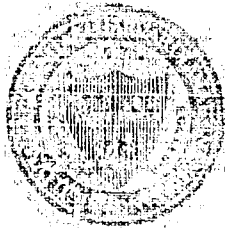


THE PROVINCIAL GOVERNOR



GREENE



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VOLUME VII.

THE PROVINCIAL GOVERNOR

IN

THE ENGLISH COLONIES OF
NORTH AMERICA

BY

EVARTS BOUTELL GREENE

PROFESSOR OF HISTORY IN THE UNIVERSITY OF ILLINOIS
SOMETIME HARRIS FELLOW OF HARVARD UNIVERSITY

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P R E F A C E.

THIS essay was in its original form presented as a dissertation for the degree of Doctor of Philosophy in Harvard University. It has since been revised and in considerable part rewritten. Though in the process of revision many errors of fact and errors of judgment have been corrected, there are doubtless many which have escaped the author's notice, and which remain to be pointed out by others. It is hoped, however, that the conclusions here set forth may at least serve to provoke discussion and investigation in a comparatively unworked and exceedingly important field of research.

The title and scope of the work require some explanation. The term *Provincial Governor* has been chosen to designate the chief executive of the royal and proprietary colonies. As will be subsequently explained, the internal constitution of the proprietary colony became so nearly like that of the royal province that the two may with advantage be treated together. In the proprietary and in the royal governor alike we have the representative of an externally imposed authority. The elective governors of Rhode Island and Connecticut stood upon an essentially different footing, and do not

therefore come within the scope of this work. Two other important limitations must be noted. After a brief introduction on the beginnings of constitutional development, the field is restricted, in the main, to the period between the Revolution of 1688 and the close of the last French war; excluding, therefore, the complications of the revolutionary era, and presenting a simple view of the normal working of the provincial constitution. The field of study is further restricted to those colonies which afterwards became a part of the United States of America, though occasional illustrations have been drawn from the practice of other British provinces.

In the appendices are included, first, a few representative commissions and sets of instructions; secondly, a list of printed commissions and instructions to royal and proprietary governors; and, finally, a list of authorities cited. In citing any provision of the commissions or instructions, the reference in the footnote is to the particular section or page where that provision occurs. The place in which the document is printed may then be found by reference to Appendix B. The commission and instructions to Francis Bernard, which are given in Appendix A, have, so far as possible, been cited in the discussion of particular powers and duties assigned to the governor. In this way many statements made in the text may be conveniently checked by reference to the documentary material in the appendix.

It is impossible to express adequately the author's indebtedness to all those who have aided in the successive stages of this work, and to whom such measure

of success as may have been attained is very largely due. The officers of the Harvard University Library have done much by their courtesy and liberal extension of privileges to facilitate both the original labor of investigation and the subsequent task of verification and revision. Special acknowledgments are due to Mr. Philip A. Bruce of the *Virginia Magazine of History and Biography*, Dr. Alexander Brown, and Messrs. Houghton, Mifflin and Company for permission to print documents included in Appendix A; and also to Miss Addie F. Rowe, of Cambridge, for conscientious and intelligent service in preparing the manuscript for the press.

The author desires finally to express his deep sense of obligation to his teachers and friends in the historical department of Harvard University—especially to Professor Edward Channing, under whose guidance the work has been carried on, and Professor Albert Bushnell Hart, to whom he has been indebted throughout for kindly criticism and encouragement.

EVARTS B. GREENE.

URBANA, *September*, 1898.

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APPENDIX A.

REPRESENTATIVE COMMISSIONS AND INSTRUCTIONS.

1. COMMISSION TO SIR THOMAS WEST, LORD LA WARR, AS GOVERNOR OF VIRGINIA, 1610.

[From Whitelocke Papers, vol. i. No. 38; printed in Alexander Brown, *Genesis of the United States*, i. 375.]*

THE COPPIE OF THE COMMISSION GRANTED TO THE RIGHT HONORABLE
SIR THOMAS WEST, KNIGHT, LORD LA WARR.

To all unto whome theis presents shall come, We the Lords and others of his Majesties Councell for the Company of Adventurers and Planters of the first Collonie in Virginia, resident in England, and We the Treasurer and Companie of the said Adventurers do send greeting in our Lord God Everlasting. —

Whereas the King's most royall Majesty, that now is, by his Highnes Letters Pattents under the Great Seale of England, bearing date at Westminster the three and twentieth day of May now last past, before the date of these presents, hath given unto us his Majesties said Councell full power and authority as well at this present tyme as hereafter from tyme to tyme, to nominate make constitute ordaine and confirme by such name or names, stile or stiles as to us his Majesties said Councell shall seeme good, and likewise to revoke discharge, change and alter all and singular Governors, Officers, and ministers, which have been made, as also, which should be by us his Majesties said Councell there after thought fitt and needfull to be made and used for the Government of the said Collonie and Plantation, and the same at all tymes thereafter

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to abrogate, revoke or change, not only within the precincts of the said Collonie but also upon the seas in going and coming to and from the said Collonie, as we the said Councill in our discretions shall thinke to be fittest for the good of the Adventurers and Inhabitants there.

And Whereas his Majestie by his said Letters Pattents hath declared that for divers reasons and considerations him thereunto especially moving, his will and pleasure is, and by his said letters patents he hath ordained, that immediately from and after such tyme that any Governor, or principall Officer so to be nominated by us his Majesties said Councill for the government of the said Collonie aforesaid, shall arrive in Virginia and give notice unto the Collonie there resident of his Majesties pleasure in this behalf, the Government, power and authoritie of the President and Councill then to be there established and all Laws and Constitutions by them formerly made shall utterlie cease and be determined, and all officers, Governors and ministers formerlie constituted or apointed shalbe discharged anything in any of his Majesties Letters Pattents concerning the said Plantation contained in anywise to the contrary notwithstanding.

And Whereas, also his said Majestie by his said Letters Pattents hath ordained and graunted that such Governors, officers and ministers as by us his Majesties said Councill shall be constituted and apointed, according to the natures and limitts of their severall offices and place respectivelie should and might from tyme to tyme forever thereafter, within the precincts of Virginia or in the way by the sea thither and from thence, have full and absolute power and authoritie to correct, punish, pardone, governe and Rule, all such the subjects of his Majestie, his heirs and successors in any voyage thither, or that should at any tyme there inhabite in the precincts and Territorie of the said Collonie, as is aforesaid, according to such ordinances, orders, directions, constitutions and Instructions, as by us his Majesties said Councill for the tyme being shalbe established, and in defect thereof in case of necessitie according to the good discrecons of the said Governors and Officers respectively, as well in cases Capitall and Criminall as civill, both Marine and others, so allwaies as the said statutes, ordinances and proceedings as neere as convenientlie maybe, be agreeable to the Laws, Statutes, Government and Policie of this his Majesties Realme of England.

And Whereas likewise his said Majestie hath by his said Letters Pattents, graunted, declared and ordained that such principall Governors as from tyme to tyme should dulia and lawfullie be authorized and appointed in manner and forme as by the said Letters Pattents be expressed, should

in cases of Rebellion and Muteny have power and authoritie to use and exercise Marshall Law in as large and ample manner and forme as his Majesties Lieftenants in his highnes counties within the Realme of England, have or ought to have, by force of their Commissions of Lieftenancie, as in and by the said Letters Pattents amongst other things in them contained more at large doth and may apeare.

Now KNOW YEE that We his Majesties said Councell upon good advise and deliberation and upon notice had of the Wisedome, valour, circumspection, and of the virtue and especial sufficiencie of the *Right Honourable Sir Thomas West, Knight Lord La Warr* to be in principall place of authoritie and Government in the said Collonie, and finding in him the said Lord La Warr propensness and willingness to further and advance the good of the said Plantation, by virtue of the said authoritie unto us given by the said Letters Pattents have nominated, made, ordained and appointed and by these presents do nominate make ordaine and appointe the said Sir Thomas West, Knight Lord La Warr to be principall Governor, Commander and Captain Generall both by Land and Sea over the said Collonie and all other Collonies planted or to be planted in Virginia or within the limitts specified in his Majesties said Letters Pattents and over all persons, Admiralls Vice-Admiralls and other Officers and Commanders whether by sea or land of what quallitie soever for and during the term of his natural life, and do hereby ordaine and declare that he the said Lord La Warr during his life shall be stiled and called by the name and title of *Lord Governor* and *Captain General of Virginia* and of the Collonie and Collonies there now planted or to be planted, and do by these presents revoke and change all and all manner of former constitutions, ordinancies, apointments and authorities by us his Majesties said Councell or any of us given, made, nominated, constituted ordained or appointed to any to be President, Chief Governor or principal Officer in Virginia aforesaid or to use or exercise the authority jurisdictions or offices herein limited graunted or appointed or mentioned to be graunted or appointed to the said Lord La Warr and of and from the same and everie of them do hereby discharge all and everie persone and persones heretofore authorized, nominated or appointed to use execute or exercise the same or any of them and that the said Lord La Warr, Lord Governor and Captain Generall as is aforesaid in all cases of Rebellion and Mutenie happening or which shall happen, either within the precincts of Virginia limited or specified in his Majesties said Letters Pattents or in the present intended passage and expedition thither, shall have such power and authoritie to use, exercise and put in execution

Marshall Law as in the said Letters Pattents is mentioned, and upon all other cases as well Capitall as Criminall and upon all other accidents and occasions there happening, to rule, punish, pardone and governe according to such directions orders and instructions as by his Majesties said Councill, or the greater part thereof here resident in England shall from tyme to tyme, be in that behalf made and given with the consent of Henrie Earle of Southampton, William Earl of Pembroke, Philip Earle of Mountgomerie, Robert Lord Viscount Lisle, Theophilus Lord Howard of Walden, Edmond Lord Sheffield and George Lord Carew, or any two of them, and in defect of such informations he the said Lord Governor and Captain Generall shall and may rule and governe by his owne discretion or by such lawes for the present government as he with such counsell as he shall take unto him, or as he the said Lord Governor and Captain Generall shall think fitt to make and establish for the advancement of the publique weale and good of the said Collonie with as full and absolute power authority and commaund as either we by virtue of his Majesties said Letters Pattents have power to derive and graunt to him or as he the said Lord Governor and Captain Generall by his Majesties said Letters Pattents in any sort is authorized to use and exercise.

AND FURTHER KNOW YEE that we his Majesties said Councill by these presents as much as in us lieth do give and graunt full power and authoritie to the said Lord Governor and Captain Generall, of his free will and pleasure to call unto his assistance and to choose for Councillors such and so many persons of the said Collonie now planted in Virginia or hereafter to be planted there as he shall think fitt and meete, and to displace such from being Councillors whose demerit he shall conceive to give cause thereof. And likewise to place for Councillors and Officers such persons as he from tyme to tyme during his government there shall think fitt. And also at all tymes at his will and pleasure, to discharge, displace and put from the execution of all, every or any such Officer or Officers as he shall think meete, such personns as now be there in office, or which shall hereafter be in any office in the said Collonie now planted or hereafter to be planted in Virginia during his life as he the said Lord Governor and Captain Generall shall deeme worthie to be displaced or put from any such his office or place, which any such person doth or shall so hould: The Office of Lieftennant Governor, Marshall, Admirall and Vice-Admirall, and all governors of Provinces and Townes which shalbe made or constituted by us, the said Councill resident here in England, allwaies excepted, which said officers

and governors so excepted, it shall and may nevertheles be lawfull to and for the said Lord Governor and Captain Generall to suspend and put from the execution of all and everie their said office and offices and governments, and others in their places, offices and governments to constitute and apoint at his pleasure, untill further order shalbe therein taken by us his Majesties said Councell resident here in England. And in like manner we his Majesties said Councell, Treasurer and Companie do by these presents as much as in us lieth, give and graunte full power and authoritie to the said Lord Governor and Captain Generall at his will and pleasure from tyme to tyme, and at all tymes hereafter during his life, by or with any office or place in Virginia aforesaid, for increase of any man's person, by bill of adventure for land, onelie not to exceede a four fould proportion of the first rate of his adventure, or of the Office which he shall beare, unless the same be by expresse consent of the said Councell and Companie, here resident, of Virginia and under their Seale, to reward and recompense the good and well deservinge of any person or personns what soever under his Government according as he the said Lord Governor and Captain Generall shall in his wisdome and discretion think such persons to have merited and deserved. To have, hould, use and exercise the stile and title of Lord Governor and Captain Generall of Virginia and all other the jurisdictions, powers and authorities aforesaid, to him the said Sir Thomas West, Knight, Lord La Warr, for and during the tearme of his naturall life, without any revocation or restraint by us the said Councell or any of us in any wise to be made otherwise than before is excepted : —

AND KNOW YEE further that we his Majesties said Councell have made, ordained and constituted and by these presents do make, ordaine and constitute the said Lord La Warr, Admirall of the whole Fleete of such shippes and other vessels as are apointed and by the Grace of God shall be imploied and passe in this present intended expedition to Virginia aforesaid, giving him the said Lord La Warr full power and authoritie to exercise and put in execution in all cases and upon all occasions and accidents, upon all persons passing in the said Fleete full and absolute power, authoritie and command in this behalf as by his Majesties Letters Pattents we or any of us, have power to derive and graunt unto him : And for the more securitie and safetie as well of the said Fleete in their present passage as of the said Collonie and Plantation We his Majesties said Councell by virtue of the authoritie unto us in this behalf given or graunted Do hereby give full power and authoritie to the said Lord La Warr, at all tymes during his naturall life, to en-

counter, expulse, repell and resist by force of Arms, and by all wayes and meanes whatsoever, all manner of persons that shall at any time either by sea or land, enterprise or attempt the destruction, invasion, hurt, detriment or anoyance of the said Fleete, Collonies, or Plantation. We also hereby and in his Majesties name strictlie command and require, all and everie person and persons now inhabiting or which shall hereafter inhabite within the precincts of the said Collonie, and which shall passe in the said Fleete thitherward, in all things and upon all occasions, to yield unto the said Lord Governor and Captain Generall all due honour and respect, and dylie and willinglie to obey and execute the directions and commands of the said Lord Governor and Captain Generall according to the authoritie to him limited and given, as also to be unto him upon all occasions, to their powers and habilities, aiding and assisting, as they will to their utmost perills answere the contrary.

AND LASTLIE We his Majesties said Councell for us, and We the said Treasurer and Companie respectivelie, by these presents as much as in us or any of us lieth or shalbe, do respectivelie promise and graunt to the said Lord La Warr, Lord Governor and Captain Generall of Virginia, that if it shall hereafter appeare to his Lordship that it shall be meet for him to have any other Articles or Clauses to authorise him more then in these premises is mentioned, to rule, governe, do or execute any Act or Acts, thing or things, which may tend to the furtherance or benefite of the said Collonies or Plantations, or the good government thereof, or the rewarding of any persons as aforesaid, that then upon notice thereof and request made by or from his Lordship: to us the said Councell, Treasurer and Companie, and the successors of us the said Councell, Treasurer and Companie, for the tyme being, We his Majesties said Councell, Treasurer and Companie for the tyme being, shall and will, from time to tyme do our utmost Indeavour and as much as in us or any of us lieth, by graunt or otherwise to enlarge the same and to satisfie his Lordships reasonable desire therein. And lastlie, we his Majesties said Councell do condescend and agree, to and with the said Sir Thomas West, Knight, Lord La Warr, that in cases of necessitie, or upon any other occasion which shall happen, he may withdraw himself from being resident with or in the said Collonie or Collonies in Virginia and that it shall and may be lawfull to and for him the said Lord La Warr, to nominate, make, constitute, depute and apoint, such person or persons as he shall think meet to be his Deputie or Deputies and Lief-tenant Governor in his absence to rule and governe the said Collonie and Collonies in Virginia, for, by and during the space of one whole

year next after the said Lord La Warr his being absent from the Colonie and his deputing of any person or persons so to be by his Lordship constituted, deputed or apointed, for no longer tyme, unlesse authoritie and further warrant therein shalbe given unto such deputie and deputies by and from us his Majesties said Councill, under our Councill Seale and sent to him as a warrant for his or their continueing Deputie or Deputies or Liefertenant Governor over the said Collonie or Collonies: which Deputie or Deputies so to be made, constituted or apointed by the said Lord La Warr for the space of such whole yere as aforesaid shalbe in the absence of the said Lord La Warr Governor of the said Collonie or Collonies, and shall have such power and authoritie by and with all our consents, agreements and apointments to do and execute all things touching the said Government, as the said Lord La Warr shall unto such Deputie or Deputies, assigne, limitt and appoint.

In wittness wherof we his Majesties said Councill, apointed by his Majesties Letters Pattents, for so much in these presents as concerneth us and our graunt herein mentioned, by mutuall consent and agreement have sett hereunto our hands and the seale of us the said Councill: And likewise We the said Treasurer and Company for so much in these presents as concerneth us and our graunts herein mentioned, by mutuall consent and agreement have hereunto sett the seale of Our Corporation.

Given at his Majesties cittie of London aforesaid the 28th day of February in the 7th yere of his Majesties raigne of England, France and Ireland and of Scotland the 43.

SOUTHAMPTON.

PHILIP, MOUNTGOMERIE.

EDWARD CECILL.

WALTER COPE.

THOMAS SMITH.

DUDLIE DIGGS,

CHRISTOPHER BROOK.

PEMBROKE.

THEOPHILUS HOWARD.

WILLIAM WAAD.

EDWARD CONOWAY.

BAPTIST HICKS.

ROBERT MANSILL.

WILLIAM ROMNEY.

2. COMMISSION TO SIR WILLIAM BERKELEY AS GOVERNOR OF VIRGINIA, 1641.

[From Rymer, *Fœdera*, xx. 484.]

De Constitutione Gubernatoris & Concilii pro Virginia.

Charles, by the Grace of God, King of *England, Scotland, France* and *Ireland*, Defender of the Faith, &c.

To our trusty and welbeloved,
Sir *William Berkeley* Knight, one of the Gentlemen of our Privy Chamber,

Sir *Francis Wyat* Knight,
John West Esquire,
Richard Kempe Esquire,
Samuel Matthews Esquire,
Nathaniel Littleton Esquire,
Christopher Wormely Esquire,
William Pierce Esquire,
Roger Windgate Esquire,
John Hopson Esquire,
Thomas Pawlet Esquire,
George Minify Esquire,
Henry Brown Esquire,
William Brocas Esquire,
Argol Yardley Esquire,
Thomas Pettus Esquire,
Thomas Willoughby Esquire,
Richard Bennet Esquire,
And *Humfrey Higgeson* Esquire, Greeting.

Whereas, by our Letters Patents under our Great Seal of *England*, bearing date the eleventh day of *January*, in the fourteenth year of our Reign, for the better maintenance and government of the Colony and Plantation in *Virginia*, [we] did nominate and appoint the said Sir *Francis Wyatt* Knight, to be the then present Governor thereof, and such other persons, as We in and by Instructions under our Sign Manual, had then named and assigned, or thenafter should name and assign, to be the then present Counsel, of and for the said Colony and Plantation of *Virginia*; Granting unto him or them, and the greater number of them, full power and authority to perform and execute the Places, Powers and Authorities, incident to a Governor and Counsel of *Virginia* respectively,

as by the same Letters Patents of Commission, more at large may appear ; Which said Commission and all Places, Powers and Authorities, Matters and Things thereby granted or mentioned to be granted, We do to all Intents and Purposes, fully and absolutely revoke, determine and make void by these Presents ; Nevertheless, We being willing to give all encouragement to that Plantation, and minding that our Colony and People there, should be regulated as well in Ecclesiastical as Temporal Government, according to the Laws and Statutes of our Realm of *England*, which We purpose to have established there, and being resolved not to impeach or hinder, but to promote and advance the particular Interests of such of the Planters there, as shall conform themselves as loyal Subjects, in all due Obedience to our Government, and to discourage such, as shall be found Disturbers of the Peace and Impugners of the said Colony.

Know ye therefore, that We for the effecting of the Premises, and the better ordering, governing and managing, of the Affairs of the said Colony and Plantation in *Virginia*, and of the Persons now inhabiting, and which shall hereafter inhabit there, until We shall find some more convenient means, upon mature Advice, to give more ample Directions for the same ; And reposing assured Trust and Confidence, in the Understanding, Care, Fidelity, Experience and Circumspection, of you the said

Sir William Berkeley,
Sir Francis Wyatt,
John West,
Richard Kemp,
Samuel Matthews,
Nathaniel Littleton,
Christopher Wormley,
William Pierce,
Roger Windgate,
John Hopson,
Thomas Paulet,
George Minify,
Henry Brown,
William Brocas,
Argol Yardly,
Thomas Pettus,
Thomas Willoughby,
Richard Bennet,
And *Humfrey Higgeson,*

Have nominated and assigned, and by these Presents do nominate and assign you the said Sir *William Berkeley*, to be the present Governor, and you the said Sir *Francis Wyatt, John West, Richard Kemp, Samuel Matthews, Nathaniel Littleton, Christopher Wormeley, William Peirce, Roger Windgate, John Hopson, Thomas Paulet, George Minify, Henry Brown, Wilkam Brocas, Argol Yardley, Thomas Pettus, Thomas Wiloughby, Richard Bennet, and Humfrey Higgeson*, to be the present Counsel of and for the said Colony and Plantation in *Virginia*, giving, and by these Presents granting unto you and them, and the greater number of you and them respectively, full Power and Authority, to perform and execute the Places, Powers, and Authorities, incident to a Governor and Counsel of *Virginia* respectively, and to direct and govern, correct and punish our Subjects, now inhabiting or being, or which hereafter shall inhabit or be in *Virginia*, or in the Isles, Ports, Havens, Creeks or Territories thereof, either in time of Peace or War, and to order and direct the Affairs, touching or concerning that Colony or Plantation, in those Foreign Parts only, and to execute and perform all and every other matters and things, concerning that Plantation, as fully and amply, as any other Governor and Counsel resident there, at any time, within the space of ten Years now last past, had or might perform or execute.

And because, by the experience of industrious and well-experienced Men, the limits and bounds of the said Plantation may be augmented, and Trade and Commerce, for the maintenance and enriching of the Inhabitants there, from time to time residing, much advanced; Our will and pleasure is, and We do by these Presents give and grant unto you the said Sir *William Berkeley*, and the rest of you our said Counsel beforementioned, or any four or more of you, (whereof the Governor for the time being to be always one) full Power and Authority, to grant one or more Commission or Commissions, unto any of our Subjects, addressing themselves unto our said Governor and Counsel, for the discovery of the same Country and Ports, Bounds, Limits and Extents thereof; And also for the finding out, what Trades shall be most necessary to be undertaken, for the benefit and advantage of the said Colony and Plantation, and the good of the People inhabiting, or which shall inhabit there, both by Sea and Land; And further, upon all occasions as you or any four or more of you (whereof you the Governor for the time being to be always one) shall see fit, to send out Forces, for the subduing of the *Indians* and Savages of the said Country; And likewise to make War and Peace with them, in all such cases as may stand with the safety of the said Colony and our Honour, keeping always sufficient Forces for the holding of the places now enjoyed.

And if it shall happen, you the said Sir *William Berkley* to die, or in case of your urgent occasions (allowed by four or more of our said Counsel there) shall call you thence at any time, then our Will and Pleasure is, and We do hereby give and grant to you the said Sir *William Berkeley*, and the rest of the Commissioners before named, or the greater number of you, full Power and Authority, upon the Death or in the absence of you the said Sir *William Berkeley*, to elect, nominate and assign one of our said Counsel, to be the present Governor for the said Colony and Plantation in *Virginia*, and so to do from time to time, as often as the case shall require ; And We do by these Presents assign and appoint, such Person, as by you our said Counsel or the greater number of you, from time to time shall be elected and chosen to be the present Governor, and the said Governor and the rest of our Commissioners, to be our present Counsel for the said Colony or Plantation for *Virginia* ; Giving and by these Presents granting unto you, and the greater number of you respectively, full Power and Authority, to execute and perform the Places, Powers and Authorities, of a Governor and Counsel of *Virginia* respectively, in manner and form aforesaid ; Nevertheless our Will and Pleasure is, that you and every of you, from time to time proceed, according to such instructions as you or they, do now or hereafter shall receive from us, or the Lords and others of our Privy Council here ; And that you, our said Governor and Counsel there for the time being, shall be from time to time subordinate, subject and obedient, to the Lords Commissioners and Committees here for our Plantations, for the time being, touching the present Government of that Plantation, and according to such Orders and Directions, as they from time to time shall conceive and set down.

Provided always, and our express Will, Pleasure and Commandment is, and We do hereby give full Power and Authority unto you the said Sir *William Berkeley*, and such other Person as shall be Governor there, for the time being, according to the true intent of these Presents, and our intention herein before declared, that upon the death or discontinuance of any one of our Counsel there, you the said Sir *William Berkeley*, and such other Person as shall be Governor there, and our Counsel there for the time being, or the greater part of them, shall elect, nominate and appoint, such other sufficient, able and discreet Person or Persons, in the room or place of him or them so dying or discontinuing, during the continuance of this our present Commission ; And that you shall from time to time, return and certify the Names and Qualities of such Person or Persons, so by you to be nominated and appointed, in the

room of such of our Counsel, there dying or discontinuing as aforesaid, unto Us, and the Lords and others our Commissioners for Plantations here, to the end, such Person or Persons to be by you and them so elected, nominated and appointed, in manner aforesaid, may receive allowance or disallowance, of such their election or choice, in the room of such of our Counsel there, as shall either die or discontinue, as there shall be cause, or to us or our said Commissioners for Plantations here, shall seem meet.

And our further Will and Pleasure is, That you the said Sir *William Berkeley* and *Richard Kemp*, before you or either of you depart out of this our Kingdom of *England*, shall take such Oaths, before the Lord-Keeper, Lord Privy Seal or either of them, for this our Kingdom, as the Governor and Counsel for the said Plantation and Colony, have heretofore taken, and after such Oaths, by you the said Sir *William Berkeley* and *Richard Kemp* so taken as aforesaid, We do hereby charge and command you, to administer unto the said Sir *Francis Wyatt Knight*, *John West*, *Samuel Matthews*, *Nathaniel Littleton*, *Christopher Wormeley*, *William Peirs*, *Roger Windgate*, *John Hopton*, *Thomas Paulet*, *George Minify*, *Henry Brown*, *William Brocas*, *Argal Yardley*, *Thomas Pettus*, *Thomas Willoughby*, *Richard Bennet*, and *Humfrey Higgeson*, and every of them, the like Oath upon the Holy Evangelist, as you or either of you have already taken, as Counsellor, of or for the said Colony or Plantation; Willing and requiring you and them, to be diligent and attendant in the execution of this our Service and Commandment, and also requiring all our loving Subjects there, to be directed and governed by you, or the greater number, of you and them our Commissioners aforesaid, in all things, according to the intention and true meaning of these Presents; And lastly, our Will and Pleasure is, that this our Commission shall continue in force, until We, by some other Writing under our Signet, Privy Seal, or Great Seal of *England*, shall signify our Pleasure to the contrary.

In Witness &c.

Witness our self at *Westminster*, the ninth day of *August*.

Per ipsum Regem.

3. INSTRUCTIONS TO SIR WILLIAM BERKELEY AS
GOVERNOR OF VIRGINIA, [1641]

[From the MacDonald Papers (pp. 376-388), in the Virginia State Library; printed in the *Virginia Magazine of History and Biography*, ii. 281.]*

Instructions to Sir William Berkeley, Knt., one of the Gentlemen of our Privy Chamber, Governor of Virginia, and to the Council of State there :

That in the first place you be carefull Almighty God may be duly and daily served according to the Form of Religion established in the church of England both by yourself and all the people under your charge, which may draw down a blessing on all your endeavours. And let every congregation that hath an able minister build for him a convenient Parsonage House, to which for his better maintenance over and above the usual pension you lay 200 acres of Gleable lands, for the clearing of that ground every of his Parishoners for three years shall give some days labours of themselves and their Servants, and see that you have a special care that the Glebe Land be sett as neare the Parsonage House as may be and that it be of the best conditioned Land. Suffer no invasion in matters of Religion and be careful to appoint sufficient and conformable Ministers to each congregation, that you chatechise and instruct them in the grounds and principles of Religion.

2. That you administer the Oaths of Allegiance and Supremacy to all such as come thither with intention to plant themselves in the country, which if he shall refuse he is to be returned and shipped from thence home and certificate made to the Lords of the Councill, the same oath is to be administered to all other persons when you shall see it fitt as Mariners, Merchants &c. to prevent any danger of spyes.

3. That Justice be equally administered to all his Majesty's subjects there residing and as neere as may bee after the forme of this Realm of England and vigilant care to be had to prevent corruption in officers tending to the delay or perverting of Justice.

4. That you and the Councillors as formerly once a year or oftener, if urgent occasion shall require, Do summon the Burgesses of all and singler Plantations there, which together with the Governor and Councill makes the Grand Assembly, and shall have Power to make Acts and Laws for the Government of that Plantation correspondent, as near as

* Reprinted by permission of the Editor.

may be, to the Laws of England, in which assembly the Governor is to have a negative voice, as formerly.

[5.] That you and the Council assembled are to sett down the fittest Months of the Quarterly meeting of the Council of State, whereas they are to give their attendance for one and consult upon matter of Council and State and to decide and determine such Causes as shall come before them, and that free access be admitted to all Suitors to make known their particular grievances, being against what persons So ever wherein the Governor for the time being, as formerly, is to have but a casting voyce if the number of the councellors should be equally divided in opinion, besides the Quarterly Meeting of the Council it shall be lawful for you to summon, from time to time, Extraordinary meetings of the Council according to emergent occasions.

6. In case there shall be necessary cause to proceed against any of the Council for their own persons they are in such cases to be summoned by you, the Governor, to appear at the next Sessions of the Council, holden there to abide their Sensure or otherwise, if you shall think it may concern either the Safety or quiet of that State to proceed more speedily with such an offender. It shall be lawful to summon a council extraordinary where at six of the council at least are to be present with you, and by the Major part if [of] their voyces comit my councillors to safe eustody or upon Bayle to abide the order of the next quarter council.

7. For the ease of the Country and quicker despatch of Business you, the Governor and Council, may appoint in places convenient Inferior Courts of Justice and Commissioners for the Same, to determine of suits not exceeding the value of Ten Pounds and for the punishments of such offences as you and the Council shall think fitt to give them the power to hear and determine.

8. The Governor shall appoint officers of sealing of writts and subponas and such officers as shall be thought necessary for the execution [of] orders.

And — also the acts and Laws of the Generall Assembly and for punishing any neglect or contempt of the Said Orders, Acts or Laws respectively. And shall nominate and appoint all other publique officers under the degree of the council, the Captain of the Fort, Master and Surveyor Generall excepted.

9. That since the Council attend his Majesties Service and the publique business to the great hindrance of the private, that they and ten servants for every Councillor be exempted from all publique charges

and contributions assessed and levied by the Generall Assembly (a Warr defensive, assistance towards the Building of a Town or churches or the ministers' dues excepted).

10. To avoid all questions concerning the Estates of Persons dying in Virginia, it shall be lawfull as it hath been used heretofore to make probates of Wills, and default of a Will to grant Letters of Administration in ye Colony: Provided always that such to whom Administration is granted do put in sufficient security to be accomptable to such persons in England or elsewhere unto whom of right those Estates shall belong. And that such Probate of Wills and Letters of Administration shall be and abide in full force and virtue to all intents and purposes.

11. To the end the country may be the better served against all Hostil Invasions it is requisite that all persons from the age of 16 to 60 be armed with arms, both offensive and defensive. And if any person be defective in this kind, wee strictly charge you to command them to provide themselves of sufficient arms within one year or sooner if possible it may be done, and if any shall fail to be armed at the end of the Term limited we will that you punish them severely.

12. And for that Arms without the Knowledge of the use of them are of no effect wee ordain that there be one Muster Master Generall, appointed by us for the Colony, who shall 4 times in the year and oftener (if cause be) not only view the arms, ammunition and furniture of every Person in the Colony, but also train and exercise the people, touching the use and order of arms and shall also certify the defects if any be either of appearance or otherwise to you the Governor and Councill. And being informed that the place is vacant by the death of George Dunn we do nominate and appoint our trusty and beloved John West, Esq., being recommended unto us for his sufficiency and long experience in the country, to be Muster Master of the said Colony. And for his competent maintenance we will that you, the Governor and Councill, so order the business at a General Assembly that every Plantation be rated equally according to the number of persons, wherein you are to follow the course practised in the Realm of England.

13. That you cause likewise 10 Guarders to be maintained for the Port at Point Comfort. And that you take course that ye Capt^l of ye said Port have a competent allowance for his services there. Also that the said ffort be well kept in Reparation and provided with ammunition.

14. That new Comers be exempted the 1st yeare from going in p'son or contributing to the wars Save only in defence of the place where they shall inhabit and that only when the enemies shall assail them, but all

others in the Colony shall go or be rated to the maintenance of the war proportionately to their abilities, neither shall any man be privileged for going to the war that is above 16 years old and under 60, respect being had to the quality of the person, that officers be not forced to go as private soldiers or in places inferior to their Degrees, unless in case of supreme necessity.

15. That you may better avoid and prevent the treachery of the savages we strictly forbid all persons whatsoever to receive into their houses the person of any Indian or to converse or trade with them without the especial license and warrant given to that purpose according to the commissioner inflicting severe punishment upon the offenders.

16. For preventing of all surprizes as well as of the treacherous savages as of any floraine enemy we require you to erect Beacons in severall partes of ye Countries by firing whereof the country may take notice of their attempts of their Beacons or their watching them to beare the charge of the country as shall be determined by a Generall Assembly or otherwise by the shooting off 3 Pieces whereby they may take the Alarum as shall be found most convenient.

17. That for raising of towns every one [of] ye [who] have and shall have a grant of 500 acres of land, shall, within a convenient time, build a convenient house of brick of 24 feet long and 16 feet broad with a cellar to it and so proportionately for Grants of larger or lesser quantity. And the grounds and platforms for the towns to be laid out in such form and order as the Governor and Councill shall appoint. And that you cause at ye publick charge of ye country a convenient house to be built where you and the councill may meet and sitt for the dispatching of publick affairs and hearing of causes. And because the buildings at Jamestown are for the most part decayed and the place found to be unhealthy and inconvenient in many respects. It shall be in the power of you and the council, with the advice of ye Generall Assembly, to choose such other seate for your chiefe Town and Residence of the Governor as by them shall be judged most convenient, retaining the ancient name of James Town.

18. That you shall have power to grant Patents and to assign such Proportion of Land to all adventurers and Planters as have been useful heretofore in the like cases, either for adventurers of money, [or] Transportation of people thither according to the orders of the late company and since allowed by his Majesty.

And that there likewise be the same proportion of Fifty acres of land granted and assigned for every p'son transported thither since Midsum-

mer, 1625. And that you continue ye same course to all persons transported thither untill it shall be otherwise determined by his Maj^{ty}.

19. Whereas the greatest part of the Land on James River hath been formerly granted unto particular persons or public society but being by them either not planted at all or for many years deserted, divers planters have by orders and leave of the Governor and Council of Virginia set down upon these lands or some part of them which was absolutely necessary for the defence and security of the Colony against the Indians, that the Governor confirm those Lands unto the present Planters and Possessors thereof. And that the like course be taken for Planting new Patents in any other places so unplanted and deserted as aforesaid where it shall be found necessary. And in case former proprietors make their claims thereunto that there be assigned to them the like quantities in any other part of the Colony not actually possessed where they shall make choice.

20. That you call for the Charter Parties that Masters of Ships bring along with [them] and strictly examine whether they have truly p^rformed the condicions of their contracts. And further, diligently to inquire and examine whether they have given sufficient and wholesome food and drink with convenient room to the passengers during the voyage. And that no Servants be discharged the Ships and turned ashore as formerly untill their Masters have notice and sufficient time to send for them. And that upon complaint in any of these particulars you give such redress as justice shall require.

21. That in regard you may daily expect the coming of a fforeign enemy, Wee require you soon after the first landing that you publish by proclamation throughout the Colony that no person whatsoever upon the arrival of any ships shall dare to go on board without ye express warrant from you the Governor and council, least by the means they be surprized to the great prejudice if not the overthrow of the Plantation.

22. And to avoid that intolerable abuse of Ingrossing comodities of forestalling ye Market, That you require all Masters of Ships not to break Bulk until they arrive of Saint James City or otherwise without speciall orders from ye the Governor and Council, and that care be taken that there be sufficient Storehouses and Warehouses for the same and convenient laying of their goods as they shall arrive.

23. That you endeavour by severe punishment to suppress drunkenness, And that you be carefull ye great quantity of wine and strong waters be not sold into the hands of those that be likeliest to abuse it, but that so near as you can it may be equally disposed of for the relief of ye whole Plantation. And if any Merchant or other for

private Lucre shall bring in any corrupt or unwholesome wines, waters or any other Liquors, such as may endanger the health of the people and shall so be found upon the oaths of sufficient p'sons appointed for the Tryall that the vessel be staved.

24. That especiall care be taken for ye preservacon of neat cattle and that the ffemales be not killed up as formerly, whereby the Colony will in short time have such plenty of victualls, yt much people may come thither for the setting up of iron works and other staple commodities. That you cause the People to plant great store of corne, as there may be one whole years provision before hand in the Colony least in relying upon one single Harvest, Drought, Blasting or otherwise they fall into such wants or Famine as formerly they have endured. And that the Plow may go and English [?] be sowed in all places convenient. And that no Corne nor Cattle be sold out of the Plantation without leave from the Governor and Councill.

25. That they apply themselves to the Impaling of Orchards and gardens for Roots and Fruits w'ch that country is so proper for, & that every Planter be compelled for every 500 acres granted unto him to Inclose and sufficiently fence either with Pales or Quicksett and Dikes, and so from time to time to preserve, enclosed and fenced a quarter of an acre of Ground in ye most convenient place near his Dwelling House for Orchards and gardens.

26. That whereas yo^r Tobacco falleth every day more and more unto a baser price, that it be stinted into a far less proportion then hath been made in ye last year 1637, not only to be accounted by the plants but by the quantity when 'tis cured. And because of Great Debts of the Planter in Tobacco, occasioned by the excessive rates of commodities have been the stinting thereof, so hard to be put into execution that the course commanded by his Majesty in his letter of the 22nd of April, in ye 13th year of His Reign for regulating ye debts of ye Colony be duly observed. And also not to suffer men to build slight cottages as heretofore hath been there used. And to remove from place to place, only to plant Tobacco. That Trademen and Handy Crafts be compelled to follow their severall Trades and occupations, and that ye draw you into Towns.

27. We require you to use yo^r best endeav^r to cause ye people there to apply themselves to the raising of more staple commodities as Hemp and Flax, Rope, Seed and Madder, Pitch & Tarr for Tanning of Hides and Leather. Likewise every Plantation to plant a proportion of Vines, answerable to their numbers, and to plant white Mulberry Trees, and attend Silk Worms.

28. That the Merchant be not constrained to take Tobacco at any Price, in Exchange for his wares. But that it be lawfull for him to make his own Bargain for his goods he so changeth notwithstanding any Proclamation here published to the contrary.

29. That no merchant shall be suffered to bring in Ten pounds worth of wine or strong waters that brings not one hundred pounds worth of necessary commodities and so rateably. And that every Merchant that deserveth a Warr^r for the recovery of his Debt shall bring in a bill of Parcels with the Rates of the severall Commodities, whereby ye certainty of the Debt and ye comodities thereof may ye better appeare.

30. That whereas many ships laden with Tobacco and other merchandize from thence, carry ye same immed^{ly} into fforaine countries, whereby his Maj^{ty} loseth ye custom and Duties thereupon due, nothing being answered in Virginia, You bee very carefull that no ship or other vessell whatsoever depart from thence, freighted with Tobacco or other commodities w^h that country shall afford, before Bond w^h sufficient sureties be taken to Ma^{ties} use to bring the same directly unto his Maj^{ties} Dominions and not else where, and to bring a Bill of Lading from home that the staple of those comodities may be made here, whereby his Maj^{ty}, after so great expence upon that Plantation and so many of his subjects Transported thither, may not be defrauded of what shall be justly due unto him for custom and other duties upon those goods. These Bonds to be transmitted to ye Councill here, and from thence to ye Exchequer, that ye Delinquent may be proceeded with according to due course of Law.

31. Next that you strictly and resolutely forbid all Trade or Trucking for any Merchandize whatsoever w^h any ship other then His Maj^{ties} subjects, that shall either purposely or casually come to any of y^r plantations. And that if, upon some unexpected occasions and necessity, the Governor and Councill shall think fitt to admitt such intercourse, w^{ch} we admitt not but upon some extremity, That good caution and Bond be taken, both of the Master and also the owner of the said Tobacco or other comodities so laden that they shall (Damages of the Sea Excepted) be brought to our Port of London, there to pay unto us such duties as are due upon the same.

And to conclude, That in all things accordingly to y^r best understanding ye endeavour the extirpation of vice and encouragement of Religion, virtue and goodness.

CHARLES.

4. COMMISSION TO FRANCIS BERNARD AS GOVERNOR
OF NEW JERSEY, 1758. [Draft.]

[From the Public Record Office, Board of Trade, New Jersey Papers, vol. xvi. p. 25; printed in *New Jersey Documents*, ix. 23.]

1.* GEORGE THE SECOND by the Grace of God, of Great Britain, France and Ireland King, Defender of the Faith, &c.

To Our trusty and Wellbeloved Francis Bernard Esq^r Greeting: We reposing especial Trust and Confidence in the Prudence, Courage and Loyalty of you the said Francis Bernard, of our especial Grace certain Knowledge and meer motion, have thought fit to constitute and appoint, and by these Presents do constitute and appoint you the said Francis Bernard to be Our Capⁿ General and Governor in Chief in & over Our Province of Nova Cæsarea or New Jersey, Viz: the Division of East and West New Jersey in America, which we have thought fit to reunite into one Province and settle under one entire Government.

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

3. And Our Will and Pleasure is, that you the said Francis Bernard, after the Publication of these Our Letters Patents, do in the first Place take the oaths appointed to be taken by an Act passed in the first Year of Our late Royal Father's Reign, entituled, *An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales and his open and secret Abettors*: As also that you make and subscribe the Declaration mentioned in an Act of Parliament made in the 25th Year of the

* The paragraphs are not numbered in the original; the figures are inserted here for convenience of reference.

Reign of King Charles the Second, Entituled *an Act for preventing Dangers which may happen from Popish Recusants*, and likewise that you take the usual Oath for the due Execution of the office and Trust, of Our Captain General and Governor in Chief in and over Our said Province of Nova Cæsarea or New Jersey; as well with regard to the due and impartial Administration of Justice, as otherwise; and further that you take the Oath requir'd to be taken by Governors of Plantations to do their utmost, that the several Laws relating to trade and the Plantation be observed; which said Oaths and Declaration Our Council in Our said Province or any three of the Members thereof, have hereby full Power and Authority, and are required to tender and administer unto you, and in your Absence to Our Lieutenand[t] Governor, if there be any upon the Place; all which being duly performed. You shall administer to each of the Members of Our said Council, as also to Our Lieutenant Governor, if there be any upon the Place, the Oaths mentioned in the said Act, entituled, *an Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors*; You shall also cause them to make and subscribe the aforementioned Declaration, and administer to them the Oath for the due Execution of their Places and Trusts.

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

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

6. But that Our Affairs may not suffer at that Distance, for Want of a due Number of Councillors, if ever it shall happen that there be less than seven of them residing in Our said Province; We do hereby give & grant unto you the said Francis Bernard full Power and Authority to chuse as many Persons out of the Principal Freeholders, Inhabitants thereof, as will make up the full Number of Our said Council to be seven, and no more; which Persons so chosen and appointed by you, shall be to all

intents and purposes Councillors in Our said Province, untill either they shall be confirmed by Us, or that by the Nomination of Others by Us under Our Sign Manual and Signet, Our said Council shall have seven or more Persons in it.

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

8. And Our Will and Pleasure is, that the Persons thereupon duly elected by the Major Part of the Freeholders of the respective Counties and Places, and so returned, shall, before their sitting, take the Oaths mentioned in the said Act, entituled, *an Act for the further Security of His Maj^{ty}'s Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the hopes of the pretended prince of Wales and His open and secret Abettors*; as also make and subscribe the aforementioned declaration, or being of the people called Quakers, shall take the Affirmation, and make and subscribe the declaration appointed to be taken and made instead of the Oaths of Allegiance, Supremacy and Abjuration, by an Act passed within Our said Province of Nova Cæsarea or New Jersey, in the first Year of our Reign, entituled, *an Act prescribing the Forms of Declaration of Fidelity, the Effect of the Abjuration, Oath and Affirmation, instead of the Forms heretofore required in such Cases; and for repealing the former Acts in the like Cases made & provided*; which Oaths, Affirmation & Declaration You shall commissionate fit Persons under Our Seal of Nova Cæsarea or New Jersey to tender and administer unto them; and until the same shall be so taken, made & subscrib'd, no person shall be capable of sitting though elected, And We do hereby declare that the persons so elected and qualified shall be call'd and deemed the General Assembly of that Our Province.

9. And you the said Francis Bernard, with the Consent of Our said Council, [and] Assembly or the Major Part of them respectively, shall have full Power and Authority to make, constitute and ordain Laws, Statutes and Ordinances for the publick Peace, Welfare & good Government of Our said Province and of the People and Inhabitants thereof, and such others as shall resort thereto, and for the Benefit of Us, Our Heirs and Successors; which said Laws, Statutes and Ordinances are not to be repugnant, but as near as may be agreable unto the Laws and Statutes of

this Our Kingdom of Great Britain ; provided that all such Laws, Statutes and Ordinances, of what Nature or duration soever, be, within three Months or sooner after the making thereof, transmitted unto Us under Our Seal of Nova Cæsarea or New Jersey, for Our Approbation or disallowance of the same, as also Duplicates thereof by the next Conveyance.

10. And in case any or all of the said Laws, Statutes and Ordinances (being not before confirm'd by Us) shall at any time be disallow'd and not approved, and so signified by Us, Our Heirs or Successors under Our or their Sign Manual and Signet, or by Order of Our or their Privy Council unto you the said Francis Bernard or to the Commander in Chief of Our said Province for the time being, then such and so many of the said Laws, Statutes and Ordinances as shall be so disallowed and not approved, shall from henceforth cease, determine and become utterly void and of none Effect, any thing to the contrary thereof notwithstanding.

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

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

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

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

15. And We do further by these Presents give and grant unto you the said Francis Bernard full Power and Authority with the Advice and Consent of Our said Council, to erect, constitute and appoint such & so many Courts of Judicature and publick justice within Our said Province under your Government, as you and they shall think fit and necessary for the hearing and determining all causes, as well Criminal as Civil, according to Law and Equity, and for awarding of Execution thereupon,

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

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

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

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

19. *And We* do hereby give and grant unto you the said Francis Bernard by yourself or by your Captains and Commanders by you to be authorized, full Power and Authority to levy, arm, muster, command, and employ all Persons whatsoever residing within Our said Province of Nova Cæsarea or New Jersey under your Government, and, as Occasion shall serve, to march from one place to another, or to embark them for the resisting and withstanding of all Enemies, Pirates and Rebels, both at Sea and Land, and to transport such Forces to any of Our Plantations in America (if necessity shall require) for the Defence of the same against the invasion or Attempts of any of Our Enemies, and

such Enemies, Pirates and Rebels, if there shall be occasion, to pursue and prosecute in or out of the Limits of Our said Province and Plantations or any of them; and, if it shall so please God, them to vanquish, apprehend and take, and being taken either according to Law to put to Death, or Keep and preserve alive at your Discretion, & to execute Martial Law in time of Invasion or other times when by Law it may be executed, and to do and execute all and every other thing and things which to Our Captain General and Governor in Chief doth or ought of Right to belong.

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

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

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

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

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

24. And We do hereby give you the said Francis Bernard full Power and Authority to order and appoint Fairs, Marts and Markets, as also

such and so many Ports, Harbours, Bays, Havens and other Places for the Convenience and Security of Shipping and for the better Loading and unloading of Goods and Merchandize, as by you, with the Advice and Consent of Our said Council, shall be thought fit and necessary.

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

26. And if upon your Death or Absence out of Our said province there be no person upon the place commissioned or appointed by us to be Our Lieutenant Governor or Commander in Chief of Our said province, Our Will & Pleasure is, that the eldest Councillor whose name is first placed in Our said Instructions to you, and who shall be at the time of your Death or Absence residing within Our said province of New Jersey, shall take upon him the Administration of the Government, & execute Our said Commission and Instructions and the several Powers and Authorities therein contain'd, in the same Manner and to all Intents and purposes as other Our Governor or Commander in Chief of Our said province shou'd or ought to do, in Case of your Absence untill you return, or in all Cases untill Our further Pleasure be Known therein.

27. And We do hereby declare, ordain and appoint, that you the said Francis Bernard shall and may hold, execute and enjoy the office & Place of Our Captain General and Governor in Chief in and over Our province of Nova Cæsarea or New Jersey, together with all and Singular the Powers and Authorities hereby granted unto you for and during Our Will and Pleasure. In Witness whereof We have caused these our Letters to be made Patents. Witness Ourselves at Westminster the —— day of —— 1758 in the thirty first year of Our Reign. And for so doing this shall be your Warrant. Given at our Court at St James's the —— day of —— 1758 in the thirty first year of Our Reign.¹

¹ This draft of a commission was approved by an order of council dated January 27, 1758. See *Analytical Index to the Colonial Documents of New Jersey* (New Jersey Historical Society, *Collections*, V.), 344.

5. INSTRUCTIONS TO FRANCIS BERNARD AS GOVERNOR
OF NEW JERSEY, 1758. [Draft.]

[From the Public Record Office, Board of Trade, New Jersey papers, vol. xvi. p. 64; printed in *New Jersey Documents*, ix. 40.]

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

1st. *With* these Our Instructions your [you] will receive Our Commission under Our Great Seal of Great-Britain, constituting You Our Capt^m General and Governor in Chief in and over Our province of New Jersey, You are therefore with all convenient Speed to repair to Our said Province, and being there arrived, You are to take upon you the Execution of the Peace [Place] and Trust We have reposed in You, and forthwith to call together the Members of our Council in and for that province, viz: Jn^o. Reading, Robert Hunter Morris, Edward Antill, James Hude, Andrew Johnston, Peter Kimbold, Thomas Leonard, Rich^d. Salter, David Ogden, Lewis Ashfield, Samuel Woodruffe and W^m. Alexander Esq^{rs}.

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

the 3^d to be taken by Governors of Plantations to do their utmost that the Acts of Parliament relating to the plantations be observed.

3. *You* shall administer or cause to be administered the Oaths mentioned in the aforesaid Act, entitled, an *Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors*; to the Members and officers of the Council and Assembly, and to all Judges, Justices, and all other Persons, that hold any Office or Place of Trust or Profit in the said Province, whether by virtue of any patent under Our Great Seal of this Kingdom, or the Publick Seal of New Jersey, or otherwise; And you shall also cause them to make and subscribe the aforesaid Declaration; without the doing of all which you are not to admit any person whatsoever to any publick Office, nor suffer those who have been admitted formerly, to continue therein.

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

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

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

7. *And* that we may be always informed of the Names and Characters of Persons fit to supply the Vacancies that shall happen in Our said Council, you are from time to time, when any Vacancies shall happen in Our said Council, forthwith to transmit unto Our Commissioners for Trade and Plantations, in order to be laid before Us, the Names of three persons, Inhabitants of the Eastern Division, and the Names of three other Persons Inhabitants of the Western Division, of Our said Province, whom you shall esteem the best qualified for that Trust.

8. *And* whereas by Our Commission You are empower'd, in Case of the Death or Absence of any of Our Council of the said Province, to fill up the Vacancies in Our said Council to the number of seven, and no more; you are from time to time to send to Our Commissioners for Trade and Plantations, in order to be laid before Us, the Name or Names

and Qualities of any Member or Members by you put into Our said Council by the first conveniency after your so doing.

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

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

11. *And* whereas We are sensible, that effectual Care ought to be taken to oblige the Members of Our Council to a due Attendance therein, in Order to prevent the many inconveniences that may happen for want of a Quorum of the Council to transact Business, as Occasion may require; It is *Our Will & Pleasure*, that, if any of the Members of Our said Council residing in the said Province shall hereafter absent themselves, from Our Said Province, and continue absent above the Space of twelve months together, without leave from you or from Our Governor or Commander in Chief of the said Province for the time being, first obtain'd under your or his Hand and Seal, or shall remain absent for the Space of two Years successively, without Our Leave given them under Our Royal Sign Manual, their place or places in Our said Council shall immediately thereupon become void; and that if any of the Members of Our said Council residing in our said Province shall hereafter willfully absent themselves from the Council Board when duly

summon'd without a just and lawfull Cause, and shall persist therein after Admonition, you suspend the said Councillors, so absenting themselves, till Our further pleasure be known, giving timely notice thereof to Our Commissioners for Trade and plantations, in Order to be laid before Us ; And We do hereby Will and require you, that this Our pleasure be signified to the several Members of Our Council aforesaid, and that it be enter'd in the Council Books of Our said Province as a standing Rule.

12. *And Our Will and Pleasure is*, that with all convenient Speed you call together one general Assembly for the enacting of Laws for the joint and mutual Good of the whole province ; that the first meeting of the said general Assembly be at Perth Amboy in East New Jersey, in case the last was at Burlington ; And that all future General Assemblies do meet and sit at one or the other of these Places alternately, or otherwise as You, with the Advice of Our foresaid Council, shall think fit in Case of extraordinary Necessity to appoint them.

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

14. *You* are to choose in the passing of Laws, that the Stile of enacting the same be by the Governor, Council and Assembly and no other ; You are also, as much as possible, to observe in the passing of all Laws, that whatever may be requisite upon each different matter be accordingly provided for by a different Law, without Intermixing in one and the same Act such things as have no proper relation to each other, and you

are more especially to take care, that no Clause or Clauses be inserted in or annexed to any Act, which shall be foreign to what the Title of such respective Act imports; and that no perpetual Clause be made part of any temporary Law; and that no Act whatsoever be suspended, altered, continued revived or repeated [repealed] by general Words, but that the Title and Date of such Act so suspended, alter'd, continued, revived or repealed be particularly mentioned and expressed in the enacting part.

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

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

17. *You* are also to take Care, that no private Act, whereby the property of private Persons may be affected, be passed, in which there is not

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

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

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

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

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

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

22. *Whereas* Acts have been passed in some of Our Plantations in

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

Vide order in Council dated 1st of April 1758 Bundle¹

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

¹ The article substituted was the same as the 19th article in the instructions to Governor Lewis Morris in 1738, which was as follows: "Whereas Acts have been pass'd in some of Our Plantations in America for striking Bills of Credit and issuing out the same in lieu of Money in Order to discharge their publick Debts and for other purposes, from whence sev^l Inconveniencies have arisen It is therefore *Our Will and Pleasure* that you do not give your Assent to, or pass any Act in Our said Province of New Jersey under your Government whereby Bills of Credit may be struck or issued in lieu of Money without a Clause be inserted in such Act declaring that the same shall not take Effect, until the said Act shall have been ap-

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

23. *Whereas* several Inconveniences have arisen to Our Governments in the Plantations by Gifts and Presents made to Our Governors by the general Assemblies ; you are therefore to propose unto the Assembly at their first meeting after your Arrival, and to use your utmost Endeavour with them, that an Act be passed for raising and settling a publick Revenue for defraying the necessary Charge of the Government of Our said Province, and that therein Provision be particularly made for a competent Salary to yourself as Captain General and Governor in Chief of Our said Province, and to other Our succeeding Captains General and Governors in Chief for supporting the Dignity of the same Office, as likewise due Provision for the Contingent Charges of Our Council and Assembly, and for the Salaries of the respective Clerks and other Officers thereunto belonging, as likewise of all other Officers necessary for the Administration of that Govern[ment], and particularly that such Salaries be enacted to be paid in Sterling or Proclamation Money or in paper Bills of Credit current in that Province in proportion to the Value such Bills shall pass at in Exchange for Silver, that thereby the respective Officers may depend on some certain income, and not be lyable to have their Stipends varied by the uncertain Value of Paper Money, and that in such Act all Officers Salaries be fixed to some reasonable yearly Sum, except the Members of the Council and Assembly and the Officers attending them, or others

proved & confirm'd by Us Our Heirs & Successors. And it is Our further *Will & Pleasure* that you do not give your Assent to or pass any Act in Our said Province of New Jersey under your Government, for payment of Money either to you the Governor or to any Lieu^t. Governor or Commander in chief or to any of the Members of Our Council or to any other Person whatsoever except to Us Our Heirs and Successors without a Clause be like wise inserted in such Act declaring that the same shall not take effect until the said Act shall have been approv'd and confirm'd by Us Our Heirs or Successors : " *New Jersey Documents*, vi. 15, § 19. For Belcher's instructions, see *Ibid.*, vii. 5.

whose Attendance on the publick is uncertain, who may have a reasonable pay established per Diem during their Attendance only ; And when such Revenue shall have been so settled and Provision made as afore said, then Our express *Will & Pleasure is*, that neither you Our Governor, nor any Governor, Lieuten: Governor, Commander in Chief, or President of Our Council of Our said Province of New Jersey for the time being, do give your or their Consent to the passing of any Law or Act for any Gift or Present to be made to You or them by the Assembly ; and that neither you nor they do receive any Gift or Present from the Assembly or others on any Account or in any Manner whatsoever, upon pain of Our Highest Displeasure and of being recalled from that Our Government. And We do further direct and require that this Declaration of Our Royal Will and Pleasure be communicated to the Assembly at their first meeting after your Arrival in Our said Province, and entered in the Register of Our Council and Assembly, that all Persons, whom it may concern, may govern themselves accordingly.

24. *And* whereas an Act of Parliament was passed in the sixth Year of the Reign of Her late Majesty Queen Anne, intituled *an act for ascertaining the Rates of foreign Coins in Her Majesty's Plantations in America*, which Act the respective Governors of all Our Plantations in America have from time to time been instructed to observe and carry into execution ; And whereas notwithstanding the same, Complaints have been made, that the said Act has not been observed, as it ought to have been, in many of Our Colonies and Plantations in America, by means whereof many indirect Practices have grown up, and various and illegal Currencies have been introduced in several of the said Colonies and plantations, contrary to the true intent and meaning of the said Act, and to the prejudice of the Trade of Our Subjects ; It is therefore *Our Royal Will & Pleasure*, and you are hereby strictly required and commanded, under pain of Our highest Displeasure and of being removed from your Government, to take the most effectual care for the future, that the said Act be punctually and bona fide observed and put in execution, according to the true Intent and meaning thereof.

25. *And* whereas complaint has been made to Us by the Merchants of Our City of London in behalf of themselves and of several others of Our good Subjects of Great Britain trading to Our Plantations in America, that greater Duties and Impositions are laid on their Ships and Goods, than on the Ships and Goods of Persons who are Natives and Inhabitants of the said Plantations ; It is therefore *Our Will & Pleasure*, that you do not, on pain of Our Highest Displeasure give your Assent for the future

to any Law, wherein the Natives or Inhabitants of Our Province of New Jersey, under Your Government are put on a more advantageous footing, than those of this Kingdom, or whereby Duties shall be laid upon British Shipping, or upon the Product or Manufactures of Great Britain upon any Pretence whatsoever.

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

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

28. *You* are to transmit Authentick Copies of all Laws, Statutes and Ordinances that are now made and in Force which have not yet been sent, or which at any time hereafter shall be made or enacted within the said province, each of them separately under the Publick Seal unto Our said Commissioners for Trade and Plantations within three months or by the first Opportunity after their being enacted, together with Dupli-

cates thereof by the next Conveyance, upon pain of Our hig[h]est Displeasure and of the Forfeiture of that year's Salary, wherein you shall at any time or upon any pretence whatsoever, omit to send over the said Laws, Statutes and Ordinances, as aforesaid, within the time above limited, as also of such other penalty as We shall please to inflict; but if it shall happen, that no shipping shall come from the said Province within three Months after the making such Laws, Statutes and Ordinances, whereby the same may be transmitted, as aforesaid, then the said Laws, Statutes and Ordinances are to be transmitted, as aforesaid, by the next Conveyance after the making thereof, whenever it may happen, for Our Approbation or Disallowance of the same.

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

30. *You* are to require the Secretary of Our said Province or his Deputy for the time being to furnish you with Transcripts of all such Acts and publick Orders as shall be made from time to time, together with a Copy of the Journals of the Council; and that all such transcripts and Copies be fairly abstracted in the Margins, to the end the same may be transmitted to Our Commissioners for Trade and Plantations, as above directed, in Order to be laid before Us; which he is duly to perform upon Pain of incurring the Forfeiture of his place.

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

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

Trade and Plantations, whether Our Service may require that a Constant Court of Exchequer be settled and established there.

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

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

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

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

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

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

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

for that purpose, permit and allow Appeals from any of the Courts of common Law in Our said province unto You or the Commander in Chief or the Council of our said Province ; and you are for that purpose to issue a Writ in the manner which has usually been accustomed, returnable before yourself and the Council of Our said Province, who are to proceed to hear and determine such Appeal, wherein such of Our Council [as] shall be at that time Judges of the Court, from whence such Appeal shall be so made to you Our Captain General or to the Commander in Chief for the time being, and to Our said Council, as aforesaid, shall not be permitted to vote upon the said Appeal ; but they may nevertheless be present at the hearing thereof to give the Reasons of the Judgement given by them in the Causes wherein such Appeals shall be made ; provided nevertheless that, in all such Appeals, the Sum or Value appealed for, do exceed the Sum of three hundred pounds Sterling, and that Security be first duly given by the Appellant, to answer such Charges as shall be awarded, in Case the first Sentence be affirmed, and if either party shall not rest satisfied with the judgment of you or the Commander in Chief for the time being and Council, as aforesaid, *Our Will & Pleasure* is, that they may then appeal unto Us in Our privy Council, provided the Sum or Value so appealed for unto Us exceed five hundred pounds Sterling, and that such Appeals be made within fourteen days after Sentence, & good Security given by the Appellant, that he will effectually prosecute the same, and answer the Condemnation, as also pay such Costs and Damages as shall be awarded by Us, in Case the Sentence of you or the Commander in Chief for the time being and Council be affirmed ; provided nevertheless, where the matter in question relates to the taking or demanding any Duty payable to Us, or to any Fee of Office, or annual Rent or other such like matter or thing, where the Rights in future may be bound, in all such cases you are to admit an Appeal to Us in Our privy Council, though the immediate Sum or value appealed for be of a less Value ; and it is Our further *Will & Pleasure*, that in all cases whereby [where by] your Instructions, you are to admit Appeals to Us in Our privy Council, execution be suspended until the final Determination of such Appeals, unless good and sufficient Security be given by the Appellee to make ample Restitution of all that the Appellant shall have lost by means of such judgment or Decree, in case upon the Determination of such Appeal such Decree or Judgment should be reversed, and Restitution awarded to the Appellant.

40. *You* are also to permit Appeals to Us in Council in all Cases of Fines imposed for Misdemeanors, provided the Fines so imposed amount

to or exceed the Value of £ 200 Sterling, the Appellant first giving good security, that he will effectually prosecute the same, and answer the Condemnation if the Sentence by which such Fine was imposed in Our said province of New Jersey, shall be confirmed.

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

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

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

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

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

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

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

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

48. *And* whereas the Surveyors General of Our Customs in the Plan-

tations are empower'd in case of the Vacancy of any our Offices of the Customs by Death, Removal or otherwise, to appoint other Persons to execute such Offices untill they receive further Directions from Our Commissioners of Our Treasury, or Our High Treasurer or Commissioners of Our Customs for the time being, but in regard the Districts of the said Surveyors General are very extensive, and that they are required at proper times to visit the Officers in the several Governments under their Inspection, and that it may happen, that some of the Officers of Our Customs in the Province of Nova Cæsarea or New Jersey, may dye at the time when the Surveyor is absent in some distant part of his District, so that he cannot receive Advice of such Officer's Death within a reasonable time and thereby make Provision for carrying on the Service, by appointing some other Person in the room of such Officer who may happen to die, therefore that there may be no delay given on such Occasion to the Masters of Ships or Merchants in their Dispatches, It is Our further *Will & Pleasure*, in case of such Absence of the Surveyor General, or if he should happen to die, and in such Cases only, that upon the Death of any Collector of Our Customs within that Our Province, you shall make choice of a Person of Known Loyalty, Experience, Diligence and Fidelity, to be employ'd in such Collectors room for the purposes aforesaid, untill the Surveyor General of Our Customs shall be advised thereof, and appoint another to succeed in their places or that further Directions shall be given therein by Our Commissioners of Our Treasury, or Our High Treasurer, or by the Commissioners of Our Customs for the time being, which shall be first signified, taking Care that you do not under pretence of this Instruction, interfere with the Powers and Authorities given by the Commissioners of Our Customs to the said Surveyors General, when they are able to put the same in Execution.

49. *Whereas* it is convenient for Our Service, that all the Surveyors Gen^l of Our Customs in America for the time being should be admitted to sitt and vote in the respective Councils of Our several Islands and Provinces within their Districts as Councillors extraordinary, during the time of their Residence there, We have therefore thought fit to constitute and appoint, and do hereby constitute and appoint the Surveyor General of Our Customs for the Northern District and the Surveyor General of Our Customs within the said District for the time being, to be Councillors extraordinary in Our said Province. And it is *Our Will & Pleasure*, that he and they be admitted to sit and vote in the said Council, as Councillors extraordinary, during the time of his or their Residence

there ; But it is Our Intention, if thro' length of time the said Surveyor General or any other Surveyor General should become the senior Councillor in Our said Province, that neither he nor they shall by virtue of such Seniority, be ever capable to take upon him or them the Administration of the Government there, upon the Death or Absence of Our Captains Genl or Governors in chief for the time being ; but whenever such Death or Absence shall happen, the Government shall devolve upon the Councillor next in seniority to the Surveyor General, unless We should hereafter think it for Our Royal Service to nominate the said Surveyor General or any other of Our said Surveyors General Councillors in ordinary in any of Our Governments within their Survey, who shall not in the [that] Case be excluded any Benefit which attends the Seniority of their Rank in the Council.

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

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

52. *Our Will and Pleasure is*, that for the better quieting the Minds of Our good Subjects Inhabitants of Our said Province, and for settling the Properties and Possessions of all Persons concerned therein, either as General Proprietors of the Soil, under the first original Grant of the said Province made by the late King Charles the Second to the late Duke of York, or as particular Purchasers of any Parcels of Land from the general Proprietors, you shall propose to the General Assembly of Our said Province the passing of such Act or Acts whereby the Right or Property of the said General Proprietors to the soil of Our said Province may be confirmed to them according to their respective Rights and Titles together with

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

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

54. *You* are to permit the Surveyors and other Persons appointed by the forementioned General Proprietors of the Soil of that Province for surveying and recording the Surveys of Land granted by and held of them to execute accordingly their respective Trusts and you are likewise to permit and if need be aid and assist such other Agent or Agents as shall be appointed by the said Proprietors for that End to collect and receive the Quit Rents which are or shall be due unto them from the particular Possessors of any Parcels or Tracts of Land, from time to time, provided always that such surveyors Agents or other Officers appointed by the said General Proprietors do not only take proper Oaths for the due Execution and performance of their respective Offices or Employments And give good and sufficient Security for their so doing, but that they likewise take the oaths mentioned in the foresaid Act entitled, *an Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late princess Sophia being protestants and for the extinguishing the Hopes of the Pretended Prince of Wales and his open and Secret Abettors*: as also make and subscribe the Declaration aforesaid and you are more particularly to take Care that all Lands purchased from the said Proprietors be cultivated and improved by the possessors thereof, And you are to take Care that no Fees be exacted or taken by any of the Officers under you, for the Grants of Lands made by the Agents of the Proprietors, which Agents are to deliver over to you in Council Duplicates of all such Grants to be registred in Our Council Books.

55. *Whereas* for some Years past the Governors of some of Our Plantations have seized and appropriated to their own use the produce of

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

56. *You* shall not remit any fines or Forfeitures whatsoever above the Sum of ten pounds, nor dispose of any Forfeitures whatsoever, until upon signifying unto Our Commissioners of Our Treasury or Our High Treasurer for the [time?]* being, and to Our Commissioners for Trade and Plantations the Nature of the Offence, and the Occasion of such Fines and Forfeitures with the particular Sums or Value thereof (which you are to do with all speed) you shall have receiv'd Our Directions therein, but you may in the mean time suspend the payment of the said Fines and Forfeitures.

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

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

59. *You* shall take especial Care that God Almighty be devoutly and duly served throughout your Government, the Book of Common

Prayer as by Law established, read each Sunday and Holy day and the blessed Sacrament administred according to the Rites of the Church of England.

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

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

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

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

64. *And* to the End the Ecclesiastical Jurisdiction of the said Lord Bishop of London may take place in Our said Province so far as conveniently may be. We do think fit that you give all Countenance & Encouragement to the Exercise of the Same, except only the Collating to Benefices, Granting Licences for marriages, and probate of Wills, which we have reserved to you Our Governor and the Commissioner [Commander?] in Chief of Our said province for the time being.

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

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

67. The Right Reverend Father in God Edmund late Lord Bishop of London having presented a petition to his late Majesty Our Royal Father, humbly beseeching him to send Instructions to the Governors of all the several plantations in America, that they cause all Laws already made against Blasphemy, prophaneness, Adultry, Fornication, Polygamy, Incest, prophanation of the Lord's day, Swearing and Drunkeness in their respective Governments to be vigorously executed. And We thinking it highly just that all persons, who shall offend in any of the particulars aforesaid, should be prosecuted and punished for their said Offences. It is therefore *Our Will and Pleasure*, that you take due Care for the punishment of the forementioned Vices, and that you earnestly recommend it to the Assembly of New Jersey to provide effectual Laws for the Restraint and punishment of all such of the aforementioned Vices against which no Laws are as yet provided, and also you are to use your Endeavors to render the Laws in being more effectual by providing for the punishment of the aforementioned Vices by presentment upon Oath to be made to the temporal Courts by the Church Wardens of the several parishes, at proper times of the year to be appointed for that Purpose. And for the further discouragement of vice and Encouragement of Virtue and good Living (that by such Example the Infidels may be invited and desire to embrace the Christian Religion) you are not to admit any person to publick Trusts and Employments in the said Province under your Government whose ill Fame and Conversation may occasion Scandal. And it is *Our further Will and Pleasure* that you recommend to the Assembly to enter upon proper Methods for the erecting and maintaining of Schools, in Order to the training up of Youth to Reading and to a necessary Knowledge of the principals of Religion, and you are also with the Assistance of the Council and Assembly to find out the best means to facilitate and encourage the Conve[r]sion of Negroes and Indians to the Christian Religion.

68. *You* shall send unto Our Commissioners for Trade and Plantations by the first Conveyance in order to be laid before us, an Account of the present Number of Planters and Inhabitants, Men, Women, and Children, as well Masters as Servants free and unfree and of the Slaves in Our said

province as also an yearly Account of the increase or decrease of them and how many of them are fit to bear Arms in the Militia of Our said province. You shall also cause an exact Account to be kept of all Persons born and christned and buried, and you shall yearly send fair Abstracts thereof to Our Commissioners for Trade and Plantations as aforesaid.

69. *And We* do further expressly command and require you to give unto Our Commissioners for Trade & plantations once in every year the best Account you can procure of what number of Negroes Our said province is yearly supplied with.

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

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

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

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

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

75. *And* for the greater Security of Our province of New Jersey you are to appoint fit Officers and Commanders in the several parts of the Country bordering upon the Indians who upon any Invasion may raise Men and Arms to oppose them till they shall receive your Directions therein.

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

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

78. *Whereas* we have been informed that during the time of War Our Enemies have frequently got Intelligence of the State of Our plantations by letters from private persons to their Correspondents in Great Britain taken on Board Ships coming from the plantations, which may be of dangerous Consequence if not prevented for the future. *Our Will and Pleasure is*, that you signify to all Merchants, planters and others that they be very Cautious in time of War, in giving any Account by Letters of the publick State and Condition of Our said province of New Jersey, and you are further to give Directions to all Masters of Ships or other persons to whom you may intrust your Letters, that they put such Letters in a Bag with a sufficient Weight to sink the same immediately, in Case of imminent danger from the Enemy. And you are also to let the Merchants and planters know how greatly it is for their Interest that their Letters should not fall into the Hands of the Enemy, and therefore that they should give the like Orders to the Masters of Ships in relation to their Letters. And you are further to advise all Masters of Ships that they do sink all Letters in Case of Danger in the manner before mentioned.

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

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

81. *Whereas* it is absolutely necessary, that we be exactly informed of the State of Defence of all Our plantations in America, as well in relation to the Stores of War that are in each plantation, as to the forts and Fortifications there, and what more may be necessary to be built for the Defence and Security of the same. You are so soon as possible to prepare an Account thereof with relation to Our said province of Nova Casarea or New Jersey in the most particular manner, and you are therein to express the present State of the Arms, Ammunition and other Stores of War belonging to the province either in any publick Magazines or in the hands of private persons together with the State of all places either already fortified or that you judge necessary to be fortified for the Security of Our said province, and you are to transmit the said Accounts to Our Commissioners for Trade and plantations, in order to be laid before us, as also a Duplicate thereof to Our Master General or principal Officers of Our Ordnance, which Accounts are to express the particulars of Ordnance, Carriages, Ball, Powder, and all other sorts of Arms and Ammunition in Our publick Stores at your said Arrival, and so from time to time of what shall be sent to you b [or] bought with publick Money and to specify the time of the Disposal and the occasion thereof and other like Accounts half yearly in the same manner.

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

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

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

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

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

86. *You* are from time to time to give an Account, as before directed, what Strength your bordering Neighbours have, be the[y] Indians or others, by Sea & Land & of the Condition of their plantations, & what Correspondence you do keep with them.

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

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

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

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

91. *And* whereas We are willing in the best manner to provide for the

support of the Government of Our said Province by setting a part sufficient Allowances to such as shall be Our Governor, Lieutenant Governor, Commander in Chief or President of Our Council, residing for the time being within the same; Our *Will & Pleasure* therefore is, that when it shall happen that you shall be absent from the Territory of New Jersey of which We have appointed you Governor one full moi[e]ty of the Salary and of all perquisites and Emoluments whatsoever which would otherwise become due, unto you, shall during the time of your Absence, from the said Territory be paid and satisfied unto such Governor, Lieutenant Governor, Commander in Chief or President of Our Council, who shall be resident upon the place for the time being, which We do hereby order and allot unto him, towards his maintenance, and for the better support of the Dignity of that Our Government.

92. *And* you are upon all Occasions to send unto Our Commissioners for Trade and plantations only, a particular Account of all your proceedings and of the Condition of Affairs within your Government, in order to be laid before Us, provided nevertheless whenever any Occurrence shall happen within your Government of such a Nature and importance as may require Our more immediate Direction by one of Our principal Secretaries of State, and also upon all Occasions & in all Affairs wherein you may receive Our Orders by one of the principal Secretaries of State, you shall in all such Cases transmit to the Secretary of State only, an Account of all such Occurrences & of your proceedings relative to such Orders.¹*

¹ This draft of instructions was approved by an order of council dated April 1, 1758. The instructions were dated January 31, 1758. See *Analytical Index to the Colonial Documents of New Jersey* (New Jersey Historical Society, Collections, V.), 345.

* In the foregoing documents taken from the *New Jersey Documents*, the bracketed insertions marked with an asterisk are reproduced from the text as there printed. All others in the Appendices have been added by the present editor. With this exception and that noted on page 226, all the documents here given follow the previously printed text as indicated in the heading of each document.

6. COMMISSION TO JAMES HAMILTON AS PROPRIETARY
GOVERNOR OF PENNSYLVANIA, 1759.

[From *Minutes of the Provincial Council of Pennsylvania (Pennsylvania Records)*,
viii. 409.]

THOMAS PENN and RICHARD PENN, true and absolute Proprietaries and Governors-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Suss[^e]x, on Delaware,

To James Hamilton, Esquire, Greeting:

WHEREAS, the late King Charles the second, by his Letters Patent, under the Great Seal of England, bearing date the fourth day of march, in the Thirty-third year of his Reign, was graciously pleased to grant unto William Penn, Esquire, (late Father of the said Thomas Penn and Richard Penn, since deceased), His Heirs and Assigns, The said Province of Pennsylvania, with large powers, Jurisdictions, and Authorities for the well-Governing, Safety, Defence, and preservation of the said Province and the People residing therein, and more particularly to do and perform sundry matters and things therein mentioned, either by himself and his Heirs, or his or their Deputies or Lieutenants, as by the said Letters patent, relation being thereunto had, may more fully appear: *And Whereas*, the late King James the second, before he came to the Crown, by the name of James Duke of York and Albany, being rightfully possessed of a Certain Tract of Land lying on the West side of the Bay and River of Delaware, more commonly called and known by the name or Names of the Counties of Newcastle, Kent, and Sussex, on Delaware; and being likewise invested with Sundry Royalty's priviledges, Immunities, powers, Jurisdictions, and authorities, for the defence, safety, preservation, and well-Governing of the said Tract of Land and the Inhabitants thereof, did, by certain Deeds duly executed, and bearing date as therein mentioned, give and grant unto the said William Penn, his Heirs and Assigns, the said Tract of Land lying on the West side of the Bay and River of Delaware, with all and every the said Royalties, Privileges, Immunities, Powers, Jurisdictions, and Authorities which he the said Duke of York stood then invested with as aforesaid, as by such Deeds relation being thereunto had, may more fully appear: *And Whereas*, we did by our Commissions, under our Seals, bearing date the seventh day of May, in the year of our Lord, one thousand seven hundred and fifty-six, depute, constitute, and appoint William Denny, Esquire, to be Lieutenant Governor of the Said province and Counties, for and during the good pleasure

of Us and the Survivor of us, and until further Order : *Now Know You*, that We have revoked and determined and by these presents Do revoke and determine our said recited Commission, and every Clause, article, and Thing therein contained : *And further Know You*, That we, reposing Special Trust and confidence in your Tryed and approved Loyalty to the King, and in your prudence, conduct and Integrity, Do, by Virtue of the said Letters patent and Deeds, depute, constitute, nominate, and appoint you, the said James Hamilton, to be Lieutenant Governor of the said province and Counties, Giving and hereby granting unto you full power and authority to exercise, execute, and put in practice, in ample manner, All and every the powers, Jurisdictions and Authorities, so granted unto the said William Penn, his Heirs and Assigns, by the said Letters patent and Deeds, as shall be necessary and convenient for the safety, well-being, defence, preservation, and well-Governing the said province and Counties and the people thereof, hereby comitted and entrusted to your care and charge ; And generally, at all Times, and upon all Occasions, when proper and convenient, to exercise, do, execute, act and perform all, and all manner of powers, authorities, acts, military, and all other matters and things whatsoever, requisite and necessary for the good order of Government, for the administering, maintaining, and executing of Justice, and for the safety, peace, defence, and preservation of the said province and Counties, and the people under your Government and Direction, as fully and amply, to all Intents, Constructions, and purposes, as We ourselves might or cou[ld] do by Virtue of the said Letters Patent and Deeds or any otherwise howsoever, were we personally present ; You following and observing such Orders, Instructions, and Directions as you now have, or hereafter, from time to time, shall receive from us or our Heirs, To have, hold, execute, exercise, and enjoy the said Office or post of Lieutenant Governor of the said Province, Jurisdictions and authorities herein-before Granted, and all Titles, privileges, pre-eminences, profits, and advantages to a Lieutenant Governor and Commander [in] Chief of the said province and Counties belonging and therewith usually held and enjoyed, unto you, the said JAMES HAMILTON, for and during the good pleasure of Us and the Survivor of Us, and until further Order : *Provided Always*, that nothing herein contained shall extend or be construed to extend to give you any power or Authority to sett, lett, lease out, Grant, Demise, receive, possess, Occupy, or dispose of any Manors, Messages, Lands, Tenements, Houses, Gardens, Royalties, Rent, Issues, or profits arising, belonging, or accruing unto us or either of Us, in the province and Counties aforesaid, or otherwise ; Nor to

intermeddle or concern yourself therewith, or with any part of the property thereof, or with any Officer or Officers appointed for the management thereof, e[i]ther by placing, displacing, interrupting, or hindering any of them in the just Execution of their Offices; But in Case your aid and assistance shall be wanted by them, and desired for our Service, Then, and in such Case, You are hereby required to assist them by all lawful ways and means to the utmost of your power, any thing hereinbefore contained to the contrary thereof in anywise, notwithstanding. And we do hereby strictly Command, charge, and require all persons within the said province and Counties, of what degree, quality, state or Condition soever, To yield, give, and pay unto you, all Respect, submission, and Obedience as Lieutenant Governor of the said province and Counties so appointed as aforesaid, as they will answer the contrary at their peril. Given under our Hands and Seals at Arms, the Nineteenth day of July, in the Thirty-Third year of the Reign of Our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, and in the Year of our Lord, One thousand seven hundred and fifty-nine.

THOS. PENN, [L. s.]

RICH^d. PENN, [L. s.]

7. COMMISSION TO JOHN WENTWORTH AS LIEUTENANT-GOVERNOR OF NEW HAMPSHIRE, 1717.

[From a copy in the Secretary's Office; printed in *New Hampshire Provincial Papers*, ii. 712.]

GEORGE R.

GEORGE, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c.

To our Trusty and Well-beloved JOHN WENTWORTH, Esq. Greeting: Whereas, by our Commission, under our Great Seal of Great Britain, bearing date Fifteenth day of June, 1716, We have constituted and appointed Samuel Shute, Esq. our Captain General and Governor in Chief in and over our Province of New Hampshire, in New England, in America; and we reposing especial Trust and Confidence in your Loyalty, Courage and Circumspection, do, by these presents, constitute and appoint you, the said John Wentworth, to be our Lieutenant Governor, to hold, exercise and enjoy the said Place and office for and during our Pleasure, with all Rights, Privileges, Profits, Perquisites and Advantages, to the same belonging or appertaining: And further, in case of the Death or absence of the said Samuel Shute, We do hereby authorize and empower you to execute and perform all and singular the Powers and Directions contained in our said Commission to the said Samuel Shute, and such Instructions as are already or hereafter shall, from time to time, be sent unto him; so nevertheless, that you observe and follow such orders and Directions as you shall receive from Us, and from the said Samuel Shute, or any Chief Governor of our said Province of New Hampshire, for the time being. And all and singular our officers and ministers and loving subjects of our said Province, and others whom it may concern, are hereby commanded to take due Notice hereof, and to give their ready obedience accordingly.

Given at our Court at Hampton Court, the 12th day of September, 1717, in the Fourth year of our Reign.

By his Majesty's Command,

J. ADDISON.

John Wentworth, Esq.

Lieutenant Governor of New Hampshire
in America.

APPENDIX B.

LIST OF COMMISSIONS AND INSTRUCTIONS.*

THIS list includes only documents which are printed in full, excluding summaries and extracts. The term "instructions" also requires explanation. As used here, it means the formal document which, together with the commission, was given to each governor on his appointment to his province. Single articles or so-called additional instructions which appear from time to time in the records of nearly every province are not recorded here. Letters from the home government, or from proprietors, are excluded even though they may contain more or less formal instructions on many matters connected with the government of the province. It should be said further that all the British colonies are not included in this list, but only those which afterwards became part of the United States.

For form of royal commission, see Stokes, *Constitution of the Colonies*, 150. [No names; arbitrary dates.]

1610. Proprietary commission to Lord La Warr, governor of Virginia: Brown, *Genesis of the United States*, i. 375.

1618. Proprietary instructions to George Yeardley, governor of Virginia: *Virginia Magazine of History and Biography*, ii. 154.

1624. Royal commission to Sir Francis Wyatt, governor, and to the council of Virginia: Rymer, *Fœdera*, xvii. 618.

1626. Royal commission to Sir George Yeardley, governor, and to the council of Virginia: Rymer, *Fœdera*, xviii. 311.

1626. Royal instructions to Sir George Yeardley, governor, and to the council of Virginia: *Virginia Magazine of History and Biography*, ii. 393.

1627. Royal commission to John Harvey, governor, and to the council of Virginia: Rymer, *Fœdera*, xviii. 980.

1635. Proprietary commission to John Winthrop, the younger, governor of the Connecticut River: Trumbull, *History of Connecticut*, i. 497.

1636. Royal commission to John Harvey, governor, and to the council of Virginia: Rymer, *Fœdera*, xx. 3.

1637. Proprietary commission to Leonard Calvert, governor, and to the council of Maryland: Bozman, *History of Maryland*, ii. 572; *Maryland Archives*, iii. 49.

1641. Royal commission to Sir William Berkeley, governor, and to the council of Virginia: Rymer, *Fœdera*, xx. 484.

* This list is reprinted with some revision from the *American Historical Review* for October, 1897.

- [1641.] Royal instructions to Sir William Berkeley, governor of Virginia: *Virginia Magazine of History and Biography*, ii. 281.
1642. Proprietary commission to Leonard Calvert, governor of Maryland: Bozman, *History of Maryland*, ii. 621; *Maryland Archives*, iii. 108.
1644. Proprietary commission to Leonard Calvert, governor of Maryland: Bozman, *History of Maryland*, ii. 631; *Maryland Archives*, iii. 151.
1648. Proprietary commission to William Stone, governor of Maryland: Bozman, *History of Maryland*, ii. 642; *Maryland Archives*, iii. 201.
1656. Proprietary commission to Josias Fendall, governor of Maryland: Bozman, *History of Maryland*, ii. 689; *Maryland Archives*, iii. 323.
1660. Proprietary commission to Philip Calvert, governor of Maryland: *Maryland Archives*, iii. 391.
1661. Proprietary commission to Charles Calvert, governor of Maryland: *Maryland Archives*, iii. 439.
1662. Royal instructions to Sir William Berkeley, governor of Virginia: *Virginia Magazine of History and Biography*, iii. 15.
1664. Proprietary commission to Richard Nicolls, governor of New York: *Pennsylvania Archives*, 2nd Series, v. 509.
1665. Proprietary commission to Sir John Yeamans, governor of Clarendon County: *North Carolina Records*, i. 97.
- [1665.] Proprietary instructions to Sir John Yeamans, governor, and to the council of Clarendon County: *North Carolina Records*, i. 95; Rivers, *Sketch of the History of South Carolina*, 338.
1665. Proprietary commission to Philip Carteret, governor of New Jersey: *New Jersey Documents*, i. 20.
1665. Proprietary instructions to Philip Carteret, governor of New Jersey: *New Jersey Documents*, i. 21.
1666. Proprietary commission to Charles Calvert, governor of Maryland: *Maryland Archives*, iii. 542.
1667. Proprietary commission to Samuell Stephens, governor of Albemarle County: *North Carolina Records*, i. 162.
1667. Proprietary instructions to Samuell Stephens, governor of Albemarle County: *North Carolina Records*, i. 162.
1669. Proprietary commission to William Sayle, governor of Carolina south and west of Cape Carteret: Rivers, *Sketch of the History of South Carolina*, 340.
1669. Proprietary instructions to the governor and council at Port Royal, Carolina: Rivers, *Sketch of the History of South Carolina*, 347.
1670. Proprietary instructions to the governor and council of Albemarle County: *North Carolina Records*, i. 181.
1671. Proprietary instructions to the governor and council of Ashley River: Rivers, *Sketch of the History of South Carolina*, 366.
1674. Proprietary instructions to Andrew Percivall, governor of a new plantation on the Edisto River: Rivers, *Sketch of the History of South Carolina*, 387.

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1674. Proprietary commission to Philip Carteret, governor, and to the council of New Jersey: Leaming and Spicer, *Grants, Concessions, etc.*, 58.
1674. Proprietary instructions to Philip Carteret, governor, and to the council of New Jersey: *New Jersey Documents*, i. 167.
1674. Proprietary commission to Edmund Andros, governor of New York: *New York Documents*, iii. 215; *New Jersey Documents*, i. 156.
1674. Proprietary instructions to Edmund Andros, governor of New York: *New York Documents*, iii. 216.
1675. Royal commission to Thomas, Lord Culpeper, governor of Virginia: Hening, *Statutes*, ii. 565.
1676. Proprietary commission to Thomas Eastchurch, governor of Albemarle County: *North Carolina Records*, i. 232.
- [1676.] Proprietary instructions to the governor and council of Albemarle County: *North Carolina Records*, i. 230.
1679. Proprietary instructions to John Harvey, president, and to the council of Albemarle County: *North Carolina Records*, i. 235.
1679. Royal commission to John Cutt [or Cutts], president, and to the council of New Hampshire: *New Hampshire Provincial Papers*, i. 373; also prefixed to *Acts and Laws of New Hampshire* (1771).
- [1681.] Proprietary instructions to Henry Wilkinson, governor, and to the council of Albemarle County: *North Carolina Records*, i. 333.
1681. Proprietary commission to William Markham, governor of Pennsylvania: *Charter and Laws of Pennsylvania*, 470.
1682. Royal commission to Edward Cranfield, governor of New Hampshire: *New Hampshire Provincial Papers*, i. 433.
- [1682.] Royal instructions to Edward Cranfield, governor of New Hampshire: *New Hampshire Provincial Papers*, i. 443.
1682. Proprietary commission to Thomas Dongan, governor of New York: *New York Documents*, iii. 328.
1683. Proprietary commission to Robert Barclay, governor of East New Jersey: Smith, *History of New Jersey*, 166.
1683. Proprietary commission to Gawen Lawrie, deputy-governor of East New Jersey: *New Jersey Documents*, i. 423.
1683. Proprietary instructions to Gawen Lawrie, deputy-governor of East New Jersey: *New Jersey Documents*, i. 426.
1683. Proprietary instructions to Thomas Dongan, governor of New York: *New York Documents*, iii. 331.
- [1684.] Royal commission to Thomas, Lord Culpeper, governor of Virginia: *Calendar of Virginia State Papers*, i. 14.
1686. Royal commission to Thomas Dongan, governor of New York: *New York Documents*, iii. 377.
1686. Royal instructions to Thomas Dongan, governor of New York: *New York Documents*, iii. 369.
1686. Royal commission to Sir Edmund Andros, governor of New England: Force, *Tracts*, iv. No. 8.

1688. Royal commission to Sir Edmund Andros, governor of New England: *New York Documents*, iii. 537.
1688. Royal instructions to Sir Edmund Andros, governor of New England: *New York Documents*, iii. 543.
1689. Proprietary commission to Philip Ludwell, governor of Carolina north and east of Cape Fear: *North Carolina Records*, i. 360.
1689. Proprietary instructions to Philip Ludwell, governor of Carolina north and east of Cape Fear: *North Carolina Records*, i. 362.
1689. Proprietary instructions to John Blackwell, governor of Pennsylvania: *Pennsylvania Records*, i. 318.
1690. Proprietary commission to Lionel Copley, governor of Maryland: *Maryland Archives*, viii. 200. [Draft.]
- [1690.] Royal commission to Henry Sloughter, governor of New York: *New York Documents*, iii. 623. [Draft.]
1690. Royal instructions to Henry Sloughter, governor of New York: *New York Documents*, iii. 685.
1691. Proprietary commission to Philip Ludwell, governor of Carolina: *North Carolina Records*, i. 373.
1691. Proprietary instructions to Philip Ludwell, governor of Carolina: *North Carolina Records*, i. 373; Rivers, *Chapter in the History of South Carolina*, 59.
1691. Royal commission to Lionel Copley, governor of Maryland: *Maryland Archives*, viii. 263.
1691. Royal instructions to Lionel Copley, governor of Maryland: *Maryland Archives*, viii. 271.
1692. Royal commission to Samuel Allen, governor of New Hampshire: *New Hampshire Provincial Papers*, ii. 57.
1692. Royal instructions to Samuel Allen, governor of New Hampshire: *New Hampshire Provincial Papers*, ii. 63.
1692. Proprietary commission to Andrew Hamilton, governor of West New Jersey: *New Jersey Documents*, ii. 87.
1692. Royal commission to Benjamin Fletcher, governor of New York: *New York Documents*, iii. 827; *Pennsylvania Records*, i. 357.
1692. Royal instructions to Benjamin Fletcher, governor of New York: *New York Documents*, iii. 818.
1692. Royal commission to Benjamin Fletcher, governor of Pennsylvania: *Pennsylvania Records*, i. 352; also drafts in *New York Documents*, iii. 856, and *Charter and Laws of Pennsylvania*, 539.
1692. Royal instructions to Benjamin Fletcher, governor of Pennsylvania: *New York Documents*, iii. 861.
1694. Proprietary commission to John Archdale, governor of Carolina: *North Carolina Records*, i. 389.
1694. Proprietary commission to William Markham, governor of Pennsylvania: *Pennsylvania Records*, i. 474; *Charter and Laws of Pennsylvania*, 558.

1697. Proprietary commission to Jeremiah Basse, governor of West New Jersey: *New Jersey Documents*, ii. 143. [Draft.]
1697. Royal commission to Richard, Earl of Bellomont, governor of New Hampshire: *New Hampshire Provincial Papers*, ii. 305.
1697. Royal commission to Richard, Earl of Bellomont, governor of New York: *New York Documents*, iv. 266.
1697. Royal instructions to Richard, Earl of Bellomont, governor of New York: *New York Documents*, iv. 284.
- [1698?] Royal instructions to Francis Nicholson, governor of Virginia: *Virginia Magazine of History and Biography*, iv. 49.
1698. Proprietary instructions to Jeremiah Basse, governor of East New Jersey: *New Jersey Documents*, ii. 209.
1699. Proprietary commission to Andrew Hamilton, governor of West New Jersey: *New Jersey Documents*, ii. 301.
1702. Royal instructions to Joseph Dudley, governor of Massachusetts: Massachusetts Historical Society, *Collections*, 3rd Series, ix. 101.
1702. Royal commission to Joseph Dudley, governor of New Hampshire: *New Hampshire Provincial Papers*, ii. 366.
1702. Royal commission to Edward, Lord Cornbury, governor of New Jersey: Leaming and Spicer, *Grants, Concessions, etc.*, 647; *New Jersey Documents*, ii. 489; Smith, *History of New Jersey*, 220; Field, *Provincial Courts of New Jersey*, Appendix B.
1702. Royal instructions to Edward, Lord Cornbury, governor of New Jersey: Leaming and Spicer, *Grants, Concessions, etc.*, 619; *New Jersey Documents*, ii. 506; Smith, *History of New Jersey*, 230; Field, *Provincial Courts of New Jersey*, Appendix B.
1702. Proprietary commission to Sir Nathaniell Johnson, governor of South and North Carolina: *North Carolina Records*, i. 554.
1702. Proprietary instructions to Sir Nathaniell Johnson, governor of South and North Carolina: *North Carolina Records*, i. 555.
1708. Proprietary commission to Edward Tynte, governor of North and South Carolina: *North Carolina Records*, i. 694.
1709. Royal commission to Robert Hunter, governor of New York: *New York Documents*, v. 92. [Draft.]
1709. Royal instructions to Robert Hunter, governor of New York: *New York Documents*, v. 124. [Draft.]
1712. Proprietary instructions to Edward Hyde, governor of North Carolina: *North Carolina Records*, i. 844.
1715. Royal commission to Robert Hunter, governor of New York: *New York Documents*, v. 391. [Draft.]
1717. Royal commission to John Wentworth, lieutenant-governor of New Hampshire: *New Hampshire Provincial Papers*, ii. 712.
1719. Proprietary instructions to William Keith, governor of Pennsylvania: *Pennsylvania Records*, iii. 63.
1720. Royal instructions to Francis Nicholson, governor of South Carolina: Rivers, *Chapter in the History of South Carolina*, 68.

1727. Royal commission to John Montgomery, governor of New York: *New York Documents*, v. 834. [Draft.]
1730. Royal commission to George Burrington, governor of North Carolina: *North Carolina Records*, iii. 66. [Draft.]
1730. Royal instructions to George Burrington, governor of North Carolina: *North Carolina Records*, iii. 90. [Draft.]
1738. Royal commission to Lewis Morris, governor of New Jersey: *New Jersey Documents*, vi. 2. [Draft.]
1738. Royal instructions to Lewis Morris, governor of New Jersey: *New Jersey Documents*, vi. 15. [Draft.]
1741. Royal commission to George Clinton, governor of New York: *New York Documents*, vi. 189. [Draft.]
1753. Royal commission to Sir Danvers Osborn, governor of New York: Smith, *History of New York*, 297.
1754. Royal instructions to Arthur Dobbs, governor of North Carolina: *North Carolina Records*, v. 1107. [Draft.]
1758. Royal commission to Francis Bernard, governor of New Jersey: *New Jersey Documents*, ix. 23. [Draft.]
1758. Royal instructions to Francis Bernard, governor of New Jersey: *New Jersey Documents*, ix. 40. [Draft.]
1759. Proprietary commission to James Hamilton, governor of Pennsylvania: *Pennsylvania Records*, viii. 409.
1760. Royal commission to Benning Wentworth, governor of New Hampshire: *New Hampshire Provincial Papers*, vi. 908.
1761. Royal commission to Arthur Dobbs, governor of North Carolina: *North Carolina Records*, vi. 524. [Draft.]
1766. Royal commission to John Wentworth, governor of New Hampshire: prefixed to *Acts and Laws of New Hampshire* (1771).
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APPENDIX C.

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