Oaths and Duties we have made use of Some harsh Expressions, we hope her Majestie will be Graciously Pleased to attribute it to our Zeal for her Majesties Service, and the Great and most unaccountable Provocations which were given.

With all Humility Subscribe ourselves

My Lord Your Lordships Obedient Servants

WILLIAM SANDFORD

DAN: COXE

ROBERT QUARY

RICHARD INGOLDSBY

WILLIAM PINHORNE

RICHARD TOWNLEY

ROGER MOMPESSON

*Communication from Peter Sonmans to Lord Lovelace, in Answer to an Address from the Assembly of New Jersey, with accompanying documents.*¹

From P. R. O. B. T. New Jersey, Vol. 1. C. 68.

TO HIS EXCELLENCY JOHN LORD LOVELACE,
Barron of Hurley, Captain General and
Governour in Chief of the Provinces of
New Jersey, New-York, and Territories
depending thereon in America, and Vice
Admiral of the same.

THE ANSWER OF PETER SONMANS

To an Address presented to your Excellency, by
the House of Representatives, dated March
18, 1708. [9?]

May it Please your Excellency,

Before I begin to say any thing, in Answer to the said Address, I must humbly beg leave to return my hearty thanks, for the right your Excellency does in permitting me to justify my self from the many false Accusations contained therein: which I chearfully undertake, in consideration of my own Innocence, and your Excellencys justice in shewing so great a readiness to hear both partys, which tho' most necessary for the discovery of the truth, the Mannagers & Contrivers of that Address, did not intend should be allowed me, as plainly appears by the Prayer thereof.

This, my Lord, must seem a very extraordinary Pro-

¹ Covering dates from April 14th to June 14th, 1709.

ceeding, that an Assembly, which ought to take all imaginable care of preserving the Liberties and Properties of her Majestys Subjects, and Supporting the Courts of Judicature, should be induc'd to declare me guilty of Illegally using the Power I am cloath'd with, to the great hurt of several of her Majesties Subjects, and if tolerated, will be of evil Example and render their Liberties and Properties precarious; and at the disposal of every Magistrate who will make his Will and not the Law, the rule of his Actions, while they themselves transgress the Fundamental Rules of Justice, and of Liberty and Property, in condemning me unheard, and praying your Lordship to do the same.

How ill grounded and untrue their charge is, your Excellency will easily discover, and whether the promoters of this Address unwarrantably use the trust reposed in them to the evil Example of the Province, whether they render the Liberties and Properties of the Subjects precarious, when they condemn without Proof, when they set themselves up as a Supreme Court to hear and determine all such things as the Law in its ordinary course hath provided for, and take Cognizance of several matters that are already before some of the Courts, and must there be tryed, tho' they have not so much as the power of administering an Oath to any one they examine? Or I, that have to the utmost of my ability, endeavour'd to keep up the Authority of the Courts, and never judg'd, much less condemn'd any before Examination and a full hearing, thereby endeavouring to preserve the Liberties and Properties of her Majestys Subjects from being precarious, and have always set Justice, and the Laws, (as far as I knew them, being no Lawyer) before me as a Rule to govern my actions, and not my Will, as is asserted.

The Address, tells your Excellency, That having Examined into the truth of Several Complaints made

against me, do find &c. thereby intimating that several Complaints have been made: when by their own Votes and Report, not any Complaint, and but one Petition from Persons summon'd to serve upon a grand Inquest for the Counties of Middlesex and Summer-set at a Court of Sessions held at Amboy the 8th of March last, appears to have been presented to them; by the Prayer of which Petition, the Petitioners only desired the said Counties in General, and themselves in particular, might be relieved from some pretended unrepresented Proceedings, and unjust Fines (as the said Petition did stile them) imposed upon them by that Court, which Fact, if they had been as true, as indeed they are not only related to what happened at that Court, without so much as mentioning any other Complaint. This Petition being referred to a Committee, that Committee, as I am advised, could, nor ought not to have cognizance of any other matter, or thing, than what was referred to them, (viz.) the subject Matter and Prayer of that Petition, into affairs of quite another nature, which were neither referred nor mentioned to them, is wholly unrepresented and unwarrantable.

But to demonstrate the unaccountable Proceedings of the Committee, perfectly to your Lordship; your Excellency will please to remark, That Mr. Willocks, the chief of the said Petitioners, because I desired him to take the Oaths appointed by several Acts of Parliament, in the room of the Oaths of Allegiance and Supremacy, &c. before I would admit him to serve on the said Grand Inquest, which he refused, was permitted to arrogate himself the liberty of being chief Mannager and Examiner at the said Committee.

The Address further intimates to your Excellency, That they are sorry, that I, who have the honour of being of the Queens Council, and do not want sufficient Abilities for her Service, should by my imprudent

Conduct, lay them under a necessity of so publick a Complaint against me. I am as little obliged to the promoters of the Address for that honour, as for their Complement, because the first was by some of their Members, or their Friends, opposed as much and as long as it could, and the last only used to aggravate the Crimes they would charge me with. The necessity they lay under of so publick a complaint, an impartial Judge will find difficulty to discern, because supposing all they say true, (the contrary of which I have no doubt the whole Province believes) they are things of that nature that the establish'd Courts ought, and only can Judge of them, were accused, as well as the Accuser must be legally heard, and the Evidences on both sides duly weigh'd and considered, so that imprudent Conduct, not to give it a worse term, may more truly be turned upon the Mannagers of the said Address than me.

They would perswade your Excellency in the next place; That they cannot be so much wanting to the Country they represent, as to be silent in a Cause that so justly requires their Consideration. The said Addressors. My Lord, might have cleared this point, with mentioning but one Complaint, or other instance made to them by the Country, the neglect of what could give the least ground for supposition that they are wanting to the Country they represent, or required their consideration, so particularly, that without it no remedy could be had. But not one complaint being made against me, save that one Petition before mentioned, the Country and I have more reason to be heartily sorry, that some members among the Representatives have so far indulged their own private Resentments, and betrayed the truth reposed in them, to engage a whole Assembly in revenging a particular Picque, the more since my lawful Endeavours to recover just Rights and Dues, which they have torn from

me, only occasion that Picque: such Proceedings, I am fully convinced, your Excellency will never countenance, but on the contrary, that your Lordship will discourage by such proper methods as are consonant to your Lordships great Wisdom and Justice, all those who under colour of preserving the Queens Honour, and performing their Duty to their Country, endeavour to use the Power allowed them only to make both a Party to and assisting in the Injurys they have done.

Being sensible that my Answer to the Address will oblige me to trespass too much upon your Lordships time, I will pass over many just Remarks, which might be made upon it, & confine myself, as much as is possible, to what is immediately conducing to my justification. Wherefore, I only deny and so pass over the groundless Accusation, that those Arbitrary measures (as the said Address is pleased to stile them) with which the late Administration under the Lord Cornbury so much abounded, were very much owing to my Counsel, I being one of the persons on whose advice his Lordships very much relyed, because the said Address it self, stiles it only Belief and Conjecture. What Arbitrary measures My Lord Cornbury used, are to me utterly unknown, and if any such were, how little they can affect me; I leave to your Excellencys consideration, since I had not, until last August the honour of sitting in her Majestys Council, nor indeed much of his Lordships Conversation, besides, wholly incapable of advising a Nobleman of his many extraordinary Qualifications and great Sagacity.

The first thing the Address particularly accuses me with, is, That I procured the arresting of Mr. John Barclay on Whitsunday last, coming out of Church from the Sacrament, which said Address affirms, is a manifest breach of the Peace, and Contrary to the Laws in that case made and provided. Here the Managers of the Address prevailed upon the Representa-

tives to assume to themselves an absolute uncontrollable Power of determining what is a breach of the Law But allowing that it was a breach of the Peace, it is not a Crime of so high a nature, but any inferior Court, nay, a single Justice of the Peace by a law of this Province, might examine into, and punish it, without troubling your Lordship, which is evident not only from every days practise, but even from the Proceedings which have succeeded that supposed Crime, some of the said Committee having already perswaded the said Barclay to arrest Dr. Arents (who took him) for his alledged mistake, and found an indictment against him, for his presumed breach of the Law But I have no doubt of seeing that fact justified, because I am sure its common in England, where I never heard such a case questioned; which is thus.

The said Barclay refusing to answer a Bill filed in Chancery against him, after the time he had prayed, and was allowed him, elapsed, stood all the Contempts of the said Court for above a year, mostly sheltering himself in your Excellencys Government of New-York, at length a Commission of Rebellion was sealed against him, directed among others, to the said Dr. Arents, which I delivered to him on the Saturday. He asked me, if he might execute it on the Sunday, if he should chance to see him? I told him, he might, being no common process, but a Commission under the broad Seal of the Province to answer the Queen as a Rebel; accordingly Arents took him, after he was come out of the Church. If I erred in my Opinion in a point of Law, which is the utmost can be made of this Article: being no Lawyer, I cannot suppose your Excellency will take that to be so great a crime, as to deserve such publick Censure. I do not believe any Gentleman, tho' a Barrister, was ever before so treated, if he mistook in a point of Law, which is not yet determined I did.

But indeed, one would think the close of this Article pen'd by a Papist or Non-Juror; such large Priviledge, is given to the Altar, which if allowed, tends to protect Murtherers, Robbers or any Felones from being taken, if they Presume but to come to the Lords Table.

The Second Article says, I took from one John Brown, his Horse, without assigning him any reason for it, and detains him to this day. Surely your Excellency will not judge this a matter of that moment or consequence to lay the Assembly under a necessity of so publick a Complaint, and that they should be wanting to the Country they represent, if they should be silent in a cause that so justly requires their consideration, &c. but on the contrary, that so trivial and mean a thing, is fitter for a Justice of Peace, or at most, that Court where Brown has been advised to sue me, than your Excellencys Consideration, But it serves to increase the number of Articles for them, and to convince your Lordship, what pains the promoters of the Address have been forced to take, how low and much beneath the Dignity of an Assembly, they are oblig'd to stoop, to find seeming Accusations: To which I shall not trouble your Excellency with any further Reply, save that its untrue in all its parts, That I never took the Horse, detain'd, or have, or have had him in my Custody, but lay the Proof upon them, before that Court where they have commenced their action Against me. This I could easily manifest to your Excellency, but judge it too inconsiderable for your Lordships notice; besides, it might be prejudicial to me, in my necessary defence in its proper place.

Nevertheless I cannot omit giving your Excellency another evident Demonstration of the Unreasonableness of the Address, in misrepresenting this matter on bare suggestion, either of some of the said Committee,

or else their cheif Mannager, Mr. Willoks, for the which Misrepresentation there is as little foundation, even in the Report of the Committee, as the committee had warrant to meddle with the whole business, which was not referred to them.

The Address says. Sometime after the poor Man (Brown) had commenced an Action against me to recover, if possible, his Beast unjustly detained from him, one Reeves complained against one Mellin a Taylor, &c insinuating, and so timing the matter, as if I had treated Brown severely on the account of his carrying away Mellin, to revenge the suit which he, the said Brown had Commenced against me. Whereas the Reverse is true; for the matter of Mellin was long before Brown arrested me. Mellin's affair happening in May, and Browns Writ bears test in May Court, but was not sealed until July, nor had I any notice of, or was arrested upon it until September following; from whence its evident, that Browns against me for the Horse, might be the effect of Browns resentment for being committed, but could never be any reason for my committing him, as is insinuated.

Which brings me to the matter it self about Mellin. Your Excellency will here see the temper of some of the Leading Members of the Assembly; whose Rancor carries them so far beyond their Reason, that they state the facts different from, nay, repugnant, not only to the Report of the said Committee, but also pervert what was said by the persons they examined, of which I shall give your Excellency four particular Instances.

First, The said Address says. That one Reeves complained against one Mellin a Taylor, for detaining a Coat of Reeves which I was pleased to call Felony, and was going to commit Mellin for Fellony. The Report is, That I issued my Warrant to the Constable to bring Mellin before me, upon John Reeves his complaining of Fellony against said Mellin.

2dly. The Address goes on, Tho' Mellin proved, & Reeves afterwards confest, Mellin only detained the Coat he had made, till Reeves should pay him for the making of it. This being joyned to the fore-going, it is to be taken, that this Proof of Mellin, and confension of Reeves, were at the Examinatian. But the Report, and what was said, is quite otherwise (viz.) That I committed the said Brown into the Sheriffs Custody, where he remained until Bailed out, altho' Reeves afterwards declared, that the said Mellin had not stole the Coat, before pretended, but detained it for his pay. From whence its evident that this declaration of Reeves, if any such was, happened after Reeves was bailed out, and not at the Examination before me; and its plain; by the Report, from what A. Hudy said, and the Address it self confesses, that it was some time before Brown was bailed: neither is there one word in all the Report, that Mellin proved that he detained the Coat for want of payment for making it; all which much alters the state of the case; for when the matter was under examination before me, I could take no notice of discourse that happened many days after.

3dly. The Address tells your Excellency, That Mellin finding there was no contending with absolute Power, found a way to escape from me, and was set over to Statten Island by the aforesaid Brown, who was altogether ignorant of what had happened. The Report is, At the desire of Mellin, John Brown carried him to Statten-Island, and Brown told the Committee, that he knew Mellin was in trouble. So that not one word of Absolute Power, nor anything that appears like it, can be gathered either from the Report, or what was declared to the Committee.

4thly. The Address sets forth, "Upon which Son-
"mans, to gratifie his Resentment, contrary to Law,
"commits said Brown to Gaol, and when the Sheriff had
"admitted him to Bail, he used many Threats to him

“ for his so doing, ordering him to take him back again,
“ telling him he would throw up his Commission and go
“ to York, and desire my Lord to send Souldiers to Rule
“ them; Which Threat, and Fear of being governed by
“ Martial Law, induced the Sheriff to take him into
“ Custody again, and keep him in Prison till my Lord
“ Cornbury was pleased to allow he might be admitted
“ to Bail.” The Report is only thus, “ But the next day
“ he committed John Brown, which after sometime, he,
“ viz the Sheriff, admitted to be bailed out; at which
“ Sonmans was very angry, and said, he would go to
“ York to my Lord, and throw up his Commission, and
“ desire my Lord to send Souldiers to Rule them.”

Your Excellency sees that there is no mention of any Threats, nor any Command of mine to take him into Custody again, much less does the Sheriff say one word That the Threats, or fear of being govern'd by Martial Law, induced him to take the Man again in Custody, or that he could not be bailed until my Lord Cornbury was pleased to allow it, who, I believe, was never applyed to about it: This is all an Addition of the Contrivers of the Address.

The next Sentence in the Address, is, “ This Proceed-
“ ing, as it was most unlawful and unjust so it tended
“ not only to render her Majesties Subjects entirely de-
“ pending on my Lord Cornbury, or those he thought fit
“ to honour with Magistracy, but to create in the Minds
“ of People an aversion to her Majesties just and mild
“ Government, when by a humor a Gentleman of the
“ Council could Dragoon them at pleasure.

Here, My Lord, The Managers of the Address prevail upon the Representatives, to take upon themselves again, an absolute Power of asserting that Proceedings are most Unlawful and Unjust, when, in truth, they know not what the Proceedings are; for a learned Judge tells us, Examination without an Oath, is but loose Discourse. So, upon loose discourse, and that

without hearing what the other side has to object to that loose discourse, the Promoters of the Address impose upon the Representatives, to judge of the Lawful or unlawfulness, and Justice or Injustice of the Actions of the Officers of the Government. Whether this be asserting and protecting the Liberties and Properties of the Subject, or rendering them precarious your Excellency will easily Judge?

How any thing, even the Address, much less the Report says, can have the tendency by the Address mentioned, I confess, I understand not, nor how thereby Her Majesties Subjects are entirely made depending on my Lord Cornbury, or those he thought fit to honour with Magistracy. If Brown was uneasy under his Commitment, why did he not move for a Habeas Corpus, as the Law directs, and so obtain his liberty, which my Lord Cornbury, nor any other Magistrate, neither could or would have disobeyed. What they mean by a Gentleman of the Council could Dragoon them at pleasure, I protest I understand not. The Addressers certainly designed not that Reflection upon me, because they and their Chief Mannager, M^r Wilkoks, very well knew that I had not the honour of sitting at that Board until some Months after; besides, not any Soldiers under that denomination, were ever here, that I know of; Nor indeed can I see the least pretence for that extravagant Expression, taking the fact in as bad a sense as the Mannagers of the Address, themselves, would gladly have it understood, since the most it amounts to, even then is that I said, I would desire such a thing, but that I ever did desire it, appears not.

But that your Excellency may be fully informed, I will presume to relate the fact truly, purged from the Glosses put upon it. Reeves having taken Mellin with his Wife, as Inmates into part of his House, complained to me that he missed sundry things, particu-

larly some Rum, Wool, working Tools, and lastly a Coat, Mellins had made for him, which Reeves had worn several times. That he the said Reeves being gone to work, Mellin had feloniously taken this Coat, and carried it to another house, where he and his Wife had retired, without giving him any the least notice. Wherefore finding Mellins had taken the Coat, he believes he might also have taken some of the other things; there fore prayed a Warrant against him, (which I granted.) When both appeared before me, Reeves took his Oath to his Complaint and produced some Witnesses, which affected Mellin as to the Wool. Mellin for his defence alledged, that he had made the Coat, confest the taking it out of the house when Reeves was abroad, and carrying it away. I asked if since he had made the Coat, he had not delivered it to Reeves, and whether Reeves had not many times worn it? If he had demanded payment of Reeves, and given him notice, that if he was not paid for the making he would take it in pawn? Mellin confest he had delivered it to Reeves, and that Reeves had worn it, but could not prove he had either demanded payment for making, or given him notice, that he would secure the Coat if he was not paid. As to the Wool, and other things, he only answered, he knew nothing of them, without making any reply to what the Evidences said relating to the Wool. I then told him, I must commit him. Whilst I was writing the Mittimus, I gave the Constable charge of him, who let him escape, altho' I called to him expresly, that I should require him at his hands. Presently after, I was informed, upon Oath. That John Brown had carried said Mellin over in a Cannoe to Statten Island, tho' Brown was told the whole matter. Whereupon I sent a Warrant for Brown; being come before me, I asked him some Questions about this affair, but he refused to make any direct Answer; whereupon I told him, he must

find Sureties to appear, and answer at the next Sessions; which he absolutely refused; and putting his Arms on his side, turned about short, and bid some of the Company get him a horse, he would ride to Goal in State. I then committed him.

The next day, being told, That the Sheriff had taken upon himself to bail Brown, though committed as an accessory to Felony; I went to Woodbridge to inform the Sheriff of his Error, and warn him of the Inconveniencies he might suffer thereby. At the entrance into the Town, I met Brown, with the Constable and another returning to Amboy. I enquired the reason thereof? The Constable told me, The Sheriff had accepted of Bail. I answered, That the Sheriff could not do that; and commanded the Constable to bring Brown back before me; which, though often repeated, the Constable utterly refused to do. I went into the Town, ask't the Sheriff, by what Authority he bailed a Prisoner so committed? He told me, There were three Men bound in One Thousand pound a piece to deliver Brown to him again, whenever he should be demanded. I advis'd him to demand him presently; related to him what had happened with the Constable, adding, That I would complain to my Lord of this Contempt, which if he would not direct to be prosecuted I would lay down my Commission, for that it was to no purpose to keep it if I could not be obeyed; and if People could not be ruled by the Laws, or the Civil Magistrate, my Lord must send down Soldiers to compel them. The Sheriff, sensible of his Error, sent for Brown again, and kept him until he thought fit to apply to the Secretary to be bailed, who immediately bailed him, without any direction or allowance of my Lord Cornbury, who I believe was never spoke to about the Bailment, as is insinuated by the Address. I indeed complained to his Lordship of the Disobedience of the Constable, whom my Lord directed to be bound over, and the

Grand Jury have found the Indictment against him, Mellin was afterwards taken up, but soon bailed, and the Attorney General preferred an Indictment to the Grand Jury against him last November Court, the Names of four Witnesses being upon the back of the said Indictment, who were also Sworn; but the said grand Jury, of which M^r Royce (the Chair-man of this Committee was Foreman) were pleased never to Return the said Indictment into the Court, nor so much as sent for one of the Witnesses. Your Lordship will now judge whether my procedure is Unlawful and Unjust: I humbly conceive, if a Justice of the Peace is not protected in the Execution of his Office, but is suffered to be Affronted, his Commands disobeyed, and those he thinks fit to Commit, carried away out of the Government, that Excellent Constitution, which has provided so useful an Officer, will soon be lost.

But here I must again take Notice to your Excellency, That supposing everything in this Article alledged, is true, its not of that nature to lay the Representatives under the Necessity of so publick a Complaint, Or that they should be wanting to the Country they represent, if they were silent, much less that it so justly requires their Consideration; forasmuch as I am advised, That the matter no way concerns them, because the utmost the whole Charge can amount to, is, That I wrongfully committed Mellin and Brown, which if I did, they had their Remedy, in the ordinary course of the Law, before the established Courts, without presuming upon your Lordships time, who cannot, if they are wronged, adjudge them any Satisfaction but must at last leave the matter to be determined by the Law.

The Third Accusation is in a Case depending between the Queen and M^r John Harrison, upon an Information exhibited by the Attorney General, he the said Soumans endeavoured to perswade the Sheriff to pack a Jury,

as the Address untruly relates. The Report and what the Sheriff said at the Committee, being quite otherwise I know not what the Address means. The Sheriff said (according to the Report of the Committee) That it was upon a Triall of John Harrison, at a Supreme Court at Burlington in a Cause depending between the said Sonmans and Harrison. So here the Causes differ, and in truth, I cannot make any Answer to it, since I know nothing of the Matter. I had no Causes depending between Harrison and my Self, that could come on, or were ready for Tryall, at that Court at Burlington: If it was a Cause of the Queens, I had no business with it, nor was acquainted with any steps taken, in order to bring it to Tryall, much less to pack a Jury: wherefore I absolutely deny the Charge, nor know anything of the Fact, Cause or Time. I confess, I have many times advised the Sheriff to be careful to get good Juries, and not to impanel any he thought Partial, or inclining to any Party: nor am sensible that I have therein committed any fault; tho' with submission, I think the said Representatives would have done well, and had reason enough to have enquired into the reason how such strange both Grand and Petty Juries have been impanelled of late, who have all along gone directly contrary to the Charge given them by the Court, and the fullest Evidence that could be: and whether some others have not pack't Juries to their own purpose, which have occasioned some Presentments and Verdicts to go accordingly.

The Fourth Article is represented to your Excellency as a great Instance of my Injustice and Partiality, but will, I doubt not, appear as much to my Advantage, as more it seems the contrary, when it is truly related. The Fact, My Lord, is thus: Michael van Vechten (who of the two mentioned in this Article, is more my Friend and Acquaintance, than

Alexander Walker) arrested Walker for £130 in the Court of Common Pleas, in which Court there is a standing Rule, That all Writs shall be signed by the Party himself, or his Attorney. The Writ was not signed by said Van Vechten, but by M^r Gorden, who was not at that time allowed to practice as an Attorney. M^r Gorden appeared for the Plaintiff, Van Vechten, the Attorney General for the Defendant, Walker. The Cause being called, M^r Attorney General for the Defendant, moved, that the Writ might abate, because it bore Test in the Vacation, and was not signed by Van Vechten or his Attorney, as the Rule required. Being sensible that M^r Gorden watched for an opportunity of Complaint against me, altho' he was not allowed to plead, I suffered him to say all he could for his Clyent, only told him, he ought not; but however, gave way to his Pleading. After a long Debate, I gave Judgment, That the Writ should abate, because it bore Test in the Vacation; which is certainly a good Reason for Abatement. The Defendant thereupon made out his Bill of Costs, which, as the Ordinance allows, I taxed, tho' I cannot remember the Sum; but be it what it will, I dare maintain my Taxation, by the Ordinance then in force. As to what the Address says, Where a Writ of the Plaintiff abates, no Costs ought to be paid: All former Practice in the Province confutes such an Assertion. And that the unfairness of the Address may more plainly appear, I must add, that by the Oath of the Judge of said Court, I ought not to give Counsel or Advice to either Party; yet the Adress accuses me for not doing that, when it tells Your Excellency in the same Article, That another Writ signed in the same manner as that was, met with no Objection from me, but was allowed of. There was indeed another Cause called, between Jacob Arents Plaintiff, and Robert Mellin Defendant, both who appeared in Person; The Plaintiff moved for a

Rule to oblige the Defendant to plead to his Declaration, but the Defendant made no exception to the Writ, which I never saw, nor indeed was it my business to look after it From whence its evident, That except I had seen the Writ, and, contrary to my Oath, been of Council for the Defendant I could not make any exception to it.

But that the Partiality of the Address, and particularly of M^r Gorden who only spoke to this matter before the Committee, may appear to your Excellency as clear as the Sun at Noon, I must beg your Excellency will be pleased to observe, That at the very last Court of Pleas held at Amboy, the 11th March, M^r Gorden pleaded in Abatement for the Defendant to this very Writ they accuse me of passing without being signed by the Party, according to the Rule of the Court; but before the Court gave Judgment, agreed to put in an issuable Plea. I told Mr. Gorden, if they had not agreed, I must have given Judgment for the Defendant, because the Reason pleaded for Abatement, was good.

Before I pass from this Article, I must beg leave to represent to your Excellency, That what ever the matter of Facts, here charged, are, they are not such as belong to the Representatives, nor obliges them to such extraordinary Proceedings, since if I have erred, the party injured could and may yet have his Remedy at the established Courts, and not by such unpresided Methods.

The Fifth Article Complains of my refusing to bind Alexander Walker to the Peace, on pretence, That I was immediately going out of Town on your Lordships business, tho' I staid in Town part of the next day; which Accusation I utterly deny; no regular Complaint being ever made to me. I confess, that on Sunday, about three of the Clock in the afternoon, as I was sitting at Dinner, and then going just out of

Town, M^r Gorden told me a story to the purpose in the Address set forth; to which I answered, that I was to go out of Town as soon as I should rise from the Table, that I should be back at night, and go away next morning early, there fore advised him to apply to some other Justice of the Peace, which he promised to do. But I must also inform your Excellency, that nothing of what M^r Gorden said appear'd to me, Himself confest it, all Hear-say; he was neither the Party hurt, or threatned to be hurt, had not seen any body hurt, or heard any threatned, nor shewed me any Authority or request from the griev'd Party, if any there was for what he did, much less made, or offered to make Oath, as the Law requires, that anything he said was true, or that anybody was in any danger or fear; and all Examinations, without Oath, are but loose discourse, upon which no Justice can answer the binding of any one over. And I have much reason to believe, the matter of fact was otherwise than as Mr. Gorden reported, for tho' I returned at night, and went not out of Town till Ten the next morning, I heard nothing of M^r Gorden or the Persons he pretended to appear for.

The Sixth Article relates to my own private particular Affairs: that matter is already brought before the Supreme Court, where it must have its determination, wherefore shall not trouble your Excellency with any other answer, then, that I deny the fact. Tho' I cannot omit observing to your Excellency that this cannot be any instance of my rendring the Liberties and Properties of her Majesties Subjects precarious, nor a Crime of that nature, as lays the said Representatives under the necessity of so publick a Complaint. Which if the said Representatives should neglect, they should be wanting to the Country they represent, since the meanest Court in the Province has power to take notice, and punish any such crime, when its proved be-

fore them. The whole-matter is of so mean and inconsiderable a nature, that the Managers of the said Address ought to blush when they trouble your Lordship with such trifles; its a hard case when an Assembly is forced to strain the trust reposed in them, to so great a degree, only to gratify the private revenge of a few of their Members.

The Seventh Article is of a piece with the former, to which I shall therefore only answer. That I utterly deny the facts, for which some of the Members of the said Representatives presented me: that I have much reason to believe the Grand Jury themselves did not believe what they brought in: but were imposed upon and over born by some, who never minded the Oath they had taken, and that those Indictments are False, Scandalous and Malitious, invented for a handle to fling dirt, which plainly appears in their being so laid and contrived that the main accusations can never come regularly to be tryed, the sham Indictment being found by an Inquest not of the place where the fact is alledged to be committed.

I boldly affirm to your Excellency, that I am not conscious of any guilt, which can make me fear any honest Grand Jury, that will be bound by the Oath that they take, (viz) that they shall not present any one for hatred or malice, or excuse any for fear, favour or Affection nor have ever after an unprejudiced manner hindred the Grand Inquest from doing their Duty at the last, or any other Court.

What I did at the last Court of Sessions at Amboy, the 8th of March, your Excellency has been pleased to approve of, viz. Not to admit any to serve upon the Grand Inquest, who refus'd to take the Oaths to the Queen, as by Law required. This, My Lord, is what the Managers of the Address are pleased to call Hindring a Grand Inquest from doing their Duty, after an unprejudiced manner; Tho' I may more truly

say, That the said Inquest being led by Mr. Willocks, who publickly declared he would not take the Oaths, and was pleased to term it, taking the Lords Name, in vain, did, after an unpresidented manner, withdraw from, and did not attend the said Court, as they ought to have done. The Reason of which, and why the Sheriff did not summons another Grand Jury, as he was commanded, I presume the said Representatives, or some of them, know best, there being but too much Reason to believe, that the whole matter was so ordered by some Members of the Representatives, who being conscious of the Riots and Breaches of the Peace they had lately been guilty of, were justly apprehensive of their Crimes, and would not escape due Prosecution. How careful some of the Representatives have been of tolerating evil Examples, How Anxious to preserve the Liberties and Properties of the Subjects from being precarious. Whether they have been wanting to the Country they represent; Whether they have been silent in a Cause that might justly require their Consideration; and lastly, Whether they protect those that publickly stand up in Defiance against many Acts of Parliament! I shall leave to your Excellencys Considerations, when your Excellency shall please to reflect, that all this Accusation is only because I would oblige a Grand Jurymen to take the Oaths, which, it seems, is so great a Crime, in the Eyes of many of the Representatives, that it lays them under a Necessity of so publick a Complaint against me.

To the Eighth and last Article, I say and confess, That in four Criminal Causes depending before, and tryed this last Court of Sessions at Amboy, I did not admit a Quaker to serve on the Jury, which I have no doubt but your Excellency will be pleased to approve of, for the following reasons.

First, Because I never heard, by any Instruction of

her Majesty, the Quakers were admitted to be upon Jurys. I have heard, and do believe, that an Instruction to the purpose following, may have been given, viz.

“Whereas we are informed, that divers of our good
 “Subjects inhabiting those Parts, do make a Religious
 “Scruple of Swearing; and by reason of their refusing
 “to take an Oath in Courts of Justice, and other Places,
 “are or may be liable to many Inconveniencies, Our
 “Will and Pleasure is, that in order to their ease, in
 “what they conceive to be matter of Conscience, so far
 “as may be consistent with good order and Govern-
 “ment, you take care, that an Act be passed in the
 “General Assembly of our said Province, to the like
 “effect as that passed here in the Seventh and Eighth
 “year of his late Majesties Reign Entituled, An Act
 “for the Solemn Affirmation and Declaration of the
 “People called Quakers shall be accepted instead of an
 “Oath, in the usual form; and that transmitted to Us,
 “and Our Commissioners for Trade and Plantations,
 “&c.”

But, with submission, I humbly conceive this so far from allowing them to serve upon any Jury, that it does not so much as direct they shall have the benefit of the Act there mentioned; but on the contrary, from the very words, it plainly appears, that her Majesty gave no direction against that Law, nor allowed, much less directed that they should have the ease by that Law given them, but that they are, or may still be liable to the many Inconveniencies in this Province, to which they were exposed in England before that Act was made; for, if otherwise, what Reason can be assigned for these words in the Instruction, “Our Will and pleasure is, that in order to their Ease, &c. you take care that an Act be passed, &c.” Like wise, these foregoing, “And by reason of their refusing to take an Oath in Courts of Justice, and other Places, are or may be liable to many Inconveniencies.

Secondly, Because even by that Instruction, whereby Her Majesty has been graciously pleased to admit the Quakers to bear and share in several Offices in this Government, nothing is contained, as I am advised, that can be construed to extend to permitting them to serve on Juries; which will plainly appear to your Excellency from the Instruction it self, which I have heard, and do believe, may be in these words, viz.

“ And whereas we have been farther Informed, that
 “ in the first settlement of the Government of our said
 “ Province, it may happen, that the number of Inhabi-
 “ tants fitly qualified to serve in our Council, and in
 “ the General Assembly, and in other places of Trust
 “ and Profit there, will be but small. It is therefore
 “ our Will and Pleasure, that such of the said People,
 “ called Quakers, as shall be found capable of any of
 “ those Places or employments and accordingly be
 “ elected or appointed to serve therein, may upon their
 “ taking and signing the Declaration of their Allegiance
 “ to us, in the form used by the same People here in
 “ England, together with a Solemn Declaration for the
 “ true discharge of their respective Trusts, be admitted
 “ by you into any of the said Places or Employments.”

From which words in the Preamble, We have been informed, that in the first settlement of the Government, it is plain that that Instruction took its rise only from Information: Against the truth of which, I shall not trouble your Excellency with any arguments here, tho' the contrary, I am assured of from many good hands. But, my Lord, here is not one word of being admitted to serve on Juries, in the whole Instruction: it seems to be restrained to the Council, General Assembly, and other Places of Trust or Profit, under which denomination that of a Jury-man, as I humbly conceive, cannot well be accounted.

Besides, your Excellency will please to Remark, That the Preamble gives the Reason of this Instruc-

tion, viz. That in the first Settlement it may so happen, that the Number of Inhabitants fitly qualified to serve, &c. will be but small. It is therefore plainly intimating, That if there were a sufficient Number to serve, that Instruction would not have been given. Now, My Lord, in this Cause complained of, a sufficient Number to serve were impanneled; so that, at best, an Officer may err in admitting a Quaker, but not (with submission) if he does not.

3dly, Because the last Clause, but one, of the Act of the 7 & 8 of William the 3d, mentioned by her Majesties Instructions, and recommended to be past here, in order to the ease of the Quakers, in express words forbids it: which, for the more certainty, I shall presume to trouble your Excellency with, and are these:

“ Provided and be it Enacted, That no Quaker or reputed Quaker, shall, by virtue of this Act, be qualified
 “ or permitted to give Evidence in any Criminal Causes,
 “ or serve on any Jury, or bear any Office or Place of
 “ Profit in the Government, any thing in this Act to
 “ the contrary in any wise notwithstanding.

The Conclusion of the said Address is so very extraordinary, that I would not in any way alter it, but shall repeat the words, “ Were there no more to be said
 “ against him than his being indicted for Perjury and
 “ Adultery, we humbly conceive would justify what we
 “ are to desire of your Lordship, a Person of that Char-
 “ acter being a scandal to her Majesties Council; and
 “ we believe your Excellency will think it a Reflection
 “ on the publick Administration to continue him in
 “ that Station; We therefore pray, that your Excel-
 “ lency would remove him from your Presence, her
 “ Majesties Council, and from all Places of Trust and
 “ Profit in this Province.” So that the said Representatives in very Plain Terms desire your Excellency, first, To Condemn me unheard, or before any thing is proved against me, upon their bare Affirmation, as a

Scandal to her Majesties Council, and that it will be a Reflection on the Publick Administration to continue me in that Station. Therefore, 2dly, with the same justice, they pray your Excellency to proceed to Execution, viz. To remove me from your Excellency's Presence, Her Majesties Council, and from all Places of Trust and Profit in this Province. I hope your Excellency will please to Pardon me, if I say, This Desire and Prayer of the said Representatives is directly contrary to the Liberties and Properties of the Subject, to the express words of the Great Charter of England. The Petition of Right, the many other subsequent good Laws, that in all Reigns have been Enacted for the benefit of the Queens Subjects, and only to be equalled under a French or Turkish Government; therefore the most Unjust and Unreasonable that ever were made.

For, were nothing to be said against the Form and Substance of the said Indictment, as much there is; were they found (as a Grand Inquest ought to be) by impartial unprejudiced Men, the contrary of which is evident. The Chief Men being known to be my professed Enemies, because I have many Demands on them in Civil Causes, had they been brought into the Court in the usual manner, which they were not, but in a Method altogether strange, or had they been without any manner of other Objection. Yet even then, your Excellency knows they are only a bare Affirmation, to which the Party never had any Opportunity of being heard, much less making any Defense: For which reason the Law directs, That the Party shall be summoned, not to be judged, much less condemned, but heard, that Time and Opportunity may be given him to make his Defence and invalidate the Evidence, which may have been Wrongfully or Maliciously given against him. But this bare Accusation shall, by the Desire of the Addressers, who ought to be the most

careful Protectors of the Liberties of the Province, as far as the Law directs, may, to make new Laws to help the Defects of the Former, if Occasion requires it, be deemed so full a Conviction and Proof, that Judgment and Execution shall follow upon it.

By this Rule, My Lord, any Gentleman who has the honour of Serving the Queen, or any other Officer of the Government, shall be Turned out, Ruined in his Reputation (which ought to be dearer to him than his Life) and treated as a high Criminal, Convicted without being heard, or any Proof against him, whilst his only Crime is, that a few leading Men, tho' his Known Enemies, have Interest enough with a Sheriff to be returned on a Grand Inquest. But, My Lord, the matter of this Address is yet more extravagant; for all Examinations of the Grand Inquest are upon Oath, but much of what I am charged with, in the said Address, is only upon a bare Relation given, without the Life of an Oath, or any thing else to oblige the Relator to speak the Truth, managed by one, who publickly refuses to give any assurance of his Allegiance to the Queen, or Fidelity to the established Government. And for several other Charges, they do not by the Report of the Committee, or any other Proceedings of the Assembly, appear to have been so much as told the said Representatives, but must be things framed by the Mannagers of the Address.

Your Excellency will be pleased to Remember what a learned and just judge has left as a standing Rule, viz. That all Questions and Tryals, where Witnesses are examined, the Examination is upon Oath by the law, by all our Books, Statutes and every days Practice; Examination without an Oath is but loose Discourse. Yet the Promoters of the said Address, prevail upon the Representatives, to take upon themselves a much greater Power than the House of Commons it self ever claimed, viz. not only of Examining,

but Condemning, and praying Execution. Whereas the House of Commons, even in Impeachments for High-Treason, High Crimes and Misdemeanors, never pray any farther, but that the Person Impeached may be put to answer for all and every of the Premises, and that such Proceedings, Examinations, Tryals and Judgments may be upon every of them, as is agreeable to Law and Justice. The same Judge says, in another place, Magna Charta, The Petition of Right, and other good Laws of the Land, ordain, That Mens Tryals should be by the established Laws, and not otherwise; That they are the very words of the Petition of Right.

In pursuance of which, Lords, upon Impeachments of the House of Commons, are tryed before the House of Lords, and if the said House of Commons find reason to accuse a Commoner, they proceed not to condemning, and addressing that he may be removed from all his Places of Trust and Profit, but that direction may be given, that he be prosecuted, in order to his acquitting and discharging himself of the Crimes laid to his charge, if he can, or else of being legally convicted; which Prosecution must be by the established Laws, which Laws the Act of the twelfth and thirteenth of William the 3d, for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subjects, says, are the Birth Right of the People of England. I shall not need to trouble your Excellency here with a relation of what happened on the occasion of the Impeachments of the House of Commons, against my Lord Orford, my Lord Somers, my Lord Portland, and my Lord Halifax, and that the House of Lords resolved so, and did Address his late Majesty, that his Majesty would be pleased not to pass any Censure upon their Lordships, until after their Lordships should be tryed upon the said Impeachments, and Judgment be given according to the usage of Parliament and the Laws of the Land,

because your Excellency being a member of that Noble House, and present at most of those Proceedings, must be better acquainted with them, than I can, and will not fail of making due Reflections thereon.

But contrary to all this, the said Address prays your Excellency, as I said before, to Condemn me, nay, go on to Execution, without any such Examination, before any Tryal by the established Laws, without any legal Evidence, before being heard, and all in a summary way, without any Judicial Proceedings whatsoever.

How far the Advisers of the Address, by this Conclusion, and indeed the whole Address justly entitles them to the several Crimes of Illegally using the Power are cloathed with, to the great hurt of her Majesties Subjects, giving an Evil Example, and rendring Liberties and Properties precarious, and at the disposal of every Assembly, that shall make Envy and Spleen, and not the good of their Country, the Rule of their Actions; whether they, by their unprejudiced ways, lay not themselves under the Necessity of publick Censure? Whether they are not wanting to the Country they represent, when they thus endeavour to make it a Party to the Injuries they do, and neglect matters that justly concerns the whole Province's Wellfair? Whether they break not through all Laws, abuse their Majesties Subjects, tho' in considerable Offices? Whether they deserve not Publick Reproof, that thus use the Places they sit in; so contrary to the end for which they are sent? Whether this does not tend to render her Majesties Subjects entirely Depending on the Caprice of a Party in an Assembly, and Create in the Minds of People an Aversion to her Majesties just and mild Government. when some leading Men in an Assembly can Displace any of the Council at their Pleasure, without being allowed to speak for himself, or having the Accusation proved against him? Whether

they encourage not Grand Inquests to Neglect doing their Duty, and discourage Magistrates from tendering the Oathes to the Queen and Government, prescribed by sundry Acts of Parliament? And lastly, Whether they do not defeat her Majesties good Intentions to her Quaker Subjects, and render her Government uneasy to the People of that Perswasion, when they neglect passing an Act as the Queen directs, and endeavour to perswade them, That they may act contrary to Law? I say, how far the Advisers to this Address ingross to themselves these several Crimes, with which they unjustly endeavour to load me, I shall submit to your Excellencys judgment, and that of all judicious Men.

And altho' I might now close my Answer, with justly turning their Conclusions upon the Mannagers of this Address, by retorting, That were there no more to be said against them, than their Attribray, Unjust and Illegal Conclusions; I humbly conceive it would justify what I could desire of your Excellency. Persons of that Principle, and who hold those Tenets, being unfit to represent a Province, it might be believed, Your Excellency would think it dangerous for the publick Safety to Continue them in their Stateous, and I should pray, that your Excellency would remove them from your presence, their places in the Assembly, and from all Places of Trust and Profit in this Province. I say tho' I might justly finish with this, yet I will not presume so far, or any way to direct or prescribe to your Excellency, much less follow an example, which I think deserves to be avoided; neither shall I trouble your Excellency with any further Remarks on the unpresidented, unwarrantable, unjust and unreasonable Request of the said Address, nor take upon me to recount the Numberless Pernicious Inconveniences, that must necessarily flow from such proceedings, since they are too obvious to escape the meanest, much less your Excellencys observation.

But for that the matters and things in the said Address contained, are either no Crimes or false in fact, or miserably mis-represented, and if any Faults be committed, tho' I must insist upon it, that not any appears to your Excellency, by the said Address, they are such as are and must be regularly tryed before the Establis^{ht} Courts, according to the known Laws of her Majestys Kingdoms, and the Custom of said Courts, and cannot be examined or tryed any other way; and for preventing the many ill and unwarrantable consequences that must needs attend such uncommon and illegal ways of scandalizing all Officers, but especially those that have the honour of being of her Majestys Council, to whom some Civility and Respect is or ought to be done, I humbly pray that the said Address may make no impression upon your Excellency, but be utterly disregarded, and that your Excellency will be pleased, so effectually to discountenance such new and unpresidented Methods of villifying Officers of the Government, particularly those whom her Majesty has thought fit to honour with a Place, in her Majestys Council, that I may in some sort be justified thereby, and receive all the satisfaction the nature of such an Address will bear, and to your Excellency in your Wisdom and Justice shall seem meet; which is humbly submitted to Your Excellency's Judgment.

PETER SONMANS.

Amboy April 14. 1709.

To the Honourable Rich. Ingoldesby Esq;
Lieut. Governour and Commander in Chief
of the Provinces of New Jersey, New-York
and Territories depending thereon in America &c.

May it please your Honour,

The foregoing Answer being prepared and written

long before the death of his late Excellency, the Lord Lovelace, I have presumed to deliver it to your Honour, in the same stile and manner as it was first intended, without any Alteration, assuring myself that your Honours Judgment will easily discern the grounds of so unwarrantable and unpresidented a Proceeding, and your Justice give me such ample satisfaction as the nature of the thing will bear. All which is most humbly submitted to your Honours Judgment by

Your Honours

Amboy June 11
1709

Most Obedient humble Servant,
PETER SONMANS.

AN APPENDIX.

To the Honourable House of Representatives
of Her Majestys Province of New-Jersey,
now met and assembled in General Assembly
at Perth-Amboy.

The Petition of us under-Subscribers, summon'd to serve upon the Grand Inquest at Her Majestys Court of Sessions, held for the County of Middlesex in the said Province, the Eight Day of this Instant March.

Humbly Sheweth

That in obedience to our Duty, and to manifest our readiness to serve her Majesty and our Country, we did all appear at the opening of the said Court, and answer each of us to our respective names, as we were called, and did render ourselves to take the Accustomed Oaths, which have always been given to Grand Jurys; but before we were permitted to take the said Oaths, Peter Sonmans, Esq; President of the said Court, would know (as he said) whether we had taken some other Oaths, which he desired Jeremiah Bass, Esq

Secretary of said Province to bring, but M^r Bass refusing, he the said M^r Sonmans adjourned the Court till three of the Clock in the after-noon.

We your Petitioners did continue our attendance in expectation of the Courts sitting till after sun set, and within night, when we were under a necessity of repairing to our respective Homes, where not only the wants of our Families obliged us, but also the Town being so crowded we could obtain no Lodging. After the said M^r Sonmans knew that your Petitioners were dispersed, he called the Court by candle light, and as we are informed, hath fined each of your Petitioners in the sum of Thirteen Shillings and four pence. Your Petitioners do further beg leave to inform this Honourable House, That as we are credibly informed the said Mr. Sonmans stands indicted at the last Supream Court of this Province for the Crimes of Perjury and Adultery, from whence we have reason to conjecture, that he being conscious of his own Guilt, and being in terrour of more Indictments, he took the methods above said to frustrate the Grand Inquest proceeding, as in Justice they ought.

Your Petitioners therefore humbly pray, this honourable house will take the Premises into consideration, and to take such Methods as in your wisdom shall think fit, for Relief of this County in General, and your Petitioners in particular, from such unpresideded Procedures and unjust Fines: and as in duty bound your petitioners shall ever pray.

Miles Foster	Peter Bargoun	David Denham
Samuel Dolte	Jerimiah Reader	John Heard
John Ormston	George Willocks	John Ilslee
Matthew More	John Pike junier	Jonathon Ilslee
Isaac Smalley	John Molleson	Thomas Blumfield.
Joseph Fitzrandolph		

A True Coppy,

J. PINHORN.

The Report of the Committee upon to said Petition, viz.

Die Mercurij A. M. 16 March, 1708. [92]

The Foreman of the Grand Jury, on behalf of himself and the rest made it appear to this Committee, that the said Jurors gave their attendance, according as specified in said Petition; and that the said Peter Sommans, Esq: stands indicted as is declared in said Petition as also, divers other things are alledged against him to this Committee, viz. Jacob Arents declared that the said Peter Sommans employed or advised him to arrest John Barclay on the Sabbath day, which he did accordingly.

John Brown declared That the said Sommans had taken away his Horse without shewing him any reason for it, and that he had commenced an Action against him for said Horse.

William Frost, Constable, saith, Peter Sommans had ordered him to bring Robert Mellin before him upon John Reeves complaining of felony against said Mellin which afterwards, at the desire of said Mellin, John Brown carried him over to Statten Island, at which Sommans was displeas'd and Committed the said Brown into the Sheriffs Custody, where he remained until Bailed out, altho' Reeves afterwards declared, that the said Mellin had not stole the Coat, before pretended, but detained it for his pay.

Adam Hudey [Hude?], Sheriff, saith, That Sommans told him, That complaint was made to him against Mellin, on which complaint he would commit him into his Custody, but the next day he committed John Brown, which after some time he admitted to be bailed out, at which said Sommans was very Angry, and said he would go to York to my Lord, and throw up his Commission, and desire my Lord to send Soulders to

rule them. And further saith. That upon Tryal of John Harrison at Supream Court at Burlington. in a cause depending between said Sonmans and Harrison. Sonmans told him. that he had need to summons a good Jury; and that John Harrison being Captain. there was none on their side Boundbrook fit to serve. but he could advise him of a Jury of good men. all in his way which he accordingly gave him a List of ten or eleven men. which were all Dutchmen.

Thomas Gordon saith. Michiel Van Veighty desired him take out a Writ against Alexander Walker. and sign it in his name. which he did: but afterwards it was disallowed by Sonmans. because it was not Michael Van Veightys handwritting. altho' Michael Van Veighty owned it to be his order in open Court. yet it was thrown out: notwithstanding said Sonmans signed a bill of Costs of three Pounds seventeen Shillings and ten pence: and after allowed another Action in the like case.

Application being made to Mr. Sonmans by Thomas Gordon. on behalf of a poor sickly boy called John Loveridge. that one Alexander Walker went on the Sabbath day with an Ax to him. and threatnd to wash his hands in the boys blood. M^r Sonmans acknowledged it was a notorious violation of the Peace. but said he had not time. and refused to meddle in it.

John Brown declares. that Mr. Sonmans has turned out Quakers from serving upon Jurys. upon account of their Perswasion.

A True Coppy.

J. PINHORN.

To his Excellency John Lord Lovelace. Baron
of Hurly, Captain Generall and Governour
in Chief of the Provinces New-Jersey.

New York and Territories depending thereon in America, and Vice Admiral of the same.

The Humble Petition of Peter Soumans.

Sheweth

That divers of the Free-holders of this Country being duly Summoned to attend, the Court of General Sessions held at Amboy on the eight Instant, to serve upon the grand Inquest, for this & the County of Somerset, did appear at said Court, and answered to their Names as they were called.

That George Willocks being impanelled as Foreman of the said Inquest, coming to be sworn, was asked by your Petitioner whether he had taken the Oaths to the Queen appointed by sundry Acts of Parliament; to which Mr. Willocks gave no direct answer, but objected against the Authority of the said Court of Sessions to administer said Oath.

That the said Court of Sessions being very well assured of their Authority to administer said Oaths, and informed, that said Willocks had never taken them, ordered their Clerk to get the Rolls, in which said Oaths were contained, in order to tender them to said Willocks; but said Willocks then positively declared, if the Rolls were there, he would not take them, for that he would not take the name of the Lord in vain; and that he having attended and answered to his Name, should or did not think himself obliged to attend said Court any longer, or words to that effect.

The Clerk not having said Rolls, the said Court of Sessions prayed the Secretary to lend them the Rolls he had, but the Secretary making some objections thereto, the said Court adjourned to three a Clock in

the afternoon, in order to procure the old Rolls belonging to this County, or new ones.

That the said old Roll not being to be found, your Petitioner immediately employed the Door-Keeper of the Council to prepare new ones, which notwithstanding the utmost diligence, could not be in a readiness until about six in the evening.

That immediately after the said Rolls were transcribed, the said Court opened again, and the said persons summon'd to attend, as aforesaid, were again called upon, but not one attending or answering their Names, the said Court resolved not to proceed (as indeed they ought to have done) to fine said Defaulters, because they would not be deemed to serve [severe?,] but adjourned until the next day at nine a Clock in the morning.

That the said Court opened again, according to their adjournment, and called over the Pannel, but only one answered said Call, altho divers were above the Court: whereupon said Court seeing their Authority opposed in a very high degree, proceeded to fine the said Defaulters according to Law.

That notwithstanding the great lenity of said Court, the said George Willocks with fifteen of the said Defaulters, have presented a very Scurrelous, Malicious and Scandalous Petition against your Petitioner, to the House of Representatives, a Copy of which is hereunto annexed: the allegations of which are not only false in fact but likewise very opprobrious and injurious to your Petitioner, who could not in duty act otherwise then he has done.

That your Petitioner not being conscious of any guilt, is not afraid of any Indictments, except such as meer Malice or Envy, without any ground or proof, where partys are Judges, can suggest, of which nature those are in the Petition mentioned, and writ by the own hands of said Willocks, tho' not of that Inquest: That such Proceedings and Affronts are wholly un-

presided, highly dishonouring to Her Majestys Government, tending to the great encouragement of Non-Jurors subverting the very being and Authority of Courts, and discouragement of the Judges and Justices of the respective Courts from doing their duty. Your Petitioner therefore humbly prays,

That your Excellency and the Honourable Council will be pleased to put an effectual stop to such seditious Practices, and order such suitable satisfaction to your Petitioner, and give such further directions as your Excellency in your great Wisdom shall judge proper and necessary

And your Petitioner shall ever Pray.

Jacob Arents of Amboy, Practiser of Physick, Aged about 36 years, being sworn upon the holy Evangelist of Almighty God, maketh Oath, that That on or about the 15th of March last, he this deponent was twice summon'd to attend a Committee of the House of Representatives by one Cutler, who, this Deponent was informed, and believes, was Door-Keeper to the said House, and told this Deponent, that he was commanded by the Committee to fetch him. Whereupon this Deponent attended the Committee, and was there examined by George Willocks (who this deponent is informed, and verily believes, was not one of the Representatives, but a Petitioner to the Committee) touching the taking of John Barclay, whom this Deponent saith, he took on or about the 23d day of May, 1708, by virtue of a Commission of Rebellion issued out of the Court of Chancery, and delivered to him by Peter Sommans Esq; under the Seal of the Province, in which this deponent was named the first Commissioner.

And this deponent further saith, That some time in

the said Month of May, he this deponent heard one John Reeves make a Complaint to Mr. Sommans. That one Mellin, a Taylor (to whom and his wife) Reeves had let part of his house, had left his house when he was gone out, and taken with them a Coat which the Taylor had made for Reeves, and he had worn several times; That he mist several other things out of his house, to wit, some Rumm, wool and working Tools, which he suspected Mellin and his wife might have taken, whereupon prayed M^r Sommans to grant him a warrant to bring Mellin before him, which Mr. Sommans having granted, Mellin was brought before him, who examined him upon Reeves Complaint. That Mellin confest the taking of the Coat when Reeves was from home, and that Reeves had several times worn it. That some Witnesses, particularly one Elizabeth Sharp gave some evidence relating to Wool, which Reeves said he missed and was brought to spin, or work up some other way, by Mellins wife to one Mary Arents; but that Mellin said he knew nothing of that matter. That Mr. Sommans told Mellin that he must commit him, but while Mr. Sommans was writing the mittimus, Mellin was going away, which being told Mr. Sommans, he called to the Constable that he should take care of Mellin, being committed to his charge, or words to that effect. But that the Constable nevertheless suffered Mellin to escape, and that one John Brown carried him to Statten Island, whereupon Mr. Sommans issued out a warrant to bring Brown before him, but that Brown would make little answer to the several Questions put to him about his conveying Mellin away. That Mr. Sommans told Brown that he must find surety to appear, and answer it the next Quarter Sessions, which Brown refused, and putting his Arms on his side, asked some of the company for a Horse, and said, he would ride to Goal in state.

That the next day this Deponent rid with Mr. Son-

mans to Woodbridge, that at the entrance into the Town, they were met by the Constable and John Brown, upon which Mr. Sonnans commanded the Constable several times to bring Brown back into the Town, before him, but that the Constable did not do it. That this Deponent with Mr. Sonnans, went to the Sheriff, whom Sonnans asked, how he came to Bail Brown? That the Sheriff said, he had three Men bound in One Thousand Pounds, a piece for Brown's appearance when he should demand him. Upon which Mr. Sonnans advised the Sheriff to send for him again immediately, for that he could not answer what he had done, and related to him how disobedient the Constable had been, of which Mr. Sonnans said, he would complain to My Lord, and pray that he might be prosecuted for it. That this Deponent afterwards heard that Brown remained in the Sheriff's Custody until he was bailed out.

And this deponent further saith, that on or about the 9th of January last this deponant was at dinner with Mr. Sonnans about three of the Clock in the afternoon, being to go with Mr. Sonnans to visit a sick person as soon as they should rise from the Table, that just before Dinner was over, Mr. Gorden came and told Mr. Sonnans that he had heard that Alexander Walker had beat his wife, and threatned or attempted to kill his Wife's son, one John Loveridge, praying that Walker might be bound to the Peace. Mr. Sonnans told him, that he was sorry to hear it, but that he was just going out of Town, should be back at night, thererefore desired Mr. Gorden to apply to some other Justice, if the matter required haste. That Mr. Sonnans and this Deponent went out of Town immediately after. returned in the evening, and that Mr. Sonnans went out of Town again next morning about ten; but that Mr Gorden nor any other made any application upon that Subject after the first to

Mr. Sonmans, that this Deponent ever heard of, tho' he was with Mr. Sonmans all the while. And further this Deponent saith not.

Jurat 7 Die Junij. 1708 [94]

Coram me,

J. ARENTS.

RICHARD TOWNLEY.

John Bishop, Clerk of the Peace for the County of Middlesex and Somerset, aged about Sixty years, being Sworn upon the Holy evangelist of Almighty God, maketh Oath, That the Free-holders summon'd to serve upon the Grand Inquest at Court of General Quarter Sessions of the Peace, held for the said County at Amboy on the eighth of March last, did all answer to their names as they were called, That George Willocks being impanneled as Fore-man, before he took the Oath appointed for that end, was asked by Peter Sonmans, Esq; President of the Sessions, whether he had taken the Oaths to the Queen appointed by sundry Acts of Parliament, in the room of the Oath of Allegiance and Supremacy? To which Mr. Willocks made little answer but objected against the Authority of the Court to Administer said Oaths. That the Court Ordered this Deponent to get the Parchment Rolls in which the Oaths were contained, in order to tender them to him. That M. Willocks declared his doubt whether he would take the said Oaths, if the Rolls were there; and said, That having attended and answered to his name he should not, or did not think himself obliged to attend the Court any longer, or words to that effect. That this Deponent not having the Rolls the Secretary was desired to lend his, but the Secretary making some objections to that, the Court adjourned to three of the Clock in the after-noon, to procure the Rolls aforesaid; but that notwithstanding

the utmost diligence, they could not be got ready till about six of the Clock in the evening. That immediately after the Rolls were transcribed, the Court open'd again, but not one answered to their names of all those that were impanneled upon the Grand Inquest. That the Court did not proceed to fine the defaulters, but immediately adjourned to nine the next morning. At which time the Court being again open'd, the Pannel was again called over, and but one answered to his name, tho' several lived in Town (and as this Deponant has been credibly informed, and verily believes) were about the Court the night before, and that morning looking in at the window, whereupon the Court fined each of the defaulters thirteen shillings and four pence. That a new Precept was immediately given to the Sheriff to summons another grand Inquest, and that some hours after the Sheriff returned the Precept, that he could not find men enough to impannel. That no other Oaths but those before mentioned were offered the said Willocks.

And this Deponent further saith, That on or about the 25th day of May last, the above mentioned Oaths were regularly tended to Mr. Willocks by Mr. Sonmans and John Drake, two of Her Majesty's Justices of the Peace for the said Countys, at Amboy aforesaid in the County of Middlesex, but that he refused to take them objecting against the Authority of two Justices to Administer the same, altho' he well knew that Mr. Sonmans wa of the Quorum, which this Deponent also recorded among the Minits of the said Court.

And this Deponant further saith, That in a suit depending in the Court of Pleas before Mr. Sonmans between Michiel Van Veighthen, Plaintiff, and Alexander Walker, Defendant, the Attorney General moved for the Defendant, that the Writ might abate, because it bore Test in the vacation, which exception was

allowed by Mr. Sonmans, and the Writ ordered to abate. And further this deponant saith not.

Jurat 7 Die Junij, 1709. JOHN BISHOP. Cl.

Corum me, DANIEL COX.

John Pinhorn, Esq; one of the Clerks in the Court of Chancery of the Province of New Jersey, and Clerk of the House of Representatives, aged about 27 years, being Sworn upon the holy Evangelists of Almighty God, maketh Oath, That sometime in the month of May, in the sixth Year of the Reign of her present Majesty, Annoq; Domini, 1707, this Deponant as Clerk, in the Court aforesaid, filed a Bill against John Barclay at the suit of Peter Sonmans, Esq. That the time usually allowed by the said Court to answer being elapsed, he this Deponant made out an attachment against the said Barclay for his Contempt, but before he was taken upon that Writ, the said Barclay on or about the 7th day of November, in the same Year by his Counsel moved the said Court for a months time to answer the said Bill, as this Deponant is informed by the Register of said Court, which being granted, and time also being spent, this Deponant made out another Attachment against said Barclay, and so run throw the whole course of the Court. The said Barclay not answering the Bill aforesaid, the Deponant made out and sealed a Writ of Commission of Rebellion against him, on or about the sixteenth of May, in the Seventh year of her present Majestys Reign Annoq; Domini, 1708, directed to Jacob Arents and others, by virtue of which Arents took him, and brought him into the said Court, on or about the third day of June, in the same year, by which Court he was committed in Salva Arcta Custodia, and remained so imprison'd until the said Court, on or about the twelf day of March last, commanded this Deponant to

make out a Commission to be sealed, and was sealed, directed to John Wells and another, to bring Barclay into Court, by virtue of which Commission, Wells took him out of his Confinement, and brought him into the said Court, which he again moved by Petition on or about the 18th of March last for further time to answer, which was granted. And that the said Barclay has been in perfect liberty and freedom ever since, altho he hath not to this day cleared his Contempt, nor hath this Deponent had any notice that the said Barclay hath fyled his answer to the said Bill.

And this Deponent further saith, That George Willocks is not one of the Representatives of this Province, but on or about the tenth day of March last, Petitioned the said House, with fifteen others, that were summoned to serve on the grand Inquest at the Court of General Quarter Sessions of the Peace, held for the Countys of Middlesex and Somerset at Amboy the 8th of March last, which Petition was read in the House of Representatives of the said Province, and committed to a Committee, from which Mr. Royse made a Report to the said House: upon which an Address, was agreed by the said House to be made to my Lord Lovelace, late Governour: but that divers of the Representatives were utterly against the said Address, and all the Proceedings relating thereto, saying, it was only Malice and Private Resentment of the said Willocks and some of the leading Members of the said House, and that not any part of it appeared or was Proved. And further this Deponent saith not.

Jurat 10 Junij, 1709.

J. PINHORN

Corem me,

RICHARD TOWNLEY.

Adam Hude, High-Sheriff of the Countys of Middlesex and Summerset, aged about 47 years, maketh Oath, being Sworn upon the Holy Evangelists of Almighty

God, That he this Deponent had a Writ delivered to him to arrest Peter Sonmans, Esq; at the Suit of John Brown, in the Supream Court, which Writ was not delivered to him until some time in November last, long after Brown was bailed out of his Custody upon the business of carrying over Robert Mellin to Statten Island. That he arrested Mr. Sonmans soon after he received the Writ. That he heard and verily believes the cause of Action was about a Horse which Brown alledg'd Mr. Sonmans had taken from him.

And this Deponent further saith, That John Royce and Capt. John Harrison, who are now two of the Representatives, together with Judadiah Higgins, were upon the Grand Inquest at the Supream Court last November. And that in the Moneth of March last, this Deponent was summoned to attend a Committee of the House of Representatives, which he attended, but should not have gone, if he had not been summoned. That he was there examined at the request of Geo. Willocks about a Commitment of Rob. Mellon, John Brown, and several other things. That John Royce was Fore-man of the Grand Inquest at the Court before mentioned. And further this Deponeth saith not.

Jurat 8 Die Junij, 1709.

ADAM HUDE

Coram me,

WILLIAM PINHORN.

To all to whom these Presents shall come, or may concern. Greeting.

On Search of the Docquet of Causes depending in the Supream Court of her Majestys Province of New-Jersey, I find a Writ was issued out that bore Test in May Term, 1708. of one John Brown against Peter Sonmans, but was not sealed in the Office till Septem-

ber 1708. and returned in November, 1708. and that some considerable time before the sealing of the said Writ I and M^r John White, had, on the first application made to us, admitted the said John Brown to bail, and certified the Recognizance into the Supream Court. And that said Brown was committed by the said Peter Sonmans for assisting one Mellin, who was accused of Felony, to make his escape.

I do also further Certifie, That I bayled the said Brown without ever acquainting his Excellency the Lord Cornbury with the same, nor know I of any application made to him on this matter.

I do also Certify, That Peter Sonmans was admitted and took his place as one of her Majestys Council for the Province of New-Jersey, the 8th of August, 1708. at Burlington.

I do also Certifie, That John Royce was Fore-man of that Grand Jury that found the two Indictments of Perjury and Adultery against the said Peter Sonmans in November, 1708. and that the said Jury consisted of Persons whose Habitations were some in the County of Middlesex, and others in the County of Somerset. That Royce had formerly been Deputy Secretary to Jer. Bass, Esq; but had been some time afore turned out by him. That the said Peter Sonmans had at the same time several considerable Causes depending in the same Court against Capt. John Harrison, Judadiah Higgins and the said Royce, who were all on the said Grand Jury.

That the Indictment for Perjury against the said Peter Sonmans, Esq; was grounded on an Affidavit made by the said Sonmans before Coll. Daniel Cox, one of the Judges of the said Court at Burlington, in the County of Burlington, of several Sums of Money by the said Sonmans expended, and which he desired allowance of, as Costs in the Cause.

That the said Sonmans had not any Venire's sealed

in the Office, for any Causes to be tryed at Burlington, by a Middlesex Jury, nor any Causes tryed that Term. That the Cause Dom Regine ver. John Harrison came to Tryal at the Supream Court held at Burlington for the Province of New-Jersey, the 4th, 5th, 6th, 7th and 8th of May 1708. excepting a Cause against Mr. Forster, which he recovered that Term.

In Testimony whereof I Jeremiah Bass, Esq. Secretary of her Majestys Province of New Jersey, and Prothonetary of the said Supream Court, have hereunto set my Hand this 9th day of June, 1709.

JER BASSE Secry.

FINIS.

Let the answer of Peter Sonmans, Esq. to the Address of the General Assembly of New-Jersey, to his Excellency John Lord Lovelace, late Governour of this Province, with the Report, Petitions, Certificates and Affidavits, &c. be Printed.¹ And for your so doing this shall be your Warrant, Given under my Hand this 14th day of June, 1709.

RICHARD INGOLDESBY.

Letter from Lieutenant Governor Ingoldesby to the Lords of Trade, about New Jersey affairs.

[From P. R. O. B. T. New Jersey, Vol. 1, C. 57.]

Letter from Col. Ingoldesby Lieu^t Gov^r of New Jersey. Rec'd 20th August 1709

Perth Amboy the 16th June 1709

My Lords.

I doe myselfe the honour to Remind your Lordships that though I have already Severall times during the

¹ Printed by William Bradford, at the Sign of the Bible in New-York, 1709.

Gouernment of My Lord Cornbury writ to Your Lord^{sh}ps and that honorable board yet I have not been favored with one Line in anerswer I presume your Lordships may already have Received notice of the death of my Lord Lovelace late Governor of this Province & from his Lady the minutes of all that passed either in Councill or Assembly with other publiq transactions during his Government Since the Secretary has Ashured us that as to what relates to his Office and duty he hath deliuered two Coppys to his Lordship to be transmitted home to Your Lordships: Togeather with thes Your Lord ships will Receiue an accompt of what passed in both Gouernments of New York and New Jersey how I had the Administration thereof and hope nothing will be found wanting that Your Lordships expect to haue retained by me although I cannot but Acquaint Your Lordships that the multiplicity of buseness ocasioned by my Lord Lovelaces coming into the Government death and Arivall of Coll Nicholson and Coll Vetch with her Majestys Commands to Call an Assembly In each Province & to giue them all possible Assistance in that Great and Glorious design has rendred it very difficult to comply with her Majestys instructions so punctually as I might otherwise haue done & may Excuse me to Your Lordships in case there should happen to be anything omitted the Present state of the Government your Lordships will be fully acquainted with by the Papers you will Receiue with this letter and your wisdomes will easily discern the vnhappy causes of the non compliance of the Province of New Jersey with her Majestys Comands in the Supplying the expected Qvotas of Men & money for the reduction of Canada to provide partly from the admision of Quakers into the Assembly & Government and partly from the factious & turbulent Spiritt of some other persons in this Government is a full Confirmation of all that hath formerly been wrot

to Your Lordships on that head and although Your Lordships haue all the Voates of the Assembly & proceedings in Council before you yet I cannot omit mentioning two or three of them to Your Lordships as Suffitient demonstration of the truth of my assertion May 31st Po Merid. Motion being made and the Question being putt whether this house would detach Men for the present Expedition it passed in the Negative Ter^o Jun 1709 Resolved the following words in the Address to Coll^e Nicholson Vizt that his honor would Obleidge our Province & our nation by takeing on him the Supreame Command of the forces employed against Canada by Land this house takes to Signifie none but Such as Volluntarily doe list themselves under his Command. Dies Vener 9th June 1709: The engrosed bill for the raiseing of three thousand pound for her Majestys Service was read the third time & upon question put was Rejected. Mr. Gardner on behalfe of the People that were called Quakers that were Members of this house desired that the following entry might be made Vizt the members of this House being of the people called Quakers have always been & Still are for raiseing Money for the Support of her Majestys Government But to raise money for the raiseing Soaldiers against their Religious Prinsples & for Conscience cannot agree thereto. I cannot but Observe to Your Lordships that had the bill passed as it was rejected it would not haue been very serviceable Since the sum of Three Thousand Pounds were to be paid to Such as Volluntarily Inlisted themselves to Goe on the presant expedition and Not otherwise So that if there were Not two hundred Vollunteers out of the Province there was no Provision for any men that were detached from out of the Militia I doe assure your Lordshipps I have left no stone unturned to manifest my zeale & diligence in this matter & heartily Sorry that it has miscarried I thinke my duty further

to acquaint your Lordships that there are two of her Majestys Council dead that are mentioned in my Lord Lovelaces Instructions viz! M^r Dauenport Captain Andrew Bowne & two being at that removed Viz! M^r Reuell and M^r Leeds who both resided in the Western division of this Province, that are two of the members of the Council for that division Still wanting I have therefore according to her Majestys instructions Sent a list of the names of Such persons as I believe most proper to fill up the said Vacanecys which I think is for her Majestys Service to be Spedily done that we may have as many of the Council as is possible to Assist on all Occasions To acquaint your Lordships that the Assembly hath Raised nothing for the Support of the Government & payment of Sallaries of the officers no Contingent charges of Expenses that I have Receiued no more then two Years Sallary Since my arivall here in this Province & haue maintained the honor of my Post & Service of her Majesty at my owne expence without any manner of reward for about four years Is but to Say what I beleieve your Lordships acquainted withall Onely I thinke it a Justice Due to My Selfe to assure your Lordships that in all the Course of my administration here I dare Challenge every Individuall Man in both the provinces to instance in any One thing that they have been wronged or might haue any just complaint against Me and therefore Cannot but hope that I may haue your Lordships Recommendations of Me to her Majesty either for the Continuance of Men [Me] in the Chief Command of these Governments or such other provision as may in Some measure Reimburse me for my time & expences I haue been many years always in the Service of the Crowne & haue had the honor of beareing a Com^{is}on under it & am Shure haue neuer Violated either my honor or the trust Reposed in me & therefore thinke haue a just pretention to this post that the

death of My Lord Lovelace & her Majestys Commission hath placed me in & hope that I may receive a Confirmation thereof from her Majesty by her Letters Patents I have farther to add to Your Lordships that at the desire of the Gentlemen of her Majestys Council & for the reasons Alledged in the Address that Your Lordships will See in the minutes of the Council I have thought it for her Majestys Service to Suspend Lewis Morris Esqr from being one of her Majestys Council or any other office or place of profit or trust in this Province untill her Majestys pleasure be farther known & Cannot but believe that her Majesty will see it to be for her Service to Confirm the Same My Lords Although the Stubborness of the Assembly in not complying with her Majestys Commands Relateing to the present expedition Occasioned my adjorning them by the advice of her Majestys Council Yet that nothing maybe left untried to forward the same I have Called them again to Meet at Burlington the twenty third instant & hope they may be prevailed with to Study their own interest & her Majestys Service I am with all due regards

My Lords Yo^r Lordships most

Obedient humble Serv^t RICH: INGOLDESBY

From Colonel Nicholson and Colonel Vetch to the Lords of Trade, about the course of the Quakers in New Jersey and Pennsylvania.

[From N. Y. Col: Docts., Vol. V., p. 78.]

To the R^t Hon^{ble} The Lords Commiss^{rs} for Trade and Plantations.

My Lords

We cou'd not but judge it our Duty to acquaint Your Lord^{ps} of our safe arrival here and in short of the success hitherto of Your Negotiation, which Your Lord^{ps} contributed so heartily Your endeavours for ad-

vancing: We have met with the wished for success in all Governments who are concerned in the same, save those of the Jerseys and Pennsylvania the first of which has one half of its Assembly Quakers, and the latter the whole number is almost so, whose pretended principles being against Fighting, they have not as yet rais'd either men or money for the Expedition, and indeed as their principles are inconsistent with Government, so their practice is to Oppose all good Order, and Especially any Directions from the Crown, as we have but too Visibly seen at this time, for which reason we have joyned with the gentlemen of the Council and Assembly of the Jerseys, who are not Quakers, in Representing to Her Majesty the necessity of giving an Instruction to Her Governors not to admit any into the Council or Assemblies but such as Qualify themselves as the Act of Parliam^t directs; This we doubt not Your Lord^{sh} will think fitt to advise Her Majesty to do, when it comes before you, as likewise to advise Her Majesty to proper Methods with relation to Pennsylvania, who have wholly refused Her Majesty's Commands. And tho' we hope they shall not be able to abstract [obstruct?] this noble Enterprise the success of which we doubt not will be attended with such consequences as will sufficiently convince both Your Lord^{sh} and the Ministry, that Nothing cou'd have been enterprized which cou'd have contributed so much to the honour and Advantage of the Crown and Subjects of Britain, that this present Expedition, which the Quakers have not been wanting to their power to obstruct. This we judge it our Duty with all submission to Your Lord^{sh} consummate wisdom, humbly to advise You of. Who are with all possible respect.

My Lords, Your Lord^{sh}

most devoted humble Servants.

New York

June 28th 1709.

FRAN. NICHOLSON

SAM. VETCH.

Letter from Mr. Thomas Cockerill to Secretary Popple, referring to the death of Lord Lovelace, and preparations for a Canada Expedition.

[From N. Y. Col: Docts., Vol. V., p. 81.]

To W^m Popple Esq^r

S^r

[Extracts] * * * * I need not Inform you that my Lord dyed here the 6th of May, having never had a well day in his Government, which I attribute wholly to the cold of sickness he caught aboard the Man of War upon the Coast. One Son dyed before him and the Young Lord a fortnight after.¹ This bad News, I suppose is already come to Your hands; With this comes My Lady who will want the assistance of Your Honorable Board to recommend Her Case to Her Majesty: She has been a very great loser in other respects, besides those already mentioned by this Voyage; I dare promise my self you will do her all the good Offices in Your power.² * * * *

We are bigg with Expectation of good Success from the Canada Expedition, and shall raise in this Province £10,000, towards the charge of it. * * * *
* * * * In Jersey the Quakers in the Assembly Voted against the Bill for raising £3,000 &^a for the

¹ John, fourth Lord Lovelace, was grandson of Francis Lovelace, Governor of New York from 1668 to 1673. He was advanced to the governorship of New York and New Jersey from the post of Cornet in the first troop of Her Majesty's Horse Guards. His sudden death interfered with the realization of many schemes for the improvement of the province. Lady Lovelace, sorely afflicted by the death of her two sons and her husband, left for England early in July, and it was not for some years that she received compensation for the services and advances of her husband. The third son, Nevil, inherited the title of his father—his oldest having been one of those who died.--Ed.

² Under date of September 3d, 1709, Lady Lovelace wrote to the Lords of Trade herself, complaining of the treatment received from Lieut. Gov. Ingoldesby, in consequence of her refusal to deliver to him some papers committed to her care by Lord Lovelace during his illness, and says: "I doubt not my Lords, but my deplorable condition will be commisserated by Her Majesty, as well as pityed by Your Lord'ps: The damage our goods received by Sea was very great, the Ex-

Canada Expedition, and upon the third Reading, two of the Assembly that were not Quakers joyned with them, thro' somebody's Instigation, to render that Assembly odious, whereby the Bill was lost: But the Assembly being prorogued at the Desire of the Speaker met again and have since past it. The two men Voted all along for the Bill, untill the third Reading; I am told the Quakers would have absented from the House if they had known of these two Mens designs, but I will not altogether credit this Report. It may become the Queen's consideration, whether quakers shall be allowed to be chosen Assembly Men in that Province for the future.

* * * * *

Your most faithful humble Serv^t

New York July 2^d 1709.

THOM. COCKERILL.

Letter from Lieutenant-Governor Ingoldesby to the Lords of Trade, relating to Proceedings of the Assembly.

[From New York Col. Docts., Vol. V., p. 82.]

To the R^t Hon^{ble} the Lords Commiss^{rs} for Trade & Plantations.

[Extract.]

My Lords

I embrace this opportunity which is the first I have had to inform Your Lord^{sh}s that my Lord Lovelace dyed

pense in repairing the House at New York, the Expense of my Dear Lord's Illness, from the time of our arrival 'till his Death, also of two children, and their Funerals, and the Expenses of our voyages amount to about £2,000 more than my Lord received there which was not above £400." N. Y. Col. Docts., Vol. V., p. 89. —Ed.

¹ THOMAS COCKERILL had come to America as Private Secretary to Lord Lovelace. He remained in New York, and is subsequently mentioned as Paymaster of the forces, but died in 1711.—Ed.

the 6th of May last, whereby the Government of this and Her Majesty's neighbouring Province of New Jersey devolved upon me, whom her Majesty has been pleased to appoint Lieut^l Governour thereof.

* * * * *

I cannot omit acquainting Your Lord^{ps} that tho' by my Lord Lovelace's directions, the Act of Parliament for the ascertaining the rates of Foreign Coins in Her Majesty's Plantations in America, was published in this Province, and in New Jersey yett the people of either Province pay no obedience thereto; Nay the Assemblies take upon them thus far to make the Act of no signification, that they will pass no bill for mony, but to be paid at the Value it was, before the said Act took place. Indeed M^r Cockrill who pays the forces here, has paid them according to that Act ever since the first of May, and the publick officers conform to it, but nobody else do's that I hear of.

* * * * *

In my last to your Lord^{ps} from Perth Amboy, I sent Your Lord^{ps} on account of what then occurred both in the Council and the Assembly to that time; I have only to add that our Assembly mett according to the Appointment; and have, as Your Lord^{ps} will see by the Minutes of Council herewith sent you, passed an Act for Raising £3000 for the present service and Expedition against Canada, another for the Inforcing the Currency of Bills of Credits for £3000, and another for the Incouragement of Volunteers. I have only to observe to Your Lord^{ps} that they passed the House of Representatives with great difficulty, all the Quakers in the house voting against the Bills: which is a further Confirmation of the Representation sent to Her Majesty from my self and the Gentlemen of the Council, in which Col. Nicholson and Col^l Vetch have joyned with us.

I hope Your Lord^{ps} will excuse me for not sending

the Acts passed in New Jersey. The Secretary not having as yet sent 'em me. I shall transmit them to Your Lord^{ps} y^e very next opportunity.

I am with all due respect My Lords,

Your Lord^{ps} most obedient humble Servant
New York RICH. INGOLDESBY.

5th July 1709.

*Representation of the Lords of Trade to the Queen,
referring to Richard Ingoldesby's Commission as
Lieutenant Governor of New York.*

[From N. Y. Col. Docts., Vol. V., p. 89.]

TO THE QUEEN'S MOST EXCEL^t MAJESTY

May it please your Majesty,

We have received letters from Col^l Ingoldesby Your Majesty's Lieut^t gov^t of New Jersey informing us that upon the death of the Lord Lovelace Your Ma^{ty}s late Gov^t of New York he had taken upon him the government of that Province, stiling himself Your Majesty's Lieut^t Gov^t thereof, and as we believed he had not title to that Gov^t we looked back into our Books, and find that he had a Commission from Your Majesty to be Lieut^t Gov^t of New York. But when a Representation of Your Majesty's Commiss^{rs} of Trade & Plantations Dated the 8th of April 1706, setting forth the Inconveniencies of the said Ingoldesby's being Lieut^t Gov^t of New York, Your Majesty was pleased, by Your order in Council of the 11th of the said month, to direct S^r Charles Hedges then Sec^y of State to prepare a Warr^t for Your Majesty's Royal Signature Revoking the said Ingoldesby's Commission for that Province; and the said Commissioners having been Desired by S^r Charles Hedges to prepare the Draught of such a Warrant, the same was prepared by them, and sent to

him the 24th of the said April But it not appearing by the Books in the office of Your Majesty's Sec^y of State whether the said Warrant was signed by Your Majesty and sent or no We thought it Our Duty to lay this matter before Your Majesty, and to forbear transacting with him, under the character of Lieut^t Gov^r of New York, till we shall receive your Majesty's pleasure thereupon.¹

Which is most humbly submitted

Whitehall

Septemb^r the 2^d 1709

DARTMOUTH

J. SMITH

PH. MEADOWS

JN^o PULTENEY

Representation from the Lieutenant Governor and Council of New Jersey to the Queen, relating to the proceedings of the Quakers in that Province.

Representation To the Queen's Most Exc^t Maj^{ty}
from the Liu^t Gov^r & Council of New Jersey.
[Rec'ed: 2 Novem^b 1709 attested by Coll:
Nicholson & Coll. Vetch.]

TO THE QUEENS MOST EXCELLENT MAJESTY.

May it please Yo^r Majesty.

The deplorable Condition of this Yo^r Majesty's Province, being a Subject worthy Yo^r Maj^{ties} Considerac^on makes us presume to lay at Yo^r Maj^{ties} Royall feet this present Representation: and we are the rather encouraged in it, at this tyme, from our apprehension of

¹ His Commission as Lieut. Gov^r of New York was revoked under date of September 17th, 1709, and that for New Jersey under Date of October 29th, 1709.—Ed.

gaining Credit with Your Majestie. When you shall find the truth Coroborated by the Testimony of the Hon^{ble} Coll: Francis Nicholson and Coll: Samuel Vetch, who during their stay in this Collony have been Witnesses to our Divisions, Nakedness and Disobedience to Your Maj^{ties} Com'ands, from the Prevalence of a Sort of People amongst us, who though not above one Sixth part of the Inhabitants of the Province; Yet by a Peculiar Address and a Religious Cunning, Influence too many well meaning Men, with most Ridiculous & Injurious Principles. Such as are Contrary to civill Government, Prejudiciall to Your Majestys Honour, and Dignity, and the safety and wellfare of the Countrey: Your Majesty will easily perceive wee mean the Quakers, whose Mischeivous practices in this Collony, have been by us formerly represented to Yo^r Majesty in Severall Particulars; but waveing them at present shall Instance only in one Single action of theirs, which has been, and wee are affraid will still be attended with many Unhappy Consequences.

The Hon^{ble} Coll: Nicholson and Coll: Vetch, having in Obedience to yo^r Majesty's Com'ands, laid before our Present Assembly, the Necessity and advantage of raising men, and, mony, to carry on the Glorious Expedition against Canada expected (as we did our selves, and the whole Country) their ready Compliance, in an affair of that Nature, & So highly redounding to Yo^r Majesty's Glory, and the Peace, Wellfare, and prosperity of this, and our Neighbour Governments.

The Assembly having under their Consideration, the proper measures to be taken for Carrying on the above mentioned Expedic'on could not come to any good conclusion, by reason of the Opposition of the Quakers, who are at present¹ Numerous in that House and have

¹11 Among the 24 Members.

declared their Principles, and what your Majesty and the whole Country may for the future expect from them. by an entry, these People desired might be made, and which was done accordingly, in the Minutes of the Journall of the House of Representatives, which we shall lay before Yo^r Majesty in the words it now stands entered there, viz^t

“ M^r Gardener, on behalf of himself and the rest of
 “ the Members of this House, that were of the People
 “ called Quakers, desired the following entry might be
 “ made viz^t.

“ The members of this House, being of the People
 “ called Quakers, have always been, and still are for
 “ Raising mony, for Support of Her Maj^{ties} Gover-
 “ ment: but to raise mony for Raising of Soldiers, is
 “ against their Religious Principles and for Conscience,
 “ cannot agree thereto.

From hence Your Majesty will perceive how fitt Such men are to be admitted into Yo^r Majesties Council, the Assembly or any place of trust in the Government. And with humble Submission wee conceive, that unless the Quakers are restrained from the Managem^t of Publick affairs, (as they are in Great Brittain) and obliged to Act conformable to the many good Laws made for that purpose, Your Majesty can never expect to see an end of the Confusions & Divisions which have so long Reigned among us. Nor Yo^r Majestys Government Honourably Supported or defended and tho’ we lye open to the Insults of our Enemies both by Sea and Land. Yet wee are so cramp^t with Militia that ’tis Impossible with any vigour to proceed to a Necessary Resistance.

And that the Nakedness and Weakness of this unhappy Province, may yet further be made apparent to Your Majesty, there is not any the least provision made for the Incident Charges of the Government, not one farthing to pay a Messenger, or Express, dispatcht upon the most Extraordinary Occasions.

Neither has the Government Credit Sufficient to Subsist the Indians, tho' but for one day, much less to purchase a Match-coat to present them with, when they are sent for to a Treaty for your Majestys honour and the good of the Province.

RICHARD INGOLDESBY.

WILLIAM PINHORN.

RICHARD TOWNLEY.

DANIEL COXE.

ROGER MOMPESSEON.

HUGH HUDDY.

WILLIAM SANDFORD.

PETER SONMANS.

ROBERT QUARY.

Both from our former knowledge of those Provinces and what hath appeared to us upon this Juncture of affairs, wee are highly Sencible of the Truth of the foregoing Memoriall, and most Humbly recom'end it to Her Majesty's Royall Consideration.

FRANCIS NICHOLSON.

SAMUEL VETCH.

A True Copy taken out of the Minutes of the Council, as Witness my hand.

J. BASSE Secr^y

Representation of the Lords of Trade to the Queen, relative to an Act passed in 1704, for Regulating Negro, Indian and Mulatto Slaves &c in New Jersey.

From P. R. O. B. T. New Jersey, Vol. 13, p. 20.

To the Queens most Excell^t Maj^{ty}

May it Please Your Majesty.

We have considered An Act past in the General Assembly of Your Majesties Province of New Jersey in December 1704. Entituled, *An Act for Regulating Negro, Indian & Mulatto Slaves within this Province of New Jersey*, in which, tho' there are Several good &

Useful Clauses, there is one that inflicts inhumane penalties on Negroes &c not fit to be Confirmed by Your Majesty, & therefore we humbly offer that the said Act be repealed.'

Which is most Humbly Submitted

Whitehall
Oct^{br} 18th 1709

DARTMOUTH
PH: MEADOWS
J PULTENEY

*Revocation of the Commission of Richard Ingoldesby
as Lieutenant Governor of New Jersey.*

[From P. R. O. B. T. New Jersey, Vol. 1, C. 79.]

Her Majesties Letter revoking Col Ingoldesby's
Com'ission of L^t Governor of New Jersey.

ANNE R

TRUSTY and Well beloved We greet you well: Whereas by Our Commission bearing date at St. James's the Six and Twentieth day of November in the first Year of Our Reign. We were pleased to Constitute and appoint You Our Lieuten^t Governour of Nova Casarea or New Jersey and the Territorys depending thereon in America, to have, hold exercise and enjoy the said Office or Place of Our Lieutenant Governour there for and during Our Pleasure *And Whereas* for Certain Causes and Considerations Us thereunto moving, We have thought fit to determine, annul, and revoke, as We do by these Presents determine annul and revoke Our Commission granted unto you in that behalf as

¹October 24, 1700, by an order of Council, the Act referred to in this communication was repealed.—ED.

aforesaid and all and singular the Matters, Clauses Powers and Authoritys therein contained *Our Will and Pleasure* is, that upon the receipt hereof, You do immediately, as you will answer the contrary at your peril, Quit the said Office or Place of our Lieut Governour of Our said Province of Nova Cæsarea or New Jersey. And that you do henceforth forbear to put in execution any of the Clauses, Powers and Authoritys therein Contained, Which we hereby declare to be null and void from the time of Your Receipt of these Presents. And so we bid you farewell. Given at our Castle of Windsor the nine and Twentieth day of October 1709, in the Eighth Year of Our Reign.

By Her Majesty's Command

Superscribed SUNDERLAND
To Our Trusty & Welbeloved
RICHARD INGOLDESBY ESQ^r.

Memorial from William Dockwra to the Lords of Trade, with Several papers relating to the Publick Affairs of New Jersey.

[From P. R. O. B. T., New Jersey, Vol. I. C. 66.]

To the Right Hon^{ble} the Lords & Others Her Majest^{ties} Commissioners for Trade and forriegne Plantations.

The Humble Memoriall of W^m Dockwra.

Sheweth

That Whereas there is transmitted from Nova Cæsaria or New-Jersey severall Addresses, Representations, Petitions and Sundry other (both printed & written) papers by the Members of the Councill, and other Majestrates of the said Province, and directed to me the s^d W^m Dockwra desiring me to attend yo^r Hon-

¹ Copy transmitted to the President of the Council of New Jersey by Secretary Popple, under date of November 10th, 1709.—Ed

ours and present them to this Hon^{ble} board for yo^r Lo^{ps} true information of the State & Condition of the publick affairs of the s^d Province.¹

In order to Which, I have delivered them to M^r Popple y^r Lord^{ps} Secretary, Humbly requesting that yo^r Honours will be pleas^d to call for them to be read & considered with such Expedition as in Yo^r Lor^{ps} wisdom shall be thought necessary, before the Settlement of Members of Council & Instructions to his Excellency Coll. Hunter for the Govern^t of the said Province. Which is humbly Submitted to Yo^r Lo^{pps}, by

Yo^r Lord^{pp} Most humble

31th Octob
1709.

and most obedient Serv^t

Wm. Dockwra.

Documents referring to the irregular Proceedings of Lewis Morris, George Willocks and others, transmitted to the Lords of Trade with foregoing letter.

[From P. R. O. B. T. New Jersey. Vol. 1, C. 69.]

Proofs to maintain the Address of the Lieuten^t Govern: & Council of New-Jersey, To the Queen.—which Address was sent to England, and copy thereof delivered to the Lord Lovelace from the Right Hon^{ble} The L^d Sunderland as by his Letter d^t 29 July 1708 ²

Province of East Jersey:

No. 1

William Bingla aged 25 years or thereabouts maketh

¹ The Documents submitted are printed on foregoing pages, except those that follow this.—ED.

² See page 287 of this Volume.

Oath that he was in Court when the Govern^r ordred Lewis Morris to be arrested for the publick affront he the sd Lewis Morris gave to the Govern^r: & saw the sd Lewis Morris withstand the Constable, laying his hand upon his Hanger, saying I wish I could see the man that dare meddle with me &c^a.

Jurat 12th May 1698.

Coram me J: Basse

No 2

John Edsall of the County of Bergen in the Province of East New Jersey deposeth that he was at a Town meeting held at Bergen aforesd some time in Aprill last. M^r Morris & M^r Willocks being present at the meeting aforesd & produced a letter that they said came from Newark, which the sd Morris read to this purpose viz That the Inhabitants of the Town of Newark was resolved not to pay the late Tax levyed by the Assembly for the defence of the Port of Amboy, & the sd Morris and Willocks desired the Inhabitants of Bergen to give them their answer whether or no they would stand in opposition with them against the Act for levying the tax aforesd! & telling the Constable & Sheriff that if they did not distraine they would come to no damage, for there was no fine layd upon them by the Act, & further the Deponent saith not.

JOHN EDSALL

Jurant coram nobis

10th May 1699

ANDREW BOWNE

JOHN ROYSE

No 3

Grimston Boude Merchant aged 35 years or thereabouts being sworn upon the Holy Evangelists of

Almighty God deposeth that he was at a Town meeting held at Perth-Amboy the 25th of Aprill Anno Dom. 1699 or thereabouts, & he the deponent was warned by the Constable to meet the Inhabitants of the sd Town, the Deponent according to warnement mett, & there see Lewis Morris, George Willocks, Thomas Gordon with severall others in the sd meeting, & the deponent further saith that the sd Lewis Morris, George Willocks & Thomas Gordon did use their utmost endeavours to persuade the inhabitants of Amboy aforesd not to Condesend to the payment of the rate-monie tax pursuant to an Act of Assembly saying that if it was putt to those Gentlemen hands which the Assembly aforesd had constituted for the manidgement thereof it would be the ruin of the Province, with many such arguments to stir up the Inhabitants aforesd not to pay the money levied by the Assemblie aforesd, & produced severall coppys of protests as they told me from severall Townes in this Province, which protests they read to this effect. That the Inhabitants of each Towne protested against the late Act of Assembly aforesd & were resolved to oppose the Assessors thereof, & that they the sd Lewis Morris George Willocks and Thomas Gordon did use their utmost endeavours by these Arguments to persuade the Inhabitants not to pay the tax aforesd & also to oppose the Leavyng of it, and that the said Lewis Morris produced a letter which he read to this effect, that by the Cowardize & Sloth of the Governour, the Ship Hester was taken from us & carried to New York, & that the sd Lewis Morris, George Willocks and Thomas Gordon were the first promoters of sending an order to Benjamin Griffith not to meet the rest of the Assessors at the time appointed & they perswaded the people to chuse five or six people for a Committee to present Lewis Morris for a Deputie of this place to the Assemblie

when they mett again, & that the sd Lewis Morris sd that the Govern^r used arbitrary power in taking away a warrant from the Constable, & that the sd Lewis Morris urged it hard to putt it to the vote whether they should not do as the rest of their Neighbours had done, some in the meeting reply'd what is that, & the said Lewis Morris, George Willocks & Thomas Gordon answered not to Assess the money pursuant to the late Act of Assemblie, & further saith not.

Jurat coram nobis

GRIMSTONE BOUDE

10 May 1699

ANDREW BOWNE

JOHN ROYSE

No 4

At the Court of Common Right held at Perth Amboy for the Province of East Jersey.

May 11th 1698

Present Coll: JEREMIAH BASSE Govern^r:

Cap^t ANDREW BOWNE

M^r SAMUEL DENNES

Capt. JOHN BISHOP

M^r RICHARD HARTSHORNE

M^r THOMAS WARNE

M^r SAMUEL HALE

Lewis Morris Esq^r came into open Court & demanded by what authority they Kept Court, the Court declared by the Kings Authority. He denyed & being asked who was dissatisfied besides himself, he said, one & all, the Court Commanding the sd Morris to be taken into Custodie, Coll: Richard Townley Andrew Hampton both of Elizabeth Towne with three or four more cryed out one & all, & he the sd Lewis Morris said he would fain see who darst lay hold on him, & when a Constable by order of the Court layd hold on him he in the face of the Court resisted.

The Court orders

That Lewis Morris Esq^r for his denying the Authority of this Court & other his contempts shall be fined fifty pounds, and committed to prison till paid.

A True copie

EDWARD SLATER

Cler: Cur:

No 5

At a Court of Common Right held at Perth Amboy for the Province of New Jersey October 11th 1699 Present

JEREMIAH BASSE Esq^r Govern^r.

M^r RICHARD HARTSHORNE

M^r SAMUELL DENNIS

Cap^t JOHN BISHOP

M^r JOHN ROYSE

M^r THOMAS WARNE.

Cap^t Isaac Whitehead was brought before the Court & examined about the breaking the Prison at Woodbridge being the County Goal for the County of Middlesex & letting out the prisoners out of the sd Jail, and also for disturbing of the Justices for the County of Essex at the Town of Newark in said County when they were about Keeping the Court of Sessions or County Court being the second Tuesday of the month September last.

The Court orders that Isaac Whitehead shall give one hundred pounds security for his appearance at the Court of Common Right the second Tuesday in May next to answer our Sovereigne Lord the King concerning a Riott committed at Woodbridge by breaking open the prison belonging to the County of Middlesex & letting out two prisoners & also for another Ryott committed by the sd Isaac Whitehead & others by disturbing of the County Court held at Newark for the County of Essex the Second Tuesday in September last, & in the mean time to be of good behavior towards our Sovereigne Lord the King & all his Liege

people & if he refuses so to do then to be committed to the Common jail till he give in security as aforesd P Cur:

EDWARD SLATER Clerk
To the Sheriff of the County of Middlesex.

No 6 At Perth Amboy 12 May 1699

Upon our Oathes for our Sovereign Lord the King we Jurors do present Lewis Morris George Willocks & Thomas Gordon for a breach of the Laws of this Province, according to that Act intituled for the better maintaining & upholding the Authority of this Province

By order of the Grand Inquest
EPHRAIM ANDREWS foreman

No 7

To the Sheriff of the County of Middlesex his under Sheriff or Deputy or either of them.

Whereas we are informed that Lewis Morris of Tinton in the County of Monmouth & Province aforesd Gent: did in Aprill last at Perth Amboy in the sd Province seditiously assemble with others & endeavour to subvert the Laws of this Province & did by malicious & reproachfull words Asperge the Governr: of the sd Province contrary to the Peace of our Sovereign Lord the King & the Laws in such cases made & provided. These are therefore to will & require, & in his Majesties name Stricktly to charge & command you to take into your Custody the sd Lewis Morris & him to convey to the Jail of your County & there safely to Keep untill he shall give sufficent security in the Sum of three hundred pounds for his appearance at the Court of Common right to be held at Perth Amboy the Second Tuesday in October next, then & there to Answer the premises & in the mean time to be of the good behavior towards his Majesty & all his Liege

people. Hereof fail not at your perill, & for so doing this shall be your warrant. Given under our hands & seales the eleventh day of May in the Eleventh year of the Reign of our Sovereign Lord William the third over England &c. King Anno Dom: 1699 at Perth Amboy in the Province aforesd

The above is a true Coppy of
the warrant of Commitment.
E. SLATER

ANDREW BOWNE
JOHN ROYSE
RICH^d HARTSHORN
THO: WARNE
SAMUEL DENNES

Province East Jersey

Matt: Moore aged 31 years or thereabouts maketh Oath, that he was in Court & see Lewis Morris affront the Govern^r: & upon which the Govern^r; ordred him to withdraw but would not & still gave the Governour very Saucy Language upon which he ordred the Constables to arrest the sd Lewis Morris, but he the sd Lewis Morris withstood the sd Constables & would not suffer them to come nigh him, upon which the sd Constables commanded me to lay hands upon him which I went to take hold on him, he made some resistance, & did endeavour to draw his Hanger, but I being quick prevented him.

Juratt, the 12th May 98

Coram me
J BASSE.

No. 12

At a Councill held the 16th of May &c. present.

The Deputy Governour
JOHN ROYSSE
THO: WARNE
Capt. JOHN BISHOP

There was delivered by M^{rs} Willocks a letter which was read here directed to Cap^t Andrew Bowne, M^r:

John Royse, M^r Tho: Warne and company &c. in these words,

S^{rs}

We are now able (God be thanked) to treat with you any way you think fitt if you had valued either your own or the wellfare of the Government your procedures had been more caln Your day is not yet out, & it is in your power to follow the things that make for peace, & if you do not, at your door lye the consequence, our friends will not suffer us to be putt upon, farewell.

GEO WILLOCKS LEWIS MORRIS

May 16th at one afternoon 1699.

Ordered that one of the members of this board be sent to desire a conference with the house of Representatives thereupon.

Accordingly Thomas Warne & the Clerk of this board were sent, & the whole house of Representatives came before this board the deputy Govern^r represented to them that he had received a letter from George Willocks & Lewis Morris which was read & the house of Representatives desired time to peruse & consider of the same which was sent them by John Royse.

The sd Letter was returned to this board by John Pike & Benjamin Burden members of the house of Representatives.

A message from the house of Representatives by Peter Van Este & Elias Machielson—desiring that this board would appoint some of their members to meet a Committee of seaven of their House to come to some resolution upon the sd letter, accordingly Thomas Warne was sent by this board to acquaint the House of representatives that they were ready to meet the sd Committee in the chamber where the Councill was held upon w^{ch} Richard Hartshorne, Samuel Dennis Samuel Walker, Benjamin Burden John Pike John

Treat & Jediah Higgins came to meet the members of this board, being Thomas Warne, John Royse & John Bishop & thereupon the Deputy Governour withdrew.

The Deputy Govern^r returning, the Members of this board who had mett the Committee acquainted this board that they had agreed that an Act should be prepared to morrow to suppress any insurrection.

Ordred that a writt of inquiry be issued out to the Sheriff of the County of Monmouth to return a Jury upon a Riott committed at Woodbridge.

At a Councill held the 17th of May present

The Deputy Govern^r.

JOHN ROYSE

Cap^t: JOHN BISHOP

THO: WARNE

A message from the House of Representatives to acquaint this board that they had adjourned to two of the Clock & then this board adjourned to 2 a Clock.

Post Merd: present as above

Samuel Dennis, Samuel Walker, Jediah Higgins & Benjamin Burden were sent to this board from the House of Representatives to acquaint this board that they had considered of the letter sent from Lewis Morris & George Willocks, but did wholly leave it to this board & desired they would take such measures as they should judge most conducive to the welfare & safety of this Province.

At a Councill held the 19th May present

The Deputy Govern^r.

THO: WARNE

Capt. JOHN BISHOP

JOHN ROYSE

This board being informd that the Speaker & severall of the members of the House of Representatives had departed without giving notice thought fitt to ad-

journe till further occasion having heard nothing from them since their message of adjourn^t last night The Speaker went away early in the morning with seaven of the members of the House. Johannes Steenmeets having acquainted the Deputy Govern: & Councill that he was advised by some persons to go away with them & they would give him a bond to secure or save him harmless.

A True Coppy Extracted out of the
Councill book of the Proprietors
by me

J. BASS Secretary

We whose names are under written do say, that some time in the month of June 1700 was at the house Abraham Brown in Shrowsbury in company with Lewis Morris Esq^r then did hear him say that he had been with the Govern^r: & had taken an office upon him & that he would go through with it, & if any man resisted him he would spill his blood or he should spill his, for he made no Scruple of Conscience, & in further discourse the sd Morris did say that he had taken an office & he would go through with it tho the Streets run with blood.

JOSEPH CLARKE
NICHOLAS BROWN Jun^r
SARAH POTTER.

M^r Morris did say that he would quell the opposite party, if they did resist the authority, or he would imbrew the Province in blood, or to that effect.
July 5 1700

JAMES BOLLEN.

No 19

Upon a Riott committed at Woodbridge the thirteenth day of May 1699 M^r Samuel Denmes Cap^t John Bishop & M^r Samuel Hale the next Justices of the Peace of the sd County issued out their warrant to the

Sheriff of the sd County to Summon Twenty four good men qualified as the Law doth direct &c. to inquire of the sd Riott, the Sheriff return'd as followeth.

NATHANAEL FITZRANDOLPH	THOMAS PIKE
JOHN BLUMFIELD	BENJAMIN CURLE
JOHN ALLEN	BENJAMIN MANNEN
SAMUEL MORES	JOHN DENNES
WILLIAM ALGURE	WILLIAM BINGLE
JOHN MOORES	JOHN COMPTON
JOHN WORTH	JOSEPH MANNEN
FRANCIS WALKER	JOHN HORNER
THOMAS HIGGINS	GEORGE BROWNE
JOKABAD SMITH	JAMES MORES
ROBERT HEMINGWAY	JAMES GREAR

The Jurors being Sworn by the sd Justices brought in as followeth.

We Jurors upon our oath for our Sovereign Lord the King present Joseph Woodrose of Elizabeth Town, Ebenezer Lyon, John Meaker of the same Towne,— Jonathan Ogdon, Jun^r Cap^t Isaac Whitehead, Justice Benjamin Price & Samuel Winins of the same towne with many other malefactors & disturbers of the Peace of our Sovereign Lord the King unknown the thirteenth day of May in the Eleventh year of the Reign of our Sovereign Lord the King that now is, between two & four in the morning of the same day by force & Arms with Clubbs Staves & other weapons att the Town of Woodbridge in the County of Middlesex did Riotously assemble together & the Common Jail of the sd County at Woodbridge aforesd in the County aforesd did riotously breake. & two prisoners viz^t Lewis Morris & Geo: Willocks, then & their imprisoned in the said jail as it's said for severall high crimes & misdemeanours did Lett out, & Sett out att Liberty, to the great disturbance of his Majesties Peace

to the terror of the people & contrary to the Statute against Routs & Ryotts in that case made & provided.

NATHANIEL FITZRANDOLPH	SAM: MOORE
THO: PIKE	JOHN HOMER
JN ^o WORTH	FRANCIS WALKER
JN ^o MANNING	WILLIAM BINGLE
JN ^o DENNES	WILLIAM ALGURE
JOHN MORRIS	JOHN ALLEN
JOHN COMPTON	JOKABAD SMITH
BENJ ^A CORLE	THO: HIGGINS
ROBERT HEMINGWAY	JOHN BLUMFIELD

BENJAMIN MANNEN.

A True Copy P Edward Slater then Clerk to the Justices.

Note, All the sd Jurors of inquiry signed as above, except three Stockmen & that one of Stock-parents tho born of this Country.

No 24

Tinton July the 13th 1698

Gentlemen.

Upon the Notice I had that you were design'd to Solicit his Majesty I was very glad you were resolute to alter your present circumstances & I could wish the other Towns of this unhappy Province were as truly sensible of this condic'on as you are.¹ I must confess I should not be troubled were those who believe the Proprietors C——ts & D——s & love their Governmt the only persons hurt by it, but since there are others that are involved (by the folly & sluggishness of the former) under the same Calamity of being Governed by base inconsiderable persons who really have not the right to Govern I think it is hard.

¹ It does not appear what town was specially addressed by this communication, but one will be found printed in Vol. II., p. 270. from Newark to Perth Amboy, Elizabethtown, Woodbridge, Freehold, Bergen, Shrewsbury, Middletown, Piscataway and Aquackanonck—asking for their co-operation against an Act passed in the interest of Gov. Basse.—Ed.

Nay even among the Mock Lords Proprietors there are some that deny the use of Arms a Tenent not the safest to be held by those who pretend a right to Governmt. it leaves us Naked & defenceless a prey to any bold intruder; Subject to all the rage of a Cruel Enemy & the barbarous insults of the perfidious heathen that are round about us. I have said the Proprietors have not the right to govern & its from these reasons.

1st It was only granted to the Duke, & could not be granted by him to them, especially it could not be purchased by them as a property: for if it could be purchased by 24, they might divide and subdivide, & so we shall have 24, or 2400 parts, for they pretend to have purchased both, & they claim these parts as their property as well as the Governmt! & they have a like right to both, the power of erecting ports being in the Lords & C: & the power of Governmt. in the nation of England, who never sold it to the Proprietors I believe, & if the King (of whom they pretend to have purchas'd) can sell any part of the Governmt! he can sell the whole, to a Subject or to foreigner (for I Know no Law that restrains the one & tolerates the other) & so may sell the Kingdom of England to the King of France to morrow: & it seems to me a contradiction to have the Property of the Governmt. & at the same time be a Subject.

2ly If the Governmt, is alienable I can't find that it ever was aliend to the 24 nor so much as a Liberty given them to govern (as they do or any other way) the Kings Subjects for the 24 naturall bodies of Tho: Hart, Peter Sonmans & the rest, never were by the King incorporated, & made one body Politicque by any name, nor of any place nor none of their grants have words sufficient in Law to make them so. Ergo no Right to Govern &c.

After all, granting it Lawfull for the Proprietors to

govern, I humbly conceive it not expedient they should for the following reasons.

Imp^r: They are both Judge & party w^{ch} cannot be safe for the people.

2 If it was possible to obtain a Judgem^t against them, they have no effects nor are there bodys here, & if they were, how should the Govern^r & Prop^{rs} Keep the Govern^r & Prop^{rs} in Prison, or the Govern^r: & Proprietors by their warrant Levy distress upon the Governour & Proprietors goods.

3 In case any tax be lay'd the Proprietors Lands pay nothing which could be remedied if we were under another Governmt.

4 All that purchas'd of the Indians by Govern^r: Nicholls leave, would pay them no Quitrents which would keep money in the Country.

5 While the Proprietors keep the Governmt it keeps up the price of their own Land, & lowers that of the Inhabitants.

6 Their keeping the Governmt makes the Quitrents of twice the value they otherwise would be.

7 There is no believing anything they say or write as may be seen in the following instances.

Imprim They pretend to Ports as a property purchas'd by them.

Contradict: M^r Coll: Basse their Govern^r: in his last says t^{is} appointed by the Lords & C[:]

Affirm: In their Concessions they say land possess'd 7 years shall not be subject to any resurvey.

Contrad: They Survey & resurvey, & they pattent land after three times 7 years possession.

Affirm: They say in their last letter (where M^r Willocks signs as one of them) that the Act of Parliamt disabled Coll: Hamilton because a Scotchman.

Contrad: Tho: Gordon Esq^r no more an English man then Coll: Hamilton is their Secretary, & M^r Willocks as I am informd, one of the Councill & their Surveyor Gen^l:

What need I instance more, here is say & unsay enough, & I know you are very sensible of them, & so must every body else that will give them selves liberty to think, & if it be either safe or honourable to live under such masters then I mistake. They that like the Proprietors Governm^t may say what they please of the Kings Governm^t & of the taxes & burthens &c. but as the worthy M^r Harrison said its much better to be govern'd by the head then the feet. Their Quitrents are an unjust tax upon us & our heirs for ever, & their Surveyor pinching here a bitt, & there a patch out of the land of honest men which they wrought very hard to pay for, is not the most pleasing thing that ever was done.

And as much as they crye out against New-York & the great hurt it will be to the people to be under the Kings Governm^t yet if M^r Willocks sells the Quitrents & the people refuse to maintain some Lousy fellow that they will send for a Govern^r: they will be the first that will putt us there, to be under all the hardships aforesd: & is what they have very often threatned us with, though they dare as well eat fire as do it, till they have gott what they can out of us, w^{ch} they expect to be £6000 & then they will do it, nott for our punishm^t, but their owne convenience, for God Knows they care not one straw whether the King or the Devill has the Governm^t if they have the money in it. Wretches! that consider not what will become of this poor country (for such it will be with a witness if ever the Proprietors gett the half of £6000 out of it) so as their voracious appetites be but satisfied.

I would be glad to hear any one of their Admirers instance but one good thing the Propr^s have done for the Country, show where they have P^r formd any of the many promises they have made in their Concessions, & by their Governors, what trust, what faith is there in them? what truth in their letters? where is

there Integrity? Justice, honesty and fair dealing with the Country? Instance you that can, for I can not.

Well, after all shall we lye in the Ditch, & cry help Lord! there is a fable in Esop, of a Country man that had his cart myr'd & prayed to Jupiter for help, Jupiter being easily intreated bid the Swain putt his back to the wheels, & Immediately his oxen being putt forward drew his cart out of the mire. We are in the Swains case, deeply in the mire, & a heavy Load upon our backs, and we may pray & pray & pray again, we are never like to gett out, except we pay as well as pray, we must all sett our shoulders to the wheels, or it won't do: The Poet is much in the right on 't when he says.—

We to our Selves are gods, they Thrive who dare
And fortune is a foe to Sloathfull prayer.

My Zeal for the Cause I fear has made me tire your Patience, I shall conclude in telling you I believe M^r Nicholl will be the fittest man to serve you, if he declines it, (as I hope he will not) if you accept of my Service, I will do my endeavour to serve you to effect, but what ever you do, get M^r Nicholl & lett not a small sum part you: for he is, & so I profess my self to be

Gentlemen

	A Zealous Friend to your true Intrest
Copia vera	and your most humble Servant
P SAM: WHITEHEAD	L. MORRIS

No 26

S^{irs} 1

According to my promise (though I have been much hindred by better business then the troubling my thoughts about you) I have prov'd that most of your Acts of Governm^t. have been unlawfull, as to my own employem^t & the methods have been took with

¹ Presumed to have been addressed to the Representatives in Assembly.—Ed.

me. I shall at present say little, but I would not have you think 't is because I can't alledge any thing against your barbarous proceedings. I shall take a time if I live, effectually to convince you, & expose to the world your Injustice, & I was a going to say your Ignorances; but were I assur'd 't were only that (so far as it concerns myself) I should pass by all, for humanum est Errare.

As a præm then to my following discourse, be pleased to Know, that all your dark designs & Consultations are not only Known to those you have endeavour'd to hide them from, but in spite of your Politiques, baffled. Your Idolls Letters & your own mett with the fate they deserv'd, being laught at & redicul'd by those you sent them to, and your selfs made the fit objects of a just contempt scorne & derision. I should be very sparing of your Govern^t; (not that I dread his punishmt) & Call his male Administration, the ill effects of your furious & inconsiderate Council (as no doubt for the most part they were) had I not an instance w^{ch} adds Malice to his folly & falsehood: & y^t is his writing to the Proprietors y^t Coll: Hamilton ruled after an arbitrary power, & dispotick manner, & that the Convulsions of the Jerseys were occasioned by him. What could move that vain Orator to write that malicious lye, or is it an arrow out of your Quiver? could either he or you think that your false & Villainous oppression of a worthy Gentleman would make the Proprietors continue the rains of Governm^t in the hands of such a feeble & unexperienced Charioteer, or do you think your fustian letter to the Proprietors to w^{ch} M^r Basse signs him self would do that great feat? In it you magnify his courage & conduct & tell them you are well enough justified with his approbation & wish the country were so too. Your Reasons for not calling the Assembly you have also sent them, & your crude opinion about taking the Ship, with abundance more

of senseless, incoherent, & contradictory stuff: for w^{ch} you were honestly laughd at. For God's sake Gentlemen answer me a Civill Question. in what action itt is M^r Basse has shown so much conduct & courage, in sending up the Privateer to N: York (after he had refused them by the advice of his Councill) because my Ld bid him refuse sending of them if he dared? Is it in caressing the E: of Bellomont after his L'dp has told him he was a base mean spirited fellow & wondred he had the impudence to come into his presence?

Is it his opening his breast desiring my Ld to run him thorow, for he could not live in his displeasure? Is it his fawning upon Coll: Fletcher after so publick affront received from him? is it his Duel with M^r Bond, or is it his letting the ship Hester be surprized when he might have prevented her being so? having notice of the souldiers coming a large hour before their arrivall? is it his refusing to head men or to Commissionate any other to do so to retake her? Is it his fawning upon the Souldiers, & presenting Capt. Matthews with brandy &c. & desiring them not to be angry, when with their continued insults they were ridiculing the Governm^t of the Jerseys. For which of these Acts is it that you magnify his courage & conduct, or for what is it? on the contrary has he not on all occasions basely prostituted the Hon^r: of Governmt. & made E: Jersey contemptible in the eyes of its neighbours, & with what face, I pray you? Could you tell the Prop^rs, you were satisfy'd with his approbation, did you ever See it, or any thing like it, or do you Know the form of one? or do you dream that the Dedemus Potestatem (in w^{ch} he is not named & never was designed for him) is an approbation? or the guilt truck carry'd about upon a mans shoulder, or the book of rites with guilt letters on the back of it, or what is it that Satisfy'd you of his approbation? but I Know you are not Satisfy'd of any such thing but have writt a falsehood to

the Proprietors, for you Know very well that they could sent nothing would have satisfyd the Country but the Kings approbation, which you would not have writt for, if you had it by you. The Prop^{rs} Letter saying he was approved you Knew would never do, they having already writt so, & not believ'd by the Country. Besides M^r Willocks who signs as one of them, told you that it was a trick putt upon the Prop^{rs}, & that he & the rest were persuaded upon M^r Bass his say so, to sign it, but that ever he saw any approbation he utterly denys, & would have said as much to the whole Assembly, had it not been prevented from discovering the Cheat, so that you Know well enough he was not approved, only you hoped he might which made you venture to bely your selves to the Prop^{rs}, who could not choose but wonder how you could be satisfyd with any thing y^t nature, & they Know nothing on it. As to the Ship I doubt not butt to hear you acknowledge your error. And since we are upon courage & conduct give me leave to say, I believe you (like Parrotts) use the words not Knowing the true Sence & meaning of them, as for Courage I doubt not butt I have great proof in your own breasts, how much you Know of it to w^{ch} I refer you, & if you realy Know what conduct was (I mean a prudent conduct) doubtless something of it would appear in your actions. I suppose you value your selfs very much, upon your conduct last Assembly (viz) your raising a tax to ruin the Country, your advising to take away the writt from the Constable, your first corrupting a part of the Assembly, & then persuading them to make a lying flattering Address to M^r Bass, w^{ch} notwithstanding your utmost powers & contrivances shall never answer the end you designed it for, & both you & he shall heartily wish it never had been done. Your denying me the Kings writt, & other your little, mean, & unjust proceedings, I suppose may be putt into the number of

your prudent actions, & for w^{ch} if I live you shan't want a remembrancer.

You were very hott in binding us to our good behaviors, & we think you had no reason for it, nor cannot tax us with any immorality, but before you do, please to Know that we never yet plotted to take the Crown from our Sovereigns head, nor to stain our hands with the blood of the Lords annointed, nor to seize old Bowly, nor did we expect the coming over of the Kingdom in 9 days time that a Barbarous Murther & Rebellion might be crowned with a wicked success, we never yet made a woman well stufid with bastard the wife of an honest man, nor cheated the widdow & fatherless: nor are we accounted common whore masters, we never banterd Death to cheat our Creditors, we have no news from the other World, nor can be the Instance to the Quakers as good proofs of the Resurrection: we never made over our Estates in trust to evade paying our full debts, we never yet pretended to pay our obligations with the Seasons of the year, nor do we know how to make a Marchantable winter, we Know where extortion & Drunkenness are almost Quotidian crimes, but I think you cannot allodge them against M^r Willocks or my self

L: MORRIS.

New Jersey County Essex

No 28

At a Court of Generall Quarter Sessions of the Peace held before Her Maj^{ties} Justices of the Peace for the County of Essex at the Towne of Newark on the Second Tuesday in February Anno Regni Annæ Reginae &c Secundo 170 $\frac{2}{4}$

Rich ^d Townley	John Treat	} Esq ^r Justices
W ^m Sandford	Theophilus Person	
John Curtis	Elias Machielsen	
Benj ^a Price		

February the 9th 170 $\frac{2}{4}$

We the Jurors for our Sovereign Lady the Queen

with an unanimous consent not one dissenting of our fellows but do present the severall persons undernamed for their Riottously assaulting Rob^t Smith Esq^r high Sheriff of the County of Essex and forcibly took away the Keys of the Prison from the sd Sheriff & also took away as prisoner of his out prison namely one Joseph Parmiter then in Custody, as is formerly recorded in the other book of Records named at Newark in the County of Essex the twelfth day of Septemb^r. in the year of our Lord past 1700.

In behalf of my fellow Jurors,

JOSEPH HARRISON foreman

Imp ^r SAM ^t WHITEHEAD Sen:	CHARLES TUCKER Jun:
JOSEPH LYON	BENJAMIN OGDON jun:
RICH ^d CLARKE	THO; THOMPSON
EPHRAIM CLARKE	BENJ ^a LYON
SAM ^t CARTER	JOHN THOMPSON
JN ^o MILES	THO: THOMPSON
SAM ^t CLARKE	BENJ ^a WADE jun ^r :
SIMON NIGHTINGALL	WILLIAM WHITEHEAD
JAMES WHITEHEAD	WILLIAM MEAKER
ABRAHAM HETTFIELD	SAM ^t LITTLE
JN ^o MEAKER	ROB ^t LITTLE
SAM ^t MILNER	DAN ^t SEARS
JEREMIAH CRAIN	JOHN LAKAN
DAN ^t CRAIN	ISAAC HATFIELD
ISAAC BUNNELL	JOHN ALLEN
JEREMIAH JESSOP	

A True Cobby examin'd P me
EDM: KINGSLAND.

[The proceedings of the Court of Sessions of the County of Essex on September 29th, 1700, then follow, but they will be found already printed in Vol. II., p. 333.]

Memorial to the Lords of Trade, from several Proprietors of New Jersey, asking for a change in the Council,

[From P. R. O. B. T. New Jersey. Vol. 1, C. 80.]

Memorial of Several of the Proprietors of New Jersey proposing the Dismission of 6 of the present Council of that Province & recommending others

To the Rt Hono^{ble} the Lords Comm^{rs} for Trade and Plantations.

We the Subscribers being the Majority of the Proprietors of New Jersey in America; Residing in and about the City of London, Do humbly represent to Your Lordships; That having receiv'd Sundry Complaints from that Province; of the Arbitrary and unwarrantable Proceedings of Some of the Council; We take this opportunity, upon her Majestys appointing the Hono^{ble} Colonel Hunter to be Governour of the said Province, humbly to desire the following Persons may be left out of his Council viz^t

DANIELL: COX	PETER SONMANS
ROGER: MOMPESSON	WILL. ^m PINHORN
RICH ^p TOWNLY	WILL. ^m SANFORD

Who have all of them Notoriously endeavored to distract the minds of the People, as appears by the Printed Address of the Generall Assembly to the late Governour, the Lord Lovelace; And more especially M^r Sonmans, whose Male-Administration, and oppression of Her Majesties Subjects; is fully set forth in another Address. Besides which Imputations from the

Representatives of the Province, We take leave particularly to Charge M^r Cox. and M^r Sonmans as having grossly abused the interest they had in the Lord Cornbury, to the Prejudice of the Rights, of the Proprietors, And we have reason to fear; should they be continued of the Council, twill be difficult to obtaine Justice against them, as we have hitherto found by experience.

We therefore humbly offer that in place of the fore mentioned persons; these Subjoyn'd; or Some of them may be of the Council for the Province of New-Jersey; being Men of Estates & known Integrity. Viz^t

THOMAS GORDON Chief Justice

MILES FOSTER [Forster]	}	East Division
JOHN HAMILTON JOHN BARCLAY		
GEORGE WILLOCKS JOHN READ		
THOMAS GARDINER, JOHN HOGG	}	West Division
ISAAC MERRET		

All which is humbly Submitted to Yo^r Lordships.
London 26th Nov^r 1709.

Tho: Burrow.

Joseph Ormston	Isaac Cocks	E. Richier
also as having	John Hollis	Cha ^s Michel
procuracion from	Jo: Bennett	John Norton
George Willocks	Tho: Bromfeild	Jo ^s Brooksbank
Edward Anthill	Eben ^r Jones	Jn ^o Bridges
Miles Foster		Rob Michel
		Jn ^o Slany
		Fra Michel

From the Lords of Trade to the Queen, asking for the restoration of Lewis Morris to the Council of New Jersey.

[From N. Y. Col. Documents, Vol. V., p 123.]

To the Queens Most Excell^t Majesty

May it Please Your Majesty

(Extract)

* * * * * In relation to the Council of New Jersey Lewis Morris having been suspended by Captain Ingoldsby the Lieutenant Governor since the death of the late Lord Lovelace for reasons which do not appear to us sufficient, We humbly offer that he be restored to his place and precedency there, and there being two vacancies in the said Council, we humbly offer that Thomas Gordon and Thomas Gardner who have been well recommended to us by the Proprietors here, as persons fit to serve your Majesty in that station be constituted and appointed members of the said Council that the number of Twelve may be complete.¹

And whereas there have been great disputes and differences between the Council and Assembly of New Jersey and both have addressed to your Majesty, each against the other, and as Colonel Hunter who is now going over will be the best able when upon the place to inform himself of the matter contained in the said Address, we humbly offer that he have an Instruction from Your Majesty requiring him to examine into the causes and reasons of the said differences and to en-

¹ By an order of Council, December 25th, 1709, the recommendations of the Lords of Trade were directed to be carried out.—Ed

deavour all he can, to compose the same. And that in case he shall meet with any obstruction therein, that then he represent the matter as it shall appear to him; to one of Your Majestys principal Secretaries of State, and to Your Commissioners for Trade and Plantations for Your Majestys pleasure thereupon, and therefore we take leave to add herunto the Draught of an Additional Instruction for that purpose * * * * *
 * * * * * All which is most respectfully submitted.

Whitehall
 Decemb^r 23^d 1709.

STAMFORD
 DARTMOUTH
 PH. MEADOWES
 J^{no} PULTENEY
 ROB^t MONCKTON
 CHA. TURNER

Letter from Thomas Gordon to the Secretary of State, asking for restoration to the office of Chief Justice.

[From P. R. O. America and West Indies, Vol. 575.]

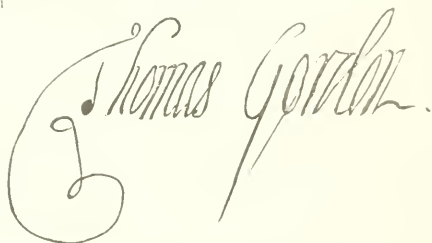
Tho: Gordon from New Jersey December 1709

My Lord

I have presumed to send your Lordship, a Duplicate of the Last Assemblys address, to be layd before Her most sacred Majestie. For as soon as the Assembly had Complied with Her Majesties Commands, and Raised both men and money for the Expedition against Canada, the Lewtenant Governour Dissolved the Assembly. I begg leave Humbly to Represent to your Lordship that my Lord Lovelace (a Good & pious man whose death is greatly Lamented) was pleased in Aprill last, to appoint me Cheife Justice of this

her Majesties Province, to the Generall Satisfaction of y^e Country, in the Room of Roger &ompesson Esqr. who had surrendred that Office to Her Majestie, and now in August last, The Lewtenuant Governour, has putt the said Roger Mompesson Esq'r into said office again, without assigning Any Reason for suspending of me, nor Indeed is there any, having always in that, and all other Offices, behaved my self, as a Loyall and faithfull Subject to Her Majestie, and honestly served the Country. I hop Her Majestie will be most Graciously pleased, as a mark of Her Royall favour to Me, and the Respect and Esteem due to the memory of My Good Lord Lovelace, whose death is so much Condoled, to Order the next Governour, to Restore me to that Office again, wherein I Humbly Begg your Lordships Assistance, which I hop (God willing) shall be for her Majesties service, and the Good of the Country, which shall be my Constant Care and Endeavour to the utmost of my ability. I humbly Crave your Lordships pardon for this trouble, and Remain with all sincerity

My Lord
Your Lordships most humble faithfull
and obedient Servant



¹ On page 106 of Vol. II., a representation of Mr. Gordon's signature is given, as he then wrote it, but later in life he adopted the style in the text.

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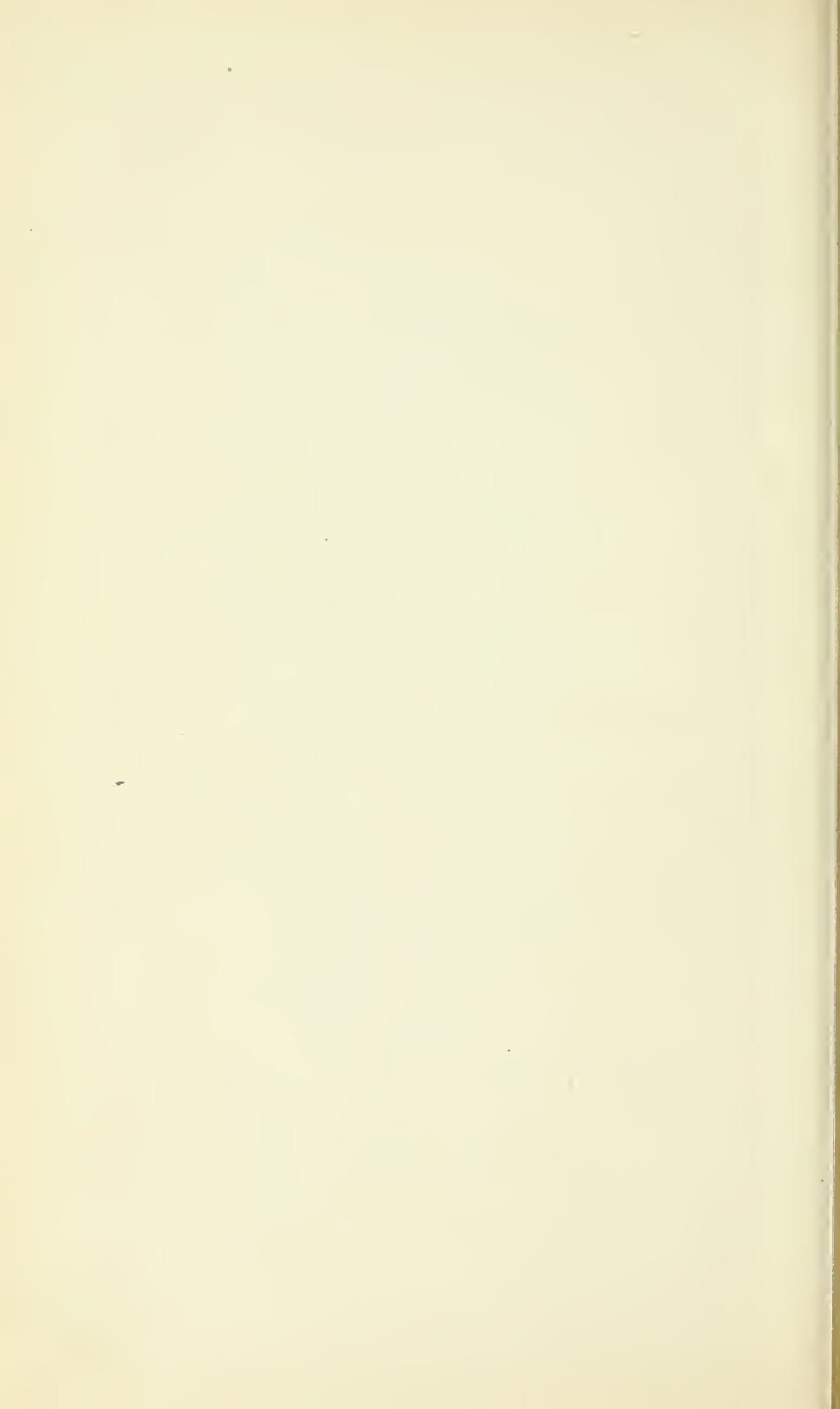
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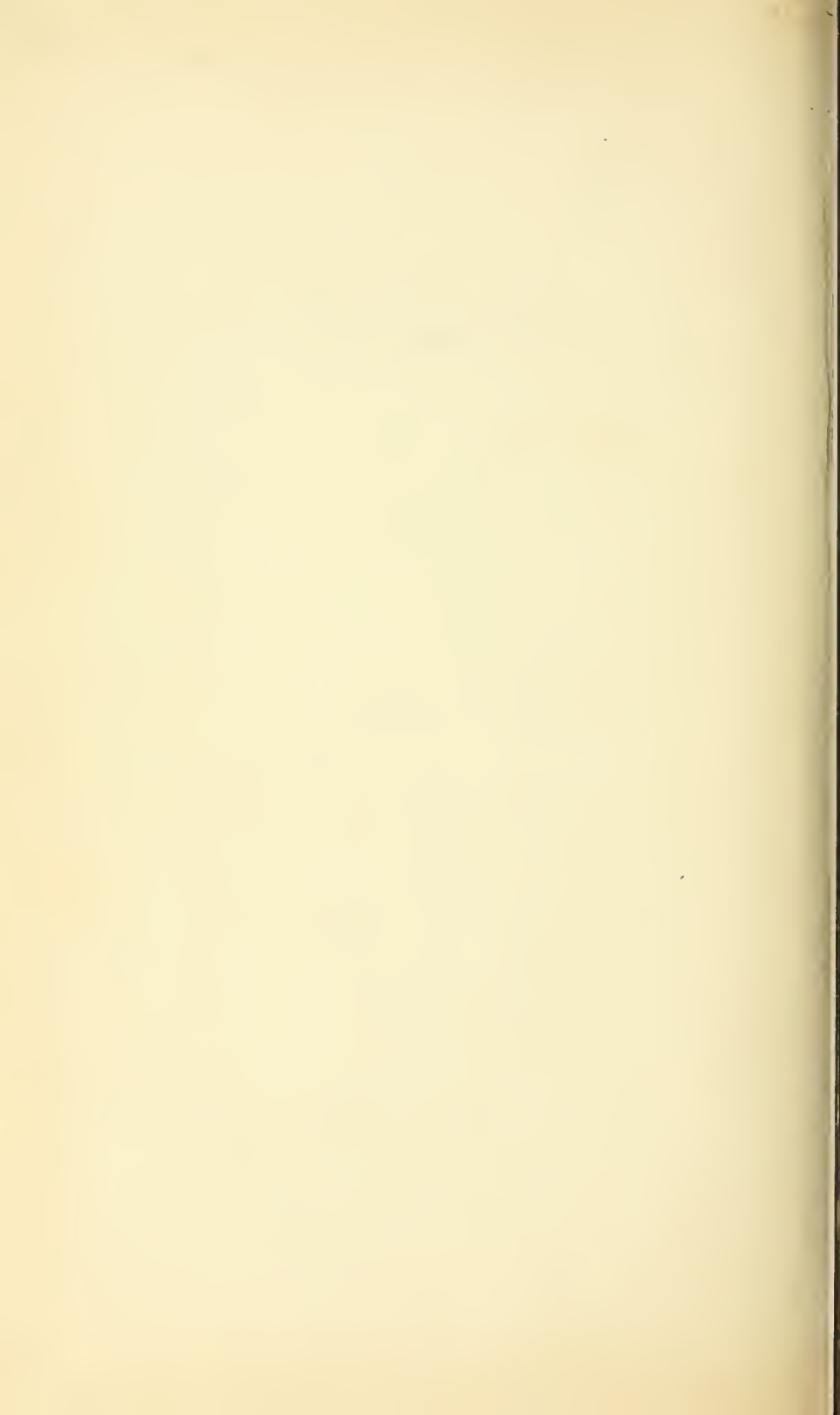


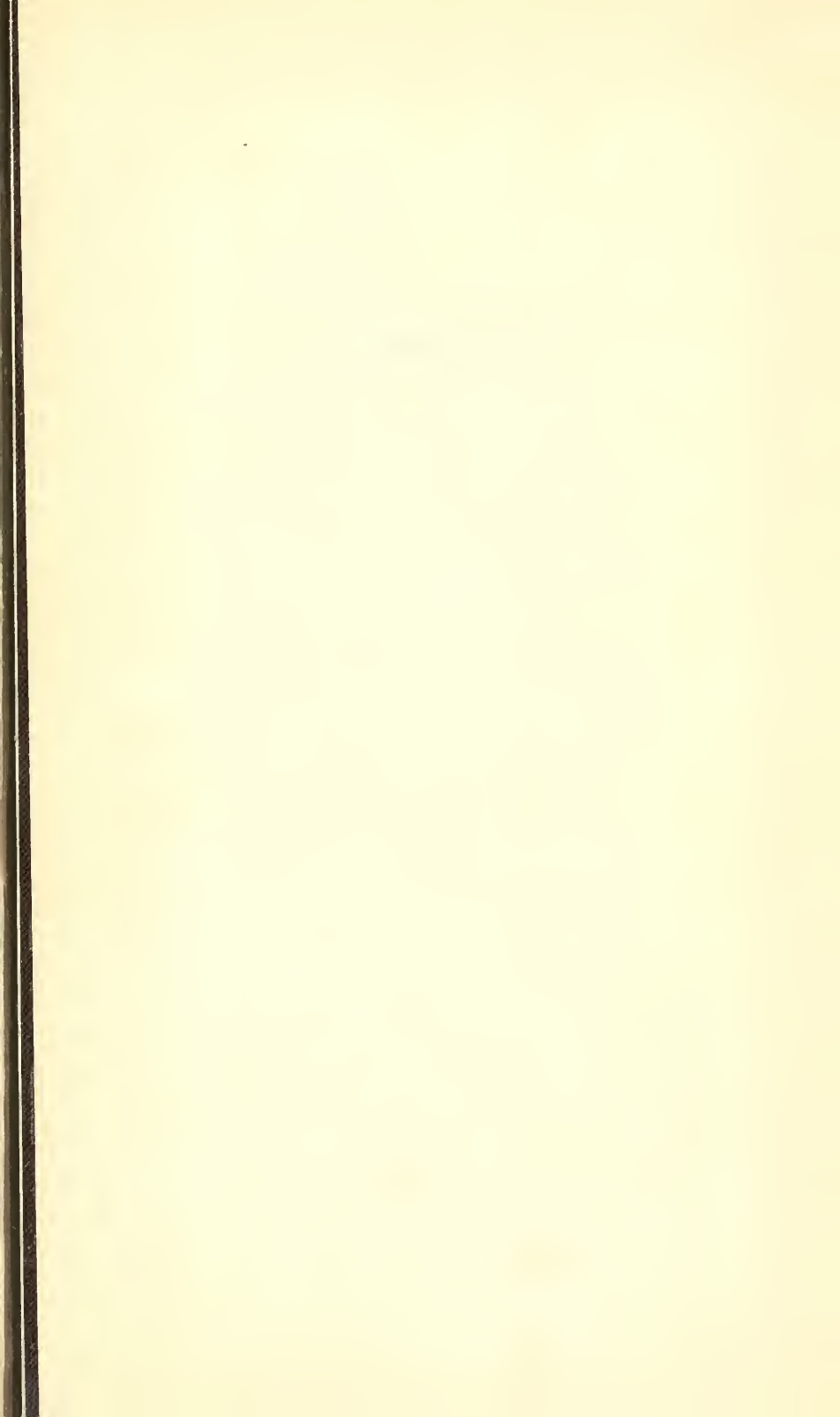












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