GRANTS, CONCESSIONS, &c.,

IN

CARTERET'S TIME,

Between 1664, and 1682.
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A

NNE, by the grace of God, of Great Britain, France and Ireland, Queen, Defender of the Faith, &c. To all to whom these our present letters shall come greeting: Know ye, that among the records remaining in our Secretary's Office of our Province of New York, in America, at our fort at New York, We have inspected certain Letters Patents granted unto his late Royal Highness James, Duke of York, deceased, which followeth in these words.

CHARLES the Second, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. To all to whom these presents shall come greeting: Know ye, that we for divers good causes and considerations us thereunto moving, have of our especial grace, certain knowledge, and mere motion, given and granted, and by these presents for us, our heirs and successors, do give and grant unto our dearest brother James, Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland in America; and from thence extending along the sea coast unto a certain place called Petuaquine or Pemaquid, and so up the river thereof to the farthest head of the same as it tendeth northward; and extending from thence to
the river of Kenebeque, and so upwards by the shortest course to the river of Canada northward. And also all that Island or Islands, commonly called by the several name or names of Matowacks or Long Island, situate, lying and being towards the west of Cape Codd and the Narrow Higan-setts, abutting upon the main land between the two rivers there, called or known by the several names of Connecticut or Hudsons river; together also with the said river called Hudsons river, and all the lands from the west side of Connecticut, to the east side of Delaware Bay. And also all those several islands called or known by the names of Martin's Vineyard and Nantukes or otherwise Nantukett; together with all the lands, islands, soils, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawking, hunting and fowling; and all other royalty's, profits, commodities and hereditaments to said several islands, lands and premises belonging and appertaining, with their and every of their appurtenances; and all our estate, right, title, interest, benefit, advantage, claim and demand of, in or to the said lands and premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders; together with the yearly and other the rents, revenues and profits of all and singular the said premises, and of every part and parcel thereof; to have and to hold all and singular the said lands, islands, hereditaments, and premises, with their and every of their appurtenances, hereby given and granted, or herein before mentioned to be given and granted unto our dearest brother James Duke of York, his heirs and assigns forever; to the only proper use and behoof of the said James Duke of York, his heirs and assigns forever; to be holden of us, our heirs and successors, as of our manor of East Greenwich in our County of Kent, in free and common soccage, and not in capite, nor by night service yielding and rendering. And the said James Duke of York, doth for himself, his heirs and assigns, covenant and promise to yield and render unto our heirs and successors, of and for the same and every year, forty beaver skins when they shall be demanded, or within ninety days after. And we do further of our special grace, certain knowledge and meer motion, for us, our heirs and successors, give and grant unto our said dearest brother James Duke of York, his heirs,
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deputies, agents, commissioners and assigns, by these presents, full and absolute power and authority to correct, punish, pardon, govern and rule all such the subjects of us, our heirs and successors, as shall from time to time adventure themselves into any the parts or places aforesaid; or that shall or do at any time hereafter inhabit within the same, according to such laws, orders, ordinances, directions and instruments as by our said dearest brother, or his assigns, shall be establish'd; and in defect thereof, in case of necessity, according to the good discretions of his deputy's, commissioners, officers or assigns respectively; as well in all causes and matters capital and criminal, as civil both marine and others; so always as the said statutes, ordinances and proceedings be not contrary to, but as near as conveniently may be, agreeable to the laws, statutes and government of this our realm of England; and saving and reserving to us, our heirs and successors, the receiving, hearing and determining of the appeal and appeals of all or any person or persons of, in or belonging to the territories or islands aforesaid, in or touching any judgment or sentence to be there made or given. And further, that it shall and may be lawful to and for our said dearest brother, his heirs and assigns, by these presents from time to time, to nominate, make, constitute, ordain and confirm, by such name or names, stile or stiles, as to him or them shall seem good, and likewise to revoke discharge, change and alter as well all and singular governor's, officers, and ministers which hereafter shall be by him or them thought fit and needful to be made or used within the aforesaid parts and islands: And also to make, ordain and establish all manner of orders, laws, directions, instructions, forms and ceremonies of government and magistracy fit and necessary for and concerning the government of the territories and islands aforesaid; so always that the same be not contrary to the laws and statutes of this our realm of England, but as near as may be agreeable thereunto; and the same at all times hereafter to put in execution or abrogate, revoke or change, not only within the precincts of the said territories or islands, but also upon the seas in going and coming to and from the same, as he or they in their good discretions shall think to be fittest for the good of the adventurers and inhabitants there. And we do further of our special grace, certain knowledge, and meer mo-
tion, grant, ordain and declare, that such governors, officers, and ministers as from time to time shall be authorized and appointed in manner and form aforesaid, shall and may have full power and authority to use and exercise marshall law in cases of rebellion, insurrection and mutiny, in as large and ample manner as our lieutenants in our counties within our realm of England have or ought to have, by force of their commission of leutenancy, or any law or statute of this our realm. And we do further by these presents, for us, our heirs and successors, grant unto our said dearest brother James Duke of York, his heirs and assigns, that it shall and may be lawful to and for the said James Duke of York, his heirs and assigns, in his or their discretion from time to time, to admit such and so many person or persons to trade and traffic unto and within the said territories and islands aforesaid, and into every or any part and parcel thereof; and to have, possess and enjoy any lands or hereditaments in the parts and places aforesaid, as they shall think fit, according to the laws, orders, constitutions and ordinances by our said brother, his heirs, deputies, commissioners and assigns from time to time to be made and established by virtue of, and according to the true intent and meaning of these presents; and under such conditions, preservations and agreements as our said brother, his heirs or assigns shall set down, order, direct and appoint and not otherwise as aforesaid. And we do further of our especial grace, certain knowledge, and meere motion for us, our heirs and successors, give and grant unto our said dearest brother, his heirs and assigns, by these presents, that it shall and may be lawful to and for him, them or any of them, at all and every time and times hereafter, out of any our realms or dominions whatsoever, to take, lead, carry and transport in and into their voyages, and for and towards the plantations of our said territories and islands, all such and so many of our loving subjects, or any other strangers, being not prohibited or under restraint, that will become our loving subjects and live under our allegiance, as shall willingly accompany them in the said voyages; together with all such cloathing, implements, furniture and other things usually transported, and not prohibited, as shall be necessary for the inhabitants of the said islands and territories, and for their use and
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defence thereof, and managing and carrying on the trade with
the people there; and in passing and returning to and fro, yield-
ing and paying to us, our heirs and successors, the customs
and duties therefor due and payable, according to the laws
and customs of this our realm. And we do also for us, our
heirs and successors, grant to our said dearest brother James
Duke of York, his heirs and assigns, and to all and every
such governor or governors, or other officers or ministers as
by our said brother, his heirs or assigns, shall be appointed;
to have power and authority of government and command
in or over the inhabitants of the said territories or islands,
that they and every of them shall and lawfully may from
time to time, and at all times hereafter for ever, for their
several defence and safety, encounter, expulse, repel, and
resist, by force of arms as well by sea as by land, and all
ways and means whatsoever, all such person and persons as
without the special license of our said dearest brother, his
heirs or assigns, shall attempt to inhabit within the several
precincts and limits of our said territories and islands. And
also, all and every such person and persons whatsoever, as
shall enterprize or attempt at any time hereafter the destruc-
tion, invasion, detriment or annoyance to the parts, places or
islands aforesaid or any part thereof. And lastly, our will
and pleasure is, and we do hereby declare and grant, that
these our letters patents, or the inrollment thereof, shall be
good and effectual in the law to all intents and purposes
whatsoever, notwithstanding the not reciting or mentioning
of the premises or any part thereof, or the meets or bounds
thereof, or of any former or other letters patents or grants
heretofore made or granted of the premises, or of any part
thereof, by us or of any of our progenitors, unto any other
person or persons whatsoever, bodies politic or corporate, or
any act, law or other restraint, uncertainity or imperfection
whatsoever to the contrary in any wise notwithstanding;
altho' express mention of the true yearly value or certainty
of the premises, or any of them, or of any other gifts or
grants by us, or by any of our progenitors or predecessors
heretofore made to the said James Duke of York, in these
presents is not made, or any statute, act, ordinance, provision,
proclamation or restriction, heretofore had, made, enacted,
ordained or provided, or any other matter, cause or thing
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whatsoever to the contrary thereof in any wise notwithstanding. In witness whereof we have caused these our letters to be made patent. Witness ourself at Westminster, the twelfth day of March, in the sixteenth year of our reign. By the King, Howard.

All which by the tenor of these presents we have caused to be exemplified. In testimony whereof we have caused our seal of our said Province of New York to be hereunto affixed. Witness our trusty and well beloved Robert Hunter, Esq.; our Captain General and Governor in Chief of our Provinces of New York, New Jersey and Territories thereon depending in America, and Vice Admiral of the same, and at our Fort at New York, this thirtieth day of October, in the tenth year of our reign.

H. WILEMAN, Dep. Scry.

Note. It was thought unnecessary to copy the lease for a year, which is dated the day before the following release.

T HIS INDENTURE made the four and twentieth day of June, in the sixteenth year of the reign of our sovereign Lord, CHARLES the Second, by the grace of God of England, Scotland, France and Ireland, KING Defender of the Faith, &c., Annoq. Domini, 1664. Between His Royal Highness, JAMES Duke of York, and Albany, Earl of Ulster, Lord High Admiral of England, and Ireland, Constable of Dover Castle, Lord Warden of the Cinque ports, and Governor of Portsmouth, of the one part: John Lord Berkeley, Baron of Stratton, and one of His Majesty's most Honourable Privy Council, and Sir, George Carteret of Saltram, in the County of Devon, Knight and one of His Majesty's most Honourable Privy Council of the other part: Whereas his said Majesty King CHARLES the Second, by his Letters Patents under the Great Seal of England, bearing date on or about the twelfth day of March, in the sixteenth year of his said Majesty’s reign, did for the consideration therein mentioned, give and grant unto his said Royal Highness JAMES, Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St.
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Croix next adjoining to New Scotland in America; and from thence extending along the sea coast unto a certain place called Pemaquie or Pemaquid, and so by the river thereof to the furthest head of the same as it tendeth northward; and extending from thence to the river of Kinebeque, and so upwards by the shortest course to the river Canady northwards; and also all that island or islands commonly called by the several name or names of Matowacks or Long Island, situate and being towards the west of Cape Codd and the Narrow Higansetts, abutting upon the main land between the two rivers there, called or known by the several names of Connecticutt, and Hudson’s river; together also with the said river called Hudson’s river, and all the land from the west side of Connecticutt river to the east side of Delaware Bay; and also several other islands and lands in said Letters Patents mentioned, together with the rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishing, hawkings, hunttings, and fowling, and all other royalties, profits, commodities and hereditaments to the said several islands, lands and premises belonging and appertaining, to have and to hold the said lands, islands, hereditaments and premises, with their and every of their appurtenances, unto his said Royal Highness James Duke of York, his heirs and assigns for ever; to be holden of his said Majesty, his heirs and successors, as of the manner of East Greenwich, in the County of Kent, in free and common socage, yielding and rendering unto his said Majesty his heirs and successors of and for the same, yearly and every year, forty beaver skins, when they shall be demanded, or within ninety days after; with divers other grants, clauses, provisos, and agreements, in the said recited Letters Patents contain’d, as by the said Letters Patents, relation being thereunto had, it doth and may more plainly and at large appear. Now this Indenture witnesseth, that his said Royal Highness James Duke of York, for and in consideration of a competent sum of good and lawful money of England to his said Royal Highness James Duke of York in hand paid by the said John Lord Berkley and Sir George Carteret, before the sealing and delivery of these presents, the receipt whereof the said James Duke of York, doth hereby acknowledge, and thereof doth acquit and discharge the said John Lord
Berkley and Sir George Carteret forever by these presents, hath granted, bargained, sold, released and confirmed, and by these presents, doth grant, bargain, sell, release and confirm unto the said John Lord Berkley and Sir George Carteret, their heirs and assigns for ever, all that tract of land adjacent to New England, and lying and being to the westward of Long Island, and Manhitas Island, and bounded on the east part by the main sea, and part by Hudson’s river, and hath upon the west Delaware bay or river, and extendeth southward to the main ocean as far as Cape May at the mouth of Delaware bay; and to the northward as far as the northermost branch of the said bay or river of Delaware, which is forty-one degrees and forty minutes of latitude, and crosseth over thence in a strait line to Hudson’s river in forty-one degrees of latitude; which said tract of land is hereafter to be called by the name or names of New Ceaserea or New Jersey: and also all rivers, mines, minaralls, woods, fishings, hawking, hunting, and fowling, and all other royalties, profits, commodities, and heriditaments whatever, to the said lands and premises belonging or in any wise appertaining; with their and every of their appurtenances, in as full and ample manner as the same is granted to the said Duke of York by the before-recited Letters Patents; and all the estate, right, title, interest, benefit, advantage, claim and demand of the said James Duke of York, of in or to the said and premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders thereof: All of which said tract of land and premises were by indenture, bearing date the day before the date hereof, bargain’d and sold by the said James Duke of York, unto the said John Lord Berkeley and Sir George Carteret, for the term of one whole year to commence from the first day of May last past, before the date thereof, under the rent of a peper corn, payable as therein is mentioned as by the said deed more plainly may appear: by force and virtue of which said indenture of bargain and sale, and of the statute for transferring of uses into possession, the said John Lord Berkley and Sir George Carteret, are in actual possession of the said tract of land and premises, and enabled to take a grant and
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release thereof, the said lease being made to that end and purpose, to have and to hold all and singular the said tract of land and premises; with their, and every of their appurtenances, and every part and parcel thereof, unto the said John Lord Berkeley and Sir George Carteret, their heirs and assigns for ever, to the only use and behoof of the said John Lord Berkeley and Sir George Carteret their heirs and assigns for ever; yielding and rendering therefore unto the said JAMES Duke of York, his heirs and assigns, for the said tract of land and premises, yearly and every year the sum of twenty nobles of lawful money of England, if the same shall be lawfully demanded at or in the Inner Temple Hall London, at the feast of St. Michael the Arch Angel yearly. And the said John Lord Berkley and Sir George Carteret for themselves and their heirs, covenant and grant to and with the said JAMES Duke of York, his heirs and assigns by these presents, that they the said John Lord Berkley and Sir George Carteret, their heirs and assigns, shall and will well and truly pay or cause to be paid unto the said JAMES Duke of York, his heirs and assigns, the said yearly rent of twenty nobles at such time and place, and in such manner and form as before in these presents is expressed and delivered. In witness whereof the parties aforesaid to these presents have interchangeably set their hands and seals, the day and year first above written.

Sign’d, seal’d and deliver’d in the presence of

JAMES.

WILLIAM COVENRYE,
THOMAS HEYWOOD.
The Concession and Agreement of the Lords Proprietors of the Province of New Cæsarea, or New Jersey, to and with all and every the Adventurers and all such as shall settle or plant there.

The concessions. I MPRIMUS. We do consent and agree, that the Governor of the said Province hath power, by the advice of his council, to depute one in his place and authority, in case of death or removal, to continue until our further order, unless we have commissioned one before.

ITEM. That he hath likewise power to make choice of and to take to him six councillors at least, or twelve at most, or any even number between six and twelve, with whose advice and consent, or with at least three of the six, or four of a greater number (all being summon’d) he is to govern according to the limitations and instructions following, during our pleasure.

ITEM. That the chief Secretary or register which we have chosen, or shall choose, (we failing) that he shall choose, shall keep exact entries in fair books of all publick affairs: and to avoid deceits and lawsuits, shall record and enter all grants of land from the lords to the planters; and all conveyances of land, house or houses from man to man, as also all leases for land, house or houses, made or to be made by the landlord to any tenant for more than one year; which conveyance or lease shall be first acknowledged by the granter or leasor, or proved by the oath of two witnesses to the lease or conveyance, before the Governor or some chief judge of a court for the time being, who shall under his hand on the backside of the said deed or lease, attest the acknowledgment or proof as aforesaid; which shall be a warrant for the register to record the same: which conveyance so recorded shall be good and effectual in law, notwithstanding any other conveyance, deed or lease
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for the said land, house or houses, or for any part thereof, altho' dated before the conveyance, deed or lease, recorded as aforesaid: And the said register shall do all other thing or things that we by our instructions shall direct, and the Governor, Council and General Assembly shall ordain for the good and welfare of the said Province.

ITEM. That the Surveyor General, that we have chosen or shall choose, (we failing that the Governor shall choose) shall have power by himself or deputy, to survey, lay out and bound all such lands as shall be granted from the lords to the planters; and all other lands within the said Province which may concern particular men as he shall be desired to do, and a particular thereof certify to the register to be recorded as aforesaid. Provided, that if the said register and surveyor, or either of them, shall misbehave themselves, as that the Governor and Council, or Deputy Governor and Council, or the major part of them, shall find it reasonable to suspend their actings in their respective employments, it shall be lawful for them so to do, until further orders from us.

ITEM. That the Governor, Councillors, Assembly Men, Secretary, Surveyor, and all other officers of trust, shall swear or subscribe (in a book to be provided for that purpose) that they will bear true allegiance to the King of England, his heirs and successors; and that they will be faithful to the interests of the Lords Proprietors of the said Province and their heirs, executors and assigns; and endeavour the peace and welfare of the said Province; and that they will truly and faithfully discharge their respective trust in their respective offices, and do equal justice to all men, according to their best skill and judgement, without corruption, favour or affection; and the names of all that have sworn or subscribed, to be entered in a book. And whosoever shall subscribe and not swear, and shall violate his promise in that subscription, shall be liable to the same punishment that the persons are or may be that have sworn and broken their oaths.

ITEM. That all persons that are or shall become subjects of the King of England, and swear, or subscribe allegiance to the King, and faithfulness to the
lords, shall be admitted to plant and become freemen of the
said Province, and enjoy the freedoms and immunities here-
after express'd, until some stop or contradiction be made by
us the Lords, or else the Governor, Council and Assembly,
which shall be in force until the Lords see cause to the
contrary: provided that such stop shall not any ways
prejudice the right or continuance of any person that have
been receiv'd before such stop or orders come from the
General Assembly.

ITEM. That no person qualified as aforesaid within the
said Province, at any time shall be any ways molested,
punished, disquieted or called in question for any difference
in opinion or practice in matter of religious concernsments,
who do not actually disturb the civil peace of the said
Province; but that all and every such person and persons
may from time to time, and at all times, freely and fully
have and enjoy his and their judgments and consciences in
matters of religion throughout the said Province, they be-
having themselves peaceably and quietly, and not using this
liberty to licentiousness, nor to the civil injury or outward
disturbance of others; any law, statute or clause contained, or
to be contained, usage or custom of this realm of England, to
the contrary thereof in any wise notwithstanding.

ITEM. That no pretence may be taken by our heirs or
assigns for or by reason of our right of patronage and power
of advouson, granted by his Majesty's Letter's Patents,
unto his Royal Highness James Duke of York, and by his
said Royal Highness unto us, thereby to infringe the gen-
eral clause of liberty of conscience, aforesaid; we do
hereby grant unto the General Assembly of the said Prov-
ince, power by act to constitute and appoint such and so
many ministers or preachers as they shall think fit, and to
establish their maintenance, giving liberty beside to any
person or persons to keep and maintain what preachers or
ministers they please.

ITEM. That the inhabitants being freemen, or chief
agents to others of the Province aforesaid; do as soon
as this our commission shall arrive, by virtue of a writ
in our names by the Governor to be for the present
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(until our seal comes) sealed and signed, make choice of twelve deputies or representatives from amongst themselves; who being chosen are to join with the said Governor and council for the making of such laws, ordinances and constitution as shall be necessary for the present good and welfare of the said Province. But so soon as parishes, divisions, tribes and other distinctions are made, that then the inhabitants or freeholders of the several respective parishes, tribes, divisions and distinctions aforesaid, do by our writts, under our seals, (which we ingage, shall be in due time issued) annually meet on the first day of January, and choose freeholders for each respective division, tribe or parish to be the deputies or representatives of the same: which body of representatives or the major part of them, shall, with the Governor and council aforesaid, be the General Assembly of the said Province, the Governor or his deputy being present, unless they shall wilfully refuse, in which case they may appoint themselves a president, during the absence of the Governor or the deputy Governor.

Which Assembly's are to have Power.

First. To appoint their own time of meeting and to adjourn their sessions from time to time to such times and places as they shall think convenient; as also to ascertain the number of their quorum; provided that such numbers be not less than the third part of the whole, in whom (or more) shall be the full power of the General Assembly.

II. To enact and make all such laws, acts and constitutions as shall be necessary for the well government of the said Province, and them to repeal: provided, that the same be consonant to reason, and as near as may be conveniently agreeable to the laws and customs of his majesty's kingdom of England: provided also, that they be not against the interest of us the Lords Proprietors, our heirs or assigns, nor any of those our concessions, especially that they be not repugnant to the article for liberty of conscience abovementioned: which laws so made shall receive publication from the Governor and council (but as the laws of us and our General Assembly) and be in force for the space of one year and no more, unless contradicted by the Lords Proprietors, within
which time they are to be presented to us, our heirs, &c. for our ratification; and being confirmed by us, they shall be in continual force till expired by their own limitation, or by act of repeal in like manner to be passed (as aforesaid) and confirmed.

III. By act as aforesaid, to constitute all courts, together with the limits, powers and jurisdictions of the same; as also the several offices and number of officers belonging to each court, with their respective salaries, fees and perquisites; their appelations and dignities, with the penalties that shall be due to them, for the breach of their several and respective duties and trusts.

IV. By act as aforesaid, to lay equal taxes and assessments, equally to raise moneys or goods upon all lands (excepting the lands of us the Lords Proprietors before settling) or persons within the several precincts, hundreds, parishes, manors, or whatsoever other divisions shall hereafter be made and established in the said Province, as oft as necessity shall require, and in such manner as to them shall seem most equal and easy for the said inhabitants; in order to the better supporting of the publick charge of the said Government, and for the mutual safety, defence and security of the said Province.

V. By act as aforesaid, to erect within the said Province, such and so many manors, with their necessary courts, jurisdictions, freedoms, and privileges, as to them shall seem meet and convenient: As also to divide the said Province into hundreds, parishes, tribes, or such other divisions and distinctions, as they shall think fit; and the said divisions to distinguish by what names we shall order or direct; and in default thereof, by such names as they please: As also in the said Province to create and appoint such and so many ports, harbours, creeks, and other places for the convenient lading and unlading of goods and merchandizes, out of ships, boats and other vessels, as shall be expedient; with such jurisdictions, privileges and franchises to such ports, &c. belonging, as they shall judge most conducing to the general good of the said Plantation or Province.

VI. By their enacting to be confirm'd as aforesaid, to erect, raise and build within the said Province or any
part thereof, such and so many forts, fortresses, castles, cities, corporations, boroughs, towns, villages, and other places of strength and defence; and them or any of them, to incorporate with such charters and privileges, as to them shall seem good, and the grant made unto us will permit; and the same or any of them to fortify and furnish with such provisions and proportion of ordnance, powder, shot, armour, and all other weapons, ammunition and habiliments of war, both offensive and defensive, as shall be thought necessary and convenient for the safety and welfare of the said Province. But they may not at any time demolish, dismantle or disfurnish the same, without the consent of the Governor and the major part of the council of the said Province.

VII. By act (as aforesaid) to constitute train'd bands and companies, with the number of soldiers, for the safety, strength and defence of the said Province; and of the forts, castles, cities, &c. To suppress all mutinies and rebellions; to make war offensive and defensive with all Indians, strangers and foreigners, as they shall see cause; and to pursue an enemy as well by sea as by land, if need be, out of the limits and jurisdictions of the said Province, with the particular consent of the Governor, and under his conduct, or of our commander in chief, or whom he shall appoint.

VIII. By act (as aforesaid) to give to all strangers, as to them shall seem meet, a naturalization, and all such freedoms and privileges within the said Province as to his majesty's subjects do of right belong, they swearing or subscribing as aforesaid; which said strangers, so naturalized and privileged, shall be in all respects accounted in the said Province, as the Kings natural subjects.

IX. By act (as aforesaid) to prescribe the quantity of land which shall be from time to time, allotted to every head, free or servant, male or female, and to make and ordain rules for the casting of lots for land and the laying out of the same; provided, that they do not in their prescriptions exceed the several proportions which are hereby granted by us to all persons arriving in the said Province or adventuring thither.
X. The General Assembly by act, as aforesaid, shall make provision for the maintenance and support of the Governor, and for the defraying of all necessary charges for the government; as also that the constables of the said Province shall collect the Lords rent, and shall pay the same to the receiver that the Lords shall appoint to receive the same; unless the General Assembly shall prescribe some other way whereby the Lords may have their rents duly collected, without charge or trouble to them.

XI. Lastly to enact, constitute and ordain all such other laws, acts and constitutions as shall or may be necessary for the good, prosperity and settlement of the said Province, excepting what by these presents is excepted, and conforming to the limitations herein expressed.

The Governor is with his Council before Express'd.

The Gov': First. To see that all courts establish'd by the laws of the General Assembly, and all ministers and officers, civil and military, do and execute their several duties and offices respectively, according to the laws in force; and to punish them for swerving from the laws, or acting contrary to their trust, as the nature of their offences shall require.

II. According to the constitution of the General Assembly, to nominate and commissionate, the several judges, members and officers of courts, whether magistratical or ministerial and all other civil officers, coroners, &c. and their commissions, powers and authority to revoke at pleasure: provided, that they appoint none but such as are freeholders in the Province aforesaid, unless the General Assembly consent.

III. According to the constitution of the General Assembly, to appoint courts and officers in cases criminal; and to empower them to inflict penalties upon offenders against any of the laws in force in the said Province, as the said laws shall ordain; whether by fine, im-
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prisonment, banishment, corporal punishment, or to the taking away of member or life itself if there be cause for it.

IV. To place officers and soldiers for the safety, strength and defence of the forts, castles, cities &c. according to the number appointed by the General Assembly, to nominate, place and commissionate all military officers under the dignity of the said Governor, who is commissionated by us over the several train’d bands and companies, constituted by the General Assembly, as colonels, captains, &c. and their commissions to revoke at pleasure. The Governor with the advice of his Council, unless some present danger will not permit him, to advise to muster and train all forces within the said Province, to prosecute war, pursue an enemy, suppress all rebellions, and mutinies, as well by sea as land; and to exercise the whole militia as fully as we by the grant from his Royal Highness can empower them to do: Provided, that they appoint no military forces but what are freeholders in the said Province, unless the General Assembly shall consent.

V. Where they see cause, after condemnation, to reprieve until the case be presented, with a copy of the whole tryal, proceedings and proofs to the Lords, who will accordingly either pardon or command execution of the sentence on the offender; who is in mean time to be kept in safe custody till the pleasure of the Lords be known.

VI. In case of death or other removal of any of the Representatives within the year, to issue summons by writ to the respective division or divisions; for which he or they were chosen, commanding the freeholders of the same to choose others in their stead.

VII. To make warrants and seal grants of lands, according to those our concessions and the prescriptions, by the advice of the General Assembly in such form as shall be at large set down in our instructions to the Governor in his commission, and which are hereafter express’d.

VIII. To act and do all other things that may con-
due to the safety, peace and well-government of the said Province, as they shall see fit; so as they be not contrary to the laws of the said Province.

For the better Security of the Proprieties of all the Inhabitants.

First. They are not to impose nor suffer to be imposed, any tax, custom, subsidy, tallage, assessment, or any other duty whatsoever upon any colour or pretence, upon the said Province and inhabitants thereof, other than what shall be imposed by the authority and consent of the General Assembly, and then only in manner as aforesaid.

II. They are to take care, that lands quietly held, planted and possessed seven years, after its being duly survey’d by the Surveyor General, or his order, shall not be subject to any review, re-survey or alteration of bounders, on what pretence soever by any of us, or by any officer or minister under us.

III. They are to take care, that no man, if his cattle stray, range or graze on any ground within the said Province, not actually appropriated or set out to particular persons, shall be lyable to pay any trespass for the same, to us, our heirs or executors: Provided, that custom of commons be not thereby pretended to, nor any person hindered from taking up, and appropriating any lands so grazed upon: And that no person doth purposely suffer his cattle to graze on such lands.

And that the Planting of the said Province may be the more speedily promoted.

I. We do hereby grant unto all persons who have already adventured to the said Province of New Cæsarea or New Jersey, or shall transport themselves, or servants, before the first day of January, which shall be in the year of our Lord one thousand six hundred sixty-five, these following proportions, viz: To every freeman that
shall go with the first Governor, from the port where he embarks, or shall meet him at the rendezvous he appoints, for the settlement of a plantation there, arm’d with a good musket, bore twelve bullets to the pound, with ten pounds of powder, and twenty pounds of bullets, with bandiliers and match convenient, and with six months provision for his own person arriving there, one hundred and fifty acres of land English measure; and for every able servant that he shall carry with him, arm’d and provided as aforesaid, and arriving there, the like quantity of one hundred and fifty acres English measure: And whosoever shall send servants at that time, shall have for every able man servant he or she shall send, armed and provided as aforesaid, and arrive there, the like quantity of one hundred and fifty acres: And for every weaker servant, or slave, male or female, exceeding the age of fourteen years, which any one shall send or carry, arriving there, seventy five acres of land: And for every Christian servant, exceeding the age aforesaid, after the expiration of their time of service, seventy five acres of land for their own use.

II. Item. To every master or mistress that shall go before the first day of January, which shall be in the year one thousand six hundred sixty five; one hundred and twenty acres of land. And for every able man servant, that he or she shall carry or send, arm’d and provided as aforesaid, and arriving within the time aforesaid, the like quantity of one hundred and twenty acres of land: And for every weaker servant or slave, male or female, exceeding the age of fourteen years, arriving there, sixty acres of land: And to every Christian servant to their own use and behoof sixty acres of land.

III. Item. To every free man and free woman that shall arrive in the said Province, arm’d and provided as aforesaid, within the second year, from the first day of January 1665 to the first day of January one thousand six hundred sixty six, with an intention to plant, ninety acres of land English measure: And for every man servant that he or she shall carry or send, armed and provided as aforesaid, ninety acres of land of like measure.

IV. Item. For every weaker servant or slave, aged as aforesaid, that shall be so carried or sent thither
within the second year, as aforesaid, forty five acres of land of like measure: And to every Christian servant that shall arrive the second year, forty five acres of land of like measure, after the expiration of his or their time of service, for their own use and behoof.

V. Item. To every free man and free woman, armed and provided as aforesaid, that shall go and arrive with an intention to plant, within the third year from January 1666 to January 1667, armed and provided as aforesaid, threescore acres of land of like measure: And for every able man servant, that he or they shall carry or send within the said time, armed and provided as aforesaid, the like quantity of threescore acres of land. And for every weaker servant or slave, aged as aforesaid, that he or they shall carry or send within the third year, thirty acres of land: And to every Christian servant so carried or sent in the third year, thirty acres of land of like measure, after the expiration of their time of service. All which land, and all other that shall be possessed in the said Province, are to be held on the same terms and conditions as is before mentioned, and as hereafter in the following paragraphs is more at large express'd. Provided always, that the before mentioned land and all other whatsoever, that shall be taken up and so settled in the said Province, shall afterward from time to time for the space of thirteen years from the date hereof, be held upon the conditions aforesaid, continuing one able man servant or two such weaker servants as aforesaid, on every hundred acres a master or mistress shall possess, besides what was granted for his or her own person: In failure of which upon other disposure to the present occupant, or his assigns, there shall be three years given to such for their compleating the said number of persons, or for their sale or dispositions of such part of their lands as are not so people'd within such time of three years. If any such person holding any land shall fail by himself his agents, executors or assigns, or some other way to provide such number of persons, unless the General Assembly shall without respect to poverty, judge it was impossible for the party so failing, to keep or procure his or her number of servants to be provided as aforesaid; in such case we the Lords to have power of disposing of so much of such land as shall not be planted with its due number of persons as a-
foresaid, to some others that will plant the same. *Provided always,* That no person arriving in the said Province, with purpose to settle (they being subjects or naturalized as foresaid) be denied a grant of such proportions of land as at the time of their arrival that are due to themselves or servants, by concession from us as foresaid; but have full licence to take up and settle the same, in such order and manner as is granted or prescrib'd. All lands (notwithstanding the powers in the Assembly foresaid) shall be taken up by warrant from the Governor, and confirm'd by the Governor and Council, under a seal to be provided for that purpose, in such order and method as shall be set down in this declaration, and more at large in the instruction to the Governors, and Council.

And that the lands may be the more regularly laid out and all persons the better ascertain'd of their title and possession.

I. The Governor and Council and General Assembly (if any be) are to take care and direct, that all lands be divided by general lots, none less than two thousand one hundred acres, nor more than twenty one thousand acres in each lot, excepting cities, towns, &c. and the near lots of townships; and that the same be divided into seven parts, one seventh part to us, our heirs and assigns; the remainder to persons as they come to plant the same, in such proportions as is allowed.

II. Item. That the Governor, or whom he shall depute, in case of death or absence, if some be not before commissioned by us as foresaid, do give to every person to whom land is due, a warrant sign'd and seal'd by himself, and the major part of his Council, and directed to the Surveyor General, or his deputy, commanding him to lay out, limit and bound acres of land, as his due proportion, is for such a person, in such allotment, according to the warrant; the Register having first recorded the same, and attested
The record upon the warrant; The Surveyor General, or his deputy, shall proceed and certify to the chief Secretary or Register, the name of the person for whom he hath laid out land, by virtue of what authority, the date of the authority or warrant, the number of acres, the bounds, and on what point of the compass the several limits thereof lye; which certificate the Register is likewise to enter in a book to be prepared for that purpose, with an alphabitical table, referring to the book, that so the certificate may be the easier found; and then to file the certificates, and the same to keep safely: The certificate being entered, a warrant precluding all the particulars of land mentioned in the certificate aforesaid, is to be signed and sealed by him and his Council, or the major part of them as aforesaid, they having seen the entry and directed to the Register or chief Secretary for his preparing a grant of the land to the party for whom it is laid out, which grant shall be in the form following, viz.

The Lords proprietors of the Province of New Cæsarea or New Jersey, do hereby grant unto A. B. of the in the Province aforesaid, a plantation containing acres English measure, bounded (as in the certificate) to hold to him or her, his or her heirs or assigns for ever, yielding and paying yearly to the said Lords Proprietors, their heirs or assigns, every five and twentieth day of March, according to the English account, one halfpenny of lawful money of England, for every of the said acres, to be holden of the manner of East-Greenwich, in free and common socage; the first payment of which rent to begin the five and twentieth day of March, which shall be in the year of our Lord one thousand six hundred and seventy, according to the English account. Given under the seal of the said province the day of in the year of our Lord 166

To which instrument the Governor or his deputy hath hereby full power to put the seal of the said Province, and to subscribe his name, as also the Council, or the major part of them, are to subscribe their names; and then the instrument or grant is to be by the Register recorded in a book of records for that purpose; all which being done according to those instructions we hereby de-
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clear, that the same shall be effectual in law for the enjoyment of the said plantation, and all the benefits and profits of and in the same (except the half part of mines of gold and silver) paying the rents as aforesaid: Provided, that if any plantation so granted, shall by the space of three years be neglected to be planted with a sufficient number of servants, as is before mentioned, that then it shall be lawful for us otherwise to dispose thereof, in whole or in part, this grant notwithstanding.

III. Item. We do also grant convenient proportions of land for highways and for streets, not exceeding one hundred foot in breadth in cities, towns and villages, &c. and for churches, forts, wharfs, kays, harbours and for publick houses; and to each parish for the use of their ministers two hundred acres, in such places as the General Assembly shall appoint.

IV. Item. The Governor is to take notice, that all such lands laid out for the uses and purposes aforesaid, in the next preceeding article, shall be free and exempt from all rents, taxes and other charges and duties whatsoever, payable to us, our heirs or assigns.

V. Item. That in laying out lands for cities, towns, villages, boroughs, or other hamblets, the said lands be divided into seven parts; one seventh part whereof to be by lot laid out for us, and the rest divided to such as shall be willing to build thereon, they paying after the rate of one penny or half-penny per acre (according to the value of the land) yearly to us, as for their other lands as aforesaid; which said lands in cities, towns, &c. is to be assured to each possessor by the same way and instrument as is before mentioned.

VI. Item. That all rules relating to the building of each street, or quantity of ground to be allotted to each house within the said respective cities, boroughs and towns, be wholly left by act as aforesaid, to the wisdom and discretion of the General Assembly.

VII. Item. That the inhabitants of the said Province have free passage thro' or by any seas, bounds, creeks, rivers or rivelets, &c. in the said Province,
thro' or by which they must necessarily pass to come from the main ocean to any part of the Province aforesaid.

VIII. Lastly. It shall be lawful for the representatives of the Freeholders, to make any address to the Lords touching the Governor and Council, or any of them, or concerning any grievances whatsoever, or for any other thing they shall desire, without the consent of the Governor and Council, or any of them. Given under our seal of our said Province the tenth day of February in the year of our Lord one thousand six hundred sixty and four.

JOHN BERKLEY,
G. CARTERET.

John Lord Berkley, Baron of Stratten and Sir George Carteret, Knight and Baronet Vice Chamberlain of His Majesty's Household; the true and absolute Lords Proprietors of all the Province of New Cæsarea or New Jersey, to our trusty and well beloved Philip Carteret, send greeting.

We do hereby constitute and appoint you (during our will and pleasure) Governor of all that tract of land adjacent to New England, and lying and being to the westward of Long Island and Manhittans Island, and bounded by the east, part by the main sea and part by Hudson's river; and having upon the west Delaware Bay, and to the northward as far as the northermost branch of the said bay or river of Delaware, which is in forty one and forty degrees
of latitude, crossing over thence in a straight line to Hudson's river in forty one degrees of latitude, now commonly called by the names of New Caesarea or New Jersey; and of all the islands, inlets, rivers and seas within the said bounds of our said province; with power to nominate and take unto you twelve able men at most, and six at least, to be of your council and assistance, or any even number between six and twelve, unless we have before made choice of, or shall choose all, or any of them: and we do further constitute and appoint you to be our Governor (during our will and pleasure) of all the Province and tract of land aforesaid; and of all our forces raised and to be raised within our said Province and tract of land, for the security of the same, and to the parts adjacent, over which, you are to place and commissionate officers, and to cause them to be duly exercised in arms, and to do all and every other thing and things which unto the share and office of Governor doth belong, or hath accustomed to belong, as fully and freely as any Governor hath ever had; commanding all inferior offices and soldiers of our said armies you to obey as their Governor, according to this our commission, and the powers hereby given unto you, and according to the laws and discipline of war. And you yourself also are to observe and follow such orders, and directions as from time to time you shall receive from us, and in all things to govern yourself as to your duty and place doth appertain. Given under our great seal of our said Province, the tenth day of February, one thousand six hundred and sixty four.
Instructions to Carteret, &c.

John Lord Berkley Baron of Stratton, and Sir George Carteret, Knight and Baronet, Vice Chamberlain of his Majesty’s Household, the true and absolute Lords Proprietors of New Cæsarea or New Jersey.

Instructions to Governor Carteret and Council. To our trusty and well beloved Philip Carteret, Esq.; governor of all that tract of land adjacent to New England, and lying and being to the westward of Long Island and Manhitans Island and bounded on the main sea, and part by Hudson’s river, and having upon the west Delaware bay or river, and extending southward to the main ocean as far as Cape May, at the mouth of Delaware bay; and to the northward as far as the northermost branch of the said bay or river of Delaware which is in forty one degrees and forty minutes of latitude; and crosseth over thence in a strait line to Hudson’s river in forty one degrees of latitude, now commonly known by the name or names of New Cæsarea, or New Jersey; and of all the islands, inlets, rivers and seas within the said bounds of our said Province, and to our trusty and well beloved counsellors and assistants to our said Governor, greeting.

Be it known to all men, that we the said Lords proprietors of the said tract of land or Province aforesaid, for divers good causes and considerations, but more especially out of the trust and confidence we reposed in you our said Governor and counsellors, for the faithful management of the powers and authorities by us to you given, to the best avail and improvement of our interest and dominion of the said Province and tract of land, and for the best avail and improvement of the interest, liberty, property and defence of all such as shall plant and inhabit there, have given, granted and by these presents do give and grant, (during our will and pleasure) unto our Governor, by and with advice and consent of our said Council, or any three or more of the six, or four or more
of a greater number, full and absolute power and authority for us, and in our names, to let, sell, convey and assure such land in our said Province, to such person and persons, and for such estate and estates, and with such provisions, conditions and limitations as we by our concessions and agreement, under our hand and seal bearing date with these presents, to and with the adventurers are obliged to grant, and as you shall be directed by such other instructions and rules as from time you shall receive from us, and not otherwise; hereby ratifying and confirming whatsoever you shall lawfully do pursuant to our said concessions, and to such instructions, rules and directions as aforesaid; and also to make, do, perform and execute all and every act and acts, thing and things, powers and authorities whatsoever, which we ourselves, may, can, ought or could do in, for, relating or concerning the government both civil and military of the said Province and tract of land, by virtue of the Letters Patents of his Most Excellent Majesty Charles the Second, by the grace of God King of England, Scotland, France and Ireland, bearing date at Westminster last past, made of the premises amongst other things, to His Royal Highness James Duke of York, and his heirs, and since by indenture dated the twenty fourth day of June last past, for the considerations therein mentioned, by his said Royal Highness, granted unto us, our heirs and assigns, to be exercised; nevertheless according to such instructions, and with such limitations, restrictions, conditions and provisions, as in these presents are hereafter contain’d; hereby ratifying, allowing and confirming all and every such act and acts, thing and things, which our said Governor and Councillors in our names shall do in the premises, pursuant to the authority hereby committed: Provided, and it is hereby declared, that this present deed, or any thing therein contained, doth not extend, or shall be deem’d or taken to extend, to give up to our said Governor or Councillors, or either or any of them, any power or authority to make any manner of grant, conveyance or demise, or other like disposition of any lands lying within, or being part of the said Province, but according to our said concessions and instructions; reserving for every acre, English measure, which by virtue of this authority you shall grant to any person or persons, one halfpenny lawful money of England, yearly rent; to be paid to us our heirs and assigns forever, on every five
and twentieth day of March according to the English account; the first payment thereof to begin on the twenty fifth day of March which shall be in the year of our Lord, according to the English account, one thousand six hundred and seventy. Provided also, that no laws nor order made or to be made by virtue of this our authority, shall be in force as a law for any longer time than one year and a half; within one year of which time, they shall be transmitted and presented to us for our assent, which being given, they shall be in continual force till expired by their own limitation, or by act repealed, to be confirm’d as aforesaid. Provided also, that all the executive part of all the said powers hereby made and given, shall be made and exercised by our said Governor, to and with the advice of the major part of our Council, or the major part of them resident in our said Province, &c. and as in their discretions to them shall seem most fit to serve and supply our said Province, of such person respectively during their absence from our said Province and tract of land aforesaid; giving and granting unto him or them so chosen, during the absence of our said Governor and Councillors, as full, large and ample powers, as by these presents to our said Governor and Councillors we have given; anything in these presents in any ways notwithstanding. And also in case of death or removal of any member of our said Council, from time to time, to note, nominate and appoint fit and able persons in their stead or place respectively; which person so nominated and chosen shall exercise all powers to the said offices respectively belonging, till our pleasure be signified to the contrary. And lastly, if our Governor and Councillors shall happen to find any natives in our said Province and tract of land aforesaid, that then you treat them with all humanity and kindness, and not in any wise grieve or oppress them, but endeavour by a Christian carriage to manifest piety, justice and charity, and in your conversation with them, the manifestation whereof will prove beneficial to the planters, and likewise advantageous to the propagation of the gospel. Provided also, that it shall be lawful for the representatives of the Freeholders to make any address to the Lords touching the Governor and Council, or any of them, or whatsoever or for any thing they shall desire, without the consent of the Governor and Council. Gi-
ven under the Seal of our said Province the tenth day of February in the Year of our Lord one thousand six hundred sixty-four.

JOHN BERKLEY.
G. CARTERET.

Copy of His Royal Highness the Duke of York's Letter to Colonel Lovelace.

COLONEL LOVELACE,

I did in the year 1664 by deed under my hand and seal of the 24th of June, for the consideration therein mentioned, grant unto John Lord Berkley, of Stratton, and Sir George Carteret, Knight and Baronet, their heirs and assigns, all that tract of land adjacent to New England to go westward of Long Island and Manhatans Island, as the same is bounded and set forth in and by the said deed, with all appurtenances whatsoever to the said lands and premises belonging, in as full and ample manner as the same is granted unto me by His Majesty's Letters Patents, under the Great Seal of England, bearing date the 12th day of March, in the 15th year of His Majesty's reign; of which said premises they were actually possessed by virtue of an indenture of lease by me made unto them, all which hath been sufficiently notified in those parts; both by the said grantees publickly pursuing the end of the said grant, and by my letters of the 28th of November 1664 to Colonel Nicholls, then Governor of my Territories in America, signifying the same to him, and requiring him and all others therein concerned, to yield their best assistance in the quiet possession and enjoyment of the premises to all such persons as my said grantees should at any time appoint, and authorize to negotiate their affairs in those parts.

Nevertheless I am informed that some contentious persons there, do lay claim to certain tracts of these
lands under colour of pretended grants thereof from the said Colonel Nicholls, namely one of the first of December 1664 to John Baker and his associates; and another of the 8th of April to William Golding and his associates; both which grants (being posterior to my said grant of the 24th of June) as I am informed are void in law, and therefore I would have you take notice yourself, and when occasion offers, make known to the said persons, and to all others, if any be pretending from them, that my intention is not at all to countenance their said pretentions nor any other of that kind, tending to derogate in the least form any grant above mentioned to the said John Lord Berkeley and Sir George Carteret, their heirs and assigns; and they my said grantees, having promised to give effectual directions to their deputies and agents there to be assisting to you, I do desire you and all others herein concern'd, in like manner effectually to assist them in furthering the settlement and maintaining the quiet of these parts. Your Loving Friend JAMES.

WHITEHALL 25th of November, 1672.

A Declaration of the true Intent and Meaning of us the Lords Proprietors, and Explanation of there Concessions made to the Adventurers and Planters of New Cæsarea or New Jersey.

The Lords proprietors Declaration of the true Intent and meaning of their Concessions.

I. THAT as to the 6th Article, it shall be in the power of the Governor and his Council to admit of all persons to become planters and free men of the said Province, without the General Assembly; but no person or persons whatsoever shall be counted a freeholder of the said Province, nor have any vote in electing, nor be capable of being elected for any office of trust, either civil or military, until he doth actually hold his or their lands by patent from us, the Lords proprietors.
Declaration of the Proprietors.

II. As to the 8th article, it shall be in the power of the Governor and Council, to constitute and appoint such ministers and preachers as shall be nominated and chosen by the several corporations, without the General Assembly, and to establish their maintenance, giving liberty besides to any person or persons to keep and maintain what preachers or ministers they please.

As to the General Assembly.

I. That it shall be in the power of the Governor and his Council to appoint the times and places of meeting of the General Assembly, and to adjourn and summon them together again when and where he and they shall see cause.

II. To the third; that it is to be understood, that it is in the power of the Governor and his Council to constitute and appoint courts in particular corporations already settled, without the General Assembly; but for the courts of sessions and assizes to be constituted and established by the Governor Council and representatives together: and that all appeals, shall be made from the assizes, to the Governor and his Council, and thence to the Lords proprietors; from whom they may appeal to the king, and that no more corporations be confirm'd but by or with the special order of us the Lords proprietors.

III. To the ninth article: that the Governor and his Council may dispose of the allotments of land to each particular person, without the General Assembly according to our directions, as he and they shall think fit.

Concerning the Governor.

I. As to the second and third article; all officers civil and military (except before excepted) be nominated and appointed by the Governor and Council, without the General Assembly, unless he the said Governor and Council shall see occasion for their advice and assistance.
II. As to the fourth article, in case of foreign invasion or intestine mutiny or rebellion; it shall be lawful for the Governor and his Council to call in to their aid, any persons whatsoever whether freeholder or not.

III. That in the sixth article, concerning the regular laying out of lands, rules for building each street in townships, and quantities of ground for each house lot, the same is left to the freeholders or first undertakers thereof, as they can agree with the Governor and Council, and not to the General Assembly, but to be laid out by the surveyor general.

IV. That all warrants for lands not exceeding the proportions in the concessions, being only sign’d by the Governor and Secretary shall be effectual in case his Council or any part of them be not present.

We the Lords proprietors do understand that in all General Assembly’s, the Governor and his Council are to set by themselves, and the deputies or representatives by themselves, and whatever they do propose to be presented to the Governor and his Council, and upon their confirmation to pass for an act or law when confirm’d by us. Witness our hands and seals the 6th day of December, 1672.

JOHN BERKLEY,
G. CARTERET.
The Declaration of us the Lords Proprietors of the Province of New Caesarea or New Jersey, to all Adventurers, Planters, Inhabitants, and all other Persons to whom it may concern, within any Town and Plantations in the said Province.

We being made very sensible of the great disorders in the said Province occasioned by several persons, to the great prejudice of ourselves, our Governor and Council, and all other peaceable and well minded inhabitants within our said Province, by claiming a right of propriety both of land and government.

I. We do therefore hereby declare, that all lands granted by our Governor to the 28th of July 1672, and confirm’d in our names by patents or charters upon record in our Secretary’s office, and under our Province seal, sign’d by him, and the major part of his Council, shall remain to the particular owners thereof, their heirs, &c. for ever, with all the benefits, profits and privileges therein contain’d, they performing what they are obliged unto in every of the said respective Patents or Charters.

II. For such as pretend to a right of propriety to land and government, within our Province, by virtue of any patent from Governor Colonel Richard Nichols, as they ignorantly assert, we utterly disown any such thing. A grant they had from him upon such conditions which they never perform’d: For by the said grant they were obliged to do and perform such acts and things as should be appointed by His Royal Highness, or his deputies; the power whereof remains in us by virtue of a patent from his said Royal Highness, bearing date long before these grants; which hath been often declared by our Governor (and now ratified and owned under the sign manual of his said Royal Highness to Colonel Lovelace,
bearing date the 25th of November 1672) who demanded their submission to our authority, and to patent their land from us, and pay our quit rent according to our concessions; which if they had done, or shall yet do, we are content that they shall enjoy the tract or tracts of land they are settled upon, and to have such other privileges and immunities as our Governor and Council can agree upon; but without their speedy compliance as above said, we do hereby order our Governor and our Council to dispose therefore in whole or in part, for our best advantage to any other persons. And if any person or persons do think they have injustice or wrong done by this our positive determination, they may address themselves to the King and Council; and if their right to that land or government appears to be better than ours, we will readily submit thereunto.

III. Our order is, that those persons that were the chief actors in attempting the making an alteration in our government, be proceeded against according to a declaration of our Governor and Council, bearing date the twenty-eighth day of May 1672, except they shall immediately upon publication hereof make their addresses to our Governor and Council for remission of their offences. And that all persons that have sustain’d any loss or damage by maintaining our just right and interest since the 28th day of March 1672 may have reparation in law, with their charges they have and shall be at in any court or courts within our said Province, that are or shall be constituted and commissioned by special commission from our Governor, according to a declaration by our Governor and Council bearing date the third day of April 1672.

IV. That all grants of land, conveyances, surveys or any other pretences, for the hold of land whatsoever within our said Province, that are not derived from us, according to the prescriptions in our concessions, and entered upon record in our Secretary's office in our said Province, we declare to be null and void in law.

V. That the constable of every respective town within our Province, shall have power by warrant from our Governor to take by way of distress from every individual inhabitant within their respective jurisdictions, their just proportion of rent due to us yearly, beginning the 25th day of March 1670, and for his charge and trou-
Directions to the Gov. & Council.

ble about the same, if they refuse to deliver it in at some convenient place, which the said constable shall appoint within their respective jurisdictions, by the 25th day of March yearly, the constables only to be accountable to our Receiver General: And altho' our concessions say it shall be paid in current or lawful money of England; yet at the request of our Governor and Council, we shall accept of it in such merchantable pay as the country doth produce at merchants price to the value of money sterling; and if by this means we cannot obtain our rent, then the Marshal of the Province shall be impowerd as above said, to collect the same at the charge of such the inhabitants as do refuse to pay at the time and places as aforesaid.

VI. That all matters and causes which have been tried in our Province by special commission from our Governor, upon which judgment hath pass'd according to law, be allowed by us and be forthwith put in execution. Witness our hands and seals the 6th day of December 1672.

J. BERKELEY, Seal.
G. CARTERET, Seal.

Directions for the Governor and Council of New Cæsarea or New Jersey.

THAT the land is to be purchased by the Governor and Council from the Indians, in the name of us the Lords proprietors, and then every individual person is to reimburse us, at the same rate it was purchased.

That we the Lords proprietors will build a prison and a house for the keeper at our own proper cost and charges, out of the product of the quit-rents, where the Governor and Council shall think fit, and that we will send over guns and ammunition as a magazine, but all other charges are to be defray'd by the country; and that all writs be issued in his Majesty's name, ex-
Copy of His Majesty’s Letter.

except the summoning of Burgesses, which is to be in our names.

That in case of appeals, the appellant if cast upon his appeal, for England, shall pay as a fine to the Judge, twelve pounds besides all costs and damages, and to give in security in one hundred pounds there, for the prosecuting the same within eight months.

That all strays of beasts by lands, and wrecks at sea, belong to us in the Lords proprietors, and that all persons that shall discover any such thing, shall have such satisfaction for their pains and care, as the Governor and Council shall think fit.

That the arrears of the quit-rents of Elizabethtown, Newark, Piscataquay, and the two towns of Navesink, and all others that have not paid since the year 1670 be paid to our Receiver General in three years from 1673, at the rate of one half-penny a year for every acre, besides their growing rent, until their arrearages be satisfied and paid.

That as to the maintenance of the Governor, we hope that the country, according to the concessions, will take into their consideration. Given under our hands and seals at Whitehall, the seventh day of December, Anno Domini, 1672.

J. BERKELEY, Seal.
G. CARTERET, Seal.

Charles, R.

TRUSTY and well beloved, we greet you well. Having been informed that some turbulent and disaffected persons, living and inhabiting within the Province of Cæsarea or New Jersey, (the Propriety whereof we have granted to our right, trusty and well beloved Councillors, John Lord Berkeley of Stratton, and Sir
Copy of the Lords Proprietors Letter. 39

George Carteret Knight and Baronet) do refuse to submit and be obedient to the authority derived from us, to the said Lord Berkeley, and Sir George Carteret as absolute proprietors of the same, to the great prejudice of the said Lords Proprietors, the disturbance of the inhabitants, and hindrance of the whole Plantation there design'd. We do therefore hereby require you in our name, strictly to charge and command all persons whatsoever inhabiting within the said Province, forthwith to yield obedience to the laws and government there settled and established by the said Lords Proprietors, having the sole power under us to settle and dispose of the said country, upon such terms and conditions as they shall think fit, and we shall expect a ready compli-
ance with this our will and pleasure from all persons whatso-
ever, dwelling or remaining within the aforesaid Province, upon pain of incurring our high displeasure, and being pro-
ceeded against with due severity according to law, whereof you are to give publick notice to all persons that are or may be concerned, and so we bid you farewell. Given at our Court at Whitehall the 9th day of December 1672, in the twenty fourth year of our reign.

By his Majesty's command,
HENRY COVENTRY.

WHITEHALL, the 10th December, 1672.

W E hope as soon as this comes to your hands, and that you have perused these papers, which we have sent by Mr. Moore, the turbulent spirits in that Province will not con-
tinue any longer in their obstinate and wanted extravaganc-
ies, but will be satisfied with his Royal Highness's letter to Colonel Lovelace, whom we desire you to assist on all occasions, the copy of which letter this bearer brings with him to deliver unto you, and when receiv'd we desire you to publish the same, with all other orders from us to the several inhabitants, that they may be inform'd of their mistakes, and how they have been misled; for you will find his Royal Highness doth declare, that the grants of Colonel Nicholls is posterior to our Patent, and therefore both in law and equity the
right is solely in us, and upon that account we have sent over our determinations concerning the hold of lands, as also our interpretation of some articles in our concessions, according to which we desire you to act, and not to reside from any of them. As for Mr. Bollen, we desire you to order our Receiver General to pay him out of our quit-rents, the sum of ten pounds yearly, for two years from the date hereof. You will receive some law books, to which you may apply yourselves upon all occasions, and you shall not want any encouragement from us that may contribute to your prosperity and welfare, not doubting but you will discharge the trust reposed in you, with as much candour and integrity for the maintainance of our just rights and intent as we desire to remain,

Your very loving friends
J. BERKELEY,
G. CARTERET.

To the pretended Representatives of Elizabeth-Town, Newark, and New Piscataway, and all others whom it may concern.

WE have received a long petition from you, and of no date, yet out of a tender care we have of your pretended grievances and complaints, have examined some particulars thereof, the Governor and Mr. Bollen being now in town, yet we are very ready to do you all the justice you can expect, tho' you have been unjust to us, by which means you have brought a trouble upon yourselves, and if you will send over any person to make good your allegations in your petition, (while the Governor is here) we shall be ready to hear all parties, and incline to do you right, altho' you have not had such a tender regard of our concerns in those parts, as in justice and equity you ought to have had: and we do likewise expect for the future you will yield due obedience to our
Second Grant to the Duke of York. 41

Government and laws within the Province of New Cæsarea, or New Jersey, and then we shall not be wanting to manifest ourselves according to your deportment, Dated this 11th day of December, 1672.

Your loving friends,
J. BERKELEY,
G. CARTERET.

NOTE. Page 50 following, it is recited, that New York and New Jersey, after the first grant thereof by the King to the Duke of York, were conquered by the Dutch, who afterwards, in pursuance of a treaty of peace, restored the same to his Majesty, which occasioned the following new Grant.

His Majesty's Letters Patents, to His Royal Highness James Duke of York, Recorded November 4, 1674.

CHARLES the Second, by the Grace of God King of England, France and Ireland, Defender of the Faith, &c, To all to whom these presents shall come greeting: Know ye that we for divers good causes and considerations, have of our special grace, certain knowledge, and meer motion, given and granted, and by these presents for us, our heirs and successors, do give and grant unto our dearest brother JAMES Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland in America; and from thence extending along the sea coast unto a certain place called Petaquine or Pemaquid, and so up the river thereof to the furthest head of the same as it tendeth northwards, and extending from the river of Kenebeque, and so upwards by the shortest course to the river Canada northwards. And all that island or
islands, commonly called by the several names of Matowacks or Long Island, scituate, and being towards the west of Cape Codd and the Narrow-Higansetts, abutting upon the main land between the two rivers there, called or known by the several names of Connecticut and Hudson's river; together also with the said river called Hudson's river, and all the land from the west side of Connecticut river, to the east side of Delaware bay. And also all those several islands called or known by the names of Martin Vinyards and Nantukes otherwise Nantuckett; together with all the lands, islands, soils, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawking, hunting and fouling; and all other royalty's, profits, commodities and hereditaments to the said several islands, lands and premises belonging and appertaining, with their and every of their appurtenances; and all our estate, right, title, interest, benefit and advantage, claim and demand of, in or to the said lands or premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders; together with the yearly and other rents, revenues and profits of the premises, and of every part and parcel thereof; to have and to hold all and singular the said lands, and premises, with their and every of their appurtenances, hereby given and granted, or herein before mentioned to be given and granted unto our said dearest brother James Duke of York, his heirs and assigns forever; to be holden of us, our heirs and successors, as of our manor of East Greenwich in our county of Kent, in free and common socage, and not in capite, or by knight service yielding and rendering. And the said James Duke of York, for himself, his heirs and assigns, doth covenant and promise to yield and render unto us our heirs and successors, of and for the same yearly and every year, forty beaver skins when they shall be demanded, or within ninety days after such demand made. And we do further of our special grace, certain knowledge and meer motion, for us, our heirs and successors, give and grant unto our said dearest brother James Duke of York, his heirs, deputies, agents, commissioners and assigns, by these presents, full and absolute power and authority to correct, punish, pardon, govern and rule all such the subjects of us, our heirs and successors, or any other person or persons, as shall from time to time adventure themselves into any the parts or places aforesaid, or
that shall or do at any time hereafter inhabit within the same, according to such laws, orders, ordinances, directions and instructions as by our said dearest brother, or his assigns, shall be establish’d; and in defect thereof, in case of necessity, according to the good discretions of his deputies, commissioners, officers or agents respectively; as well in all cases and matters, capital and criminal, as civil, marine and others; so always as the said statutes, ordinances and proceedings be not contrary to, but as near as may be, agreeable to the laws, statutes, and government of this our realm of England; and saving and reserving to us, our heirs and successors, the receiving, hearing and determining of the appeal and appeals of all or any person or persons of, in or belonging to the territories or islands aforesaid, or touching any judgment or sentence to be there made or given. And further, that it shall and may be lawful to and for our said dearest brother, his heirs and assigns, by these presents, from time to time, to nominate, make, constitute, ordain and confirm such laws as aforesaid, by such name or names, stile or stiles, as to him or them shall seem good, and likewise to revoke discharge, change and alter as well all and singular governors, officers, and ministers which hereafter shall be by him or them thought fit and needful to be made or used within the aforesaid islands and parts: and also to make, ordain and establish all manner of laws, orders, directions, instructions, forms and ceremonies of government and magistracy fit and necessary for and concerning the government of the territories and islands aforesaid; so always as the same be not contrary to the laws and statutes of this our realm of England, but as near as may be agreeable thereunto; and the same at all times hereafter to put in execution or abrogate, revoke or change, not only within the precincts of the said territories or islands, but also upon the seas in going and coming to and from the same, as he or they in their good discretions shall think fittest for the good of the adventurers and inhabitants. And we do further of our special grace, certain knowledge, and meer motion, grant, ordain and declare, that such governors, deputies, officers, and ministers as from time to time shall be authorized and appointed in manner and form aforesaid, shall and may have full power and authority within the territories aforesaid, to use and exercise marshal law in case of rebellion, insurrection and mutiny, in as large and ample manner as our lieutenants in
our counties within our realm of England have or ought to have, by force of their commission of lieutenancy, or any law or statute of this our realm. And we do further by these presents, for us, our heirs and successors, grant unto our said dearest brother James Duke of York, his heirs and assigns, that it shall and may be lawful to and for the said James Duke of York, his heirs and assigns, in his or their discretion from time to time, to admit such and so many person and persons to trade and traffick into and within the territories and islands aforesaid, and into every or any part and parcel thereof, and to have, possess and enjoy any lands and hereditaments in the parts and places aforesaid, as they shall think fit, according to the laws, orders, constitutions and ordinances by our said brother, his heirs, deputies, commissioners and assigns from time to time to be made and establish’d by virtue of, and according to the true intent and meaning of these presents; and under such conditions, preservations, and agreements, as our said dearest brother, his heirs, and assigns shall set down, order, direct and appoint, and not otherwise as aforesaid. And we do further of our especial grace, certain knowledge, and meer motion for us, our heirs and successors, give and grant unto our said dearest brother, his heirs, and assigns, by these presents, that it shall and may be lawful to and for him, them, or any of them, at all and every time, and times hereafter, out of any our realms or dominions whatsoever, to take, lead, carry and transport in and into their voyages, for and towards the plantation of our said territories and islands aforesaid, all such and so many of our loving subjects, or any other strangers, being not prohibited or under restraint, that will become our loving subjects, and live under our allegiance, and shall willingly accompany them in the said voyages; together with all such cloathing, implements, furniture and other things usually transported, and not prohibited, as shall be necessary for the inhabitants of the said islands and territories, and for their use and defence thereof, and managing and carrying on the trade with the people there; and in passing and returning to and fro, yielding and paying to us, our heirs and successors, the customs and duties thereof due and payable, according to the laws and customs of this our realm. And we do also for us, our heirs and successors, grant unto our said dearest brother James Duke of York, his
heirs and assigns, and to all and every such Governor or Governors, or deputies, their officers or ministers as by our said brother, his heirs or assigns, shall be appointed, to have power and authority of government or command in or over the inhabitants of the said territories or islands, that they or every of them shall and lawfully may from time to time, and at all times forever hereafter, for their several defence and safety, encounter, repulse and expel, and resist, by force of arms (as well by sea as by land) and all ways and means whatsoever, all such person and persons as without the special license of our dearest brother his heirs and assigns shall attempt to inhabit within the several precincts and limits of our said territories and islands, and also all, and every such person and persons whatsoever, as shall enterprise and at any time hereafter the destruction, invasion, detriment or annoyance to the parts, places or islands afore-said or any part thereof. And lastly, our will and pleasure is, and we do hereby declare and grant, that these our Letters Patents, or the enrollment thereof, shall be good and effectual in the law to all intents and purposes whatsoever, notwithstanding the not well and true writing or mentioning of the premises, or any part thereof, or the limits or bounds thereof, or of any former or other Letters Patents or grants whatsoever made or granted, or of any part thereof, by us or any of our progenitors, unto any person or persons whatsoever, bodies politic or corporate, or any law or other restraint, uncertainty or imperfection whatsoever to the contrary in any wise notwithstanding; altho' express mention of the true yearly value or certainty of the premises, or of any of them, or of any other gifts or grants by us, or by any of our progenitors heretofore made to the said James Duke of York, in these presents is not made, or any statute, act, ordinance, provision, proclamation or restriction, heretofore had, made, enacted, or provided, or any other cause, matter, or thing whatsoever to the contrary thereof in any wise notwithstanding. In witness whereof we have caused these our Letters to be made patent. Witness ourself at Westminster, the 20th day of June, in the twenty-sixth year of our reign.

PIGOTT.

Note. This second grant, was made no doubt for the same reason as the second grant to the Duke and also to assert the Division of the Province, between
Lord Berkeley, and Sir George Carteret, but a new Division was afterwards made by the Quintipartite deed.

This indenture made the nine and twentieth day of July, in the twenty and sixth year of the reign of our Sovereign Lord, CHARLES the Second, by the grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, &c. Anno Domini, one thousand six hundred seventy-four.

Between his Royal Highness JAMES Duke of York and Albany, Earl of Ulster, Lord High Admiral of Scotland, and Ireland, of the one part, and Sir George Carteret of Saltum in the County of Devon, Knight, Vice Chamberlain of his Majesty’s household of the other part. WHEREAS his Majesty King Charles the Second, by his Letters Patent, under the Great Seal of England, bearing date the twenty-ninth day of June, in the twenty-sixth year of his said Majesty’s reign, did for the consideration therein mentioned, give and grant unto his said Royal Highness JAMES Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix next adjoining to New Scotland, in America; and from thence extending along the sea coast unto a certain place called Pemaquind or Pemagud, and so up the river thereof to the furthest head of the same as it tendeth northward; and extending from thence to the river of Kenebeque, and so upwards by the shortest course to the river Canada northwards; and also all that island or islands commonly called by the several name or names of Matowacks or Long Island, situate and being towards the west of Cape Codd and the Narrow Higaseets, abutting upon the main land between the two rivers there, called or known by the several names of Connecticut, and Hudson’s river; together also with the said river called Hudson’s river, and all the lands from the west side of Connecticut river to the east side of Delaware bay: And also several other islands and lands in the said Letters Patent mentioned, together with the rivers, harbours, mines, minerals, quarries, woods, marshes, waters, fishing, hawking, hunting, and fowling; and all other royalties, profits, commodities and hereditaments to the said several islands, lands and premises belonging or appertaining, to have and to hold the said lands, islands, hereditaments and premises, with their and every of their appurtenances, unto his said Royal Highness JAMES Duke of York, his heirs and assigns for ever;
to be holden of his said Majesty, his heirs and successors as of the manner of East Greenwich in the county of Kent, in free and common socage, yielding and paying to his said Majesty his heirs and successors of and for the same, yearly and every year, forty beaver skins, when they shall be demanded, or within ninety days after; with divers other grants, clauses, provisos, and agreements in the said recited Letters Patents contain'd, as by the said Letters Patents, relation being thereunto had, it doth and may more plainly appear. Now this indenture witnesseth, that his said Royal Highness James Duke of York, for and in consideration of a competent sum of good and lawful money of England to his Royal Highness in hand paid by the said Sir George Carteret, before the ensealing and delivery of these presents, the receipt whereof his said Royal Highness James Duke of York, doth hereby acknowledge, and thereof doth acquit and discharge the said Sir George Carteret, his heirs and assigns for ever by these presents, hath granted, bargained, sold, released and confirmed, and by these presents doth grant, bargain, sell, release and confirm unto the said Sir George Carteret, his heirs and assigns for ever, all that tract of land adjacent to New England, and lying and being to the westward of Long Island and Manhitas Island, and bounded on the east part by the main sea, and part by Hudson's river, and extends southward as far as a certain creek called Barnegatt being about the middle, between Sandy Point and Cape May, and bounded on the west in a strait line from the said creek called Barnegat, to a certain creek in Delaware river, next adjoining to and below a certain creek in Delaware river called Renkokus Kill, and from thence up the said Delaware river to the northermost branch thereof, which is in forty one degrees and forty minutes of latitude; and on the north, crosseth over thence in a strait line to Hudson's river, in forty one degrees of latitude; which said tract of land is hereafter to be called by the name or names of New Caesarea or New Jersey: And also all rivers, mines, mineralis, woods, fishings, hawking, hunting, and fowling, and all royalties, profits, commodities, and hereditaments whatsoever, to the said lands, and premises belonging or appertaining; with their and every of their appurtenances, in as full and ample manner as the same is granted unto the said James Duke of York by the before recited Letters Patents; and all the estate, right, title, interest, benefit, advantage, claim and demand of the said
Grant to Sir George Carteret.

JAMES Duke of York, of in and to the said lands and premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders thereof: All which said tract of land and premises were by indenture, bearing date the day before the date hereof, bargain’d and sold by the said JAMES Duke of York, unto Sir George Carteret, for the term of one whole year to commence from the eighth and twentieth day of July next before the date hereof, under the rent of one peper corn, payable as therein is mentioned as by the said deed more plainly may appear: By force and virtue of which said indenture of bargain and sale, and of the statute made for transferring of uses into possession, the said Sir George Carteret, is in actual possession of the said tract of land and premises, and enabled to take a grant and release thereof, the said lease being made to that end and purpose, to have and to hold all and singular the said tract of land and premises; with their, and every of their appurtenances, and every part and parcel thereof, unto the said Sir George Carteret, his heirs and assigns to the only behoof of the said Sir George Carteret his heirs and assigns for ever; yeilding and paying therefore unto the said JAMES Duke of York, his heirs and assigns, for the tract of land and premises, yearly the sum of twenty nobles of lawful money of England, if the same shall be lawfully demanded at or in the Inner Temple Hall London, at the feast of St. Michael the Arch Angel yearly. And the said Sir George Carteret for himself, his heirs, and assigns, doth covenant and grant to and with the said JAMES Duke of York, his heirs and assigns by these presents, that he the said Sir George Carteret his heirs and assigns, shall and will well and truly pay or cause to be paid unto his said Royal Highness JAMES Duke of York, his heirs and assigns, the said yearly rent of twenty nobles at such time and place, and in such manner and form as before in these presents is express’d and declared. Provided always and upon this condition, that the said Sir George Carteret do cause a copy of this grant and demise to be entered with the auditor of his said Royal Highness, within one month next after the execution of this present grant and demise. In witness whereof the parties to these presents have interchangeably set their hands and seals, the day and year first above written. Sign’d

JAMES.
T RUSTY and well beloved, we greet you well. Whereas our right trusty and well beloved Councillor Sr George Carteret Knight and Baronet, by grant derived under us, is seized of the Province of New Cæsarea, or New Jersey, in America, and of the jurisdiction thereof as proprietors of the same, in the plantation of which said Province, the said George Carteret, hath been at great charge and expence; and whereas of late, great troubles and disorders have happened there by some ill affected persons. We being willing and desirous to encourage the inhabitting and planting of the said Province, and to preserve the peace and welfare of all our loving subjects residing there, we do therefore hereby require you in our name, to use your most endeavours to prevent all troubles and disorders there for the future; and strictly to charge and command all persons whatsoever inhabiting within the said Province, forthwith to yield obedience to the laws and government, which are or shall be there established by the said Sir George Carteret, who hath the sole power under us, to settle and dispose of the said country, upon such terms and conditions as he shall think fit; and we shall expect a ready complyance with this our will and pleasure, from all persons whatsoever, dwelling or remaining within the same, upon pain of incurring our high displeasure, and being proceeded against according to law, whereof you are to give publick notice to all persons that are or may be concern’d. And so we bid you farewell. Given at our court at Windsor, the 13th day of June, 1674 in the 26th year of our reign.

By his Majesty’s command,

ARLINGTON.
Directions, Instructions, and Orders, made and given by the Right Honourable Sir George Carteret, Knight and Baronet, Vice Chamberlain of his majesty’s household, and one of his Majesty’s most honourably Privy Council, Lord Proprietor of the country or Province of New Caesarea, or New Jersey, together with a declaration by him made, of the true intent and meaning, and an explanation of several articles of the concessions formerly made by him, and the Lord John Berkeley, dated the 10th of February, in the year of our Lord 1664, to be observed by the Governor and Council, and inhabitants of the said Province.

WHEREAS during the late wars, between his Majesty and the Dutch, the country’s of New York, and New Jersey, and other adjacent parts, was conquered by them, who have since in pursuance of the treaty of peace, restored all the said country’s to his Majesty; and his Majesty having been since pleased to grant the same by his Letters Patents, to his Royal Highness the Duke of York, and his said Royal Highness having since by deed, dated the 28th day of July instant, granted to us, our heirs and assigns, all that tract of land adjacent to New England, and lying and being to the westward of Long Island, and Manhatans Island, and bounded on the east part by the main sea, and part by Hudson’s river, and extends southward as far as a certain creek, called Barnagat, being about the middle, between Sandy Point and Cape May; and bounded on the west in a straight line from the said creek, called Barnagat, to a certain creek in Delaware river, next adjoining to and below a certain creek in Delaware river, called Renkokus Kill, and from thence up the said Delaware river to the northernmost branch thereof, which is forty one degrees and forty minutes of latitude, and on the north crosseth over thence in a straight line to Hudson’s river, in forty one degrees of latitude, which said tract of land is to be called New Caesarea, or New Jersey. Now we being willing to settle and establish the peace and welfare of the said country, or Province, have made these directions, instructions, and orders, and also the declaration and explanation of several articles as followeth.

I. We being made very sensible of the great disorders in our Province, occasioned by several persons to the great
prejudice of our self, our Governor and Council, and all other peaceable and well minded inhabitants, within our said Province, by claiming a right of propriety both of land and government. Wherefore we do hereby declare first, that all lands granted by our Governor to the 28th July, 1672, and confirm’d in our names by Patents, or Charters upon record in our Secretary’s office, under our Province seal, signed by him and the major part of his Council, shall remain to the particular owners thereof, their heirs, &c. for ever, with all the benefits, profits, and privileges therein contain’d, they performing what they are obliged unto in every of the said respective Patents or Charters.

II. For such as pretend to a right of propriety to land and government within our Province, by virtue of any patent from Governor Colonel Richard Nichols, as they ignorantly assert, we utterly disown any such thing. A grant they had from him upon such conditions which they never perform’d; and by the said grant they were obliged to do, and perform such acts and things as should be appointed by his Royal Highness, or his deputies, whose power remained in us by virtue of a patent from his said Royal Highness bearing date long before those grants, which hath been often declared by our Governor, and since owned under the sign manuel of his Royal Highness, bearing date the 25th of November, 1672, and demanded their submission to our authority, and to patent their land from us, and pay our quit rent according to our concessions; which if they had done, or shall yet do, we are content they shall enjoy the tract or tracts of land they are settled upon. Provided it hath not been taken up contrary to our order, and that it be not to the prejudice of the rest of the inhabitants, and to have such other privileges and immunities as our Governor and Council and they shall agree upon. But if such persons as have not already received patents of their land from us, shall not within one year after notice to them given of this our pleasure therein, desire and accept patents of the said land, we do hereby order our Governor and Council to dispose of such lands and tenements, in whole or in part for our best advantage to any other persons: And if any person or persons do think they have injustice, or wrong done them, by this our positive determination, they may address them-
selves to the King and Council, and if their right to that land
or government appears to be better than ours, we will readily
submit thereunto.

III. Our orders is, that those persons who were the chief
actors in attempting the making an alteration in our Gover-
ment, be proceeded against according to a declaration of our
Governor and Council, bearing date the 28th day of May,
1672, except they shall immediately upon publication hereof,
make their addresses to our Governor and Council, for remis-
sion of their offences, and that all persons that have sus-
tain'd loss or damage, by maintaining our just rights and
interest since the 26th of March 1672, may have reparation
in law, with their charges they have and shall be at in any
court or courts in our said Province, that are or shall be
constituted and commissioned by special commission from
our Governor according to a declaration by our Governor
and Council, bearing date the third day of April 1672.

IV. That all grants of land, conveyances, surveys, or any
other pretences for the hold of land, whatsoever within our
said Province, that are not derived from us according to the
prescriptions in our concessions, and entered upon record in
our Secretary's office, in our said Province, we declare to be
null and void in law.

V. That if any person refuse or omit, to pay or deliver
his rent due to us and arrears since the 25th of March 1670,
to the constable of the respective town or jurisdiction, where
the land for such rent is due doth lye, at such time and place
as the said constable shall appoint, or if any person shall
refuse or omit to pay or deliver his rent which hereafter shall
become due to us at such time as the same shall become due,
and at such place as the constable of such town or jurisdi-
cion shall appoint, that then it shall and may be lawful for
the said constable, or his successors, to distrain the goods
and chattels of such person so refusing or omitting, and to sell
the same, rendering the overplus, besides the rent arrears, and
the cost and charges of distraining, to the party: And we
direct that the constable shall pay the rent, he shall re-
ceive or raise to our Receiver General. And altho' our con-
cessions say, it shall be paid in current or lawful money
Directions, Instructions, &c. 53

of England, yet at the request of our Governor and Council, we will accept of it in such merchantable pay as the country doth produce, at merchants price, to the value of money sterling; and if by this means we cannot obtain our rent, then the marshal of the Province shall be empowered as abovesaid, to collect and raise the same at the charge of such the inhabitants as do refuse or omit to pay at the time and place as aforesaid.

VI. That all matters and causes which have been try'd in our Province by special commission from our Governor, upon which judgment hath pass'd according to law, be allowed by us, and be forthwith put in execution.

As to the inhabitants of Navysink, considering their faithfulness to the Lords proprietors, that upon their petition, their townships shall be survey'd, and shall be incorporated, and to have equal privileges with other inhabitants of the Province, and that such of them who were the pretended patentees, and laid out money in purchasing land from the Indians, shall have in consideration thereof five hundred acres of land to each of them, to be allotted by the Governor and Council in such places, that it may not be prejudicial to the rest of the inhabitants, and because there is much barren land, after survey taken, the Governor and Council may give them allowance.

That the Governor and Council shall allow eighty acres per head to such persons as come to settle near Delaware river, or any place above ten miles from the sea, or from any other river navigable with boats; to those that come to settle nearer, sixty acres as before.

That the Governor and Council shall have power to settle the fees of Secretary, Surveyor General, Marshal, and all other officers of court.

That upon our Governor's arrival there in our said Province, we require with what speed may be, all lands not yet surveyed by our Surveyor General, whether in township or private plantations, be forthwith surveyed and patented; whereof you are to keep an exact record and send me the copy of the whole, attested under the Governor's and the major part of the Councils hands, and for what land you shall grant for the future, let me have a copy thereof once every year, attested as aforesaid.
That the land is to be purchased from time to time, as there shall be occasion by the Governor and Council from the Indians, in the name of the Lord Proprietor, and then every individual person is to reimburse the Lord Proprietor at the same rate as it was purchased, together with the charges.

That we the Lord Proprietor will build a prison and a house for the keeper, at our own proper cost and charge, out of the product of the quit-rents, where the Governor and Council shall think fit, and we will send over guns and ammunition as a magazine; but all other charges are to be defray'd by the country, and that all writs be issued in his Majesty's name, except the summoning of burgesses, which is to be in our name.

That in case of appeal for England, the appealant be bound to pay all cost and charges if cast; and upon the appeal, shall pay as a fine to the Judges twelve pounds, besides all costs and damage adjudged against him in the Province, and to give in security of an hundred pounds there for prosecuting the same within eight months.

That all strays of beasts at land, and wrecks at sea belong to us, the Lord Proprietor, and that all person that shall discover any such thing, shall have such satisfaction for their pains and care, as the Governor and Council shall think fit.

That the arrears of the quit-rent of Elizabeth Town, Newark, New Piscataway, and the two towns of Navysink, and all other plantations that have not paid since 1670, be paid to our Receiver General, at the rate of one halfpenny per year for every acre, besides the growing rent till the arrears be satisfied.

Whereas the General Assembly hath hitherto made no provision for the support and maintenance of the Governor according to the concessions; it is required that the General Assembly at their first sitting, do take effectual course, for the satisfying him for his arrears, and make provision for his maintenance and support for the future. And whereas we have given our present Governor Phillip Carteret, Esq; two thousand acres of land in our said Province, and because it is improper for him
to sign any grant made to himself, we do therefore order and authorize our Councillors, or any five or more of them, to sign one or more grant or grants, to the said Philip Carteret, of the said lands to be chosen and taken up by him in such one or more place or places as he shall think fit; and that they do also cause the seal of the said Province, to be affixed to such grant or grants, which being done, we do hereby declare, shall be as good and effectual to all intents and purposes, as if we ourself had sign’d the same, or as if the Governor and Council had sign’d any grant to any other person.

The foregoing and what follows, its supposed was one instrument in the original.

A declaration of the true intent and meaning of the Lord Proprietor, and explanation of the concessions made by John Lord Berkeley and myself to the adventurers and planters of New Jersey.

That as to the sixth article; that it shall be in the power of the Governor and his Council to admit of all persons to become free men of the said Province, without the General Assembly; but no person or persons whatsoever shall be accounted a freeholder of the said Province, nor have any vote in electing, nor be capable of being elected for any office of trust, either civil or military, until he doth actually hold his or their land by Patent from us, the Lord Proprietor, and that the granting and confirming of corporations, shall be in the power of the Governor and Council.

As to the eighth article: It shall be in the power of the Governor and Council, to approve such ministers and preachers as shall be nominated and chosen by the several corporations, without the General Assembly, and to establish their maintenance, giving liberty besides to any person or persons to keep and maintain what preachers or ministers they please.
Concerning the General Assembly.

That it shall be in the power of the Governor and his Council, to appoint the times and places of meeting the General Assembly, and to adjourn and summon them together again, when and where he and they shall see cause.

To the Third: That is to be understood that it is in the power of the Governor and Council, to constitute and appoint courts in particular corporations already settled, without the General Assembly; but for Courts of Sessions and Assizes to be constituted and established by the Governor, Council and Representatives of the Province together; and that all appeals shall be made from the Assizes to the Governor and his Council, and thence to the Lord Proprietor; from whom they may appeal to the King.

To the Ninth Article: That the Governor and his Council may dispose of allotments of land to each particular person, without the General Assembly, according to our directions, as he and they shall think fit.

Concerning the Governor.

As to the Second and Third Article: All officers civil and military (except before excepted) be nominated and appointed by the Governor and Council, without the General Assembly, unless he the said Governor and Council shall see occasion for their advice and assistance.

As to the Fourth Article: In case of foreign invasion or intestine mutiny or rebellion; it shall be lawful for the Governor and his Council to call unto their aid, any person whatsoever whether freeholder or not.

That in the Sixth Article: Concerning the regular laying out of land, rules for building of each street in townships, and quantities of ground for each house lott, the same is left to the freeholders or first undertakers thereof, as they can agree with the Governor and Council, and not to the General Assembly, but to be laid out by the Surveyor General.

That all warrants for land not exceeding the propor-
tion in the concessions, being only sign'd by the Governor and Secretary, shall be effectual in case his Council or any part of them be not present.

We the Lord Proprietor do intend that in all General Assemblies, the Governor and his Council are to sit by themselves, and the deputies or representatives by themselves, and whatsoever they do propose, to be presented to the Governor and his Council, and upon their confirmation to pass for an act or law, and to remain in force when confirm'd by us.

And Lastly. We do hereby grant, order and direct, that the concessions made, sign'd and seal'd by the Lord John Berkeley, and myself, bearing date the 10th day of February, 1664, shall still continue and stand in force, and be kept, maintain'd, and perform'd in all and every of the parts and articles thereof, unto the said Province, except such of them, and in such manner as the same or any part thereof, are altered or explained in or by these presents or in or by any former order and instruction sent to the Governor, or Deputy Governor and Council there, under the hands of the said Lord Berkeley and myself, or under my own hand alone. Given under my hand and the seal of the Province at Whitehall this 31st day of July, in the year of our Lord 1674, and in the six and twentieth year of the reign of our Sovereign Lord Charles the Second, &c.
Commission to P. Carteret.

Sir George Carteret, Knight and Baronet, Vice Chamberlain of his Majesty's Household, Lord Proprietor of the Province of New Cæsarea or New Jersey in America.

To our Trusty and well beloved Philip Carteret, Esq; Governor of the Province of New Cæsarea or New Jersey, and to our trusty and well beloved Councillors and assistants to our said Governor, greeting.

Commission to P. Carteret and his Council in New Jersey, July 31st, 1674.

Be it known unto all men, that we the said Lord Proprietor of the said tract of land or Province aforesaid, for divers good causes and considerations, but more especially out of the trust and confidence reposed in you, our said Governor and Councillors, for the faithful management of the power and authority by us to you to the best availe and improvement of our interest and dominion in the said Province and tract of land, and for the best availe and improvement of the interest, liberty, property and defence of all such that shall plant and inhabit there, have given and granted, and by these presents do give and grant, during our pleasure, unto you our said Governor, by and with the advice and consent of our said Council, or any three or more of the six, or four or more of a greater number, full and absolute power and authority for us, and in our name, to let, sell, convey, and assure such lands in our said Province, to such person and persons, and for such estate and estates, and with such provisos, conditions and limitations as by certain concessions and agreements, made by John Lord Berkeley of Stratton, and myself, under our hands and seals bearing date the tenth day of January 1664, to and with the adventurers, we are obliged to grant, and as you shall be directed by certain instructions and directions under my hand and seal bearing date with these presents, and by such other instructions and rules as from time to time you shall receive from us, and not otherwise; hereby ratifying and confirming whatsoever you shall lawfully do pursuant to our said concessions, and to such instructions, rules and directions as aforesaid, as also to make, do, perform and execute, all our singular act and acts, thing and things, powers and authorities whatsoever, which we ourself may, can, might or could do, in, for, concerning
Commission to P. Carteret.

or relating to the government, both civil and military, of the said Province or tract of land, by virtue of any grant from or derived under his most excellent Majesty King CHARLES the Second, by the grace of God King of England, Scotland, France, and Ireland, Defender of the Faith, &c. to be exercised (nevertheless) according to such instructions, and with such limitations, restrictions, conditions, and provisos, as in these presents are hereafter contain'd; hereby ratifying, confirming and allowing all and every such act and acts, thing and things, which our said governor and our said Council in our name, shall do in the premises, pursuant to the authority hereby committed. Provided, and it is hereby declared, that this present deed, or any thing therein contained, do not extend, nor shall it be deem'd or taken to extend, to give up to the said Governor, or said Councillors, or either or any of them, any power or authority to make any grant, conveyance, demise, or other like disposition of any land, lying within or being part of the said Province, but according to our said concessions and instructions, and reserving for every acre English measure, which by virtue of this authority you shall grant to any person or persons, one halfpenny of lawful money of England, yearly rent, to be paid to us, our heirs or assigns, on every five and twentieth day of March, according to the English account, the first payment thereof to begin the five and twentieth day of March, which shall be next after making of the said grant. Provided also, that no order or laws made or to be made by virtue of this our authority, shall be in force as laws, for any longer term than one year and a half; within one year of which time they shall be transmitted and prevented unto us, for our assent, which being given, they shall be in continual force till expired by their own limitation, or by act repeal'd, or to be confirm'd as aforesaid. Provided also, that the executive party of all the said power hereby shall be made and exercised by you our said Governor, by and with the advice and consent of the major part of our Council: And if it happen that our said Governor and Council, or the major part of them, resident in our said Province and tract of ground, to nominate, elect and appoint any such able person and persons as in their discretion to them shall seem most fit to serve in and supply the place of such persons respectively, during their absence from our said Province and tract of ground a-
foresaid; giving and granting unto him or them so chosen, during the absence of our said Governor or Councillors, as full, large and ample powers as by these presents to our Governor or Councillors we have given, until our pleasure be signified to the contrary, any thing in this present commission in any wise to the contrary notwithstanding. Also in case of death of any Governor, or death or removal of any member of our said Council, from time to time, to nominate and elect fit and able persons in their stead or places respectively, which persons so nominated and chosen, shall exercise all powers to the said offices respectively belonging, till our pleasure be signified to the contrary. And lastly. If you our said Governor and Councillors shall happen to find any natives in our said Province and tract of land aforesaid, that then you treat them with all humanity and kindness, and not in any wise grieve or oppress them; but endeavouring by a Christian carriage, to manifest piety and justice, and charity in your conversation with them; the manifestation whereof will prove beneficial to the planters, and likewise advantageous to the propagation of the Gospel. Provided also, that it shall be lawful for the representatives of the freeholders to make any address to us, touching the Governor and Council, or any of them, or concerning any grievances whatsoever, or for any thing they shall desire, without the consent of the Governor and Council or any of them. Given under our Seal of our said Province the thirty-first day of July, Anno Domini, 1674, and in the twenty-sixth year of the reign of our Sovereign Lord Charles the Second, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c.

GEORGE CARTERET.
Quintipartite Deed.

THIS indenture, quintipartite, made the first day of July, Anno Domini 1676, and in the eight and twentieth year of the reign of our sovereign Lord King Charles, the Second, over England, &c, Between Sir George Carteret, of Saltram, in the county of Devon, knight and baronet, and one of his Majesty's most honourable privy Council, of the first part: William Penn of Ricksmansworth, in the county of Hertford, Esq; of the second part: Gawn Lawry of London, merchant, of the third part: Nicholas Lucas of Hertford, in the county of Hertford, malster, of the fourth part: and Edward Billinge of Wistminster, in the county of Middlesex, gent, of the fifth part. Whereas our said Sovereign Lord the king's Majesty, in and by his Letters Patents under the great seal of England, bearing date the twelfth day of March, in the sixteenth year of his said Majesty's reign, for the consideration therein mentioned, did give and grant unto his dearest brother James, Duke of York, his heirs and assigns all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland, in America; and from thence extending along the sea coast to a certain place called Penaquine or Pemaquid, and so up the river to the furthest head of the same as it tendeth northward; and extending from thence to the river of Kenebeque, and so upwards to the river Canada northward. And also all that island or islands commonly called by the several name or names of Matowacks or Long Island, situate and being towards the west of Cape Codd and the Narrow Higantsetts, abutting upon the main land between the two rivers there, commonly called or known by the several names of Connecticutt, and Hudson's river; together also with the said river called Hudson's river, and all the lands from the west side of Connecticutt river to the east side of Delaware bay: and also all those several islands called or known by the names of Martin's Vineyard or Nantukes, otherwise Nantucket; together with all the lands, islands, soils, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishing, hawking, hunting, and fowling, and all other royalties, profits, commodities and hereditaments to the said several islands, lands and premises belonging and appertaining, with their and every of their appurtenances; and all his said
Majesty's estate, right title, and interest, benefit, advantage, claim and demand of, in, or to the said land and premises, or any part thereof; and the reversion and reversions, remainder and remainders; together with the yearly and other rents, revenues, and profits of all and singular the said premises, and every part and parcel thereof; to have and to hold unto his said Majesty's said dear brother, the said James Duke of York, his heirs and assigns for ever; to be holden of the King's Majesty, his heirs and successors, as of his majesty's manor of East Greenwich, in his Majesty's county of Kent, in free and common socage, and not in capite or by knight service, under the yearly rent of forty beaver skins, to be paid unto his said Majesty, his heirs and successors, when they shall be demanded, or within ninety days after, as by the said Letters Patent, relation being thereunto had, it may appear: in and by which said Letters Patent his said Majesty did likewise give and grant unto his said dearest brother James Duke of York, his heirs, deputies, agents, commissioners and assigns, full and absolute power and authority for the correcting, punishing, pardoning, governing and ruling such of the subjects of his said Majesty, of his heirs and successors, as shall at any time adventure themselves into the said port and places, or inhabit there, according to such laws, orders, ordinances, directions and instructions, as by his said Majesty's said dearest brother, or his assigns, shall be established; and in defect thereof, in case of necessity, according to the good discretions of his deputies, commissioners, officers or assigns respectively, as well in all causes and matters capital and criminal, as civil, both marine and others, in such manner, and under such restrictions as is therein specified; and to do, exercise and execute all and every others the powers and authorities therein mentioned, as by the same Letters Patent, and by the several powers and authorities thereby given and granted, and therein specified, it doth and may appear. And whereas in and by two several indentures, the one being an indenture of bargain and sale for the term of one whole year, and bearing date the three and twentieth day of June, Anno Domini 1664: and the other being an indenture of grant, release or confirmation, and bearing date the four and twentieth day of the same month of June, Anno Domini 1664, and
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both of them made between his said Majesty’s said dearest brother, the said JAMES Duke of York by the name of his Royal Highness JAMES Duke of York and Albany, Earl of Ulster, Lord High Admiral of England and Ireland, Constable of Dover Castle, Lord Warden of the Cinque Ports, and Governor of Portsmouth, of the one part: John Lord Berkeley, Baron of Stratton, and one of his Majesty’s most honourable Privy Council, and Sir George Carteret of the other part: And by other good and sufficient conveyances and assurances in the law duly executed, reciting the said Letters Patents herein before recited, and the several and respective premises thereby granted; his Royal Highness he the said JAMES Duke of York, for the considerations therein mentioned, did grant, convey and assure to John Lord Berkeley and Sir George Carteret, their heirs and assigns forever, all that tract of land adjacent to New England, and lying and being to the westward of Long Island and Manhatan Island, part of the said main land of New England, beginning at St. Croix, mentioned to be granted to his said Royal Highness by the said therein and herein before recited Letters Patent, bounded on the east, part by the main sea and part by Hudson’s river; and hath upon the west Delaware bay or river, and extendeth southward to the main ocean as far as Cape May at the mouth of Delaware bay; and to the northward as far as the northernmost branch of the said bay or river of Delaware, which is in forty one degrees and forty minutes of latitude, and crosseth over thence in a strait line to Hudson’s river in forty one degrees of latitude; which said tract of land was then afterwards to be called by the name or names of New Cæsarea or New Jersey; and also all rivers, mines, minerals, woods, fishings, hawkings, hunttings, and fowlings, and all other royalties profits, commodities and hereditaments whatsoever to the said land and premises belonging, or in anywise appertaining, with their and every of their appurtenances, in as full and ample manner as the same was or were granted to his said Royal Highness the said Duke of York, in and by the said therein and herein before recited Letters Patents; and all the estate, right, title, interest, benefit, advantage, claim and demand of the said JAMES Duke of York, of, in, or to the said lands and premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders thereof, to have
and to hold unto the said John Lord Berkeley and Sir George Carteret, their heirs and assigns for ever, under the yearly rent or sum of twenty nobles, payable unto his said Royal Highness the said James Duke of York, in manner as the same is aforesaid therein to be paid, as in and by the said last recited indentures and conveyances, relation being thereunto had, may appear. And whereas in and by one certain indenture of bargain and sale dated the eighteenth day of March Anno Domini 1673, and in the six and twentieth year of his said Majestys reign, made between the said John Lord Berkeley of the one part, and John Fenwick, of Binfield, in the county of Berks, Esq; of the other part, and duly enrolled in his Majestys High Court of Chancery in England, reciting the said herein before recited Letters Patents, indentures and conveyances, the said John Lord Berkeley for and in consideration of the sum of one thousand pounds therein mentioned, to have been paid unto him by the said John Fenwick, and for other the consideration therein mentioned, did grant, bargain, sell and convey unto the said John Fenwick, his heirs and assigns, all that the moiety or half part of him the said John Berkeley of and in the said tract of land and premises so to be or then called by the names of New Caesarea or New Jersey: And also all that his moiety or half part of all rivers, rivelets, mines, minerals, quarries, woods, fishings, hawkings, hunttings, fowlings, and all other royalties, profits, forts, franchises, liberties, governments, powers, priviledges, commodities, hereditaments and immunities whatsoever, to the said land and premises belonging; with their and every of their appurtenances, in as full, ample and beneficial manner to all intents and purposes as the same was granted to the said John Lord Berkley and the said Sir George Carteret, their heirs and assigns, by him his said Royal Highness the said James Duke of York, and all the estate, right, title interest, benefit, property, claim and demand whatsoever, unto the said John Lord Berkeley, of, in, or to the said moiety or half part of the said lands and premises or any part or parcel thereof, by force, virtue or means of the said therein and herein before recited Letters’ Patents or conveyances, or either or any of them, or otherwise, howsoever, and the reversion and reversions, remainder and remainders of the same, to have and to hold unto
the said John Fenwick, his heirs and assigns forever, to the only use and behoof of the said John Fenwick his heirs and assigns for ever, as by the said last recited indentures of bargain and sale, relation being thereunto had, it may appear. And Whereas in and by two other indentures, the one being an indenture of bargain and sale for the term of one whole year, and bearing date the ninth day of February which was in the year of our Lord 1674, and made between the said John Fenwick and Edward Billinge, of the one part, and the said William Penn, Gawn Lawry and Nicholas Lucas of the other part. And the other being an indenture tripartite of grant, release or confirmation, bearing date the tenth day of the same month of February, Anno Domini 1674, and made between the said John Fenwick of the first part: The said Edward Billinge of the second part: And the said William Penn, Gawn Lawry, and Nicholas Lucas of the third part; and by several other good and sufficient conveyances and assurances in the law duly executed, the said moiety or half part of the said tract of land, and the said moiety or half part of all and every other the said several and respective premises so convey’d unto the said John Fenwick as aforesaid, with all and every the right, members and appurtenances of the same, were convey’d unto, and remains now vested in the said William Penn, Gawn Lawry and Nicholas Lucas, and their heirs, to the use of them and their heirs and assigns for ever, (in which nevertheless the said Edward Billinge, claimeth to have equitable interest) so as the said William Penn, Gawn Lawry and Nicholas Lucas, do now actually stand seized of, and in one undivided moiety or half part of all and every the said premises so granted unto the said John Lord Berkeley and Sir George Carteret as aforesaid, as jointants between themselves; and do now hold the same to them and their heirs, as tenants in common with the said Sir George Carteret, who is now actually seiz’d of the other undivided moiety or half part of all and every the same premises, and doth now hold the same to him and his heirs as tenant in common with the said William Penn, Gawn Lawry, and Nicholas Lucas. And Whereas they the said Sir George Carteret, William Penn, Gawn Lawry, Nicholas Lucas and Edward Billinge; have agreed to make a partition between them of the said tract of land, and of the said several and respective premises whereof they now stand so seized as tenants in common as aforesaid, and it hath been agreed between
them, that the said Sir George Carteret shall have for his share and part of the said tract of land, and of the said several and respective premises to be holden by him the said Sir George Carteret his heirs and assigns for ever, in severalty as his lawful and equal part, share and proportion tract of land, and of all and every the said several and respective premises, and to be from henceforth called, known and distinguish'd by the name of East New Jersey, all that easterly part, share and portion of the said tract of land and premises, lying on the east side and eastward of a strait and direct line drawn thro' the said premises from north to south, from the dividing and making a partition or separation of the said eastern part, share and portion from the westerly part, share and portion of the same tract of land and premises, as is herein after particularly described. And that the said William Penn, Gawn Lawrie, and Nicholas Lucas, shall have their share and part of the said tract of land, and of the said several and respective premises, to be holden by them the said William Penn, Gawn Lawry, and Nicholas Lucas, their heirs and assigns, in severalty as their full and equal part, share and portion of the said tract of land; and all and every the said several and respective premises, subject to the same trust for the benefit of the said Edward Billinge, as the said undivided moiety was subject, and to be from henceforth called and distinguished by the name of West New Jersey, all that westerly part, share and portion of the said tract of land and premises, lying on the west side and westward of the aforesaid strait and direct line drawn thro' the said premises from north to south as aforesaid, as is hereafter also particularly described. Now these present witnesses, that in pursuance and performance of the said before recited agreement, and for the better perfecting of the said, conditions are agreed to be made as aforesaid; and for and in consideration of five shillings to them the said William Penn, Gawn Lawry, Nicholas Lucas and Edward Billinge in hand paid by the said Sir George Carteret, the receipt whereof they do hereby respectively acknowledge, the said Edward Billinge and they the said William Penn, Gawn Lawry and Nicholas Lucas, by and with the consent, direction and appointment of the said Edward Billinge, testified by his being a party hereunto, and by his sealing and executing of these presents, have and
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each of them hath bargained, sold, released and confirmed and conveyed; and do, and each of them doth, bargain, sell, release, confirm and convey unto the said Sir George Carteret, his heirs and assigns forever, all that easterly part, share and portion, and all those easterly parts, shares and portions of the said tract of land and premises so granted and conveyed by his said Royal Highness the said James Duke of York, unto the said John Lord Berkeley and Sir George Carteret as aforesaid, extending eastward and northward along the sea coast and the said river called Hudson's river, from the east side of a certain place or harbour lying on the southern part of the same tract of land, and commonly called or known in a map of the said tract of land, by the name of Little Egg Harbour, to that part of the said river called Hudson's river, which is in forty-one degrees of latitude, being the furthermost part of the said tract of land and premises which is bounded by the said river, and crossing over from thence in a strait line, extending from that part of Hudson's river aforesaid to the northernmost branch, or part of the before mentioned river called Delaware river, and to the most northerly point or boundary of the said tract of land and premises, so granted by his said Royal Highness James Duke of York, unto the said Lord Berkeley and Sir George Carteret, now by the consent and agreement of the said parties to these presents, called and agreed to be called the north partition point, and from thence, that is to say, from the said north partition point extending southward by a strait and direct line, drawn from the said north partition southward, thro' the said tract of land, unto the most southerly point of the east side of Little Egg Harbour aforesaid; which said most southerly point of the east side of Little Egg Harbour is now by the consent and agreement of the said parties to these presents, called and agreed to be from henceforth called, the south partition point: and which said strait and direct line drawn from the said north partition point, thro' the said tract of land, unto the said south partition point, is now by the consent and agreement of the said parties to these presents, called and agreed to be called, the line of partition, which is the line herein before mentioned to be intended, by the said consent and agreement of the said parties, for the dividing and making a partition or separation of the said
easterly part, share and portion, from the westerly part, share and portion of the said tract of land and premises, so conveyed by his said Royal Highness aforesaid, in and by these presents intended to be bargain’d, sold and convey’d by the said Sir George Carteret unto the said William Penn, Gawn Lawry and Nicholas Lucas, and all and every the isles, islands, rivers, mines, minerals, woods, fishing, hawkings, hunttings, and fowlings; and all other royalties, governments, powers, forts, franchises, harbours, profits, commodities and hereditaments whatsoever, unto the said easterly part, share and portion of the said tract of land and premises belonging, or in any wise appertaining, with their and every of their appurtenances, and all the estate, right, title, interest, benefit, advantage, claim and demand whatsoever, as well in law as in equity, of them the said Edward Billinge, William Penn, Gawn Lawry, Nicholas Lucas, and each and every of them, of, in, unto, and out of the said easterly part, share and portion, easternly parts, shares and portions of the said tract of land and premises, and of, in, unto and out of every part and parcel of the same, and the reversion and reversions, remainder and remainders of the same, and of every part and parcel of the same, and all rents, duties and services reserv’d upon any estates or grants heretofore made or granted by the said Lord Berkeley and Sir George Carteret, or by any persons claiming any estate, interest or authority from, by or under either of them, of any part of the premises hereby convey’d to the said Sir George Carteret; which said rents, duties and services reserved upon, which said estates and grants made of any part of the premises hereby conveyed to the said Sir George Carteret, shall be from henceforth due and payable unto the said Sir George Carteret and his heirs, of whom all such estates so made and granted as aforesaid, are to be from henceforth holden according to the true intent of these presents; which said easternly part, share and portion, parts, shares and portions of the said tract of land and premises is now by the consent and agreement of the said parties to these presents, called and agreed from henceforth to be called, by the name of East New Jersey; and is all that, and only all that part, share and portion of the said tract of land and premises so convey’d by his said royal highness as aforesaid; as lyeth extended from the east side of the
said line of partition before mentioned, to have and to hold unto the said Sir George Carteret his heirs and assigns in severalty, to the sole and only use of the said Sir George Carteret, and of his heirs and assigns forever. And each of them the said William Penn, Gawn Lawry, Nicholas Lucas, and Edward Billinge for himself, severally and respectively, and for his several respective heirs, executors and administrators, and for his several and respective own acts only, and not jointly, nor the one for the other, or for the heirs, executors, administrators, or acts of the other, doth covenant, grant and agree to and with the said Sir George Carteret, his heirs and assigns, by these presents, that he hath not at any time heretofore done, or suffered any act, matter or thing whatsoever, whereby, or by reason whereof, the said premises hereby bargained, sold, released, confirmed or conveyed by the said Edward Billinge, William Penn, Gawn Lawry, and Nicholas Lucas, unto the said Sir George Carteret, or herein or hereby meant, mentioned or intended so to be or any part or parcel of the same, is, are, shall or may be any ways charged, burthened or incumbered in title, charge, estate or otherwise howsoever, other than such arrears (if any be) which now at the day of the date of these presents are due and unpaid, upon any the restrictions, contained in the said herein before recited Letters Patents, herein before recited conveyances, herein before recited to have been made by his said royal highness James Duke of York, or either or any of them. And these presents further witness that in further pursuance and performance of the said herein before recited agreement, and for the further perfecting the said partition so agreed to be aforesaid, and in consideration of five shillings to him the said Sir George Carteret in hand paid, by the said William Penn, Gawn Lawry and Nicholas Lucas, the receipt whereof he doth hereby acknowledge, the said Sir George Carteret hath bargain'd, sold, released, confirm'd and conveyed, and doth by these presents, bargain, sell, release, confirm and convey unto the said William Penn, Gawn Lawry, and Nicholas Lucas, and to their heirs and assigns forever, all that westerly part, share and portion, and all that and those other part and parts, share and shares, portion and portions, of the said tract of land and premises so granted by his said Royal Highness, the said James Duke of York, unto the said John Lord Berkeley and Sir George Carteret, as aforesaid; and which said
westerly part, share and portion, and which said other parts, shares and portions, is and are extending southward and westward, and northward along the sea coast, and the before mentioned bay and river commonly called and known by the name or names of Delaware bay and Delaware river, from the said south partition point before mentioned, to be on the east side of little Egg Harbour, unto the said north partition point herein before mentioned, to be on the before mentioned northermost branch or part of Delaware river aforesaid; and from thence, that is to say, from the said north partition point, extending southward unto the said south partition point before mentioned, by the said before mentioned strait and direct line called the line of partition, drawn thro' the said tract of land from the said north partition point unto the said south partition, by the consent and agreement before mentioned, intended for the dividing and making a partition or separation of the said westerly part, share and portion from the before mentioned easterly part, share and portion of the said tract of land and premises so conveyed by his said Royal Highness as aforesaid, and herein before bargain'd, sold and conveyed by the said William Penn, Gawn Lawry, Nicholas Lucas, and Edward Billinge, unto the said Sir George Carteret as aforesaid, and all and every the isles, islands, rivers, mines, minerals, woods, fisheries, hawkings, hunting, and fowlings, and all other royalties, governments, powers, forts, franchises, harbours, profits, commodities and hereditaments whatsoever, unto the said westerly part, share and portion of the said tract of land and premises, hereby bargained by the said Sir George Carteret, belonging or in any ways appertaining, with their and every of their appurtenances, and all the estate, right, title, interest, benefit, advantage, claim and demand, whatsoever, as well in law as in equity of him the said Sir George Carteret, of, in, unto and out of the same, and of, in, unto and out of every part and parcel of the same, together with the reversion and reversions, remainder and remainders of the same, and of every part and parcel of the same, and all rents, duties, and services upon any estates or grants heretofore made or granted by the said Lord Berkeley and Sir George Carteret, or either of them, of any part or parts of the said premises hereby convey'd to the said William Penn, Gawn Lawry, and Nicholas Lucas, or herein or hereby mentioned, or intended so to be; all which said westerly part, share and portion, parts,
Quintipartite Deed.

shares and portions of the said tract of land and premises, are now by the consent and agreement of the parties to these presents, called and agreed from henceforth to be called by the name of West Jersey, and is all that and only all that part, share and portion, and all those parts, shares and portions, of the said tract of land and premises so conveyed by his said Royal Highness as aforesaid, as lyeth extended westward, or southward from the west side of the said line of partition, beforementioned, to have and to hold unto the said William Penn, Gawn Lawry and Nicholas Lucas, their heirs and assigns in severalty, to the only use of the said William Penn, Gawn Lawry and Nicholas Lucas, and of their heirs and assigns forever. And the said Sir George Carteret for him, his heirs, executors, and administrators, doth by these presents covenant, grant and agree to, and with the said William Penn, his heirs and assigns, and also to and with the said Gawn Lawry his heirs and assigns, and likewise to and with the said Nicholas Lucas, his heirs and assigns, and also to and with the said Edward Billinge, his heirs and assigns, that he the said Sir George Carteret hath not at any time heretofore done or suffer'd any act, matter or thing whatsoever, whereby or by reason whereof the said premisses hereby bargain'd, sold, released and confirm'd or convey'd by him the said Sir George Carteret unto the said William Penn, Gawn Lawry and Nicholas Lucas, or herein or hereby meant, mention'd or intended so to be, or any part or parcel of the same, is, are, shall or may be any ways charged, burthened or incumbered in title, charge or estate, or otherwise howsoever, other than such arrears (if any be) which now at the day of the date of these presents are due and unpaid, upon any the reservations contain'd in the said herein before recited Letters Patent, and herein before recited conveyances, herein before recited to have been made by his said Royal Highness the said Duke of York, or either or any of them, and other than such lawful estates and grants of land and plantations, part of the said premisses, as have been at any time heretofore by him the said Sir George Carteret, either within themselves, together with the said Lord Berkeley, or by authority lawfully derived from him, or from him and the said Lord Berkeley, made and granted to any planter or planters now in actual possession of the same lands and plantations, and which have been made and granted according to the rules and laws of planta-
tions now in force in the said country, under the usual and accustom’d rents, duties and services by the said rules and laws appointed and directed to be observed upon grants of lands and plantations, made and granted to planters seating themselves there: All and singular which said rents, duties and services reserved upon which said estates and grants, shall be from hence forth due and payable unto the said William Penn, Gawn Lawry and Nicholas Lucas, their heirs and assigns; of whom all such estates so made and granted as aforesaid, are to be from henceforth holden according to the true intent of these presents, and of all the respective parties hereunto: And it is hereby declared and agreed, by all the respective parties to these presents, to be the true intent and meaning of these presents, and of all the respective parties hereunto, that the aforesaid rent of twenty nobles herein before mentioned, to be reserved due and payable unto his said Royal Highness the said James Duke of York, and his heirs, shall from henceforth be equally paid and borne in manner following, that is to say, one equal moiety or half part thereof by the said Sir George Carteret, his heirs and assigns, and to be issuing out of, and charged and chargeable upon that part and share of the said premises which is hereby conveyed unto the said Sir George Carteret, his heirs and assigns; and the other equal moiety or half part thereof by the said William Penn, Gawn Lawry and Nicholas Lucas, their heirs and assigns, and to be issuing out of, and charged and chargeable upon that part and share of the said premises which is hereby conveyed unto the said William Penn, Gawn Lawry and Nicholas Lucas, their heirs and assigns. In witness whereof all the said respective parties to these presents, have to each part of these presents set their respective hands and seals, the day and year first above written.

Sealed and delivered in the presence of
HENRY WEST.
JAMES BOWERS.
THOMAS LANGHORN.
RICHARD LANGHORN.
JOHN RICHARDSON.

G. CARTERET.
W. PENN.
GAWN LAWRY.
NICHOLAS LUCAS.
EDWARD BILLINGE.
December 5, 1678. Sir George Carteret made his will and devised to Edward Earl of Sand- witch, John Earl of Bath, Bernard Greenville, Sir Thomas Crew, Sir Robert Atkins, and Edward Atkins, Esqrs. and their heirs, among other lands, all his plantation of New Jersey, upon trust and confidence that they, and the survivors and survivor of them, and the heirs and executors of the survivor of them, should make sale of all the said premises, and out of the moneys that should upon such sale arise, pay and discharge debts, &c. as therein mentioned.

February first and second, 1682, in the thirty-fourth of King Charles Second, in pursuance of the trust aforesaid, Dame Elizabeth Carteret, John Earl of Bath, Thomas Lord Crew, Bernard Greenville, Sir Robert Atkins, Sir Edward Atkins, Thomas Pocock and Thomas Cremer, by lease and release, conveyed the Eastern Division of New Jersey aforesaid in fee simple, to William Penn, Robert West, Thomas Rudyard, Samuel Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plume- stead and Thomas Cooper, the bounds being according to the Quintipartite deed.

Note. In the recital of the release it appears, that the granters above, had conveyed the premises among other things to said Cremer and Pocock, which is the reason of their joyning in the sale. And Edward Earl of Sandwich, released all his estate in the premises to the other trustees, before they sold to the twelve Propri- etors.

The twelve Proprietors agreed that there should be no benefit of survivorship.

At sundry times in the year 1682 in the thirty-fourth and thirty-fifth of King Charles Second. The above twelve persons conveyed to twelve others viz, Robert Barclay, Edward Billinge, Robert Turner, James Brain, Arent Sonmans, William Gibson, Gawen Law- ry, David Barclay, Thomas Barker, Thomas Varne, James Earl of Perth, Robert Gordon, and John Drummond.

Note. These are placed in the order the conveyances were from the first twelve, to the other twelve, that
is each of the first twelve conveyed separate to each of
the last twelve, one half of his share.

It is not thought necessary to copy those (above abstract-
ed) at length, but the Duke of York's confirmation contain-
ing a more ample grant of the powers of government than
any conveyances from him before, it is thought proper to
copy it.

Its further to be noted that the legal year in England be-
gun the twenty-fifth of March, but the historical year begun
the first of January proceeding, and in Scotland they also
begun the year on the first of January, which accounts for
the seeming impropriety of the dates of some of the forego-
ing, and other ancient records.