Duke's Release to the Twenty-four Proprietors.

Constitutions, Instructions, &c.

Between 1682 and 1702.
T HIS INDENTURE made the fourteenth day of March, in the five and thirtieth 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 1682. Between his Royal Highness the most illustrious Prince JAMES, Duke of York and Albany, Earl of Ulster, &c. only brother to our Sovereign Lord the King, of the one part, and the Right Honourable James Earl of Perth, of the kingdom of Scotland; the Honourable John Drummond, of Lundy, in the said kingdom of Scotland, Esq.; Robert Barckly, of Eury, in the said kingdom of Scotland, Esq.; David Barckly, jun. of Eury, aforesaid, Esq.; Robert Gordon, of Cluny, in the kingdom of Scotland, Esq.; Arent Sonmans, of Wallingford, in the kingdom of Scotland, Esq.; William Penn, of Worninghurst, in the county of Sussex, Esq.; Robert West, of the Middle Temple, London, Esq.; Thomas Rudyard, of London, gentleman; Samuel Groome, of the parish of Stepney, in the county of Middlesex, marriner; Thomas Hart, of Enfield, in the said county of Middlesex, merchant; Richard Mew, of Stepney, aforesaid, merchant; Ambrose Rigg of Catton Place, in the county of Surry, gentleman; Thomas Cooper, citizen and merchant taylor, of London; Gawn Lawry, of London, merchant; Edward Billinge, of the city of Westminster, in the county of Middlesex, gentleman; James Braine, of London, merchant; William Gibson, citizen and haberdasher, of London; John Haywood, citizen and skinner; of London; Hugh Hartshorn, citizen and skinner, of London; Clement Plumstead, citizen and draper, of London; Thomas Barker, of London, merchant; Robert Turner, of the city of Dublin, in the kingdom of Ireland, merchant; and Thomas Warne, of Dublin, aforesaid, in the said kingdom of Ireland, merchant, of the other part. WHEREAS our said Sovereign Lord the King's Majesty, in and by his Letters Patent, under the great seal of England, bearing date the twelfth day of March, in the sixteenth year of his said Majesty's reign, did amongst several other things therein men-

tioned, give and grant unto his Royal Highness JAMES Duke of York, his heirs and assigns, all that tract of land adjacent to New England, in the parts of America, and lying and being to the westward of Long Island and Manhattas Island, and bounded on the east part by the main sea; and east by Hudson’s river; and hath on 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 in one and forty degrees and forty minutes of latitude, and crossing over thence in a straignt line to Hudson’s river, in one and forty degrees of latitude; which said tract of land was then after to be called by the name of New Cesarea or New Jersey, with all the lands, islands, soils, rivers, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawkings, hunttings, and fowlings, and all other royalties, profits, commodities and hereditaments, unto the said premisses belonging and appertaining, with their and every of their appurtenances: and all his said Majesty’s estate, right, title, interest, benefit, advantage, claim and demand of, in and to the same premisses, 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 same, and of every part and parcel thereof, to hold unto his said Royal Highness the said JAMES, Duke of York, his heirs and assigns for ever; to be holden of his said Majesty, his heirs and successors, amongst other the things therein granted, as of his Majesty’s mannor of East Greenwich, in his Majesty’s county of Kent, in free and common socage, and not in capite or knight service, under the yearly rent therein mentioned. AND WHEREAS his said Royal Highness JAMES, Duke of York, did heretofore by several good and sufficient conveyances and assurances under his hand and seal duly executed, the twenty-third and twenty-fourth days of June, in the sixteenth year of his said Majesty’s reign, for the consideration therein mentioned, grant and convey the said tract of land and premises before mentioned, to John Lord Berkeley, baron of Stratton, and one of his Majesty’s most honorable Privy Council, and Sir George Carteret, of Salterem, in the county of Devon, knight and baronet, and one other
of his Majesty's most honourable Privil Council, and their heirs, the said tract of land and premises before particularly mentioned, and the reversion and reversions, remainder and remainders of the same, to hold unto the said John Lord Berkeley and Sir George Carteret, their heirs and assigns forever, under the yearly rent of twenty nobles sterling, payable as the same is therein reserved to be paid. AND WHEREAS his said Majesty did by other his Letters Patents, dated the twenty ninth day of June in the six and twentieth year of his said Majesty's reign, grant and convey unto his said Royal Highness, and his heirs forever, as well the said tract of land and premises herein before recited to have been granted and conveyed by his said Royal Highness, unto the said John Lord Berkeley and Sir George Carteret as aforesaid, as all other the lands and hereditaments in and by the said herein first before recited Letters Patents granted, or mentioned to be granted. AND WHEREAS his said Royal Highness by his indenture of lease and release, bearing date the of July, in the six and twentieth year of his Majesty's reign, did grant and convey the said tract of land and premises, to the said Sir George Carteret, his heirs and assigns, as by the said indenture, relation being thereunto had, may appear. And whereas upon a partition made of the whole and entire premises, between the said Sir George Carteret and William Penn of Wompringhurst, in the county of Sussex, Esq; Gawn Lawry, of London, merchant; Nicholas Lucas, of Hertford, in the county of Hertford, malster; and Edward Bullynge, of Westminster, in the county of Middlesex, gentleman; in whom the fee simple of the said Lord Berkeley's, undivided moyety, of all and singular the premises, by good and sufficient conveyances, was then vested the said William Penn, Gawn Lawry, Nicholas Lucas, and Edward Byllynge, did bargain, sell, release and confirm unto the said Sir George Carteret, his heirs and assigns, all that easterly part, share and portion, and all those easterly parts, shares and portions of the said whole and entire tract of land and premises before mentioned, extending eastward and northward along the sea coasts, and the said river called Hudson's river, from the east side of a certain place or harbour, lying on the southerly 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 northermost part of the said tract of land and premisses, which is bounded by the said river; and crossing over from thence in a straight line, extending from that part of Hudson's river aforesaid, to the northermost branch of the aforementioned river called Delaware river, and to the most northerly point or boundary of the said entire tract of land and premisses, now called the north partition point; and from thence, that is to say, from the north partition point, extending southward, unto the more southerly point, by a straight and direct line drawn through the said tract of land, from the said north partition point unto the said south partition point, by the consent and agreement of the said parties, now called the line of partition, and by them intended for the dividing and making a partition of the easterly part, share and portion, from the westerly part, share and portion of the said tract of land and premisses; and all and every the isles, islands, rivers, mines, minerals, woods, fishings, 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 premisses, belonging or in any wise appertaining, with their and every of their appurtenances; and all the estate, right, title, interest, claim and demand whatsoever of them the said William Penn, Gawn Lawry, Nicholas Lucas and Edward Byllynge, and of each and every of them, of, into and out of the said easterly part, share and portion of the said tract of land and premisses, and every part and parcel thereof, and the reversion and reversions, remainder and remainders of the same, and every part and parcel of the same: All which said easterly part, share and portion, parts, shares and portions, was and were then, and now is, and are by the consent and agreement of the said parties to the said partition, called and agreed from thence forth to be called by the name of East New 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 premisses, so conveyed by his said Royal Highness as aforesaid, as lyeth extended eastward from the east side of the said line
of partition before mentioned, to hold to the said Sir George Carteret, his heirs and assigns, in severalty, to the use of him the said Sir George Carteret, his heirs and assigns forever; upon which partition so made, and such conveyance so executed as aforesaid, he the said Sir George Carteret became seized of all that easterly part of the said premisses, now called East New Jersey, with the appurtenances in severalty. AND WHEREAS the said Sir George Carteret being, by virtue of the said assurances and partition aforesaid, become sole seized to him and his heirs, of the said premisses called East New Jersey, by his last will and testament in writing, bearing date on or about the fifth day of December, in the year of our Lord one thousand six hundred seventy and eight, did devise the same, and all his estate therein, amongst other things, to the right honourable Edward, Earl of Sandwich, the right honourable John Earl of Bath; the right honourable Thomas, Lord Crew, Baron Crew, of Steane; the honourable Bernard Greenville, Esq; brother of the said Earl of Bath; the honourable Sir Robert Atkins, knight of the Bath; the honourable Sir Edward Atkins, knight, one of the barons of his Majesty's Court of Exchequer, and their heirs in trust, to sell the same for the payment of his debts and legacies, as in and by the said will, relation being thereunto had, may appear, and shortly after dyed. AND WHEREAS the said John, Earl of Bath; Thomas, Lord Crew; Bernard Greenville; Sir Robert Atkins; and Sir Edward Atkins, by indentures of lease and release, bearing date the fifth and sixth days of March, in the two and thirtieth year of his Majesty's reign, conveyed the said premisses, amongst other things, to Thomas Cremer, of the Parish of St. Andrews, Holbourne, in the county of Middlesex, gentleman, and Thomas Pocock of the same, gentleman, as by the said indentures, relation being thereunto had, it may appear. AND WHEREAS the said Earl of Sandwich, by his indenture bearing date the twentieth day of February last past, hath released all his estate, interest and trust in the said premisses, to the said Earl of Bath, Lord Crew, Bernard Greenville, Sir Robert Atkins, and Sir Edward Atkins, and their heirs, as by the said indenture, relation being thereunto had, may appear. AND WHEREAS the said Earl of Bath, Lord Crew, Bernard Greenville, Sir Robert Atkins, and Sir Edward Atkins, by the consent and direction of dame
Elizabeth Carteret, relict and executrix of the said Sir George Carteret; and the said Thomas Cremer and Thomas Pocock, by the consent and direction of the said dame Elizabeth Carteret, Earl of Bath, Lord Crew, Bernard Greenville, Sir Robert Atkins, and Sir Edward Atkins, have by indentures of lease and release, bearing date the first and second days of February last past, granted and conveyed to the said William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Thomas Wilcox, of London goldsmith, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, and Thomas Cooper, their heirs and assigns, all the said premisses called East New Jersey, together with all isles, islands, rivers, mines, minerals, woods, fishings, hawkings, hunttings, fowlings, and all other royalties, privileges, franchises, forts, harbours, profits, commodities, and hereditaments whatsoever, thereunto belonging, as in and by the said indentures, relation being thereunto had, may more at large appear. AND WHEREAS the said William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumstead, and Thomas Cooper, have since conveyed one moyety of the said tract of land called East New Jersey, and of all other the premisses to the said James, Earl of Perth, John Drummond, Robert Bareckly, Robert Gordon, Arent Sonmans, Gawn Lawry, Edward Byllyng, James Braine, William Gibson, Thomas Barker, Robert Turner, and Thomas Warne, who are thereby become tenants in common of the said premisses called East New Jersey, which with the said William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, and Thomas Cooper. AND WHEREAS the said Thomas Wilcox hath since conveyed all his share, estate, and interest in the said premisses, to the said David Bareckly and his heirs: AND WHEREAS by the said several recited Letters Pattents, made by his said Majesty unto his said Royal Highness as aforesaid, several powers and authorities are and were given and granted unto his said Royal Highness, his heirs and assigns, to be executed by his said Royal Highness, his heirs or assigns, or by the deputies, agents or commissioners of his said Royal Highness, his heirs or assigns, which are necessary as
well for the planting, peopleing, and improving of all and every the respective lands, places and territories thereof granted; and for the transporting thither from time to time such of his Majesty's subjects as should be willing to go or be transported into those parts, or any of them, as for the defending, guarding and keeping of the same; as also for the well governing of the same, and of all such as shall be inhabiting in the same, and for the making, ordaining and executing of necessary and convenient laws and constitutions, in order to such government; and the punishing and pardoning offences and offenders, as occasion shall require; and to make, ordain, constitute, and confirm, and also to revoke, discharge, change and alter all and singular Governors, officers and magistrates, which by his said Royal Highness, his heirs and assigns, shall be from time to time thought fit and needful to be made, ordained, appointed or used in the said parts or places, or any of them; and to do all other things needful, useful and necessary, for the well governing, keeping, defending and preserving the said respective places and territories, and of every of them, and all such as are and shall be inhabiting there. Now these presents witness, that for and in consideration of a competent sum of lawful English money, unto his said Royal Highness in hand paid, and for the better extinguishing all such claims and demands as his said Royal Highness, or his heirs, may any wise have of or in the premises aforesaid, now called East New Jersey, or any part of them, and for the further and better settling and conveying, assuring and confirming of the same, and of every part thereof, according to the purport and true meaning of these presents, his said Royal Highness the said James Duke of York, hath granted, bargained, sold, released and confirmed, and by these presents, as far as in him lyeth, doth grant, bargain, sell, release and confirm unto the said James, Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawne Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, their heirs and assigns, all that part, share and portion, and all those parts, shares and portions, of all that entire tract of land, and all those entire premisses so granted by his
said Royal Highness, unto the said John Lord Berkely and Sir George Carteret, and their heirs, as in and by and upon the said partition was and were vested in the said Sir George Carteret and his heirs, and there agreed to be called by the name of East New Jersey, together with all islands, bays, rivers, waters, forts, mines, minerals, quarries, royalties, franchises, and appurtenances whatsoever to the same belonging, or in any wise appertaining; and all the estate, right, title, interest, reversion, remainder, claim and demand whatsoever, as well in law as in equity, of his said Royal Highness James, Duke of York, of, in, unto or out of the same, or any part or parcel of the same: as also the free use of all bays, rivers and waters, leading unto or lying between the said premises, or any of them, in the said parts of East New Jersey, for navigation, free trade, fishing or otherwise, to have and to hold unto the said Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner, and Thomas Warne, their heirs and assigns forever, to the only use and behoof of them the said Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warren, their heirs and assigns forever, yielding and paying therefor yearly for the said whole entire premisses, unto his Royal Highness, his heirs and assigns, the yearly rent of ten nobles of lawful English money, at or in the middle Temple Hall, London, at or upon the feast day of St Michael the Archangel, yearly. And the said James, Earl of Perth, John Drummond, Robert Barckly, David Barckley, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert

Turner and Thomas Warne, do for themselves severally, and for their several and respective heirs, executors, administrators and assigns, covenant, promise and agree to and with his said Royal Highness, his heirs and assigns, to pay, or cause to be paid, the said annual rent of ten nobles, on the days and times herein before limited for payment thereof. And these presents further witness, that for the better enabling the said Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllyng, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, their heirs and assigns, to improve and plant the said premisses with people, and to exercise all necessary government there, whereby the said premisses may be the better improved, and made more useful to them, their heirs and assigns, and to the King's Majesty, his said Royal Highness hath likewise given and granted assigned and transferred, and doth by these presents give, grant, assign and transfer unto the said Earl of Perth, John Drummond, Robert Barclay, David Barclay, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Billinge, James Braine, William Gibson, Thomas Barker, Robert Turner, and Thomas Warne, their heirs and assigns, proprietors of the said Province of East New Jersey aforesaid, for the time being, all and every such and the same powers, authorities, jurisdictions, governments, and other matters and things whatsoever, which by the said respective recited Letters Patents, or either of them, are or were granted, or intended to be granted, to be exercised by his said Royal Highness, his heirs, assigns, deputies, officers, or agents, in or upon, or in relation unto the said premisses, hereby confirmed, or intended to be hereby confirmed, and every of them, in case the same were now in the actual seisen of his Royal Highness, to be held, enjoyed, exercised and executed by them the said Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome

Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Bylynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, their heirs and assigns, Proprietors of the said Province of East New Jersey, for the time being, as fully and amply to all intents, constructions, and purposes, as his said Royal Highness, or his heirs, might, could or ought to hold, enjoy, use, exercise or execute the same by force and virtue of the said several and respective before recited Letters Patents, or either of them, or any thing in them, or either or any of them, contained or otherwise howsoever. Provided always, that these presents be entered with the Auditor General of his said Royal Highness within two months next after the date hereof. In witness whereof the parties above mentioned to these present indentures, interchangeably have set their hands and seals, the day and year first above written.

JAMES.

Sealed and delivered by his Royal Highness, in the presence of Ro. Werden, William Crofts, John Ashton.
Duke of York's Release. 151

Charles, R.

WHEREAS his Majesty for divers good causes and considerations him thereunto moving, by Letters Patents bearing date the twenty ninth day of June, Anno Domini 1674, in the twenty sixth year of his Majesty's reign, was pleased to give and grant unto his dearest brother JAMES, Duke of York, several territories, islands, and tracts of land in America, part of which were since called by the name of Nova Caesarea or New Jersey, and was vested in John Lord Berkeley, of Stratton, and Sir George Carteret, Knight and Barronet, who were both of his Majesty’s most honourable Privy Council, and in their heirs and assigns: And the east part or portion of the said Province of New Jersey, by a certain deed of partition afterwards made, became the share of the said Sir George Carteret, his heirs and assigns, and was agreed to be called East New Jersey, and was since assigned to the present Proprietors. AND WHEREAS his Royal Highness JAMES, Duke of York, by his indenture bearing date the fourteenth day of March, Anno Dom. 1682, in the thirty-fifth year of his Majesty’s reign (for the consideration therein mentioned) did grant and confirm the said Province of East New Jersey, (extending eastward and northward all along the sea coast and Hudson's river, from Little Egg Harbour, to that part of Hudson's river which is in forty one degrees of northren latitude, and otherways bounded and limitted as in said grant and confirmation, relation being thereunto had, may more particularly and at large appear) unto James, Earl of Perth, John Drummond, of Lundie; as also unto Robert Barckly, of Eury, Esq; Robert Gordon, of Clunie, Esq; and others his Majesty’s loving subjects in England, Scotland, and else where, to the number of twenty-four grantees, and to their heirs and assigns forever; together with all powers and jurisdiction necessary for the good government of the said Province. His Majesty therefore doth hereby declare his royal will and pleasure, and doth strictly charge and command the planters and inhabitants, and all other persons concerned in the said Province of East New Jersey, that they do submit and yield all due obedience to the laws and government of the said grantees, their heirs and assigns, as absolute Proprietors and Governors thereof, (who have
the sole power and right derived under his Royal Highness from his said Majesty, to settle and dispose of the said Province upon such terms and conditions as to them shall seem good) as also to their deputy or deputies, agents, lieutenants, and officers, lawfully commissioned by them according to the powers and authorities granted to them. And of this his Majesty's royal will and pleasure, the Governor and Council is required to give publick notice, his Majesty expecting and requiring forthwith a due compliance with this his royal will and pleasure, from all persons as well without the Province as within the same, (who these presents do or may concern) as they will answer the contrary thereof at their peril. Given at the Court at Whitehall, the twenty-third day of November, 1683, in the thirty-fifth year of his Majesty's reign.

By his Majesty's command,

SUNDERLAND.

To the Governor and Council of East New Jersey, for the time being, and to the planters, inhabitants, and all others concerned in the said Province.

Note. Tho' this letter is dated after some of the following instruments, it was thought best to place it here, that the title might appear together.
The Fundamental Constitutions for the Province of East New Jersey in America, Anno Domini 1683.

SINCE the right of government, as well as soil, is in the four and twenty Proprietors, and that the same is confirmed to them a new by a late patent from James Duke of York, pursuant of patent granted to him from the King; the Proprietors for the well ordering and governing of the said Province, according to the powers conveyed to them, do grant and declare, that the government thereof shall be as followeth, viz.

I. That altho' the four and twenty Proprietors have formerly made choice of Robert Barclay, Esq; for Governor, during his natural life, and to serve by a deputy to be approved of by sixteen of the Proprietors, until he himself shall be upon the place, which is by these presents ratified and confirmed, to all intents and purposes: Yet after the decease of the said Robert Barckly, or by reason of his malverstation, the Proprietors shall find cause to divest him of the government, the four and twenty Proprietors shall choose a Governor; in order to which it shall be in the power of each of them to name one, and sixteen of the four and twenty shall determine it: which Governor shall be obliged to serve and reside upon the place, and shall only continue for three years; and if any shall directly or indirectly prolong or advise the continuance for any longer time, or of new to choose him again, or his son, within the three years, it shall be esteemed a betraying of the publick liberty of the Province; and the actors shall be esteemed as publick enemies; and the said Governor that shall be so continued, shall be reputed guilty of the same, not only by reason of his acceptance of that continuation, but also by reason of any kind of solicitation which he may directly or indirectly have endeavoured. If the Governor do die before the three years be expired, the Proprietors shall choose one to supply his place, for the time the other should hold it, and no longer. Provided, that this limitation of three
years abovementioned, do not extend to the Deputy Governor of Robert Barclay, for seven years after that passing of those constitutions, who may be for a longer time than three years, if the Proprietors see meet.

II. That for the government of the Province, there shall be a great Council, to consist of the four and twenty proprietors, or their proxies in their absence, and one hundred forty-four to be chosen by the freemen of the Province. But forasmuch as there are not at present so many towns built as there may be hereafter, nor the Province divided into such counties as it may be hereafter divided into, and that consequently no certain division can be made how many shall be chosen for each town and county; at present four and twenty shall be chosen for the eight towns that are at present in being, and eight and forty for the county, making together seventy-two, and with the four and twenty Proprietors, ninety-six persons, till such times as the great council shall see meet to call the above mentioned number of one hundred forty-four, and then shall be determined by the great council, how many shall come out of each town and county; but every year they shall choose one-third, and the first chosen shall remain for three years, and they that go out shall not be capable to come in again for two years after, and therefore they shall not be put in the ballot in elections for that year: and in order to this election, they shall in course meet in their several boroughs and counties the six and twentieth day of March, beginning in the year one thousand six hundred eighty-four, and choose their several representatives; whose first day of meeting shall be the twentieth of April afterwards; and they shall sit upon their own adjournments, if they see meet, till the twentieth of July following, and then to be dissolved till the next year, unless the Governor and common council think fit to continue them longer, or call them in the intervall; but if any of those days fall on the first day of the week, it shall be deferred until the next day.

III. The persons qualified to be freemen, that are capable to choose and be chosen in the great Council, shall be every planter and inhabitant dwelling and residing within the Province, who hath acquired rights
to and is in possession of fifty acres of ground, and hath cultivated ten acres of it; or in boroughs, who have a house and three acres; or have a house and land only hired, if he can prove he have fifty pounds in stock of his own: and all elections must be free and voluntary, but were any bribe or indirect means can be proved to have been used, both the giver and acquirer shall forfeit their priviledge of electing and being elected forever: and for the full preventing of all indirect means, the election shall be after this manner, the names of all the persons qualified in each county, shall be put in equal pieces of parchment, and prepared by the sheriff and his clerk the day before, and at the day of election shall be put in a box, and fifty shall be taken out by a boy under ten years of age; these fifty shall be put into the box again, and the first five and twenty then taken out shall be those who shall be capable to be chosen for that time; the other five and twenty shall by plurality of votes, name (of the aforesaid twenty five) twelve, if there be three to be chosen, and eight if there be two to stand for it; these nominators first solemnly declaring before the sheriff, that they shall not name any known to them to be guilty for the time, or to have been guilty for a year before, of adultery, whoredom, drunkeness, or any such immorality, or who is insolvent or a fool; and then out of the twelve or eight so nominated, three or two shall be taken by the ballot as abovesaid.

IV. It shall be the priviledge of every member of the great Council, to propose any bill in order to a law, which being admitted to be debated, shall be determined by the vote, wherein two parts of three shall only conclude; but of this, twelve of the Proprietors, or their proxies, must be assenting; which shall also be requisite after the number of freemen are double: Nor shall any law be made or enacted to have force in the Province, which any ways touches upon the goods or liberties of any in it, but what thus passeth in the great Council; and whoever shall levy, collect or pay any money or goods without a law thus passed, shall be held a publick enemy to the Province, and a betrayer of the publick liberty thereof: also the quorum of this great Council shall be half of the Proprietors, or their proxies, and half of the freemen at least; and in
determination, the proportionable assent of both Proprietors and freemen must agree, viz. two parts of whatever number of freemen, and one half of whatever number of Proprietors are present.

V. For the constant government of the Province there shall be with the Governor a common Council, consisting of the four and twenty Proprietors, of their proxies, and twelve of the freemen, which shall be chosen by the ballot out of the freemen of the great Council, and shall successively go off each year as they do; which common Council will thus consist of six and thirty, whereof they shall be three committees; twelve for the publick policy, and to look to manners, education and arts; twelve for trade and management of the publick Treasury; and twelve for plantations and regulating of all things, as well as deciding all controversies relating to them: in each committee eight shall be of the Proprietors, or their proxies, and four of the freemen; each of these committees shall meet at least once a week, and all the thirty six once in two months, and oftner, in such places and at such times as they shall find most convenient. And if it happen the number of freemen in the great Council to be doubled, there shall also be twelve more of them be added to the common Council; in this common Council and those several committees the one half shall be a quorum, as in the former article.

VI. All laws shall be published and run in the name of the Governor, Proprietors and representatives of the freemen of the Province, and shall be signed by two of the Proprietors, two of the freemen, the Secretary and the Governor, or deputy Governor for the time being, who shall preside in all meetings, and have two votes, but shall no ways pretend to any negative vote; but if he or they refuse to do his or their duty, or be accused of malversation, he shall be liable to the censure of the Proprietors, and if turned out, there shall be another chosen to fulfil his time as is abovesaid.

VII. Forasmuch as by the Concessions and agreements of the former Proprietors, (to wit) the Lord Berkeley and Sir George Carteret, to and with all and every
the adventurers and all such as shall settle and plant in the Province in *Anno* 1664, it is consented and agreed by the six and seven articles, that the great Assembly should have power, by act confirmed as there expressed, to erect, raise and build within the said Province, or any part thereof, such and so many forts, castles, cities and other places of defence, and the same, or any of them, to fortify and furnish with such provisions and proportions of ordinance, powder, shot, armour and all other weapons, ammunition and abilements of war, both offensive and defensive, as shall be thought necessary and convenient for the safety and welfare of the said Province; as also to constitute train bands and companies, with the number of the soldiers, for the safety, strength and defence of the aforesaid Province; to suppress all mutinies and rebellions; to make war offensive and defensive, against all and every one that shall infest the said Province, not only to keep the enemy out of their limits, but also, in case of necessity, the enemy by sea and land to pursue out of the limits and jurisdiction of the said Province. And that amongst the present Proprietors there are several that declare, that they have no freedom to defend themselves with arms, and others who judge it their duty to defend themselves, wives and children, with arms; it is therefore agreed and consented to, and they the said Proprietors do by these presents agree and consent, that they will not in this case force each other against their respective judgments and consciences; in order whereunto it is *Resolved*, that on the one side, no man that declares he cannot for conscience sake bear arms, whether Proprietor or planter, shall be at any time put upon so doing in his own person, nor yet upon sending any to serve in his stead. And on the other side, those who do judge it their duty to bear arms for the publick defence, shall have their liberty to do in a legal way. In pursuance whereof, there shall be a fourth committee erected, consisting of six proprietors, or their proxies, and three of the freemen, that are to set in the other three committees, which shall be such as do understand it their duty to use arms for the publick defence; which committee shall provide for the publick defence without and peace within, against all enemies whatsoever; and shall therefore be stiled the committee for the preservation of the publick peace: And that all things
may proceed in good order, the said committee shall propose to the great Council what they judge convenient and necessary for the keeping the peace within the said Province, and for publick defence without, by the said great Council to be approved and corrected, as they, according to exigence of affairs, shall judge fit; the execution of which resolutions of the great Council shall be committed to the care of the said committee. But because through the scruples of such of the Proprietors, or their proxies, as have no freedom to use arms, the resolutions of the great Council may be in this point obstructed, it is resolved and agreed, and it is by these presents resolved and agreed, that in things of this nature, the votes of these Proprietors shall only be of weight at such time or times as one of these two points are under deliberation, which shall not be concluded where twelve of the Proprietors and two thirds of the whole Council, as in other cases, are not consenting, (that is to say) first, whether, to speak after the manner of men, (and abstractly from a man’s persuasian in matters of religion) it be convenient and suitable to the present condition or capacity of the inhabitants, to build any forts, castles or any other places of defence? If yea; where and in what places (to speak as men) they ought to be erected. Secondly, whether there be any present or future foreseen danger, that may, (to speak as men without respect to ones particular persuasian in matters of religion) require the putting the Province into a posture of defence, or to make use of those means which we at present have, or which, from time to time as occasion may require, according to the capacity of the inhabitants, we may have; which ability and conveniency of those means of defence, and (to speak as men without respect to any man’s judgment in matters of religion) the necessity of the actual use thereof, being once resolved upon; all further deliberations about it, as the raising of men, giving of commissions both by sea and land, making Governors of forts, and providing money necessary for maintaining the same, shall belong only to those members of the great Council who judge themselves in duty bound to make use of arms for the defence of them and theirs. PROVIDED, that they shall not conclude any thing but by the consent of at least five parts out of six of their number; and that
none of the Proprietors and other inhabitants may be forced to contribute any money for the use of arms, to which for conscience sake they have not freedom, that which is necessary for the publick defence, shall be borne by such as judge themselves in duty bound to use arms. Provided, that the other, that for conscience sake do oppose the bearing of arms, shall on the other hand bear so much in other charges, as may make up that proportion in the general charge of the Province. And as the refusing to subscribe such acts concerning the use and exercise of arms abovesaid, in the Governor and Secretary, if scrupulous in conscience so to do, shall not be esteemed in them an omission or neglect of duty, so the wanting thereof shall not make such acts invalid, they being in lieu thereof, subscribed by the major part of the six Proprietors of the committee for the preservation of the publick peace.

VIII. The choosing the great and publick officers, as Secretary, Register, Treasurer, Surveyor General, Marshal, and after death of turning out of those now first to be nominated, shall be in the Governor and Common Council; as also of all sheriffs, judges, and justices of the peace. But upon any malversation or accusation, they shall be liable to the examination and censure of the great Council, and if condemn'd by them, the Governor and Common Council must name others in their places.

IX. Provided, That all boroughs shall choose their own magistrates, and the hundreds in the county, their constables or under officers, in such manner as shall be agreed to by the great Council.

X. Forasmuch as by the Patent, the power of pardoning in capital offences, is vested in the four and twenty Proprietors; it is hereby declared, that the said power of pardoning shall never be made use of but by the consent of eighteen of the Proprietors, or their proxies: Nevertheless, it shall be in the power of the Governor, in conjunction with four Proprietors, who for the time are judges of the Court of Appeals, to reprieve any person after the day of execution appointed, for some time, not exceeding a month.
XI. The four and twenty Proprietors, in their absence, may vote in the great and common Council by their proxies; one Proprietor may be proxy for another, yet so as not but for one, so that none can have above two votes: The proxies of the Proprietors must be such as has shares in properties not under a twentieth part.

XII. That whoever has any place of publick trust in another Province, tho' a Proprietor, shall not sit in the great or common Council, but by their proxies, unless thereunto particularly called by the one or other Council.

XIII. Whatever Proprietor doth not retain at least one fourth part of his propriety, viz. one ninety sixth part of the country, shall loose the right of government, and it shall pass to him who has the greatest share of that propriety, exceeding the above mentioned proportion: But if two or three has each one ninety sixth part, they shall have it successively year about, like as when a propriety is in two hands, he who is upon the place, if the other be absent, sick or under age, shall still have it; but if both there, then by turns as above-said; and if in a provided propriety all be absent, the proxies must be constituted by both; if but two or the greater number if there be more. And if any who sells a part of his propriety, and retains one ninety sixth part and the title of the government portion be absent, whoever has shares for him, not under one ninety sixth part, being present, shall set for him, whether having a proxy or not; and if there be more than one, it shall go by turns as above. But because after sometime by division among children, it may happen that some one twenty fourth part may be so divided, that not any one may have one fourth part of a propriety, or one ninety sixth part of the whole, in that case the Proprietors shall elect one having not under one ninety sixth part, to bear the character of the government for that propriety: But if the county shall fall to be so divided, that there shall not be found four and twenty persons who have one ninety sixth part each; then whoever has five thousand acres, shall be capable to be chosen to be one of the four and twenty, and that by the rest of the Proprietors, by the ballot, each
having priviledge to lift one; but this not to take place till forty years after the settling of these constitutions: And if twenty years after the expiration of the forty years above mentioned, it shall fall out that four and twenty persons cannot be found who have each five thousand acres, it shall be then in the power of the great Council to make a less number of acres sufficient to carry the character of the government, provided they bring it not under three thousand acres (the Proprietors being always electors as abovesaid) no Proprietor under one and twenty years shall be admitted to vote, but during nonage there shall be a proxy appointed by the tutor, and failing that, by the other Proprietors.

XIV. In all civil and ordinary actions, the Proprietors shall be judged after the same manner, and lyable to the same censure with any other; but in all cases that are capital, or may infer for forfeiture of their trust or Proprietorship, they shall be adjudged by a jury of twelve of the Proprietors, or their proxies, or such as has share in a propriety not under one twentieth part; the bill being first found relievant against them by a grand jury of twelve Proprietors and twelve free men to be chosen by the ballot, as in article nineteen.

XV. For preserving a right balance, no Proprietor shall at any time require or purchase more than his one four and twentieth part of the county; but if by any accident, more fall into the hands of any of the Proprietors, he may be allowed to dispose of it to his children, tho' under age, yet not so as to acquire to himself more than one vote besides his own; but if such an acquirer have no children he shall be obliged to sell it within one year after he has acquired it, nor shall he evade this by putting in another's name in trust for him; but shall upon his assignment solemnly declare himself to be realy and effectually divested of it for the proper use of him it is assign'd to: And if within three years he find not a merchant, he shall be obliged to dispose of it at the current rate to the rest of the Proprietors, to be holden in common by them, who shall appoint one to bear that character in the government, untill such a share of it fall in one hand, by a former article may render him capable, by the consent of two parts of the other Proprie-
tors, to have the power devolved in him; and if by this or any other accident one or more votes be wanting in the interim, the Proprietors shall name others qualified as above to supply their places.

XVI. All persons living in the Province who confess and acknowledge the one Almighty and Eternal God, and hold themselves obliged in conscience to live peaceably and quietly in a civil society, shall in no way be molested or prejudged for their religious persuasions and exercise in matters of faith and worship; nor shall they be compelled to frequent and maintain any religious worship, place or ministry whatsoever: Yet it is also hereby provided, that no man shall be admitted a member of the great or common Council, or any other place of publick trust, who shall not profess faith in Christ Jesus, and solemnly declare that he doth no ways hold himself obliged in conscience to endeavour alteration in the government, or seeks the turning out of any in it or their ruin or prejudice, either in person or estate, because they are in his opinion hereticks, or differ in their judgment from him: Nor by this article is it intended, that any under the notion of this liberty shall allow themselves to avow atheism, irreligiousness, or to practice cursing, swearing, drunkenness, prophaness, whoring, adultery, murdering or any kind of violence, or indulging themselves in stage plays, masks, revells or such like abuses; for restraining such and preserving of the people in diligence and in good order, the great Council is to make more particular laws, which are punctually to be put in execution.

XVII. To the end that all officers chosen to serve within the Province, may with the more care and diligence answer the trust reposed in them; it is agreed, that no such person shall enjoy more than one public office at one time: But least at first before the country be well planted, there might be in this some inconveniency, it is declared, that this shall not necessarily take place till after the year 1685.

XVIII. All chart, rights, grants and conveyances of land (except leases for three years and under) and all bonds, wills, and letters of administration and specialties above fifty pounds, and not under six months, shall
be registred in a publick register in each county, else be void in law: also there is to be a register in each county for births, marriages, burials and servants, where their names, times, wages and days of payment shall be registred; but the method and order of settling those registers is recommended to the great Council; as also the fees which are to be moderate and certain, that the taking of more in any office, directly or indirectly by himself or any other, shall forfeit his office.

XIX. That no person or persons within the said Province shall be taken and imprisoned, or be devised of his freehold, free custom or liberty, or be outlawed or exiled, or any other way destroyed; nor shall they be condemn’d or judgment pass’d upon them, but by lawful judgment of their peers: neither shall justice nor right be bought or sold, deferred or delayed, to any person whatsoever: in order to which by the laws of the land, all tryals shall be by twelve men, and as near as it may be, peers and equals, and of the neighbourhood, and men without just exception. In cases of life there shall be at first twenty-four returned by the sheriff for a grand inquest, of whom twelve at least shall be to find the complaint to be true; and then the twelve men or peers to be likewise returned, shall have the final judgment; but reasonable challanges shall be always admitted against the twelve men, or any of them: but the manner of returning juries shall be thus, the names of all the freemen above five and twenty years of age, within the district or boroughs out of which the jury is to be returned, shall be written on equal pieces of parchment and put into a box, and then the number of the jury shall be drawn out by a child under ten years of age. And in all courts persons of all perswasions may freely appear in their own way, and according to their own manner, and there personally plead their own causes themselves, or if unable, by their friends, no person being allowed to take money for pleading or advice in such casas: and the first process shall be the exhibition of the complaint in court fourteen days before the tryal, and the party complain’d against may be fitted for the same, he or she shall be summoned ten days before, and a copy of the complaint delivered at their dwelling house: But before the complaint of any person be received,
he shall solemnly declare in court, that he believes in his conscience his cause is just. Moreover, every man shall be first cited before the court for the place where he dwells, nor shall the cause be brought before any other court but by way of appeal from sentence of the first court, for receiving of which appeals, there shall be a court consisting of eight persons, and the Governor (protempore) president thereof, (to wit) four Proprietors and four freemen, to be chosen out of the great Council in the following manner, viz. the names of sixteen of the Proprietors shall be written on small pieces of parchment and put into a box, out of which by a lad under ten years of age, shall be drawn eight of them, the eight remaining in the box shall choose four; and in like manner shall be done for the choosing of four of the freemen.

XX. That all marriages not forbidden in the law of God, shall be esteemed lawful, where the parents or guardians being first acquainted, the marriage is publickly intimated in such places and manner as is agreeable to mens different persuasions in religion, being afterwards still solemnized before creditable witnesses, by taking one another as husband and wife, and a certificate of the whole, under the parties and witnesses hands, being brought to the proper register for that end, under a penalty if neglected.

XXI. That all witnesses coming or called to testify their knowledge in or to any matter or thing in any court or before any lawful authority within the Province, shall there give and deliver in their evidence by solemnly promising to speak the truth, the whole truth and nothing but the truth, to the matter in question. And in case any person so doing shall be afterwards convict of willful falsehood, both such persons as also those who have proved to have suborn, shall undergo the damage and punishment both in criminal and in civil; the person against whom they did or should have incurred, which if it reach not his life, he shall be publickly exposed as a false witness, never afterwards to be credited before any court; the like punishment in cases of forgery, and both criminals to be stigmatized.
XXII. Fourteen years quiet possession shall give an unquestionable right, except in cases of infants, lunatics or married women, or persons beyond sea or in prison. And whoever forfeits his estate to the government by committing treason against the Crown of England, or in this Province, or by any other capital crime, the nearest of kin may redeem it within two months after the criminals death, by paying to the public treasury not above one hundred pounds, and not under five pounds sterling, which proportion the common Council shall determine, according to the value of the criminals estate, and to the nature of the offence; reparation to any who have suffered by him, and payment of all just debts being always allowed.

XXIII. For avoiding innumerable multitude of statutes, no act to be made by the great Council shall be in force above fifty years after it is enacted; but as it is then de novo confirmed, allways excepting these four and twenty fundamental articles, which, as the primitive charter, is forever to remain in force, not to be repealed at any time by the great Council, tho' two parts of the Council should agree to it, unless two and twenty of the four and twenty Proprietors do expressly also agree, and sixty six of seventy two freemen; and when they are one hundred forty four, one hundred thirty two of them; and also this assent of the Proprietors must be either by their being present in their own persons, or giving actually their votes under their hands and seals (if elsewhere) and not by proxies; which solemn and express assent must also be had in the opening of mines of gold and silver; and if such be opened, one third part of the profit is to go to the publick Treasury; one third to be divided among the four and twenty Proprietors, and one third to Proprietor or planter in whose ground it is; the charges by each proportionably borne.

XXIV. It is finally agreed, that both the Governor and the members of the great and common Council, the great officers, judges, sheriffs and justices of the peace, and all other persons of public trust, shall before they enter actually upon the exercise of any of the employs in the Province, solemnly promise and subscribe to be true and faithful to the king of England,
his heirs and successors, and to the Proprietors, and he shall well and faithfully discharge his office in all things according to his commission, as by these fundamental constitutions is confirmed, the true right of liberty and property, as well as the just balance both of the Proprietors among themselves, and betwixt them and the people: it’s therefore understood, that here is included whatever is necessary to be retained in the first Concessions, so that henceforward there is nothing further to be proceeded upon from them, that which relates to the securing of every man’s land taken up upon them, being always excepted. And provided also, that all judicial and legal proceedings heretofore done according to them, be held, approved and confirmed.


Note. It appears on reading the foregoing instrument, that in sundry places the sense is not compleat, but it is likely to be occasioned by omissions and neglects in recording, and therefore if the original can be come at, it will be proper to re-examine the foregoing copy there-with.

Robert Barclay’s commission to be Governor is not upon record, but his commission for that office during life, is recited at length in his commission to Gawn Lawrie to be his deputy, and which is copied.

He had no doubt a temporary commission before the Proprietors gave him that during life, because he appointed Thomas Rudyard his Deputy Governor before the date of the last mentioned, and he continued till Lawrie superseded him, but as his commission is very short and Lawrie’s more full, besides the recital of Barclay’s, it is thought sufficient to copy that and that only, because there seems nothing material to be taken notice of in the succeeding commissions.

See a few pages further, a declaration what the planters settled before the present Proprietors bought the Province, are to do before they are to have the benefit of the foregoing constitutions.
To the Planters and Inhabitants of the Province of East Jersey in America, Robert Barclay, Governor and Proprietor, and the other Proprietors of the said Province, send Greeting.

SINCE it hath pleased Almighty God to order it so by his Providence, as to give us the interest we have in this Province whereupon you reside, we desire nothing more than to approve ourselves in this station as you may find yourselves happy in this our purchase: And we do not only hold ourselves obliged by the laws of God, and just laws of men, but our own interest, to use all lawful and honest means to make that plantation prosperous, which as it cannot be without your sharing in the advantage of it, so the satisfaction and benefit we propose to ourselves is by the good success of your affairs, which we are resolved to advance, knowing that your interest is now so bound up with ours, that we cannot suffer if you prosper, nor prosper where you are injured, THEREFORE have we sent over to you two of our number, honest and prudent men, by whose good advice and assistance we hope the plantation will be benefited, and in a great measure settled. We have given them instructions, and we are confident of their readiness therein to shew themselves not only just, but kind and friendly towards you, to confirm the rights of such as are there planted upon the Concessions already granted, and supply the defects where any want a sufficient right upon equal and easy terms; and so do every thing else that towards the good government and advantage of the Colony may be needful: They can acquaint you, that there are concern'd with us who are very capable in many respects, both to advance our just interest and protect us from those that may attempt to hurt us. And we will be very glad to hear that all things proceed with a good harmony, so that we may have only occasion to use our interest and authority to encourage you, and shall be well satisfied there be no
need of that which must take place for suppressing the stubborn and obstinate; but we will hope to find none such among you; but that the justice and generosity of our intentions will oblige all to a careful compliance with our just and friendly demands; so committing you all to the protection of Almighty God, we remain your real friends,


Robert Barclay, one of the Proprietors and Governor of the Province of East New Jersey in America, to his trusty and well beloved Fellow Proprietor Gawn Lawrie, sendeth Greeting.

WHEREAS the Proprietors of East New Jersey aforesaid having by their commission under their hands and the seal of the said Province, constituted the said Robert Barclay Governor thereof, which said commission is in these words, or to this effect, to the Proprietors of the Province of East New Jersey, to our trusty and well beloved fellow Proprietor Robert Barclay, sendeth greeting. Whereas the power of government of the Province of East New Jersey, is devolved upon us, and assigned to us by James Duke of York, with power to constitute and appoint such Governor and commissioners for the well governing of the said Province, as we shall see meet; and we having heretofore, out of the confidence we had of Robert Barclay, his skill, prudence and integrity, constituted and appointed him Governor of the said Province, to appoint a deputy during his absence therefrom, to be approved by sixteen of the Proprietors, upon the same
reason and confidence, we do hereby confirm to him the government of the said Province during all the days of his life, as to have the power of the government of all the said Province, and of all isles, rivers, islands, and seas within the same or belonging thereto, to do all and every thing or things which to the charge and office of a Governor doth appertain, commanding all inferior officers to obey him as their Governor, according to this our commission, and the powers hereby given him, and according to the laws and constitutions made or confirmed by us, or to be made, which he himself is to observe and follow, as unto his duty and office doth appertain. AND WHEREAS we have agreed and are satisfied, for certain good reasons and considerations moving us thereunto, to commit this trust unto him, and to give him this character, without laying any necessity upon him to repair to the said Province; so likewise we have and do hereby give him power, from time to time as need shall be, during his absence, to name and constitute and grant commission to a deputy Governor, to serve in the said Province, he being always approved by sixteen of us the Proprietors, and following the orders he receives from us, according to the laws and the constitutions of the said Province. Given under the seal of the said Province, and sign'd by our hands, dated at London, the seventeenth day of the fifth month called July, in the year of our Lord, according to the English account, one thousand six hundred eighty and three, subscribed by Thomas Cooper, Clement Plumstead and proxy for Robert Turner, William Gibson, Arent Sonmans, William Dockwra, Thomas Hart, Gawn Lawrie, James Braine, elder, Thomas Barker, Richard Mew. He the said Robert Barclay, according to the power given him by virtue of the said commission, doth hereby as far as in him lyeth, out of the confidence he hath of the said Gawn Lawrie's skill, prudence and integrity, with the approbation of sixteen of the Proprietors of the said Province, testified by their signing hereof, constitute and appoint him deputy Governor of the said Province, and of all isles, rivers, islands and seas within the same, or belonging thereto; to do all and every thing and things which to the charge and office of a Governor doth appertain; commanding all inferior officers to obey him as their Governor according to this commission, and the power hereby given him, and according to the laws and
constitutions made and confirmed, or to be made and confirmed, by the Proprietors of the said Province; which he the said Gawn Lawrie is to observe and follow, as to his duty and office doth appertain; to hold unto the said Gawn Lawrie for and during so long time as he shall in the said place or office of a deputy Governor well behave himself, not exceeding seven years. And the said Robert Barclay doth further give power to the said Gawn Lawrie, in case of urgent necessity, to appoint a Deputy under him. Given under the seal of the said Province, and signed by the said Robert Barclay, and sixteen of the Proprietors of East New Jersey aforesaid, dated at London the day of the month called July, in the year of our Lord, according to the English computation, one thousand six hundred eighty and three. Memorandum, these words not exceeding seven years, were first interlined. Robert Barclay. Perth, Thomas Cox. James Braine, elder. Clement Plumstead, proxy for Robert Turner. Arent Sonmans. William Dockwra. William Gibson for himself and proxy for William Penn. Thomas Cooper. Richard Mew. Bartholomew Gibson. Edward Byllying. Thomas Hart. Thomas Barker, and proxy for Ambrose Rigg. Subscribed at Cluny, in Scotland, the seventh day of September 1683, by Robert Gordon. Robert Burnet.
Instructions to Governor Lawrie.

INSTRUCTIONS for Gawen Lawrie, when it shall please God to bring him to East New Jersey. In the first place we do lay it upon him to take all due care to observe the act of navigation, and to see that it be infringed in nothing as to what relates to the king's customs or otherwise, and to give no connivance to any so to do, that there be no just occasion given of complaint, or reflections upon the Proprietors on that account, but that in all things he demean himself, and see that others under his authority so do, as may witness our sincere intentions of all submissions and obedience to the king, according to the obligations laid upon us by our patent.

II. That he keep a good and friendly correspondence with the Governor and colony of New York, and be careful of avoiding all things that may interfere with their interest, or give just reason of complaint from them; that he be not apt to give any encouragement to people to transport themselves from thence, minding that we do not design to advance our interest by any thing which may prove prejudicial to that Province.

III. We desire him also to keep a good and fair correspondence with all other our neighbouring colonies, and in all things labour to maintain peace and good will with them, wherein there doth not appear a manifest prejudice to us, and your just and honest interest.

IV. We do recommend to him to take inspection into our instructions last sent over, and to mind putting them in execution, and prosecuting them as if they were here particularly repeated and renewed.

V. We desire him to use all means of gentles and tenderness with the people there, and to let them understand our just and kind intentions towards them, that they may be disposed on the other hand to be just and respectful towards us.

VI. We do desire him to take a narrow and particular inspection into the state of the seventh reserved to us by the first Concessions, that we may perfectly know what they will amount to, how considera-
ble they are in every town, or in the greatest out plantations, that he may consider the best means of making a just division of them among the proprietors, and to see how it may be ordered that every proprietor may have as many acres of them lying together as may make a tolerable plantation, though the share of one might fall in the seventh of one town, and of another in another, since we think it not practicable that there can be division of the seventh of every town in twenty-four parts, it would make so many inconvenient fractions; so that the six towns, whose sevenths are not yet taken up by the Proprietors, (for Woodbridge goeth to Perth Town) it may be expedient that two sevenths go to eight Proprietors (consideration of the advantage or disadvantage of scitation or of the different quantity being had) and so divided by an equal lot in three parts, one to each eight Proprietors, and then a subdivision amongst them accordingly; yet this is still so proposed as it is remitted to his discretion, being upon the place and fully informed, to propose any better expedient.

VII. We think also the same may do well as to the division of the ten thousand acres to be set out to each Proprietor as hath been formerly ordered, which we desire may be done forthwith without any delay, viz. that any tract of land which is pitched upon for the laying out the ten thousand acres as a part of it, may be cast first in three equal parts or lotts, one to each eight Proprietors, or in two, viz. to each twelve if it be found most convenient, and then a subdivision to be made; always minding that these eight who have sent over servants and goods in company make one of the three, that being most just and convenient; as also if it may be had that at least two thousand acres may lye together for each Proprietor to be a particular plantation to them if they be so disposed.

VIII. We judge it also needful, that not only this two hundred and forty thousand acres, now to be set out to the Proprietors, be freed of all Indian incumbrances and purchased from them out of the company's stock, but that no opportunity be omitted of purchasing more land from the Indians until the
whole Province be bought from them, and for this end whatever is there, of the company's stock or of profits arising to them from the quit-rents, or otherwise, be employed.

IX. We desire he may make all needful preparations towards drawing the line of division between us and West Jersey, that it may be done as soon as possible it can; and that in the interim to take what information he can, where it will fall, so that we may have a certain account both of the breadth and length of the Province, and of the quantity of land that is in it, and of the nature of the soil and convenience of those back parts of it whereof we have not yet so particular an account, and in this we could wish it might be discovered whether there may not a convenient road be found betwixt Perth Town and Burlington, for the entertaining a land commerce that way.

X. As to the quit-rents, we desire it may be seriously considered what has been said in the sixteen and seventeen paragraphs of our former letter directed to T. R and the advice of Council, therewith sent, to mind whether the land be taken up according to the old Concessions; for if it be not so taken up, it is strange why we should be pressed to confirm it, therefore consider the third article of the old Concessions, where all leases and grants are to be registered. And the fourth article, the Surveyor General is to lay out and bound all land, which is to be done by order of the Governor and Council; and in the sixth article it is expressly said, all that are to be free men of the said Province are first to be admitted by the Proprietors, or their order; it must also be examined whether any have not a great deal more land than is in their patents, and in that case we leave him to make the best agreement with them he can, so as it may appear to them we are not so strict as in justice we may: And also where any are run far behind in their quit-rents and owe much, if they have much more land than they have yet brought in or have present use for, we judge it no ill expedient to pass them—who by past quit-rents, they of consent dispensing with a part of
their land to the Proprietors use where it lyes conveniently, as where some have ten or more thousand acres, and have perhaps used but a small part of it, as yet, and payed none or very little quit-rent for it, they may be content to let go a good part of it, rather then pay all their rests and be liable to pay the quit-rents for all time coming, so we leave him to bargain with them in such cases, as in discretion he shall see meet, not standing much with them upon small matters.

XI. We desire as soon as conveniently he can, a true and clear information of the state of the land already taken up, of the value of the quit-rents, of the rests owing, of the agreements he may make with any of them, and of the situation, number of acres and valuation of the sevenths.

XII. As for the patents and grants of land given by Governor Nicholls which several seems to stand upon, we desire it may be examined what power Governor Nicholls had from the Duke, how far it extended, whether he had power to sell, lett or grant patents for land in Jersey's, also whether he made any laws or concessions, and if he had power so to do by his commission, and how his commission was limited for we have it not; if he had no power to make laws or concessions, then by what rule could they proceed to take up land and settle upon it. And whereas some have pretended a right to government as well as soil, that cannot be: For suppose Governor Nichols had power to be Governor, it was to govern by some laws; if so where were these laws, who made them, and by what authority; he could not divide the government so as to rescin'd one part from the rest; all those things would be well considered; where the difference is small we are willing the advantage fall to the inhabitants; but where the difference resolves any ways to our considerable loss, if it, with the help of the Proprietors there, cannot be brought to a good issue we desire the cause may be truly stated and sent to us, that we may consider of the means to remove it.

XIII. We recommend to him to take care to let the people rightly understand the advantages yielded to
them by this scheme of government now sent over, and how much it exceeds their former commissions, which if rightly understood by them, we hope will be a great means to satisfy them; and also we desire that he may as soon as possible he can, order it to be passed in an Assembly, and settle the country accordingly thereunto.

XIV. WHEREAS in the tenth article of the first Concessions, the Assembly is to raise and provide a supply, for maintaining of the Governor and defraying all necessary charges, we recommend unto him the minding of this and managing of it with all the dexterity he can, that as we desire in all things to approve our selves just to the inhabitants, so likewise they may be found so to us, in this necessary point.

XV. WHEREAS one George Lockhart, who has a considerable plantation in the Province (as he informs us) is desirous to have the marshalls place, and offers (we giving him a commission for that office, together with a lott of ten acres in Perth town) to build us a prison and town house there, we do wholly leave it to him, to consider what accommodation there may be to us in that proposition, and do hereby fully empower him to grant such commission, and append our seal unto it, and make such agreement with the said George Lockhart as (being upon the place) he shall see meet.

XVI. It is recommended to take particular inspection into the conveniency of fishing, and seriously to consider the advantage which may probably accrue to the Proprietors by an improvement thereof, whereupon we will expect information, and propositions to that effect; and especially as to the whale fishing, which we desire may be encouraged, and to that end we do allow to make use of our effects there, rather then by loss of time in waiting for advice from hence, the fishermen should be drawn elsewhere for want of due encouragement, as we understand some already are.

XVII. As to the lotts at Ambo point, and the town of Perth, there to be built, we desire that due care may be taken that it may be made regularly according to a scheme
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which is intended herewith to be sent; to be sure that the streets be large, that the houses be not crowded one upon another, but that each house have backwards a considerable void for a yard and garden, that so no street be laid close to the back of another without an intervale of at least a pair of butts, and that the key and market place be also conveniently ordered.

XVIII. Though we understand by S. G. and T. R. their letters, that the parcel of land intended for the township is but nine hundred acres, and one hundred of meadow, yet since widow Cartright has offered two hundred lying well to it, we desire it may be accepted, and that three hundred more of what is most contiguous and adjacent may be laid to it, and so make us the number of fifteen hundred as was first proposed, that so there may be one hundred and fifty lots of ten acres a piece; and we think it most convenient that there may be an entire division of these lots amongst the twenty four Proprietors, which shall be about six lots to each, all that is for publick use being first taken off, that so each may build, sell, lett or dispose of their lots as they see meet, which we judge will be the quickest way of building the town: But if any lots be sold already by S. G. or T. R. according to the order they had, if so be they, or some other of the Proprietors, be not willing to allow them in their shares and take the price, then let all that is sold be first deducted of the general, and be divided provato, and the rest be divided amongst the Proprietors, to be disposed of by them as is above mentioned.

XIX. We do also hereby authorize them to call for an account from Samuel Groome of our cargo of 750 £. sent over, and desire thee to send us a particular information per first how it is employed, how it stands, and what is become of it: Also in respect Samuel Groome, the younger, has shewn so great an inclination to sell his fathers propriety, which he has already a right to, and that thereby Samuel Grome, the elder, may either come back or be indisposed to serve in the employment of Surveyor General and receiver of our rents, therefore we do herewith send a blank commission for Surveyor General, and another for general receiver, to be filled
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up by him to such persons as he shall find most proper upon the place for that use.

XX. We do also hereby according to the paetion made betwixt thee and us, order thee as our Deputy Governor, to take possession of the house belonging to the Proprietors, with the orchards and grounds belonging thereto; and we order Thomas Rudyard to give thee possession thereof; and we desire thee to take care to clear all the frivolous pretences of widow Cartright thereto.

XXI. As for the laws made in the last Assembly, sent over to us, we have this to say, that by the first Concessions the Assembly has only power to make laws which are to stand for a year, unless they be approved by the Proprietors: now tho' we have not much to oppose to some of them, yet we see not meet to approve of them, because we have here sent a frame of government which we are perswaded is far more advantageous for the Province, and we desire things hereafter may be ordered accordingly: and for other transient laws, we judge there is no need of multiplying them, which after this method would quickly swell to too vast a bulk; so that in most of those cases mentioned in the laws sent over, it is both most proper and safe that the common law of England serve. London the twenty of the fifth month called July, 1683. Barclay, for himself and for the Earl of Perth. John Drummond, of Lundy, for Robert Burnet, Ar. Sonmans, for myself, and for Robert Gordon. Thomas Barker and for Ambrose Riggs. Richard Mew. Thomas Cooper. Clement Plumstead, per proxy. Robert Turner. William Gibson, for himself and William Penn. Thomas Cox. James Braine, elder. Thomas Hart, William Dockwra.

A POSTSCRIPT, &c.

MEMORANDUM, it is also recommended to Gawn Lawrie, or the Governor for the time being, and it is unanimously agreed, that wherever any land is set out, or cast out into divisions, to be distributed among the Proprietors, before it be by lot applied to particulars for the encouragement of such as are ready by themselves or agents to plant and improve, they shall have choice of the division before the lot be cast: and for the further
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securing the equity of this, that it be passed in the first
great Council as an act; and in pursuance of this, as to
the six thousand acres belonging to the Proprietors upon the
south side of Rariton, over against Ambo Point, that it be
cast in three equal Divisions, two thousand in each, for
every eight Proprietors: and therefore the eight Proprietors
who are now sending over in company both stock and ser-
vants, shall have their choice of these three divisions. AND
WHEREAS the three lots must be cast again in eight divi-
sions, one for each Proprietor, whatever Proprietors at any
time hereafter shall be ready to plant upon and improve his
share, shall likewise have his choice of the sub-divisions.
Barclay, for himself and for the Earl of Perth. John Drum-
mond of Lundy, and Robert Burnet. A. Sonmans, for my-
self and for Robert Gordon, and for B. Gibson. Ambrose
Rigg. Ed. Billing. Thomas Barker, and for Ambrose
Rigg. Thomas Cooper, James Braine, elder. Thomas Hart.
Richard Mew. William Dockwra. William Gibson for
himself and William Penn. Thomas Cox.
Fundamental Constitutions.

Whereas we the Governor and Proprietors of East New Jersey in America, have agreed to a scheme and form of fundamental constitutions for government, greatly tending to the benefit and advantage of the planters and inhabitants of the said Province, wherein we have conceded divers privileges to them, and given them communication of part of the powers we stand seized in; we have seen meet for good and weighty considerations as a further signification and explanation of our intentions therein, to declare that we intend not (neither will we) that the said scheme of government be proposed or yielded to any person or persons but such as shall plant or come to be inhabitants in the said Province under us, and by virtue of deeds or grants from us, or our agents, after our present Deputy Gawn Lawry is arrived and settled there: but we do not yield them to such as have been or are inhabitants of the said Province before his arrival; yet nevertheless as we are most willing to approve ourselves both just and kind to the former planters and inhabitants, we declare and offer unto them the benefit of the said fundamental constitutions, under the limitations and conditions after following and no otherwise.

I.

That the grants and patents of all planters and inhabitants in the said Province, by which they claim to hold any land in the same, be first view’d and examin’d by our Deputy for the time being, and the major part of the Proprietors that come personally on the place (who are not exempted in the twelfth article of the said constitution from publick trust) and be approved by them as justly and legally obtain’d; and that if it be inquired into and found by them (or such as they shall appoint) that their lands, as to the number of acres, do agree with and not exceed their respective grants and patents; and that our sevenths be retain’d according to the old Concessions; and that all legal titles and grants whatsoever formerly obtained, and that shall hereafter be obtained, be entered in the new register for confirmation by the present Proprietors never to be questioned for time to come, to the end there may be perfect peace and settlement of every man’s title in the Province.
II.
That they give him and them satisfaction as to the arrearages of quit rents owing by them, to which we have just right, or satisfy him or them for the same, by surrendering back such part of their lands (to which they have good title,) as shall be to the value of such quit rents as they owe.

III.
That they settle with him as to the punctual payment of quit rents for all time coming: but that no more land than what does appear upon the re-survey due to any man (reasonable commonage excepted) be continued, tho’ he would pay the quit rent, but that it be taken into the Proprietors possession.

IV.
That they agree in the General Assembly or great Council, to pass an act for constant support of the government and defraying the publick and necessary charges.

But in case all or any of them prove obstinate and refractory in these particulars, we will and require our Deputy Governor to rule such as can justly claim to the former Concessions granted by Sir George Carteret, according to them, and to recover our rights that are due from them; and for others that do not readily comply with these conditions, that he rule them according to the full extent of the power and authority granted to us, as he will be answerable.

Nevertheless in case the said planters and inhabitants are willing to make a fair and honest compliance with our just demands, to the end that the settlement with them may not be retarded by our being at a distance, we hereby grant to our Deputy, jointly with the major part of the Proprietors, (that come personally on the place) not excepted as aforesaid, our full and free power to settle and conclude with the said planters and inhabitants, or any of them, upon such terms as they shall judge most equal to them, and convenient for our just interest; and to distinguish such of them as he and they shall find very deserving in promoting the Proprietors just interest, by particular marks of favour and better allowance to them than others; and that all such may
be made partakers of the benefits and advantages proposed in the said constitutions, but none others: Only we do not allow any agreement to be made for selling of the quit-rents to any, until we be further acquainted, and that we send our more particular orders thereupon. In witness whereof we have subscribed this in Scotland the tenth of December 1683, and at London the one and twentieth day of December 1683, and thereto affixed the seal of the Province for its further sanction.


Gawn Lawrie, and fellow Proprietors in Council.

We have seen and considered the letters brought us from East Jersey by John Barclay, from Thomas Rudyard and Samuel Groome, and tho' we doubt not of thy prudence and discretion in the right management of our affairs, yet for thy further ease and assistance, we have thought meet upon those to add what is hereafter, unto the former instructions given thee.

We are very sensible of Samuel Groome's honesty and fidelity to our interest, and therefore cannot but very well approve of his proceedings, both in his care in seeking out and discovering the best land, and surveying it out for our use; for his endeavours to clear it of the Indian incumbrances, and for his refusing to comply with the particular interest of any there, by accommodating them with lands (or others at their desire) to our gene-
rational prejudice; and this we are willing to be signified to him in our name; and we wish there may a way be found whereby he may still continue to be concern'd with us: And tho' we are not willing to let Thomas Rudyard want his due acknowledgment for his good service done in resisting and curbing the tumultuous spirits there, and for his care of his own and our concerns, in that respect; yet we wholly disapprove his offering to put another surveyor over Samuel Groome, and we will not that any such grant of land as having been yielded by Thomas Rudyard after this manner, and not survey'd by Samuel Groome, be good and valid, but declare them to be void, as being done without our knowledge and against our interest; for we will never consent to such a preparative, that the Governor and Council there shall dispose of our land there upon what terms, and to whom they seem meet, without the consent of the greater number of the Proprietors or their proxies.

And as to Thomas Rudyard's objections upon this point, that it is to the detriment of the Province, for that people have not land to settle upon who are willing to come and dwell there, whereas in other Provinces several thousands are quickly accommodated, and had land laid out to them. We answer, that to avoid this difficulty we had proposed a very good way (to wit) that ten thousand acres of the best and most convenient land should be laid out for each proprietor first of all, and then let such as are there grant out of that land as they please and can agree, to such as offer there to plant, and leave others to follow such methods for the improving of theirs, as they see most convenient; and thus all occasion of differences may be avoided, and not one encroach upon another, and those that come there to plant not want a settlement: Nor do we see any difficulty in this matter of the ten thousand acres, seeing to facilitate the same, we gave order, that whenever any tract of land were found out and survey'd for the proprietors use, it might be cast in three lots whether it be twelve, eighteen or twenty-four or thirty thousand acres, less or more; and the one third cast together under the name of the Scotts proprietors, who will take care of the ordering the sub-divisions thereof, by private and particular orders to their own agents and overseers: And have also sent over John Reid (and
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if he be found capable) a good surveyor to make their particular sub-divided surveys, after the total is survey’d by the general surveyor. And now we are of the mind that for the more facilitating of this, when any tract of land is set out for the Proprietors in order to the making up of the ten thousand acres above mentioned, it may be cast not in three, but in two lots, seeing the Scots, with those that are concerned with them, (are resolved to follow that method) may make up the one half, or probably will e’er this come to be put in practice, being already 1 Perth, 2 Lundy, 3 Barclay, 4 Burnet, 5 R. Gordon, whereof G. L. hath the half, 6 Gawn Lawrie, which belongs to Arent Sonman’s children, 7 Arent Sonmans, now belonging to his son, 8 Barthomew Gibson, 9 David Barclay, 10 William Dockwra, 11 the half of Richard Mew belonging to John Hancock, Widow Sonmans brother; so that we doubt not but the one half may be reckoned upon, and therefore we order, that the tracts of land survey’d out for the Proprietors may from time to time be cast in two lots, the one called the Scots lot, and of that we will take care, for such of us as are therein concerned will not consent (as yet) our shares thereof to be sold, or set out at two pence, may not at four pence, one acre; since we have proposed other methods to ourselves, and have a prospect of turning it to a better account; and yet those may follow their own way out of the other part allotted for them, who think it their advantage to set out land at two pence per acre, or sell it off to such as are coming there and offer to plant: Neither do such of us as are otherwise minded, intend to set our land to lye unimprov’d, but hope to have it speedily planted, as by a cargo nine hundred and fifty acres sent lately from Scotland may appear. And to the end there may be no jealousy of design or unequal dealing, we give this positive order, that no tract of land above forty-eight thousand acres be sold out in two lots, viz. twenty four thousand acres each, which will make two thousand acres for a propriety, and that the next tract or neighbouring land on the English side, be appointed for the Scots lot; and the next tract or neighbouring land to the Scots side, be appointed for the English lot, and so toties quotis, as land is set out for the Proprietors: We propose the same methods of casting in two, as to the lots of Amboy (now Perth) Town, cast by
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Samuel Groome, nor see we any difficulty in getting it quickly to advance, after this manner, as Thomas Rudyard, seems to judge in his letter, for there is herewith, orders sent, and a fund proposed for the building twenty four houses, which is a good beginning, and some other persons who have lots, from the Scots Proprietors, intend to build some houses also; which will accommodate such as incline to come for a beginning. And if by that scheme, which is come over, the lots can be distinguish'd and the one half, viz. every other lot, 1, 3, 5, 7. 2, 4, 6, 8, and so one be allotted to the Scots in manner as above, it may be easy by an alphabet or figure, presently to distinguish the six lots belonging to each proprietor, which we desire may be done and sent over with all expedition, for that would give great satisfaction here. And such as have subdivisions under particular Proprietors, would see where their share lies, and then give orders to build upon them, and others would purchase shares, so that we doubt not (this method being followed) but it would quickly go forward, so that we see no necessity, neither are we willing to give lotts away, or at an under rate, to the spoiling of that reputation which we have been instrumental to get in peoples minds, to the advantage of the Colony in general and that spott in particular, upon the informations formerly received.

If so be also, there could be an exact map of the country sent over, wherein these particular tracts set out or to be set out, to the Proprietors, may be marked with the number of acres they consist of, and the division in two halves, (above desired) distinguished, it would greatly contribute to satisfy many, who are desirous to purchase; and tho' this did prolong the time of planting at present, yet it would afterwards more speedily and advantageously advance it; and since those presently inclined to plant, may by grants out of the particular shares, (of others who are there) be accommodated, we see not how we injure them by it, and we hope they will be more weary than to dispose of our interest against our wills.

For the Indian purchase, we shall wish it may go on, and tho' Thomas Rudyard, says the proceeding therein will exceed our cargo which is there, yet we are so desir-
ous of it that we are willing (so far as comes to our share) that Gawn Lawrie purchase it with the consent of the major part of the Proprietors on the place, and draw upon us for it, and we shall answer it, viz. that it be not purchased for any particular account, but on the joint account of all the Proprietors and not otherwise. It is to be minded that in our instructions sent with G. Lawrie, we signified our unwillingness to confirm fully the acts lately passed and sent over to us, but this must not be understood of them all, especially that whereby the late illegal grants, voided by the Assembly, and passed by Vicears.

As to the tenth Article of our instructions giv- en to G. Lawrie, we appoint that the joint assistance, and consent of the major part of the Proprietors on the place be added to him, to act in the business of that article.

It is not to be forgotten, that as soon as can be weekly markets and fairs, at fit seasons, be appointed at Perth Town, and that care be taken that goods be not exported to New York, or other places, but all be brought to Perth, as the chief staple, and that a charter, with all necessary privileges and jurisdictions, be forthwith granted to that corporation, to encourage people to settle there. Barclay for himself, and Robert Gordon. Robert Burnet. Bartholomew Gibson. Perth. Clement Plumstead, per Robert Turner. J. Drummond. Thomas Cox. William Gibson. Thomas Hart. Thomas Cooper. Thomas Barker. Richard Mew. Ambrose Rigg. William Dockwra. London, second of January 1683. Deputy Governor Lawrie, our Governor Barclay, desires thou mayest know, that this last month of December 1683, Sir John Gordon, of Edinburgh, hath purchased half a propriety of Thomas Cooper; and Robert Burnett, of Edinburgh, hath purchased half a propriety of Clement Plumstead, both which they have conveyed, and the deeds sealed accordingly, which does make the better half now, and to explain the figures within, in words at length, they are forty-eight thousand, twenty-four thousand, two thousand for one propriety.

W. O.
WE the Governor and Proprietors of the Province of East New Jersey, being desirous to give all due encouragement to every one that purchases from us of that Colony, and do desire to settle there and improve their lands, having formerly resolved and given orders, that ten thousand acres in the best and most convenient places of the said Province, be with all convenient speed set out for each propriety, do hereby further declare and agree, that whoever has purchased any share or part of a propriety, and goes over, or sends servants to settle upon it, shall have a competent number of acres set out to him or them, lying together in the first tracts of land, surveyed or to be surveyed for the use of that Proprietor, of whom he purchases. Provided such quantity of acres, do not exceed the number hereafter specified, and that they be granted by warrants, limited and expressed in the manner following, that is to say, all who has purchased one-twentieth part, may have five hundred acres in one tract lying together, and the warrant shall bear this express clause, that it is in full of his proportion of the first ten thousand acres, to be set out to each propriety, and he who has a tenth, may take up also five hundred acres, but no more at first, and his warrant shall express it in full, of half of his proportion of the first ten thousand acres aforesaid; and if any have less than one-twentieth, he shall have as much together as his share of the first ten thousand acres amount to, but no more, and it shall be express'd also in full of his proportion of the said first ten thousand acres; and where any such small purchases (going or sending over to settle a family) has his full proportion, he shall have no further lands, until the proprietor of whom he bought, have the full remainder of his ten thousand acres set out to him; and that there be a new division, unless in such case wherein any proprietor who shall have sold one or more small parts of his propriety, shall neglect to settle families and servants on the rest of his lands unsold, so long as until the small purchasers under him, have well planted and improved their land set out to them, at their first settling, as their part of the first ten thousand acres, and that they desire more land to settle, cultivate and improve; in such case, such small purchasers, shall have the like quantity of land as at
first set out together in one tract, out of the remainder of the first ten thousand acres surveyed, or part of those lands belonging to that Proprietor of whom he purchased, and so to a third and fourth division, in favour, and for accommodation, to every such small purchaser, as shall from time to time, have well planted and improved the lands they settled on, when the Proprietor who sells to him shall let his land lye unsettled and unimproved, it being most reasonable that those who do let their lands lye neglected, and make no improvement, should have their shares left to be made up in after divisions, nevertheless it is to be understood that what lands shall from time to time, be so let out to such small purchasers that settle and improve, shall be account as part of their dividend, of their proportional share of the Province.

And it is also hereby declared and agreed, that this instrument, with the concurrence of the Governor, shall be of good authority to the Deputy Governor and Council, who is allow'd to give warrants according to the resolution, for the encouragement of all purchasers who shall transport their families or servants to settle in the said Province, which will promote the general advantage thereof, and for the better publication and fuller confirmation of this instrument, the Governor and Proprietors have hereunto set their hands, and have ordered the same to be registered in London, as also in Scotland, and East Jersey, and to have the seal of the Province fixed thereto, for its further sanction. Subscribed in London, the twentieth day of February, in Scotland, the twenty ninth day of the same month, and in East Jersey, the fourth day of October, in the six and thirtyith year of King Charles the Second, Anno Domini, 1683-4, Barclay. Robert Burnett. Gawen Lawrie. Perth. Barclay, for Robert Gordon. Thomas Cooper. Richard Mew. Thomas Barker. Walter Benthall. J. Drummond. William Gibson. Clement Plumstead. William Dockwra, and proxie for Thomas Hart.
Robert Barclay, Governor and one of the Proprietors of the Province of East New Jersey, and the other Proprietors thereof, unto the Planters and Inhabitants, of the said Province, sendeth Greeting.

Soon after it pleased the Almighty God, by his Providence, to make it our lot, to have the interest of that Province, we esteemed it our duty to be much concerned in taking due care of the affairs thereof, and accordingly we sent over two of our number in October 1682, with instructions and a declaration to you of our just and honest intentions.

Since that time having received both full information from them, and divers ways coming to understand more fully the state and condition of things there, we are capable to make a more perfect judgment of our interest and of your circumstances in relation to us, and have therefore for the better settling both the one and the other, sent over Gawn Lawrie, (one of our fellow Proprietors) who we hope is before this time with you, under the character of our Deputy Governor, in whose understanding and honesty we repose full confidence, and with whom, as we have sent full instructions and memorials towards the putting all things in good order, so we expect a suitable compliance, on your parts, to our proposals made, or to be made, by him, to whom we have given credentials for that end, in the most ample manner.

But we must be plain to acquaint you, that we were not a little troubled, to find that there are too many dissatisfied and self-ended persons, among you whose indirect designs did quickly appear in seeking to subvert our just interest, that they might advance their own unwarrantable pretences, who we hope are in some measure
rebuked by the disappointment of their vain expectations of
the invalidity of our right and title to the Government. The
clear demonstration of the contrary, as it will encourage the
more honest and sincere, so it will teach others to mind their
duty better for time to come, and bring them to be better ac-
quainted with us than some of them seem'd to be, when they
considered us as strangers and persons unknown to them; but
however, they may esteem us as such, we resolve not to be so
foreign to our interest there, but that we shall make it man-
ifest, that distance of place shall not hinder us from such a
narrow search and inspection into our concerns, that those
who think either to possess our lands by unreasonable claims,
or any ways to conceal them from us, will find themselves
much mistaken.

And it cannot but manifestly appear, to all such that love
the interest of that Colony, that those that went about to
propagate any pretence, to oppose or weaken our right and
title, could not be esteemed friends, either to the Proprie-
tors, or to the true interest of their honest and well meaning
neighbors in our country, since that was the way to expose
the whole to be a prey to others as formerly it has been, but
we hope by the assistance of God, and the King's justice and
favour towards us, so to prevent such practices for the future,
that all people residing in the said province, (or any way
concerned therein) may rest in full assurance of being pro-
tected in all their just rights and priviledges, and to receive
all due encouragement from the Proprietors.

And as we have taken all just care in those matters, that
you may reap much benefit thereby, so we do reasonably
expect a due submission on your parts, to our just rights,
and to the Kings letter consequent thereunto, which be-
fore this time will be with you.

We have seen and considered your addresses made to
some of our number upon their arrival, and hope that in a
great measure your desires therein are answered, as to what
relates to the former oppression you have been under,
either from your neighbours, or those who have hereto
fore govern'd you. But we find you lay that stress up-
on your purchase from the Indians, which it will never
bear, for we would have you informed, that thereby you
have acquired no right but what is duly confirmed by us, or our legal predecessors, unless you would renounce all interest and protection from the King of England, and so subject your all to a just forfeiture, but we will not now descend into particulars, having given our deputy full instructions in all these things, only we would have you know that we have sent over by him, such a scheme of government, of which we may say without vanity, it is both just and kind to every inhabitant in the Province, the benefits whereof you may partake off, provided (as it is our desire) you may deserve it by being no less just to us than we are ready to be kind to you, so wishing you and your concerns all good success, we commit you to the protection of the Almighty and are your real friends. Barclay. Perth. Drummond. Geo. McKinzie. Peter Sonman’s. Ro. Burnett. Wm. Gibson. Barclay, for Ro. Gordon. Wm. Doewra, and proxy for Thomas Hart. Walter Benthall. Thomas Cooper. Thomas Barker. Clement Plumstead. Given under our seal of our Province in London, February twenty nine, 1683-4.

Robert Barclay, Governor and one of the Proprietors of the Province of East New Jersey, and other of the Proprietors thereof.

To the Deputy Governor and the Proprietors in Council there, GREETING.

WHEREAS in the month of March last, there was sent by Thomas Singleton, bound for East Jersey, &c. An instrument bearing date the twentieth day of February last, wherein the Proprietors did among other things, give order for the setting out of convenient tracts of land, to accommodate small purchasers at their arrival in the said Province to settle upon, to be appointed them out of the first parts and dividends of the ten thousand acres, order to be set out for a twenty fourth part to each Proprietor, (and so
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pro rata) out of such lands belonging to them, of whom they particularly purchased. We having since further considered that such small purchasers, who are now ready to transport themselves, and others who may shortly after follow them, may have occasion for more land to settle their family's upon, than can be had for their share out of the first dividend of the ten thousand acres taken up, or due to such particular Proprietor or Proprietors of whom they purchased: Now in consideration of the great benefit that will accrue to the Colony in general by increasing the numbers of laborious people, to go over with their families to plant and improve the country, and being well satisfied that one way to promote so good a work, is to give good encouragement to all small purchasers by furnishing them as soon as they come over, with a sufficient number of acres, to make a good farm or plantation in one place.

We the Governor and Proprietors abovesaid, have agreed, and do hereby order you the Deputy Governor and Proprietors that are of the Council, or the major part of you, first to cause the surveyor, by your consent and direction, to set out to every such small purchaser as shall come over, their shares due to them, out of the dividends of that Proprietor or Proprietors, of whom they have purchases, proportionable to what they have bought, and if any small purchasers share out of the Proprietors dividend, (of whom he bought) amount not to five hundred acres, then that you make up five hundred, (if the purchaser desire it) out of the rest of that Proprietors land of whom he purchased.

But if any Proprietor have sold to several small purchasers, so that each that come over, cannot have five hundred acres, out of his share, of the first dividend of part of the ten thousand acres, then those purchasers who first came together, shall have their proportionable share (a peice) towards making up five hundred acres, as far as such Proprietors dividends will amount unto of whom they bought; the true intent and meaning thereof being this. That where any Proprietor (who hath not sent stock and servants) shall sell any part of his land to one or more purchasers, his whole first part or dividend of the ten thousand acres shall be taken, (if need require) to accommodate these small purchasers to whom he sold,
with five hundred acres of land a piece, (if they desire so much) before any others of the Proprietors lands shall be meddled with for that purpose.

Be it also further agreed, that in case there be not sufficient land, in any Proprietors first dividend of the ten thousand acres, (who have done nothing towards the improvement of his part, by sending stock and servants) as to make good five hundred acres to each small purchaser (to whom he has sold) when he comes to settle his family in the Province, then in such case that the surveyor (do by your consent and direction) first set out to such small purchasers, so much as his share comes to, and what more can be made out of the remainder of the first dividend of the ten thousand acres belonging to that Proprietor of whom he purchased; and what is wanting of five hundred acres to each small purchaser, it shall be lawful for you the Deputy Governor and major part of the Proprietors of the Council, and you are hereby ordered to cause the surveyor (by your consent and direction) to set out without delay so much land, out of some other of those Proprietors shares or first dividend of the ten thousand acres, as shall be enough to make up every small purchaser full five hundred acres (if he desires so much) at his first coming to settle his family in the Province,

And we the said Governor and Proprietors desire that you the Deputy Governor and major part of the Proprietors, in the Council, have respect to these particulars following, in the prosecution and managing of this order, viz.

I. That no land be set out to these small purchasers by his or her particular choice, or election, even from the share or first dividend of the ten thousand acres that falls to that Proprietor of whom he or they bought, but that their part there-of, (whether more or less) be divided by lot to them.

II. That where any small purchasers shall be accommodated with more land out of any other of the Proprietors first dividend, of the ten thousand acres as before is appointed, it shall not be taken out of such
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Proprietors land who has sent stock and servants, or made any settlement on his share) but out of such Proprietors shares who have not sent stock and servants, and whose lands lye unemployed and not improved.

III. That the making up of the five hundred acres to each small purchaser (if he desire it) shall be set out of the Proprietors dividend who has not sent stock or servants, that lies contiguous to such small purchasers first part of the five hundred acres of land set out or intended to be set out to him: and in case no such Proprietors land lye contiguous (or next adjoyning) then 'tis left to you the Deputy Governor and Council, to appoint the surveyor out of which of such Proprietors dividend to set it out, but it shall not be otherwise set out, than by casting an equal lot.

IV. That where any Proprietor having his full twenty fourth or forty eighth part, sends over in his name, either servants or stock, or such that are willing to farm land of him, so as to become his servant, shall have as large tracts of their proportion, as may suit with the number of people thus sent over upon their account, and the conveniency of the place and other circumstances, to be adjudged by the Deputy Governor and concurrence of the major part of the Council.

V. That due care be taken to reprize every such Proprietor as parts from land, to accommodate such small purchasers out of the next dividend of the ten thousand acres, or as soon as so much land is found to make it up, and that as near as may be, the like land for quality and goodness and situation be made good, and where that cannot be had, that special regard be had to repair them by quantity and by such other consideration, as in the balance of justice and equity, the exchange may be made equal.

VI. That such small purchasers have no more land than his own share comes to in the second, third, fourth or any further dividends of land than the first five hundred, acres, unless he have first cultivated and improved the said five hundred acres, and wants and desires more, and in such case the Deputy Governor and major part of the Council to adjudge thereof, and if they see it just to
give him more land for further encouragement, yet we hereby limit that it shall not exceed five hundred acres more. And such small purchasers as have bought under a tenth part, shall not have more land than five hundred acres at first, nor afterwards more than their share of the whole first ten thousand acres reaches to, until another dividend beyond the ten thousand acres be made.

VII. You are hereby ordered, that strict care be taken, that no part of any Proprietors interest whatsoever in the other moiety of that tract of land upon the south of Rariton river, called Changarora, one moiety whereof being already allowed to be taken up by the scots) nor any land at Amboy Point, nor within two miles distant every way round the intended bounds of the lands belonging to the intended town or city of Perth, (as it is demonstrated in the last new model drawn and sent you by Thomas Singleton) be taken away to be added to any of these small purchasers, or any other purchasers, but that every ones share and interest, and dividend therein, be reserved to himself, as well to those Proprietors who have not sent over stock and servants, as to those that have.

Nevertheless it is not to be otherwise understood, but that every small purchaser has a right to his own dividend in the said lands of Changorora, and his share in Perth Town, and the lands about it, and you are to appoint the surveyor to set him out his dues accordingly out of the dividend of such Proprietor of whom he bought, according to the proportion of the said purchase, and not otherwise.

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Robert Barclay, Governor and other of the Proprietors of East New Jersey.

To Gawn Lawrie, our Deputy Governor of the said Province, and to the Persons hereafter named, and to such other qualified Proprietors and Proxy’s who shall come upon the place, sendeth GREETING.

WHEREAS we have considered the necessity in order to a full settlement and good of our Province, that there be full and ample power constituted in some persons upon the place, to do all things that may contribute to the good and advancement of the same, whereby the persons so acting may with full confidence and assurance proceed, and others there may with the greater freedom and clearness treat and conclude what is and may be necessary: Out of the trust and confidence we repose in our trusty and well beloved friend Gawn Lawrie, whom we have already constituted Deputy Governor of our said Province, do hereby give and grant unto him our full power and authority, by and with the consent and advice of Thomas Rudyard, secretary of our said Province; Thomas Warne, one of our fellow Proprietors, David Tosback, of Monyweard, partner with James Earl of Perth, and Sir George McKinzie, of Tarbutt, and proxy for them, John Campbell, partner with and proxy for John Lord Drummond of Landrie, Robert and Thomas Fullerton, David Mudy, and James Johnson, who are proxies, respective for Thomas Hart, Thomas Barker, Clement Plumstead, and Thomas Cox, John Barclay and David Barclay, Thomas Gordon, Archur Forbis, Captain Patrick Magriger, all sharers in propriety’s; George Willcocks, proxy for Robert Gordon, and sharer of a propriety, together with such other of the Proprietors as may come upon the place, (who are qualified according to the Constitutions) and such other proxy’s as we may make hereafter, to whom we commit our full power to act, and do for us even as we ourselves could
Instructions to the Governor.

do if present for the good of the Province, in the things and
with the reservations hereafter mentioned; agreeing nine of
them to be a quorum, and the major part present to have
power to determine, and our Deputy Governor to have two
votes, viz:

I.
Who are to Confirm Acts.
To approve and confirm such acts of Assembly,
as from time to time there shall be found a ne-
cessity to establish before copies can be sent hither for our
confirmation, but when the Fundamental Constitutions are
passed in Assembly, then to proceed according to them.

II.
To end and agree all matters now in debate betwixt the
Proprietors and the former planters of the said Province,
and other, as to their pretences to land, and as to the arrears
of quit rents, as to settlement of them for time to come, and
to grant them patents accordingly, but not to sell off any of
our quit rents, without our particular order for that pur-
pose.

III.
To order, settle, sell, let, or dispose of by patents, the
lotts for building, and other lands of Perth, so as may best
conduce to the advance and improvement of that town, yet
so as they may not reach the share, in part or whole, of any
Proprietors, who have already given particular directions for
the building upon or settling of their lots for themselves or
their friends, or any in their name: And what shall be so
sold, let or disposed of, the produce to be applied to the re-
spective Proprietors whose lots they are.

IV.
To purchase and take up land in the Proprietors names
(and no other) from the Indians as they see cause, or find it
necessary.

V.
To set out land upon rent, to any there who may offer to
settle: And tho' in this we will not straiten or limit them,
yet we desire all the forbearance that may be, until we see
what further prospect there may be of sending over people
efficient from England, Scotland, and other nations for that
end.

VI.
To run the several lines of division, and determine the
limits and bounds of the said Province, either with those of
New York, or West Jersey.
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VII.

To take the readiest way they can, either out of the sale of lands, or out of arrears, or present quit-rents, or any other effects belonging to the Proprietors in the said Province, so as may make good to Thomas Rudyard, one hundred and eighty pounds, which together with twenty pounds due from him to the publick stock by three rates laid on each propriety, one of ten pounds and two of five pounds a piece, do make up two hundred pounds sterling, value in England, being allowed him for his service while he was Governor. These being the chief matters we can learn from our intelligencce from them, as necessary to be at present taken care, for all other things of less moment being sufficiently expressed and fully provided for in former instructions and warrants, we give them as aforesaid, our full authority in the premises, reserving to ourselves the power of revocation of this authority when we shall see cause; in the mean time until revocation, whatsoever is acted hereby to be in full legal force and virtue. Given under our hands and seal of our Province in London, August, Primo, 1684. R Barclay. Perth. Drummond. R. Barclay, for Rob. Burnett, and Rob. Gordon. Tho. Cooper. Tho. Cox. William Dockwra. Thomas Hart. Walter Benthal. Richard Mew. Thomas Barker. Clement Plumstead. To Gawn Lawrie, Deputy Governor, and to all others herein mentioned, whom this may concern.
ROBERT BARCLAY, Governor and one of the Proprietors of the Province of East Jersey, and other of the Proprietors of the said Province. To our Deputy Governor Gawne Lawrie, and to the Deputy Governor for the time being, and all others whom these Presents may concern, Greeting.

WE the Governor and Proprietors above-said, having of late received sundry letters from our said Deputy Governor, concerning the estate of our affairs in the said Province, and having duly considered them, have thought fit for the better settlement of the particulars hereafter mentioned, to give and grant our full power and authority unto our said Deputy Governor Lawrie, and the Deputy Governor for the time being, joined with any five or more of the persons who are upon the place, and are named in the late instrument. Dated the first day of August last, or the major part if under five of them upon the place.

I.

To end all controversies and differences with the men of Neversinks, and Elizabeth Town, or any other planters or persons whatsoever, concerning any pretended titles, or claim to land in the said Province: and we do hereby declare that we will not enter into any treaty on this side, with any of those people who claims by Colonel Nicholls patent, nor with any others that challenge land by patents from the late Governor Carteret, as being both an affront to the government there and of evil consequence to make things to be put off by delays, and thereby hinder the settlement of our affairs in the Province.

And we hereby forbid the selling of any of our quit-rents whatsoever, only we do allow the acceptance of land back again, or composition for arrears, as in a former instrument was appointed.
II.

We give our said Deputy Governor Lawrie, or the Deputy Governor for the time being, in conjunction with any five of the commissionated persons aforesaid, or the major part of them if under five upon the place, our full power and authority to ratify all the laws which he hath lately confirmed to continue for the space of three years, to commence from the day of passing of the said laws in the Assembly of the said Province; excepting the law relating to the militia as it is already restricted by the Deputy Governor; and that clause in another law disabling Henry Greenland to bear office: And as to the law which relates to the first day of the week, we recommend him and them to a further consideration thereof, least it prove a burthen to some tender consciences who may find it their duty not only to testify against the Jewish superstitions, but also against some others in that point. We do also hereby impower him and them to ratify and confirm all such laws as shall hereafter by act of Assembly be made, for the like term of three years from the date they shall be past. But we do require this one thing concerning the court of common right, that it be always held at our town of Perth if it be possible; and that all other necessary courts, as also the Assembly (when called) do sit there; and particularly the Deputy Governor, for the time being, do inhabit there, and convene his Council in the said town of Perth.

III.

To remove the restrictions in the late instrument in favour of those persons who have purchased shares, and such as have sent stocks, or gone over to settle in the said Province. That Changoraza, or any other place, be not limited, seeing by that example we are subject to wrong notions of the convenience and situation of land, so that by making such limitations we hazard the perplexing of a right management of those things which we would have carried on for the accommodation and encouragement of all that send stock or go over to settle in the said Province.

IV.

To set out forthwith, without delay, to all those who have imported servants since the last grant from the Duke, of the fourteenth of March, one thousand six hundred eighty and two, their just dues for each head to continue until the twenty-fifth of March next ensuing
the date hereof, and that such servants as have or shall come into the Province, within the limitation, may have their twenty five acres, set out to them upon their application, and be possessed thereof as soon as their times of indentures be expired, provided the master or mistress do certify to the Governor and Council their fulfilling the contents of their indentures, or articles; or in failure thereof, the servants making it appear to them by sufficient testimony: And for all such lands relating to servants heads imported, we the Governor and Proprietors, do give our full power and authority to our Deputy Governor for the time being, to grant warrants to the surveyor immediately, to set out such lands to whom it is due, and to proceed therein according to the form prescribed in the Concessions, so as a deed or patent may be given and signed by the present Governor Lawrie, or the Governor for the time being, and three of his Council, or by four if more than six, and sealed with the Province seal. And for as much as such land was intended to be freely given for encouraging the importation of servants for the good of the Province, also by some mistake in that matter is two pence per acre, appointed to be paid by our former printed paper, we do hereby consent and agree, that in such grants for land relating to the importation of servants, there be only one penny per head, and no more inserted to be paid as an annual quit-rent for their land, any printed book, order, custom or usage to the contrary thereof in any wise notwithstanding.

V.

Warrants for Land to be granted by the Deputy Governor.

For the avoiding all exceptions about the due and regular proceeding in setting out of all other lands in the Province, we do hereby agree, that the Deputy Governor for the time being, shall grant his warrant to the surveyor to set out any lands that are to be taken up, or otherwise appropriated to such as have right, and the surveyor to proceed according to the Concessions; and when the grant is ready, the Governor and his Council or any three of them, or four if more than six of the Council shall sign the grant, as hath been accustomed by the former Concessions of the Lord Berkley, and Sir George Carteret, provided nevertheless, no such warrant be granted, nor no grant for the time to come, shall be legally in force and effect, but what shall first be consented unto and approved by five of
those persons, who are sharers in propriety's and proxies for Proprietors, and are residing upon the place, and who are named and commissionated in the instrument aforesaid, dated the first of August last, which was sent by George Keith, upon the Blossom, Richard Martin master, which consent and approbation shall be understood, by first entering in a book for that purpose, the copy of such warrant the Deputy Governor is about to grant, and then the subscription of five at least of the said commissionated persons, shall be made in such book, after which the Deputy Governor may give out his warrant, and he and the other officers proceed with the Council as formerly hath been used according to concessions, it not being intended that any but the Governor, and three or more of the Council shall be obliged to sign the grant or patent as formerly; this method to continue about setting out of lands, until the passing the Fundamental Constitutions, and no longer.

VI.

We hereby declare that in case there prove a vacancy by death, removal or any other accidents, in the offices of Secretary, chief Register, Surveyor General, or Receiver General, or any other such place, our Deputy Governor shall grant his commission to such person as he shall see fittest to fill such vacancy, to continue only for the present time, until it be known whether the Governor and the major part of the Proprietors there do confirm him or have granted already, but if they not approve of the said person, then those that our Deputy Governor for the time being, have placed, are to give way to such, as at any time have had, or shall receive our commission for any such place.

VII.

That the rate of five pounds laid as a tax to publick stock upon each propriety, by an order of the Proprietors entered twenty-ninth of July last, and of ten pounds more, laid on each propriety by an order of the twenty-first of October last, towards payment of debts, and answering publick incident charges, be paid by every Proprietor or sharer in a propriety lately gone over, and now residing in East Jersey, or the neighbourhood thereof, to our Deputy Governor for the time being, upon the demand of him or his order proportionable to their respective shares and interest in the Province, to be answered by all persons in the full value of
money sterling, according to what we pay this side, and not in the country pay, and that Thomas Rudyard, and Thomas Warne, do pay or give satisfaction to our said Deputy Gawn Lawrie, or the Deputy Governor for the time being, over and above the said two rates before mentioned, two former rates, the one of ten pounds laid on each propriety, by an order of the twenty-ninth of June, 1683, and the other of five pounds by an order of the fourteenth of December, 1683. Also we do hereby, as far as in us lies, give our full power and authority to our Deputy Governor for the time being, to recover and receive, not only the forementioned rates, but also all such further proportions of any tax or rate as may be laid here on each propriety, according to the respective shares and interest of those residing in East Jersey, or the neighbourhood thereof, and what he shall so receive from time to time, to give credit for the same to the publick account of the Proprietors stock. Given under our hands and seal of the Province, this thirteenth day of November, 1684, and in the six and thirtieth year of King Charles the second, over England, &c. William Dockwra, for himself, and Proxy for the Earl of Perth, and by order of Robert Barclay, Robert Gordon, Robert Burnett, Tho. Cox, James Braine, Thomas Barker, Thomas Cooper, Clement Plume-stead, Richard Mew, Tho. Hart, Walter Benthall.

The following Memorandum is said in the Record to have been indors'd on the foregoing Instrument.

MEMORANDUM, Whereas there is yet no provision made, for the succession of a Deputy Governor in East Jersey, (mortality being the portion of him, as well as any other person in the Province) 'tis hereby fully agreed, concluded and ordered by the Proprietors of the said Province, that Robert Barclay, the present Governor, may at any time hereafter, conclude of two persons residing in the Province aforesaid, such as he shall think most fit and qualified for the Government, provided they be sharers in proprieties, and write their names in two several papers, numbering them (1) (2) and sealing them with the Province seal, or his own, or both, and transmit the said two papers to the
Deputy Governor and Council, at Perth, there to safe and ready lie in case of the decease of Gawn Lawrie, or any other Deputy Governor, whereupon the Council shall meet, and first open the paper No. (1) and the person whose name is written therein shall succeed in the government, and immediately have the full power and authority of a Deputy Governor, and the paper No. (2) shall not be opened, but remain concealed in the same place as formerly, to lie ready on any further occasion: but if the person No. (1) be deceased, absent or refuse to accept of the government, then the second paper No. (2) shall be opened, and the person whose name is therein written, shall then succeed in the government, and he shall immediately have the full power and authority of a Deputy Governor; and whether one or other person happens to succeed this endorsement, shall be as effectual in every respect to establish such person in the office of Deputy Governor, as if it were included in the body of this order, and he shall hereby to all intents, constructions and purposes, be vested with like full authority, power, and right to his office, as if he had received a commission from the Proprietors under their hands and seal of the Province, in the most ample form: the said Deputy Governor to continue in the execution of his office, so long as the major part of the Proprietors do approve of him, (or do send over their commission to some other Proprietor residing in the said Province, to be Deputy Governor) and no longer. Given under our hands and the seal of our Province, on the other side affixed, Barclay, Ro. Gorden, Burnett, Perth, Wm. Gibson, Walter Benthall, Thomas Hart, Thomas Barker, James Braine, Thomas Robinson, Willm. Dockwra, Clement Plumstead, Thomas Cox, Rich. Mew, Thomas Cooper.
Robert Barclay, Esqr. Governor, and other the Proprietors of the Province of East New Jersey.

To all whom this writing does or may concern, Greeting.

WHEREAS the right directing and ordering the affairs of the said Province must needs go from hence, and does oblige the sending over of several commissions, instruments, orders and instructions to the Deputy Governor, and other commissionated upon the place; and that it often falls out by reason of the Proprietors being scattered in several places, remote from one another, and other exigences, that no considerable number of hands, can be got to subscribe them upon the departing of ships from hence, and that yet delay of such things upon that account, might prove of great (and almost irreparable) prejudice to the affairs of the Province; the Proprietors therefore do hereby declare, for the just encouragement of those who travel diligently for the good of the publick, and for the fixing of our authority in them, that all commissions, instruments, orders, and instructions whatsoever, and every of them that shall hereafter have the seal of the Province affixed thereunto, and the hands of five whole Proprietors, or as many having shares in propriety's as make up that value, whether sign'd in England, Scotland, or else where, shall be esteem'd authentick and binding to all intents and purposes. Provided always, the Governor be one that subscribes, and the value of another Proprietor in Scotland, and that William Dockwra, of London, who affixes the seal of the Province, (or who else shall hereafter keep the said seal) be another that subscribes.

And further the Governor and Proprietors, do by these presents, ratify and confirm the several and respective commissions, instruments, orders, and instructions, which are already sent, and are hereafter mentioned, to be as legally binding and effectual, according to the purport and true meaning of each of them, as if all the Proprietors hands were subscribed to the same; except where any clause or part of any commission, instrument, order, or in-
struction have been countermanded or altered by any succeeding commission, instrument, order or instruction.

The Account of such Commissions, Instruments, Orders, and Instructions follows, viz.

A Commission to Robert Barclay, Esq.; to be Governor, dated 17th of July, 1683.

A Commission to Gawn Lawrie, to be Deputy Governor, dated twenty-seventh of July, 1683.

Instructions to Gawn Lawrie, dated July, 1683.

Letter or Instrument to Gawn Lawrie, and Samuel Groome, dated in London, twenty-first of September, Anno Domini 1683.

Instrument about the planters, and others, dated twenty-first of December, 1683.

A letter of sundry orders to Gawn Lawry, and fellow Proprietors, dated the one and twentieth day of December, Anno Domini, 1683.

The twenty-four Fundamental Constitutions and an Instrument concerning the power of Proxies, dated fifth of October, 1683.

An Instrument containing the conclusions of the additions and alterations of the said Fundamental Constitutions perfect to the fourth of March, 163-4, and repeated the seventeenth of June, 1684.


An Instrument of Declaration to the planters, dated February, 1683-4.

An order about the setting out of land to small purchasers, that come to settle, &c. dated the third day of May, Anno Domini, 1684.

An order about building the Governors house, before the twenty-four houses, dated the seventeenth day of June, 1684.

An order for alteration of the thirteenth article of the Constitutions, dated the twenty-second day of July, Anno Domini, 1684.

An order to the Deputy Governor and Commissioners to have power in sundry matters, dated the first day of August, Anno Domini, 1684.

An order for alteration of the third article, of the Concessions, dated primo die August Anno Domini, 1684.

An Instrument to the deputy Governor and Commissioners for power to confirm lands, set out lands and doing other matters, dated thirteenth of November, 1684.

An order about Gibbons and Jones’s lotts, dated twenty-six of March, 1685.

An order about a thousand acres of land, to William Dockwra, dated the twenty-seventh day of March, Anno Domini, 1685.


To the Deputy Governor of East New-Jersey, for the time being, and the Council of Proprietors there, and to all others whom this does or may concern. These.
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The Governor and Proprietors of East New Jersey, to the Deputy Governor and Commissioners appointed, and to be appointed, for the setting out of Lands, and other Affairs, relating thereto in the said Province, Greeting.

WHEREAS the prosperity and advance of the said Province, doth in a great measure depend upon the speedy and easy planting of the same, and upon the due and equal setting forth of lands, that both the Proprietors themselves, and those concern’d under them, may have a ready access thereto, and all others disposed to settle in the said Province, either by purchase of lands or taking them up upon rents, may be answered without delay, and all things relating both to the one and the other may be done justly and equally, that whosoever come to possess land in the said Province, may absuredly rest in the security of their title; the Proprietors after mature deliberation having fully considered the methods used in their neighbouring Provinces, and the instructions from time to time granted heretofore, have now fully determined, that the rules after following, shall for the space of three years next ensuing, the twenty ninth day of September, next following the date hereof, and for so long after, until it shall be otherwise appointed and published, be followed, maintained and pursued in the disposal and setting out of all lands in the said Province, without any alteration whatsoever.

I.

That no land be treated for or disposed of upon the Proprietors account, by sale or rent, but in open office, the Deputy Governor and Surveyor General, for the time being, and a quorum of the commissioners appointed for that end being present.

II.

That all money and other value received for land sold, and all rent whatsoever be paid to the gen-
eral receiver for the Proprietors use, and to no other person.

III.

That no land be sold or set to rent below the price fixt in the first printed proposals, viz. two-pence per acre, per annum, for rent, or ten pounds sterling for each hundred acres purchase, paying six-pence English for every hundred acres yearly quit-rent, the purchase money to be paid at the receipt of the patent, under the seal of the Province, and the rent to commence from the next twenty fifth day of March after the sealing of the lease: Provided that there be a family consisting of at least three persons, whereof two to be able working hands, upon every five hundred acres of land, within one year after the patent or lease sealed; and that no one purchaser be allowed to buy or take up upon rent, above one thousand acres in one place, but where there is any parcel of choice land that may deserve more money or rent, it is left to the aforesaid commissioners, and they viz. the Deputy Governor and commissioners abovemen-
tioned, are hereby authorized to set the value. Provided the sale of such be not a prejudice to the sale of adjacent lands.

IV.

That each whole Proprietor, or one having a half propriety, that is one forty eighth part of the Province, shall upon his address (or his agent or proxy for him) to the Deputy Governor or commissioners aforesaid, have a thousand acres of land set out to him, he being ready to settle thereupon a family with three able working hands at least, and every one having a less share in a propriety, shall have five hundred acres set out upon the terms aforesaid, and so be admitted to the possession of a thousand acres, or five hundred acres respectively, until the said propriety hath ar-
vived to the number of ten thousand acres, at which time they shall stop for three years, until other Proprietors have time to come up to the like quantity with them: But after the three years is expired from the time of settlement upon the last portion of the first ten thousand acres, such as will, shall be admitted to the possession of other ten thousand acres, notwithstanding of any not having taken up their first ten thousand, provided they settle the double number of families, pro rata, that they did in the first settlement, viz. every whole or half propriety, a
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family with three working hands upon each five hundred acres, and every small purchaser a family with too working hands upon two hundred and fifty acres, or too such families upon five hundred acres. And that this method may be strictly observed, it is ordered there be an exact account kept by the chief Register of all acres of land set off to each propriety, by virtue of this order or those concern’d in it, that there may be a stop made when the number of ten thousand acres is fullfill’d. Provided always, that whatever number of acres is or shall be taken up by any Proprietor, or those concern’d under them, or laid out for them by the surveyor, or entered into the secretary’s office, before the publishing this order, shall be reckoned and apply’d to the person concern’d, towards the making up of the first division of ten thousand acres to a propriety. Also hereby the orders for land to William Dockwra, dated twenty-seventh of March, and fourteenth of May last, and the order to David Barclay, of the same date, as also the Instrument dated February, 1683-4 and third of May, 1684, in favour of small purchasers, is ratified, and the land which is appointed them by virtue of those orders, is hereby confirmed to them over and above such other land as shall be set out to the said William Dockwra, before the arrival of this order. And we further appoint, that where any of the said Proprietors shall offer to settle a family qualified as above in the second division, that is, two families with three working hands to each, they shall have five hundred acres more yielded to them, so long as the ten thousand acres of that propriety (they are concerned in) wants to be made up: and in respect that such Proprietors as take up their ten thousand acres, may sell them off entirely, and so may destroy the nature of the propriety, they shall be obliged to retain to them, their heirs and assigns, as Proprietors, such a share thereof as by the thirteenth article of the four and twentieth Fundamental Constitutions, is thereby intended to be held, as indispenceably to the Proprietorship.

V.

That in order to the regular planting of the country, the land be set out as often as it can be in plotts, or townships, according to the best methods of our neighbouring Colonies, whereof we are assured there are
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...good examples in Pennsylvania, and Long Island; as for instance, five or ten thousand acres in a township, to be taken up by ten or twenty families, that is five hundred acres to a family, the privilege of the great and half Proprietors excepted of having a thousand acres allowed to one family. And we do seriously recommend it to the Deputy Governor and Commissioners, and in a special manner to the General Surveyor, that such plotts may be run out, and the divisions mark'd before hand, so as to be in readiness when either the Proprietors, or other people may demand land, as we are certainly informed is done in some of our neighbouring Provinces by number, as one, two, three, four, &c. that such as come to view the place may choose the number and pay the surveyor his fees, and have access to settlement without delay.

VI.

That wherever there is a convenient plott of land lying together, containing twenty-four thousand acres, as we are inform'd will more especially be at Barnegatte, it be divided and mark'd in twenty-four parts, a thousand acres to each propriety, and the parts being made as equal as can be, for quality and situation, the first comers presently settling, is to have the choice of the divisions, and where several stand in that respect upon equal terms and time of settling, it be determined by lot. Always provided, the agents and proxy's of the absent Proprietors who offer to settle, be called and admitted to act for their principals, equally with those present: and that such propriety's as are in the right of minors, or widows, which as by accident may want proxy's, or be ignorant of things there, may not be prejudice, and yet such plotts may not remain unsettled, the Deputy Governor and Commissioners are allowed to let small parts in the chief places of settlement, upon the shares of such Proprietors at some small fee farm per annum to poor families, not exceeding fifty acres to a family, to secure the quantity: and if in seven years no care be taken by the parties concerned in that division or share to settle, that then any other Proprietor offering to settle upon the conditions abovementeioned, may have access to possess the share (or part thereof) in such places as a part of the first or second ten thousand acres to a whole propriety: and
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It is here to be minded, that in any such settlement of twenty four thousand acres, such small purchasers as have already received their full proportion of ten thousand acres, shall not pretend access thereto, but it shall be reserved for two years after surveying, ready for such concerned in that propriety who have not yet received a share of the ten thousand acres, which time being expired, those who have their full first proportion, shall have access thereto, as part of the said ten thousand acres upon the terms of settling more as above.

And whereas for defraying of necessary publick charges there has been several rates laid as a tax upon each propriety at sundry times, viz. Ten pounds on each propriety, (and so pro rata) upon the twenty ninth of June, 1683, five pounds, on the eighth of January 1683. Five pounds the twenty ninth of July, 1684. Ten pounds on the twenty fourth of October, 1684. And ten pounds on the twelfth of June, 1685. It is hereby declared to be the true intent and meaning of this order, that no land upon the first and second division shall be laid out to, or possessed by any proprietor or sharer in a propriety, until he hath first paid such full arrear of tax, as hath been or shall be from time to time laid upon his propriety, or share, for necessary publick charges; but such non-payment of arrears, shall be a sufficient barr and exclusion to such person or persons from having any land set out to him or them, until he or they have fully paid and satisfied what he or they owe to the publick stock as aforesaid.

VII.

Wherever there is an extraordinary choice spot of land so esteemed by the Surveyor General, or any two of the commissioners either for the excellency of soil, or advantage of situation, it shall be reserved for the joint interest of all the Proprietors and cast in equal division, or if it be such as for the smallness of it (or any other reason) cannot be so ordered, it shall not be meddled with until the plurality of the Proprietors are advised thereof, that by them it may be determined whether after a value be put upon it, as one acre, esteemed with four or more, it shall go to such as will allow most to the rest for it; or where they will not do so after the value set, it shall be determined by lot, and as this should have been done
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in the notable case of Changoroza, by Gawen Lawrie, and Thomas Rudyard, so it is hereby declared by the Governor and Proprietors, that they will not let that land there, which they have taken to themselves and caused to be set out to them go otherwise, therefore for that thousand acres, taken up so much upon the water side, by Gawen Lawrie, for himself, and sold to Captain Palmer, there shall be three thousand acres discounted to him of the five thousand to be allowed him in the first division for his half propriety, and for the thousand acres which Thomas Rudyard has gotten at Changoroza, because his part is better there, shall be discounted to him four thousand of the ten thousand acres to be allowed him for his propriety in the first division. And to evidence that we do in this as we would be done by, we are content to accept of it, severally of us jointly, or some of us a part upon the same terms: And it is hereby declared that if these terms are not presently accepted, that we will as hereby we do reclaim, all the said land upon Changoraza, or such thousand acres of him that does not comply as being unjustly obtained and passed against our positive orders to the contrary; and do hereby discharge all persons from meddling therewith, or settling thereupon, as they will be answerable at their peril.

And that there may be hereafter no mistake of this kind, neither with respect to this, or any thing of the like nature in the setting out of lands to the Proprietors and others, and that all persons may proceed upon firm and good grounds, and every person that purchases or rents lands, may be fully informed, we hereby appoint this order to be first read in Council, and then published thro' the Province, and that a true copy be set up at the town house, in Perth, and one copy sent to each county court next sitting, (after arrival hereof) to be first read there in open court, and afterwards set up in each court house, or such convenient place where it may be read, so as to render it most publick to inform all persons whatsoever that are or may be concerned in the same.

Commissioners for the Business of Lands. Lastly. That every one may know the names of the commissioners, concerned in the business of lands, we do hereby nominate, authorize and appoint.
the Deputy Governor for the time being, David Barclay as proxy for Rob. Barclay, Governor, Captain John Berry, as proxy for William Penn, Gawen Lawrie, as proxy for William Dockwra, John Campbell, proxy for John Lord Viscount Melford, Robt. Fullerton, and Thomas Fullerton, David Mudy, and James Johnston, proxy for Thomas Hart, Thomas Barker, Clement Plumstead and Tho. Cox, and George Willock, proxy for Rob. Gordon, also Thomas Warne, David Barclay, and Thomas Gordon, all sharers in propriety's, to be our aforementioned commissioners, together with all other Proprietors, as shall hereafter come and live upon the place, and such other proxy's as we and any Proprietor shall make hereafter, to whom we grant our full power and authority to act according to the tenor of the premises, agreeing and ordering that any five of them shall be a quorum, and the major part present to determine. Given in London, under our hands and seal of the Province of East New Jersey, this third day of July, in the first year of the reign of King James the Second, over England, &c. Anno Domini 1685. Barclay, Clement Plumstead, Thomas Hart, Thomas Barker, Thomas Cox, Walter Benthall, Thomas Cooper, Eliz. Gibson, Melsorpe, Ed. Bylling, Robt. Gordon, Rob. Burnett, Perth, Tarbutt, William Penn, Blackwood, Willm. Dockwra, James Braine.
Proprietors to George Willocks.
A power to receive Quit-Rents, also to sell them under certain restrictions.

THIS indenture made the first day of December, in the 9th year of the reign of our Sovereign Lord William the third, of England, &c. King, Anno Domini 1697. Between William Penn, Thomas Hart, Thomas Baker, Walter Benthal, Joseph Ornston, Joseph Wright, Peter Sornans, William Dockwra, Thomas Cooper, Clement Plumstead, David Lyell, Archabald Campbel, Esq.; Walter Riddel, Sir Thomas Lane, Paul Dockminique, Robert Mitchel, John Bridges, and Thomas Skinner, being a quorum of the committee empowered by the society or reputed company of West New Jersey, to transact all the affairs of the said society, testified by the common seal hereunto annexed; Thomas Foulerton, John Burnet attorney for Robert Burnet, Joseph Ornston attorney for Charles Ornston, Francis Hancock, Thomas Gordon for himself, and attorney for Dr. John Gordon and George Alexander, Gilbert Molleson for himself, and attorney for Robert Barclay, William Bingley attorney for Anthony Sharp, William Bingley for himself; Proprietors of the Province of East New Jersey in America, of the one part, and George Willocks, of the said Province of East New Jersey, gent. of the other part.

WHEREAS the said Proprietors are seized of and entitled to many quit-rents reserved upon grants and patents of lands within the said Province, made by themselves and others, former Proprietors of the said Province, and are likewise entitled to great arrears of the said rents incurred and grown due for several years last past, more or less. And whereas the said Proprietors have taken a resolution to gather in the said arrears, and in order to gratify the planters and landholders, are intended to sell their quit-rents to such of the said planters or landholders who are desirous to purchase the same, and who owe no arrears of rents, or will first pay and discharge such arrears. Now witness these presents, that the said Proprietors aforesaid for the better putting their said intentions in execution have constituted, authorized, empowered and appointed, and by these presents do and every of them doth constitute, authorize, impair and appoint the said George Willocks, to be their true and lawful attorney, for and in the names of the said Proprietors to adjust, ask, demand, but if sued for, then at their own cost and charge to recover and receive with, of, and from all and every the respective planters, ten-
ants or holders of lands, tenements, and hereditaments within the said Province, all such arrears of quit-rents, and or other rents, as now are or on the 25th of March, now next ensuing, shall be due and owing to the said Proprietors; and on payment thereof, or any part thereof, to sign, seal and execute any proper receipts and discharges for what he shall so receive, either in his own name, or in the names of the said Proprietors, but for their use: And upon non payment or refusal of payment thereof, to destrain or bring actions for the same as he shall think fit, and to proceed upon such distresses or actions in due course of law, either to sale of the said distresses or to tryal, judgment and execution, and to acknowledge satisfaction upon record of all such money's as he shall recover and receive in any such suits; all which distresses, proceedings, receipts and discharges the said Proprietors, shall and will allow, justify and maintain. And the said Proprietors and every of them, do hereby likewise constitute, authorize, impower and appoint the said George Willocks, their true and lawful attorney and commissioner, to treat and contract with all, every and any of the said planters, tenants and holders of lands, tenements, and hereditaments within the said Province, for their respective quit-rents and other rents, according and pursuant to the directions and instructions hereunder written; and from and after such and so many contracts made according and pursuant to the said instructions, and payment of, or sufficient security taken for the purchase money, to sign, seal, and deliver in the names and as the acts and deeds of the said Proprietors, any proper and legal assurances and conveyances and releases to the respective purchasers, for granting the said quit-rents, and other rents as by the said respective purchasers or their Council shall be reasonably devised and required: All which assurances, conveyances and releases, the said Proprietors do by these presents, and shall and will upon request by any other subsequent assurances, conveyances, and releases, ratify and confirm. And the said Proprietors do hereby direct the said George Willocks, from time to time, to pay all such money as he shall receive in specie, either for arrears of rent, or for sale thereof, to such person whom the said Proprietors, or Thomas Hart, Walter Benthall, Thomas Barker, and Joseph Ornston, or the survivor of them, shall appoint receiver thereof, and also
to take all securities which he shall take for any purchase monies, upon such sales, in the name of such receiver, and to deliver the same securities to such receiver in trust for the said Proprietors: And the said Proprietors for themselves, their heirs, executors, administrators, and assigns, do hereby covenant and grant to and with the said George Willocks, his executors, and administrators that he the said George Willocks his executors, administrators, shall and may have and receive as a recompense for his care and pains, in making such sale of the said rents as aforesaid, five pounds per cent, (or for every hundred pounds) of all the ready money, which shall be so raised by the sales he shall make of any such rents; and shall also have and receive to his and their own use from the said receiver, an assignment of such and so many of the security's to be taken for any purchase money upon such sales made by the said George Willocks, to be chosen by the said George Willocks, his executors and administrators, as shall amount to the rate or value of five pounds per cent, (or for every hundred pounds) intended to be secured by all the said securities, and that the said Proprietors shall and will direct the receiver to pay and assign the said recompense to the said George Willocks, his executors and administrators accordingly; and that the said Proprietors their heirs, executors, administrators, and assigns, shall and will ratify and confirm whatsoever the said George Willocks shall do by virtue of the authorities, and in pursuance of the instructions hereby given him; and shall and will indemnify him, his heirs, executors and administrators, from all such expences, losses and damages, which he, they, or any of them, shall or may sustain, suffer, or be put unto, for or by any reason of any non-performance of the premisses by the said Proprietors: And the said George Willocks, for himself, his heirs, executors, and administrators, doth covenant and agree, to and with the said Proprietors, their heirs, executors and administrators, that he the said George Willocks, shall and will truly and faithfully pursue the instructions hereunder written, and perform the trust hereby reposed in him, according to the best of his judgment, and the true intent and meaning of these presents. And these presents further witness, that for preventing any obstructions that may happen in the receipt or recovery of the said arrears of rent or sale thereof, in case of the
Power to Receive Quit-Rents.

death or absence of the said George Willocks, the said Proprietors do hereby constitute, authorize, empower and appoint John Reid of the said Province of East New Jersey, Gent. their true and lawful attorney, from and after the death of the said George Willocks, or absence three months from the said Province, or embarking for Europe, to execute all and every the powers and authorities herein before granted to the said George Willocks, conform to the said directions and instructions hereunder written: And do hereby grant unto the said John Reid, the like recompence for his care and pains to be taken therein as are before granted to the said George Willocks, and shall and will avow, justify, and maintaining whatsoever the said John Reid, shall do in and about the premises, pursuant to such authorities and instructions. In witness whereof the said parties to these presents, have interchangeably set their hands and seals, and the said Proprietors have likewise set the seal of the said Province, the day and year first above written. Province seal. A. Campbell, seal. Thomas Barker, seal. Walter Benthall, seal. Joseph Wright, junr. seal. Walter Riddle, seal. Joseph Ornston, seal. David Lyel, seal. Thomas Gordon, seal. Joseph Ornston, attorney for Frances Hancock, widow of Arent Sonmans seal. Joseph Ornston, for Charles Ornston, seal. William Dockwra, seal. Thomas Cooper, seal. Thomas Fullerton, seal. Clement Plumstead, seal. Peter Sonmans, seal. Thomas Hart, seal. John Burnett, for my father Robert Burnett, seal. Gilbert Molleson, attorney for Robert Barclay, seal. Thomas Gordon, attorney for Dr. John Gordon, seal. Thomas Gordon, attorney for Mr. George Alexander, seal. William Bingley, attorney for Anthony Sharpe, seal. William Bingley, seal. Gilbert Molleson, seal.

DIRECTIONS and instructions from the Proprietors of East New Jersey, in America, to be observed by George Willocks, before, in and after the sale of the quit-rents, and other rents, due and belonging to the said Proprietors, in pursuance of the authorities given him by the deed, to which these directions and instructions relate, which are above written. First within fourteen days after your arrival in the said Province, you are to cause our declaration now sent with you, to be published for the information of the planters, and land-
holders of our intentions to sell our quit-rents, and you are to cause these instructions, and the deed under which they are written, to be duly registered among the records of the said Province. Secondly, You are not to sell any rents unto any person or persons, until he or they have paid all arrears of rents, due for the lands, out of which those rents are reserved, or issue. Thirdly, You are not to sell any rents at a less price than twenty years purchase, of the full yearly value of those rents, and not to reserve less than one half-penny per annum, annual rent upon every landholder, to whom you sell off his quit-rents. Fourthly. You are not to execute any grant, conveyance or release of any rent or rents, until you have made contracts for at least one hundred thirty three pounds sterling, yearly value of the said quit-rents; and therefore in all contracts you are to take care to insert, a clause for making void your contracts, unless you can sell the value abovementioned, of the said rents before the first day of April, 1699. Fifthly. Upon the payment of any money's to our receiver, according to our directions in the deed above written, you are to take from him a note, acknowledging his receipt thereof for the use of the Proprietors of East New Jersey aforesaid: And upon the delivery to such receiver of any securities for money, which you shall take in his name, you are to take from him a declaration under his hand and seal, that such securities are taken in his name, in trust for the said Proprietors: which said notes and declarations of trust, you shall from time to time, deliver to the Secretary and Register of the said Province, or his deputy to be safely kept among the records of the Province. Sixthly. After the sale of the value of one hundred thirty three pounds per annum, or more of the said rents, you are to take from the register book of the said Province, a true and exact list or certificate to be sign'd by the Deputy, Secretary, and Register, of the names of the Proprietors, and sharers in propieties of the said Province, and of their respective proportions therein, as they are entered in the said books, and in one column of the said list, you are to set down the proportion of purchase money, raised and secured by such sale, which every Proprietor, or share in propieties, are intitled to, and then you are to deliver the said list or certificate to such person as we shall appoint to be
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our receiver of the said money and securities. *Seventhly.*
You are to use your utmost endeavor to procure an act of
the General Assembly, to be passed for confirming to the
purchasers of the said rents, their respective purchases, and
for indemnifying them, from the demands of any Proprie-
tors, or sharers in proprieties, who are no parties, executing
the said deed above written, or who may descent to such
sale; as also for the securing of the money to be paid to such
persons aforesaid, according to their respective shares and
portions, for which end instructions shall be sent to our
Governor of the said Province, for assenting to such law.
A. Campbell, seal. Thomas Barker, seal. Walter Bent-
Joseph Ornston, seal. David Lyell, seal. Thomas Gordon,
seal. Joseph Ornston, attorney for Frances Hancock, widow
of Arent Sonmans, seal. Joseph Ornston, for Charles Orn-
ston, seal. William Dockwra, seal. Thomas Cooper, seal.
Thomas Hart, seal. Peter Sonmans, seal. John Burnett,
seal, for my father Robert Burnett. Thomas Foulerton,
Gilbert Molteson attorney for Robert Barclay, seal. Thomas
Gordon, attorney for doctor John Gordon, Thomas Gordon,
attorney for Mr. George Alexander, seal. William Bingley,
seal, William Bingley, attorney for Anthony Sharpe, seal.
Thomas Lane, Paul Dockminique, John Bridges, Thomas
Skinner, Robert Mitchell. West Jersey seal.

Memorandum, the publick seal of the Province of West
New Jersey, was affixed to this writing by Sir Thomas Lane,
Knt. Paul Dockminique, Esq; John Bridges, Thomas Skin-
er, Esq; Robert Mitchell merchant, (the persons impow-
ered by the society of West New Jersey) to strengthen and
confirm the particular act and deed of the above named per-
sons, and to no other intent or purpose whatsoever. Thomas
Lane, Paul Dockminique, John Moore, William Hammond,
Francis Minshull, Obadiah Burnett, John Bridges being a
committee of the West New Jersey Society.
Further Orders and Instructions to Jeremiah Basse, Esquire, Governor of the Province of East New Jersey, in America, sent from London, by the Committee of the Proprietors there to be observed by the said Governor, viz.

I. IMPRIMIS, you are not to call a General Assembly of the said Province, until at least two months be past, after the receipt of these orders and instructions, but after the expiration of the said time, they meet with all convenient speed.

II. WHEREAS George Willocks, our fellow Proprietor, is appointed our agent or commissioner for selling our quit-rents, and recovering and collecting the arrears of the same as by his article and instructions more at large appears, to which we refer you. You are to give him all possible assistance therein, and in every thing else, wherein he is employed in the Proprietors concern, pursuant to their agreement with and instructions to him.

III. That after the sale of at least, one half of the value of the quit-rents, then at the General Assembly’s desire you consent to a law, for securing the tittle to all purchasers of quit-rents, against all such Proprietors, or sharers in proprieties, as have not, or shall not have signed the commission or articles and instructions to George Willocks. As also the said law do make provision for securing the purchase money, to such persons according to their respective interest and shares each one has in proprieties.

IV. You are to use your endeavour to oblige the General Assembly to raise a grateful sum of money, to be remitted to London, towards some ease of the great charge these Proprietors have paid, and the great trouble and ex-
pence of time, which they have been at in struggling many years for the freedom of the port of Perth Amboy, for navigation and trade, which is now obtained at last, free from the encroachments and pretentions of any neighbouring colony, the benefits and advantages whereof will chiefly redound to the inhabitants of the said Province.

V.
You are also to endeavor to get a law passed by the Representatives of the General Assembly for establishing a good lasting fund, for support of the charge of the government.

VI.
That upon the peoples purchasing at least one half of the value of the quit-rents, and the purchasers paying all their arrears in ready money, as also upon the establishment of a sufficient fund for the support of the government, to be done by the representatives of the people of the said Province in a General Assembly; you then consent to a law (at their desire) to grant them the privileges following, (viz) That annually on a certain day, a General Assembly shall be called by you to meet and sit at the principal town of Perth Amboy, in the said Province, and that the said Representatives have liberty to name double the number of persons to serve as justices of the peace necessary for each county, and shall present their names in writing to you the Governor, out of which you are to chuse half the said number, which shall be commissionated by you to serve as justices of the peace, in the respective counties of the said Province: And the like privileges of naming double the number of coroners and captains, and other inferior officers of the militia, for military service in the Province, you the Governor to chuse one half out of them, and grant them commissions accordingly: which justices of the peace, coroners and military so commissionated by you, are to continue in their respective offices at least for one year, unless found guilty of maleversation in his or their respective office, and may be continued for any longer time, without new nomination, unless you the Governor shall require the Representatives in General Assembly as aforesaid to make a new nomination; but it is to be understood, that all the members of the Provincial Council, shall be first commissionated.
for justices of the peace from time to time within the said Province. Nevertheless if the major part in number of persons, or value of quit-rents, in any town or county, refuse to pay their arrears, and purchase their quit-rents, such town or county shall have none of the said priviledges granted them, but such officers and justices shall be appointed to be over them and commissioned as was formerly accustomed by you the Governor only. Provided always, that a clause be inserted, if such law be passed for priviledge to the representatives for nomination of double the number of officers, as abovementioned, that such priviledges shall continue and be in force no longer time than the General Assembly do continue a sufficient fund to maintain and support the charge of the government.

VII.

That you do not consent to a law for imposing or ascertaining the yearly, quarterly, or any other sallary, tax, or allowance for the maintainance of any sort of preachers or ministers of whatsoever perswasion they be of in matters of religion.

VIII.

That you do not consent unto any law, that may lay any tax or imposition whatsoever, upon any of the uncultivated land in the said Province.

IX.

That you endeavour to get an act of Assembly passed for recording all deeds, grants, and conveyances of lands, tenements, and hereditaments, within the said Province in the publick general register in the Secretary's office, for the better security of posterity, and the greater satisfaction to all purchasers, when all such titles, as well those heretofore, as those that come after, shall appear upon publick record.

X.

That you lay before the Assembly the great advantage that will redound to the trade of the Province in general, to cause the publick road to pass through the port town of Perth Amboy, from New York, &c. to West Jersey, and Pennsylvania, to which good end, that you endeavour to get an act passed to lay a tax on the country, to bear the charge of a work tending so much to the publick benefit of the Province.
XI.
That you consent to pass a law or act of Assembly that no attorney or other person be suffered to practice or plead for fee or hire, in any court of judicature, in any suit or cause or process in law whatsoever, but such as are admitted to practice by licence of the Governor of the Province for the time being.

XII.
That you cause all the laws already made in the Province to be effectually put in execution, or that new acts be pass’d to confirm or enforce the same.

XIII.
You are to cause copies of all the laws of the said Province, that shall be made hereafter, to be transmitted to the committee of proprietor in London, by the next ships bound for England, from time to time.

XIV.
You are cause these instructions to be entered upon the publick records of the Province.


The foregoing copies are examined with the records.