THE

CONCESSIONS

AND

AGREEMENTS

Of the Proprietors, Freeholders and Inhabitants of the Province of West New Jersey, in America.

CHAPTER I.

WE DO consent and agree, as the best present expedition, that such persons as shall be from time to time, deputed, nominated and appointed commissioners by the present Proprietors or the major part of them, by writing, under their hands and seals, shall be commissioners for the time being, and have power to order and manage the estate and affairs of the said Province of West New Jersey, according to these our concessions, hereafter following, and to depute others in their place and authority in case of death or removal, and to continue until some other persons be deputed, nominated and appointed by the same Proprietors, or the major part of them, to succeed them in that office and service. And the commissioners for the time being are to take care for forth and dividing all the lands of the said Province, as be already taken up, or by themselves shall be taken up and contracted for with the natives, and the said land so taken up and contracted for to divide into one hundred parts, as occasion shall require; that is to say, for every quantity of land that they
shall from time to time lay out to be planted and settled upon, they shall first for expedition divide the same into ten equal parts or shares; and for distinction sake to mark in the register, and upon some of the trees belonging to every tenth part, with the letters A B and so end at the letter K. And after the same is so divided and marked, the said commissioners are to grant unto Thomas Hutchinson of Beverly, Thomas Pearson of Bonwick, Joseph Helmsley, of Great Kelk, George Hutchinson of Sheffield, and Mahlon Stacy of Hansworth, all of the county of York, or their lawful Deputies, or particular commissioners, for themselves and their friends, who are a considerable number of people, and may speedily promote the planting of the said Province; that they may have free liberty to make choice of any one of the said tenth parts, or shares, which shall be first divided and set out, being also done with their consent, that they may plant upon the same as they see meet; and afterward any other person or persons, who shall go over to inhabit, and have purchased to the number of ten proprieties, they shall and may have liberty to make choice of any of the remaining parts or shares, to settle in; and all other Proprietors, who shall go over to settle as aforesaid, and cannot make up amongst them, the number of ten Proprieties, yet nevertheless they shall and may have liberty to make choice of settling in any of the said tenth shares that shall not be taken up before. And the commissioners have hereby power to see the said one tenth part, that they shall so make choice of, laid out and divided into ten Proprieties, and to allot them so many Proprieties, out of the same, as they have orders for: And the said commissioners are to follow these rules, until they receive contrary order from the major part of the Proprietors under their hands and seals.

The said commissioners for the time being have hereby power for appointing and setting out fit places for towns, and to limit the boundaries thereof, and to take care they be as regular built as the present occasion, time and conveniency of the places will admit of; and that all towns to be erected and built, shall be with the consent of the commissioners for
the time being, or the major part of them. And further, the
said commissioners are to order the affairs of the Province
according to these Concessions, and any other instructions
that shall be given them by the major part of the Proprietors,
until such time as more or other commissioners shall
be chosen by the inhabitants of West Jersey, as here in
these Concessions is mentioned and appointed.

And it is further expressly provided and agreed to; that
whereas there is a contract or agreement granted by William
Penn, Gawen Lawry, and Nicholas Lucas, unto Thomas
Hutchinson, Thomas Pearson, Joseph Helmsly, George
Hutchinson, and Mahlon Stacy, dated the second day of the
month called March, 1676, instant; wherein they grant unto
the said persons, certain privileges for a town to be built,
whereby they have liberty to choose their own magistrates
and officers, for executing the laws, according to the Con-
cessions within the said town: Which said contract or agree-
ment, is to be held firm and good to all intents and purposes,
and we do by these our Concessions confirm the same.

Chap. II.

AND that all and every person and persons, may enjoy
his and their just and equal propriety, and purchase
of lands in the said Province: It is hereby agreed, con-
cluded and ordained, that the survey or surveyors, that the
said Proprietors have deputed and appointed, or shall de-
pute or appoint; they failing, that the commissioners shall
depute and appoint, or that the General Free Assembly
hereafter shall depute and appoint, shall have power by him
or themselves, or his or their lawful Deputy, or Deputies, to
survey, lay out or bound, all the Proprietors lands, and all
such lands as shall be granted from any of the Proprietors
to the freeholders, planters, or inhabitants, and a particular
or terryor thereof, to certify to the register, to be recorded.
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Chap. III.

THAT hereafter upon further settlement of the said Province, the Proprietors, freeholders, and inhabitants, resident upon the said Province, shall and may at or upon the five and twentieth day of the month called March, which shall be in the year according to the English account, one thousand six hundred and eighty, and so thence forward, upon the five and twentieth day of March yearly, by the ninth hour in the morning of the said day, assemble themselves together in some publick place, to be ordered and appointed by the commissioners for the time being; and upon default of such appointment, in such place as they shall see meet, and then and there elect of and amongst themselves, ten honest and able men, fit for government, to officiate and execute the place of commissioners for the year ensuing, and until such time as ten more for the year then next following, shall be elected and appointed: which said elections shall be as followeth, that is to say, the inhabitants each ten of the one hundred Proprietors shall elect and choose one, and the one hundred Proprietors shall be divided into ten divisions or tribes of men.

And the said elections shall be made and distinguished by ballating trunks, to avoid noise and confusion, and not by voices, holding up of the hands, or otherwise howsoever: which said commissioners so yearly to be elected, shall likewise govern and order the affairs of the said Province (pro tempore) for the good and welfare of the said people, and according to these our Concessions, until such time as a general free Assembly shall be elected and deputed in such manner and wise as his hereafter expressed and contained.
And that the Planting of the said Province be the more speedily promoted, it is consented, granted, concluded, agreed and declared.

First. THAT the Proprietors of the said Province, have and do hereby grant unto all persons who by and with the consent of one or more of any of the Proprietors of the said Province, attested by a certificate, under his or their hands and seals, adventure to the said Province of West New Jersey, and shall transport themselves or servants before the first day of the month commonly called April, which shall be in the year of our Lord, one thousand six hundred seventy and seven, these following proportions, viz. For his own person arriving, seventy acres of land English measure, and for every able man servant that he shall carry with him, and arriving there, the like quantity of seventy acres of land English measure. And whosoever shall send servants before that time, shall have for every able man servant, he or they so send as aforesaid, and arriving there, the like quantity of seventy acres; and for every weaker servant, male or female, exceeding the age of fourteen years, which any one shall send or carry, arriving there, fifty acres of land, and after the expiration of their time of service, fifty acres of land for their own use and behoof, to hold to them and their heirs forever. All such person and persons, freemen or servants and their respective heirs, and assigns, afterwards paying yearly to the Proprietor, his heirs and assigns, to whom the said lands belong, one penny an acre, for what shall be laid out in towns, and one half penny an acre for what shall be laid out elsewhere. The first yearly payment to begin within two years after the said lands are laid out.

II. To every master or mistress, that by and with such consent aforesaid, shall go hence the second year, before the first day of the month called April, which shall be in the year one thousand six hundred seventy and eight, fifty acres of land, and for every able man servant, that he or
she shall carry or send, and arriving there, the like quantity of fifty acres of land, and for every weaker servant, male or female, exceeding the age of fourteen years, arriving there, thirty acres of land: and after the expiration of their service, thirty acres of land for their own use and behoof, to hold to them and their heirs for ever; all the said persons and their respective heirs and assigns, yearly paying as aforesaid, to the Proprietor, his heirs, and assigns, to whom the land belongs, one penny farthing the acre, for all such lands as shall be laid out in towns, and three farthings the acre, for all that shall be laid out elsewhere.

III. To every freeman that shall arrive in the said Province, within the third year, from the first day of the month commonly called April, in the year one thousand six hundred seventy and eight, to the first of the said month called April, one thousand six hundred seventy and nine, (with an intention to plant) forty acres of land English measure; and for every able man servant that he or she shall carry or send as aforesaid, forty acres of land of like measure; and for every weaker servant, aged as aforesaid, that shall be so carried or sent thither within the third year as aforesaid, twenty acres of land of like measure; and after the expiration of his or their time of service, twenty acres of land for their own use and behoof, to hold to them and their heirs forever; all the said persons and their heirs and assigns, paying yearly as aforesaid, to the Proprietor, his heirs or assigns, with whom they contract for the same, one penny half penny the acre, for what shall be laid out in towns, and one penny the acre for what shall be laid out elsewhere. All which lands that shall be possessed in the said Province are to be held under, and according to the concessions and conditions as is before mentioned, and as hereafter in the following paragraph, is more at large expressed. Provided always, that the before mentioned land, that shall be taken up and so settled in the Province as aforesaid, shall from the date hereof, be held upon the conditions aforesaid, containing at least two able men servants, or three such weaker servants as aforesaid, for every hundred acres, and so proportionably
for a lesser or greater quantity as one hundred acres, besides what a master or mistress shall possess, which was granted for his or her own person; in failure of which upon notation to the present occupier or his assigns, there shall be three years given to such for the compleating the said number of servants; and for their sale or other disposure of such part of their lands as are not so peopled: within which time of three years, if any person holding any land shall fail by himself, his agents, executors or assigns, or some other way to provide such number of persons, (unless the General Assembly shall without respect to poverty, judge it was impossible for the party so failing to keep his or her number of servants to be provided as aforesaid) in such case the commissioners are to summon together twelve men of the neighbourhood, upon such inquest, verdict and judgment past of such default, they are and have power of disposing of so much of such land for any term of years, not exceeding twenty years, as shall not be planted with its due number of persons as aforesaid, to some other that will plant the same, reserving and preserving to the Proprietor, or his lawful assigns, the rents to become due and owing for, or in respect of the same, according to the tenure and effect of these Concessions. And further, that every Proprietor that goeth over in person, and inhabit in the said Province, shall keep and maintain upon every lot of land that they shall take up, one person at least; and if the lot shall exceed two hundred acres, he shall keep and maintain for every two hundred acres, the like quantity of one person at least.

And for all other Proprietors that doth but go over in person, and inhabit in the said Province, shall keep and maintain upon every lot of land that shall fall to them, one person at the least; and if the said lot exceed one hundred acres, then upon every hundred acres that fall to them as aforesaid, they shall keep and maintain one person at the least: And if any neglect or deficiency shall be found in any of the Proprietors of their keeping and maintaining the number of persons before mentioned, that then and in that case the commissioners are to dispose upon the said lands for
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any term of years not exceeding twenty, to any person or persons that will keep and maintain upon the said lands, the number of persons as before is mentioned; reserving always unto the said Proprietors, the rents that shall fall due for the same, as before is reserved and appointed to be so. Always provided, that the keeping and maintaining of the said number of persons upon the several lots and number of acres before mentioned, is to continue for ten years from the date of the Concessions and no longer, except where there have been any deficiency, so as the commissioners have let the lands for a longer time to any person or persons, they are to enjoy the same during the term granted them by the commissioners, any thing in this last proviso, to the contrary notwithstanding.

Chapter V.

And for the regular laying out of all Lands, whatsoever in the said Province, this Method is to be followed by the Register and Surveyor.

THAT the register to be appointed as aforesaid, having recorded any grant from any of the Proprietors, any person for any quantity or quantities of acres, shall make out a certificate to the surveyor or his deputy, en-joying him to lay out, limit and bound acres of land for A B. out of the several lots of C D. one of the Proprietors in the proportions following, that is to say part thereof in the lot of the said C D. in which the surveyor or his deputy shall lay out, limit and bound accordingly, and shall certify back to the register, on what point of the compass, the several limits thereof lie, and on whose lands the several parcels but and bound; which last certificate shall be entered by the said register, or his deputy, in a book for that purpose, with an alphabetical table of the Proprietors names, and the name of the planter or purchaser, referring to the said certificate, shall by the said register be endorsed on the back of
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the grant, with the folio of the book, in which it is entered, and his name subscribed to the said indorsement.

And that the commissioners for the time being are hereby empowered to ascertain the rates and fees of the publick register, surveyor, and other officers, as they shall see meet and reasonable, how much, or what every one shall pay for the registering and conveyance, deed, lease, specialty, certificate or other writing; as also what shall be paid by every Proprietor for surveying, dividing, and laying out of any lands in the said Province; which said register, surveyor, or other officer is not to exact or demand any more or greater rates, as shall be established as aforesaid.

Chapter VI.

We do also grant convenient portions of land for highways, and for streets, not under one hundred foot in breadth, in cities, towns and villages.

And for wharfs, keys, harbours, and for public houses in such places as the commissioners for the time being (until there be a general assembly) shall appoint, and that all such lands laid out for the said uses and purposes, shall be free and exempt from all rents, taxes and other charges and duties whatsoever; as also that the inhabitants of the said Province, have free passage through, or by any seas, bounds, creeks, rivers, rivelets in the said Province, through or by which they must necessarily pass, to come from the main ocean to any part of the Province aforesaid; as also by land in ways laid out, or through any lands not planted or enclosed.

That all the inhabitants within the said Province of West Jersey, have the liberty of fishing in Delaware river, or on the sea coast, and the liberty of hunting, and killing of any deer, or other wild beasts, the liberty to shoot, or take any wild fowl within the said Province. Provided always that they do not hunt, kill, shoot, or take any such deer, wild beasts, or fowls upon the lands, that is or shall
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be surveyed, taken up, inclosed, sown, and planted, except the owners of the said lands, or their assigns.

Chapter VII.

THE commissioners are to take care that lands quietly held, planted, and possessed seven years, after it's being first duly surveyed by the surveyor, surveyors, his or their lawful deputies, which shall be appointed by the said Proprietors and registered in manner as aforesaid, shall not be subject to any review, resurvey or alteration of bounds, upon any pretence, or by any pretence, or by any person or persons whatsoever.

Chapter VIII.

THE commissioners are to take care that no man if his cattle stray, range or graze on any ground, within the said Province, not actually appropriated or set out to particular persons, shall be liable to pay any trespass for the same, provided that custom of commons be not thereby pretended to, nor any person hindred from legally taking up and appropriating any land so grazed upon.

Chapter IX.

THE commissioners are to see that all courts established by the laws and constitutions of the General Assembly, and pursuant unto those Concessions, do execute their several duties and offices respectively according to the laws in force, and to displacce or punish them for violating the said laws, or acting contrary to their duty and trusts, as the nature of their offences shall require; and where they see cause after condemnation or sentence past upon any person or persons by any judge, justice, or court whatsoever, the said commissioners have power to reprieve and suspend the execution of the sentence, until the cause be presented, with a copy of the whole tryal, proceedings and proofs to the next General Assembly, who may accordingly either pardon, or command execution of the sentence on the offender or of-
fenders, who are to be kept in the mean time in safe custody, until the sense of the General Assembly be known therein.

Chapter X.

To act and do all other thing or things, that may conduce to the safety, peace and well government of the said Province, and these present Concessions, and that all inferior officers be accountable to the commissioners, and they to be accountable to the General Assembly. The commissioners are to take care that the constables of the said Province, shall collect such of Proprietors rents, who dwell not in the said Province, but in England, Ireland, or Scotland, and shall pay it to the receiver, that they shall appoint to receive the same, unless the General Assembly shall prescribe some other way, whereby they may have their rents duly collected, without charge and trouble to the said Proprietors.

Chapter XI.

They are not to impose or suffer to be imposed any tax, custom, or subsidy, tollage, assessment, or any other duty whatsoever, upon any colour or pretence, how specious soever, upon the said Province and inhabitants thereof, without their own consent first had, or other than what shall be imposed by the authority and consent of the General Assembly, and that only in manner and for the good ends and uses as aforesaid.

Chapter XII.

That the said commissioners, registers, surveyors, and all and every other publick officers of trust whatsoever, already deputed and chosen, are hereafter from time to time to be deputed and chosen, shall subscribe (in a book or books to be provided for that purpose) that they will truly and faithfully discharge their respective trusts, according to the laws of the said Province, and tenor of these Concessions, in their respective offices and duties, and do equal justice and right to all men, according to their best
skill and judgment, without corruption, favour, or affection, and the names of all that shall subscribe to be entered in the said book. And whosoever shall subscribe, and shall violate, break or any wise falsify his promise, after such subscription, shall be liable to be punished or fined, and also be made incapable of any publick office within the said Province.

The Charter or Fundamental Laws, of West New Jersey, agreed upon.

Chapter XIII.

That these following Concessions are the Common Law, or Fundamental Rights, of the Province of West New Jersey.

That the common law or fundamental rights and privileges of West New Jersey, are individually agreed upon by the Proprietors and freeholders thereof, to be the foundation of the government, which is not to be altered by the Legislative authority, or free Assembly hereafter mentioned and constituted, but that the said Legislative authority is constituted according to these fundamentals, to make such laws as agree with, and maintain the said fundamentals, and to make no laws that in the least contradict, differ or vary from the said fundamentals, under what pretence or alligation soever.
Chapter XIV.

BUT if it so happen that any person or persons of the said General Assembly, shall therein designedly, willfully, and maliciously, move or excite any to move, any matter or thing whatsoever, that contradicts or any ways subverts, any fundamentals of the said laws in the Constitution of the government of this Province, it being proved by seven honest and and reputable persons, he or they shall be proceeded against as traitors to the said government.

Chapter XV.

THAT these Concessions, law or great charter of fundamentals, be recorded in a fair table, in the Assembly House, and that they be read at the beginning and dissolving of every general free Assembly: And it is further agreed and ordained, that the said Concessions, common law, or great charter of fundamentals, be writ in fair tables, in every common hall of justice within this Province, and that they be read in solemn manner four times every year, in the presence of the people, by the chief magistrates of those places.

Chapter XVI.

THAT no men, nor number of men upon earth, hath power or authority to rule over men’s consciences in religious matters, therefore it is consented, agreed and ordained, that no person or persons whatsoever within the said Province, at any time or times hereafter, shall be any ways upon any pretence whatsoever, called in question, or in the least punished or hurt, either in person, estate, or priviledge, for the sake of his opinion, judgment, faith or worship towards God in matters of religion. But that all and every such person, and persons, may from time to time, and at all times, freely and fully have, and enjoy his and their judgments, and the exercises of their consciences in matters of religious worship throughout all the said Province.
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Chapter XVII.

That no Proprietor, freeholder or inhabitant of the said Province of West New Jersey, shall be deprived or condemned of life, limb, liberty, estate, property or any ways hurt in his or their privileges, freedoms or franchises, upon any account whatsoever, without a due tryal, and judgment passed by twelve good and lawful men of his neighbourhood first had: And that in all causes to be tried, and in all tryals, the person or persons, arraigned may except against any of the said neighbourhood, without any reason rendered, (not exceeding thirty five) and in case of any valid reason alleged, against every person nominated for that service.

Chapter XVIII.

And that no Proprietor, freeholder, freedenison, or inhabitant in the said Province, shall be attached, arrested, or imprisoned, for or by reason of any debt, duty, or thing whatsoever (cases felonious, criminal and treasonable excepted) before he or she have personal summon or summons, left at his or her last dwelling place, if in the said Province, by some legal authorized officer, constituted and appointed for that purpose, to appear in some court of judicature for the said Province, with a full and plain account of the cause or thing in demand, as also the name or names of the person or persons at whose suit, and the court where he is to appear, and that he hath at least fourteen days time to appear and answer the said suit, if he or she live or inhabit within forty miles English of the said court, and if at a further distance, to have for every twenty miles, two days time more, for his and their appearance, and so proportionably for a larger distance of place.

That upon the recording of the summons, and non appearance of such person and persons, a writ or attachment shall or may be issued out to arrest, or attach the person or persons of such defaulters, to cause his or their appearance in such court, returnable at
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a day certain, to answer the penalty or penalties, in such suit or suits; and if he or they shall be condemned by legal tryal and judgment, the penalty or penalties shall be paid and satisfied out of his or their real or personal estate so condemned, or cause the person or persons so condemned, to lie in execution till satisfaction of the debt and damages be made. Provided always, if such person or persons so condemned, shall pay and deliver such estate, goods, and chattles which he or any other person hath for his or their use, and shall solemnly declare and aver, that he or they have not any further estate, goods or chattles wheresoever, to satisfy the person or persons, (at whose suit, he or they are condemned) their respective judgments, and shall also bring and produce three other persons as compurgators, who are well known and of honest reputation, and approved of by the commissioners of that division, where they dwell or inhabit, which shall in such open court, likewise solemnly declare and aver, that they believe in their consciences, such person and persons so condemned, have not werewith further to pay the said condemnation or condemnations, he or they shall be thence forthwith discharged from their said imprisonment, any law or custom to the contrary thereof, heretofore in the said Province, notwithstanding. And upon such summons and default of appearance, recorded as aforesaid, and such person and persons not appearing within forty days after, it shall and may be lawful for such court of judicature to proceed to tryal, of twelve lawful men to judgment, against such defaulters, and issue forth execution against his or their estate, real and personal, to satisfy such penalty or penalties, to such debt and damages so recorded, as far as it shall or may extend.

Chapter XIX.

THAT there shall be in every court, three justices or commissioners, who shall sit with the twelve men of the neighbourhood, with them to hear all causes, and to assist the said twelve men of the neighbourhood in case of law; and that they the said justices shall pronounce such judgment as they shall receive from, and be directed by the said twelve men, in whom only the judgment resides, and not otherwise.
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And in case of their neglect and refusal, that then one of the twelve, by consent of the rest, pronounce their own judgment as the justices should have done.

And if any judgment shall be past, in any case civil or criminal, by any other person or persons, or any other way, then according to this agreement and appointment, it shall be held null and void, and such person or persons so presuming to give judgment, shall be severely fined, and upon complaint made to the General Assembly, by them be declared incapable of any office or trust within this Province.

Chapter XX.

THAT in all matters and causes, civil and criminal, proof is to be made by the solemn and plain averment, of at least two honest and reputable persons; and in case that any person or persons shall bear false witness, and bring in his or their evidence, contrary to the truth of the matter as shall be made plainly to appear, that then every such person or persons, shall in civil causes, suffer the penalty which would be due to the person or persons he or they bear witness against. And in case any witness or witnesses, on the behalf of any person or persons, indicted in a criminal cause, shall be found to have born false witness for fear, gain, malice or favour, and thereby hinder the due execution of the law, and deprive the suffering person or persons of their due satisfaction, that then and in all other cases of false evidence, such person or persons, shall be first severely fined, and next that he or they shall forever be disabled from being admitted in evidence, or into any publick office, employment, or service within this Province.

Chapter XXI.

THAT all and every person and persons whatsoever, who shall prosecute or prefer any indictment or information against others for any personal injuries, or matter criminal, or shall prosecute for any other criminal cause, (treason, murther, and felony, only excepted) shall and may be master of his own process,
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and have full power to forgive and remit the person or persons offending against him or herself only, as well before as after judgment, and condemnation, and pardon and remit the sentence, fine and punishment of the person or persons offending, be it personal or other whatsoever.

Chapter XXII.

THAT the tryals of all causes, civil and criminal, shall be heard and decided by the verdict or judgment of twelve honest men of the neighbourhood, only to be summoned and presented by the sheriff of that division, or propriety where the fact or trespass is committed; and that no person or persons shall be compelled to fee any attorney or councillor to plead his cause, but that all persons have free liberty to plead his own cause, if he please: And that no person nor persons imprisoned upon any account whatsoever within this Province, shall be obliged to pay any fees to the officer or officers of the said prison, either when committed or discharged.

Chapter XXIII.

THAT in all publick courts of justice for tryals of causes, civil or criminal, any person or persons, inhabitants of the said Province may freely come into, and attend the said courts, and hear and be present, at all or any such tryals as shall be there had or passed, that justice may not be done in a corner nor in any covert manner, being intended and resolved, by the help of the Lord, and by these our Concessions and Fundamentals, that all and every person and persons inhabiting the said Province, shall, as far as in us lies, be free from oppression and slavery.
For the preventing of Fraud, Deceit, Collision in Bargains, Sales, Trade and Traffick, and the usual Contests, Quarrels, Debates and utter ruin,

Which have attended the People in many Nations, by costly, tedious vexatious and Law suits, and for a due settlement of Estates.

It is agreed, concluded, and ordained, that there be kept a register at London, within the Nation of England. And also another register within the Province of New West Jersey, and that all deeds, evidences, and conveyances of land in the said Province of New West Jersey, that shall be executed in England, may also be there registered; and once every year, the register of the said deeds and conveyances, so registered, shall be duly transmitted under the hands of the register and three Proprietors, unto the commissioners in New West Jersey, to be enroled in the publick register of the said Province. As also that the chief register, which the said Proprietors have deputed or chosen, or shall depute or choose failing, that the commissioners shall depute or choose, or which the General Assembly of the said Province, hereafter mentioned, shall depute or choose, shall keep exact entries and registers in fair books, or rolls for that purpose to be provided, of all publick affairs, and therein shall record and enter all grants of land, from the Proprietors to the planters, and all conveyances of land, house or houses, from man to man, as also all assignments, mortgages, bonds, specialties whatsoever, and all leases for land, house or houses, from man to man, as also all assignments, mortgages, bonds, specialties whatsoever, and all leases for land, house or houses, made, or to be made from landlord to tenant, and from person to person; which conveyances, leases, assignments, mortgages, bonds, and specialties which shall be executed in West New Jersey, shall be first acknowledged by the grantor, assignor, and obligor, be-
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fore the said commissioners or two of them at least, or some two of their lawful deputies for the time being; who shall under their hands, upon the back side of the said deed, lease, assignment, mortgage, or specialty, attest the acknowledgment thereof as aforesaid, which shall be a warrant, for the register to record the same; and such conveyance or specialty, if sealed, executed, acknowledged before three Proprietors, in the nation of England, or Ireland, and recorded or registered there within three months after the date thereof, or if sealed, executed and acknowledged in the said Province, or elsewhere out of England, and recorded or registered within six months after the date thereof, shall be good and effectual in law, and for passing or transferring of estates in lands, tenements, or hereditaments, shall be as effectual as if delivery and seize were executed of the same. And all other conveyances, deeds, leases, or specialties not recorded as aforesaid, shall be of no force nor effect: And the said register, shall do all other thing or things, the said Proprietors by their instructions shall direct, or the commissioners or Assembly shall ordain, for the good and welfare of the said Province.

Chap. XXV.

That there may be a good understanding and friendly correspondence between the Proprietors, Freeholders, and Inhabitants of the said Province, and the Indian Natives thereof.

It is concluded and agreed, that if any of the Indian natives within the said Province, shall or may do any wrong or injury to any of the Proprietors, freeholders, or inhabitants, in person, estate or otherways however, upon notice thereof, or complaint made to the commissioners, or any two of them, they are to give notice to the Sachem, or other chief person or persons, that hath authority over the said Indian native or natives, that justice may be done, and satisfaction made to the person or persons offended,
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according to law and equity, and the nature and quality of the offence and injury done or committed.

And also in case any of the Proprietors, freeholders, or inhabitants shall any wise wrong, or injure any of the Indian natives there, in person, estate or otherwise, the commissioners are to take care upon complaint to them made, or any one of them, either by the Indian natives, that justice be done to the Indian natives, and plenary satisfaction made them according to the nature and quality of the offence and injury. And that in all tryals wherein any of the said Indian natives are concerned, the tryal to be by six of the neighbourhood, and six of the said Indian natives, to be indifferently and impartially chosen by order of the commissioners, and that the commissioners use their endeavour, to perswade the natives to the like way of tryal, when any of the natives do any ways wrong or injure the said Proprietors, freeholders or inhabitants, that they choose six of the natives, and six of the freeholders or inhabitants, to judge of the wrong and injury done, and to proportion satisfaction accordingly.

Chapter XXVI.

It is agreed when any lands is to be taken up for settlements of towns, or otherways, before it be surveyed, the commissioners or the major part of them are to appoint some persons to go to the chief of the natives concerned in that land, so intended to be taken up, to acquaint the natives of their intention, and to give the natives what present they shall agree upon, for their good will or consent, and take a grant of the same in writing, under their hands and seals, or some other publick way used in those parts of the world; which grant is to be registered in the publick register, allowing also the natives (if they please) a copy thereof, and that no person or persons, take up any land, but by order from the commissioners, for the time being.
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Chapter XXVII.

THAT no ship master or commander of any ship or vessel, shall receive into his ship or vessel, to carry unto any other nation, country or plantation, any person or persons whatsoever, without a certificate first had and obtained under the hands and seals of the commissioners, or any two of them, that the said person or persons are clear, and may be taken on board, signifying that the said person or persons names have been put up at three public places of the Province, appointed by the commissioners for that purpose, for the space of three weeks giving notice of his or their intention to transport themselves.

Chapter XXVIII.

That Men may peaceably and quietly enjoy their Estates.

IT is agreed if any person or persons shall steal, rob, or take any goods or chattles, from or belonging to any person or persons whatsoever, he is to make restitution two fold out of his or their estate; and for want of such estate, to be made to work for his theft, for such time and times as the nature of the offence doth require, or until restitution be made double for the same, or as twelve men of the neighbourhood shall determine, being appointed by the commissioners, not extending either to life or limb.

If any person or persons, shall willfully beat, hurt, wound, assault, or otherways abuse the person or persons of any man, woman, or child, they are to be punished according to the nature of the offence, which is to be determined by twelve men of the neighbourhood, appointed by the commissioners.
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Chapter XXIX.

For securing Estates of Persons that die, and taking care of Orphans.

First. If any person or persons die, the commissioners are to take care that the will of the deceased be duly performed, and security given by those that prove the will: And that all wills or testaments be registered in a public register appointed for that purpose, and the person and persons that prove the same, to bring in one true inventory under their hands of all the estate of the deceased, and to have a warrant under the hands of three commissioners, and the publick seal of the Province, intimating that they have brought in an inventory of the estate, and given security. Then and not before, are they to dispose upon the estate.

II. If any person die intestate, leaving a wife and children, the commissioners are to take security from the person that shall administer, to secure two parts of the estate for the children, and the third to the wife, if there be any, and if there be no child, then half to the next of kin, and the other to the wife.

III. If the parents of children be dead, and no will made, then the commissioners are to appoint two or more persons to take the charge of the children, and estate, and to bring in an inventory of the estate to be registered, and that the said persons are to make good to the children, what part of the estate shall come into their hands, and to give a true account of their receipts and disbursements, to be approved of by the commissioners.

IV. If parents die, leaving child or children, and no estate, or not sufficient to maintain and bring up the said child or children, in that case the commissioners are to appoint persons to take care for the child or children, to bring them up in such manner as the commissioners shall appoint, and the charges thereof to be born by the publick stock of the Province; and if none be established, then by tax to be
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levied by twelve men of the neighbourhood, with the consent of the commissioners, or the main part of them.

Chapter XXX.

In Case when any Person or Persons kill or destroy themselves, or be killed by any other thing.

It is agreed if any man or woman shall wilfully put hand and kill him or herself, the estate of such person or persons, is not to be forfeited, but the kindred, heirs or such other as of right the estate belongs to, may enjoy the same: Or if any beast or ship, boat or other thing, should occasion the death of any person or persons, nevertheless the said beast, ship, boat, or other thing is not to be forfeited, but those to whom they belong may enjoy the same. Provided always, that the said beast did not wilfully kill the said person, or hath been known to attempt or addicted to mischief, or hath been found to hurt or kill any person; then the said beast is to be killed.

Chapter XXXI.

All such person or persons as shall be upon tryal found guilty of murder, or treason, the sentence and way of execution thereof, is left to the General Assembly to determine as they in the wisdom of the Lord shall judge meet and expedient.

The General Assembly and their Power.

Chapter XXXII.

That so soon as divisions or tribes, or other such like distinctions are made; that then the inhabitants, freeholders, and Proprietors, resident upon the said Province, or several and respective tribes, or divisions or distinctions aforesaid, do yearly and every year meet on the first day of October, or the eight
month, and choose one Proprietor or freeholder for each respective propriety in the said Province, (the said Province being to be divided into one hundred proprieties) to be deputies, trustees, or representatives for the benefit, service and behoof of the people of the said Province: which body of Deputies, trustees or representatives, consisting of one hundred persons, chosen as aforesaid, shall be the general, free and supreme assembly of the said Province for the year ensuing and no longer. And in case any member of the said Assembly during the said year, shall decease or otherwise be rendered incapable of that service, that then the inhabitants of the said propriety, shall elect a new member to serve in his room for the remainder of the said year.

Chapter XXXIII.

And to the end the respective Members of the Yearly Assembly to be chosen may be regularly and impartially elected.

THAT no person or persons who shall give, bestow or promise directly or indirectly to the said parties electing, any meat, drink, money or money's worth, for procurement of their choice and consent, shall be capable of being elected a member of the said Assembly. And if any person or persons, shall be at any time corruptly elected, and sufficient proof thereof made to the said Free Assembly, such person or persons so electing or elected, shall be reckoned incapable to choose or sit in the said Assembly, or execute any other public office of trust within the said Province, for the space of seven years thence next ensuing. And also that all such elections as aforesaid, be not determined by the common and confused way of cry's and voices, but by putting balls into balloting boxes, to be provided for that purpose, for the prevention of all partiality, and whereby every man may freely choose according to his own judgment, and honest intention.
Chapter XXXIV.

To appoint their own times of meeting, and to adjourn their sessions from time to time (within the said year) to such times and places as they shall think fit and convenient, as also to ascertain the number of their quorum, provided such numbers be not less than one half of the whole, in whom (or more) shall be the full power of the General Assembly; and that the votes of two thirds of the said quorum, or more of them if assembled together as aforesaid, shall be determinative in all cases whatsoever coming in question before them, consonant and conformable to these Concessions and fundamentals.

Chapter XXXV.

That the said Proprietors and freeholders at their choice of persons to serve them in the General and Free Assembly of the Province, give their respective Deputies or trustees, their instructions at large, to represent their grievances, or for the improvement of the Province: And that the persons chosen, do by indentures under hand and seal, covenant and oblige themselves to act nothing in that capacity but what shall tend to the fit service and behoof of those that send and employ them; and that in case of failure of trust, or breach of covenant, that they be questioned upon complaint made, in that or the next Assembly, by any of their respective electors.

And that each member of the Assembly chosen as aforesaid, be allowed one shilling per day, during the time of the sitting of the Assembly, that thereby he may be known to be the servant of the people: which allowance of one shilling per day, is to be paid him by the inhabitants of the propriety or division that shall elect him.

Chapter XXXVI.

That in every General Free Assembly, every respective member hath liberty of speech; that no man be interrupted when speaking; that all questions
be stated with deliberation and liberty for amendments; that it be put by the chairman, by them to be chosen, and determined by plurality of votes. Also that every member has power of entering his protest and reasons of protestations. And that if any member of such Assembly shall require to have the persons names registered, according to their yea's and no's, that it be accordingly done: And that after debates are past, and the question agreed upon, the doors of the house be set open, and the people have liberty to come in to hear and be witnesses of the votes, and the inclinations of the persons voting.

Chapter XXXVII.

A

ND that the said Assembly do elect, constitute and appoint ten honest and able men, to be Commissioners of State, for managing and carrying on the affairs of the said Province, according to the law therein established, during the adjournments and desolutions of the said General free Assembly, for the concervation and tranquility of the same.

Chapter XXXVIII.

THAT it shall be lawful for any person or persons during the session of any General Free Assembly in that Province, to address, remonstrate or declare any suffering, danger or grievance, or to propose, tender or request any privilege, profit, or advantage to the said Province, they not exceeding the number of one hundred persons.

Chapter XXXIX.

TO enact and make all such laws, acts and constitutions as shall be necessary for the well government of the said Province, (and them to repeal) provided that the same be, as near may be conveniently, agreeable to the primitive, antient and fundamental laws of the nation of England. Provided also, that they be not against any of these our Concessions and fundamentals before or hereafter mentioned.
Chapter XL.

BY act as aforesaid, to constitute all courts, together with the limits, powers, and jurisdictions of the same, (consonant to these Concessions) as also the several judges, officer and number of officers belonging to each court, to continue such time as they shall see meet, not exceeding one year or two at the most, with their respective sallaries, fees and perquisites, and their apppellations, with the penalties that shall be inflicted upon them, for the breach of their several and respective duties and trusts. And that no person or persons whatsoever, inhabitants of the said Province, shall sustain or bear two offices in the said Province, at one and at the same time.

Chapter XLI.

THAT all the justices and constables be chosen by the people and all commissioners of the publick seals, treasuries, and chief justices, ambassadors, and collectors be chosen by the General Free Assembly.

Chapter XLII.

THAT the commissioners of the treasury of the said Province, bring in their account at the end of their year, unto the General Free Assembly, there to be seen and adjusted; and that every respective member, carry a copy thereof, unto that hundred of propriety he serves, for to be registered in the capital publick court of that propriety.

Chapter XLIII.

BY act as aforesaid, to lay equal taxes and assessments, and equally to raise money’s or goods, upon all lands or persons, within the several proprieties, precincts, hundreds, tribes, or whatsoever other divisions shall hereafter be made and established in the said Province, as oft as necessity shall require, and in such manner as to them shall seem most equal and easy to the inhabitants, in order to the better supporting of the publick charge of the said government, as also for the publick benefit and advantage of the said people and Province.
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Chapter XLIV.

By act as aforesaid, to subdivide the said Province into hundreds, proprieties, or such other divisions, and distinctions, as they shall think fit; and the said divisions, to distinguish by such names as shall be thought good; as also within the said Province, to direct and appoint places, for such and so many towns, cities, ports, harbours, creeks, and other places, for the convenient loading and unloaden of goods and merchandize, out of the ships, boats and other vessels, as shall be expedient, with such jurisdictions, privileges and franchises, to such cities, ports, harbours, creeks, or other places, as they shall judge most conducing to the general good of the said Province, and people thereof; and to erect, raise and build within the said Province, or any part thereof, such and so many market towns, and villages, and also appoint such and so many markets, and fairs, and in such place and places as they shall see meet, from time to time, as the grant made and assigned unto the said Proprietors will permit and admit.

In testimony and witness of our consent to and affirmation of these present laws, concessions and agreements, we the Proprietors, freeholders, and inhabitants of the said Province of West New Jersey, whose names are under written, have to the same voluntarily and freely set our hands, dated this third day of the month commonly called March, in the year of our Lord one thousand six hundred and seventy six.

E. Bylynge, Gawen Laurie,
Richard Smith, William Penn,
Edward Nethorp, William Emley,
John Penford, Joshua Wright,
Daniel Wills, Nicholas Lucas,
Thomas Ollie, William Haig,
Thomas Rudyard, William Peachee,
William Biddle, Richard Mathews,
Robert Stacy, John Haracis,
John Farrington, Francis Collins,
William Roydon, William Kent,
Richard Mew, Benjamin Scott,
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Percivall Towle, Thomas Lambert,
Mahlon Stacy, Thomas Hooton,
Thomas Budd, Henry Stacy,
Samuel Jeninns, Aert. Jansen,
John Lambert, John Surege,
William Heulings, Thomas Smith,
George Deacon, James Pearce,
John Thompson, Edward Web,
Edward Bradway, John Pledger,
Richard Guy, Richard Wilkinson,
James Nevill, Christopher Sanders,
William Cantwell, Reneare Vanhurst,
Fospe Ontstont, William Johnston,
Machgyel Baron, Charles Bagley,
Gasp. Herman, Samuel Wade,
Turrse Plese, Thomas Woodrose,
Robert Kemble, John Smith,
John Cornelise, Thomas Peirce,
Garret Van Jumne, William Warner,
William Gill Johnson, Joseph Warne,
Michael Lackerouse, Isaac Smart,
Markas Algus, Andrew Thompson,
Evert Aldricks, Thomas Kent,
Hendrick Everson, Henry Jenings,
Jillis Tomesen, Henry Stubbens,
Claas Jauson, William Willis,
Richard Warsan, George Hazelwood,
Christopher White, Rodger Pedrick,
Paul Doequet, William Hughes,
John Maddocks, Abraham Vanhighst,
John Forrist, Hipolitas Lefever,
James Vicary, William Wilkinson,
William Rumsey, Andrew Shennock,
Richard Robison, Lause Cornelious,
Mark Reeve, Samuel Hedge,
Thomas Watson, William Master,
Samuel Nicholson, John Grubb,
Daniel Smith, John Worlidge,
Richard Daniel, E. Meyor,
William Penton, Thomas Barton,
William Daniel, Robert Powel,
Robert Zane, Thomas Harding,
Walter Peiterson, Mathew Allen,
Anthony Page, R. Right,
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Andrew Bartletson, Godfrey Hancock,
Woolley Woollison, John Petty,
Anthony Dickson, Abraham Hewlings,
John Denna, John Newbold,
Thomas Benson, John White,
John Paine, John Roberts,
Richard Buffington, John Wood,
Samuel Lovet, John Gosling,
Barnard Devenish, Thomas Revel,
Thomas Stokes, Eliazer Fenton,
Thomas French, Samuel Oldale,
Isaac Marriot, William Black,
John Butcher, Anthony Woodhouse,
Geo. Hutchinson, Daniel Leeds,
Thomas Gardner, John Pancoast,
Thomas Eves, Francis Beswick,
John Borton, William Laswall,
John Paine, John Snowden,
Richard Fenimore, Gruna Jacobson,
Thomas Schooley,

February so called 1755.

The foregoing is a true copy taken from the original Concessions of the Proprietors and planters of West Jersey, and carefully examined therewith.

per DANIEL SMITH, junr.
This indenture made the sixth day of August, Anno Domini, 1680, and in the two and thirtieth year of the reign of King Charles the Second, over England, &c. between his Royal Highness, James Duke of York, and Albany, Earl of Ulster, &c. and brother to our Sovereign Lord the King, of the one part; Edward Byllynge of Westminster, in the county of Middlesex, gentleman; William Penn, late of Rickmansworth, in the county of Hertford, and now of Warminghurst, in the county Sussex, Esq; Gawen Lawry, of London, merchant; Nicholas Lucas, of Hertford, in the said county of Hertford, maulster, John Eldridge, of St. Pauls Shadwell, in the county of Middlesex, tanner, and Edmond Warner, citizen of London, of the other part. Whereas our 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 mentioned) give and grant unto his said Royal Highness, the said 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 part by Hudson river, and hath upon the west Delaware bay or river, and extendeth southward, to the main ocean, as far as Cape May, at the mouth of Delaware bay, and to the northward, as far as the northernmost branch of said bay or river of Delaware, which is in one and forty degrees, and forty minutes of latitude, and crossing over thence in a straight line to Hudsons river, in one and forty degrees of latitude. Which said tract of land, was then after to be called by the name of New Caesarea, or New Jersey, with all the lands, island, soiles, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawkings, huntings, and fowlings, and all other royalties, profits, commodities, and hereditaments, unto the said premises belonging and appertaining; with their and every of their appurtenances, and all his said Majesty’s estate, right, titles interest, benefit, advantage, claim and demand of, in and to the same premises, or any part or parcel thereof, and the reversion and reversions, remainder, and remainders, together with the yearly and
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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 things therein granted, as of his Majesty's manor of East Greenwich, in his Majesty's county of Kent, in free and common socage, and not in capite, by knight service, under the yearly rent therein mentioned. And whereas his Royal Highness the said James Duke of York, did heretofore by several good and sufficient conveyances and assurances, under his hand and seal, duly executed, and dated the three and twentieth and four and twentieth 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, unto John Lord Berkley, Baron of Stratton, and one of his Majesty's most honourable privy Council, and Sir George Carteret of Saltram, in the county of Devon, knight, and baronet, and one of his Majesty's most honourable privy Council, and their heirs, the said tract of land and premises before particularly mentioned, and the reversion and reversionary, remainder and remainders of the same, to hold unto the said John Lord Berkley, and Sir George Carteret, their heirs and assigns for ever, under the yearly rent of twenty nobles sterling, payable as the same is therein reserved to be paid. And whereas the said John Lord Berkley, did afterwards convey all his full and undivided moiety of all and singular the same premisses, unto John Fenwick, Esqr.; his heirs and assigns for ever, in trust, and by the said John Fenwick owned to be in trust for the said Edward Byllynge, his heirs and assigns for ever. And the said John Fenwick, afterwards by the consent and direction of the said Edward Byllynge, did convey the said undivided moiety of the premises, unto the said William Penn, Gawen Lawry, and Nicholas Lucas, and their heirs, to the uses following, (that is to say) as to ten equal and undivided hundred parts thereof to the use of the said John Fenwick, and of his heirs and assigns forever; and as to the other ninety equal and undivided parts being the residue of the said undivided moiety, to the use of the said
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William Penn, Gawen Lawry, and Nicholas Lucas, their heirs and assigns forever, in trust for the said Edward Byllynge, his heirs and assigns forever. After which the said John Fenwick, conveyed all his said ten equal and undivided hundred parts, of the said undivided moiety, unto John Eldridge, and Edmund Warner their heirs and assigns forever. And the said John Eldridge, and Edmond Warner, did convey the same ten equal and undivided hundred parts, unto the said William Penn, Gawen Lawry, and Nicholas Lucas their heirs and assigns forever, the better to enable them the said Edward Byllynge, William Penn, Gawen Lawry, and Nicholas Lucas, to make a partition of the said intire premisses, with the said Sir George Carteret. And whereas afterwards upon a partition made of the said whole and intire premisses, between the said Sir George Carteret, and the said William Penn, Gawen Lawry, Nicholas Lucas, Edward Byllynge, the said Sir George Carteret, did bargain, sell, release, and confirmed unto the said William Penn, Gawen Lawry, and Nicholas Lucas, their heirs and assigns forever, all that westernly part, share and portion of the said whole and intire tract of land and premisses as before mentioned, which is extending southward, and westward, and northward, along the sea coasts, and the before mentioned bay, or river, called Delaware bay and Delaware river, unto a certain point there, now called the south partition point, being the most southerly point of the east side of a certain place, or harbour, lying on the southern part of the said tract of land and premisses, called or known in the map of the said premisses, by the name of Little Egg Harbour, unto a certain other point there, now called the north partition point, being the most northerly point, branch, or part of the said river, called Delaware river; and from thence, that is to say, from the said north partition point, extending southward unto the said south partition 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 said westernly part, share and portion, from the easterly part, share and portion, of the said tract of land and
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premises. And all and every the isles, islands, rivers, mines, minerals, woods, fishings, hawkings, huntings, fowlings, and all other royalties, powers, franchises, harbours, profitts, commodities, and hereditaments, whatsoever unto the said westernly part, share and portion, belonging or appertaining. And all the estate, right, title and interest, claim and demand whatsoever of him the said Sir George Carteret, of, in, unto and out of the same, and the reversion and reversionary, remainder and remainders of the same, and of every part and parcel: All which said westernly part, share and portion, was then and now is by the consent and agreement of the said parties, the said Sir George Carteret, William Penn, Gawen Lawry, Nicholas Lucas, and Edward Byllynge, called and agreed from thenceforth to be called by the name of West New Jersey, and all that and only all that part, share and portion, and all those parts, shares and portions of the said tract of land and premises, so conveyed by the said James Duke of York, unto the said John Lord Berkley, and Sir George Carteret as aforesaid, as lyeth, and lye extended westward and southward, from the west side of the said line of partition before mentioned, To hold unto the said William Penn, Gawen Lawry, and Nicholas Lucas, their heirs and assigns, in severalty to the use of them, their heirs and assigns forever. Upon which partition so made, they the said William Penn, Gawen Lawry, and Nicholas Lucas, became seized of all that westernly part of the said premises as now called West New Jersey, with the appurtenances in severalty. And being so seized pursuant to a trust for that purpose reposed in them, they conveyed ten full equal undivided hundred parts of the said westernly part of the said premises, called West New Jersey, unto the said John Eldridge, and Edmund Warner, and their heirs, to hold unto them and their heirs, to the use of them and their heirs forever. And the said William Penn, Gawen Lawry, and Nicholas Lucas, remaining still seized of the other ninety equal and undivided hundred parts of the said westernly part of the said premises called West New Jersey, to them and their heirs forever, but always in trust for the said Edward Byllynge, his heirs and assigns forever. And whereas since the making and executing of the said conveyance so made by his Royal Highness unto the said John Lord Berkley, and Sir George Car-
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teret, as aforesaid, and in the times of the late war, between his said Majesty and the States of the United Provinces of the Netherlands, the armies and subjects of the said States General gained the possession not only of the said premises, so by his said Royal Highness, conveyed unto the said John Lord Berkley, and Sir George Carteret, as aforesaid, but also of other the lands and hereditaments, which were originally granted unto his said Royal Highness, by his said Majesty's said Letters Patents hereinbefore recited. All which were afterwards regained from the said States, or by them delivered up unto his said Majesty. AND WHEREAS his said Majesty did by other his Letters Patents, dated the twenty ninth day of June, in the six and twentieth of his 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 Berkley, 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 by the said several grants so made by his said Majesty unto his said Royal Highness as aforesaid, several powers and authority 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 and 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, peopling and improving of all and every the respective lands, places and territories thereby 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 are or 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 nominate, make, ordain, constitute and confirm, and also to revoke, discharge, change and alter all and singular governors, officers, and ministers, which by his said
Royal Highness, his heirs or assigns, shall be from time to
time, thought fit or 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, and 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 inhabitants thereof. Now
these presents witness, that for and in consideration of a com-
petent 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 may
any ways have of or in the premises aforesaid, now called
West New Jersey, or any part of them; and for the further
and better settling, conveying, assuring, and confirming of
the same, and of every part thereof, according to the pur-
port and true meaning of these presents, his said Royal
Highness, the said JAMES Duke of York, hath granted, bar-
gained, sold, and confirmed, and by these presents, doth
grant, bargain, sell, and confirm unto the said William
Penn, Gawen Lawry, Nicholas Lucas, John Eldridge, and
Edmund Warner, all that part, share and portion, and all
those parts, shares and portions of all that entire tract of
land, and all those entire premises so granted by his said
Royal Highness unto the said John Lord Berkley, and Sir
George Carteret, and their heirs as aforesaid, as in, by, and
upon the said partition aforesaid, was and were vested in
the said William Penn, Gawen Lawry, and Nicholas Lucas,
and their heirs, and then agreed to be called by the name of
West New Jersey, together with all islands, bays, rivers,
waters, forts, mines, quarries, royalties, franchises, and ap-
purtenances 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 him the said JAMES Duke of York,
of, into, and out of the same, or any part or parcel of the
same; as also the free use of all bays, rivers and waters, lead-
ing unto or lying between the said premises, or any of them
in the said parts of America, for navigation, free trade, fishing
or otherwise, to have and to hold, unto the said William Penn,
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Gawen Lawry, Nicholas Lucas, John Eldridge, and Edmond Warner, their heirs and assigns forever, to the uses following, (that is to say) as to ten equal and undivided hundred parts thereof, to the use of the said John Eldridge and Edmund Warner, and of their heirs, and assigns forever. And as to the other ninety equal and undivided hundred parts thereof, to the use of the said William Penn, Gawen Lawry, and Nicholas Lucas, and of their heirs and assigns forever; in trust nevertheless for the said Edward Byllynge, his heirs and assigns forever. Yeilding and paying therefore yearly for the said whole entire premises, 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 Arch Angel. And these further witness, that for the better enabling the said Edward Byllynge, his heirs and assigns, to improve and plant the said premises with people, and to exercise all necessary government there, whereby the said premises may be the better improved and made more useful to him, his heirs and assigns, and to the King’s Majesty, his said Royal Highness hath likewise given, granted, assigned and transferred, and doth by these presents give, grant, assign, and transfer unto the said Edward Byllynge, all and every such 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 and were granted, or intended to be granted, to be exercised by his said Royal Highness, his heirs, assigns, deputies, officers, or agents, in, upon, or in relation unto the said premises hereby confirmed, or intended to be confirmed, and every of them, in case the same were now in the actual seize[n] of his said Royal Highness, to be held, enjoyed, exercised and executed by him the said Edward Byllynge, his heirs and assigns, and by his deputies, officers, agents and commissioners, 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 and before recited Letters Patents, or either of them, or of any thing in them,
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or either or any of them conteyned or otherways however. In witness wherof the parties to these presents have hereunto interchangeably set their hands and seal, the day and year first above written,

JAMES.

Signed, sealed and delivered by his Royal Highness JAMES Duke of York, within named, in the presence of John Worden, Thomas Heywood.

Thomas Heywood maketh oath, that he the day and year within written, saw his Highness the Duke of York, sign, seal, and as his act, and deed, deliver this indenture to the use within mentioned, and afterwards subscribed his name as a witness, Thomas Heywood.

Jur. 3d, die. September 1680.
Cor. me Magis. Chane.

J. CLERKE.

The foregoing is a true copy taken from and compared with the record in the Secretary's office at Burlington, in Lib. M. of deeds, folio, 318. &c.

Examined per.

SAMUEL PEART, Dep. Secretary.