

Surrender from the Proprietors of East and West New Jersey, of Their Pretended Right of Government to Her Majesty; 1702

WHEREAS his late Majesty King Charles the Second, by his Letters Patents under the great seal of England, bearing date at Westminster on or about the 12th day of March, in the sixteenth year of his reign, did give and grant to James then Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of Saint Croix, next adjoining to New Scotland in America, and from thence extending along the sea-coast unto a certain place called Pemaquod or Pemaquid, and so up the river thereof to the furthest head of the same, as it tends northward, and extending from thence to the river of Kenibique, and so upwards by the shortest course to the river Canada, northward; and also all that island or islands commonly called by the several name or names of Manowacks, or Long Island, situate, lying and being towards the west of Cape Codd and the Narrohigansets, abutting upon the main land between the two rivers there, called or known by the several names of Connecticut and Hudson's river; together also with the said river called Hudson's river, and all the lands from the west side of Connecticut river to the east side of Delaware bay. And also all those several islands called or known by the names of Martin's Vinyard, and Nantucks or Nantucket, together with all the lands, islands, soils, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawkings, hunting, and fowling, and all other royalties, profits, commodities and hereditaments to the several islands, lands, and premises, belonging and appertaining, with their and every of their appurtenances, *to have amid to hold* all and singular the said lands, islands, hereditaments, with their and every of their appurtenances, to the said James Duke of York, his heirs and assigns forever, to be held of the said King, his heirs and successors as of his manor of East Greenwich in Kent, in free and common soccage and not in capite or by knight's service, yielding and rendering therefore yearly and every year, forty beaver skins when demanded, or within ninety days after: And by the same Letters Patents the late King Charles the Second, for himself, his heirs and successors, did give and grant to the said James Duke of York, his heirs, deputies, agents, commissioners and assigns, full and absolute power and authority to correct, punish, pardon, govern and rule all such subjects of the said lying, his heirs and successors, as should from time to time adventure themselves into the parts and places aforesaid, or that should at any time then after inhabit within the same, according to such laws, orders, ordinances, directions and instructions as by the said Duke of York, or his assigns, should be established; and in defect thereof, in case of necessity, according to the good directions of his deputies, commissioners, officers or assigns respectively, as well in all causes and matters as well capital and criminal as civil, both marine and others, so always as the said statutes, ordinances and proceedings were not contrary, but as near as might be agreeable to the laws and statutes and government of the realm of England, saving and reserving to his said Majesty, his heirs and successors, the receiving, hearing and determining, of the appeal and appeals of all or any other person or persons of, in or belonging to the territories or islands aforesaid, in or touching any judgment or sentence to be there made or given; and further that it should and might be lawful to and for the said Duke of York,

his heirs and assigns, from time to time to nominate, constitute, ordain and confirm such laws as aforesaid, by such name or names or stiles as to him or them shall seem good; and likewise to revoke, discharge, change and alter as well all and singular Governors, officers and ministers which then after should be by him or them thought fit or needful to be made or used within flee aforesaid parts and islands; and also to make, ordain and establish, all manner of orders, laws, directions, instructions, forms and ceremonies of government and magistracy, fit and necessary for and concerning the government of the Territories and islands aforesaid, so always as the same were not contrary to the laws and statutes of the realm of England, but as near as might be agreeable thereunto; and the same at all times then after to put in execution or abrogate, revoke or change, not only within the precinct of the said Territories or islands, but also upon the seas in going and coming to and from the same, as he and they in their good direction should think to be fittest for the good of the adventurers and inhabitants there. And the late King did thereby grant, ordain and declare, that such Governors, officers, ministers as from time to time should be authorized and appointed in manner and form aforesaid, should and might have full power and authority to use and exercise martial law in cases of rebellion, insurrection and mutiny, in as large and ample manner as the lieutenants of his said Majesty in his counties of the realm of England had, or ought to have, by their commissions of lieutenancy, or any law or statute of the said realm of England. And the said late King did thereby also for himself, heirs and successors, grant to the said James Duke of York, that it should and might be lawful for him, his heirs and assigns, in his or their discretions, from time to time, to admit such and so many person or persons to trade and traffick unto and within the Territories and islands aforesaid, and into every or any part or parcel thereof, and to have process and enjoy any lands and hereditaments in the parts and places aforesaid, as they should think fit, according to the laws, orders, constitutions and ordinances by the said James Duke of York, his heirs, deputies, commissioners and assigns from time to time to be made and established, by virtue of and according to the true intent and meaning of the said Letters Patents, and under such conditions, reservations and agreements as the said James Duke of York, his heirs and assigns should set down, order, direct and appoint, and not otherwise. And by the said Letters Patents the said King did for himself his heirs, and successors, grant to the said James Duke of York, his heirs and assigns, and to all and every such Governor and Governors or other officers or ministers as by the said James Duke of York, his heirs or assigns' should be appointed, with power and authority of government and command in or over the inhabitants of the said Territories or islands, that they and every of them should, or lawfully might, from time to time, and at all times then after or for ever, for their several defence and safety, encounter, expulse, repel and resist by force of arms, as well by sea as by land, and all ways and means whatsoever, all such person or persons as without the especial licence of the said James Duke of York, his heirs and assigns, should attempt to inhabit within the several precincts and limits of the said territories and islands; and also all and every such person and persons whatsoever as should enterprise, or attempt at any time then after, the destruction or invasion, detriment or annoyance to the parts, places or islands aforesaid, or any part thereof; as by the said recited Letters Patents duly enrolled, relation "hereunto had, more at largeN may appear. And *whereas* the estate, interest, right and title of the said James Duke of York, in and to the Provinces of East Jersey and West Jersey, part of the premises by the said recited Letters granted, are by mean conveyances and assurances

in the law, come unto and vested in or claimed amongst others by Sir Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbank, Michael Watts, Edward Richier, John Norton, Ebenezer Jones, John Whiting, John Willcocks, John Bridges, Thomas Skinner, Benjamin Steell, Obediah Burnett, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewis, Jo. Rennet, John Booker, Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Paunceford, William Hamond, Ferdinando Holland, William Dockwra, Peter Sonmans, Joseph Grimston, Charles Ormston, Edward Antill, George Willocks, Francis Handcock, Thomas Barker, Thomas Cooper, Robert Burnet, Miles Forster, John Johnstone, David Lyell, Michael Hawdon, Thomas Warne, Thomas Gordon, John Barclay Clement Plumstead, Gilbert Mollison, and Richard Hasel, the present Proprietors thereof, and they also have claimed, by virtue of the said Letters Patents and mean conveyances to exercise within the said Provinces for the governing the inhabitants thereof, all the powers and authorities for government granted by the said Letters Patents to the said Duke and his heirs and assigns; but her Majesty hath been advised, that they have no right nor can legally execute any of the said powers, but that it belongeth to her Majesty in right of her Crown of England to constitute Governors of the said Provinces, and to give directions for governing of the inhabitants thereof, as her Majesty shall think fit. And the said Proprietors being desirous to submit themselves to her Majesty, are willing to surrender all their presences to the said powers of government, to the intent her Majesty may be pleased to constitute a Governor or Governors of the same Provinces, with such powers, privileges and authorities for the government thereof, and making of such laws there with the consent of the Assembly of the said Provinces, and her Majesty's subsequent approbation thereof, as her Majesty in her great wisdom shall think fit and convenient. We therefore the said Sir Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbanke, Machael Watts, Ed. Richier, John Norton, Ebenezer Jones, John Whiting, Clement Plumstead, John Wilcocks, John Bridges, Thomas Skinner, Beniamin Steele, Obadiah Burnet, Joseph Michlethwait, Elizabeth Milfer, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewes, Jo. Bennet, John Booker, Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Paunceford, William Hamond, Ferdinando Holland, William Docwra, Peter Sonmans, Joseph Grinston, Charles Ormston, Edward Anthill, George Wilcoks, Francis Hancock, Thomas Barker, Thomas Cooper, Robert Burnett, Miles Forster, John Johnston, David Lyell, Michael Hawdon, Thomas Warne, Thomas Gordon, John Barclay, Gilbert Molleson, and Richard Hasell, &c. the present Proprietors of the said Provinces of East Jersey, and West Jersey, for the consideration and to the intent aforesaid, have surrendered and yielded up, and by these presents for us and our heirs, do surrender and yield up unto our Sovereign Lady ANNE by the grace of God Queen of England, Scotland, France. and Ireland, Defender of the Faith, &c. her heirs and successors, all these the said powers and authorities to correct, punish, pardon, govern and rule all or any of her Majesty's subjects or others, who now are or inhabit or hereafter shall adventure into or inhabit within the said Provinces of East Jersey, and West Jersey, or either of them; and also to nominate, make,

constitute, ordain and confirm any laws, orders, ordinances and directions and instruments for those purposes or any of them; and to nominate, constitute or appoint, revoke, discharge, change or alter any Governor or Governors, officers or ministers which are or shall be

appointed, made or used within the said Provinces or either of them; and to make, ordain and establish any orders, laws, directions, instruments, forms or ceremonies of government and magistracy' for or concerning the government of the Provinces aforesaid or either of them, or on the sea in going and coming to or from thence, or to put in execution, or abrogate, revoke or change such as are already made for or concerning such government, or any of them; and also all those the said powers and authorities to use and exercise martial law in the places aforesaid, or either of them, and to admit any person or persons to trade or traffick there, and of encountering, repelling and resisting by force of arms any person or persons attempting to inhabit there without the licence of us the said Proprietors, our heirs and assigns, and all other the powers, authorities and privileges of or concerning the government of the Provinces aforesaid, or either of them to the inhabitants thereof, which were granted or mentioned to be granted by the said recited Letters Patents, and every of them. *In witness* whereof the persons above named have hereunto set their hands and seals this fifteenth day of April, in the year of our Lord one thousand seven hundred and two, and in the first year of her Majesty's reign.

For the Eastern Division

L. Morris, in behalf of Robert Burnett, Miles Forster,
John Johnstone,
Michael Hawdon,

John Barclay,
David Lyell,
Thomas Warne,
Thomas Gordon,
Thomas Barker,
Thomas Cooper,
Gilbert Mollison,
Henry Adderly, for Richard Hasel of Barbados. William Dockwra,

Peter Sonmans,
Joseph Ormston, for myself, and as proxy for Charles Ormston,
Edward Anthill, and George Willocks, and Representative of Francis Hancock, Thomas Lane
Paul Dominique,
Robert Mitchell,
Joseph Brooksbank,

E. Richier,
Michael Watts,
Clement Plumstead.

For the Western Division

Benjamin Nellson, James Wasse,

Richard Harrison, John Grin,
Richard Greenaway, Charles Michell, Francis Michell Francis Paunceford, Wm. Hamond, Ferd.
Holland, Elizabeth Miller Benjamin Levy, Francis Minshall, Joseph Collin, Thomas Lewis,

Jo. Bennet

John Booker, John Whiting, John Wilcocks John Bridges, Thomas Skinner, Benjamin Steel,
Obadiah Burnett, Jos. Micklethwait, Thomas Lamb, Paul Dominique, Robert Michell, Jos.
Brooksbanks, Michael Watts,
E. Eichier,
John Norton, Eben Jones

Sealed and delivered by Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbanks,
Michael Watts, Edward Richier, John Norton, Ebenezer Jones, John Whiting, John Willcocks,
John Bridges, Thomas Skinner, Benjamin Steel, Obadiah Burnett, Joseph Micklethwait,
Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewis, John
Bennett, John Booker, Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard
Greenaway, Charles Mitchell, Francis Mitchell, Tracy Pauncefort, William Hamond, Ferdinando
Holland. And for the interest the Proprietors of West Jersey, have in East Jersey, Thomas Lane
Paul Dominique, Robert Mitchel, Joseph Brooksbank, Edward Richier arid Michael Watts.

Sealed and delivered by the aforesaid persons in the presence of us. L. MORRIS, JONATHAN
GREENWOOD,

Sealed and delivered by William Docwra, Peter Sonmans, Joseph Ormston, Thomas Barker and
Thomas Cooper, Proprietors of East Jersey, in the presence of us.

RICHARD BOUTS,
NATHANIEL WELCH

Sealed and delivered by Gilbert Molleson, in presence of us.

DANTEL WILD,
GILBERT FALCONER.

Sealed and delivered by Clement Plurnstead, in presence of us.

JOHN ASKEW,
SAMUEL HANNINGTON.

Sealed and delivered by Henry Adderly in presence of us.

JOHN BLACKALL,
THOMAS CAGE,

Sealed and delivered by Lewis Morris, in presence of

AUG. GRAHAM,
RICHARD BIBBY.

I do hereby certify that this is n true copy from the books in the plantation office. Whitehall,
January 17 1752.

SAMUEL GELLIBRAND. D. Secretary.