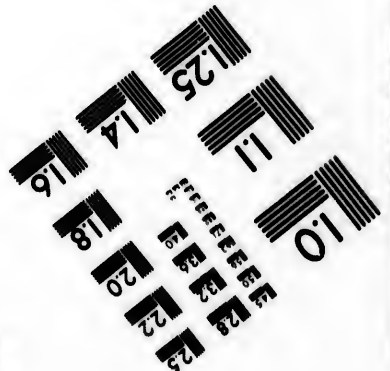
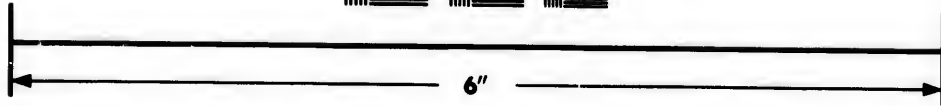
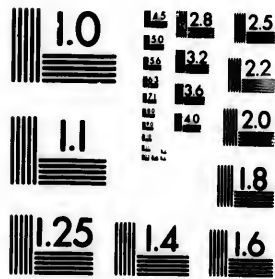


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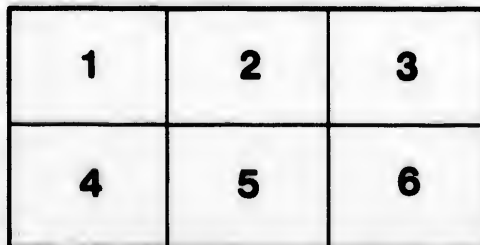
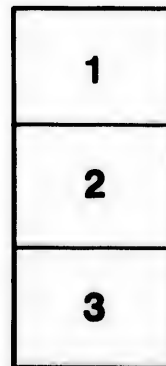
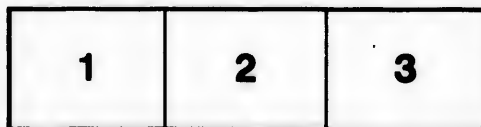
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OUTLINES
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Explanation.
 1. The King's Mountain.
 2. The Lake Ontario.



J. M. Smith del.

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THE
HISTORY

Of the PROVINCE of

NEW-YORK,

FROM THE

First Discovery to the Year M.DCC.XXXII.

To which is annexed,

A Description of the Country, with a short Account of the
Inhabitants, their Trade, Religious and Political State, and the
Constitution of the Courts of Justice in that Colony.

MINSTER

BRARY.

*Lo! swarming o'er the new discover'd World,
Gay Colonies extend; the calm Retreat*

Of undesper'd Distress.

*Bound by social Freedom, firm they rise,
Of Britain's Empire the Support and Strength.*

THOMSON.

Nec minor est Virtus, quam quærere, parta tueri.

By WILLIAM SMITH, A. M.

LONDON:

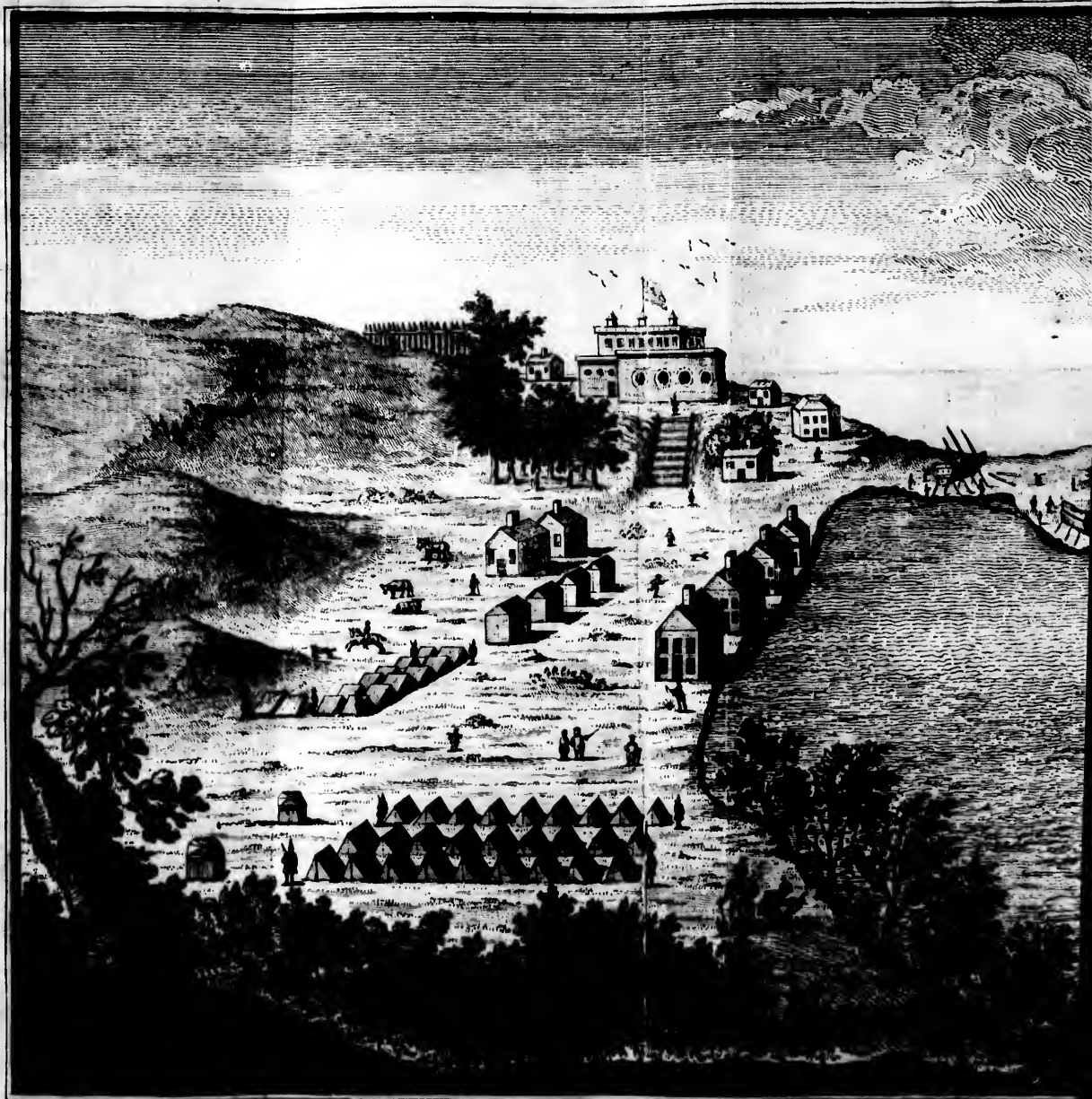
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M.DCC.LVII.

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The SOUTH VIEW of OSWEGO

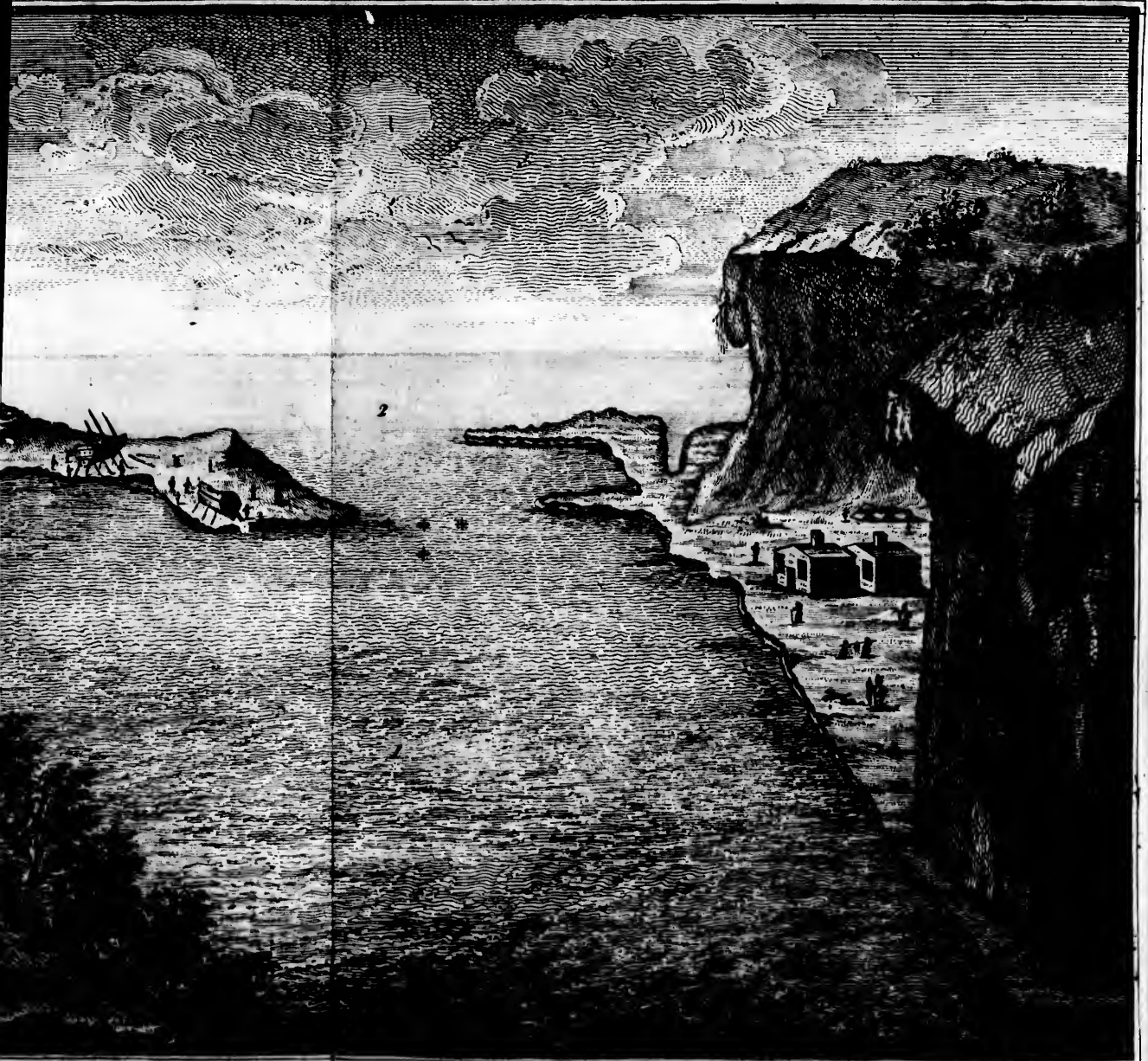
General Shirley in 1755 Strengthen'd & enlarg'd, this Fort and erected two others; one Westward 170 Square with a Rampart of Earth & Stone. Another on the Opposite side of the Baſon, 470 Yards diſtant from the Old Fort. This which is call'd the Eaſt Fort, is built of Logs and



W of OSWEGO on LAKE ONTARIO

the Wall is surrounded by a Ditch. The Projection of the Rocks, renders the Channel at the Entrance into the Onondaga River very Narrow, and our Vessels are generally warped from the Lake into the Bason.

Explanation.
1. The River Onondaga.
2. The Lake Ontario.



THE

HISTORICAL

NEW-YORK

AND THE CITY OF NEW-YORK

F
122

of the City of New-York
and the County of New-York
in the State of New-York

IN SENATE
JANUARY 1864

BY THE SENATE

PRINTED BY
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To the Right Honourable

G E O R G E,
EARL of *HALLIFAX,*

Viscount S U N B U R Y,
First Lord Commissioner of Trade and Plantations,
&c. &c.

MY LORD,

I BEG Your favourable Acceptance of this short
Account of the ancient and present State of
the Province of *New-York.*

IT is not presented for Your *Lordship's* Informa-
tion.—All the World knows, that the Affairs of

A 2

the

DEDICATION.

the *British* Colonies, have been, for several Years past, under Your *principal* Direction; and the *Wisdom* of the Measures pursued for their Prosperity and Defence, are *indisputable* Arguments of Your Acquaintance with their Condition.

NOR am I induced to inscribe these Pages to Your *Lordship*, by *Interest*, the common Motive to Addresses of this Kind.—Being therefore uninfluenced by the *Principle*, I shall not follow the *Example* of Dedicators; but suppress those Sentiments concerning Your *Lordship*, which would, nevertheless, give Offence only to Yourself, and to those who envy Your Talents and Your Virtues, and are Enemies to their Effects, Your Reputation and Your Power.

MY Lord, Your ardent Attention to the *American* Plantations, and assiduous Labours for their
Protection

DEDICATION.

Protection and Growth, have laid us under the most indispensable Obligations to Gratitude.

YOUR *Lordship* will therefore excuse me for embracing this Opportunity to make a publick Declaration of the *deep* Sense I have of Your *kind* Offices to my Country, and to do myself the Honour of testifying, that

I am,

My LORD,

Your Lordship's,

most obedient, and

most humble Servant,

New-York,
15 June, 1756.

William Smith.

DEDICATION

Protection and Care of the Public Health
and the National Sanitation Administration

It is the duty of every citizen to do his part
in the maintenance of the public health.
The National Sanitation Administration
is the agency through which the public health
is maintained and to do my part in the
maintenance of the public health.

I am

Very truly
yours

W. H. H. H.

Director

National Sanitation Administration

Washington, D. C.

William Smith

H O A T H E T H E

T H E

P R E F A C E.

*W*H O E V E R considers the Number and Extent of the British Colonies, on this Continent; their Climates, Soil, Ports, Rivers, Riches, and numberless Advantages, must be convinced of their vast Importance to Great-Britain; and be at a loss to account for the Ignorance concerning them, which prevails in those Kingdoms, whence their Inhabitants originally sprang. The Merchants indeed, by profitable Experience, have not been altogether unacquainted with our Trade and our Growth; and some Gentlemen of an inquisitive Turn, by the Help of their Correspondents, have obtained the Knowledge of many other Particulars equally important. But the main Body of the People conceive of these Plantations, under the Idea of wild, boundless, inhospitable, uncultivated Desarts; and hence the Punishment of a Transportation hither, in the Judgement of most, is thought not much less severe, than an infamous Death. Nay, appealing to Facts, we may safely assert, that even the publick Boards, to whose Care these extensive Dominions have been more especially committed, attained, but lately, any tolerable Acquaintance with their Condition. This is the more to be wondered at, as it is natural to imagine, that the King's Governours have statedly transmited full Accounts of their respective Provinces. The Case has been quite otherwise.

Governments

38079

Governments were heretofore too often bestowed upon Men of mean Parts, and indigent Circumstances. The former were incapable of the Task, and the latter too deeply engrossed by the sordid Views of private Interest, either to pursue or study our common Weal. The worst Consequences have resulted from these Measures. Perpetual Animosities being engendered between the Governours, and the People subjected to their Authority; all Attempts for conciliating the Friendship of the Indians, promoting the Fur Trade, securing the Command of the Lakes, protecting the Frontiers, and extending our Possessions far into the Inland Country, have too often given Place to party Projects and contracted Schemes, equally useless and shameful. The Conduct of the French has been just the reverse: in Spite of all the Disadvantages of a cold Climate, a long and dangerous Navigation up the River of St. Lawrence, a rough, barren, unsettled Country, locked up from all Communication with the Ocean, the greatest Part of the Year; I say, notwithstanding these Difficulties, they have seized all the Advantages, which we have neglected. The Continent, for many hundred Leagues, has been thoroughly explored, the main Passes fortified, innumerable Tribes of Indians, either won over to their Interest †, subdued or bridled, the Fur Trade engrossed, a Communication maintained between the Extremes of New-France, the British Colonies restricted to scant Limits along the Sea Shore, and nothing left remaining for the Establishment of a vast Empire, but to open a free Water Passage to the Ocean, by the Conquest of the Province of New-York.

If the Governours of these Plantations had formerly been animated by the same generous and extensive Views, which inspired

* "Encore moins peuplé." Charlevoix. "le secret de gagner l'affection des Amé-

† "Nôtre nation, la seule, qui ait eu "riquains." Charlevoix.

Mr. Burnet; the long projected Designs of our common Enemy might, with the Aid of Great-Britain, have been many Years ago supplanted, or at least defeated, at a trifling Expence. But alas! little, too little, Attention has been had to these important Affairs, till the late Encroachments on the River Ohio, in the Province of Pennsylvania, gave the Alarm, and the Ministry were apprised of the French Machinations, by the seasonable Representations of General Shirley; and if the Colonies have now attracted the Notice of his Majesty and his Parliament, their grateful Acknowledgements are due principally to the noble Lord, to whom these Sheets are dedicated, for his laudable Enquiries into their State, and his indefatigable Zeal and Industry for their Defence and Prosperity.

At present our Affairs begin to wear a more smiling Aspect. We are under the Guardianship of a Sovereign, who delights in the Welfare of his People; are respected by a Parliament, affected with a generous Sympathy for the Distresses of their Fellow Subjects, in all their Dispersions; and by a wise Improvement of the British Aids, it is hoped, we shall be able, to retrieve the ill Consequences of our long, reproachful, and insensible, Security.

Formerly the Colonies were at Home disregarded and despised, nor can any other Reason be assigned for it, than that they were unknown. This is, in a great Degree, to be imputed to ourselves. If our Governours withheld those Informations, which their Duty required them to have given, Persons of private Characters ought to have undertaken that useful and necessary Task. But, except some Accounts of the Settlements in the Massachusetts Bay and Virginia, all the other Histories of our Plantations upon the Continent are little else than Collections of Falshoods, and worse than none. That this Charge against those published concerning this

Province, in particular, can be fully supported, I persuade myself, will incontestably appear from the following Summary, concerning which I shall say a few Words.

Having been formerly concerned, according to an Appointment by Act of Assembly, in a Review and Digest of our provincial Laws, it was the Duty of myself, and my Partner in that Service, to peruse the Minutes of the Council, and the Journals of the general Assembly, from the glorious Revolution, at the Accession of King William, to the Year 1751: and as an Acquaintance with our publick Transactions, was a Branch of Instruction, of which a Student for the Profession of the Law ought not to be ignorant, I have since reexamined those Entries, begining with the first Minutes of Council, and read over many of the Records in the Secretary's Office. From these authentick Materials, the following Pages were, in a great Measure, compiled. For many of those Parts, which concern our Affairs with the French and the Indians, antecedent to the Peace of Ryswick in 1697, I am bound to make liberal Acknowledgements to Dr. Colden, the Author of the History of the Five Nations.

Mr. Alexander, a Gentleman eminent in the Law, and equally distinguished for his Humanity, Generosity, great Abilities, and honourable Stations, supplied me with some useful Papers; and has left behind him a Collection, that will be very serviceable to any Gentleman, who may hereafter incline to continue this Narrative, through the Administrations of Mr. Cosby, and Lieutenant Governour Clarke. The Draught of this Work was unfinished, at the Time of Mr. Alexander's Decease; and therefore, as it never passed under his Examination, many important Additions are*

* He died on the 2d of April, 1756.

lost, which his long and intimate Acquaintance with the Affairs of this Province would have enabled him to supply.

When I began to frame this Digest, it was only intended for private Use; and the Motives which now induce me to publish it, are the Gratification of the present Thirst in Great-Britain after American Intelligences: contributing, as far as this Province is concerned, to an accurate History of the British Empire * in this Quarter of the World; and the Prospect of doing some small Service to my Country, by laying before the Publick a summary Account of its first Rise and present State.

Influenced by these Views, I am not so regardless of the Judgment of others, as not to wish it may be, in some Measure, acceptable. To please all Sorts of Readers I know is impossible: he who writes with such Hopes, is a Stranger to human Nature, and will be infallibly disappointed. My Design is rather to inform than please. He who delights only in Pages shining with illustrious Characters, the Contentions of Armies, the Rise and Fall of Empires, and other grand Events, must have Recourse to the great Authours of Antiquity. A Detail of the little Transactions, which concern a Colony, scant in its Jurisdiction, and still struggling with the Difficulties naturally attending its infant State, to Gentlemen of this Taste can furnish no Entertainment. The ensuing Narrative (for it deserves not the Name of a History, though for Brevity's Sake I have given it that Title) presents us only a regular Thread of simple Facts; and even those unembellished with Reflections, because they themselves suggest the proper Remarks, and most

* As the Provinces are different in their Constitutions, and with Respect to Government, independent of each other, no general History of America can be expected, till Gentlemen of Leisure, will draw up particular Accounts, of the respective Colonies, with which they are acquainted.

Readers will doubtless be best pleased with their own. The sacred Laws of Truth have been infringed neither by positive Assertions, oblique, insidious, Hints, wilful Suppressions, or corrupt Misrepresentation. To avoid any Censures of this Kind, no Reins have been given to a wanton Imagination, for the Invention of plausible Tales, supported only by light Probabilities; but choosing rather to be honest and dull, than agreeable and false, the true Import of my Vouchers hath been strictly adhered to and regarded.

With Respect to its Style, the Criticks, in that Branch of Literature, are at full Liberty to condemn at their Pleasure. The main Use of Language is to express our Ideas. To write in the gay, pleasing, Pomp of Diction is above my Capacity. If any are disposed to blame me for being too verbose, let it be remembered that this is the indefeasible Right of my Profession, founded upon immemorial Prescription. Perspicuity is all I have endeavoured to maintain, nor am I at Leisure to study any higher Attainments in Language. The Errours of the Press will doubtless be many, but for these I shall hardly be thought accountable, as my remote Distance deprives me of all Opportunities of examining the Proofs.

THE
H I S T O R Y
O F
N E W - Y O R K.
P A R T I.

From the Discovery of the Colony to the Surrender in 1664.

CH R I S T O P H E R C O L U M B U S, a *Genoese*, employed by *Ferdinand* and *Isabel*, King and Queen of *Castile*, was the first Discoverer of *America* *. He sailed from *St. Lucar* in *August* 1492, and made Sight of one of the *Babama* Islands, on the eleventh of *October* following. *Newfoundland*, and the main Continent, were discovered five Years after, by *Sebastian Gabato*, a *Venetian*, in the Service of *Henry VII.* of *England*, from the 38th to the 68th Degree of north Latitude.

On the tenth of *April* 1606, King *James I.* for planting two Colonies, passed the great *North* and *South Virginia* Patent. To *Sir Thomas Gates* and others, Leave was given to begin a Plantation, at any Place on the Continent, they should think convenient, between the 34th and 41st Degrees of Latitude: and all the Lands extending 50 Miles, on each Side, along the Coast, 100 Miles into the Country, and all the Islands within 100 Miles, opposite to their Plantations, were granted in Fee, to be called the *First Colony*. By the same Patent, a like Quantity was granted to *Thomas Hambam, Esq;* and others, for a Plantation between 38 and 45 Degrees of La-

* Some Authors alledge, that *Columbus* first offered his Services to the Republic of *Genoa*; then to *John II.* of *Portugal*, and afterwards to our King *Henry VII.*; but this disagrees with *Lord Bacon's* Account, who informs us, that

Christopher Columbus sailed, before his Brother *Bartholomew* had laid the Project before the King, which was owing to his falling into the Hands of Pirates on his Way to *England*.

titude, under the Name of the *Second Colony*. The first began a Settlement in the great Bay (*Cheasapeak*) in 1607. The latter was planted at *Plymouth* in *New-England*, 1620.

Henry Hudson, an *Englishman*, according to our Authors, in the Year 1608*, under a Commission from the King his Master, discovered *Long Island, New-York*, and the River which still bears his Name; and afterwards sold the Country, or rather his Right, to the *Dutch*. Their Writers contend, that *Hudson* was sent out by the *East-India Company* in 1609, to discover a North-west Passage to *China*; and that having first discovered *Delaware Bay*, he came thither, and penetrated up *Hudson's River*, as far North as the Latitude of 43°. It is said, however, that there was a Sale, and that the *English* objected to it, though they for some Time neglected to oppose the *Dutch Settlement* of the Country.

In 1610, *Hudson* sailed again from *Holland* to this Country, called by the *Dutch, New-Netherlands*; and four Years after, the States General granted a Patent to sundry Merchants, for an exclusive Trade on the North River, who in 1614 built a Fort, on the West Side, near *Albany*, which was first commanded by *Henry Christiaens*. Captain *Argal* was sent out by Sir *Thomas Dale*, Governour of *Virginia*, in the same Year, to dispossess the *French* of the two Towns of *Port-Royal* and *St. Croix*, lying on each Side of the Bay of *Fundy* in *Acadia*, then claimed as Part of *Virginia* †. In his Return, he visited the *Dutch* on *Hudson's River*, who being unable to resist him, prudently submitted for the present to the King of *England*, and under him to the Governour of *Virginia*. The very next Year, they erected a Fort on the South-west Point of the Island *Manhattans*, and two others in 1623: one called *Good-Hope*, on *Connecticut River*, and the other *Nassau*, on the East Side of *Delaware Bay*. The Author of the Account of *New-Netherland* ‡ asserts, that the *Dutch* purchased the Lands on both Sides of that

* *Charlevoix*, a *French Jesuit*, Author of the *General History of New France*, thinks this Discovery was in 1609, Vol. I. 12^d Edition, p. 221. But *Stiib*, *Druglass*, *Oldmixon*, and other *English Writers* agree, that *Hudson's* first Voyage was in the preceding Year.

† *Charlevoix* places this Transaction in 1613. Vol. I. Hist. of *N. France* in 12^o, p. 210. But *Stiib*, whom I follow, being a Clergyman in *Virginia*, had greater Advantages of knowing the Truth than the *French Jesuit*.

‡ The Pamphlet is entitled, “*Beschryvinghe*

“*van Virginia, Nieuw Nederland,*” &c. and was printed at *Amsterdam* in 1651. It contains two Descriptions of the *Dutch Possessions*. The first is a Copy of that published by *John De Laet* at *Leyden*. The second gives a View of this Country several Years after, in 1649. A short Representation of the Country of the *Mahakuse* Indians, written in 1644, by *John Megapötenfis*, jun. a *Dutch Minister* residing here, is annexed to that Part of the Pamphlet concerning *New-Netherland*.

River in 1632, before the *English* were settled in those Parts; and that they discovered a little fresh River, farther to the East, called *varsche Riviertie*, to distinguish it from *Connecticut* River, known among them, by the Name of *varsche Rivier*, which *Vanderdonk* also claims for the *Dutch*.

Determined upon the Settlement of a Colony, the States General made a Grant of the Country, in 1621, to the *West-India* Company. *Wouter Van Twiller*, arrived at *Fort-Amsterdam*, now *New-York*, and took upon himself the Government in June 1629. His Style, in the Patents granted by him, was thus, "We Director and Council, residing in *New-Netherland* on the "Island *Manhattans*, under the Government of their High Mightinesses, the "Lords States General of the United *Netherlands*, and the Privileged *West-India* Company." In his Time the *New-England* Planters, extended their Possession Westward as far as *Connecticut* River. *Jacob Van Curlet*, the Commissary there, protested against it, and in the second Year of the succeeding Administration, under

*William Kieft**, who appears first in 1638, a Prohibition was issued, forbidding the *English* Trade at *Fort Good-Hope*; and shortly after, on Complaint of the Insolence of the *English*, an Order of Council was made for sending more Forces there, to maintain the *Dutch* Territories. Dr. *Mather* confesses, that the *New-England* Men, first formed their Design of settling *Connecticut* River in 1635, before which Time, they esteemed that River, at least 100 Miles from any *English* Settlement; and that they first seated themselves there in 1636, at *Hartford*, near *Fort Good-Hope*, at *Weathersfield*, *Windsor*, and *Springfield*. Four Years after, they seized the *Dutch* Garrison, and drove them from the Banks of the River, having first settled *New-Haven* in 1638, regardless of *Kieft's* Protest against it.

The Extent of *New-Netherland*, was to *Delaware*, then called *South River* and beyond it; for I find, in the *Dutch* Records, a Copy of a Letter from *William Kieft*, May 6, 1638, directed to *Peter Minuit* †, who seems, by the

* We have no Books among our *Dutch* Records remaining in the Secretary's Office, relating to State Matters, before *Kieft's* Time, nor any Enrolment of Patents, till a Year after *Van Twiller* arrived here. Mr. *Jacob Goslet* supplied us with several Extracts from the *Dutch* Records.

† The anonymous *Dutch* Author of the Description of *New-Netherland* in 1649, calls him *Minnewits*; and adds, that in 1628 he arrived at *Delaware* with two Vessels, pretending that he touched for Refreshment in his Way to the *West-Indies*; but that he soon threw off the Dis-

guise, by employing his Men in erecting a Fort. The same Historian informs us, of the Murder of several *Dutch* Men, at *South River*, by the *Indians*, occasioned by a Quarrel, concerning the taking away the States Arms, which the former had erected at the first Discovery of that Country; in resenting which, an *Indian* had been killed. If *Kieft's* Letter alludes to this Affair, then *Minuit* preceded *Van Twiller*, in the chief Command here; and being perhaps disoblged by the *Dutch*, entered into the Service of the Queen of Sweden.

Tenor of it, to be the *Swedish* Governour of *New-Sweden*, asserting, "that the whole South River of *New-Netherlands*, had been in the *Dutch* Possession many Years above and below, beset with Forts, and sealed with their Blood." Which *Kieft* adds, has happened even during your Administration "in *New-Netherland*, and so well known to you."

The *Dutch* Writers are not agreed in the Extent of *Nova Belgia* or *New-Netherland*; some describe it to be from *Virginia* to *Canada*; and others inform us, that the Arms of the States General were erected at *Cape Cod*, *Connecticut*, and *Hudson's River*, and on the West Side of the Entrance into *Delaware Bay*. The Author of the Pamphlet mentioned in the Notes gives *Canada River* for a Boundary on the North, and calls the Country, North-West from *Albany*, *Terra Incognita*.

In 1640, the *English*, who had overspread the Eastern Part of *Long Island*, advanced to *Oysterbay*. *Kieft* broke up their Settlement in 1642, and fitted out two Sloops to drive the *English* out of *Schuykill*, of which the *Marylanders* had lately possessed themselves. The Instructions, dated *May 22*, to *Jan Jansen Alpendam*, who commanded in that Enterprize, are upon Record, and strongly assert the Right of the *Dutch*, both to the Soil and Trade there. The *English* from the Eastward shortly after sent Deputies to *New-Amsterdam*, for the Accommodation of their Disputes about Limits, to whom the *Dutch* offered the following Conditions, entered in their Books exactly in these Words :

"Conditiones à D. Directore Gen. senatuys Novi Belgii, Dominis Weytingh atque Hill, Delegatis a nobili Senatu Hartfordiensi, oblatae :

"Pro Agro nostro Hartfordiensi, annuo persolvent Præpotentiss. D. D. Ordinibus Fœd. Provinciarum Belgicarum aut eorum Vicariis, decimam Partem *Reventis* Agrorum, tum Aratro, tum Ligone, aliove Cultorum medio; Pomariis, Hortisq; Oleribus dicatis, Jugerum Hollandium non exceptis; aut Decimarum Loco, Pretium nobile postea constitutum, tam diu quàm diu possessores ejusdem Agri futuri erunt. Actum in Arce Amstelodamensi in novo Belgio Die Julii 9 Anno Christi 1642."

We have no Account that the *English* acceded to these Proposals, nor is it probable, considering their superior Strength, that they ever did: on the contrary, they daily extended their Possessions, and in 1643 the Colonies of the *Massachusetts's Bay*, *Plymouth*, *Connecticut*, and *New-Haven*, entered into a League both against the *Dutch* and *Indians*, and grew so powerful as to meet shortly after, upon a Design of extirpating the former. The *Massachusetts's*

chuset's Bay declined this Enterprize, which occasioned a Letter to *Oliver Cromwell* from *William Hooke*, dated at *New-Haven*, November 3, 1653, in which he complains of the *Dutch*, for supplying the Natives with Arms and Ammunition, begs his Assistance with two or three Frigates, and that Letters might be sent to the Eastern Colonies, commanding them to join in an Expedition against the *Dutch* Colony. *Oliver's* Affairs would not admit of so distant an Attempt *, but *Richard Cromwell* afterwards drew up Instructions to his Commanders for subduing the *Dutch* here, and wrote Letters to the *English American* Governments for their Aid; Copies of which are preserved in *Tburloe's* Collection, Vol. I. p. 721, &c.

Peter Stuyvesant was the last *Dutch* Governour, and tho' he had a Commission in 1646, he did not begin his Administration till May 27, 1647. The Inroads and Claims upon his Government, kept him constantly employed. *New-England* on the East, and *Maryland* on the West, alarmed his Fears by their daily Increase; and about the same Time Captain *Forrester*, a *Scotchman*, claimed *Long Island* for the Dowager of *Stirling*. The *Swedes* too were perpetually incroaching upon *Delaware*. Through the Unskilfulness of the Mate, one *Deswyck*, a *Swedish* Captain and Supercargo arrived in *Raritan* River. The Ship was seized, and himself made a Prisoner at *New-Amsterdam*. *Stuyvesant's* Reasons were these. In 1651, the *Dutch* built Fort *Casimir*, now called *Newcastle*, on *Delaware*. The *Swedes*, indeed, claimed the Country, and *Printz* their Governour formally protested against the Works. *Risingh*, his Successor, under the Disguise of Friendship, came before the Fortrefs, fired two Salutes, and landed 30 Men, who were entertained by the Commandant as Friends; but he had no sooner discovered the Weakness of the Garrison, than he made himself Master of it, seizing also

* The War between him and the States, which began in July 1652, was concluded by a Peace on the fifth of April 1654. The Treaty makes no particular Mention of this Country. If any Part of it can be considered as relating to the *American* Possessions, it is to be found in the two first Articles, which are in these Words: "Imprimis, It is agreed and concluded, that, from this Day forwards, there be a true, firm, and inviolable Peace, a sincere, intimate and close Friendship, Affinity, Confederacy, and Union, betwixt the Republic of *England* and the States General of the United Provinces of the *Netherlands*, and the Lauds, Countries,

Cities, and Towns, under the Dominions of each, without Distinction of Places, together with their People and Inhabitants of whatsoever Degree."

II. "That hereafter all Enmity, Hostility, Discord, and Contention, betwixt the said Republics, and their People and Subjects, shall cease, and both Parties shall henceforwards abstain from the committing all Manner of Mischief, Plunder, and Injuries, by Land, by Sea, and on the fresh Waters, in all their Lands, Countries, Dominions, Places, and Governments whatsoever."

upon

upon all the Ammunition, Houses, and other Effects of the *West-India Company*, and compelling several of the People to swear Allegiance to *Christina Queen of Sweden*. The *Dutch*, in 1655, prepared to retake Fort *Casimir*. *Stuyvesant* commanded the Forces in Person, and arrived with them in *Delaware* the 9th of *September*. A few Days after, he anchored before the Garrison, and landed his Troops. The Fortrefs was immediately demanded as *Dutch Property*: *Suen Scutz*, the Commandant, desired Leave to consult *Risingh*, which being refused, he surrendered the 16th of *September* on Articles of Capitulation. The whole Strength of the Place consisted of four Cannon fourteen Pounders, five Swivels, and a Parcel of small Arms, which were all delivered to the Conqueror. Fort *Christina* was commanded by *Risingh*. *Stuyvesant* came before it, and *Risingh* surrendered it upon Terms the 25th of *September*. The Country being thus subdued, the *Dutch Governour* issued a Proclamation, in Favour of such of the Inhabitants, as would submit to the new Government, and about 30 *Swedes* swore, "Fidelity and Obedience to the States General, the Lords "Directors of the *West-India Company*, their Subalterns of the Province of "New-Netherlands, and the Director General then, or thereafter, to be "established." *Risingh* and one *Elfwych*, a Trader of Note, were ordered to *France*, or *England*, and the Rest of the *Swedish* Inhabitants to *Holland*, and from thence to *Gottenberg*. The *Swedes* being thus extirpated, the *Dutch* became possessed of the West-side of *Delaware Bay*, now called *The three lower Counties*.

This Country was afterwards under the Command of Lieutenant-Governours, subject to the Controul of, and commissioned by, the Director General at *New-Amsterdam*. *Johan Paul Jaquet* was the first Vice-Director, or Lieutenant-Governor, of *South River*. His Successors were *Atricks*, *Hinojosa*, and *William Beekman*. The Posterity of the last remains amongst us to this Day. These Lieutenants had Power to grant Lands, and their Patents make a Part of the ancient Titles of the present Possessors. *Atrick's* Commission, of the 12th of *April* 1657, shews the Extent of the *Dutch* Claim on the West-side of *Delaware* at that Time. He was appointed "Director General of the Colony of the *South River* of *New-Netherlands*, and the Fortrefs of *Casimir*, now called *Niewer Amstel*, with "all the Lands depending thereon, according to the first Purchase and "Deed of Release of the Natives, dated *July* 19, 1651, beginning at the "West-side of the *Minquaa*, or *Christina Kill*, in the *Indian Language* "named *Suspeough*, to the Mouth of the Bay, or River called *Bompt-Hook*, " in

“ in the *Indian Language Cannareffe*; and so far inland as the Bounds and “ Limits of the *Minquaas Land*, with all the Streams, &c. Appurtenances, “ and Dependencies.” Of the Country Northward of the *Kill*, no Mention is made. Orders in 1658 were given to *William Beekman* to purchase *Cape Hinlopen* from the Natives, and to settle and fortify it, which, for Want of Goods was not done till the succeeding Year.

In the Year 1659, fresh Troubles arose from the *Maryland Claim* to the Lands on *South River*; and in *September* Colonel *Nataniel Utie*, as Commissioner from *Federal Lord Baltimore's* Governour, arrived at *Niewer Amstel* from *Maryland*. The Country was ordered to be evacuated, *Lord Baltimore* claiming all the Land, between 38 and 40 Degrees of Latitude, from Sea to Sea. *Beekman* and his Council demanded Evidence of his Lordship's Right, and offered to prove the States General's Grant to the *West-India Company*, theirs to them, Payment for the Land and Possession; and upon the Whole proposed to refer the Controversy to the Republics of *England* and *Holland*, praying at the same Time, three Weeks to consult *Stuyvesant*, the General. The Commissioner notwithstanding, a few Days after, warned him to draw off, beyond the Latitude of 40°: but *Beekman* disregarded the Threat. Colonel *Utie* thereupon returned to *Maryland*, and an immediate Invasion was expected.

Early in the Spring of the Year 1660, *Nicholas Varleth*, and *Brian Newton*, were dispatched from *Fort Amsterdam* to *Virginia*, in Quality of Ambassadors, with full Power to open a Trade, and conclude a League, offensive and defensive against the Barbarians. *William Berckly*, the Governour, gave them a kind Reception, and approved their Proposal of Peace and Commerce, which *Sir Henry Moody* was sent here to agree upon and perfect. Four Articles, to that Purpose, were drawn up, and sent to the Governour for Confirmation. *Stuyvesant* artfully endeavoured, at this Treaty, to procure an Acknowledgment of the *Dutch Title* to the Country, which *Berckly* as carefully avoided. This was his Answer.

“ SIR,

“ I have received the Letter, you were pleased to send me, by Mr. *Mills* “ his Vessel, and shall be ever ready to comply with you, in all Acts of “ neighbourly Friendship and Amity. But truly, Sir, you desire me to “ do that, concerning your Titles, and Claims to Land, in this northern “ Part of *America*, which I am in no Capacity to do; for I am but a Ser- “ vant of the Assembly's: neither do they arrogate any Power to them- “ selves,

“ selves, farther than the miserable Distractions of *England* force them to.
 “ For when God shall be pleased in his Mercy, to take away and dissipate
 “ the unnatural Divisions of their native Country, they will immediately
 “ return to their own professed Obedience. What then they should do
 “ in Matters of Contract, Donation or Confession of Right, would have
 “ little Strength or Signification; much more presumptive and impertinent,
 “ would it be in me to do it, without their Knowledge or Assent. We
 “ shall very shortly meet again, and then, if to them you signify your De-
 “ sires, I shall labour all I can, to get you a satisfactory Answer.

“ I am, Sir,

“ *Virginia,*
 “ *August 20, 1660.*

“ Your humble Servant,

“ WILLIAM BERCKLY.”

Governour *Stuyvesant* was a faithful Servant of the *West-India* Company : this is abundantly proved by his Letters to them, exciting their Care of the Colony. In one, dated *April 20, 1660*, which is very long and pathetic, representing the desperate Situation of Affairs on both Sides of the *New-Netherland*, he writes, “ Your Honours imagine, that the Troubles in
 “ *England* will prevent any Attempt on these Parts : alas ! they are Ten
 “ to One in Number to us, and are able without any Assistance, to deprive
 “ us of the Country when they please.” On the 25th of *June*, the same
 Year, he informs them, “ that the Demands, Enchroachments, and Usur-
 “ pations, of the *English*, gave the People here great Concern. The Right
 “ to both Rivers, says he, by Purchase and Possession is our own, without
 “ Dispute. We apprehend, that they, our more powerful Neighbours, lay
 “ their Claims under a Royal Patent, which we are unable hitherto to do
 “ in your Name*.” Colonel *Utie* being unsuccessful the last Year, in his
 Embassy for the Evacuation of the *Dutch* Possessions on *Delaware*, Lord
Baltimore in Autumn 1660, applied by Captain *Neal*, his Agent to the

* If we should argue, from this Letter, that the *West-India* Company had no Grants of the *New-Netherlands*, from the States General, as some suppose, we discredit *De Laet's* History, dedicated to the States in 1624, as well as all the *Dutch* Writers, and even *Stuyvesant* himself, who in his Letter to *Richard Nicolls*, at the Sur-
 render, asserts, that they had a Grant, and shewed it under Seal to the *English* Deputies. But the genuine Construction of the *Dutch* Governour's Letter, is this, that in 1660, he had not the Patent to the *West-India* Company, to lay before the *English* in *America*, who disputed the *Dutch* Right to this County.

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West-India Company, in *Holland*, for an Order on the Inhabitants of *South River* to submit to his Authority, which they absolutely refused, asserting their Right to that Part of their Colony.

The *English*, from *New-England*, were every Day incroaching upon the *Dutch*. The following Letter, from *Stuyvesant* to the *West-India Company*, dated *July 21, 1661*, shews the State of the Colony at that Time, on both Sides. "We have not yet begun the Fort on *Long Island*, near *Oysterbay*, " because our Neighbours lay the Boundaries a Mile and an half more " Westerly, than we do, and the more as your Honours, by your Advice " of *December 24*, are not inclined to stand by the Treaty of *Hartford*, and " propose to sue for Redress on *Long Island* and the *Fresh Water River*, by " Means of the States Ambassador. Lord *Sterling* is said to solicit a Con- " firmation of his Right to all *Long Island*, and importunes the present " King, to confirm the Grant made by his Royal Father, which is affirmed " to be already obtained. But more probable, and material, is the Advice " from *Maryland*; that Lord *Baltimore's* Patent, which contains the South- " part of *South River*, is confirmed by the King, and published in Print : " that Lord *Baltimore's* natural Brother, who is a rigid Papist, being made " Governour there, has received Lord *Baltimore's* Claim, and Protest to your " Honours in Council, (wherewith he seems but little satisfied) and has " now more Hopes of Success. We have Advice from *England*, that there " is an Invasion intended against these Parts, and the Country solicited of " the King, the Duke, and the Parliament, is to be annexed to their Do- " minions; and for that Purpose, they desire three or four Frigates, per- " suading the King, that the Company possessed and held this Country. " under an unlawful Title, having only obtained of King *James* Leave for " a watering Place on *Staten Island*, in 1623."

In *August 1663*, a Ship arrived from *Holland* at *South River*, with new Planters, Ammunition, and Implements of Husbandry. Lord *Baltimore's* Son landed a little after, and was entertained by *Beekman* at *Niewer Amstel*. This was *Charles*, the Son of *Cecilius*, who in 1661, had procured a Grant and Confirmation of the Patent, passed in Favour of his Father in 1632. The papistical Principles of the *Baltimore* Family, the Charge of colonizing, the Parliamentary War with *Charles I.* and *Oliver's* Usurpation, all conspired to impede the Settlement of *Maryland*, till the Year 1661. And these Considerations account for the Extension of the *Dutch* Limits, on the West-side of *Delaware Bay*.

While the *Dutch* were contending with their *European* Neighbours, they had the Art always to maintain a Friendship with the Natives; until the War which broke out this Year with the *Indians* at *Esopus*, now *Ulster* County. It continued, however, but a short Season. The *Five Nations* never gave them any Disturbance, which was owing to their continual Wars with the *French*, who settled at *Canada* in 1603. I have before observed, that *Oliver Cromwell* was applied to, for his Aid in the Reduction of this Country, and that his Son *Richard* took some Steps towards accomplishing the Scheme; the Work was however reserved for the Reign of *Charles II.* an indolent Prince, and entirely given up to Pleasure, who was driven to it, more perhaps, by the Differences then subsisting between *England* and *Holland*, than by any Motive that might reflect Honour upon his Prudence, Activity, and Public-Spirit. Before this Expedition, the King granted a Patent on the 12th of *March* 1664, to his Brother, the Duke of *York* and *Albany*, for sundry Tracts of Land in *America*, the Boundaries of which, because they have given Rise to important and animated Debates, it may not be improper to transcribe.

“ All that Part of the main Land of *New-England*, beginning at a certain Place, called or known by the Name of *St. Croix*, next adjoining to *New-Scotland* in *America*, and from thence extending along the Sea-coast, unto a certain Place called *Pemaquie*, or *Pemequid*, and so up the River thereof, to the furthest Head of the same, as it tendeth Northward; and extending from thence, to the River of *Kimbequin*, 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 *Meitowacks*, or *Long Island*, situate and being towards the West of *Cape Cod*; and the narrow *Higansetts*, abutting upon the main Land, between the two Rivers, there called or known by the several Names of *Connecticut* and *Hudson's River*, together also with the said River, called *Hudson's River*, and all the Land from the West-side of *Connecticut* River, to the East-side of *Delaware Bay*, and also, all those several Islands, called or known by the Names of *Martin's Vineyard*, or *Nantuck's*, otherwise *Nantucket*: together, &c.”

Part of this Tract was conveyed by the Duke, to *John Lord Berkley*, Baron of *Stratton*, and *Sir George Carteret* of *Saltrum* in *Devon*, who were then Members of the King's Council. The Lease was for the Consideration of ten Shillings, and dated the 23d of *June* 1664. The Release, dated the next

next Day, mentions no particular Sum of Money, as a Consideration for the Grant of the Lands, which have the following Description.

“ All that Tract of Land, adjacent to *New-England*, and lying and being to the Westward of *Long Island*, and bounded on the East-part by the main Sea, and partly by *Hudson's River*; and hath upon the West, *Delaware Bay*, or River, and extendeth Southward, to the main Ocean as far as *Cape May*, at the Mouth of *Delaware Bay*: and to the Northward, as far as the northermost Branch of the said Bay or River of *Delaware*, which is forty one Degrees and forty Minutes of Latitude: which said Tract of Land is hereafter to be called by the Name, or Names of *Nova Caesarea*, or *New Jersey*.”

Thus the *New-Netherlands* became divided into *New Jersey*, so called after the Isle of *Jersey*, in Compliment to Sir *George Carteret*, whose Family came from thence; and *New-York*, which took its Name in Honour of the Duke of *York*.

The *Dutch* Inhabitants, by the Vigilance of their Governour, were not unapprised of the Designs of the *English* Court against them, for their Records testify, that on the 8th of *July*, “ The General received Intelligence, from one *Thomas Willet*, an *Englishman*, that an Expedition was preparing in *England*, against this Place, consisting of two Frigates of 40 and 50 Guns, and a Fly Boat of 40 Guns, having on board three hundred Soldiers, and each Frigate 150 Men, and that they then lay at *Portsmouth*, waiting for a Wind.” News arrived also from *Boston*, that they had already set sail. The Burgomasters were thereupon called into Council. The Fortrefs ordered to be put into a Posture of Defence, and Spies sent to *Milford* and *West-chester* for Intelligence. *Boston* was in the Secret of the Expedition, for the General Court had in *May* preceding, passed a Vote for a Supply of Provisions, towards refreshing the Ships on their Arrival. They were four in Number, and resolved to rendezvous at *Gardeners Island* in the *Sound*, but parted in a Fog about the 20th of *July*. *Richard Nicolls* and Sir *George Carteret*, two of the Commissioners, were on board the *Gwyny*, and fell in first with *Cape Cod*. The Winds having blown from the South-west, the other Ships, with Sir *Robert Car*, and Mr. *Mavenick*, the remaining Commissioners, were rightly concluded, to be driven to the Eastward. After dispatching a Letter to Mr. *Winthrop*, the Governour of *Connecticut*, requesting his Assistance, Colonel *Nicolls*, proceeded to *Nantasket*, and thence to *Boston*. The other Ships got into *Piscataway*. *John Endicot*, a very old Man, was then Governour of *Boston*, and incapable of Business.

The Commissioners, therefore, had a Conference with the Council, and earnestly implored the Assistance of that Colony. Colonel *Nicolls* and Sir *George Carteret*, in their Letter from *Boston*, to Sir *H. Bennet*, Secretary of State, complain much of the Backwardness of that Province. The Reasons urged in their Excuse, were Poverty and the Season, it being the Time of Harvest; but perhaps Disaffection to the *Stewart* Family, whose persecuting Fury had driven them from their native Country, was the true Spring of their Conduct. The King's Success in the Reduction of the *Dutch*, evidently opened him a Door, to come at his Enemies in *New-England*, who were far from being few*; and whether this Consideration might not have given Rise to the Project itself, I leave to the Conjectures of others.

On the 27th of *July*, *Nicolls* and *Carteret* made a formal Request in Writing. "That the Government of *Boston* would pass an Act to furnish them with armed Men, who should begin their March to the *Manhattans*, on the 20th of *August* ensuing, and promised, that if they could get other Assistance, they would give them an Account of it." The Government and Council answered, that they would assemble the General Court, and communicate the Proposal to them.

From *Boston*, a second Letter was written to Governour *Wintrop* in *Connecticut*, dated the 29th of *July*, in which he was informed, that the other Ships were then arrived, and would sail with the first fair Wind, and he was desired to meet them at the West-end of *Long Island*.

One of the Ships entered the Bay of the *North River*, several Days before the rest; and as soon as they were all come up, *Stuyvesant* sent a Letter dated $\frac{1}{2}$ of *August* at *Fort Anill*, directed to the Commanders of the *English* Frigates, by *John Decler*, one of the chief Council, the Reverend *John Megapolensis* Minister, *Paul Lunder Vander Grift* Major, and Mr. *Samuel Megapolensis* Doctor in Physic, with the utmost Civility, to desire the Reason of their Approach, and continuing in the Harbour of *Naijarlij*, without giving Notice to the *Dutch*, which (he writes) they ought to have done.

Colonel *Nicolls* answered the next Day with a Summons.

* *T. Dixwel*, Esq; one of *Charles I's* Judges, and excepted out of the General Pardon, lived many Years at *New-Haven* (incog.) in Quality of a Country Merchant: Sir *Edmond Andoofs*, in one of his Tours through the Colony of *Connecticut*, saw him there at Church, and strongly suspected him to be one of the Regicides. In his last Illness, he revealed himself to the Minister of the Town, and ordered a small Stone to be set at the Head of his Grave, which I have often seen there, inscribed, *T. D. Esq.* While at *New-Haven*, he went under the Name of *John Davis*.

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“ To

“ To the Honourable the Governors, and Chief Council at the *Manhattans*.

“ Right Worthy Sirs,

“ I Received a Letter by some worthy Persons intrusted by you, bearing
 “ Date the $\frac{1}{2}$ of *August*, desiring to know the Intent of the Approach
 “ of the *English* Frigates; in Return of which, I think it fit to let you
 “ know, that his Majesty of *Great Britain*, whose Right and Title to these
 “ Parts of *America* is unquestionable, well knowing, how much it dero-
 “ gates from his Crown and Dignity, to suffer any Foreigners, how near
 “ soever they be allied, to usurp a Dominion, and without his Majesty's
 “ Royal Consent, to inhabit in these, or any other of his Majesty's Terri-
 “ tories, hath commanded me, in his Name, to require a Surrender of all
 “ such Forts, Towns, or Places of Strength, which are now possessed by
 “ the *Dutch*, under your Commands; and in his Majesty's Name, I do
 “ demand the Town, situate on the Island, commonly known by the
 “ Name of *Manhatoes*, with all the Forts thereunto belonging, to be ren-
 “ dered unto his Majesty's Obedience and Protection, into my Hands.
 “ I am further commanded to assure you, and every respective Inhabitant
 “ of the *Dutch* Nation, that his Majesty being tender of the Effusion of
 “ Christian Blood, doth by these Presents, confirm and secure to every
 “ Man his Estate, Life, and Liberty, who shall readily submit to his Go-
 “ vernment. And all those who shall oppose his Majesty's gracious Inten-
 “ tion, must expect all the Miseries of a War, which they bring upon
 “ themselves. I shall expect your Answer by these Gentlemen, Colonel
 “ *George Carteret*, one of his Majesty's Commissioners in *America*; Captain
 “ *Robert Needham*, Captain *Edward Groves*, and Mr. *Thomas Delavall*,
 “ whom you will entertain with such Civility as is due to them, and
 “ yourselves and yours shall receive the same, from,

“ Worthy Sirs,

“ Your very humble Servant,

“ *Richard Nicolls*.”

Mr.

“ Dated on board his
 “ Majesty's Ship,
 “ the *Gunny*, riding
 “ before *Naych*, the
 “ $\frac{1}{2}$ of *Aug*. 1664.

Mr. *Stuyvesant* promised an Answer to the Summons the next Morning, and in the mean Time convened the Council and Burgomasters. The *Dutch* Governour was a good Soldier, and had lost a Leg in the Service of the States. He would willingly have made a Defence; and refused a Sight of the Summons, both to the Inhabitants and Burgomasters, lest the easy Terms offered, might induce them to capitulate. The latter, however, insisted upon a Copy, that they might communicate it, to the late Magistrates and principal Burghers. They called together the Inhabitants at the Stadt-House, and acquainted them with the Governour's Refusal. Governour *Wintrop*, at the same Time, wrote to the Director and his Council, strongly recommending a Surrender. On the 22d of *August*, the Burgomasters came again into Council, and desired to know the Contents of the *English* Message from Governour *Wintrop*, which *Stuyvesant* still refused. They continued their Importunity; and he, in a Fit of Anger, tore it to pieces: upon which, they protested against the Act, and all its Consequences. Determined upon a Defence of the Country, *Stuyvesant* wrote a Letter in Answer to the Summons, which as it is historical of the *Dutch* Claim, will doubtless be acceptable to the Reader. The following is an exact Transcript of the Record.

“ My Lords,

“ **Y**OUR first Letter, unsigned of the $\frac{10}{11}$ *August*, together with that of
 “ this Day, signed according to Form, being the first of *September*,
 “ have been safely delivered into our Hands by your Deputies, unto
 “ which we shall say, That the Rights of his Majesty of *England*, unto any
 “ Part of *America* here about, amongst the rest, unto the Colonies of *Vir-*
 “ *ginia*, *Maryland*, or others in *New-England*, whether disputable or not,
 “ is that which for the present, we have no Design to debate upon. But
 “ that his Majesty hath an indisputable Right, to all the Lands in the
 “ North Parts of *America*, is that, which the Kings of *France* and *Spain*
 “ will disallow, as we absolutely do, by Virtue of a Commission given to
 “ me, by my Lords, the High and Mighty States General, to be Governor
 “ General, over *New-Holland*, the Isles of *Curacoa*, *Bonaire*, *Aruba*, with
 “ their Appurtenances and Dependancies, bearing Date the 26th of *July*,
 “ 1646. As also by Virtue of a Grant and Commission, given by my said
 “ Lords, the High and Mighty States General, to the *West-India* Company,
 “ in the Year 1621, with as much Power and as authentic, as his said Ma-
 “ jesty of *England* hath given, or can give, to any Colony in *America*, as
 “ more fully appears by the Patent and Commission of the said Lords the
 “ States

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" States General, by them signed, registered, and sealed with their Great Seal,
 " which were shewed to your Deputies Colonel *George Carteret*, Captain
 " *Robert Needham*, Captain *Edward Groves*, and Mr. *Thomas Delavall*; by
 " which Commission and Patent, together (to deal frankly with you) and
 " by divers Letters, signed and sealed by Our said Lords, the States General,
 " directed to several Persons, both *English* and *Dutch*, inhabiting the Towns
 " and Villages on *Long Island*, (which without doubt, have been produced
 " before you, by those Inhabitants) by which they are declared and acknow-
 " ledged to be their Subjects, with express Command, that they continue
 " faithful unto them, under Penalty of incurring their utmost Displeasure,
 " which makes it appear more clear than the Sun at Noon-day, that your
 " first Foundation, *viz.* (that the Right and Title of his Majesty of *Great*
 " *Britain*, to these Parts of *America* is unquestionable) is absolutely to be
 " denied. Moreover, it is without Dispute, and acknowledged by the
 " World, that our Predecessors, by Virtue of the Commission and Patent
 " of the said Lords, the States General, have without Controul and peace-
 " ably (the contrary never coming to our Knowledge) enjoyed *Fort Orange*,
 " about 48 or 50 Years, the *Mambattans* about 41 or 42 Years, the *South*
 " *River* 40 Years, and the *Fresh Water River* about 36 Years. Touching
 " the second Subject of your Letter, *viz.* His Majesty hath commanded me,
 " in his Name, to require a Surrender of all such Forts, Towns, or Places
 " of Strength, which now are possessed by the *Dutch*, under your Com-
 " mand. We shall answer, that we are so confident of the Discretion and
 " Equity of his Majesty of *Great Britain*, that in case his Majesty were in-
 " formed of the Truth, which is, that the *Dutch* came not into these Pro-
 " vinces, by any Violence, but by Virtue of Commissions from my Lords,
 " the States General, first of all in the Years 1614, 1615, and 1616, up the
 " *North River*, near *Fort Orange*, where, to hinder the Invasions and Mas-
 " sacres, commonly committed by the *Savages*, they built a little Fort, and
 " after, in the Year 1622, and even to this present Time, by Virtue of
 " Commission and Grant, to the Governors of the *West-India* Company;
 " and moreover, in the Year 1656, a Grant to the honourable the Burgo-
 " masters of *Amsterdam*, of the *South River*; insomuch, that by Virtue of
 " the abovesaid Commissions from the High and Mighty States General,
 " given to the Persons interested as aforesaid, and others, these Provinces
 " have been governed, and consequently enjoyed, as also in regard of their
 " first Discovery, uninterrupted Possessions, and Purchase of the Lands of
 " the Princes, Natives of the Country, and other private Persons (though
 " Gentiles);

“ Gentiles) we make no Doubt, that if his said Majesty of *Great Britain*,
 “ were well informed of these Passages, he would be too judicious to grant
 “ such an Order, principally in a Time when there is so straight a Friend-
 “ ship, and Confederacy, between our said Lords and Superiors, to trouble
 “ us in the demanding and Summons of the Places and Fortresses, which
 “ were put into our Hands, with Order to maintain them, in the Name
 “ of the said Lords, the States General, as was made appear to your Depu-
 “ ties, under the Names and Seal of the said High and Mighty States
 “ General, dated the 28th of *July*, 1646. Besides what had been men-
 “ tioned, there is little Probability, that his said Majesty of *England* (in
 “ regard the Articles of Peace are printed, and were recommended to us
 “ to observe seriously and exactly, by a Letter written to us by our said
 “ Lords, the States General, and to cause them to be observed religiously
 “ in this Country) would give Order touching so dangerous a Design,
 “ being also so apparent, that none other than my said Lords, the States
 “ General, have any Right to these Provinces, and consequently, ought to
 “ command and maintain their Subjects, and in their Absence, We the Go-
 “ vernor General are obliged to maintain their Rights, and to repel and
 “ take Revenge of all Threatenings, unjust Attempts, or any Force what-
 “ soever, that shall be committed against their faithful Subjects and Inha-
 “ bitants, it being a very considerable Thing, to affront so mighty a State,
 “ although it were not against an Ally and Confederate. Consequently,
 “ if his said Majesty (as it is fit) were well informed, of all that could be
 “ spoken upon this Subject, he would not approve of what Expressions
 “ were mentioned in your Letter; which are, that you are commanded by
 “ his Majesty, to demand in his Name, such Places and Fortresses as are
 “ in the Possession of the *Dutch* under my Government; which, as it ap-
 “ pears by my Commission before mentioned, was given me by my Lords,
 “ the High and Mighty States General. And there is less Ground in the
 “ express Demand of my Government, since all the World knows, that
 “ about three Years ago, some *English* Frigotts being on the Coast of
 “ *Africa*, upon a pretended Commission, they did demand certain Places
 “ under the Government of our said Lords, the States General, as
 “ *Cape Vert*, River of *Gambo*, and all other Places in *Guyny*, to them be-
 “ longing. Upon which, our said Lords, the States General, by Virtue of
 “ the Articles of Peace, having made appear the said Attempt to his Majesty
 “ of *England*, they received a favourable Answer, his said Majesty disallow-
 “ ing all such Acts of Hostility, as might have been done, and besides, gave
 “ Order,

" Order, that Restitution should be made, to the *East-India* Company, of
 " whatsoever had been pillaged, in the said River of *Gambo* ; and likewise
 " restored them to their Trade, which makes us think it necessary, that a
 " more express Order, should appear unto us, as a sufficient Warrant for
 " us, towards my Lords, the High and Mighty States General, since by
 " Virtue of our said Commission, We do in these Provinces, represent
 " them, as belonging to them, and not to the King of *Great Britain*, except
 " his said Majesty, upon better Grounds, make it appear to our said Lords,
 " the States General, against which they may defend themselves, as they
 " shall think fit. To conclude : We cannot but declare unto you, though
 " the Governors and Commissioners of his Majestie have divers Times
 " quarrelled with us, about the Bounds of the Jurisdiction, of the High
 " and Mighty the States General, in these Parts, yet they never questioned
 " their Jurisdiction itself ; on the contrary, in the Year 1650, at *Hartford*,
 " and the last Year at *Boston*, they treated with us upon this Subject, which
 " is a sufficient Proof, that his Majestie hath never been well informed, of
 " the Equity of our Cause, insomuch as We cannot imagine, in regard of
 " the Articles of Peace, between the Crown of *England* and the States
 " General, (under whom there are so many Subjects in *America*, as well as
 " *Europe*) that his said Majestie of *Great Britain* would give a Commission
 " to molest and endamage the Subjects of my said Lords, the States General,
 " especially such, as ever since 50, 40, and the latest 36 Years have quietly
 " enjoyed their Lands, Countries, Forts, and Inheritances ; and less, that
 " his Subjects would attempt any Acts of Hostility, or Violence against
 " them : and in case that you will act by Force of Arms, Wee protest and
 " declare, in the Name of our said Lords, the States General, before
 " GOD and MEN, that you will act an unjust Violence, and a Breach of
 " the Articles of Peace, so solemnly sworn, agreed upon, and ratified by his
 " Majestie of *England*, and my Lords, the States General, and the rather,
 " for that to prevent the shedding of Blood, in the Month of *February* last,
 " We treated with Captain *John Scott*, (who reported he had a Commission
 " from his said Majestie) touching the Limits of *Long Island*, and concluded
 " for the Space of a Year ; that in the mean Time, the Business might be
 " treated on between the King of *Great Britain*, and my Lords, the High
 " and Mighty States General : and again, at present, for the Hindrance
 " and Prevention of all Differences, and the Spilling of innocent Blood,
 " not only in these Parts, but also in *Europe*, We offer unto you, a Treaty
 " by our Deputyes, Mr. *Cornelius Van Ruyven*, Secretary, and Receiver of

“ *New-Holland, Cornelius Steenwick*, Burgomaster, Mr. *Samuel Megapolensis*,
 “ Doctor of Physic, and Mr. *James Coufseau*, heretofore Sheriff. As touch-
 “ ing the Threats in your Conclusion Wee have nothing to answer, only that
 “ Wee fear nothing, but what GOD (who is as just as merciful) shall lay
 “ upon us ; all Things being in his gracious Disposall, and We may as well
 “ be preserved by him, with small Forces, as by a great Army, which makes
 “ us to wish you all Happiness and Prosperity, and recommend you to his
 “ Protection. My Lords, your thrice humble, and affectionate Servant and
 “ Friend, signed *P. Stuyvesant*.—At the Fort at *Amsterdam*, the second of
 “ *September*, New Stile, 1664.”

While the *Dutch* Governour and Council were contending with the Bur-
 gomasters and People in the City, the *English* Commissioners published a
 Proclamation* in the Country, encouraging the Inhabitants to submit, and
 promising them the King's Protection, and all the Privileges of Subjects ;
 and as soon as they discovered by *Stuyvesant's* Letter, that he was averse to
 the Surrender, Officers were sent to beat up for Voluntiers in *Middleborough*,
Ulissen, *Jamaica*, and *Hempsted*. A Warrant was also issued to *Hugh Hide*,
 who commanded the Squadron, to prosecute the Reduction of the Fort ;
 and an *English* Ship then trading here, was pressed into the Service. These
 Preparations induced *Stuyvesant* to write another Letter, on the 25th of
August, Old Style, wherein, though he declares that he would stand the
 Storm, yet to prevent the Spilling of Blood, he had sent *John De Decker*,
 Counsellor of State, *Cornelius Van Riven*, Secretary and Receiver, *Cornelius*
Steenwyck Major, and *James Coufseau* Sheriff, to consult, if possible, an Ac-
 commodation. *Nicolls*, who knew the Disposition of the People, answered

* It was in these Words : “ Forasmuch as
 “ his Majesty hath sent us (by Commission
 “ under his Great Seal of *England*) amongst
 “ other Things, to expell, or to reduce to his
 “ Majesty's Obedience, all such Foreigners, as
 “ without his Majesty's Leave and Consent,
 “ have seated themselves amongst any of his
 “ Dominions in *America*, to the Prejudice of
 “ his Majesty's Subjects, and Diminution of his
 “ Royal Dignity ; we his said Majesty's Com-
 “ missioners, do declare and promise, that who-
 “ soever, of what Nation soever, will, upon
 “ Knowledge of this Proclamation, acknow-
 “ ledge and testify themselves, to submit to this

“ his Majesty's Government, as his good Sub-
 “ jects, shall be protected in his Majesty's Laws
 “ and Justice, and peaceably enjoy whatsoever
 “ God's Blessing, and their own honest In-
 “ dustry, have furnished them with ; and all
 “ other Privileges, with his Majesty's *English*
 “ Subjects. We have caused this to be pub-
 “ lished, that we might prevent all Inconve-
 “ niences to others, if it were possible ; how-
 “ ever, to clear ourselves from the Charge of all
 “ those Miseries, that may any way befall such
 “ as live here, and will acknowledge his Ma-
 “ jesty for their Sovereign, whom GOD pre-
 “ serve.”

immediately

immediately from *Gravefend*, that he would treat about nothing but a Surrender. The *Dutch* Governour, the next Day, agreed to a Treaty and Surrender, on Condition the *English* and *Dutch* Limits in *America*, were settled by the Crown and the States General. The *English* Deputies were Sir *Robert Carr*, *George Carteret*, *John Winthrop*, Governour of *Connecticut*, *Samuel Wyllys*, one of the Assistants or Council of that Colony, and *Thomas Clarke*, and *John Pynchon*, Commissioners from the General Court of the *Massachusetts*'s Bay, who, but a little before, brought an Aid from that Province. What these Persons agreed upon, *Nicolls* promised to ratify. At Eight o'Clock in the Morning, of the 27th of *August*, 1664, the Commissioners, on both Sides, met at the Governour's Farm, and there signed the following Articles of Capitulation.

“ These Articles following were consented to by the Persons here-under
 “ subscribed, at the Governour's *Bowery*, *August* the 27th Old Style,
 “ 1664.

I. “ We consent, That the States General, or the *West-India* Company,
 “ shall freely enjoy all Farms and Houses (except such as are in the Forts)
 “ and that within six Months, they shall have free Liberty to transport all
 “ such Arms and Ammunition, as now does belong to them, or else they
 “ shall be paid for them.

II. “ All Publique Houses shall continue for the Uses which they are for.

III. “ All People shall still continue free Denizens, and shall enjoy their
 “ Lands, Houses, Goods, wheresoever they are within this Country, and
 “ dispose of them as they please.

IV. “ If any Inhabitant have a Mind to remove himself, he shall have a
 “ Year and six Weeks from this Day, to remove himself, Wife, Children,
 “ Servants, Goods, and to dispose of his Lands here.

V. “ If any Officer of State, or Publique Minister of State, have a Mind
 “ to go for *England*, they shall be transported Freight free, in his Majesty's
 “ Frigotts, when these Frigotts shall return thither.

VI. “ It is consented to, that any People may freely come from the *Ne-*
 “ *therlands*, and plant in this Colony, and that *Dutch* Vessels may freely
 “ come hither, and any of the *Dutch* may freely return home, or send any
 “ Sort of Merchandize home, in Vessels of their own Country.

VII. " All Ships from the *Netherlands*, or any other Place, and Goods therein, shall be received here, and sent hence, after the manner which formerly they were before our coming hither, for six Months next ensuing.

VIII. " The *Dutch* here shall enjoy the Liberty of their Consciences in divine Worship and Church Discipline.

IX. " No *Dutchman* here, or *Dutch Ship* here, shall upon any Occasion, be pressed to serve in War against any Nation whatsoever.

X. " That the Townsmen of the *Manhattans*, shall not have any Soldiers quartered upon them, without being satisfied and paid for them by their Officers, and that at this present, if the Fort be not capable of lodging all the Soldiers, then the Burgomasters, by his Officers, shall appoint some Houses capable to receive them.

XI. " The *Dutch* here shall enjoy their own Customs concerning their Inheritances.

XII. " All Publique Writings and Records, which concern the Inheritances of any People, or the Reglement of the Church or Poor, or Orphans, shall be carefully kept by those in whose Hands now they are, and such Writings as particularly concern the States General, may at any Time be sent to them.

XIII. " No Judgment that has passed any Judicature here, shall be called in Question, but if any conceive that he hath not had Justice done him, if he apply himself to the States General, the other Party shall be bound to answer for the supposed Injury.

XIV. " If any *Dutch*, living here shall at any Time desire to travaile or traffique into *England*, or any Place, or Plantation, in Obedience to his Majesty of *England*, or with the *Indians*, he shall have (upon his Request to the Governor) a Certificate that he is a free Denizen of this Place, and Liberty to do so.

XV. " If it do appeare, that there is a publique Engagement of Debt, by the Town of the *Manhattoes*, and a Way agreed on for the Satisfying of that Engagement, it is agreed, that the same Way proposed shall go on, and that the Engagement shall be satisfied.

XVI. " All

XVI. " All inferior Civil Officers and Magistrates, shall continue as now they are, (if they please) till the customary Time of new Elections, and then new ones to be chosen by themselves, provided that such new chosen Magistrates shall take the Oath of Allegiance to his Majesty of *England*, before they enter upon their Office.

XVII. " All Differences of Contracts and Bargains made before this Day, by any in this Country, shall be determined, according to the Manner of the *Dutch*.

XVIII. " If it do appeare, that the *West-India Company of Amsterdam*, do really owe any Sums of Money to any Persons here, it is agreed that Recognition, and other Duties payable by Ships going for the *Netherlands*, be continued for six Months longer.

XIX. " The Officers Military, and Soldiers, shall march out with their Arms, Drums beating, and Couloours flying, and lighted Matches; and if any of them will plant, they shall have fifty Acres of Land set out for them; if any of them will serve as Servants, they shall continue with all Safety, and become free Denizens afterwards.

XX. " If at any Time hereafter, the King of *Great Britain*, and the States of the *Netherland* do agree that this Place and Country be redelivered into the Hands of the said States, whensoever his Majesty will send his Commands to redeliver it, it shall immediately be done.

XXI. " That the Town of *Manhattans* shall choose Deputyes, and those Deputyes shall have free Voyces in all publique Affairs, as much as any other Deputyes.

XXII. " Those who have any Property in any Houses in the Fort of *Aurania*, shall (if they please) slight the Fortifications there, and then enjoy all their Houses, as all People do where there is no Fort.

XXIII. " If there be any Soldiers that will go into *Holland*, and if the Company of *West-India* in *Amsterdam*, or any private Persons here, will transport them into *Holland*, then they shall have a safe Passport from Colonel *Richard Nickolls*, Deputy-Governor under his Royal Highness, and the other Commissioners, to defend the Ships that shall transport such Soldiers, and all the Goods in them, from any Surprizal or Acts of Hostility, to be done by any of his Majesty's Ships or Subjects. That

" the

“ the Copies of the King’s Grant to his Royal Highness, and the Copy of
 “ his Royal Highness’s Commission to Colonel *Richard Nicolls*, testified by
 “ two Commissioners more, and Mr. *Wintbrop*, to be true Copies, shall be
 “ delivered to the honourable Mr. *Stuyvesant*, the present Governor, on
 “ *Munday* next, by Eight of the Clock in the Morning, at the *Old Miln*,
 “ and these Articles consented to, and signed by Colonel *Richard Nicolls*,
 “ Deputy-Governor to his Royal Highness, and that within two Hours
 “ after the Fort and Town called *New-Amsterdam*, upon the Isle of *Man-*
 “ *batoes*, shall be delivered into the Hands of the said Colonel *Richard*
 “ *Nicolls*, by the Service of such as shall be by him thereunto deputed, by
 “ his Hand and Seal.

“ *John De Decker*,
 “ *Nich. Verleett*,
 “ *Sam. Megapolensis*,
 “ *Cornelius Steenwick*,
 “ *Oloff Stevens Van Kortlant*,
 “ *James Couffeau*,

“ *Robert Carr*,
 “ *Geo. Carteret*,
 “ *John Wintbrop*,
 “ *Sam. Willys*,
 “ *Thomas Clarke*,
 “ *John Pinchon*.

“ I do consent to these Articles,

“ *Richard Nicolls*.”

These Articles, favourable as they were to the Inhabitants, were however very disagreeable to the *Dutch* Governour, and he therefore refused to ratify them, till two Days after they were signed by the Commissioners.

The Town of *New-Amsterdam*, upon the Reduction of the Island *Manhattans*, took the Name of *New-York*. It consisted of several small Streets, laid out in the Year 1656, and was not inconsiderable for the Number of its Houses and Inhabitants. The easy Terms of the Capitulation, promised their peaceable Subjection to the new Government; and hence we find, that in two Days after the Surrender, the *Boston* Aid was dismissed; with the Thanks of the Commissioners to the General Court. *Hudson’s* and the *South River* were, however, still to be reduced. Sir *Robert Carr* commanded the Expedition on *Delaware*, and *Carteret* was commissioned to subdue the *Dutch* at *Fort-Orange*. The Garrison capitulated on the 24th of *September*, and he called it *Albany*, in Honour of the Duke. While *Carteret* was here, he had an Interview with the *Indians* of the Five Nations, and entered into a League of Friendship with them, which remarkably

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PART I. THE HISTORY OF NEW-YORK. 23

continues to this Day*. Sir *Robert Carr* was equally successful on *South River*, for he compelled both the *Dutch* and *Suedes*, to capitulate and deliver up their Garrisons the first of *October*, 1664; and that was the Day in which the whole *New-Netherlands* became subject to the *English* Crown. Very few of the Inhabitants thought proper to remove out of the Country. Governour *Stuyvesant* himself, held his Estate and died here. His Remains were interred in a Chapel, which he had erected on his own Farm, at a small Distance from the City, now possessed by his Grandson *Gerardus Stuyvesant*, a Man of Probity, who has been elected into the Magistracy, above thirty Years successively. Justice obliges me to declare, that for Loyalty to the present reigning Family, and a pure Attachment to the Protestant Religion, the Descendants of the *Dutch* Planters, are perhaps exceeded by none of his Majesty's Subjects.

* The *Dutch* were sensible of the Importance of preserving an uninterrupted Amity with those *Indians*, for they were both very numerous and warlike. The *French* pursued quite different Measures, and the Irruptions of those Tribes, according to their own Authors, have often reduced *Canada* to the Brink of Ruin.

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P A R T II.

From the Surrender in 1664, to the Settlement at the Revolution.

RICHARD NICOLLS being now possessed of the Country, took the Government upon him, under the Stile of "Deputy-Governor" under his Royal Highness the Duke of York, of all his Territories in "America." During his short Continuance here, he passed a vast Number of Grants and Confirmations of the ancient *Dutch* Patents, the Profits of which must have been very considerable. Among these, no one has occasioned more animated Contention, than that called *the Elizabeth Town Grant* in *New-Jersey*; which, as it relates to another Colony, I should not have mentioned, but for the Opportunity to caution the Reader against the Representation of that Controversy contained in *Douglasi's* Summary. I have sufficient Reasons to justify my charging that Account with Partiality and Mistakes; and for Proofs, refer to the printed Answer in Chancery, published in the Year 1751.

Besides the chief Command of this Province, *Nicolls* had a joint Power * with Sir *Robert Carr*, *Carteret*, and *Maverick*, to settle the contested Boundaries

* The Commission from King *Charles II.* was dated the 26th of *April*, 1664. After a Recital of Disputes concerning Limits in *New-England*, and that Addresses had been sent home from the *Indian Natives*, complaining of Abuses received from the *English* Subjects; the Commissioners, or any three or two of them, of which *Nicolls* was to be one, were authorized to visit the *New-England* Colonies, and determine all Complaints military, civil, and criminal, according to their Discretion, and such Instructions, as they might receive from the Crown.

of certain great Patents. Hence we find, that three of them had a Conference with several Gentlemen from *Connecticut*, respecting the Limits of this and that Colony. The Result was an Adjudication, in these Words:

“ By Virtue of his Majesty’s Commission, we have heard the Difference; about the Bounds of the Patents granted to his Royal Highness the Duke of *York*, and his Majesty’s Colony of *Connecticut*, and having deliberately considered, all the Reasons alledged by Mr. *Allyn*, sen. Mr. *Gold*, Mr. *Richards*, and Captain *Winthrop*, appointed by the Assembly held at *Hartford* the 13th of *October*, 1664, to accompany *John Winthrop*, Esq; the Governor of his Majesty’s Colony of *Connecticut* to *New-York*, and to agree upon the Bounds of the said Colony, why the said *Long Island*, should be under the Government of *Connecticut*, which are too long here to be recited, we do declare and order, that the Southern Bounds of his Majesty’s Colony of *Connecticut*, is the *Sea*, and that *Long Island* is to be under the Government of his Royal Highness the Duke of *York*, as is expressed by plain Words, in the said Patents, respectively, and also by Virtue of his Majesty’s Commission, and the Consent of both the Governors and the Gentlemen above-named. We also order and declare, that the Creek, or River called *Mamaronck*, which is reputed to be about thirteen Miles to the East of *West-chester*, and a Line drawn from the east Point or Side, where the fresh Water falls into the Salt, at high Water Mark, North-north-west to the Line of the *Massachusetts*’s, be the western Bounds of the said Colony of *Connecticut*, and all Plantations lying Westward of that Creek and Line so drawn, to be under his Royal Highness’s Government; and all Plantations lying Eastward of that Creek and Line, to be under the Government of *Connecticut*. Given under our Hands, at *James’s Fort* in *New-York*, on the Island of *Manhattan*, this first Day of *December*, 1664.

“ *Richard Nicolls*,

“ *George Carteret*,

“ *S. Mavericke*.”

“ We the Governour and Commissioners of the General Assembly of *Connecticut*, do give our Consent to the Limits and Bounds above-mentioned, as witness our Hands,

“ ——— *Gold*,

“ *John Winthrop*, jun.

“ *John Winthrop*.

“ *Allen*, sen.

“ *Richards*.”

At

At the Time of this Determination, about two Thirds of *Long Island* were possessed by People from *New-England*, who had gradually encroached upon the *Dutch*. As to the Settlement between *New-York* and *Connecticut* on the Main, it has always been considered by the Former, as founded upon Ignorance and Fraud*. The Station at *Mamaroneck* was about 30 Miles from *New-York*, from *Albany* 150. The general Course of the River is about North 12 or 15° East: and hence it is evident, that a North-north-west Line will soon intersect the River, and consequently leave the *Dutch* Country, but a little before surrendered to Colonel *Carteret*, out of the Province of *New-York*. It has been generally esteemed, that the *Connecticut* Commissioners in this Affair, took Advantage of the Duke's Agents, who were ignorant of the Geography of the Country.

About the Close of the Year, the Estate of the *West-India* Company was seized and confiscated, Hostilities being actually commenced in *Europe* as well as *America*, though no Declarations of War had yet been published by either of the contending Parties. A great Dispute between the Inhabitants of *Jamaica* on *Long Island*, which was adjusted by Colonel *Nicolls*, on the second of *January*, 1665, gave Rise to a salutary Institution, which has in Part obtained ever since. The Controversy respected *Indian* Deeds, and thenceforth it was ordained, that no Purchase from the *Indians*, without the Governour's Licence executed in his Presence, should be valid. The Strength and Numbers of the Natives rendered it necessary to purchase their Rights; and to prevent their frequent selling the same Tract, it was expedient, that the Bargain should be attended with some considerable Solemnity.

Another Instance of Colonel *Nicolls's* Prudence, was his gradual Introduction of the *English* Methods of Government. It was not till the 12th of *June*, this Year, that he incorporated the Inhabitants of *New-York*, under the Care of a Mayor, five Aldermen, and a Sheriff. Till this Time, the City was ruled by a Scout, Burgomasters, and Schepens.

In *March* preceding, there was a great Convention, before the Governour at *Hempstead*, of two Deputies from every Town on *Long Island*, empowered to bind their Constituents. The Design of their Meeting was to adjust the Limits of their Townships for the Preservation of the public Peace.

* The Town of *Rye* was settled under *Connecticut*, and the Grant from that Colony is bounded by this Line of Division.

The War being proclaimed at *London* on the fourth of this Month, *Nicolls* received the Account of it in *June*, with a Letter from the Lord Chancellor, informing him, that *De Ruyter*, the *Dutch* Admiral, had Orders to visit *New-York*. His Lordship was misinformed, or the Admiral was diverted from the Enterprize, for the *English* peaceably held the Possession of the Country during the whole War, which was concluded on the 21st of *July*, 1667, by the Treaty of *Breda*. Some are of Opinion, that the Exchange made with the *Dutch* for *Surinam*, which they had taken from us, was advantageous to the Nation; but these Judges do not consider, that it would have been impossible for the *Dutch* to have preserved this Colony against the increasing Strength of the People in *New-England*, *Maryland*, and *Virginia*.

After an Administration of three Years, *Nicolls* returned to *England*. The Time during his short Residence here, was almost wholly taken up in confirming the antient *Dutch* Grants. He erected no Courts of Justice, but took upon himself the sole Decision of all Controversies whatsoever. Complaints came before him by Petition; upon which he gave a Day to the Parties, and after a summary Hearing, pronounced Judgment. His Determinations were called Edicts, and executed by the Sheriffs he had appointed. It is much to his Honour, that notwithstanding all this Plenitude of Power, he governed the Province with Integrity and Moderation. A Representation from the Inhabitants of *Long Island*, to the General Court of *Connecticut*, made about the Time of the Revolution, commends him as a Man of an easy and benevolent Disposition; and this Testimonial is the more to be relied upon, because the Design of the Writers, was by a Detail of their Grievances, to induce the Colony of *Connecticut* to take them under its immediate Protection.

Francis Lovelace, a Colonel, was appointed by the Duke, to succeed *Nicolls* in the Government of the Province, which he began to exercise in *May*, 1667. As he was a Man of great Moderation, the People lived very peaceably under him, till the Re-surrender of the Colony, which put an End to his Power, and is the only Event, that signalized his Administration.

The ambitious Designs of *Louis XIV.* against the *Dutch*, gave Rise to our War with the States General in 1672. *Charles II.* a Prince sunk in Pleasures, profligate, and poor, was easily detached from his Alliance with the *Dutch*, by the Intrigues and pecuniary Promises of the *French* King. The following Passage from a fine Writer *, shews that his Pretences for entering into the War, were perfectly groundless and trifling.

* *Voltaire's* Age of *Lewis XIV.*

“ The King of *England*, on his Side, reproached them with Disrespect, in not directing their Fleet to lower the Flag before an *English* Ship; and they were also accused in regard to a certain Picture, wherein *Cornelius de Witt*, Brother to the Pensionary, was painted with the Attributes of a Conqueror. Ships were represented in the Back-ground of the Piece, either taken or burnt. *Cornelius de Witt*, who had really had a great Share in the maritime Exploits against *England*, had permitted this trifling Memorial of his Glory: but the Picture, which was in a manner unknown, was deposited in a Chamber wherein scarce any body ever entered. The *English* Ministers, who presented the Complaints of their King against *Holland*, in Writing, therein mentioned certain *abusive* Pictures. The States, who always translated the Memorials of Ambassadors into *French*, having rendered *abusive*, by the Words *fautifs trompeurs*, they replied, that they did not know what these *roguish* Pictures (*ces tableaux x trompeurs*) were. In reality, it never in the least entered into their Thoughts, that it concerned this Portrait of one of their Citizens, nor did they ever conceive this could be a Pretence for declaring War.”

A few *Dutch* Ships arrived the Year after on the 30th of *July*, under *Staten* Island, at the Distance of a few Miles from the City of *New-York*. *John Manning*, a Captain of an Independent Company, had at that Time the Command of the Fort, and by a Messenger sent down to the Squadron, treacherously made his Peace with the Enemy. On that very Day the *Dutch* Ships came up, moored under the Fort, landed their Men, and entered the Garrison, without giving or receiving a Shot. A Council of War was afterwards held at the Stadt-House, at which were present

<i>Cornelius Evertse, jun.</i>	} Commodores.
<i>Jacob Benkes,</i>	
<i>Anthony Colve,</i>	} Captains.
<i>Nicholas Boes,</i>	
<i>Abrabam Ferd. Van Zyll,</i>	

All the Magistrates and Constables from *East Jersey*, *Long Island*, *Esopus*, and *Albany*, were immediately summoned to *New-York*; and the major Part of them swore Allegiance to the States General, and the Prince of *Orange*. Colonel *Lovelace* was ordered to depart the Province, but afterwards obtained Leave to return to *England* with Commodore *Benkes*. It has often been insisted on, that this Conquest did not extend to the whole Province of *New Jersey*; but upon what Foundation I cannot discover. From the *Dutch* Records,

Records, it appears, that Deputies were sent by the People inhabiting the Country, even so far Westward as *Delaware River*, who in the Name of their Principals, made a Declaration of their Submission; in return for which, certain Privileges were granted to them, and three Judicatories erected at *Niewer, Amstel, Upland, and Hoer Kill*. *Colve's* Commission to be Governour of this Country is worth printing, because it shews the Extent of the *Dutch* Claims. The Translation runs thus:

“ The honourable and awful Council of War, for their High Mightinesses the States General of the United *Netherlands*, and his Serene Highness the Prince of *Orange*, over a Squadron of Ships, now at Anchor in *Hudson's River* in *New-Netherlands*. To all those who shall see or hear these, *Greeting*. As it is necessary, to appoint a fit and able Person, to carry the chief Command over this Conquest of *New-Netherlands*, with all its Appendencies and Dependencies from Cape *Hinlopen* on the South Side of the South or *Delaware*, Bay, and fifteen Miles more Southerly, with the said Bay and *South River* included; so as they were formerly possessed by the Directors of the City of *Amsterdam*, and after by the *English* Government, in the Name and Right of the Duke of *York*; and further from the said Cape of *Hinlopen*, along the *Great Ocean*, to the East End of *Long Island*, and *Shelter Island*; from thence Westward to the Middle of the *Sound*, to a Town called *Greenwich*, on the Main, and to run Landward in, Northerly; provided that such Line shall not come within ten Miles of *North River*, conformable to a provincial Treaty made in 1650, and ratified by the States General, *February 22, 1656, and January 23, 1664*; with all Lands, Islands, Rivers, Lakes, Kills, Creeks, fresh and salt Waters, Fortresses, Cities, Towns, and Plantations therein comprehended. So it is, that we being sufficiently assured, of the Capacity of *Anthony Colve*, Captain of a Company of Foot, in the Service of their High Mightinesses, the States General of the United *Netherlands*, and his Serene Highness the Prince of *Orange*, &c. By Virtue of our Commission, granted us by their before-mentioned High Mightinesses and his Highness, HAVE appointed and qualified, as we do by these Presents appoint and qualify, the said Captain *Anthony Colve*, to govern and rule these Lands, with the Appendencies and Dependencies thereof, as Governor General; to protect them from all Invasions of Enemies, as he shall judge most necessary; hereby charging all high and low Officers, Justices, and Magistrates, and Others in Authority, Soldiers, Burghers, and all the Inhabitants of this Land, to acknowledge, honour, respect, and obey,

“ the said *Anthony Colve*, as Governor General ; for such we judge necessary, for the Service of the Country, waiting the Approbation of our Principals. Thus done at *Fort-William-Henderick*, the 12th Day of *August*, 1673.

“ Signed by

“ *Jacob Benkes.*”

“ *Cornelius Evertse*, jun.

The *Dutch* Governour enjoyed his Office but a very short Season, for on the 9th of *February*, 1674, the Treaty of Peace between *England* and the States General was signed at *Westminster* ; the sixth Article of which, restored this Country to the *English*. The Terms of it were generally, “ That whatsoever Countries, Islands, Towns, Ports, Castles, or Forts, have or shall be taken on both Sides, since the Time that the late unhappy War broke out, either in *Europe* or elsewhere, shall be restored to the former Lord and Proprietor, in the same Condition they shall be in, when the Peace itself shall be proclaimed ; after which Time, there shall be no Spoil nor Plunder of the Inhabitants, no Demolition of Fortifications, nor carrying away of Guns, Powder or other Military Stores, which belonged to any Castle or Fort, at the Time when it was taken.”

The Lenity which began the Administration of Colonel *Nicolls* was continued under *Lovelace*. He appears to have been a Man, rather of a phlegmatic than an enterprising Disposition, always pursuing the common Road, and scarce ever acting without the Aid of his Council. Instead of taking upon himself the sole Determination of judicial Controversies, after the Example of his Predecessor, he called to his Assistance a few Justices of the Peace. This, which was called THE COURT OF ASSIZES*, was the principal Law Judicatory in those Times. The Legislative Power under the Duke, was vested entirely in the Governour and Council. A third Estate might then be easily dispensed with, for the Charge of the Province was † small, and in a great Measure defrayed by his Royal Highness, the Proprietor of the Country.

Upon

* This was a Court both of Law and Equity, for the Trial of Causes of 20*l.* and upwards, and ordinarily sat but once a Year. Subordinate to this, were the Town Courts and Sessions; the former took Cognizance of Actions under 5*l.* and the latter, of Suits between that Sum and

Twenty pounds, seven Constables and Overseers were Judges in the first, and in the last the Justices of the Peace, with a Jury of seven Men. The Verdict of the Majority was sufficient.

† The Manner of raising public Money, was established by Colonel *Nicolls* on the first of *June*, 1665,

Upon Conclusion of the Peace in 1674, the Duke of *York*, to remove all Controversy respecting his Property, obtained a new Patent* from the King, dated the 29th of *June*, for the Lands granted in 1664, and two Days after commissioned Major, afterwards Sir *Edmond Andross*, to be Governour of his Territories in *America*. After the Resignation of this Province, which was made to him by the *Dutch* Possessors, on the 31st of *October* following, he called a Court Martial, to try *Manning* for his treacherous and cowardly Surrender. The Articles of Accusation exhibited against him, were in Substance,

I. That the said *Manning*, on the 28th of *July*, 1673, having Notice of the Approach of the Enemy's Fleet, did not endeavour to put the Garrison in a Posture of Defence ; but on the contrary, slighted such as offered their Assistance.

II. That while the Fleet was at Anchor under *Staten Island*, on the 30th of *July*, he treacherously sent on Board to treat with the Enemy, to the great Discouragement of the Garrison.

III. That he suffered the Fleet to moor under the Fort, forbidding a Gun to be fired on Pain of Death.

IV. That he permitted the Enemy to land, without the least Opposition.

V. That shortly after he had sent Persons to treat with the *Dutch* Commodores, he struck his Flag, even before the Enemy were in Sight of the Garrison, the Fort being in a Condition, and the Men desirous, to fight.

VI. And lastly, That he treacherously caused the Fort Gates to be opened, and cowardly and basely let in the Enemy, yielding the Garrison without Articles.

1665, and was thus. The High Sheriff issued a Warrant annually, to the High Constables of every District, and they sent theirs to the petty Constables ; who with the Overseers of each Town, made a List of all Male Persons above sixteen Years of Age, with an Estimate of their Rent and Personal Estates, and then taxed them according to certain Rates, prescribed by a Law. After the Assessment was returned to the High Sheriff, and approved by the Governour, the Constables received Warrants for levying the Taxes by Distress and Sale.

* Some are of Opinion that the second Patent was unnecessary, the Duke being revested per post liminium. This Matter has been often disputed in the Ejectments between the *N. Jersey* Proprietors and the *Elizabeth* Town Patentees. In *New-York* the Right of Postliminy was disregarded, and perhaps unknown ; for there are many Instances, especially on *Long Island*, of new Grants from Sir *Edmond Andross*, for Lands patented under *Nicolls* and *Lovelace*, by which the Quit-Rents have been artfully enlarged.

This

This scandalous Charge, which *Manning* on his Trial confessed to be true, is less surprizing, than the Lenity of the Sentence pronounced against him. It was this, that though he deserved Death, yet because he had since the Surrender, been in *England*, and seen the King and the Duke, it was adjudged that his Sword should be broke over his Head in Publick, before the City Hall, and himself rendered incapable of wearing a Sword, and of serving his Majesty for the future, in any publick Trust in the Government.

This light Censure, is however no Proof, that Sir *Edmond* was a Man of a merciful Disposition; the Historians of *New-England*, where he was afterwards Governour, justly transmit him to Posterity, under the odious Character of a sycophantic Tool to the Duke, and an arbitrary Tyrant over the People committed to his Care. He knew no Law, but the Will of his Master, and *Kirk* and *Jesseries* were not fiter Instruments than he to execute the despositic Projects of *James II.*

In the Year 1675, *Nicholas Renslaer*, a *Dutch* Clergyman arrived here. He claimed the Manor of *Renslaerwick*, and was recommended by the Duke to Sir *Edmond Andross* for a Living in one of the Churches at *New-York*, or *Albany*, probably to serve the Popish Cause*. *Niewenbyl*, Minister of the Church at *Albany*, disputed his Right to administer the Sacraments, because he had received an Episcopal Ordination, and was not approved by the *Classis* of *Amsterdam*, to which the *Dutch* Churches here hold themselves subordinate. In this Controversy the Governour took the Part of *Renslaer*, and accordingly summoned *Niewenbyl* before him, to answer for his Conduct. This Minister was treated with such singular Contempt, and so frequently harassed, by fruitless and expensive Attendances before the Council, that the Dispute became interesting, and the greater Part of the People resented the Usage he met with. Hence we find, that the Magistrates of *Albany*, soon after imprisoned *Renslaer*, for several *dubious Words* (as they are called in the Record) delivered in a Sermon. The Governour, on the other hand, ordered him to be released, and summoned the Magistrates to attend him

* Another Reason is assigned for the Favour he met with from the Crown. It is said, that while *Charles II.* was an Exile, he predicted the Day of his Restoration. The People of *Albany* had a high Opinion of his prophetic Spirit, and many strange Tales about him still prevail there. The Parson made nothing of his Claim; the Manor being afterwards granted, by Colonel

Dongan to *Killian Van Renslaer*, a distant Relation. This extensive Tract, by the *Dutch* called a *Colony*, is an Oblong extending 24 Miles upon *Hudson's River*, and as many on each Side. The Patent of Confirmation was issued by special Direction from the King, and is the most liberal in the Privileges it grants of any One in the Province.

at *New-York*, Warrants were then issued to compel them to give Security in 5000 *l.* each, to make out good Cause for confining the Minister. *Leisler*, who was one of them, refused to comply with the Warrant, and was thrown into Jail. Sir *Edmond*, fearful that a great Party would rise up against him, was at last compelled to discontinue his Ecclesiastical Jurisdiction, and to refer the Controversy to the Determination of the Consistory of the *Dutch Church* at *Albany*. It is perhaps not improbable, that these popish Measures, sowed the Seeds of that Aversion to the Duke's Government, which afterwards produced those violent Convulsions in the Province under *Leisler*, at the Time of the Revolution, in Favour of the Prince of *Orange*.

If Sir *Edmond Andross's* Administration at *New-York*, appears to be less exceptionable, than while he commanded at *Boston*, it was through want of more Opportunities to shew himself in his true Light. The main Course of his publick Proceedings, during his Continuance in the Province, was spent in the ordinary Acts of Government, which then principally consisted in passing Grants to the Subject, and presiding in THE COURT OF ASSIZE, established by Colonel *Lovelace*. The publick Exigencies were now in Part supplied by a kind of Benevolence; the Badge of bad Times! This appears in an Entry on the Records, of a Letter of *May* the 5th, 1676, from Governour *Andross*, to several Towns on *Long Island*, desiring to know, what Sums they would contribute towards the War. Near the Close of his Administration, he thought proper to quarrel with *Philip Carteret*, who in 1680, exercised the Government of *East Jersey*, under a Commission from Sir *George Carteret*, dated the 31st of *July*, 1675, *Andross* disputed his Right, and seized and brought him Prisoner to *New-York* for which it is said he lost his own Government, but whoever considers that Sir *Edmond* was immediately preferred to be Governour of *Boston*, will rather believe, that the Duke superseded him for some other Reasons.

Before I proceed to the succeeding Administration, in which our *Indian* Affairs began to have a powerful Influence upon the publick Measures, it may not be improper to present the Reader with a summary View of the History and Character of the *Five Nations* *. These, of all those innumerable Tribes of Savages, which inhabit the northern Part of *America*, are of most Importance to us and the *French*, both on Account of their Vicinity

* By the *Dutch* called *Maquaas*, by the *French* diminished, and consist now only of about *Iroquois*, and by us, *Five Nations*, *Six Nations*, Twelve hundred fighting Men. and lately the *Confederates*. They are greatly

and warlike Disposition. Before the late Incorporation of the *Tuscaroras*, a People driven by the Inhabitants of *Carolina* from the Frontiers of *Virginia*, they consisted of Five confederate Cantons*. What in particular gave Rise to this League, and when it took Place, are Questions which neither the Natives, nor *Europeans*, pretend to answer. Each of these Nations is divided into three Families, or Clans, of different Ranks, bearing for their Arms, and being distinguished by the Names of, the *Tortoise*, the *Bear*, and the *Wolf* †.

No People in the World perhaps have higher Notions than these *Indians* of military Glory. All the surrounding Nations have felt the Effects of their Prowess; and many not only became their Tributaries, but were so subjugated to their Power, that without their Consent, they durst not commence either Peace or War.

Though a regular Police for the Preservation of Harmony within, and the Defence of the State against Invasions from without, is not to be expected from the People of whom I am now writing, yet perhaps, they have paid more Attention to it than is generally allowed. Their Government is suited to their Condition. A People whose Riches consist not so much in abundance, as in a freedom from Want ‡; who are circumscribed by no Boundaries, who live by Hunting, and not by Agriculture, must always be free, and therefore subject to no other Authority, than such as consists with the Liberty necessarily arising from their Circumstances. All their Affairs, whether respecting Peace or War, are under the Direction of their Sachems, or chief Men. Great Exploits and publick Virtue procure the Esteem of a People, and qualify a Man to advise in Council, and execute the Plan concerted for the Advantage of his Country: thus whoever appears to the *Indians* in this advantageous Light, commences a Sachem without any other Ceremony.

As there is no other Way of arriving at this Dignity, so it ceases, unless an uniform Zeal and Activity for the common Good, is uninterruptedly continued. Some have thought it hereditary, but that is a Mistake. The Son is indeed, respected for his Father's Services, but without personal Merit, he can never share in the Government; which were it otherwise, must sink

* The *Tuscaroras* were received upon a Supposition, that they were originally of the same Stock with the *Five Nations*, because there is some Similitude between their Languages.

† Their Instruments of Conveyances are signed by Signatures, which they make with a Pen, representing these Animals.

‡ An *Indian*, in Answer to his Question, *What the white People meant by Covetousness?* was told by another, that it signified, *a Desire of more than a Man had need of.* THAT'S STRANGE! said the Querist.

into perfect Disgrace. The Children of such as are distinguished for their Patriotism, moved by the Consideration of their Birth, and the perpetual Incitements to Virtue constantly inculcated into them, imitate their Father's Exploits, and thus attain to the same Honours and Influence; which accounts for the Opinion that the Title and Power of Sachem is hereditary.

Each of these Republicks has its own particular Chiefs, who hear and determine all Complaints in Council, and though they have no Officers for the Execution of Justice, yet their Decrees are always obeyed, from the general Reproach that would follow a Contempt of their Advice. The Condition of this People exempts them from Factions, the common Disease of popular Governments. It is impossible to gain a Party amongst them by indirect Means; for no Man has either Honour, Riches, or Power to bestow*.

All Affairs which concern the general Interest are determined in a great Assembly of the Chiefs of each Canton, usually held at *Onondaga*, the Center of their Country. Upon Emergencies they act separately, but nothing can bind the League but the Voice of the general Convention.

The *French*, upon the Maxim, *divide & impera*, have tried all possible Means to divide these Republicks, and sometimes have even sown great Jealousies amongst them. In consequence of this Plan, they have seduced many Families to withdraw to *Canada*, and there settled them in regular Towns, under the Command of a Fort, and the Tuition of Missionaries.

The Manners of these Savages are as simple as their Government. Their Houses are a few crotched Stakes thrust into the Ground, and overlaid with Bark. A Fire is kindled in the Middle, and an Aperture left at the Top for the Conveyance of the Smoke. Whenever a considerable Number of these Huts are collected, they have a Castle, as it is called, consisting of a Square without Bastions, surrounded with Pallisadoes. They have no other Fortification; and this is only designed as an Asylum for their old Men, their Wives and Children, while the rest are gone out to War. They live almost entirely without Care. While the Women, or Squaws cultivate a little Spot of Ground for Corn, the Men employ themselves in Hunting. As to Clothes, they use a Blanket girt at the Waist, and thrown loosely over

* The learned and judicious Author of *The Spirit of Laws*, speaking of a People who have a fixed Property in Lands, observes, "That if a Chief would deprive them of their Liberty, they would immediately go and seek it under another, or retire into the Woods, and live there with their Families." The *Five Nations* can never be enslaved, till they grow rich by Agriculture and Commerce. Property is the most permanent Basis of Power. The Authority of a Sachem depending only upon his Reputation for Wisdom and Courage, must be weak and precarious, and therefore safe to the People.

their Shoulders ; some of their Women indeed have, besides this, a Sort of a Petticoat, and a few of their Men wear Shirts ; but the greater Part of them are generally half naked. In Winter, their Legs are covered with Stockings of Blanket, and their Feet with Socks of Deer Skin. Many of them are fond of Ornaments, and their Taste is very singular. I have seen Rings affixed, not only to their Ears, but their Noses. Bracelets of Silver and Brass round their Wrists, are very common. The Women plait their Hair, and tie it up behind in a Bag, perhaps in Imitation of the *French* Beaus in *Canada*. Though the *Indians* are capable of sustaining great Hardships, yet they cannot endure much Labour, being rather fleet, than strong. Their Men are taller than the *Europeans*, rarely corpulent, always beardless*, streight limbed, of a tawny Complexion, and black uncurled Hair. In their Food they have no Manner of Delicacy, for though Venison is their ordinary Diet, yet some times they eat Dogs, Bears, and even Snakes. Their Cookery is of two Kinds, boiled or roasted ; to perform the Latter, the Meat is penetrated by a short sharp Stick set in the Ground, inclining towards the Fire, and turned as Occasion requires. They are hospitable to Strangers, though few *Europeans* would relish their highest Favours of this Kind, for they are very nasty both in their Garments and Food. Every Man has his own Wife, whom he takes and leaves at Pleasure : a Plurality, however, at the same time, is by no means admitted amongst them. They have been generally commended for their Chastity, but I am informed by good Authority, that they are very lascivious, and that the Women, to avoid Reproach, frequently destroy the Fœtus in the Womb. They are so perfectly free, that unless their Children, who generally assist the Mother, may be called Servants, they have none. The Men frequently associate themselves for Conversation, by which Means they not only preserve the Remembrance of their Wars, and Treaties, but diffuse among their Youths, Incitements to military Glory, as well as Instruction in all the Subtilties of War.

Since they became acquainted with the *Europeans*, their warlike Apparatus is a Musket, Hatchet †, and a long Knife. Their Boys still accustom themselves to Bows and Arrows, and are so dextrous in the Use of them, that a Lad of Sixteen, will strike an *English* Shilling five times in ten

* Because they pluck out the Hairs. The *French* Writers, who say they have naturally no Beards, are mistaken ; and the Reasons they assign for it are ridiculous.

† Hence, to take up the Hatchet, is with them a Phrase signifying to declare War ; as on the contrary to bury it, denotes the Establishment of a Peace.

at twelve or fourteen Yards Distance. Their Men are excellent Marksmen, both with the Gun and Hatchet; their Dexterity at the latter is very extraordinary, for they rarely miss the Object, though at a considerable Distance. The Hatchet in the Flight perpetually turns round, and yet always strikes the Mark with the Edge.

Before they go out, they have a Feast upon Dog's Flesh, and a great War Dance. At these, the Warriours, who are frightfully painted with Vermillion, rise up and sing their own Exploits, or those of their Ancestors, and thereby kindle a military Enthusiasm in the whole Company. The Day after the Dance, they march out a few Miles in a Row, observing a profound Silence. The Procession being ended, they strip the Bark from a large Oak, and paint the Design of their Expedition on the naked Trunk. The Figure of a Canoe, with the Number of Men in it, determines the Strength of their Party; and by a Deer, a Fox, or some other Emblem painted at the Head of it, we discover against what Nation they are gone out.

The *Five Nations* being devoted to War, every Art is contrived to diffuse a military Spirit through the whole Body of their People. The Ceremonies attending the Return of a Party; seem calculated in particular for that Purpose. The Day before they enter the Village, two Heralds advance, and at a small Distance set up a Yell, which by its Modulation intimates either good or bad News. If the former, the Village is alarmed, and an Entertainment provided for the Conquerours, who in the mean time approach in Sight: one of them bears the Scalps stretched over a Bow, and elevated upon a long Pole. The boldest Man in the Town comes out, and receives it, and instantly flies to the Hut where the rest are collected. If he is overtaken, he is beaten unmercifully; but if he out-runs the Pursuer, he participates in the Honour of the Victors, who at their first Entrance receive no Compliments, nor speak a single Word till the End of the Feast. Their Parents, Wives, and Children then are admitted, and treat them with the profoundest Respect. After these Salutations, one of the Conquerours is appointed to relate the whole Adventure, to which the rest attentively listen, without asking a Question, and the whole concludes with a Savage Dance.

The *Indians* never fight in the Field, or upon equal Terms, but always skulk and attack, by Surprise, in small Parties, meeting every Night at a Place of Rendezvous. Scarce any Enemy can escape them, for by the Disposition of the Grass and Leaves, they follow his Tract with great Speed any where but over a Rock. Their Barbarity is shocking to human Nature.

ture. Women and Children they generally kill and scalp, because they would retard their Progress, but the Men they carry into Captivity. If any Woman has lost a Relation, and inclines to receive the Prisoner in his stead, he not only escapes a Series of the most inhuman Tortures, and Death itself, but enjoys every Immunity they can bestow, and is esteemed a Member of the Family, into which he is adopted. To part with him would be the most ignominious Conduct, and considered as selling the Blood of the Deceased; and for this Reason it is not without the greatest Difficulty, that a Captive is redeemed.

When the *Indians* incline to Peace, a Messenger is sent to the Enemy with a Pipe, the Bowl of which is made of soft, red, Marble; and a long Reed beautifully painted, and adorned with the gay Plumage of Birds, forms the Stem. This is his infallible Protection from any Assault on the Way. The Envoy makes his Proposals to the Enemy, who if they approve them, ratify the Preliminaries to the Peace, by smoking through the Pipe, and from that Instant, a general Cessation of Arms takes Place. The *French* call it a *Calumet*. It is used, as far as I can learn, by all the *Indian* Nations upon the Continent. The Rights of it are esteemed sacred, and have been only invaded by the *Flat Heads*; in just Indignation for which, the Confederates maintained a War with them for near thirty Years.

As to the Language of the *Five Nations*, the best Account I have had of it, is contained in a Letter from the Reverend Mr. *Spencer*, who resided amongst them in the Year 1748, being then a Missionary from the *Scotch Society for propagating Christian Knowledge*. He writes thus:

“ SIR,

“ Though I was very desirous of learning the *Indian* Tongue, yet through my short Residence at *Onoughquage*, and the surly Disposition of my Interpreter, I confess my Proficiency was not great.

“ Except the *Tuscaroras*, all the *Six Nations* speak a Language radically the same. It is very masculine and sonorous, abounding with Gutturals and strong Aspirations, but without Labials. Its solemn grave Tone is owing to the Generosity of its Feet, as you will observe in the following Translation of the *Lord's Prayer*, in which I have distinguished the Time of every Syllable by the common Marks used in Profody*.

* If we had a good Dictionary, marking the Quantity as well as Emphasis of every Syllable in the *English* Language, it would conduce to an Accuracy and Uniformity of Pronunciation. The Dignity of Style, so far as the Ear is concerned, consists principally in generous Feet; and

perhaps it may be a just Remark that no Sentence, unless in a Dialogue, ends well without a full Sound. *Gordon* and *Fordyce* rarely swerve from this Rule, and Mr. *Mason*, an ingenious Author, has lately written with great Applause, on this Attribute of Style.

“ Soungwauneha, caurounkyawga, tchsectaroan, sauhsoncyousta, esa,
 “ sawaneyou, Okettauhselä, ehneauwoung, na, caurounkyawga, nughwon-
 “ shauga, neattewehnesalauga, taugwaunatoronoantoughsick, toantaugwe-
 “ leewheyoustaung, cheneeyeut, chaquatautalehwhheyoutaunna, toughsau,
 “ taugwauhsareneh, tawautottenaugaloughtoungga, nasawne, sacheautaug-
 “ waf, coantehsalohauzaickaw, esa, sawaneyou, esa, sahautzta, esa,
 “ soungwafoung, chenneauhaungwa, auwen.

“ The extraordinary Length of *Indian* Words, and the guttural Aspirations, necessary in pronouncing them, render the Speech extremely rough and difficult. The Verbs never change in their Terminations, as in *Latin*, *Greek*, and *Hebrew*, but all their Variations are prefixed: Besides the singular and plural, they have also the dual Number. A strange Transposition of Syllables of different Words, *Euphonia gratia*, is very common in the *Indian* Tongue, of which I will give an Instance. ÖGILLA signifies *Fire*, and CAWAUNNA *great*, but instead of joining the Adjective and Substantive to say *great Fire*, CAWAUNNA ÖGILLA, both Words would be blended into this one, CO-GILLA-WAUNNA. The Dialect of the *Oneydas*, is softer than that of the other Nations; and the Reason is, because they have more Vowels, and often supply the Place of harsh Letters with Liquids. Instead of R, they always use L: *Rebecca* would be pronounced *Lequecca*.”

The Art of publick Speaking is in high Esteem among the *Indians*, and much studied. They are extremely fond of Method, and displeas'd with an irregular Harangue, because it is difficult to be remembered. When they answer, they repeat the whole, reducing it into strict Order. Their Speeches are short, and the Sense conveyed in strong Metaphors. In Conversation they are sprightly, but solemn and serious in their Messages relating to publick Affairs. Their Speakers deliver themselves with surprising Force and great Propriety of Gesture. The Fierceness of their Countenances, the flowing Blanket, elevated Tone, naked Arm and erect Stature, with a half Circle of Auditors seated on the Ground, and in the open Air, cannot but impress upon the Mind, a lively Idea of the ancient Orators of *Greece* and *Rome*.

At the Close of every important Part of the Speech, ratifying an old Covenant, or creating a new one, a Belt is generally given, to perpetuate the Remembrance of the Transaction. These Belts are about four Inches wide,

wide, and thirty in Length. They consist of Strings of Conque Shell Beads fastened together*.

With Respect to Religion, the *Indians* may be said to be under the thickest Gloom of Ignorance. If they have any, which is much to be questioned, those who affirm it, will find it difficult to tell us wherein it consists. They have neither Priest nor Temple, Sacrifice nor Altar. Some Traces indeed appear, of the original Law written upon their Hearts; but they have no System of Doctrines, nor any Rites and Modes of publick Worship. They are sunk, unspeakably beneath the polite Pagans of Antiquity. Some confused Notions, indeed, of Beings superiour to themselves, they have, but of the Deity and his natural and moral Perfections, no proper or tolerable Conceptions; and of his general and particular Providence they know nothing. They profess no Obligations to him, nor acknowledge their Dependence upon him. Some of them, it is said, are of Opinion, that there are two distinct, powerful Beings, one able to help, the other to do them Harm. The latter they venerate most, and some alledge, that they address him by a kind of Prayer. Though there are no publick Monuments of Idolatry to be seen in their Country, yet the Missionaries have discovered coarse Imagery in wooden Trinkets, in the Hands of their Jugglers, which the Converts deliver up as detestable. The Sight of them would remind a Man of Letters, of the *Lares* and *Penates* of the Ancients, but no certain Judgment can be drawn of their Use. The *Indians* sometimes assemble in large Numbers, and retire far into the Wilderness, where they eat and drink in a profuse Manner. These Conventions are called *Kenticoys*. Some esteem them to be debauched Revels or *Bacchanalia*; but those, who have privately followed them into these Recesses, give such Accounts of their Conduct, as naturally lead one to imagine, that they pay a joint Homage and Supplication to some invisible Being. If we suppose they have a Religion, it is worse than none, and raises in the generous Mind, most melancholy Ideas of their depraved Condition. Little has been done to illuminate these dark Corners of the Earth, with the Light of the Gospel. The *French* Priests boast indeed of their Converts, but they have made more Profelytes to Politicks than Religion. *Queen Anne* sent a Missionary amongst them, and gave him an Appointment out of the Privy Purse. He was a Man of a good Life, but slow Parts, and his Success very incon-

* Those Beads which pass for Money, are called by the *Indians*, *Wampum*, and by the *Dutch*, *Sewant*; six Beads were formerly valued at a Sty-

ver. There are always several poor Families at *Albany*, who support themselves by coining this Cash for the Traders.

siderable. The reverend Mr. *Barclay* afterwards resided among the *Mobawks*, but no suitable Provision being made for an Interpreter, he was obliged to break up the Mission. If the *English* Society for propagating the Gospel, that truly venerable Body, instead of maintaining Missionaries in rich Christian Congregations along the Continent, expended half the Amount of their annual Contributions on Evangelists among the Heathen, besides the unspeakable religious Benefits that would, it is to be hoped, accrue to the Natives, such a Proceeding would conduce greatly to the Safety of our Colonies, and his Majesty's Service. Much has been written upon this Subject in *America* *; and why nothing to Purpose has yet been attempted in *England*, towards so laudable a Design, can only be attributed to the amazing Falsehoods and Misrepresentations, by which some of the Missionaries have long imposed upon benevolent Minds in *Great Britain* †.

* See Mr. *Hobart's* Letters to the Episcopalian in *New-England*. The Account of the *Scotch* Mission at *Stockbridge*. *Douglass's* Summary, &c.

† This is notorious to all who give themselves the Trouble of perusing the Abstracts of their Accounts published in *England*. It would be a very agreeable Office to me, on this Occasion, to distinguish the Innocent from the Guilty, but that such a Task would infallibly raise up a Host of Enemies. Many of the Missionaries are Men of Learning and exemplary Morals. These in *America* are known and honoured, and cannot be prejudiced by an indiscriminate Censure. Their joining in a Representation for distinguishing the Delinquents, who are a Disgrace to the Cloth, will serve as a full Vindication of themselves to the Society. Mr. *Ogilvie* is, I believe, the only Person now employed by that charitable Corporation among the *Indians*, and the greatest Part even of his Charge is in the City of *Albany*. All the *Scotch* Missionaries are among the Heathen, and their Success has been sufficient to encourage any future Attempts. There is a regular Society of *Indian* Converts in *New-Jersey*; and it is worthy of Remark, that not one of them has apostatized into Heathenism. Some of them have made such Proficiencies in practical Religion, as ought to shame many of us, who boast the illuminating Aids of our Native Christianity. Not one of these *Indians* has been con-

cerned in those barbarous Irruptions, which have lately deluged the Frontiers of the South-western Provinces, with the Blood of several hundred Innocents of every Age and Sex. At the Commencement of these Ravages, they flew into the Settlements, and put themselves under the Protection of the Government. These *Indians* no sooner became Christians, than they openly professed their Loyalty to King *George*; and therefore to contribute to their Conversion, was as truly *politick*, as nobly Christian. Those Colonies which have done *most* for this charitable Design, have escaped *best* from the late distressing Calamities. Of all the Missionaries, Mr. *David Brainerd*, who recovered these *Indians* from the Darkness of Paganism, was most successful. He died the 9th of *October*, 1747, a Victim to his extreme Mortification and inextinguishable Zeal, for the Prosperity of his Mission. Those who are curious to enquire particularly into the Effects of his indefatigable Industry, may have Recourse to his Journal, published at *Philadelphia*, by the *American* Correspondents of the *Scotch* Society, in whose Service he was employed. Dr. *Douglass*, ever ready to do Honour to his Native Country, after remarking that this self-denying Clergyman rode about 400 Miles, in the Year 1744, with an Air of Approbation, asks, "Is there any Missionary, from any of the Societies, for propagating the Gospel in Foreign Parts, that has reported the like?"

As to the History of the *Five Nations*, before their Acquaintance with the *Europeans*, it is wrapt up in the Darkneſs of Antiquity. It is ſaid that their firſt Reſidence was in the Country about *Montreal*; and that the ſuperiour Strength of the *Adirondacks*, whom the *French* call *Algonquins*, drove them into their preſent Poſſeſſions, lying on the South Side of the *Mohawks* River, and the great Lake *Ontario* *. Towards the Cloſe of thoſe Diſputes, which continued for a great Series of Years, the Confederates gained Advantages over the *Adirondacks*, and ſtruck a general Terrour into all the other *Indians*. The *Hurons* on the North Side of the Lake *Erie*, and the *Cat Indians* on the South Side, were totally conquered and diſperſed. The *French*, who ſettled *Canada* in 1603, took Umbrage at their Succeſs, and began a War with them which had well nigh ruined the new Colony. In Autumn 1665, Mr. *Courcelles*, the Governour, ſent out a Party againſt the *Mohawks*. Through Ignorance of the Country, and the Want of Snow-ſhoes, they were almoſt periſhed, when they fell in with *Schencetady*. And even there the *Indians* would have ſacrificed them to their barbarous Rage, had not *Corlear*, a *Dutchman*, interpoſed to protect them. For this ſeaſonable Hoſpitality, the *French* Governour invited him to *Canada*, but he was unfortunately drowned in his Paſſage through the Lake *Champlain*. It is in Honour of this Man, who was a Favourite of the *Indians*, that the Governours of *New-York*, in all their Treaties are addreſſed by the Name of *Corlear*. Twenty light Companies of Foot, and the whole Militia of *Canada*, marched the next Spring into the Country of the *Mohawks*; but their Succeſs was vaſtly unequal to the Charge and Labour of ſuch a tedious March of 700 Miles, through an uncultivated Deſart; for the *Indians*, on their Approach, retired into the Woods, leaving behind them ſome old Sachems, who preferred Death to Life, to glut the Fury of their Enemies. The Emptineſs of this Parade on the one Hand, and the *Indian* Fearfulneſs of Fire Arms on the other, brought about a Peace in 1667, which continued for ſeveral Years after. In this Interval, both the *Engliſh* and *French* cultivated a Trade with

* *Charlevoix*, in Partiality to the *French*, limits the Country of the *Five Nations*, on the North, to the 44th Degree of Latitude; according to which, all the Country on the North Side of the Lake *Ontario*, and the River iſſuing thence to *Montreal*, together with a conſiderable Tract of Land on the South Side of that River, belongs to the *French*. *Nennepin*, a Recollet Friar, has more Regard to Truth than the Jeſuit; for he tells us in Effect, that the *Iroquois* poſſeſſed the Lands

on the North, as well as the South Side of the Lake, and mentions ſeveral of their Villages in 1679, viz. *Tejojabon*, *Kente*, and *Ganneouſſe*. The Map in his Book agrees with the Text. *Charlevoix* is at Variance with his Geographer; for Mr. *Bellin*, beſides laying down theſe Towns in the Map, contained in the fifth Volume, writes on the North Side of the Protraction of Lake *Ontario*, *Les Iroquois du Nord*.

the Natives very profitable to both Nations. The latter, however, were most politick and vigorous, and filled the *Indian* Country with their Missionaries. The *Sieur Perot*, the very Year in which the Peace was concluded, travelled above 1200 Miles Westward, making Profelytes of the *Indians* every where to the *French* Interest. *Courcelles* appears to have been a Man of Art and Industry. He took every Measure in his Power for the Defence of *Canada*. To prevent the Irruptions of the *Five Nations*, by the Way of *Lake Champlain*, he built several Forts in 1665, between that and the Mouth of the River *Sorel*. In 1672, just before his Return to *France*, under Pretence of treating with the *Indians* more commodiously, but in Realty, as *Charlevoix* expresses it, "to bridle them," he obtained their Leave to erect a Fort at *Cadaracqui*, or *Lake Ontario*, which Count *Frontenae*, his Successour, completed the following Spring, and called after his own Name*. The Command of it was afterwards given to Mr. *De la Salle*, who, in 1678, rebuilt it with Stone. This enterprising Person, the same Year, launched a Bark of ten Tons into the *Lake Ontario*, and another of sixty Tons, the Year after into *Lake Erie*; about which Time he inclosed with Pallisadoes, a little Spot at *Niagara*.

Though the Duke of *York* had preferred Colonel *Thomas Dongan* to the Government of this Province on the 30th of *September*, 1682, he did not arrive here till the 27th of *August*, in the following Year. He was a Man of Integrity, Moderation, and genteel Manners, and though a professed Papist, may be classed among the best of our Governours.

The People, who had been formerly ruled at the Will of the Duke's Deputies, began their first Participation in the legislative Power under Colonel *Dongan*, for shortly after his Arrival, he issued Orders to the Sheriffs, to summon the Freeholders for choosing Representatives, to meet him in Assembly on the 17th of *October*, 1683. Nothing could be more agreeable to the People, who, whether *Dutch* or *English*, were born the Subjects of a free State; nor indeed, was the Change, of less Advantage to the Duke, than to the Inhabitants. For such a general Disgust had prevailed, and in particular in *Long Island*, against the old Form which Colonel *Nicolls* had introduced, as threatened the total Subversion of the publick Tranquility. Colonel *Dongan* saw the Disaffection of the People at the East End of the Island, for he landed there on his first Arrival in the Country; and to extin-

* In *May* 1721, it was a Square with four many small Islands, and a good Harbour, and Bastions, built of Stone, being a Quarter of a behind it a Mora's. *Charlevoix*.
French League in Circumference; before it, are

guish the Fire of Discontent, then impatient to burst out, gave them his Promise, that no Laws or Rates for the future should be imposed, but by a general Assembly. Doubtless, this Alteration was agreeable to the Duke's Orders, who had been strongly importuned for it *, as well as acceptable to the People, for they sent him soon after an Address, expressing the highest Sense of Gratitude, for so beneficial a Change in the Government. It would have been impossible for him much longer to have maintained the old Model over free Subjects, who had just before formed themselves into a Colony for the Enjoyment of their Liberties, and had even already solicited the Protection of the Colony of *Connecticut*, from whence the greatest Part of them came. Disputes relating to the Limits of certain Townships at the East End of *Long Island*, sowed the Seeds of Enmity against *Dongan*, so deeply in the Hearts of many who were concerned in them, that their Representation to *Connecticut*, at the Revolution, contains the bitterest Invectives against him.

Dongan surpassed all his Predecessors, in a due Attention to our Affairs with the *Indians*, by whom he was highly esteemed. It must be remembered to his Honour, that though he was ordered by the Duke, to encourage the *French* Priests, who were come to reside among the Natives, under Pretence of advancing the Popish Cause, but in Reality to gain them over to a *French* Interest; yet he forbid the *Five Nations* to entertain them. The Jesuits, however, had no small Success. Their Profelytes are called *Praying Indians*, or *Cagbnuagaes*, and reside now in *Canada*, at the Fall of *St. Lewis*, opposite to *Montreal*. This Village was begun in 1671, and consists of such of the *Five Nations*, as have formerly been drawn away by the Intrigues of the *French* Priests, in the Times of *Lovelace* and *Andros*, who seem to have paid no Attention to our *Indians* Affairs †. It was owing to the Instigation also of these Priests, that the *Five Nations* about this Time, committed Hostilities on the back Parts of *Maryland* and *Virginia*, which occasioned a grand Convention at *Albany*, in the Year 1684. Lord *Howard* of *Effingham*, the Governour of *Virginia*, was present, and made a Covenant with them for preventing further Depredations, towards the Accomplish-

* The Petition to his Royal Highness was drawn by the Council, the Aldermen of *New-York*, and the Justices of the Peace at the Court of Assize, the 29th of *June*, 1681. I have seen a Copy in the Hands of *Lewis Morris*, Esq; It contains many severe Reflections upon the Tyranny of Sir *Edmond Andros*.

† Of late some others of the Confederates have been allured to settle at *Oswegatchi*, called by the *French*, *la Gallette*, near 50 Miles below *Frontenac*. General *Shirley's* Emisaries from *Oswego* in 1755, prevailed with several of these Families to return to their old Habitations.

guish

ment.

ment of which, Colonel *Dongan* was very instrumental *, Doctor *Col'ien* has published this Treaty at large, but as it has no immediate Connection with the Affairs of this Province, I beg Leave to refer the Reader for a full Account of it, to his History of the *Five Nations*.

While Lord *Howard* was at *Albany*, a Messenger from *De la Barre*, then Governour of *Canada*, arrived there, complaining of the *Senneca Indians*, for interrupting the *French* in their Trade with the more distant *Indians*, commonly included among us by the general Name of the *Far Nations* †. Colonel *Dongan*, to whom the Message was sent, communicated it to the *Sennecas*, who admitted the Charge, but justified their Conduct, alledging, that the *French* supplied Arms and Ammunition to the *Twigbtawies* ‡, with whom they were then at War. *De la Barre*, at the same Time, meditating nothing less than the total Destruction of the *Five Nations*, proceeded with an Army of 1700 Men to the *Lake Ontario*. Mighty Preparations were made to obtain the desired Success: fresh Troops were imported from *France*, and a Letter procured from the Duke of *York* to Colonel *Dongan*, commanding him to lay no Obstacles in the Way. The Officers posted in the Out Forts, even as far as *Messlimakinae*, were ordered to rendezvous at *Niagara*, with all the Western *Indians* they could engage. *Dongan*, regardless of the Duke's Orders, apprised the *Indians* of the *French* Designs, and promised to assist them. After six Weeks Delay at Fort *Frontenac*, during which Time a great Sickness, occasioned by bad Provisions, broke out in the *French* Army, *De la Barre* found it necessary to conclude the Campaign with a Treaty, for which Purpose he crossed the Lake, and came to the Place which, from the Distress of his Army, was called *la Famine*. *Dongan* sent an Interpreter among the *Indians*, by all means to prevent them from attending the Treaty. The *Mohawks* and *Sennecas* accordingly refused to meet *De la Barre*, but the *Oneydoes*, *Onondagas*, and *Cayugas*, influenced by the Missionaries, were unwilling to hear the Interpreter, except before the Priests, one *La Main*, and three other *Frenchmen*, and afterwards waited upon the *French* Governour. Two Days after their Arrival in the Camp, Monsieur *De la Barre* addressing himself to *Garrangula*, an *Onondaga* Chief, made the following Speech, the *Indians*, and *French* Officers at the same time forming a Circle round about him.

* This Covenant was ratified in 1685, and at several Times since.

† By the *Far Nations* are meant, all those numerous Tribes inhabiting the Countries on both

Sides of the Lakes *Nuromand Erie*, Westward, as far as the *Mississippi*, and the Southern Country along the Banks of the *Ohio*, and its Branches.

‡ By the *French* called *Miamies*.

“ The King, my Master, being informed, that the *Five Nations* have often infringed the Peace, has ordered me to come hither with a Guard, and to send *Obgueffe* to the *Onondagas*, to bring the chief *Sackems* to my Camp. The Intention of the Great King is, that You and I may smoke the Calumet of Peace together ; but on this Condition, that you promise me, in the Name of the *Senekas*, *Cayugas*, *Onondagas*, and *Mobawks*, to give entire Satisfaction and Reparation to his Subjects, and for the future, never to molest them.

“ The *Senekas*, *Cayugas*, *Onondagas*, *Oneydoes*, and *Mobawks*, have robbed and abused all the Traders that were passing to the *Illinois* and *Miamies*, and other *Indian Nations*, the Children of my King. They have acted, on these Occasions, contrary to the Treaty of Peace with my Predecessor. I am ordered, therefore, to demand Satisfaction, and to tell them, that in Case of Refusal, or their plundering us any more, that I have express Orders to declare War. This Belt confirms my Words. The Warriours of the *Five Nations* have conducted the *English* into the Lakes, which belong to the King, my Master, and brought the *English* among the Nations that are his Children, to destroy the Trade of his Subjects, and to withdraw these Nations from him. They have carried the *English* thither, notwithstanding the Prohibition of the late Governour of *New-York*, who foresaw the Risque that both they and you would run. I am willing to forget those Things, but if ever the like shall happen for the future, I have express Orders to declare War against you. This Belt confirms my Words. Your Warriours have made several barbarous Incursions on the *Illinois* and *Umanwis* ; they have massacred Men, Women, and Children, and have made many of these Nations Prisoners, who thought themselves safe in their Villages in Time of Peace ; these People, who are my King's Children, must not be your Slaves ; you must give them their Liberty, and send them back into their own Country. If the *Five Nations* shall refuse to do this, I have express Orders to declare War against them. This Belt confirms my Words.

“ This is what I have to say to *Garrangula*, that he may carry to the *Senekas*, *Onondagas*, *Oneydoes*, *Cayugas*, and *Mobawks*, the Declaration which the King, my Master, has commanded me to make. He doth not wish them to force him to send a great Army to *Cadarackui* Fort, to begin a War, which must be fatal to them. He would be sorry that this Fort, *that was the Work of Peace*, should become the Prison of your Warriours. We
“ must

“ must endeavour, on both Sides, to prevent such Misfortunes. The
 “ *French*, who are the Brethren and Friends of the *Five Nations*, will never
 “ trouble their Repose, provided that the Satisfaction which I demand, be
 “ given ; and that the Treaties of Peace be hereafter observed. I shall be
 “ extremely grieved, if my Words do not produce the Effect, which I ex-
 “ pect from them ; for then I shall be obliged to join with the Governour
 “ of *New-York*, who is commanded by his Master, to assist me, and burn
 “ the Castles of the *Five Nations*, and destroy you. This Belt confirms
 “ my Words.”

Garrangula heard these Threats with Contempt, because he had learnt the distressed State of the *French* Army, and knew that they were incapable of executing the Designs with which they set out ; and therefore, after walking five or six times round the Circle, he answered the *French* Governour, who sat in an Elbow Chair, in the following Strain :

“ YONNONDIO,

“ I honour you, and the Warriours that are with me likewise honour
 “ you. Your Interpreter has finished your Speech ; I now begin mine.
 “ My Words make haste to reach your Ears ; hearken to them.

“ Yonnondio, you must have believed, when you left *Quebeck*, that the
 “ Sun had burnt up all the Forests, which render our Country inaccessible
 “ to the *French*, or that the Lakes had so far overflown the Banks, that
 “ they had surrounded our Castles, and that it was impossible for us to get
 “ out of them. Yes, Yonnondio, surely you must have dreamt so, and
 “ the Curiosity of seeing so great a Wonder, has brought you so far.
 “ Now you are undeceived, since that I and the Warriours here present,
 “ are come to assure you, that the *Senekas*, *Cayugas*, *Onondagas*, *Oneydoes*, and
 “ *Mohawks*, are yet alive. I thank you, in their Name, for bringing back
 “ into their Country the Calumet, which your Predecessor received from
 “ their Hands. It was happy for you, that you left under Ground that
 “ murdering Hatchet that has been so often died in the Blood of the *French*.
 “ Hear, Yonnondio, I do not sleep, I have my Eyes open, and the Sun,
 “ which enlightens me, discovers to me a great Captain at the Head of a
 “ Company of Soldiers, who speaks as if he were dreaming. He says,
 “ that he only came to the Lake to smoke on the great Calumet with the
 “ *Onondagas*. But *Garrangula* says, that he sees the contrary, that it was
 “ to knock them on the Head, if Sickness had not weakened the Arms of
 “ the *French*.

“ I see,

“ I see *Yonnondio* raving in a Camp of sick Men, whose Lives the great Spirit has saved, by inflicting this Sicknefs onthem. Hear, *Yonnondio*, our Women had taken their Clubs, our Children and old Men had carried their Bows and Arrows into the Heart of your Camp, if our Warriors had not disarmed them, and kept them back, when your Messènger, *Obugessè*, came to our Castles. It is done, and I have said it. Hear, *Yonnondio*, we plundered none of the *French*, but those that carried Guns, Powder, and Ball to the *Twightwies* and *Chictagbicks*, because those Arms might have cost us our Lives. Herein we follow the Example of the Jesuits, who stave all the Caggs of Rum brought to our Castles, lest the drunken *Indians* should knock them on the Head. Our Warriors have not Bever enough to pay for all these Arms, that they have taken, and our old Men are not afraid of the War. This Belt preserves my Words.

“ We carried the *English* into our Lakes, to trade there with the *Utawawas* and *Quatogbies* as the *Alirondacks* brought the *French* to our Castles, to carry on a Trade, which the *English* say is theirs. We are born free; we neither depend on *Yonnondio* nor *Corlear*.

“ We may go where we please, and carry with us whom we please, and buy and sell what we please: if your Allies be your Slaves, use them as such, command them to receive no other but your People. This Belt preserves my words.

“ We knocked the *Twightwies* and *Chictagbicks* on the Head, because they had cut down the Trees of Peace, which were the Limits of our Country. They have hunted Bevers on our Lands: they have acted contrary to the Customs of all *Indians*; for they left none of the Bevers alive, they killed both male and female. They brought the *Satanas* * into the Country, to take Part with them, after they had concerted ill Designs against us. We have done less than either the *English* or *French*, that have usurped the Lands of so many *Indian* Nations, and chased them from their own Country. This Belt preserves my words.

“ Hear, *Yonnondio*, what I say, is the Voice of all the *Five Nations*; hear what they answer; open your Ears to what they speak. The *Senecas*, *Cayugas*, *Onondagas*, *Oneydoes*, and *Mohawks* say, that when they buried the Hatchet at *Cadarackui* (in the Presence of your Predecessor) in the Middle of the Fort; they planted the Tree of Peace in the same Place, to be there carefully preserved, that, in place of a Retreat for Soldiers, that Fort might be a Rendezvous for Merchants: that in place of Arms and Ammunition of War, Bevers and Merchandise should only enter there.

* By the *French* called *Sauounons*.

“ Hear, *Yonnondio*, take care for the future, that so great a Number of
 “ Soldiers as appear there do not choke the Tree of Peace planted in so small
 “ a Fort. It will be a great Loss, if, after it had so easily taken Root, you
 “ should stop its Growth, and prevent its covering your Country and ours
 “ with its Branches. I assure you, in the Name of the *Five Nations*, that our
 “ Warriors shall dance to the Calumet of Peace under its Leaves, and shall
 “ remain quiet on their Matts, and shall never dig up the Hatchet, till their
 “ Brother *Yonnondio* or *Corlear* shall either jointly or separately endeavour
 “ to attack the Country, which the great Spirit has given to our Ancestors.
 “ This Belt preserves my Words, and this other, the Authority which the *Five*
 “ *Nations* have given me.”

Then *Garrangula*, addressing himself to Monsieur *La Main*, said “ Take
 “ Courage *Ohgueffé*, you have Spirit, speak, explain my Words, forget nothing,
 “ tell all that your Brethren and Friends say to *Yonnondio*, your Governor,
 “ by the Mouth of *Garrangula*, who loves you, and desires you to accept of
 “ this Present of Bever, and take Part with me in my Feast, to which I
 “ invite you. This Present of Bever is sent to *Yonnondio*, on the Part of the
 “ *Five Nations*.”

Enraged at this bold Reply, *De la Barre* as soon as the Peace was con-
 cluded, retired to *Montreal*, and ingloriously finished an expensive Campaign,
 as Doctor *Colden* observes, in a Scold with an old *Indian*.

De la Barre was succeeded by the Marquis *De Nonville*, Colonel of the
 Dragoons, who arrived with a Reinforcement of Troops in 1685. The
 Marquis was a Man of Courage and an enterprising Spirit, and not a little
 animated by the Consideration, that he was sent over to repair the Disgrace,
 which his Predecessour had brought upon the *French* Colony. The Year
 after his Arrival at *Quebec*, he wrote a Letter to the Minister in *France*, re-
 commending the Scheme of erecting a Stone-Fort, sufficient to contain four or
 five hundred Men, at *Niagara*, not only to exclude the *English* from the Lakes,
 but to command the Fur Trade and subdue the *Five Nations*. *Dongan*, who
 was jealous of his Designs, took Umbrage at the extraordinary Supplies sent
 to *Fort Frontenac*, and wrote to the *French* Governours, signifying that if he
 attacked the Confederates, he would consider it, as a Breach of the Peace
 subsisting between the two Crowns; and to prevent his building a Fort at
Niagara, he protested against it, and claimed the Country as dependent up-
 on the Province. *De Nonville*, in his Answer, denied that he intended to in-
 vade the *Five Nations*, tho' the necessary Preparations for that Purpose were
 then carrying on, and yet *Charlevoix* commends him for his Piety and Up-
 rightness, “ *égalemment estimable* (says the Jesuit) *pour sa Valeur, sa droiture &*
 “ *sa*

“*Ja Picté.*” Colonel *Dongan*, who knew the Importance of our *Indian Alliance*, placed no Confidence in the Declarations of the Marquis, but exerted himself in preparing the Confederates for a War; and the *French* Authour, just mentioned, does him Honour, while he complains of him as a perpetual Obstacle, in the Way of the Execution of their Schemes. Our Allies were now triumphing in their Success over the *Chigtaghics*, and meditating a War with the *Twigbtwies*, who had disturbed them in their Bever-hunting. *De Nonville*, to prevent the Interruption of the *French* Trade with the *Twigbtwies*, determined to divert the *Five Nations* and carry the War into their Country. To that End, in 1687, he collected 2000 Troops and 600 *Indians* at *Montreal*, and issued Orders to all the Officers in the more westerly Country, to meet him with additional Succours at *Niagara*, on an Expedition against the *Sennecas*. An *English* Party under one *M^r Gregory*, at the same Time was gone out to trade on the Lakes, but the *French*, notwithstanding the Peace then subsisting between the two Crowns, intercepted them, seized their Effects, and imprisoned their Persons. Monsieur *Fonti* Commandant among the *Chigtaghics*, who was coming to the General's Rendezvous at *Niagara*, did the like to another *English* Party, which he met with in *Lake Erie* *. The *Five Nations*, in the mean Time, were preparing to give the *French* Army a suitable Reception. Monsieur *Companie*, with two or three hundred *Canadians* in an advanced Party, surpris'd two Villages of the Confederates, who, at the Invitation and on the Faith of the *French*, seated themselves down about eight Leagues from *Lake Fadarackui* or *Ontario*. To prevent their Escape with Intelligence to their Country Men, they were carried to the Fort, and all but thirteen died in Torments at the Stake, singing with an heroic Spirit, in their expiring Moments, the Perfidy of the *French*. The rest according to the express Orders of the *French* King, were sent to the Gallies in *Europe*. The Marquis having embarked his whole Army in Canoes, set out from the Fort at *Cadurackui* on the 23^d of *June*, one half of them passing along the North, and the other on the south Side of the Lake; and both arrived the same Day at *Tyrondequait*, and shortly after set out on their March towards the chief Village of the *Sennecas* at about seven Leagues Distance. The main Body was composed of the Regulars and Militia, the Front and Rear of the *Indians* and Traders. The Scouts advanced the second Day of their March, as far as the Corn of the Village, and within Pistol-shot of 500 *Sennecas*, who lay upon their Bellies undiscovered. The *French*, who imagined the Enemy were

* Both these Attacks were open Infractions of the Treaty in *America*, should be free to the *English* and the Treaty at *Whitehall* executed in *Nov.* 1686; *French*. by which it was agreed, that the *Indian* Trade

all fled, quickened their March to overtake the Women and old Men. But no sooner had they reached the Foot of a Hill, about a Mile from the Village, than the *Sennecas* raised the War Shout, and in the same Instant charged upon the whole Army both in the Front and Rear. Universal Confusion ensued. The Battalions divided, fired upon each other, and flew into the Wood. The *Sennecas* improved the Disorder of the Enemy, till they were repulsed by the *French Indians*. According to *Charlevoix's* Account, which may be justly suspected, the Enemy lost but six Men, and had twenty wounded in the Conflict. Of the *Sennecas*, he says, sixty were wounded and forty five slain. The Marquis was so much dispirited, that he could not be persuaded to pursue the Enemy that Day; which gave the *Sennecas* an Opportunity to burn their Village and get off. Two old Men remained in the Castle to receive the General, and regale the Barbarity of his *Indian Allies*. After destroying the Corn in this and several other Villages, the Army retired to the Banks of the Lake, and erected a Fort with four Bastions on the south-east Side of the Streights at *Niagara*, in which they left 100 Men, under the Command of *Le Chevalier de la Troye*, with eight Months Provisions; but these being closely blocked up, all, except seven or eight of them, who were accidentally relieved, perished thro' Famine*. Soon after this Expedition, Colonel *Dongan* met the *Five Nations* at *Albany*. To what Intent, appears from the Speech he made to them on the 5th of *August*, which I choose to lay before the Reader, to shew his Vigilance and Zeal for the Interest of his Master, and the Common Weal of the Province committed to his Care.

“ BRETHREN,

“ I am very glad to see you here in this House, and am heartily glad that you have sustained no greater Loss by the *French*, tho' I believe it was their Intention to destroy you all, if they could have surpris'd you in your Castles.

“ As soon as I heard their Design to war with you, I gave you Notice, and came up hither myself, that I might be ready to give all the Assistance and Advice, that so short a Time would allow me.

* Nothing can be more perfidious and unjust, than this Attack upon our Confederates. The two Crowns had but just concluded a Treaty for the Preservation of the Peace: *La Nontan*, one of the *French* Historians censures *De Nonville's* Conduct, and admits the *British* Title to the

Command of the Lakes, but *Charlevoix* blames him, as he does *Hennepin*, *De l'Isle* and every other Authour, who confesses the Truth, to the Prejudice of the ambitious Claims of the Court of *France*.

" I am now about sending a Gentleman to *England*, to the King, my
 " Master, to let him know, *That the French have invaded his Territories on*
 " *this Side of the great Lake*, and warred upon the Brethren *his Subjects*. I
 " therefore would willingly know, whether the Brethren have given the
 " Governor of *Canada* any Provocation or not; and if they have, how,
 " and in what Manner; because I am obliged to give a true Account of this
 " Matter. This Business may cause a War between the King of *England*,
 " and the *French* King, both in *Europe* and here, and therefore I must
 " know the Truth.

" I know the Governor of *Canada* dare not enter into the King of *En-*
 " *gland's* Territories, in a hostile Manner, without Provocation, if he
 " thought the Brethren were the King of *England's* Subjects; but you have,
 " two or three Years ago, made a Covenant-chain with the *French*, con-
 " trary to my Command (which I knew could not hold long) being void of
 " itself among the Christians; for as much as Subjects (*as you are*) ought
 " not to treat with any foreign Nation, it not lying in your Power. You
 " have brought this Trouble on yourselves, and, as I believe, this is the only
 " Reason of their falling on you at this Time.

" Brethren, I took it very ill, *that after you had put yourselves into the*
 " *Number of the great King of England's Subjects*, you should ever offer
 " to make Peace or War, without my Consent. You know that we can
 " live without you, but you cannot live without us; you never found
 " that I told you a Lie, and I offered you the Assistance you wanted, pro-
 " vided that you would be advised by me; for I know the *French* better than
 " any of you do.

" Now since there is a War begun upon you by the Governor of *Canada*;
 " I hope without any Provocation by you given, I desire and command
 " you, that you hearken to no Treaty but by my Advice; which if you
 " follow, you shall have the Benefit of the great Chain of Friendship between
 " the great King of *England*, and the King of *France*, which came out of
 " *England* the other Day, and which I have sent to *Canada* by *Anthony le Ju-*
 " *nard*; in the mean Time, I will give you such Advice as will be for your
 " Good; and will supply you with such Necessaries as you will have need of.

" 1st, My Advice is, as to what Prisoners of the *French* you shall take,
 " that you draw not their Blood, but bring them home, and keep them to
 " exchange for your People, which they have Prisoners already, or may take
 " hereafter."

" 2^{dly}, That if it be possible, that you can order it so, I would have you take
 " one or two of your wisest Sachems, and one or two of your chief Captains,

“ of each Nation, to be a Council to manage all Affairs of the War. They,
 “ to give Orders to the rest of the Officers what they are to do, that your
 “ Designs may be kept private; for after it comes among so many People,
 “ it is blazed abroad, and your Designs are often frustrated; and those chief
 “ Men should keep a Correspondence with me by a trusty Messenger.

“ 3dly, The great Matter under Consideration with the Brethren is, how
 “ to strengthen themselves, and weaken their Enemy. My Opinion is, that
 “ the Brethren should send Messengers to the *Utawawas*, *Twichtwies*, and the
 “ farther *Indians*, and to send back likewise some of the Prisoners of these
 “ Nations, if you have any left, to bury the Hatchet, and to make a Co-
 “ venant-Chain, that they may put away all the *French* that are among
 “ them, and that you will open a Path for them this Way (they being the
 “ King of *England's* Subjects likewise, though the *French* have been admitted
 “ to trade with them; for all that the *French* have in *Canada*, they had it of the
 “ great King of *England*) that, by that Means, they may come hither freely,
 “ where they may have every thing cheaper than among the *French*:
 “ that you and they may join together against the *French*, and make so firm
 “ a League, that whoever is an Enemy to one, must be to both.

“ 4thly, Another Thing of Concern is, that you ought to do what you
 “ can to open a Path for all the north *Indians* and *Mabikanders* that are
 “ among the *Utawawas* and further Nations. I will endeavour to do the
 “ same to bring them home. For, they not daring to return home your
 “ Way, the *French* keep them there on purpose to join with the other Na-
 “ tions against you, for your Destruction, for you know, that one of them
 “ is worse than six of the others; therefore all Means must be used to bring
 “ them home, and use them kindly as they pass through your Country.

“ 5thly, My Advice further is, that Messengers go, in behalf of all the
 “ *Five Nations*, to the Christian *Indians* at *Canada*, to persuade them to
 “ come home to their native Country. This will be another great Means to
 “ weaken your Enemy; but if they will not be advised, you know what to
 “ do with them.

“ 6thly, I think it very necessary, for the Brethrens Security and Assist-
 “ ance, and to the endamaging the *French*, to build a Fort upon the
 “ Lake, where I may keep Stores and Provisions in Case of Necessity;
 “ and therefore I would have the Brethren let me know what Place will be
 “ most convenient for it.

“ 7thly, I would not have the Brethren keep their Corn in their Castles, as
 “ I hear the *Onondagas* do, but bury it a great way in the Woods, where
 “ few

“ few People may know where it is, for fear of such an Accident as has
 “ happened to the *Sennekas*.

“ 8thly, I have given my Advice in your general Assembly, by Mr. *Dirk Wessels* and *Akus*, the Interpreter, how you are to manage your Parties, and
 “ how necessary it is to get Prisoners, to exchange for your own Men that are
 “ Prisoners with the *French*, and I am glad to hear that the Brethren are so
 “ united as Mr. *Dirk Wessels* tells me you are, and that there was no rotten
 “ Members nor *French* Spies among you.

“ 9thly, The Brethren may remember my Advice, which I sent you this
 “ Spring, not to go to *Cadarackui*; if you had, they would have served you,
 “ as they did your People that came from hunting thither, for I told you
 “ that I knew the *French* better than you did.

“ 10thly, There was no Advice or Proposition that I made to the Brethren
 “ all the time that the Priest lived at *Onondaga*, but what he wrote to *Canada*,
 “ as I found by one of his Letters, which he gave to an *Indian* to carry
 “ to *Canada*, but which was brought hither; therefore, I desire the Bre-
 “ thren not to receive him, or any *French* Priest any more, having sent for
 “ *English* Priests, with whom you may be supplied to your Content.

“ 11thly, I would have the Brethren look out sharp, for fear of being sur-
 “ prised. I believe all the Strength of the *French* will be at their Frontier
 “ Places, *viz.* at *Cadarackui* and *Oniagara*, where they have built a Fort now,
 “ and at *Trois Rivières*, *Montreal* and *Chambly*.

“ 12thly, Let me put you in mind again, not to make any Treaties with-
 “ out my Means, which will be more advantageous for you, than your do-
 “ ing it by yourselves, for then you will be looked upon as the *King of Eng-*
 “ *land's Subjects*, and let me know, from Time to Time, every thing that
 “ is done.

“ Thus far I have spoken to you relating to the War.”

Not long after this Interview, a considerable Party of *Mohawks* and *Mahikanders*, or *River Indians*, beset *Fort Chambly*, burnt several Houses, and returned with many Captives to *Albany*. Forty *Onondagas*, about the same time, surpris'd a few Soldiers near *Fort Frontenac*, whom they confined instead of the *Indians* sent home to the Gallies, notwithstanding the utmost Address was used to regain them, by *Lamberville*, a *French* Priest, who delivered them two Belts, to engage their Kindness to the Prisoners, and prevent their joining the Quarrel with the *Sennekas*. The Belts being sent to Colonel *Dongan*, he wrote to *De Nonville*, to demand the Reason of their being delivered. *Pere le Pailant* was sent here about the Beginning of the Year 1688, under Colour of bringing an Answer, but in reality as a Spy. Colonel

Dongan

Dongan told him, that no Peace could be made with the *Five Nations*, unless the *Indians* sent to the Gallies, and the *Caghnuaga* Profelytes were returned to their respective Cantons, the Forts at *Niagara* and *Frontenac* raised, and the *Senneecas* had Satisfaction made them, for the Damage they had sustained. The Jesuit, in his Return, was ordered not to visit the *Mohawks*.

Dongan, who was fully sensible of the Importance of the *Indian* Interest to the *English* Colonies, was for compelling the *French* to apply to him in all their Affairs with the *Five Nations*; while they, on the other Hand, were for treating with them independent of the *English*. For this Reason, among others, he refused them the Assistance they frequently required, till they acknowledged the Dependence of the Confederates on the *English* Crown. King *James*, a poor bigotted, popish, priest-ridden Prince, ordered his Governour to give up this Point, and to persuade the *Five Nations* to send Messengers to *Canada*, to receive Proposals of Peace from the *French*. For this Purpose, a Cessation of Arms and mutual Redelivery of Prisoners was agreed upon. Near 1200 of the Confederates attended this Negotiation at *Montreal*, and in their Speech to *De Nonville*, insisted with great Resolution, upon the Terms proposed by Colonel *Dongan* to Father *Le Vaillant*. The *French* Governour declared his Willingness to put an End to the War, if all his Allies might be included in the Treaty of Peace, if the *Mohawks* and *Senneecas* would send Deputies to signify their Concurrence, and the *French* might supply *Fort Frontenac* with Provisions. The Confederates, according to the *French* Accounts, acceded to these Conditions, and the Treaty was ratified in the Field. But a new Rupture not long after ensued, from a Cause entirely unsuspected. The *Dinondadies* had lately inclined to the *English* Trade at *Missilimakinac*, and their Alliance was therefore become suspected by the *French*. *Adario*, their Chief, thought to regain the ancient Confidence, which had been reposed in his country Men, by a notable Action against the *Five Nations*; and for that Purpose put himself at the Head of 100 Men: nothing was more disagreeable to him, than the Prospect of Peace between the *French* and the Confederates; for that Event would not only render the Amity of the *Dinondadies* useles, but give the *French* an Opportunity of resenting their late favourable Conduct towards the *English*. Impressed with these Sentiments, out of Affection to his Country, he intercepted the Ambassadors of the *Five Nations*, at one of the Falls in *Cadarackui* River, killed some, and took others Prisoners, telling them that the *French* Governour had informed him, that fifty Warriours of the *Five Nations* were coming that Way. As the *Dinondadies* and Confederates were then at War, the Ambassadors were astonished at the Perfidy of the *French* Governour, and could not help

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help communicating the Design of their Journey. *Adario*, in Prosecution of his crafty Scheme, counterfeited the utmost Distress, Anger, and Shame, on being made the ignominious Tool of *De Nonville's* Treachery, and addressing himself to *Dekanesora*, the principal Ambassadour, said to him, "Go, my Brethren, I untie your Bonds, and send you Home again, though our Nations be at War. The *French* Governor has made me commit to black an Action, that I shall never be easy after it, till the *Five Nations* shall have taken full Revenge." This Outrage and Indignity upon the Rights of Ambassadours, the Truth of which they did not in the least doubt, animated the Confederates, to the keenest Thirst after Revenge; and accordingly 1200 of their Men, on the 26th of *July* 1688, landed on the South Side of the Island of *Montreal*, while the *French* were in perfect Security; burnt their Houses, sacked their Plantations, and put to the Sword all the Men, Women, and Children, without the Skirts of the Town. A thousand *French* were slain in this Invasion, and twenty six carried in Captivity and burnt alive. Many more were made Prisoners in another Attack in *October*, and the lower Part of the Island wholly destroyed. Only three of the Confederates were lost, in all this Scene of Misery and Desolation*.

Never before did *Canada* sustain such a heavy Blow. The News of this Attack on *Montreal* no sooner reached the Garrison at the Lake *Ontario*, than they set fire to the two Barks, which they had built there, and abandoned the Fort, leaving a Match to 28 Barrels of Powder, designed to blow up the Works. The Soldiers went down the River in such Precipitation, that one of the Battoes and her Crew were all lost in shooting a Fall. The Confederates in the mean time seized the Fort, the Powder, and the Stores; and of all the *French* Allies, who were vastly numerous only the *Nepicirinians* and *Kikabons* adhered to them in their Calamities. The *Utawawas* and seven other Nations instantly made Peace with the *English*; and but for the uncommon Sagacity and Address of the *Sieur Perot*, the Western *Indians* would have murdered every *Frenchman* amongst them. Nor did the Distresses of the *Canadians* end here. Numerous Scouts from the *Five Nations*, continually infested their Borders. The frequent Depredations that were made, prevented them from the Cultivation of their Fields, and a distressing Famine raged through the whole Country. Nothing but the Ignorance of the *Indians*, in the Art of attacking fortified Places, saved *Canada* from being now utterly cut off. It was therefore unspeakably fortunate to the *French*, that

* I have followed Dr. *Colden* in the Account of this Attack, who differs from *Charlevoix*. That Jesuit tells us, that the Invasion was late in the

the *Indians* had no Assistance from the *English*, and as unfortunate to us, that our Colonies were then incapable of affording Succours to the Confederates, through the malignant Influence of those execrable Measures, which were pursued under the infamous Reign of King *James* the Second. Colonel *Dongan*, whatever his Conduct might have been in civil Affairs, did all that he could in those relating to the *Indians*, and fell at last into the King's Displeasure, through his Zeal for the true Interest of the Province.

While these Things were transacting in *Canada*, a Scene of the greatest Importance was opening at *New-York*. A general Disaffection to the Government prevailed among the People. Papiests began to settle in the Colony under the Smiles of the Governour. The Collector of the Revenues, and several principal Officers, threw off the Mask, and openly avowed their Attachment to the Doctrines of *Rome*. A *Latin* School was set up, and the Teacher strongly suspected for a Jesuit. The People of *Long-Island*, who were disappointed in their Expectation of mighty Boons, promised by the Governour on his Arrival, were become his personal Enemies; and in a Word, the whole Body of the People trembled for the Protestant Cause. Here the Leaven of Opposition first began to work. Their Intelligence from *England*, of the Designs there in Favour of the Prince of *Orange*, blew up the Coals of Discontent, and elevated the Hopes of the Disaffected. But no Man dared to spring in Action, till after the Rupture in *Boston*. Sir *Edmond Andross*, who was perfectly devoted to the arbitrary Measures of King *James*, by his Tyranny in *New-England*, had drawn upon himself the universal Odium of a People, animated with the Love of Liberty and in the Defence of it resolute and courageous; and therefore, when they could no longer endure his despotic Rule, they seized and imprisoned him, and afterwards sent him to *England*. The Government, in the mean time, was vested in the Hands of a Committee for the Safety of the People, of which Mr. *Bradstreet*, was chosen President. Upon the News of this Event, several Captains of our Militia convened themselves to concert Measures, in Favour of the Prince of *Orange*. Amongst these, *Jacob Leisler* was the most active. He was a Man in tolerable Esteem among the People, and of a moderate Fortune, but destitute of every Qualification necessary for the Enterprize. *Milborne*, his Son in Law, an *Englishman*, directed all his Councils, while *Leisler* as absolutely influenced the other Officers.

The first Thing they contrived, was to seize the Garrison in *New-York*; and the Custom, at that Time, of guarding it every Night by the Militia, gave *Leisler* a fine Opportunity of executing the Design. He entered it with forty nine Men, and determined to hold it till the whole Militia should

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join him. Colonel *Dongan*, who was about to leave the Province, then lay embarked in the Bay, having a little before resigned the Government to *Francis Nicholson*, the Lieutenant Governour. The Council, Civil Officers, and Magistrates of the City, were against *Leisler*, and therefore many of his Friends were at first fearful of openly espousing a Cause disapproved by the Gentlemen of Figure. For this Reason, *Leisler's* first Declaration in Favour of the Prince of *Orange*, was subscribed only by a few, among several Companies of the Trained Bands. While the People, for four Days successively, were in the utmost Perplexity to determine what part to choose, being solicited by *Leisler* on the one Hand, and threatened by the Lieutenant Governour on the other, the Town was alarmed with a Report, that three Ships were coming up, with Orders from the Prince of *Orange*. This Falschood was very seasonably propagated to serve the Interest of *Leisler*; for on that Day, the 3d of *June* 1689, his Party was augmented by the Addition of six Captains and 400 Men in *New-York*, and a Company of 70 Men from *East-Chester*, who all subscribed a second Declaration *, mutually covenanting to hold the Fort for the Prince. Colonel *Dongan* continued till this Time in the Harbour, waiting the Issue of these Commotions; and *Nicholson's* Party being now unable to contend with their Opponents were totally dispersed, the Lieutenant Governour himself absconding, the very Night after the last Declaration was signed.

Leisler being now in compleat Possession of the Fort, sent Home an Address to King *William* and Queen *Mary*, as soon as he received the News of their Accession to the Throne. It is a tedious, incorrect, ill-drawn Narrative of the Grievances which the People had endured, and the Methods lately taken to secure themselves, ending with a Recognition of the Sovereignty of the King and Queen over the whole *English* Dominions.

This Address was soon followed, by a private Letter from *Leisler* to

* I have taken an exact Copy of it for the Satisfaction of the Reader. "Whereas our Intention, tended only but to the Preservation of the Protestant Religion, and the Fort of this City, to the end that we may avoid and prevent, the rash Judgment of the World, in so a just Design; wee have thought fitt, to let every Body know by these publick Proclamation, that till the safe Arryvell of the Ships, that wee expect every Day, from his Royal Highness the Prince of *Orange*, with Orders for the Government of this Country in the Behalf of such

" Person, as the said Royal Highness had chosen, and honored with the Charge of a Governour, that as soon as the Bearer of the said Orders, shall have let us see his Power, then, and without any Delay, we shall execute the said Orders punctually; declaring that we do intend to submit and obey, not only the said Orders, but also the Bearer thereof, committed for the Execution of the same. In Witness hereof, we have signed these Presents, the third of *June* 1689."

King

King *William*, which, in very broken *Engliſh*, informs his Majesty of the State of the Garrison, the Repairs he had made to it, and the Temper of the People, and concludes with ſtrong Proteſtations of his Sincerity, Loyalty, and Zeal. *Joſt Stoll*, an Enſign, on the Delivery of this Letter to the King, had the Honour to kiſs his Majesty's Hand, but *Nicholſon* the Lieutenant-Governour, and one *Ennis*, an Episcopical Clergyman, arrived in *England* before him; and by falſely repreſenting the late Meaſures in *New-York*, as proceeding rather from their Averſion to the Church of *England*, than Zeal for the Prince of *Orange*, *Leiſler* and his Party miſſed the Rewards and Notice, which their Activity for the Revolution juſtly deſerved. For tho' the King made *Stoll* the Bearer of his Thanks to the People for their Fidelity, he ſo little regarded *Leiſler's* Complaints againſt *Nicholſon*, that he was ſoon after preferred to the Government of *Virginia*. *Dongan* returned to *Ireland*, and it is ſaid ſucceeded to the Earldom of *Limerick*.

Leiſler's ſudden Inveſtiture with ſupreme Power over the Province, and the probable Proſpects of King *William's* Approbation of his Conduct, could not but excite the Envy and Jealouſy of the late Council and Magiſtrates, who had reſuſed to join in the glorious Work of the Revolution; and hence the Spring of all their Averſion, both to the Man and his Meaſures. Colonel *Bayard*, and *Courtland* the Mayor of the City, were at the Head of his Opponents, and finding it impoſſible to raiſe a Party againſt him in the City, they very early retired to *Albany*, and there endeavoured to foment the Oppoſition. *Leiſler*, on the other Hand, fearful of their Influence, and to extinguiſh the Jealouſy of the People, thought it prudent, to admit ſeveral truſty Perſons to a Participation of that Power, which the Militia on the 1ſt of *July* had committed ſolely to himſelf. In Conjunction with theſe, (who, after the *Boston* Example, were called The Committee of Safety) he exerciſed the Government, aſſuming to himſelf only, the Honour of being Preſident in their Councils. This Model continued till the Month of *December*, when a Packet arrived with a Letter from the Lords *Carmarthen*, *Halliſax*, and others, directed "To *Francis Nicholſon*, Eſq; or in his Abſence, to ſuch as " for the Time being, take Care for preſerving the Peace and adminiſtring " the Laws, in their Majeſties Province of *New-York*, in *America*." This Letter was dated the 29th of *July*, and was accompanied with another from Lord *Nottingham*, dated the next Day, which after empowering *Nicholſon* to take upon him the chief Command, and to appoint for his Aſſiſtance as many of the principal Freeholders and Inhabitants as he ſhould think fit, requiring alſo " to do every Thing, appertaining to the Office of Lieutenant-
" Governor,

“ Governor, according to the Laws and Customs of *New-York* untill further Orders.”

Nicholson being absconded when this Packet came to hand, *Leisler* considered the Letter as directed to himself, and from this Time issued all kinds of Commissions in his own Name, assuming the Title, as well as Authority, of Lieutenant-Governour. On the 11th of *December*, he summoned the Committee of Safety, and agreeable to their Advice, swore the following Persons for his Council. *Peter de Lanoy*, *Samuel Staats*, *Hendrick Jansen*, and *Johannes Vermilie*, for *New-York*. *Gerardus Beekman*, for *King's County*. For *Queen's County*, *Samuel Edsel*; *Thomas Williams* for *West-Chester*, and *William Lawrence* for *Orange County*.

Except the Eastern Inhabitants of *Long Island*, all the Southern Part of the Colony, cheerfully submitted to *Leisler's* Command. The principal Freeholders, however, by respectful Letters, gave him Hopes of their Submission, and thereby prevented his betaking himself to Arms, while they were privately solliciting the Colony of *Connecticut*, to take them under its Jurisdiction. They had indeed no Aversion to *Leisler's* Authority, in Favour of any other Party in the Province, but were willing to be incorporated with a People, from whence they had originally colonized; and therefore, as soon as *Connecticut* declined their Request, they openly appeared to be Advocates for *Leisler*. At this Juncture the *Long-Island* Representation was drawn up, which I have more than once had Occasion to mention.

The People of *Albany*, in the mean time, were determined to hold the Garrison and City for King *William*, independent of *Leisler*, and on the 26th of *October*, which was before the Packet arrived from Lord *Nottingham*, formed themselves into a Convention for that Purpose. As *Leisler's* Attempt, to reduce this Country to his Command, was the original Cause of the future Divisions in the Province, and in the End brought about his own Ruin, it may not be improper to see the Resolution of the Convention, a Copy of which was sent down to him at large.

Peter Schuyler, Mayor,
Dirk Wessels, Recorder,
Jan Wendal,
Jan Jansen Bleeker,

Claes Ripse,
David Schuyler,
Albert Ryckman,

} Aldermen.

Killian V. Renslaer, Justice,
Capt. Marte Gerritse, Justice,
Capt. Gerrit Teunisse,
Dirk Teunisse, Justice,
Lieut. Robert Saunders,

John Cuyler,
Gerrit Ryerse,
Evert Banker,
Rynier Barentse,

“ Resolved,

“ Resolved, since we are informed by Persons coming from *New-York*, that
 “ Capt. *Jacob Leisler* is designed to send up a Company of armed Men, upon
 “ Pretence to assist us in this Country, who intend to make themselves
 “ Master of their Majesties Fort and this City, and carry divers Persons and
 “ chief Officers of this City Prisoners to *New-York*, and so disquiet and dis-
 “ turb their Majesties liege People, that a Letter be writ to Alderman *Levinus*
 “ *Van Schaic*, now at *New-York*, and Lieutenant *Jochim Staets*, to make
 “ narrow Enquiry of the Business, and to signify to the said *Leisler*, that
 “ we have received such Information; and withal acquaint him, that not-
 “ withstanding we have the Assistance of ninety five Men from our Neigh-
 “ bours of *New-England*, who are now gone for, and one hundred Men upon
 “ Occasion, to command, from the County of *Ulster*, which we think will
 “ be sufficient this Winter, yet we will willingly accept any such Assistance
 “ as they shall be pleased to send for the Defence of their Majesties County
 “ of *Albany*: Provided, they be obedient to, and obey such Orders and
 “ Commands, as they shall, from Time to Time, receive from the Con-
 “ vention; and that by no means they will be admitted, to have the Com-
 “ mand of their Majesties Fort or this City; which we intend by God’s Assist-
 “ ance, to keep and preserve for the Behoof of their Majesties *William and Mary*,
 “ King and Queen of *England*, as we hitherto have done since their Proclama-
 “ tion; and if you hear, that they persevere with such Intentions, so to disturb
 “ the Inhabitants of this County, that you then, in the Name and Behalf
 “ of the Convention and Inhabitants of the City and County of *Albany*,
 “ protest against the said *Leisler*, and all such Persons that shall make
 “ Attempt, for all Losses, Damages, Blood-shed, or whatsoever Mischiefs
 “ may ensue thereon; which you are to communicate with all Speed, as
 “ you perceive their Design.”

Taking it for granted that *Leisler* at *New-York*, and the Convention at
Albany, were equally affected to the Revolution, nothing could be more
 egregiously foolish, than the Conduct of both Parties, who by their Intestine
 Divisions, threw the Province into Convulsions, and sowed the Seeds of mu-
 tual Hatred and Animosity, which for a long Time after, greatly embarrassed
 the publick Affairs of the Colony. When *Albany* declared for the Prince
 of *Orange*, there was nothing else that *Leisler* could properly require: and
 rather than sacrifice the publick Peace of the Province, to the trifling Ho-
 nour of resisting a Man who had no evil Designs, *Albany* ought in Prudence
 to have delivered the Garrison into his Hands, till the King’s definitive Orders
 should arrive. But while *Leisler*, on the one Hand, was inebriated with his
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new-gotten Power, so on the other, *Bayard, Courtland, Schuyler*, and others, could not brook a Submission to the Authority of a Man, mean in his Abilities, and inferior in his Degree. Animated by these Principles, both Parties prepared, the one to reduce, if I may use the Expression, the other to retain, the Garrison of *Albany*. Mr. *Livingston*, a principal Agent for the Convention, retired into *Connecticut*, to solicit the Aid of that Colony, for the Protection of the Frontiers against the *French*. *Leisler* suspecting that they were to be used against him, endeavoured not only to prevent these Supplies, but wrote Letters, to have *Livingston* apprehended, as an Enemy to the reigning Powers; and to procure Succours from *Boston*, falsely represented the Convention, as in the Interest of the *French* and King *James*.

Jacob Milborne was commissioned for the Reduction of *Albany*. Upon his Arrival there, a great Number of the Inhabitants armed themselves and repaired to the Fort, then commanded by Mr. *Schuyler*, while many others followed the other Members of the Convention, to a Conference with him at the City-Hall. *Milborne*, to proselyte the Crowd, declaimed much against King *James*, Popery, and arbitrary Power; but his Oratory was lost upon the Hearers, who after several Meetings, still adhered to the Convention. *Milborne* then advanced with a few Men up to the Fort, and Mr. *Schuyler* had the utmost Difficulty to prevent both his own Men, and the *Mohawks* who were then in *Albany*, and perfectly devoted to his Service, from firing upon *Milborne's* Party, which consisted of an inconsiderable Number. In these Circumstances, he thought proper to retreat, and soon after departed from *Albany*. In the Spring, he commanded another Party upon the same Errand, and the Distress of the Country on an *Indian* Irruption, gave him all the desired Success. No sooner was he possessed of the Garrison, than most of the principal Members of the Convention absconded. Upon which, their Effects were arbitrarily seized and confiscated, which so highly exasperated the Sufferers, that their Posterity, to this Day, cannot speak of these Troubles, without the bitterest Invectives against *Leisler* and all his Adherents.

In the Midst of those intestine Confusions at *New-York*, the People of *New-England*, were engaged in a War with the *Owenagungas, Ourages*, and *Penocoks*. Between these and the *Schakook Indians*, there was then a friendly Communication, and the same was suspected of the *Mohawks*, among whom, some of the *Owenagungas* had taken Sanctuary. This gave Rise to a Conference, between several Commissioners from *Boston, Plymouth*, and *Connecticut*, and the *Five Nations*, at *Albany*, in *September* 1689, the former endeavouring to engage the latter, against those *Eastern Indians*, who were then at War with the *New-England Colonies*. *Takajadoris*, a *Mohawk* Sachem, in a long

long Oration, answered the *English* Message, and however improbable it may seem to *Europeans*, repeated all that had been said the preceding Day. The Art they have in assisting their Memories is this. The Sachem who presides, has a Bundle of Sticks prepared for the Purpose, and at the Close of every principal Article of the Message delivered to them, gives a Stick to another Sachem charging him with the Remembrance of it. By this Means the Orator, after a previous Conference with the *Indians*, is prepared to repeat every Part of the Message, and give it its proper Reply. This Custom is invariably pursued in all their publick Treaties.

The Conference did not answer the Expectation of the People of *New-England*, the *Five Nations* discovering a great Disinclination to join in the Hostilities against the *Eastern Indians*. To atone for which, they gave the highest Protestations of their Willingness to distress the *French*, against whom the *English* had declared War, on the 7th of *May* preceding. That Part of the Speech ratifying their Friendship, with the *English* Colonies, is singularly expressed. " We promise to preserve the Chain inviolably, and wish " that the Sun may always shine in Peace, over all our Heads that are " comprehended in this Chain *. We give two Belts. One for the Sun, " and the other for its Beams. We make fast the Roots of the Tree of " Peace and Tranquility which is planted in this Place. Its Roots extend " as far as the utmost of your Colonies, if the *French* should come to shake " this Tree, we would feel it by the Motion of its Roots, which extend into " our Country. But we trust it will not be in the Governor of *Canada's* " Power to shake this Tree, which has been so firmly, and long planted " with us."

Nothing could have been more advantageous to these Colonies, and especially to *New-York*, than the late Success of the *Five Nations* against *Canada*. The Miseries to which the *French* were reduced, rendered us secure against their Inroads, till the Work of the Revolution was in a great measure accomplished; and to their distressed Condition, we must principally ascribe the Defeat of the *French* Design, about this Time, to make a Conquest of the Province. *De Calliers*, who went to *France* in 1688, first projected the Scheme †; and the Troubles in *England* encouraged the *French* Court

* The *Indians* Conception of the League between them and us, is couched under the Idea of a Chain extended from a Ship to a Tree, and every Renewal of this League they call brightening the Chain.

† *Charlevoix* has published an Extract of the

Memorial presented to the *French* King. The Force demanded for this Enterprize, was to consist of 1300 Regulars and 300 *Canadians*. *Albany* was said to be fortified only by an Inclosure of Stockadoes and a little Fort with four Bastions; and that it contained but 150 Soldiers and 300 Inhabitants.

Court to make the Attempt. *Cassiniere* commanded the Ships, which failed for that Purpose from *Rochefort*; subject, nevertheless, to the Count *De Frontenac*, who was General of the Land Forces, destined to march from *Canada* by the Rout of *Sorel-River* and the *Lake Champlain*. The Fleet and Troops arrived at *Chebuëta*, the Place of Rendezvous, in *September*; from whence the Count proceeded to *Quebeck*, leaving Orders with *Cassiniere* to sail for *New-York*, and continue in the Bay, in Sight of the City, but beyond the Fire of our Cannon, till the 1st of *December*: when, if he received no Intelligence from him, he was ordered to return to *France*, after unlading the Ammunition, Stores, and Provisions at *Port-Royal* *. The Count was in high Spirits, and fully determined upon the Enterprize, till he arrived at *Quebeck*; where the News of the Success of the *Five Nations* against *Montreal*, the Loss of his favourite Fort at *Lake Ontario*, and the advanced Season of the Year, defeated his Aims, and broke up the Expedition. *De Nonville* who was recalled, carried the News of this Disappointment to the Court of *France*, leaving the chief Command of the Country in the Hands of Count *Frontenac*. This Gentleman was a Man of Courage, and well acquainted with the Affairs of that Country. He was then in the 68th Year of his Age, and yet so far from consulting his Ease, that in a few Days after he landed at *Quebeck*, he re-embarked in a Canoe for *Montreal*, where his Presence was absolutely necessary, to animate the Inhabitants and regain their *Indian* Alliances. A War, between the *English* and *French* Crowns, being broke out; the Count betook himself to every Art, for concluding a Peace between *Canada* and the *Five Nations*; and for this Purpose, the utmost Civilities were shewn to *Taweraket* and the other *Indians*, who had been sent to *France* by *De Nonville*, and were now returned. Three of those *Indians*, who doubtless were struck with the Grandeur and Glory of the *French* Monarch; were properly sent on the important Message of conciliating the Friendship of the *Five Nations*. These, agreeable to our Alliance, sent two Sachems to *Albany*, in *December*, with Notice, that a Council for that Purpose was to be held at *Onondaga*. It is a just Reflection upon the People of *Albany*, that they regarded the Treaty so slightly; as only to send four *Indians* and the Interpreter with Instructions, in their Name, to dissuade the Confederates from a Cessation of Arms; while the *French*, on the other Hand, had then a Jesuit among the *Oneydoes*. The Council began on the 22d of *January*

Inhabitants. That *New York* the Capital of the Province was open, had a Stone Fort with four Bastions, and about for hundred Inhabitants, divided into eight Companies.

* Now *Annapolis*.

1690, and consisted of eighty Sachems. *Sadekanaghtie*, an *Onondaga* Chief, opened the Conference. The whole was managed with great Art and Formality, and concluded in shewing a Disposition to make Peace with the *French*, without perfecting it; guarding, at the same Time, against giving the least Umbrage to the *English*.

Among other Measures to detach the *Five Nations* from the *British* Interest, and raise the depressed Spirit of the *Canadians*, the Count *De Frontenac* thought proper to send out several Parties against the *English* Colonies. *D'Aillebout*, *De Mantel*, and *Le Moyne*, commanded that against *New-York*, consisting of about two hundred *French* and some *Caghnuaga* *Indians*, who being Profelytes from the *Mohawks*, were perfectly acquainted with that Country. Their Orders were, in general, to attack *New-York*; but pursuing the Advice of the *Indians*, they resolved, instead of *Albany*, to surprize *Schenechtady*, a Village seventeen Miles North-west from it, and about the same Distance from the *Mohawks*. The People of *Schenechtady*, tho' they had been informed of the Designs of the Enemy, were in the greatest Security; judging it impracticable, for any Men to march several hundred Miles, in the Depth of Winter, thro' the Snow, bearing their Provisions on their Backs. Besides, the Village was in as much Confusion as the rest of the Province; the Officers, who were posted there, being unable to preserve a regular Watch, or any kind of Military Order. Such was the State of *Schenechtady*, as represented by Colonel *Schuyler*, who was at that Time Mayor of the City of *Albany*, and at the Head of the Convention. A Copy of his Letter to the Neighbouring Colonies, concerning this Descent upon *Schenechtady*, dated the 15th of *February* 1689-90, I have now lying before me, under his own Hand.

After two and twenty Days March, the Enemy fell in with *Schenechtady*, on the 8th of *February*; and were reduced to such Streights, that they had Thoughts of surrendering themselves Prisoners of War. But their Scouts, who were a Day or two in the Village entirely unsuspected, returned with such encouraging Accounts of the absolute security of the People, that the Enemy determined on the Attack. They entered, on *Saturday* Night about eleven o'Clock, at the Gates, which were found unshut; and, that every House might be invested at the same Time, divided into small Parties of six, or seven Men. The Inhabitants were in a profound Sleep, and unalarmed, till their Doors were broke open. Never were People in a more wretched Consternation. Before they were risen from their Beds, the Enemy entered their Houses; and began the Perpetration of the most inhuman Barbarities. No Tongue, says Colonel *Schuyler*, can express the Cruelties that were committed.

mited. The whole Village was instantly in a Blaze. Women with Child ripped open, and their Infants cast into the Flames, or dashed against the Posts of the Doors. Sixty Persons perished in the Massacre, and twenty seven were carried into Captivity. The rest fled naked towards *Albany*, thro' a deep Snow which fell that very Night in a terrible Storm; and twenty five of these Fugitives, lost their Limbs in the Flight, thro' the Severity of the Frost. The News of this dreadful Tragedy reached *Albany*, about Break of Day; and universal Dread seized the Inhabitants of that City, the Enemy being reported to be one thousand four hundred strong. A Party of Horse was immediately dispatched to *Schenectady*, and a few *Mohawks* then in Town, fearful of being intercepted, were with Difficulty sent to apprise their own Castles.

The *Mohawks* were unacquainted with this bloody Scene, till two Days after it happened; our Messengers being scarce able to travel thro' the great Depth of the Snow. The Enemy, in the mean Time, pillaged the Town of *Schenectady* till Noon the next Day; and then went off with their Plunder, and about forty of their best Horses. The rest, with all the Cattle they could find, lay slaughtered in the Streets.

The Design of the *French*, in this Attack, was to alarm the Fears of our *Indian* Allies, by shewing that we were incapable of defending them. Every Art also was used to conciliate their Friendship, for they not only spared those *Mohawks* who were found in *Schenectady*, but several other particular Persons, in Compliment to the *Indians*, who requested that Favour. Several Women and Children were also released at the Desire of Captain *Glen*, to whom the *French* offered no Violence; the Officer declaring he had strict Orders against it, on the Score of his Wife's Civilities to certain *French* Captives in the Time of Colonel *Dongan*.

The *Mohawks*, considering the cajoling Arts of the *French*, and that the *Cagbnuagas* who were with them, were once a Part of their own Body, behaved as well as could be reasonably expected. They joined a Party of young Men from *Albany*, fell upon the Rear of the Enemy, and either killed or captivated five and twenty. Several Sachems, in the mean Time, came to *Albany*, and very affectingly addressed the Inhabitants, who were just ready to abandon the Country; urging their Stay, and exciting an Union of all the *English* Colonies against *Canada*. Their Sentiments concerning the *French*, appear from the following Speech of Condolance. "Brethren, we do not think, that what the *French* have done can be called a Victory: it is only a farther Proof of their cruel Deceit: the Governor of *Canada*, sent to

“ *Onondaga*, and talks to us of Peace with our whole House, but War was
 “ in his Heart, as you now see by woful Experience. He did the same,
 “ formerly, at *Cadaracqui*, and in the *Seneca's* Country. This is the third
 “ Time he has acted so deceitfully: He has broken open our House, at
 “ both Ends; formerly in the *Sennecas* Country, and now here. We hope
 “ however to be revenged of them.”

Agreeable to this Declaration, the *Indians* soon after treated the *Chevalier D'Eau* and the rest of the *French* Messengers, who came to conclude the Peace proposed by *Taweraket*, with the utmost Indignity; and afterwards delivered them up to the *English*. Besides this, their Scouts harassed the Borders of the Enemy, and fell upon a Party of *French* and *Indians*, in the River, about one hundred and twenty Miles above *Montreal*, under the Command of *Louvigni*, a Captain who was going to *Missilimakinac*, to prevent the Conclusion of the Peace, between the *Utowawas* and *Quatoghies*, with the *Five Nations*. The Loss in this Skirmish was nearly equal on both Sides. One of our Prisoners was delivered to the *Utowawas*, who eat him. In Revenge for this Barbarity, the *Indians* attacked the Island of *Montreal* at *Trembling Point*, and killed an Officer and twelve Men; while another Party carried off about fifteen Prisoners taken at *Riviere Puante*, whom they afterwards slew through Fear of their Pursuers, and others burnt the *French* Plantations at *St. Aurs*. But what rendered this Year most remarkable, was the Expedition of *Sir William Phips* against *Quebeck*. He sailed up the River with a Fleet of thirty two Sail and came before the City in *October*. Had he improved his Time and Strength, the Conquest would have been easy; but by spending three Days in idle Consultations, the *French* Governour brought in his Forces, and entertained such a mean Opinion of the *English* Knight, that he not only despised his Summons to surrender, but sent a verbal Answer, in which he called King *William* an Usurper, and poured the utmost Contempt upon his Subjects. The Messenger who carried the Summons insisted upon a written Answer, and that within an Hour; but the Count *De Frontenac* absolutely refused it, adding “ I'll answer your Master by
 “ the Mouth of my Cannon, that he may learn that a Man of my Condi-
 “ tion is not to be summoned in this Manner.” Upon this, *Sir William* made two Attempts to land below the Town, but was repulsed by the Enemy, with considerable Loss of Men, Cannon, and Baggage. Several of the Ships also cannonaded the City, but without any Success. The Forts at the same returned the Fire, and obliged them to retire in Disorder. The *French* Writers, in their Accounts of this Expedition, universally censure the

the Conduct of Sir *William*, though they confess the Valour of his Troops. *La Hontan*, who was then at *Quebeck*, says, he could not have acted in a Manner more agreeable to the *French*, if he had been in their Interest *.

* Dr. *Colden* supposes this Attack was made upon *Quebeck* in 1691, but he is certainly mistaken: see Life of Sir *William Phips* published at London in 1697. *Oldmixon's Brit. Empire*, and *Charlevoix*.

Among the Causes of the ill Success of the Fleet, the Authour of the Life of Sir *William Phips*, mentions the Neglect of the conjoined Troops of *New-York*, *Connecticut*, and the *Indians*, to attack *Montreal*, according to the origi-

nal Plan of Operations. He tells us that they marched to the Lake, but there found themselves unprovided with Battoes, and that the *Indians* were dissuaded from the Attempt. By what Authority these Assertions may be supported, I know not. *Charlevoix* says our Army was disappointed in the intended Diversion, by the Small-Pox, which seized the Camp, killed three Hundred Men, and terrified our *Indian Allies*.

THE HISTORY OF THE UNITED STATES OF AMERICA
FROM THE DISCOVERY OF THE CONTINENT TO THE PRESENT TIME
BY CHARLES C. SMITH
PUBLISHED BY THE AUTHOR
NEW YORK: G. P. PUTNAM'S SONS
1891

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P A R T III.

From the Revolution to the second Expedition against Canada.

WHILE our Allies were faithfully exerting themselves against the common Enemy, Colonel *Henry Sloughter*, who had a Commission to be Governour of this Province, dated the 4th of *January* 1689, arrived here, and published it on the 19th of *March* 1691. Never was a Governour more necessary to the Province, than at this critical Conjunction; as well for reconciling a divided People, as for defending them against the Wiles of a cunning Adversary. But either through the Hurry of the King's Affairs, or the powerful Interest of a Favourite, a Man was sent over, utterly destitute of every Qualification for Government, licentious in his Morals, avaricious, and poor. The Council present at his Arrival were

Joseph Dudley,
Frederick Philipse,
Stephen Van Courtland,

Gabriel Mienwielle,
Chudley Brook,
Thomas Willet,
William Pinborne.

If *Leisler* had delivered the Garrison to Colonel *Sloughter*, as he ought to have done, upon his first Landing, besides extinguishing, in a great Degree, the Animosities then subsisting, he would, doubtless, have attracted the

the favourable Notice, both of the Governour and the Crown. But being a weak Man, he was so intoxicated with the Love of Power, that though he had been well informed of *Sloughter's* Appointment to the Government, he not only shut himself up in the Fort with *Bayard* and *Nichols*, whom he had, before that Time, imprisoned, but refused to deliver them up, or to surrender the Garrison. From this Moment, he lost all Credit with the Governour, who joined the other Party against him. On the second Demand of the Fort, *Milborne* and *Delaney* came out, under Pretence of conferring with his Excellency, but in reality to discover his Designs. *Sloughter*, who considered them as Rebels, threw them both into Goal. *Leisler*, upon this Event, thought proper to abandon the Fort, which Colonel *Sloughter* immediately entered. *Bayard* and *Nichols* were now released from their Confinement, and sworn of the Privy Council. *Leisler* having thus ruined his Cause, was apprehended with many of his Adherents, and a Commission of Oyre and Terminer issued to Sir *Thomas Robinson*, Colonel *Smith*, and others, for their Trials.

In vain did they plead the Merit of their Zeal for King *William*, since they had so lately opposed his Governour. *Leisler*, in particular, endeavoured to justify his Conduct, insisting that Lord *Nottingham's* Letter entitled him to act in the Quality of Lieutenant Governour. Whether it was through Ignorance or Sycophancy, I know not: but the Judges instead of pronouncing their own Sentiments upon this Part of the Prisoners Defence, referred it to the Governour and Council, praying their Opinion, whether that Letter "or any other Letters, or Papers, in the Packet from *White-Hall*, " can be understood, or interpreted, to be and contain, any Power, or Direction to Captain *Leisler*, to take the Government of this Province upon " himself, or that the Administration thereupon be holden good in Law." The Answer was, as might have been expected, in the Negative; and *Leisler* and his Son were condemned to Death for High-Treason. These violent Measures drove many of the Inhabitants, who were fearful of being apprehended, into the neighbouring Colonies, which shortly after occasioned the passing an Act of general Indemnity.

From the Surrender of the Province to the Year 1683, the Inhabitants were ruled by the Duke's Governours and their Councils, who, from Time to Time, made Rules and Orders, which were esteemed to be binding as Laws. These, about the Year 1674, were regularly collected under alphabetical Titles; and a fair Copy of them remains, amongst our Records, to this Day. They are commonly known by the Name of *The Duke's Laws*.

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PART III. THE HISTORY OF NEW-YORK. 173
The Title Page of the Book, written in the old Court Hand is in these bald
Words,

JUS
NOVÆ EBORACENSIS;
VEL,
LEGES ILLUSTRISSIMO PRINCIPE JACOBI DUCE
EBORACI ET ALBANÆ, ETC.
INSTITUTÆ ET ORDINATÆ,
AD OBSERVANDUM IN TERRITORIIS AMERICÆ;
TRANSCRIPTÆ
ANNO DOMINI
MDCLXXIV.

Those Acts, which were made in 1683, and after the Duke's Accession to the Throne, when the People were admitted to a Participation of the legislative Power, are for the most part rotten, defaced, or lost. Few Minutes relating to them remain on the Council Books, and none in the Journals of the House.

As this Assembly, in 1691, was the first after the Revolution, it may not be improper to take some particular Notice of its Transactions *.

It began the 9th of *April*, according to the Writs of Summons issued on the 20th of *March* preceding. The Journal of the House opens with a List of the Members returned by the Sheriffs.

City and County of *New-York*.

James Grabam,
William Merrett,
Jacobus Van Courtlandt,
Johannes Kipp.

County of *Richmond*.

Elias Dukebury,
John Dally.

County of *West-Chester*.

John Pell.

City and County of *Albany*.

Derrick Wessels,
Levinus Van Scayck.

County of *Suffolk*.

Henry Pierfon,
Matthew Howell.

* All Laws made here, antecedent to this Period, are disregarded both by the Legislature and the Courts of Law. In the Collection of our Acts published in 1752, the Compilers were

directed to begin at this Assembly. The Validity of the old Grants of the Powers of Government, in several *American Colonies*, is very much doubted in this Province.

L

Ulster

Ulster and Dutchess County.

Henry Beckman,
Thomas Garton.

Queen's County.

John Bound,
Nathaniel Percall.

King's County.

Nicholas Stillwell.
John Poland.

The Members for *Queen's County*, being Quakers, were afterwards dismissed, for refusing the Oaths directed by the Governour's Commission, but all the rest were qualified before two Commissioners appointed for that Purpose.

James Graham was elected their Speaker, and approved by the Governour.

The Majority of the Members of this Assembly were against the Measures, which *Leisler* pursued in the latter Part of his Time, and hence we find the House, after considering a Petition signed by sundry Persons against *Leisler*, unanimously resolved, that his dissolving the late Convention, and imprisoning several Persons, was tumultuous, illegal, and against their Majesties Right, and that the late Depredations on *Schenectady*, were to be attributed to his Usurpation of all Power.

They resolved, against the late forcible Seizures made of Effects of the People, and against the levying of Money on their Majesties Subjects. And as to *Leisler's* holding the Fort against the Governour, it was voted to be an Act of Rebellion.

The House having, by these agreeable Resolves, prepared the Way of their Access to the Governour, addressed him in these Words.

“ May it please your Excellency,

“ We their Majesties most dutiful and loyal Subjects, convened, by
“ their Majesties most gracious Favour, in General Assembly, in this Pro-
“ vince, do, in all most humble Manner, heartily congratulate, your Ex-
“ cellency, that as, in our Hearts, we do abhor and detest all the rebel-
“ lious, arbitrary and illegal Proceedings of the late Usurpers of their
“ Majesties Authority, over this Province, so we do, from the Bottom of our
“ Hearts, with all Integrity, acknowledge and declare, that there are none,
“ that can or ought to have, Right to rule and govern their Majesties Sub-
“ jects here, but by their Majesties Authority, which is now placed in your
“ Excellency; and therefore we do solemnly declare, that we will, with our
“ Lives and Fortunes, support and maintain, the Administration of your
“ Excellency's Government, under their Majesties, against all their Majesties
“ Enemies whatsoever: and this we humbly pray your Excellency to ac-
“ cept, as the sincere Acknowledgement of all their Majesties good Sub-
“ jects, within this their Province; praying for their Majesties long and
happy

“ happy Reign over us, and that your Excellency may long live and rule.
 “ as according to their Majesties most excellent Constitution of Governing
 “ their Subjects by a general Assembly.”

Before this House proceeded to pass any Acts, they unanimously resolved.
 “ That all the Laws consented to by the general Assembly, under *James*
 “ Duke of *York*, and the Liberties and Privileges therein contained, granted
 “ to the People, and declared to be their Rights, not being observed, nor
 “ ratified and approved by his Royal Highness, nor the late King, are
 “ null and void, and of none Effect; and also, the several Ordinances,
 “ made by the late Governors and Councils, being contrary to the Con-
 “ stitution of *England*, and the Practice of the Government of their Ma-
 “ jesties other Plantations in *America*, are likewise null and void, and of
 “ no Effect, nor Force, within this Province.”

Among the principal Laws enacted at this Session, we may mention that for establishing the Revenue, which was drawn into Precedent. The Sums raised by it, were made payable into the Hands of the Receiver-General, and issued by the Governour's Warrant. By this Means the Governour became, for a Season, independent of the People, and hence we find frequent Instances of the Assemblies contending with him for the Discharge of Debts to private Persons, contracted on the Faith of the Government.

Antecedent to the Revolution, innumerable were the Controversies relating to publick Townships and private Rights; and hence, an Act was now passed, for the Confirmation of antient Patents and Grants, intended to put an End to those Debates. A Law was also passed for the Establishment of Courts of Justice, tho' a perpetual Act had been made to that Purpose in 1683, and the old Court of Assize entirely dissolved in 1684. As this enacted in 1691, was a temporary Law, it may hereafter be disputed, as it has been already, whether the present Establishment of our Courts, for general Jurisdiction, by an Ordinance, can consist even with the preceding Act, or the general Rules of Law. Upon the Erection of the supreme Court, a Chief Justice, and four Assistant Judges, with an Attorney General, were appointed. The Chief Justice, *Joseph Dudley*, had a Salary of 130*l. per Annum*: *Johnson* the second Judge 100*l.* and both were payable out of the Revenue; but *William Smith*, *Stephen Van Courtlandt*, and *William Pinborne*, the other Judges, and *Newton* the Attorney-General, had nothing allowed for their Services.

It has, more than once, been a Subject of animated Debate, whether the People, in this Colony, have a Right to be represented in Assembly, or whether it be a Privilege enjoyed, thro' the Grace of the Crown. A me-

morable Act passed this Session, virtually declared in favour of the former Opinion, upon that, and several other of the principal and distinguishing Liberties of *Engliffmen*. It must, nevertheless, be confessed, that King *William* was afterwards pleased to repeal that Law, in the Year 1697*.

Colonel *Sloughter* proposed, immediately after the Session, to set out to *Albany*, but as *Leisler's* Party were enraged at his Imprisonment, and the late Sentence against him, his Enemies were afraid new Troubles would spring up in the Absence of the Governour; for this Reason, both the Assembly and Council advised that the Prisoners should be immediately executed. *Sloughter*, who had no Inclination to favour them in this Request, chose rather to delay such a violent Step, being fearful of cutting off two Men, who had vigorously appeared for the King, and so signally, contributed to the Revolution. Nothing could be more disagreeable to their Enemies, whose Interest was deeply concerned in their Destruction. And therefore, when no other Measures could prevail with the Governour, Tradition informs us, that a sumptuous Feast was prepared, to which Colonel *Sloughter* was invited. When his Excellency's Reason was drowned in his Cups, the Entreaties of the Company prevailed with him to sign the Death Warrant, and before he recovered his Senses, the Prisoners were executed. *Leisler's* Son afterwards carried home a Complaint to King *William*, against the Governour. His Petition was referred, according to the common Course of Plantation Affairs, to the Lords Commissioners of Trade, who, after hearing the whole Matter, reported on the 11th of *March* 1692, "That they were humbly of Opinion, that *Jacob Leisler* and *Jacob Milborne* deceased, were condemned and had suffered according to Law." Their Lordships, however, interceded for their Families, as fit Objects of Mercy, and this induced Queen *Mary*, who approved the Report, on the 17th of *March*, to declare, "That upon the humble Application of the Relations of the said *Jacob Leisler* and *Jacob Milborne* deceased, her Majesty will order the Estates of *Jacob Leisler* and *John Milborne*, to be restored to their Families, as Objects of her Majesty's Mercy." The Bodies of these unhappy Sufferers were afterwards taken up and interred, with great Pomp, in the old *Dutch Church*, in the City of *New-York*. Their Estates were restored to their Families, and *Leisler's* Children, in the publick Estimation, are rather dignified, than disgraced, by the Fall of their Ancestor.

* It was entitled, "An Act declaring what are the Rights and Privileges of their Majesty's Subjects inhabiting within their Province of *New-York*."

These

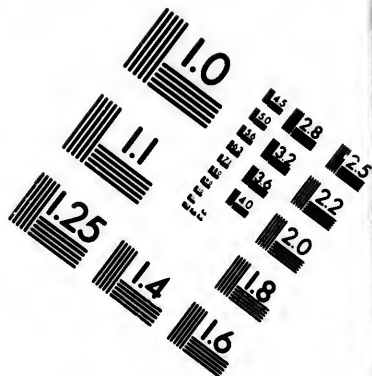
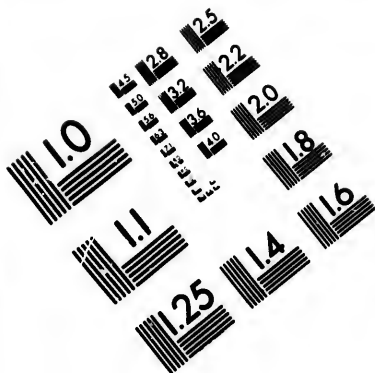
These Distractions, in the Province, so entirely engrossed the publick Attention, that our *Indian Allies*, who had been left solely to contend with the common Enemy, grew extremely disaffected. The *Mohawks*, in particular, highly resented this Conduct, and, at the Instance of the *Cagbnuagaes*, sent a Messenger to *Canada*, to confer with Count *Frontenac* about a Peace. To prevent this, Colonel *Sloughter* had an Intevue at *Albany*, in *June*, with the other four Nations, who expressed their Joy at seeing a Governour again in that Place. They told him, that their Ancestors, as they had been informed, were greatly surpris'd at the Arrival of the first Ship in that Country, and were curious to know what was in its huge Belly. That they found Christians in it, and one *Jacques*, with whom they made a Chain of Friendship, which they had preserved to this Day. All the *Indians*, except the *Mohawks*, assured the Governour at this Meeting, of their Resolution to prosecute the War. The *Mohawks* confessed their Negotiations with the *French*, that they had received a Belt from *Canada*, and prayed the Advice of the Governour, and afterwards renewed their League with all our Colonies.

Sloughter soon after returned to *New-York*, and ended a short, weak, and turbulent Administration, for he died suddenly on the 23d of *July* 1691. Some were not without Suspensions, that he came unfairly to his End, but the Certificate of the Physician and Surgeons who opened his Body, by an Order of Council, confuted these Conjectures, and his Remains were interred in *Stuyvesant's Vault*, next to those of the old *Dutch Governour*.

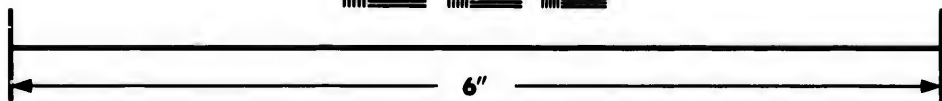
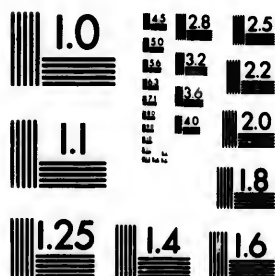
At the Time of *Sloughter's* Decease, the Government devolved, according to the late Act for declaring the Rights of the People of this Province, on the Council, in which *Joseph Dudley* had a Right to preside; but they committed the chief Command to *Richard Ingolby*, a Captain of an independent Company, who was sworn into the Office of President on the 26th of *July* 1698. *Dudley*, soon afterwards, returned to this Province, from *Boston*, but did not think proper to dispute *Ingolby's* Authority, though the latter had no Title, nor the greatest Abilities for Government, and was besides obnoxious to the Party who had joined *Leisler*, having been an Agent in the Measures which accomplished his Ruin. To the late Troubles, which were then recent, and the Agreement subsisting between the Council and Assembly we must ascribe it, that the former tacitly acknowledged *Ingolby's* Right to the President's Chair; for they concurred with him, in passing several Laws, in Autumn and the Spring following, the Validity of which have never yet been disputed.

This





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This Summer Major *Schuyler**, with a Party of *Mohawks*, passed through the *Lake Champlain*, and made a bold Irruption upon the *French* Settlements, at the north End of it. † *De Callieres*, the Governour of *Montreal*, to oppose him, collected a small Army, of eight hundred Men, and encamped at *La Prairie*. *Schuyler* had several Conflicts with the Enemy, and slew about three hundred of them, which exceeded in Number his whole Party. The *French*, ashamed of their ill Success, attribute it to the Want of Order, too many desiring to have the Command. But the true Cause was the Ignorance of their Officers in the *Indian* Manner of fighting. They kept their Men in a Body, while ours posted themselves behind Trees, hidden from the Enemy. Major *Schuyler's* Design, in this Descent, was to animate the *Indians*, and preserve their Enmity with the *French*. They, accordingly, continued their Hostilities against them, and, by frequent Incurfions, kept the Country in constant Alarm.

In the Midst of these Distresses, the *French* Governour preserved his Sprightlinefs and Vigour, animating every Body about him. After he had served himself of the *Utawawas*, who came to trade at *Montreal*, he sent them home under the Care of a Captain and one hundred and ten Men, and to secure their Attachment to the *French* Interest, gave them two *Indian* Prisoners, and, besides, sent very considerable Presents to the *Western Indians*, in their Alliance. The Captives were afterwards burnt. The *Five Nations*, in the mean Time, grew more and more incensed, and continually harassed the *French* Borders. Mr. *Beaucour*, a young Gentleman, in the following Winter, marched a Body of about three hundred Men to attack them at the Isthmus, at *Niagara*. Incredible were the Fatigues they underwent in this long March over the Snow, bearing their Provisions on their Backs. Eighty Men, of the *Five Nations*, opposed the *French* Party and bravely maintained their Ground, till most of them were cut off. In Return for which, the Confederates, in small Parties, obstructed the Passage of the *French* through *Lake Ontario*, and the River issuing out of it, and cut off their Communication with the *Western Indians*. An *Indian* called *Black Kettle*, commanded in these Incurfions of the *Five Nations*, and his Successes, which continued the

* The *French*, from his great Influence at *Albany*, and Activity among the *Indians*, concluded that he was Governour of that City; and hence, their Historians honour him with that Title, though he was then only Mayor of the Corporation. "*Pierre Schuyler* (says *Charlevoix*) "*etoit un fort bonnête Homme.*"

† *Dr. Colden* relates it as a Transaction of the Year 1691, which is true: but he supposes it was before Sir *William Phips's* Attack upon *Quebeck*, and thus falls into an Anachronism, of a whole Year, as I have already observed.

whole Summer, so exasperated the Count; that he ordered an *Indian* Prisoner to be burnt alive. The Bravery of this Savage was as extraordinary, as the Torments inflicted on him were cruel. He sung his military Achievements without Interruption, even while his bloody Executioners practised all possible Barbarities. They broiled his Feet, thrust his Fingers into red hot Pipes, cut his Joints, and twisted the Sinews with Bars of Iron. After this his Scalp was ripped off, and hot Sand poured on the Wound.

In *June* 1692, Captain *Ingosby* met the *Five Nations* at *Albany*, and encouraged them to persevere in the War. The *Indians* declared their Enmity to the *French*, in the strongest Terms, and as heartily professed their Friendship to us. “ Brother *Corlear*, said the Sacher, We are all Subjects of one great King and Queen, we have one Head, one Heart, one Interest, and are all engaged in the same War.” The *Indians*, at the same Time, did not forget, at this Interview, to condemn the Inactivity of the *English*, telling them, that the Destruction of *Canada* would not make one Summer’s Work, against their united Strength, if vigorously exerted.

Colonel *Benjamin Fletcher* arrived, with a Commission to be Governour, on the 29th of *August*, 1692, which was published the next Day, before the following Members, in Council :

Frederick Philipse, *Nicholas Bayard*, *Chudley Brooke*, *Thomas Willet*,
Stephen Van Courtlandt, *Gabriel Mienville*, *William Nicoll*, *Thomas Johnston*.

William Pinborne, one of that Board, being a Non-Resident was refused the Oaths; and *Joseph Dudley*, for the same Reason, removed, both from his Seat in Council, and his Office of Chief Justice, *Caleb Heathcote* and *John Young* succeeded them in Council; and *William Smith* was seated, in *Dudley’s* Place, on the Bench,

Colonel *Fletcher* brought over with him a Present to the Colony of Arms, Ammunition, and warlike Stores; in Gratitude for which, he exhorted the Council and Assembly, who were sitting at his Arrival, to send home an Address of Thanks to the King. It consists, principally, of a Representation of the great Expence the Province was continually at to defend the Frontiers, and praying his Majesty’s Direction, that the neighbouring Colonies might be compelled to join their Aid, for the Support of *Albany*. The following Passage in it shews the Sense of the Legislature, upon a Matter which has since been very much debated. “ When these Countries were
“ possessed.

“ possessed by the *Dutch West-India Company*, they always had Pretences
 “ (and had the most Part of it within their actual Jurisdiction) to all that
 “ Tract of Land (with the Islands adjacent) extending from the West Side
 “ of *Connecticut River*, to the Lands lying on the West Side of *Delaware*
 “ Bay, as a suitable Portion of Land for one Colony or Government; all
 “ which, including the Lands on the West of *Delaware Bay* or River, were
 “ in the Duke of *York's* Grant, from his Majesty King *Charles the Second*,
 “ whose Governours also possessed those Lands on the West Side of *Delaware*
 “ Bay or River. By several Grants, as well from the Crown, as from
 “ the Duke, the said Province has been so diminished, that it is now de-
 “ creased to a very few Towns and Villages; the Number of Men fit to bear
 “ Arms, in the whole Government, not amounting to 3000. who are all
 “ reduced to great Poverty.”

Fletcher was by Profession a Soldier, a Man of strong Passions, and inconsiderable Talents, very active, and equally avaricious. Nothing could be more fortunate to him, than his early Acquaintance with Major *Schuyler*, at *Albany*, at the Treaty, for Confirmation of the *Indian Alliance*, the Fall after his Arrival. No Man, then in this Province, understood the State of our Affairs with the *Five Nations* better than Major *Schuyler*. He had so great an Influence over them, that whatever *Quider**, as they called him, recommended or disapproved, had the Force of a Law. This Power over them was supported, as it had been obtained, by repeated Offices of Kindness; and his singular Bravery and Activity in the Defence of his Country. These Qualifications rendered him singularly serviceable and necessary, both to the Province and the Governour. For this Reason, *Fletcher* took him into his Confidence, and, on the 25th of *October*, raised him to the Council Board. Under the Tutelage of Major *Schuyler*, the Governour became daily more and more acquainted with our *Indian Affairs*; his constant Application to which, procured and preserved him a Reputation and Influence in the Colony. Without this Knowledge, and which was all that he had to distinguish himself, his incessant Sollicitations for Money, his passionate Temper and bigoted Principles, must necessarily have rendered him obnoxious to the People, and kindled a hot Fire of Contention in the Province.

The old *French Governour*, who found that all his Measures for accomplishing a Peace with the *Five Nations*, proved abortive, was now meditating a Blow on the *Mohawks*. He accordingly collected an Army of six or

* Instead of *Peter* which they could not pronounce.

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seven hundred *French* and *Indians*, and supplied them with every thing necessary for a winter Campaign. They set out from *Montreal*, on the 15th of *January*, 1693; and after a March, attended with incredible Hardships, they passed by *Schenectady* on the 6th of *February*, and, that Night, captivated five Men, and some Women and Children, at the first Castle of the *Mohawks*. The second Castle was taken with equal Ease, the *Indian* Inhabitants being in perfect Security, and, for the most part, at *Schenectady*. At the third, the Enemy found about forty *Indians* in a War Dance, designing to go out, upon some Enterprize, the next Day. Upon their entering the Castle a Conflict ensued, in which the *French* lost about thirty Men. Three hundred of our *Indians* were made Captives, in this Descent; and, but for the Intercession of the Savages in the *French* Interest, would all have been put to the Sword *.

The *Indians* were enraged, and with good Reason, at the People of *Schenectady*, who gave them no Assistance against the Enemy, though they had Notice of their marching by that Village. But this was atoned for by the Succours from *Albany*. Colonel *Schuyler*, voluntarily, headed a Party of two hundred Men, and went out against the Enemy. On the 15th of *February*, he was joined by near three hundred *Indians*, ill armed, and many of them Boys. A pretended Defերter, who came to dissuade the *Indians* from the Pursuit, informed him, the next Day, that the *French* had built a Fort, and waited to fight him; upon which he sent to *Ingham* the Commandant at *Albany*, as well for a Reinforcement, as for a Supply of Provisions; for the greatest Part of his Men came out, with only a few Biscuits in their Pockets, and at the Time they fell in with the Enemy, on the 17th of the Month, had been several Days without any kind of Food. Upon approaching the *French* Army, sundry Skirmishes ensued; the Enemy endeavouring to prevent our *Indians* from felling Trees for their Protection. Captain *Syms*, with eighty Regulars of the independent Companies, and a Supply of Provisions, arrived on the 19th, but the Enemy had marched off the Day before, in a great snow Storm. Our Party however pursued them, and would have attacked their Rear, if the *Mohawks* had not been averse to it. When the *French* reached the North Branch of *Hudson's* River, luckily a Cake of Ice, served them to cross over it, the River being open both above and below. The Frost was now extremely severe, and the *Mohawks* fearful of an En-

* Dr. *Golden* and the Jesuit *Charlevoix* are not perfectly agreed in the History of this Irruption. I have followed, sometimes the former, and at other times the latter; according as the Facts, more immediately, related to the Conduct of their respective Countrymen.

gement; upon which *Schuyler* who had retaken about fifty *Indian* Captives, desisted from the Pursuit on the 20th of *February*; four of his Men and as many *Indians* being killed, and twelve wounded. Our *Indians*, at this Time, were so distressed for Provisions, that they fed upon the dead Bodies of the *French*; and the Enemy in their turn, were reduced before they got Home. to eat up their Shoes. The *French* in this Enterprize lost eighty Men, and had above thirty wounded.

Fletcher's extraordinary Dispatch up to *Albany*, upon the first News of this Descent, gained the Esteem both of the Publick and our *Indian* Allies.

The Express reached *New-York* on the 12th of *February*, at ten o'Clock in the Night, and in less than two Days, the Governour embarked with three hundred Volunteers. The River, which was heretofore very uncommon at that Season, was open *. *Fletcher* landed at *Albany*, and arrived at *Schenectady*, the 17th of the Month, which is about one hundred and sixty Miles from *New-York*; but he was still too late to be of any other Use than to strengthen the ancient Alliance. The *Indians*, in Commendation of his Activity on the Occasion, gave him the Name of *Cayenguirago*, or, *The great Swift Arrow*.

Fletcher returned to *New-York*, and, in *March*, met the Assembly, who were so well pleased with his late Vigilance, that, besides giving him the Thanks of the House, they raised 6000*l.* for a Year's Pay of three hundred Volunteers, and their Officers, for the Defence of the Frontiers.

As the greatest Part of this Province consisted of *Dutch* Inhabitants, all our Governours, as well in the Duke's Time, as after the Revolution, thought it good Policy to encourage *English* Preachers and Schoolmasters in the Colony. No Man could be more bent upon such a Project than *Fletcher*, a Bigot to the Episcopal Form of Church Government. He, accordingly, recommended this Matter to the Assembly, on his first Arrival, as well as at their present Meeting. The House, from their Attachment to the *Dutch* Language, and the Model of the Church of *Holland*, secured by one of the Articles of Surrender, were entirely disinclined to the Scheme, which occasioned a warm Rebuke from the Governour, in his Speech at the Close of the Session, in these Words, " Gentlemen, the first thing that I did recommend to you, at our last Meeting, was to provide for a Ministry, and " nothing is done in it. There are none of you, but what are big with

* The Climate of late Years is much altered, under the Command of General *Sbirley*, now and this Day (*February* 14, 1756.) three hundred Recruits sailed from *New-York* for the Army quartered at *Albany*, and last Year, a Sloop went up the River a Month earlier.

“ the Privileges of *Englishmen* and *Magna Charta*, which is your Right ;
 “ and the same Law doth provide for the Religion of the Church of *England*,
 “ against Sabbath breaking and all other Profanity. But as you have made
 “ it last, and postponed it this Session, I hope you will begin with it the
 “ next meeting, and do somewhat toward it effectually.”

The News of the Arrival of the Recruits and Ammunition at *Canada*, the late Loss of the *Mohawks*, and the unfulfilled Promises of Assistance, made from Time to Time, by the *English*, together with the incessant Solicitations of *Milet*, the Jesuit, all conspired to induce the *Oneydoes* to sue for a Peace with the *French*. To prevent so important an Event, *Fletcher* met the *Five Nations* at *Albany*, in *July* 1693, with a considerable Present of Knives, Hatchets, Clothing, and Ammunition, which had been sent over, by the Crown, for that Purpose. The *Indians* consented to a Renewal of the ancient League, and expressed their Gratitude, for the King's Donation, with singular Force. “ Brother *Cayenguirago*, we roll and wallow in Joy, “ by reason of the great Favour the great King and Queen have done us, “ in sending us Arms and Ammunition at a Time when we are in the “ greatest need of them ; and because there is such Unity among the Bre- “ thren.” Colonel *Fletcher* pressed their delivering up to him *Milet*, the old Priest, which they promised, but never performed. On the contrary, he had Influence enough to persuade all, but the *Mohawks*, to treat about the Peace at *Onondaga*, tho' the Governour exerted himself to prevent it.

Soon after this Interview, *Fletcher* returned to *New-York* ; and, in *September*, met a new Assembly, of which *James Graham* was chosen Speaker. The Governour laboured, at this Session, to procure the Establishment of a Ministry throughout the Colony, a Revenue to his Majesty for Life, the repairing the Fort in *New-York*, and the Erection of a Chapel. That Part of his Speech, relating to the Ministry, was in these Words : “ I recommend- “ ed to the former Assembly, the settling of an able Ministry, that the Wor- “ ship of God may be observed among us, for I find that great and first “ Duty very much neglected. Let us not forget that there is a God that made “ us, who will protect us if we serve him. This has been always the first “ Thing I have recommended, yet the last in your Consideration. I hope “ you are all satisfied of the great Necessity and Duty, that lies upon you “ to do this, as you expect his Blessing upon your Labours.” The Zeal with which this Affair was recommended, induced the House, on the 12th of *September*, to appoint a Committee of eight Members, to agree upon a Scheme for settling a Ministry, in each respective Precinct, throughout the

Province. This Committee made a Report the next Day, but it was re-committed till the Afternoon, and then deferred to the next Morning. Several Debates arising about the Report, in the House, it was again "re-committed for farther Consideration." On the 15th of *September* it was approved, the Establishment being then limited to several Parishes in four Counties, and a Bill ordered to be brought in accordingly; which the Speaker (who on the 18th of *September*, was appointed to draw all their Bills) produced on the 19th. It was read twice on the same Day, and then referred to a Committee of the whole House. The third Reading was on the 21st of *September*, when the Bill passed, and was sent up to the Governour and Council, who immediately returned it with an Amendment, to vest his Excellency with an Episcopal Power of Inducting every Incumbent, adding to that Part of the Bill near the End, which gave the Right of Presentation to the People, these Words "and presented to the Governour to be approved and collated." The House declined their Consent to the Addition, and immediately returned the Bill, praying, "that it may pass without the Amendment, having, in the drawing of the Bill, had a due Regard to that pious Intent of settling a Ministry, for the Benefit of the People." *Fletcher* was so exasperated with their Refusal, that he no sooner received the Answer of the House, than he convened them before him, and in an angry Speech broke up the Session. I shall lay that part of it, relating to this Bill, before the Reader, because it is characteristick of the Man.

"GENTLEMEN,

"There is also a Bill for settling a Ministry in this City, and some other Countries of the Government. In that very Thing you have shewn a great deal of Stiffness. You take upon you, as if you were Dictators. I sent down to you an Amendment of three or four Words in that Bill, which, tho' very immaterial, yet was positively denied. I must tell you, it seems very unmannerly. There never was an Amendment yet desired by the Council Board, but what was rejected. It is the Sign of a stubborn ill Temper, and this have also passed.

"But, Gentlemen, I must take leave to tell you, if you seem to understand by these Words, that none can serve without your Collation or Establishment, you are far mistaken. For I have the Power of collating or suspending any Minister, in my Government, by their Majesties Letters Patent; and whilst I stay in the Government, I will take Care, that neither Herefy, Sedition, Schism, or Rebellion, be preached among you, nor Vice and Profanity encouraged. It is my Endeavour, to lead

"a

“ a virtuous and pious Life amongst you, and to give a good Example :
 “ I wish you all to do the same. You ought to consider, that you have but
 “ a third Share in the legislative Power of the Government ; and ought not
 “ to take all upon you, nor be so peremptory. You ought to let the Coun-
 “ cil have a Share. They are in the Nature of the House of Lords, or
 “ upper House ; but you seem to take the whole Power in your Hands, and
 “ set up for every Thing. You have set a long Time, to little Purpose,
 “ and have been a great Charge to the Country. Ten Shillings a Day is
 “ a large Allowance, and you punctually exact it. You have been always
 “ forward enough to pull down the Fees of other Ministers in the Govern-
 “ ment. Why did you not think it expedient to correct your own, to a
 “ more moderate Allowance ?”

“ Gentlemen, I shall say no more, at present, but that you do withdraw
 “ to your private Affairs in the Country. I do prorogue you to the tenth
 “ of *January* next, and you are hereby prorogued to the tenth Day of *January*
 “ next ensuing.”

The Violence of this Man's Temper, is very evident in all his Speeches
 and Messages to the Assembly ; and it can only be attributed to the Ignorance
 of the Times, that the Members of that House, instead of asserting their
 Equality, peaceably put up with his Rudeness. Certainly they deserved bet-
 ter Usage at his Hands. For the Revenue, established the last Year, was,
 at this Session, continued five Years longer than was originally intended.
 This was rendering the Governour for a Time independent of the People.
 For, at that Day, the Assembly had no Treasure, but the Amount of all
 Taxes went of course into the Hands of the Receiver-General, who was
 appointed by the Crown. Out of this Fund, Monies were only issuable
 by the Governour's Warrant ; so that every Officer in the Government, from
 Mr. *Blaitbwait*, who drew annually five *per Cent.* out of the Revenue, as
 Auditor-General, down to the meanest Servant of the Publick, became
 dependent, solely, of the Governour. And hence we find the House,
 at the Close of every Session, humbly addressing his Excellency, for the
 trifling Wages of their own Clerk. *Fletcher* was, notwithstanding, so much
 displeas'd with them, that, soon after the Prorogation, he dissolved the
 Assembly.

The Members of the new Assembly met according to the Writ of Sum-
 mons, in *March* 1694, and chose Colonel *Peirson*, for their Speaker, Mr.
Graham being left out at the Election for the City. The Shortness of this
 Session, which continued only to the latter End of the Month, was owing
 to

to the disagreeable Business the House began upon, of examining the State of the publick Accounts, and in particular the Muster Rolls of the Volunteers, in the Pay of the Province. They, however, resumed it again in *September*, and formally entered their Dissatisfaction, with the Receiver-General's Accounts. The Governour, at the same time, blew up the Coals of Contention, by a Demand of additional Pay, for the King's Soldiers, then just arrived, and new Supplies for Detachments in Defence of the Frontiers. He at last prorogued them, after obtaining an Act for supporting one hundred Men upon the Borders. The same Disputes revived again in the Spring 1695; and proceeded to such Lengths, that the Assembly asked the Governour's Leave to print their Minutes, that they might appeal to the Publick. It was at this Session, on the 12th of *April* 1695, that upon a Petition of five Church Wardens and Vestrymen of the City of *New-York*, the House declared it to be their Opinion, "That the Vestrymen and Church Wardens have Power "to call a dissenting Protestant Minister, and that he is to be paid and "maintained as the Act directs." The Intent of this Petition was to refute an Opinion, which prevailed, that the late Ministry Act was made for the sole Benefit of Episcopal Clergymen.

The quiet, undisturbed, State of the Frontiers; while the *French* were endeavouring to make a Peace with the *Five Nations*, and the Complaints of many of the Volunteers, who had not received their Pay, very much conduced to the Backwardness of the Assembly, in answering *Fletcher's* perpetual Demands of Money. But when the *Indians* refused to comply with the Terms of Peace demanded by the *French* Governour, which were to suffer him to rebuild the Fort at *Cadaraqui*, and to include the *Indian* Allies, the War broke out afresh, and the Assembly were obliged to augment both their Detachments and Supplies. The Count *Frontenac*, now leveled his Wrath, principally, against the *Mohawks*, who were more attached, than any other of the *Five Nations* to our Interest: but as his Intentions had taken Air, he prudently changed his Measures, and sent a Party of three hundred Men, to the Isthmus at *Niagara*, to surprize those of the *Five Nations*, that might be hunting there. Among a few that were met with, some were killed, and others taken Prisoners, and afterwards burnt at *Montreal*. Our *Indians* imitated the Count's Example, and burnt ten *Dewagunga* Captives.

Colonel *Fletcher* and his Assembly having come to an open Rupture, in the Spring, he called another in *June*, of which *James Grabam* was chosen Speaker. The Count *Frontenac* was then repairing the old Fort at *Cadaraqui*, and the Intelligence of this, and the King's Assignment of the Quotas of the several

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several Colonies, for an united Force * against the *French*, were the principal Matters which the Governour laid before the Assembly. The List of the Quotas was this.

<i>Pennsylvania,</i>	£ 80.	<i>Rhode Island and Providence,</i>	
<i>Massachusetts Bay,</i>	350.	<i>Plantation,</i>	£ 48.
<i>Maryland,</i>	160.	<i>Connecticut,</i>	120.
<i>Virginia,</i>	240.	<i>New-York,</i>	200.

As a Number of Forces were now arrived, the Assembly were in Hopes, the Province would be relieved from raising any more Men for the Defence of the Frontiers; and, to obtain this Favour of the Governour, ordered £ 1000 to be levied, one Half to be presented to him, and the rest he had Leave to distribute among the *English* Officers and Soldiers. A Bill for this Purpose was drawn, but though his Excellency thanked them for their favourable Intention, he thought it not for his Honour to consent to it. After passing several Laws, the Session broke up in perfect Harmony, the Governour in his great Grace, recommending it to the House, to appoint a Committee to examine the publick Accounts against the next Sessions.

In *September*, *Fletcher* went up to *Albany*, with very considerable Presents to the *Indians*; whom he blamed for suffering the *French* to rebuild the Fort at *Cadaraqui*, or *Frontenac*, which commands the Entrance from *Canada*, into the great Lake *Ontario*.

While these Works were carrying on, the *Dionandadies*, who were then poorly supplied by the *French*, made Overtures of a Peace with the *Five Nations*, which the latter readily embraced, because it was owing to their Fears of these *Indians*, who lived near the Lake *Mislimachinac*, that they never dared to march with their whole Strength against *Canada*. The *French* Commandant was fully sensible of the Importance of preventing this Alliance. The Civilities of the *Dionandadies* to the Prisoners, by whom the Treaty to pre-

* As such an Union appeared to be necessary so long ago, it is very surprising that no effectual Scheme for that Purpose has hitherto been carried into full Execution. A Plan was concerted, in the great Congress consisting of Commissioners from several Colonies, met at *Albany*, in 1754; but what Approbation it received at home, has not hitherto been made publick. The Danger to *Great Britain*, apprehended from our united Force, is founded in a total Ignorance of the true State and Character of the Colonies. None of his Majesty's Subjects are more loyal, or more strongly attached to protestant Principles; and the remarkable Attestation, in the elegant Address of the Lords of the 13th of *November* 1755, in our Favour, "That we are a great Body of brave and faithful Subjects," is as justly due to us, as it was nobly said by them.

vent a Discovery, was negotiated, gave the Officer the first Suspicion of it. One of these Wretches had the Unhappiness to fall into the Hands of the *French*, who put him to the most exquisite Torments, that all future Intercourse with the *Dionandadies* might be cut off. Dr. *Colden*, in just Resentment for this inhuman Barbarity, has published the whole Process from *La Potberie's History of North America*, and it is this :

“ The Prisoner being first made fast to a Stake, so as to have room to move round it ; a *Frenchman* began the horrid Tragedy, by broiling the Flesh of the Prisoner's Legs, from his Toes to his Knees, with the red-hot Barrel of a Gun. His Example was followed by an *Utawarwa*, who being desirous to outdo the *French* in their refined Cruelty, split a Furrow from the Prisoner's Shoulder to his Garter, and filling it with Gun Powder, set fire to it. This gave him exquisite Pain, and raised excessive Laughter in his Tormentors. When they found his Throat so much parched, that he was no longer able to gratify their Ears with his Howling, they gave him Water, to enable him to continue their Pleasure longer. But at last his Strength failing, an *Utawarwa* fleced off his Scalp, and threw burning hot Coals on his Scull. Then they untied him, and bid him run for his Life. He began to run, tumbling like a drunken Man. They shut up the Way to the East, and made him run Westward, the Country, as they think, of departed miserable Souls. He had still Force left to throw Stones, till they put an End to his Misery by knocking him on the Head. After this every one cut a Slice from his Body, to conclude the Tragedy with a Feast.”

From the Time Colonel *Fletcher* received his Instruction, respecting the Quotas of these Colonies, for the Defence of the Frontiers, he repeatedly, but in vain, urged their Compliance with the King's Direction ; he then carried his Complaints against them home to his Majesty, but all his Applications were defeated by the Agents of those Colonies, who resided in *England*. As soon therefore, as he had laid this Matter before the Assembly, in Autumn 1695, the House appointed *William Nicol*, to go home in the Quality of an Agent for this Province, for which they allowed him £ 1000. But his Sollicitations proved unsuccessful, and the Instruction, relating to these Quotas, which is still continued, remains unnoticed to this Day. *Fletcher* maintained a good Correspondence with the Assembly, through the rest of his Administration ; and nothing appears, upon their Journals, worth the Reader's Attention.

The

The *French* never had a Governour, in *Canada*, so vigilant and active as the Count *De Frontenac*. He had no sooner repaired the old Fort, called by his Name, than he formed a Design of invading the Country of the *Five Nations* with a great Army. For this Purpose, in 1696, he convened at *Montreal*, all the Regulars, as well as Militia, under his Command; the *Owenagungas*, *Quatoghies* of *Loretto*, *Adirondacks*, *Sokakies*, *Nipiciriniens*, the profelyted praying *Indians* of the *Five Nations*, and a few *Utawawas*. Instead of Waggons and Horses, which are useleſs in ſuch a Country, as he had to march through the Army was conveyed; through Rivers and Lakes, in light Barks, which are portable, whenever the Rapidity of the Stream and the croſſing an Iſthmus rendered it neceſſary. The Count left *La Chine*, at the ſouth End of the Iſland of *Montreal*, on the 7th of *July*. Two Battalions of Regulars, under the Command of *Le Chevalier de Callieres*, headed by a Number of *Indians*, led the Van, with two ſmall Pieces of Cannon, the Mortars, Grenadoes, and Ammunition. After them followed the Proviſions: then the main Body, with the Count's Houſhold, a conſiderable Number of Voluntiers, and the Engineer; and four Battalions of the Militia commanded by *Monſieur De Ramezai*, Governour of *Trois Rivieres*.

Two Battalions of Regulars and a few *Indians*, under the Chevalier *De Vaudrueil*, brought up the Rear. Before the Army went a Parcel of Scouts, to deſcry the Tracts and Ambuſcades of the Enemy. After twelve Days March, they arrived at *Cadaracqui*, about one hundred and eighty Miles from *Montreal*, and then croſſed the Lake to *Oſwego*. Fifty Men marched on each Side of the *Onondaga* River, which is narrow and rapid. When they entered the little Lake *, the Army divided into two Parts, coaſting along the Edges, that the Enemy might be uncertain as to the Place of their Landing, and where they did land, they erected a Fort. The *Onondagas* had ſent away their Wives and Children, and were determined to defend their Caſtle, till they were informed by a Deſerter of the ſuperior Strength of the *French*, and the Nature of Bombs, which were intended to be uſed againſt them, and then, after ſetting Fire to their Village, they retired into the Woods. As ſoon as the Count heard of this, he marched to their Huts in Order of Battle; being himſelf carried in an elbow Chair, behind the Artillery. With this mighty Apparatus he entered it, and the Deſtruction of a little *Indian* Corn was the great Acquiſition. A brave Sachem, then about

* The *Onondaga* Lake, noted for a good Salt Pit at the ſouth eaſt End; which, as it may be very advantageous to the Garriſon at *Oſwego*, it is ho-

ped the Governour will never grant to any private Company.

a hundred Years old, was the only Person, who tarried in the Castle to salute the old General. The *French Indians* put him to Torment, which he endured with astonishing Presence of Mind. To one who staked him with a Knife, "you had better, says he, make me die by Fire, than these *French Dogs* may learn how to suffer like Men: you *Indians*, their Allies, you "Dogs of Dogs, think of me when you are in the like Condition *." This Sachem was the only Man, of all the *Onondagas*, that was killed; and had not thirty five *Oneydoes*, who waited to receive *Vaudrueil* at their Castles, been afterwards basely carried into Captivity, the Count would have returned without the least Mark of Triumph. As soon as he began his Retreat, the *Onondagas* followed, and annoyed his Army by cutting off several Batteaus.

This expensive Enterprize, and the continual Incurfions of the *Five Nations*, on the Country near *Montreal*, again spread a Famine through all *Canada*. The Count, however, kept up his Spirits to the last; and sent out scalping Parties, who infested *Albany*, as our *Indians* did *Montreal*, till the Treaty of Peace signed at *Ryfwick*, in 1697.

Richard, Earl of *Bellmont*, was appointed to succeed Colonel *Fletcher*, in the Year 1695, but did not receive his Commission till the 18th of *June*, 1697; and as he delayed his Voyage till after the Peace of *Ryfwick*, which was signed the 10th of *September* following, he was blown off our Coast to *Barbadoes*, and did not arrive here before the 2d of *April*, 1698.

During the late War, the Seas were extremely infested with *English* Pirates, some of whom sailed out of *New-York*; and it was strongly suspected that they had received too much Countenance here, even from the Government, during *Fletcher's* Administration. His Lordship's Promotion to the chief Command of the *Massachusetts Bay* and *New Hampshire*, as well as this Province, was owing partly to his Rank, but principally to the Affair of the Pirates; and the Multiplicity of Business, to which the Charge of three Colonies would necessarily expose him, induced the Earl to bring over with him *John Nansan*, his Kinsman, in the Quality of our Lieutenant Governour †. When Lord *Bellmont* was appointed to the Government of these Provinces, the King did him the Honour to say "that he thought him a "Man of Resolution and Integrity, and with these Qualities more likely "than any other he could think of, to put a stop to the Growth of "Piracy."

* "Never perhaps (says *Charlevoix*) was a † His Commission was dated the 1st of *July*,
"Man treated with more Cruelty, nor did any 1697.
"ever bear it with superior Magnanimity and
"Resolution."

Before the Earl set out for *America*, he became acquainted with * *Robert Livingston*, Esq; who was then in *England*, soliciting his own Affairs before the Council and the Treasury. The Earl took Occasion, in one of his Conferences with Mr. *Livingston*, to mention the Scandal the Province was under on Account of the Pirates. The latter, who confessed it was not without Reason, brought the Earl acquainted with one *Kid*, whom he recommended as a Man of Integrity and Courage, that knew the Pirates and their Rendezvous, and would undertake to apprehend them, if the King would employ him in a good sailing Frigate of 30 Guns and 150 Men. The Earl laid the Proposal before the King, who consulted the Admiralty upon that Subject; but this Project dropped, thro' the Uncertainty of the Adventure, and the *French War*, which gave full Employment to all the Ships in the Navy. Mr. *Livingston* then proposed a private Adventure against the Pirates, offering to be concerned with *Kid*, a fifth Part in the Ship and Charges, and to be bound for *Kid's* faithful Execution of the Commission. The King then approved of the Design, and reserved a tenth Share, to shew that he was concerned in the Enterprize. Lord Chancellor *Somers*, the Duke of *Shrewsbury*, the Earls of *Romney* and *Oxford*, Sir *Edmond Harrison* and others, joined in the Scheme, agreeing to the Expence of 6000 *l*. But the Management of the whole Affair was left to Lord *Bellmont*, who gave Orders to *Kid* to pursue his Commission, which was in common Form. *Kid* sailed, from *Plymouth*, for *New-York*, in *April*, 1696; and afterwards turned Pirate, burnt his Ship, and came to *Boston*, where the Earl apprehended him. His Lordship wrote to the Secretary of State, desiring that *Kid* might be sent for. The *Rocheſter* Man of War was dispatched upon this Service, but being driven back, a general Suspicion prevailed in *England*, that all was Collusion between the Ministry and the Adventurers, who, it was thought, were unwilling *Kid* should be brought Home, lest he might discover that the Chancellor, the Duke, and others, were Confederates in the Piracy. The Matter even proceeded to such Lengths, that a Motion was made, in the House of Commons, that all who were concerned in the Adventure might

* This Gentleman was a Son of Mr. *John Livingston*, one of the Commissioners from *Scotland* to King *Charles II.* while he was an Exile at *Breda*. He was a Clergyman distinguished by his Zeal and Industry; and for his Opposition to Episcopacy, became so obnoxious after the Restoration to the *English* Court, that he left *Scotland*, and took the pastoral Charge of an

English Presbyterian Church in *Rotterdam*. His Descendants are very numerous in this Province, and the Family in the first Rank for their Wealth, Morals, and Education. The original Diary, in the Hand-writing of their common Ancestor, is still amongst them, and contains a History of his Life.

be turned out of their Employments, but it was rejected by a great Majority.

The *Tory* Party, who excited these Clamours, though they lost their Motion in the House, afterwards impeached several *Whig* Lords; and, among other Articles, charged them with being concerned in *Kid's* Piracy. But these Prosecutions served only to brighten the Innocency of those, against whom they were brought; for the impeached Lords were honourably acquitted by their Peers.

Lord *Bellomont's* Commission was published in Council, on the Day of his Arrival; Colonel *Fletcher*, who still remained Governour under the Proprietors of *Pennsylvania*, and Lieutenant-Governour *Nanfan*, being present. The Members of the Council were,

Frederick Philipse,
Stephen Van Cortlandt,
Nicholas Bayard,
Gabriel Mienville,

William Smith,
William Nicoll,
Thomas Willet,
William Pinborne,
John Lawrence.

After the Earl had dispatched Captain *John Schuyler*, and *Dellius*, the *Dutch* Minister of *Albany*, to *Canada*, with the Account of the Peace, and to solicit a mutual Exchange of Prisoners; he laid before the Council the Letters from Secretary *Vernon* and the *East-India* Company, relating to the Pirates; informing that Board, that he had an Affidavit, that *Fletcher* had permitted them to land their Spoils in this Province, and that Mr. *Nicoll* bargained for their Protections, and received for his Services 800 *Spanish* Dollars. *Nicoll* confessed the Receipt of the Money for Protections, but said it was in virtue of a late Act of Assembly, allowing Privateers on their giving Security; but he denied the Receipt of any Money from known Pirates. One *Weaver* was admitted, at this Time, into the Council-Chamber, and acted in the Quality of King's Council, and in Answer to Mr. *Nicoll*, denied that there was any such Act of Assembly as he mentioned. After considering the whole Matter, the Council advised his Excellency to send *Fletcher* home, but to try *Nicoll* here, because his Estate would not bear the Expence of a Trial in *England*. Their Advice was never carried into Execution, which was probably owing to a Want of Evidence against the Parties accused. It is nevertheless certain, that the Pirates were frequently in the Sound, and supplied with Provisions by the Inhabitants of

Long

Long Island, who, for many Years afterwards, were so infatuated with a Notion, that the Pirates buried great Quantities of Money along the Coast, that there is scarce a Point of Land, or an Island, without the Marks of their *Auri sacra Fames*. Some credulous People have ruined themselves by these Researches, and propagated a thousand idle Fables, current to this Day, among our Country Farmers.

As *Fletcher*, thro' the whole of his Administration, had been entirely influenced by the Enemies of *Leisler*; nothing could be more agreeable to the numerous Adherents of that unhappy Man, than the Earl's Disaffection to the late Governour. It was for this Reason, they immediately devoted themselves to his Lordship, as the Head of their Party.

The Majority of the Members of the Council were *Fletcher's* Friends, and there needed nothing more to render them obnoxious to his Lordship. *Leisler's* Advocates, at the same Time, mortally hated them; not only because they had imbrued their Hands in the Blood of the principal Men of their Party, but also because they had engrossed the sole Confidence of the late Governour, and brought down his Resentment upon them. Hence, at the Commencement of the Earl's Administration, the Members of the Council had every Thing to fear; while the Party they had depressed, began once again to erect its Head under the Smiles of a Governour, who was fond of their Aid, as they were solicitous to conciliate his Favour. Had the Earl countenanced the Enemies, as well as the Friends of *Leisler*, which he might have done, his Administration would doubtless have been easier to himself and advantageous to the Province. But his inflexible Aversion to *Fletcher* prevented his acting with that Moderation, which was necessary to enable him to govern both Parties. The Fire of his Temper appeared very early, on his suspending Mr. *Nicoll* from the Board of Council, and obliging him to enter into a Recognizance in 2000 *l.* to answer for his Conduct relating to the Protections. But his Speech to the new Assembly, convened on the 18th of *May*, gave the fullest Evidence of his Abhorrence of the late Administration. *Philip French* was chosen Speaker, and waited upon his Excellency with the House, when his Lordship spoke to them in the following Manner:

“ I cannot but observe to you, what a Legacy my Predecessor has left
 “ me, and what Difficulties to struggle with; a divided People, an empty
 “ Purse, a few miserable, naked, half-starved Soldiers, not half the Num-
 “ ber the King allowed Pay for: the Fortifications and even the Govern-
 “ our's House very much out of Repair, and in a Word the whole Go-
 “ vernment

“vernment out of Frame. It hath been represented to the Government
 “in *England*, that this Province has been a noted Receptacle of Pirates,
 “and the Trade of it under no Restriction but the Acts of Trade viola-
 “ted by the Neglect and Connivance of those, whose Duty it was to have
 “prevented it.”

After this Introduction, he puts them in mind that the Revenue was near expiring. “It would be hard, says he, if I that come among you
 “with an honest Mind, and a Resolution to be just to your Interest, should
 “meet with greater Difficulties, in the Discharge of his Majesty’s Service,
 “than those that have gone before me. I will take Care there shall be
 “no Misapplication of the public Money. I will pocket none of it myself,
 “nor shall there be any Embezzlement by others; but exact Accounts shall
 “be given you, when, and as often, as you shall require.”

It was customary with *Fletcher*, to be present in the Field, to influence Elections; and as the Assembly consisted, at this Time, of but nineteen Members, they were too easily influenced to serve the private Ends of a Faction. For that Reason, his Lordship was warm in a Scheme of increasing their Number, at present, to thirty, and so, in Proportion, as the Colony became more populous; and hence we find the following Clause in his Speech. “You cannot but know, what Abuses have been formerly in
 “Elections of Members, to serve in the general Assembly, which tends to
 “the Subversion of your Liberties. I do therefore recommend the making
 “of a Law to provide against it.”

The House, tho’ unanimous in a hearty Address of Thanks to the Governour for his Speech, could scarce agree upon any Thing else. It was not till the Beginning of *June*, before they had finished the Controversies relating to the late turbulent Elections; and even then six Members seceded from the House, which obliged his Excellency to dissolve the Assembly on the 14th of *June*, 1698. About the same Time, the Governour dismissed two of the Council; *Pinborne*, for disrespectful Words of the King, and *Brook*, the Receiver-General, who was also turned out of that Office, as well as removed from his Place on the Bench.

In *July*, the Disputes with the *French*, concerning the Exchanging of Prisoners, obliged his Excellency to go up to *Albany*. When the Earl sent the Account of the Conclusion of the Peace to the Governour of *Canada*, all the *French* Prisoners, in our Custody, were restored, and as to those among the *Indians*, he promised to order them to be safely escorted to *Montreal*. His Lordship then added, “I doubt not, Sir, that you, on your
 “Part,

“ Part, will also issue an Order to relieve the *Subjects of the King*, captivated during the War, whether Christians or *Indians*.”

The Count, fearful of being drawn into an implicit Acknowledgement, that the *Five Nations* were subject to the *English* Crown, demanded the *French* Prisoners, among the *Indians*, to be brought to *Montreal*; threatening, at the same Time, to continue the War against the Confederates, if they did not comply with his Request. After the Earl's Interview with them, he wrote a second Letter * to the Count, informing him that they had importunately begged to continue under the Protection of the *English* Crown, professing an inviolable Subjection and Fidelity to his Majesty; and that the *Five Nations* were always considered as Subjects, which, says his Lordship, “ can be manifested to all the World by authentick and solid Proofs.” His Lordship added, that he would not suffer them to be insulted, and threatens to execute the Laws of *England* upon the Missionaries, if they continued any longer in the *Five Cantons*. A resolute Spirit runs through the whole Letter, which concludes in these Words: “ if it is necessary, I will arm every Man in the Provinces, under my Government, to oppose you; and redress the Injury that you may perpetrate against our *Indians*.” The Count, in his Answer, proposed to refer the Dispute to the Commissaries, to be appointed according to the Treaty of *Ryswick* †; but the Earl continued the Claim, insisting that the *French* Prisoners should be delivered up at *Albany*.

The *French* Count dying while this Matter was controverted, Monsieur *De Callieres*, his Successor, sent Ambassadors, the next Year, to *Onondaga*, there to regulate the Exchange of Prisoners, which was accomplished without the Earl's Consent; and thus the important Point, in Dispute, remained unsettled. The Jesuit *Bruyas*, who was upon this Embassage, offered to live at *Onondaga*; but the *Indians* refused his Belt, saying that *Corlear*, or the Governour of *New-York*, had already offered them Ministers for their Instruction.

Great Alterations were made in Council, at his Excellency's Return from *Albany*. *Bayard*, *Meinvielle*, *Willet*, *Townley*, and *Lawrence*, were all

* *Charlevoix* has published both these Letters, at large, together with Count *Frontenac's* Answer. I have had no Opportunity of enquiring into the Jesuit's Integrity, in these Transcripts, being unable to find his Lordship's Letters in the Secretary's Office.

† The Count misunderstood the Treaty. No Provision was made by it for Commissaries to settle the Limits between the *English* and *French* Possessions, but only to examine and determine the controverted Rights and Pretensions to *Hudson's Bay*.

suspended

suspended on the 28th of *September*; and Colonel *Abraham Depeyster*, *Robert Livingston*, and *Samuel Staats*, called to that Board. The next Day, *Frederick Philipse* resigned his Seat, and *Robert Walters* was sworn in his Stead.

The new Assembly, of which *James Graham* was chosen Speaker, met in the Spring. His Excellency spoke to them on the 21st of *March*, 1699.

As the late Assembly was principally composed of *Anti-Leislerians*, so this consisted, almost entirely, of the opposite Party. The Elections were attended with great Outrage and Tumult, and many Applications made, relating to the Returns; but as *Abraham Gouverneur*, who had been Secretary to *Leisler*, got returned for *Orange County*, and was very active in the House *, all the Petitions were rejected without Ceremony.

Among the principal Acts, passed at this Session, there was one for indemnifying those who were excepted out of the general Pardon in 1691; another against Pirates; one for the Settlement of *Milborne's Estate*; and another to raise fifteen hundred Pounds, as a Present to his Lordship, and five hundred Pounds for the Lieutenant-Governour, his Kinsman. Besides which, the Revenue was continued for six Years longer. A necessary Law was also made for the Regulation of Elections, containing the Substance of the *English Statutes of 8 Hen. VI. Chap. VII. and the 7 and 8 Will. III.*

This Assembly took, also, into Consideration sundry extravagant Grants of Land, which Colonel *Fletcher* had made to several of his Favourites. Among these, two Grants to *Dellius*, the *Dutch Minister*, and one to *Nicholas Bayard*, were the most considerable. *Dellius* was one of the Commissioners for *Indian Affairs*, and had fraudulently obtained the *Indian Deeds*, according to which the Patents had been granted. One of the Grants included all the Lands within twelve Miles on the East Side of *Hudson's River*, and extended twenty Miles in Length, from the North Bounds of *Saraghtoga*. The second Patent, which was granted to him in Company with *Pinborne*, *Bancker*, and others, contained all the Lands, within two Miles on each Side of the *Mohawks River*, and along its Banks to the Extent of fifty Miles. *Bayard's Grant* was also for Lands in that Country, and very extravagant. Lord *Bellomont*, who justly thought these great Patents, with the trifling annual Reservation of a few Skins, would impede the Settlement of the Country, as well as alienate the Affections of our *Indian Allies*, wisely procured recommendatory Instructions from the Lords

* Mr. *Gouverneur* married *Milborne's Widow*.

Justices,

Justices, for vacating those Patents, which was now regularly accomplished by a Law, and *Dellius* thereby suspended from his ministerial Function.

The Earl having thus carried all his Points at *New-York*, set out for *Boston* in *June*, where, after he had settled his Salary, and apprehended the Pirate *Kidd*, he returned here again in the Fall.

The Revenue being settled for six Years, his Lordship had no Occasion to meet the Assembly till the Summer of the Year 1700, and then indeed little else was done, than to pass a few Laws. One for hanging every Popish Priest, that came voluntarily into the Province, which was occasioned by the great Number of *French* Jesuits, who were continually practising upon our *Indians*. By another, Provision was made for erecting a Fort in the Country of the *Onondagas*, but as this was repealed a few Months after the King's providing for that Purpose, so the former continues, as it for ever ought, in full Force to this Day.

The Earl was a Man of Art and polite Manners, and being a mortal Enemy to the *French*, as well as a Lover of Liberty, he would doubtless have been of considerable Service to the Colony; but he died here on the 5th of *March* in 1701, when he was but just become acquainted with the Colony.

The Earl of *Bellomont's* Death was the Source of new Troubles, for *Nanfan*, the Lieutenant-Governour, being then absent in *Barbadoes*, high Disputes arose among the Counsellors, concerning the Exercise of the Powers of Government. *Abraham de Peyster*, *Samuel Staats*, *Robert Walters*, and *Thomas Weaver*, who sided with the Party that adhered to *Leisler*, insisted that the Government was devolved upon the Council, who had a Right to act by a Majority of Voices; but Colonel *Smith* contended that all the Powers of the late Governour were devolved upon him, as President, he being the eldest Member of that Board. Colonel *Schuyler* and *Robert Livingston*, who did not arrive in Town till the 21st of *March*, joined Mr. *Smith*, and refused to appear at the Council-Board, till near the Middle of *April*. The Assembly, which was convened on the 2d of that Month, were in equal Perplexity, for they adjourned from Day to Day, waiting the Issue of this Rupture. Both Parties continuing inflexible, those Members, who opposed Colonel *Smith*, sent down to the House a Representation of the Controversy, assigning a Number of Reasons for the sitting of the Assembly, which the House took into their Consideration, and on the 16th of *April* resolved, that the Execution of the Earl's Commission and Instructions, in the Absence of the Lieutenant-Governour, was the

Right of the Council by Majority of Voices, and not of any single Member of that Board; and this was afterwards the Opinion of the Lords of Trade. The Disputes, nevertheless, continuing in the Council strenuously supported by Mr. *Livingston*, the House, on the 19th of *April*, thought proper to adjourn themselves to the first *Tuesday* in *June*.

In this Interval, on the 19th of *May*, *John Nansan*, the Lieutenant-Governour, arrived, and settled the Controversy, by taking upon himself the supreme Command.

Upon Mr. *Nansan's* Arrival, we had the agreeable News, that the King had given two Thousand Pounds Sterling, for the Defence of *Albany* and *Schenectady*, as well as five hundred Pounds more for erecting a Fort in the Country of the *Omondagas*. And not long after, an Ordinance was issued, agreeable to the special Direction of the Lords of Trade, for erecting a Court of Chancery, to sit the first *Thursday* in every Month: By this Ordinance the Powers of the Chancellor were vested in the Governour and Council, or any two of that Board: Commissions were also granted, appointing Masters, Clerks, and a Register: so that this Court was completely organized on the 2d of *September* 1701.

Atwood, who was then Chief Justice of the supreme Court, was now sworn of the Council. *Abraham de Peyster* and *Robert Walters* were his Assistants on the Bench; and the former was also made Deputy Auditor-General, under Mr. *Blaitbwait*. *Sampson Shelton Broughton* was the Attorney-General, and came into that Office when *Atwood* took his Seat on the Bench, before the Decease of Lord *Bellomont*. Both these had their Commissions from *England*. The Lieutenant-Governour, and the major Part of the Board of Council, together with the several Officers above named, being strongly in the Interest of the *Leislerian* Party, it was not a little surprising, that Mr. *Nansan* dissolved the late Assembly on the 1st of *June* last.

Great were the Struggles at the ensuing Elections, which however generally prevailed in Favour of those, who joined *Leisler* at the Revolution; and hence, when the new Assembly met on the 19th of *August* 1701, *Abraham Gouverneur* was elected for their Speaker. *Dutchess* was thought heretofore incapable of bearing the Charge of a Representation; but the People of that County, now animated by the Heat of the Times, sent *Jacob Rutsen* and *Adrian Garretsen* to represent them in Assembly.

Mr. *Nansan*, in his Speech to the House, informs them of the memorable Grant made to the Crown, on the 19th of *July*, by the *Five Nations*; of a
vast

vast Tract of Land, to prevent the Necessity of their submitting to the French in Case of a War; that his Majesty had given out of his Exchequer two Thousand five hundred Pounds Sterling for Forts, and eight hundred Pounds to be laid out in Presents to the *Indians*; and that he had also settled a Salary of three hundred Pounds on a Chief Justice, and one hundred and fifty Pounds on the Attorney-General, who were both now arrived here.

The Fire of Contention, which had lately appeared in the tumultuous Elections, blazed out afresh in the House. *Nicoll*, the late Counsellor, got himself elected for *Suffolk*, and was in Hopes of being seated in the Chair: but *Abraham Gouverneur* was chosen Speaker. Several Members contended, that he, being an Alien, was unqualified for that Station. To this it was answered, that he was in the Province in the Year 1683, at the Time of passing an Act to naturalize all the free Inhabitants, professing the Christian Religion; and that for this Reason, the same Objection against him had been over-ruled at the last Assembly. In Return for this Attack, *Gouverneur* disputed *Nicoll's* Right of sitting as a Member of that House. And succeeded in a Resolve, that he and Mr. *Wessels*, who had been returned for *Albany*, were both unqualified according to the late Act, they being neither of them Residents in the respective Counties for which they were chosen. This occasioned an imprudent Secession of seven Members, who had joined the Interest of Mr. *Nicoll*; which gave their Adversaries an Opportunity to expell them, and introduce others in their Stead.

Among the first Opposers of Captain *Leisler*, none was more considerable than Mr. *Livingston*. The Measures of the Convention at *Albany* were very much directed by his Advice; and he was peculiarly obnoxious to his Adversaries, because he was a Man of Sense and Resolution, two Qualifications rarely to be found united in one Person at that Day. Mr. *Livingston's* Intimacy with the late Earl, had, till this Time, been his Defence, against the Rage of the Party which he had formerly opposed; but as that Lord was now dead, and Mr. *Livingston's* Conduct in Council, in Favour of Colonel *Smith*, had given fresh Provocation to his Enemies, they were fully bent upon his Destruction. It was in Execution of this Scheme, that as soon as the disputed Elections were over, the House proceeded to examine the State of the publick Accounts, which they partly began at the late Assembly.

The Pretence was, that he refused to account for the publick Monies he had formerly received out of the Excise; upon which, a Committee of both

Houses advised the passing a Bill to confiscate his Estate, unless he agreed to account by a certain Day. But instead of this, an Act was afterwards passed to oblige him to account for a Sum amounting to near eighteen Thousand Pounds. While this Matter was transacting, a new Complaint was forged, and he was summoned before another Committee of both Houses, relating to his procuring the *Five Nations* to signify their Desire that he should be sent Home to solicit their Affairs. The Criminality of this Charge can be seen only through the partial Opticks, with which his Enemies then scanned his Behaviour. Besides, there was no Evidence to support it, and therefore the Committee required him to purge himself by his own Oath. Mr. *Livingston*, who was better acquainted with *English* Law and Liberty, than to countenance a Practice so odious, rejected the insolent Demand with Disdain; upon which, the House, by Advice of the Committee, addressed the Lieutenant-Governour, to pray his Majesty to remove him from his Office of Secretary of *Indian* Affairs, and that the Governour, in the mean Time, would suspend him from the Exercise of his Commission*.

It was at this favourable Conjunction, that *Jacob Leisler's* Petition to the King, and his Majesty's Letter to the late Earl of *Bellmont*, were laid before the Assembly. *Leisler*, displeas'd with the Report of the Lords of Trade, that his Father and his Brother *Milborne* had suffered according to Law, laid his Case before the Parliament, and obtained an Act to reverse the Attainder. After which, he applied to the King, complaining that his Father had disburs'd about four Thousand Pounds, in purchasing Arms and forwarding the Revolution; in Consequence of which he procur'd the following Letter to Lord *Bellmont*, dated at *Whiteball* the 6th of *February* 1733.

“ MY LORD,

“ THE King being moved upon the Petition of Mr. *Jacob Leisler*,
 “ and having a gracious Sense of his Father's Services and Suffer-
 “ ings, and the ill Circumstances the Petitioner is thereby reduced to, his
 “ Majesty is pleas'd to direct, that the same be transmitted to your Lord-
 “ ship, and that you recommend his Case to the general Assembly of *New-*

* Mr. *Livingston's* Reason for not accounting was truly unanswerable; his Books and Vouchers were taken into the Hands of the Governour, and detain'd from him.

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" *York*, being the only Place, where he can be relieved, and the Prayer of
 " his Petition complied with. I am,

" *My Lord, your Lordship's*

" *Most obedient and humble Servant,*

" JERSEY."

As soon as this Letter and the Petition were brought into the House, a Thousand Pounds were ordered to be levied for the Benefit of Mr. *Leisler*, as well as several Sums for other Persons, by a Bill for paying the Debts of the Government; which nevertheless did not pass into a Law, till the next Sessions. Every Thing that was done at this Meeting of the Assembly, which continued till the 18th of *October*, was under the Influence of a Party Spirit; and nothing can be a fuller Evidence of it, than an incorrect, impertinent, Address to his Majesty, which was drawn up by the House, at the Close of the Session, and signed by fourteen of the Members. It contains a tedious Narrative of their Proceedings, relating to the disputed Elections, and concludes with a little Incense, to regale some of the then principal Agents in the publick Affairs, in these Words:

" This necessary Account of ourselves and our unhappy Divisions, which we hope the Moderation of our Lieutenant-Governor, the Wisdom and Prudence of *William Atwood*, Esq; our Chief Justice, and *Thomas Weaver*, Esq; your Majesty's Collector and Receiver-General, might have healed, we lay before your Majesty with all Humility, and deep Sense of your Majesty's Goodness to us, lately expressed in sending over so excellent a Person to be our Chief Justice."

The News of the King's having appointed Lord *Cornbury* to succeed the Earl of *Bellmont*, so strongly animated the Hopes of the *Anti-Leislerian* Party, that about the Commencement of the Year 1702, *Nicholas Bayard* promoted several Addresses to the King, the Parliament, and Lord *Cornbury*, which were subscribed at a Tavern kept by one *Hutchins*, an Alderman of the City of *New-York*. In that to his Majesty, they assure him, " That the late Differences were not grounded on a Regard to his Interest, but the corrupt Designs of those, who laid hold on an Opportunity to enrich themselves by the Spoils of their Neighbours." The Petition to the Parliament says, that *Leisler* and his Adherents gained the Fort at the Revolution without any Opposition; that he oppressed and imprisoned the
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People without Cause, plundered them of their Goods, and compelled them to flee their Country, tho' they were well affected to the Prince of *Orange*. That the Earl of *Bellmont* appointed indigent Sheriffs, who returned such Members to the Assembly as were unduly elected, and in his Lordship's Esteem. That he suspended many from the Board of Council, who were faithful Servants of the Crown, introducing his own Tools in their Stead. Nay they denied the Authority of the late Assembly, and added, that the House had bribed both the Lieutenant-Governour and the Chief Justice; the one to pass their Bills, and the other to defend the Legality of their Proceedings. A third Address was prepared, to be presented to Lord *Cornbury*, to congratulate his Arrival, as well to prepossess him in their Favour, as to prejudice him against the opposite Party.

Nothing could have a more natural Tendency to excite the Wrath of the Lieutenant-Governour, and the Revenge of the Council and Assembly, than the Reflections contained in those several Addresses. *Nanfan* had no sooner received Intelligence of them than he summoned *Hutchins* to deliver them up to him, and upon his Refusal committed him to Jail, on the 19th of *January*; the next Day *Nicholas Bayard*, *Rip Van Dam*, *Philip French*, and *Thomas Wenham*, hot with party Zeal, sent an imprudent Address to the Lieutenant-Governour, boldly justifying the Legality of the Address, and demanding his Discharge out of Custody. I have before taken Notice, that upon *Sloughter's* Arrival in 1691, an Act was passed, to recognize the Right of King *William* and Queen *Mary* to the Sovereignty of this Province. At the End of that Law, a Clause was added in these Words, "That whatsoever Person or Persons, shall by any Manner of Ways, or upon any Pretence whatsoever, endeavour by Force of Arms or otherwise, to disturb the Peace, Good, and Quiet of their Majesties Government, as it is now established, shall be deemed and esteemed as Rebels and Traytors unto their Majesties, and incur the Pains, Penalties, and Forfeitures, as the Laws of *England* have for such Offences made and provided." Under Pretext of this Law, which *Bayard* himself had been personally concerned in enacting, Mr. *Nanfan* issued a Warrant for committing him to Jail as a Traitor, on the 21st of *January*; and lest the Mob should interpose, a Company of Soldiers, for a Week after, constantly guarded the Prison.

Through the Uncertainty of the Time of Lord *Cornbury's* Arrival, Mr. *Nanfan* chose to bring the Prisoner to his Trial, as soon as possible; and for that Purpose issued a Commission of Oyer and Terminer, on the 12th of *February*,

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February, to *William Atwood*, the Chief Justice, and *Abraham De Peyster* and *Robert Walters*, who were the puisne Judges of the supreme Court; and not long after *Bayard* was arraigned, indicted, tried, and convicted of High Treason. Several Reasons were afterwards offered in Arrest of Judgment; but as the Prisoner was unfortunately in the Hands of an enraged Party, *Atwood* over-ruled what was offered, and condemned him to Death on the 16th of *March*. As the Process of his Trial has been long since printed in the State Trials at large, I leave the Reader to his own Remarks upon the Conduct of the Judges, who are generally accused of Partiality.

Bayard applied to Mr. *Nanfan* for a Reprieve, till his Majesty's Pleasure might be known; and obtained it, not without great Difficulty, nor till after a seeming Confession of Guilt was extorted. *Hutchins*, who was also convicted, was bailed upon the Payment of forty Pieces of Eight to the Sheriff, but *Bayard*, who refused to procure him the Gift of a Farm, of about fifteen hundred Pounds Value, was not released from his Confinement, till after the Arrival of Lord *Cornbury*, who not only gave his Consent to an Act for reversing the late Attainders, but procured the Queen's Confirmation of it, upon their giving Security according to the Advice of Sir *Edward Northey*, not to bring any Suits against those who were concerned in their Prosecution; which the Attorney-General thought proper, as the Act ordained all the Proceedings to be obliterated.

After these Trials, *Nanfan* erected a Court of Exchequer, and again convened the Assembly, who thanked him for his late Measures, and passed an Act to out-law *Philip French*, and *Thomas Wenham*, who absconded upon *Bayard's* Commitment; another to augment the Number of Representatives, and several others, which were, all but one, afterwards repealed by Queen *Anne*. During this Session, Lord *Cornbury* being daily expected, the Lieutenant-Governour suspended Mr. *Livingston* from his Seat in Council, and thus continued to abet *Leisler's* Party, to the End of his Administration.

Lord *Cornbury's* Arrival quite opened a new Scene. His Father, the Earl of *Clarendon*, adhered to the Cause of the late abdicated King, and always refused the Oaths both to King *William* and Queen *Anne*. But the Son recommended himself at the Revolution, by appearing very early for the Prince of *Orange*, being one of the first Officers that deserted King *James's* Army. King *William*, in Gratitude for his Services, gave him a Commission for this Government, which, upon the Death of the King, was renewed.

renewed by Queen Anne, who at the same Time, appointed him to the chief Command of *New-Jersey*, the Government of which the Proprietors had lately surrendered into her Hands. As Lord Cornbury came to this Province, in very indigent Circumstances, hunted out of *England* by a Host of hungry Creditors, he was bent upon getting as much Money, as he could squeeze out of the Purses of an impoverished People. His Talents were, perhaps, not superior to the most inconsiderable of his Predecessors; but in his Zeal for the Church he was surpassed by none. With these bright Qualifications he began his Administration on the 3d of *May*, 1702, assisted by a Council consisting of the following Members,

<i>William Atwood,</i>	<i>Thomas Weaver,</i>
<i>William Smith,</i>	<i>Sampson Shelton Broughton,</i>
<i>Peter Schuyler,</i>	<i>Wolfgang William Romar,</i>
<i>Abraham De Peyster,</i>	<i>William Lawrence,</i>
<i>Samuel Staats,</i>	<i>Gerardus Beckman,</i>
<i>Robert Walters,</i>	<i>Rip Van Dam.</i>

His Lordship, without the least Disguise, espousing the *Anti-Leislerian* Faction, *Atwood*, the Chief Justice, and *Weaver*, who acted in Quality of Solicitor-General, thought proper to retire from his Frowns to *Virginia*, whence they sailed to *England*: the former concealing himself under the Name of *Jones*, while the latter called himself *Jackson*. Colonel *Heathcote* and Doctor *Bridges* succeeded in their Places at the Council Board.

The following Summer was remarkable for an uncommon Mortality, which prevailed in the City of *New-York*, and makes a grand Epoch among our Inhabitants, distinguished by the "Time of the great Sicknefs*." On this Occasion Lord *Cornbury* had his Residence and Court at *Jamaica*, a pleasant Village on *Long-Island*, distant about twelve Miles from the City.

The Inhabitants of *Jamaica* consisted, at that Time, partly of original *Dutch* Planters, but mostly of *New-England* Emigrants, encouraged to settle there, after the Surrender, by the Duke of *York's* CONDITIONS FOR PLANTATIONS, one of which was in these Words: "That every Town-ship should be obliged to pay their own Ministers, according to such A-

* The Fever killed almost every Patient seized with it, and was brought here in a Vessel from *St. Thomas* in the *West-Indies*, an Island remarkable for contagious Diseases.

“greements as they should make with him; the Minister being elected by
 “the major Part of the Householders and Inhabitants of the Town.”
 These People had erected an Edifice for the Worship of God, and enjoyed
 a handsome Donation of a Parsonage-house and Glebe, for the Use of their
 Minister. After the Ministry Act was passed, by Colonel *Fletcher*, in 1693,
 a few Episcopalians crept into the Town, and viewed the Presbyterian
 Church with a jealous Eye. The Town Vote, in Virtue of which the
 Building had been erected, contained no Clause to prevent its being here-
 after engrossed by any other Sect. The Episcopal Party, who knew this,
 formed a Design of seizing the Edifice for themselves, which they shortly
 after carried into Execution, by entering the Church between the Morning
 and Evening Service, while the Presbyterian Minister and his Congregation
 were in perfect Security, unsuspecting of the Zeal of their Adversaries, and
 a fraudulent Ejectment, on a Day consecrated to sacred Rest.

Great Outrage ensued among the People, for the Contention being *pro*
Aris & Focis, was animating and important. The original Proprietors of
 the House tore up their Seats, and afterwards got the Key and the Possession
 of the Church, which were shortly after again taken from them by Force
 and Violence. In these Controversies the Governour abetted the Episcopal
 Zealots, and harassed the others by numberless Prosecutions, heavy Fines,
 and long Imprisonments; through Fear of which, many, who had been
 active in the Dispute, fled out of the Province. Lord *Cornbury's* noble
 Descent and Education should have prevented him from taking Part in so
 ignominious a Quarrel; but his Lordship's Sense of Honour and Justice
 was as weak and indelicate, as his Bigotry was rampant and uncontroll-
 able: and hence we find him guilty of an Act complicated of a Number of
 Vices, which no Man could have perpetrated without Violence to the very
 slightest Remains of Generosity and Justice. When his Excellency retired
 to *Jamaica*, one *Hubbard*, the Presbyterian Minister, lived in the best House
 in the Town. His Lordship begged the Loan of it for the Use of his own
 Family, and the Clergyman put himself to no small Inconveniencies to fa-
 vour the Governour's Request; but in Return for the generous Benefaction,
 his Lordship perfidiously delivered the Parsonage-house into the Hands of
 the Episcopal Party, and encouraged one *Cardwel*, the Sheriff, a mean Fel-
 low, who afterwards put an End to his own Life, to seize upon the Glebe,
 which he surveyed into Lots, and farmed for the Benefit of the Episcopal
 Church. These tyrannical Measures justly inflamed the Indignation of the
 injured Sufferers, and that again the more embittered his Lordship against
 them.

them. They resented, and he prosecuted; nor did he confine his pious Rage to the People of *Jamaica*. He detested all who were of the same Denomination; nay, averse to every Sect except his own, he insisted that neither the Ministers nor Schoolmasters of the *Dutch*, the most numerous Persuasion in the Province, had a Right to preach or instruct without his gubernatorial Licence; and some of them tamely submitted to his unauthoritative Rule. A general Account of his Lordship's singular Zeal, is preserved under the Title of the WATCH TOWER, in a Number of Papers published in the *New-York Weekly Mercury* for the Year 1755.

While his Excellency was exerting his Bigotry, during the Summer Season, at *Jamaica*; the Elections were carrying on, with great Heat, for an Assembly, which met him, at that Village, in the Fall. It consisted principally of the Party, which had been borne down by the Earl of *Bellomont* and his Kinsman; and hence we find *Philip French*, who had lately been out-lawed, was returned a Representative for *New-York*, and *William Nicoll* elected into the Speaker's Chair. Several Extracts from my Lord's Speech are proper to be laid before the Reader, as a Specimen of his Temper and Designs. "It was an extream Surprise to me (says his Lordship) to find this Province, at my Landing at *New-York*, in such a Convulsion as must have unavoidably occasioned its Ruin, if it had been suffered to go on a little longer. The many Complaints that were brought to me, against the Persons I found here in Power, sufficiently proved against them; and the miserable Accounts I had of the Condition of our Frontiers, made me think it convenient to delay my Meeting you in general Assembly, till I could inform myself, in some measure, of the Condition of this Province, that I might be able to offer to your Consideration, some few of those Things, which will be necessary to be done forthwith, for the Defence of the Country."

He then recommends their fortifying the Port of *New-York*, and the Frontiers; adding, that he found the Soldiers naked and unarmed; after which, he proposes a Militia Bill, the Erection of publick Schools, and an Examination of the provincial Debts and Accounts; and not only promises to make a faithful Application of the Monies to be raised, but that he would render them an Account. The whole Speech is sweetened with this gracious Conclusion: "Now, Gentlemen, I have no more to trouble you with, but to assure you, in the Name of the great Queen of *England*, my Mistresses, that you may safely depend upon all the Protection that good and faithful Subjects can desire or expect; from a Sovereign whose greatest

" Delight

“ Delight is the Welfare of her People, under whose auspicious Reign we
 “ are sure to enjoy what no Nation in the World dares claim but the Sub-
 “ jects of *England*; I mean, the free Enjoyment of the best Religion in the
 “ World, the full Possession of all lawful Liberty, and the undisturbed In-
 “ joyment of our Freeholds and Properties. These are some, of the many,
 “ Benefits which I take the Inhabitants of this Province to be well intitled
 “ to by the Laws of *England*; and I am glad of this Opportunity to as-
 “ sure you, that as long as I have the Honour to serve the Queen in the
 “ Government of this Province, those Laws shall be put in Execution, ac-
 “ cording to the Intent with which they were made; that is, for the Pre-
 “ servation and Protection of the People, and not for their Oppression. I
 “ heartily rejoice to see, that the free Choice of the People has fallen upon
 “ Gentlemen, whose constant Fidelity to the Crown, and unwearied Ap-
 “ plication to the Good of their Country, is so universally known.”

The House echoed back an Address of high Compliment to his Lord-
 ship, declaring, “ That being deeply sensible of the Misery and Calamity the
 “ Country lay under at his Arrival, they were not sufficiently able to ex-
 “ press the Satisfaction they had, both in their Relief and their Deliverer.”

Well pleased with a Governour who headed their Party, the Assembly
 granted him all his Requests; eighteen hundred Pounds were raised for the
 Support of one hundred and eighty Men, to defend the Frontiers, besides
 two thousand Pounds more, as a Present towards defraying the Expences
 of his Voyage. The Queen, by her Letter of the 20th of *April*, in the
 next Year, forbad any such Donations for the future. It is observable, that
 tho' the County of *Dutchess* had no Representatives at this Assembly, yet
 such was then the known Indigence of that now populous and flourishing
 County, that but eighteen Pounds were apportioned for their Quota of
 these Levies.

Besides the Acts above-mentioned, the House brought up a Militia Bill,
 and continued the Revenue to the 1st of *May*, 1709; and a Law passed to
 establish a Grammar-School, according to his Lordship's Recommendation.
 Besides the great Harmony that subsisted between the Governour and his
 Assembly, there was nothing remarkable except two Resolves against the
 Court of Chancery erected by Mr. *Nanfan*, occasioned by a Petition of se-
 veral disappointed Suitors, who were displeas'd with a Decree. The Re-
 solutions were in these Words: “ That the setting up a Court of Equity
 “ in this Colony, without Consent of general Assembly, is an Innovation
 “ without any former Precedent, inconvenient and contrary to the *English*
 “ Law.”

“ Law.” And again : “ That the Court of Chancery, as lately erected, “ and managed here, was and is unwarrantable, a great Oppression to the “ Subject, of pernicious Example and Consequence ; that all Proceedings, “ Orders, and Decrees in the same, are, and of Right ought to be, de- “ clared null and void ; and that a Bill be brought in, according to these “ two Resolutions,” which was done : but tho’ his Lordship was by no means disinclined to fix Contempt on *Nanfan’s* Administration, yet as this Bill would diminish his own Power, himself being the Chancellor, the Mat- ter was never moved farther, than to the Order for the Ingrossment of the Bill upon the second Reading.

Tho’ a War was proclaimed by *England* on the 4th of *May*, 1702, a- gainst *France* and *Spain*, yet as the *Five Nations* had entered into a Treaty of Neutrality with the *French* in *Canada*, this Province, instead of being harassed on its Borders by the Enemy, carried on a Trade very advantageous to all those who were concerned in it. The Governour, however, continued his Sollicitations for Money, with unremitted Importunity, and by alarming the Assembly, which met in *April*, 1703, with his Expectation of an Attack by Sea, fifteen hundred Pounds were raised, under Pretence of erecting two Batteries at the *Narrows*; which, instead of being employed for that Use, his Lordship, notwithstanding the Province had expended twenty-two thousand Pounds during the late Peace, was pleased to appropriate to his private Advantage. But let us do him the Justice to confess, that while he was robbing the Publick, he at the same Time consented to several other Laws for the Emolument of the Clergy.

Whether it was owing to the extraordinary Sagacity of the House, or their Presumption that his Lordship was as little to be trusted as any of his Predecessors, that, after voting the above Sum for the Batteries, they added, that it should be “ for no other Use whatsoever,” I leave the Reader to determine. It is certain they now began to see the Danger of throwing the publick Money into the Hands of a Receiver-General appointed by the Crown, from whence the Governour, by his Warrants, might draw it at his Pleasure. To this Cause we must assign it, that in an Address to his Lordship, on the 19th of *June*, 1703, they “ desire and insist, that some proper “ and sufficient Person might be commissioned Treasurer, for the receiving “ and paying such Monies now intended to be raised for the publick Use, “ as a Means to obstruct Misapplications for the future.” Another Ad- dress was sent Home to the Queen, complaining of the ill State of the Re- venue, thro’ the Frauds which had formerly been committed, the better

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to facilitate the important Design of having a Treasurer dependent on the Assembly. The Success of these Measures will appear in the Sequel.

Tho' our Frontiers enjoyed the profoundest Tranquillity all the next Winter, and we had expended thirteen hundred Pounds, in supporting one hundred Fuzileers about *Albany*, besides the four independent Companies in the Pay of the Crown, yet his Excellency demanded Provisions for one hundred and fifty Men, at the next Meeting of the Assembly, in *April, 1704*. The House having Reason to suspect, that the several Sums of eighteen and thirteen hundred Pounds, lately raised for the publick Service, had been prodigally expended or embezzled, prudently declined any farther Aids, till they were satisfied that no Misapplication had been made. For this Purpose they appointed a Committee, who reported that there was a Balance of near a thousand Pounds due to the Colony. His Lordship, who had hitherto been treated with great Complaisance, took Offence at this parifimonious Scrutiny, and ordered the Assembly to attend him; when, after the Example of *Fletcher*, whom, abating that Man's superior Activity, his Lordship mostly resembled, he made an angry Speech, in which he charges them with Innovations never attempted by their Predecessors, and hopes they would not force him to exert "CERTAIN POWERS" vested in him by the Queen. But what he more particularly took Notice of, was their insisting in several late Bills, upon the Title of "*General Assembly*," and a Saving of the "*Rights of the House*," in a Resolve agreeing to an Amendment for preventing Delay; with respect to which, his Lordship has these Words: "I know of no Right that you have as an Assembly, but such as the Queen is pleased to allow you." As to the Vote, by which they found a Balance due to the Colony, of nine hundred and thirteen Pounds, fifteen Shillings, "it is true (says his Lordship) the Queen is pleased to command me, in her Instructions, to permit the Assembly, from Time to Time, to view and examine the Accounts of Money, or Value of Money, disposed by Virtue of the Laws made by them; but you can in no wise meddle with that Money; but if you find any Misapplication of any of that Money, you ought to acquaint me with it, that I may take Care to see those Mistakes rectified, which I shall certainly do."

The House bore these Rebukes with the utmost Passiveness, contenting themselves with little else than a general Complaint of the Deficiency of the Revenue, which became the Subject of their particular Consideration in the Fall. The Governour, on the one hand, then proposed an additional Duty of ten *per Cent.* on certain Goods, not immediately imported from

Europe,

Europe, to which the Assembly, on the other, were utterly averse, and as soon as they resolved against it, the very Printer, Clerk, and Door-keeper, were denied the Payment of their Salaries. Several other Demands being made for the publick Debts, the House resolved to address his Lordship for an exact Account of the Revenue, which, together with their Refusal, to admit the Council's Amendment to a Money Bill, gave him such high Provocation, that he was induced to dissolve an Assembly, whose prodigal Liberality had justly exposed them to the Resentment of the People. The new Assembly, which met on the 14th of *June*, 1705, neglected the Affair of the Revenue and the additional Duty, though his Lordship strongly recommended them both. Among the principal Acts passed at this Meeting, is that for the Benefit of the Clergy, who were entitled to the Salaries formerly established by Colonel *Fletcher*; which, tho' less than his Lordship recommended, was doubtless a grateful Offering to his unceasing Zeal for the Church, manifested in a Part of his Speech at the Opening of the Session, in these Words: "The Difficulties which some very worthy
 " Ministers of the Church of *England* have met with, in getting the Main-
 " tainance settled upon them, by an Act of the general Assembly of this
 " Province, passed in the Year 1693, moves me to propose to you the pas-
 " sing an Act, explanatory of the forementioned Act, that those worthy
 " good Men, who have ventured to come so far, for the Service of God
 " in his Church, and the Good and Edification of the People, to the Sal-
 " vation of their Souls, may not for the future be vexed, as some of them
 " have been; but may enjoy in Quiet, that Maintainance, which was by
 " a Law provided for them *. I farther recommend to you, the passing
 " an Act to provide for the Maintainance of some Ministers, in some of
 " the Towns at the East End of *Long-Island*, where I don't find any Pro-
 " vision has been yet made for propagating Religion."

Our Harbour being wholly unfortified, a *French* Privateer actually entered it in 1705, and put the Inhabitants into great Consternation. The Assembly, at their Session in *June*, the next Year, were not disinclined, thro' the Importunity of the People, to put the City in a better Posture of Defence for the future; but being fully convinced, by his Lordship's Embezzlement of 1500 *l.* formerly raised for two Batteries at the *Narrows*, and near 1000 *l.* levied for the Protection of the Frontiers, that he was no more

* The Majority of our People are of a contrary Opinion, if my Lord thought the Establishment was designed only for the Episcopal Clergy.

to be trusted with publick Monies, offered a Bill for raising 3000 *l.* for Fortifications, appointing that Sum to be deposited in the Hands of a private Person of their own Nomination; but his Excellency did not pass it till their next Meeting in the Fall, when he informed them that he had received the Queen's Commands, "to permit the general Assembly to name their own Treasurer, when they raised extraordinary Supplies for particular Uses, and which are no Part of the standing and constant Revenue; the Treasurer being accountable to the three Branches of the Legislature, and the Governor always acquainted with the Occasion of issuing such Warrants."

His Lordship's renewing the Proposal of raising Fortifications at the *Narrows*, which he had himself hitherto scandalously prevented, is a Proof of his excessive Effrontery and Contempt of the People; and the Neglect of the House, to take the least Notice, either of that Matter or the Revenue, occasioned another Dissolution.

Before I proceed to the Transactions of the new Assembly, which did not meet till the Year 1708, it will not be improper to lay before the Reader, the Account of a memorable Proof of that persecuting Spirit, which influenced Lord *Cornbury's* whole Administration.

The Inhabitants of the City of *New-York* consisted, at this Time, of *Dutch Calvinists*, upon the Plan of the Church of *Holland*; *French Refugees*, on the *Geneva* Model; a few *English* Episcopalians; and a still smaller Number of *English* and *Irish* Presbyterians; who having neither a Minister nor a Church, used to assemble themselves, every *Sunday*, at a private House, for the Worship of God. Such were their Circumstances, when *Francis McKemie* and *John Hampton*, two Presbyterian Ministers, arrived here in *January*, 1707. As soon as Lord *Cornbury*, who hated the whole Persuasion, heard that the *Dutch* had consented to *McKemie's* preaching in their Church, he arbitrarily forbid it; so that the publick Worship, on the next Sabbath, was performed, with open Doors, at a private House. Mr. *Hampton* preached, the same Day, at the Presbyterian Church in *New-Town*, distant a few Miles from the City. At that Village both these Ministers were two or three Days after apprehended, by *Cardwell* the Sheriff, pursuant to his Lordship's Warrant, for preaching without his Licence. From hence they were led in Triumph a Circuit of several Miles through *Jamaica* to *New-York*. They appeared before his Lordship with an undaunted Courage, and had a Conference with him, in which it is difficult to determine, whether my Lord excelled in the Character of a savage Bigot, or an ill-mannerly Tyrant. The Ministers

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were no Lawyers, or they would not have founded their Justification on the supposed Extent of the *English* Act of Toleration. They know not that the Ecclesiastical Statutes had no Relation to this Colony; and that its religious State consisted in a perfect Parity between Protestants of all Denominations. They erroneously supposed that all the penal Laws extended to this Province, and relied, for their Defence, on the Toleration, offering Testimonials of their having complied with the Act of Parliament in *Virginia* and *Maryland*, and promised to certify the House, in which *M^r Kemie* had preached, to the next Sessions. His Lordship's Discourse with them was the more ridiculous, because he had *Bickly*, the Attorney-General, to assist him. Against the Extension of the Statute, they insisted that the penal Laws were limited to *England*, and so also the Toleration Act, because the sole Intent of it was to take away the Penalties formerly established. But grant the Position, and the Consequence they drew from it, argues that my Lord and Mr. Attorney were either very weak, or influenced by evil Designs. If the penal Laws did not extend to the Plantations, then the Prisoners were innocent, for where there is no Law there can be no Transgression; but according to these incomparable Sages, if the penal Laws and the Toleration were restricted to the Realm of *England*, as they contended, then the poor Clergymen, for preaching without his Licence, were guilty of a heinous Crime, against his *private, unpublished Instructions*; and for this Cause he issued an informal Precept to the Sheriff of *New-York*, for their Commitment to Jail, *till further Orders*. They continued in Confinement, through the Absence of *Mompesson*, the Chief Justice, who was in *New-Jersey*, six Weeks and four Days; but were then brought before him by Writ of *Habeas Corpus*. *Mompesson* being a Man of Learning in his Profession, and his Lordship now apprised of the Illegality of his first Warrant, issued another, on the very Day of the Test of the Writ, in which he virtually contradicts what he had before insisted on, at his Conference with the Prisoners. For according to this, they were imprisoned for preaching without being qualified as the Toleration Act required, tho' they had offered themselves to the Sessions during their Imprisonment. They were then bailed to the next supreme Court, which began a few Days after. Great Pains were taken to secure a Grand Jury for the Purpose, and among those who found the Indictment, to their Shame be it remembered, were several *Dutch* and *French* Protestants.

Mr. *M^r Kemie* returned to *New-York*, from *Virginia*, in *June*; and was now come to his Trial on the Indictment found at the last Court. As to

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Mr. *Hampton*, he was discharged, no Evidence being offered to the Grand Jury against him.

Bickley, the Attorney-General, managed the Prosecution in the Name of the Queen; *Reignere*, *Nicoll*, and *Jamison* appeared for the Defendant. The Trial was held on the 6th of *June*, and being a Cause of great Expectation, a numerous Audience attended. *Roger Mompesson* sat on the Bench as Chief Justice, with *Robert Milward* and *Thomas Wenham* for his Assistants. The Indictment was, in Substance, that *Francis M^r Kemie*, pretending himself to be a Protestant Dissenting Minister, contemning and endeavouring to subvert the Queen's ecclesiastical Supremacy, unlawfully preached without the Governour's License first obtained, in Derogation of the royal Authority and Prerogative: that he used other Rites and Ceremonies, than those contained in the Common-Prayer Book. And lastly, that being unqualified by Law to preach, he nevertheless did preach at an illegal Conventicle: and both these last Charges were laid to be contrary to the Form of the *English* Statutes. For it seems that Mr. Attorney was now of Opinion, that the penal Laws did extend to the *American* Plantations, tho' his Sentiments were the very reverse at the first Debate before his Excellency: but *Bickley* was rather remarkable for a voluble Tongue, than a penetrating Head or much Learning. To support this Prosecution, he endeavoured to prove the Queen's ecclesiastical Supremacy in the Colonies, and that it was delegated to her noble Cousin the Governour; and hence he was of Opinion, that his Lordship's Instructions relating to Church Matters, had the Force of a Law. He, in the next Place, contended for the Extention of the Statutes of Uniformity, and, upon the Whole, was pleased to say, that he did not doubt the Jury would find a Verdict for the Queen. *Reignere*, for the Defendant, insisted, that Preaching was no Crime by the *Common Law*, that the Statutes of Uniformity, and the Act of Toleration did not extend here, and that the Governour's Instructions were not Laws. *Nicoll* spoke to the same Purpose, and so did *David Jamison*; but *M^r Kemie* concluded the whole Defence in a Speech, which sets his Capacity in a very advantageous Light. The Reader may see it in the Narrative of this Trial, which was first published at the Time, and since reprinted at *New-York* in the Year 1755. The Chief Justice, in his Charge, advised a special Verdict, but the Jury found no Difficulty to acquit the Defendant, who thro' the shameful Partiality of the Court, was not discharged from his Recognizance, till they had illegally extorted all the Fees of his Prosecution, which,

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together with his Expences, amounted to eighty-three Pounds seven Shillings and six Pence.

Lord *Cornbury* was now daily losing the Favour of the People. The Friends of *Leisler* had him in the utmost Abhorrence from the Beginning; and being all Spies upon his Conduct, it was impossible for his Lordship to commit the smallest Crime unnoticed. His Persecution of the Presbyterians very early increased the Number of his Enemies. The *Dutch* too were fearful of his religious Rage against them, as he disputed their Right to call and settle Ministers, or even Schoolmasters, without his special Licence. His excessive Avarice, his Embezzlement of the publick Money, and his sordid Refusal to pay his private Debts, bore so heavily upon his Reputation, that it was impossible for his Adherents, either to support him, or themselves, against the general Opposition. Such being the Temper of the People, his Lordship did not succeed according to his Wishes in the new Assembly, which met on the 19th of *August*, 1708. The Members were all against him, and *William Nicoll* was again chosen Speaker.

Among the several Things recommended to their Consideration, the Affair of the Revenue, which was to expire in *May* following, and the Propriety of making Presents to the *Indians*, were the chief. The House were not insensible of the Importance of the *Indian* Interest, and of the infinite Arts of the *French* to seduce them from our Alliance: but suspicious that his Lordship, who heretofore had given himself little Concern about that Matter, was seeking a fresh Opportunity to defraud the Publick, they desired him to give them a List of the Articles of which the Presents were to consist, together with an Estimate of the Charge, before they would provide for that Donation.

With respect to the Revenue, his Lordship was not so successful, for the Assembly resolutely refused to continue it; tho' they consented to an Act to discharge him from a Contract of 250 *l.* and upwards, which he had made with one *Hanson* for the publick Service. *Thomas Byerly* was, at that Time, Collector and Receiver-General; and by pretending that the Treasury was exhausted, the Debts of the Government were unpaid. This gave rise to many Petitions to the Assembly to make Provision for their Discharge. Colonel *Schuyler*, who had expended large Sums on the publick Credit, was among the principal Sufferers, and joined with several others in an Application to the House, that *Byerly* might be compelled to account. The Disputes, relating to this Matter, took up a considerable Part of the Session,

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and were litigated with great Heat. Upon the whole, an Act was passed for refunding 700*l.* which had been misapplied.

The Resolutions of the Committee of Grievances, approved by the House, shew the general Objections of the People to his Lordship's Administration. These were made at the Beginning of the Session, and yet we find this haughty Lord subdued by the Opposition against him, and so dispirited thro' Indigence, and the incessant Sollicitations of his Creditors, that he not only omitted to justify himself, but to shew even an impotent Repentment. For after all the Censures of the House, he tamely thanked them, for passing the Bill to discharge him from a small Debt, which they could not, in Justice, have refused. The Resolutions were in these Words:

“ *Resolved*, That it is the Opinion of this Committee, that the appointing Coroners in this Colony, without their being chosen by the People, is a Grievance, and contrary to Law*.

“ *Resolved*, That it is, and always has been, the unquestionable Right of every Free-man in this Colony, that he hath a perfect and entire Property in his Goods and Estate.

“ *Resolved*, That the imposing and levying of any Monies upon her Majesty's Subjects of this Colony, under any Pretence or Colour whatsoever, without Consent in general Assembly, is a Grievance, and a Violation of the People's Property.

“ *Resolved*, That for any Officer whatsoever, to extort from the People, extravagant and unlimited Fees, or any Money whatsoever, not positively established and regulated by Consent in general Assembly, is unreasonable and unlawful, a great Grievance, and tending to the utter Destruction of all Property in this Plantation.

“ *Resolved*, That the erecting a Court of Equity without Consent in general Assembly, is contrary to Law, without Precedent, and of dangerous Consequence to the Liberty and Property of the Subjects.

“ *Resolved*, That the raising of Money for the Government, or other necessary Charge, by any Tax, Impost, or Burthen on Goods imported, or exported; or any Clog, or Hindrance, on Traffick or Commerce, is found by Experience to be the Expulsion of many, and the Impoverishing of the Rest of the Planters, Freeholders, and Inhabitants of this Colony; of most pernicious Consequence, which, if continued, will unavoidably prove the Ruin of the Colony.

* See Lord Bacon's Works, Fol. Edit. 2. Vol. 152. and yet the Coroners in every County are still appointed by the Governour.

“ *Resolved*, That the excessive Sums of Money *scrowed* from Masters of Vessels trading here, under the Notion of Port-Charges, visiting the said Vessels by supernumerary Officers, and taking extraordinary Fees, is the great Discouragement of Trade, and Strangers coming amongst us, beyond the Precedent of any other Port, and without Colour of Law.

“ *Resolved*, That the compelling any Man upon Trial by a Jury, or otherwise, to pay any Fees for his Prosecution, or any Thing whatsoever, unless the Fees of the Officers whom he employs for his necessary Defence, is a great Grievance, and contrary to Justice *.”

Lord *Cornbury* was no less obnoxious to the People of *New-Jersey*, than to those of *New-York*. The Assembly of that Province, impatient of his Tyranny, drew up a Complaint against him, which they sent Home to the Queen.

Her Majesty graciously listened to the Cries of her injured Subjects, de- vested him of his Power, and appointed Lord *Lovelace* in his Stead; de- claring that she would not countenance her nearest Relations in oppressing her People.

As soon as my Lord was superseded, his Creditors threw him into the Custody of the Sheriff of *New-York*; and he remained here till the Death of his Father, when succeeding to the Earldom of *Clarendon*, he returned to *England*.

We never had a Governour so universally detested, nor any who so richly deserved the publick Abhorrence. In Spite of his noble Descent, his Behaviour was trifling, mean, and extravagant.

It was not uncommon for him to dress himself in a Woman's Habit, and then to patrol the Fort in which he resided. Such Freaks of low Humour exposed him to the universal *Contempt* of the People; but their *Indignation* was kindled by his despotick Rule, savage Bigotry, insatiable Avarice, and Injustice, not only to the publick, but even his private Creditors. For he left some of the lowest Tradesmen in his Employment unsatisfied in their just Demands.

John Lord *Lovelace*, Baron of *Hurley*, was appointed to this Government, in the Spring, 1708, but did not arrive here till the 18th of *December* following. Lord *Cornbury*'s oppressive, mean, Administration had long made the People very desirous of a Change; and therefore his Successor was re-

* This had a special Relation to the late Prosecution of Mr. *McKenie*.

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ceived with universal Joy. Having dissolved the General Assembly, soon after his Accession to the Government, he convened a new one on the 5th of *April*, 1709, which consisting of Members of the same Interest with the last, re-elected *William Nicoll*, the former Speaker, into the Chair. His Lordship told them, at the Beginning of the Session, "That he had brought with him large Supplies of Soldiers and Stores of War, as well as Presents for the *Indians*," than which nothing could be more agreeable to the People. He lamented the Greatness of the provincial Debts, and the Decay of publick Credit; but still recommended their raising a Revenue, for the same Term with that established by the Act in the 11th Year of the last Reign. He also pressed the Discharge of the Debts of the Government, and their Examination of the publick Accounts, "that it may be known (says he) what this Debt is, and that it may appear hereafter to all the World, that it was not contracted in my Time." This oblique Reflection upon his Predecessor, who was now ignominiously imprisoned by his Creditors, was displeasing to no Body.

Tho' the Assembly, in their Answer, heartily congratulated his Lordship's Arrival, and thanked the Queen for her Care of the Province, yet they sufficiently intimated their Disinclination to raise the Revenue, which the Governour had requested. "Our earnest Wishes (to use the Words of the Address) are, that suitable Measures may be taken, to encourage the few Inhabitants left to stay in it, and others to come. The just Freedom enjoyed by our Neighbours, by the tender Indulgence of the Government, has extremely drained and exhausted us both of People and Stock; whilst a different Treatment, the wrong Methods too long taken, and Severities practised here, have averted and deterred the usual Part of Mankind from settling and coming hitherto." Towards the Close, they assure him, "That as the Beginning of his Government gave them a delightful Prospect of Tranquility, so they were come with Minds prepared to consult the Good of the Country and his Satisfaction."

The principal Matter which engaged the Attention of the Assembly, was the Affair of the Revenue. Lord *Cornbury's* Conduct had rendered them utterly averse to a permanent Support for the future, and yet they were unwilling to quarrel with the new Governour. They, however, at last agreed on the 5th of *May*, to raise 2500 *l.* to defray the Charges of the Government to the 1st of *May* ensuing, 1600 *l.* of which was voted to his Excellency, and the remaining Sums towards a Supply of Firewood and Candles to the several Forts in *New-York*, *Albany*, and *Schenectady*; and

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for Payment of small Salaries to the Printer, Clerk of the Council, and
Indian Interpreter.

This new Project of providing, annually, for the Support of Govern-
ment, was contrived to prevent the Mischiefs, to which the long Revenues
had formerly exposed us. But as it rendered the Governour, and all the
other Servants of the Crown dependent upon the Assembly, a Rupture,
between the several Branches of the Legislature, would doubtless have en-
sued; but the very Day, in which the Vote passed the House, his Lord-
ship died of a Disorder contracted in crossing the Ferry at his first Arrival
in the City of *New-York*. His Lady continued here, long after his Death,
soliciting for the Sum voted to her Husband; but tho' the Queen interposed,
by a Letter, in her Behalf, nothing was allowed till several Years after-
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P A R T I V.

From the Canada Expedition in 1709, to the Arrival of Governour Burnet.

LORD *Lovelace* being dead, the chief Command devolved upon *Richard Ingoldby*, the Lieutenant-Governour, the same who had exercised the Government several Years before, upon the Decease of Colonel *Sloughter*. His short Administration is remarkable, not for his extraordinary Talents, for he was a heavy Man, but for a second fruitless Attempt against *Canada*. Colonel *Vetch*, who had been, several Years before, at *Quebeck*, and founded the River of *St. Lawrence*, was the first Projector of this Enterprize. The Ministry approved of it, and *Vetch* arrived in *Boston*, and prevailed upon the *New-England* Colonies to join in the Scheme. After that, he came to *New-York*, and concerted the Plan of Operations with *Francis Nicholson*, formerly our Lieutenant-Governour, who, at the Request of *Ingoldby*, the Council, the Assembly, *Gurdon Saltonstall* the Governour of *Connecticut*, and *Charles Gookin* Lieutenant-Governour of *Pennsylvania*; accepted the chief Command of the provincial Forces, intended to penetrate into *Canada*, by the Way of *Lake Champlain*. Impoverished as we were, the Assembly joined heartily in the Enterprize. It was at this Juncture, our first Act for issuing Bills of Credit was passed; an Expedient without which we could not have contributed to the Expedition,

tion; the Treasury being then totally exhausted. Universal Joy now brightened every Man's Countenance, because all expected the compleat Reduction of *Canada*, before the ensuing Fall. Big with the pleasing Prospect of an Event, which would put a Period to all the Ravages of an encroaching, mercilefs, Enemy, extend the *British* Empire, and augment our Trade, we exerted ourselves to the utmost, for the Success of the Expedition. As soon as the Design was made known to the House, twenty Ship and House Carpenters were impressed into the Service for building Batteaus. Commissioners also were appointed to purchase Provisions and other Necessaries, and empowered to break open Houses for that Purpose; and to impress Men, Vessels, Horses, and Waggons, for transporting the Stores. Four hundred and eighty-seven Men, besides the independent Companies, were raised and dispatched to *Albany*, by the 27th of *June*; from whence they advanced, with the main Body, to the *Wood Creek*. Three Forts were built there, besides many Block-houses and Stores for the Provisions, which were transported with great Dispatch. The Province of *New-York* (all Things considered) has the Merit of having contributed more than any of her Neighbours towards this Expedition. *Pennsylvania* gave no Kind of Aid, and *New-Jersey* was only at the Expence of 3000 *l*. One hundred Batteaus, as many Birch Canoes, and two of the Forts, were built *entirely*, and the other Fort, for *the most Part*, at the Charge of this Government. All the Provisions and Stores for the Army, were transported at our Expence; and besides our Quota of Volunteers and the independent Companies, we procured and maintained six hundred *Indians*, and victualed a thousand of their Wives and Children at *Albany*, during the Campaign.

Having thus put ourselves to the Expence of above twenty thousand Pounds towards this Enterprize, the Delay of the Arrival of the Fleet spread a general Discontent through the Country; and early in the Fall, the Assembly addressed the Lieutenant-Governour to recall our Forces from the Camp. *Vetch* and *Nicholson* soon after broke up the Campaign, and retired to *New-Port* in *Rhode-Island*, where there was a Congress of Governours. *Ingoldby*, who was invited to it, did not appear, in Compliance with the Inclination of the Assembly, who, incensed at the publick Disappointment, harboured great Jealousies of all the first Promoters of the Design. As soon, therefore, as Lord *Sunderland's* Letters, which arrived here on the 21st of *October*, were laid before the House, they resolved to send an Address to the Queen, to lay before her a true Account of the Manner, in which this Province exerted itself in the late Undertaking.

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Had this Expedition been vigorously carried on, doubtless it would have succeeded. The publick Affairs at Home were conducted by a wise Ministry. The allied Army triumphed in repeated Successes in *Flanders*; and the Court of *France* was in no Condition to give Assistance to so distant a Colony as *Canada*. The *Indians* of the *Five Nations* were engaged, thro' the indefatigable Solicitations of Colonel *Schuyler*, to join heartily in the Attempt; and the Eastern Colonies had nothing to fear from the *Ouwengungas*, because those *Indians* had, a little before, concluded a Peace with the Confederates. In *America* every Thing was ripe for the Attack. At Home, Lord *Sunderland*, the Secretary of State, had proceeded so far, as to dispatch Orders to the Queen's Ships at *Boston*, to hold themselves in Readiness, and the *British* Troops were upon the Point of their Embarkation. At this Juncture, the News arrived of the Defeat of the *Portuguese*, which reducing our Allies to great Streights, the Forces intended for the *American* Adventure were then ordered to their Assistance, and the Thoughts of the Ministry entirely diverted from the *Canada* Expedition.

As we had not a Man in this Province, who had more extended Views of the Importance of driving the *French* out of *Canada*, than Colonel *Schuyler*, so neither did any Person more heartily engage in the late Expedition. To preserve the Friendship of the *Five Nations*, without which it would be impossible to prevent our Frontiers from becoming a Field of Blood, he studied all the Arts of insinuating himself into their Favour. He gave them all possible Encouragement and Assistance, and very much impaired his own Fortune, by his Liberality to their Chiefs. They never came to *Albany* but they resorted to his House, and even dined at his Table; and by this Means he obtained an Ascendency over them, which was attended with very good Consequences to the Province, for he could always, in a great Degree, obviate or eradicate the Prejudices and Jealousies, by which the *French* Jesuits were incessantly labouring to debauch their Fidelity.

Impressed with a strong Sense of the Necessity of some vigorous Measures against the *French*, Colonel *Schuyler* was extremely discontented at the late Disappointment; and resolved to make a Voyage to *England*, at his private Expence, the better to inculcate on the Ministry, the absolute Necessity of reducing *Canada* to the Crown of *Great-Britain*. For that Purpose he proposed to carry Home with him five *Indian* Chiefs. The House no sooner heard of his Design, than they came to a Resolution, which, in Justice to his distinguished Merit, I ought not to suppress. It was this:

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“ Resolved, *Nemine contradicente*, That the humble Address of the Lieutenant-Governor, Council, and general Assembly of this Colony to the Queen, representing the present State of this Plantation, be committed to his Charge and Care, to be presented by himself to her sacred Majesty; he being a Person, who not only in the last War, when he commanded the Forces of this Colony in chief at *Canada*, but also in the present, has performed faithful Services, to this and the neighbouring Colonies; and behaved himself in the Offices, with which he has been intrusted, with good Reputation, and the general Satisfaction of the People in these Parts.”

The Arrival of the five *Sachems* in *England*, made a great Bruit thro’ the whole Kingdom. The Mob followed wherever they went, and small Cuts of them were sold among the People. The Court was at that Time in Mourning for the Death of the Prince of *Denmark*: these *American Kings* * were therefore dressed in black under Cloths, after the *English* Manner; but, instead of a Blanket, they had each a Scarlet-in-grain Cloth Mantle, edged with Gold, thrown over all their other Garments. This Dress was directed by the Dressers of the Playhouse, and given by the Queen, who was advised to make a Shew of them. A more than ordinary Solemnity attended the Audience they had of her Majesty. Sir *Charles Cotterel* conducted them, in two Coaches, to *St. James’s*; and the Lord Chamberlain introduced them into the royal Presence. Their Speech, on the 19th of *April*, 1710, is preserved by *Oldmixon*, and was in these Words:

“ GREAT QUEEN,

“ We have undertaken a long Voyage, which none of our Predecessors could be prevailed upon to undertake, to see our great Queen, and relate to her those Things, which we thought absolutely necessary for the Good of her, and us her Allies, on the other Side the Water.

“ We doubt not but our great Queen has been acquainted with our long and tedious War, in Conjunction with her Children, against her Enemies the *French*; and that we have been as a strong Wall for their Security, even to the Loss of our best Men. We were mightily rejoiced, when we heard our great Queen had resolved to send an Army to reduce *Canada*, and immediately, in Token of Friendship, we hung up the Kettle, and took up the Hatchet, and, with one Consent, assisted Colonel

* This Title is commonly bestowed on the *Sachems*, tho’ the *Indians* have no such Dignity or Office amongst them.

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“ *Nicholson* in making Preparations on this Side the Lake ; but, at length, we were told our great Queen, by some important Affairs, was prevented in her Design, at present, which made us sorrowful, lest the *French*, who had hitherto dreaded us, should now think us unable to make War against them. The Reduction of *Canada* is of great Weight to our free Hunting ; so that if our great Queen should not be mindful of us, we must, with our Families, forsake our Country, and seek other Habitations, or stand neuter, either of which will be much against our Inclinations.

“ In Token of the Sincerity of these Nations, we do, in their Names, present our great Queen with these Belts of *Wampum*, and in Hopes of our great Queen’s Favour, leave it to her most gracious Consideration.”

While Colonel *Schuyler* was at the *British* Court, Captain *Ingoldby* was displaced, and *Gerardus Beekman* exercised the Powers of Government, from the 10th of *April*, 1710, till the Arrival of Brigadier *Hunter*, on the 14th of *June* following. The Council then present were,

Mr. *Beekman*,
Mr. *Van Dam*,
Colonel *Benslaer*,

Mr. *Mompesson*,
Mr. *Barbarie*,
Mr. *Philipse*.

Hunter was a Native of *Scotland*, and, when a Boy, put Apprentice to an Apothecary. He left his Master, and went into the Army ; and being a Man of Wit and personal Beauty, recommended himself to Lady *Hay*, whom he afterwards married. In the Year 1707, he was appointed Lieutenant-Governour of *Virginia*, but being taken by the *French* in his Voyage to that Colony, he was carried into *France*, and upon his Return to *England*, appointed to succeed Lord *Lovelace* in the Government of this and the Province of *New-Jersey*. Dean *Swift*’s Letter to him, during his Captivity, shews that he had the Honour of an Intimacy with Mr. *Addison* and others, who were distinguished for their good Sense and Learning ; and perhaps it was by their Interest, he was advanced to this profitable Place.

Governour *Hunter* brought over with him near three thousand Palatines, who the Year before fled to *England* from the Rage of Persecution in *Germany*. Many of these People seated themselves in the City of *New-York*, where they built a *Lutheran* Church, which is now in a declining Condition. Others settled on a Tract of several thousand Acres, in the Manor of

Livingston. Their Village there, called the *Camp*, is one of the pleafantest Situations on *Hudson's River*: right oppofite, on the Weft Bank, are many other Families of them. Some went into *Pennfylvania*, and by the favourable Accounts of the Country, which they tranfmitted to *Germany*, were inftrumental to the Tranfmigration of many thoufands of their Countrymen into that Province. *Queen Anne's* Liberality to thefe People, was not more beneficial to them, than ferviceable to this Colony. They have behaved themfelves peaceably, and lived with great Induftry. Many are rich, all are Proteftants, and well affected to the Government. The fame muft be faid of thofe who have lately fettled amongft us, and planted the Lands Weftward of *Albany*. We have not the leaft Ground for Jealoufy with refpect to them. Amongft us they are few in Number, compared to thofe in *Pennfylvania*. There they are too numerous, to be foon affimilated to a new Conftitution. They retain all the Manners and Principles which prevail in their native Country, and as many of them are Papifts, fome are not without their Fears, that fooner or later, they will become dangerous to our Colonies*.

The late Attempt to attack *Canada* proving abortive, expofed us to Confequences equally calamitous, dreaded, and forefeen. While the Preparations were making to invade it, the *French* exerted themfelves in cajoling their *Indian* Allies to affift in the Repulfè; and as foon as the Scheme dropped, numerous Parties were fent out to harafs the *Englifh* Frontiers. Thefe Irruptions were, principally, made on the northern Parts of *New-England*, where the moft favage Cruelties were daily committed. *New-York* had, indeed, hitherto efaped, being covered by the *Indians* of the *Five Nations*; but the Danger we were in induced Governour *Hunter*, foon after his Arrival, to make a Voyage to *Albany*, where he met the confederate Chiefs, and renewed the old Covenant. While there, he was ftrongly foli-cited, by the *New-England* Governments, to engage our *Indians* in a War with thofe who were daily ravaging their Borders; but he prudently declined a Meafure, which might have expofed his own Province to a general Devaftation. A Treaty of Neutrality fubfifted, at that Time, between the Confederates and

* The furprifing Importation of *Germans* into that Colony, gave rife to the Scheme of difperfing *Englifh* Clergymen and Schoolmafters amongft them. The Project is founded on Principles of found Polity. If a political Miffion among the *Indians* had been feafonably encouraged, the Province of *Pennfylvania* might have

efaped all that fhocking Devaftation, which enfued the fatal Defeat of General *Braddock's* Army on the 9th of *July*, 1755; and would, perhaps, have prevented even the Erektion of *Fort Quefne*, which has already coft the Nation fo much Blood and Treafure.

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the *Canada French* and their *Indians*; which, depending upon the Faith of lawless Savages, was, at best, but precarious, and yet the only Security we had for the Peace of our Borders. A Rupture between them would have involved us in a Scene of Misery, at a Time, of all others, most unseasonable. However the People of *New-England* might censure the Governour, it was a Proof of his Wisdom to refuse their Request. For besides a Want of Men and Arms to defend us, our Forts were fallen down, and the Treasury exhausted.

The new Assembly met, at *New-York*, on the 1st of *September*. Mr. *Nicoll*, the Speaker, Mr. *Livingston*, Mr. *De Lancey*, and Colonel *Morris*, were the Members most distinguished for their Activity in the House. Mr. *De Lancey* was a Protestant Refugee, a Native of *Caen* in *Normandy*; and by marrying a Daughter of Mr. *Courtlandt*, connected with a Family, then, perhaps, the most opulent and extensive of any in the Province. He was an eminent Merchant, and, by a successful Trade, had amassed a very considerable Fortune. But of all these, Colonel *Morris* had the greatest Influence on our publick Affairs. He was a Man of Letters, and, tho' a little whimsical in his Temper, was grave in his Manners and of penetrating Parts. Being excessively fond of the Society of Men of Sense and Reading, he was never wearied at a Siting, till the Spirits of the whole Company were dissipated. From his Infancy, he had lived in a Manner best adapted to teach him the Nature of Man, and to fortify his Mind for the Vicissitudes of Life. He very early lost both his Father and Mother, and fell under the Patronage of his Uncle, formerly an Officer, of very considerable Rank, in *Cromwell's* Army; who, after the Restoration, disguised himself under the Profession of Quakerism, and settled on a fine Farm, within a few Miles of the City, called, after his own Name, *Morrisania*. Being a Boy of strong Passions, the general Indications of a fruitful Genius, he gave frequent Offence to his Uncle, and, on one of these Occasions, thro' Fear of his Resentment, strolled away into *Virginia*, and thence to *Jamaica* in the *West-Indies* *, where, to support himself, he set up for a Scrivener. After several Years spent in this vagabond Life, he returned again to his Uncle, who received the young Prodigal with Joy; and, to reduce him to Regularity, brought about his Marriage with a Daughter of Mr. *Graham*, a fine

* *Hugh Coppaswait*, a Quaker Zealot, was among the *Mohawks*. The credulous Quaker his Preceptor: the Pupil taking Advantage of took it for a miraculous Call, and was upon the his Enthusiasm, hid himself in a Tree, and calling Point of setting out when the Cheat was discovered.

Lady,

Lady, with whom he lived above fifty Years, in the Possession of every Enjoyment, which good Sense and polite Manners in a Woman could afford. The greatest Part of his Life, before the Arrival of Mr. *Hunter*, was spent in *New-Jersey* *, where he signalized himself in the Service both of the Proprietors and the Assembly. The latter employed him to draw up their Complaint against my Lord *Cornbury*, and he was made the Bearer of it to the Queen. Tho' he was indolent in the Management of his private Affairs, yet, thro' the Love of Power, he was always busy in Matters of a political Nature, and no Man in the Colony equaled him in the Knowledge of the Law and the Arts of Intrigue. From this Character, the Reader will easily perceive that Governour *Hunter* shewed his Prudence, in taking Mr. *Morris* into his Confidence, his Talents and Advantages rendering him either a useful Friend or formidable Foe. Such were the acting Members of this Assembly. When Brigadier *Hunter* spoke to them, he recommended the settling a Revenue, the Defence of the Frontiers, and the Restoration of the publick Credit, which Lord *Cornbury* had almost entirely destroyed. To stifle the remaining Sparks of our ancient Feuds, he concluded with these Words: " If any go about to disturb your Peace, by reviving buried Parties or Piques, or creating new ones, they shall meet with no Countenance or Incouragement from me; and I am sure they deserve as little from you." The Address of the House was perfectly agreeable to the Governour. They promised to provide for the Support of Government, and to restore the publick Credit, as well as to protect the Frontiers. In Answer to the Close of his Speech, they declare their Hope, " That such as excited party Contentions might meet with as little Credit, and as much Disgrace, as they deserve." This Unanimity, however, was soon interrupted. Colonel *Morris*, for some warm Words dropped in a Debate, was expelled the House; and soon after a Dispute arose, between the Council and Assembly, concerning some Amendments, made by the former, to a Bill " For the Treasurer's paying sundry Sums of Money." The Design of it, in mentioning the particular Sums, and rendering them issuable by their own Officer, was to restrain the Governour from repeating the Misapplications which had been so frequent in a late Administration. The Council, for

* He was one of the Council in that Province, and a Judge of the supreme Court there, in 1692. Upon the Surrender of the Government to Queen *Anne*, in 1702, he was named

to be Governour of the Colony; but the Appointment was changed in Favour of Lord *Cornbury*, the Queen's Cousin.

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that Reason, opposed it, and adhered to their Amendments; which occasioned a Prorogation, on the 25th of *November*, after the passing of several other necessary Laws.

Mr. *Hunter* cautiously avoided entering, publicly, into the Dispute between the two Houses, till he knew the Sentiments of the Ministry, and then he opened the Spring Sessions with a Speech too singular not to be inserted.

“ Gentlemen: I hope you are now come with a Disposition to answer the
 “ Ends of your Meeting, that is, to provide a suitable Support for her
 “ Majesty’s Government here, in the Manner she has been pleased to direct;
 “ to find out Means to restore the publick Credit, and to provide
 “ better for your own Security.

“ They abuse you, who tell you, that you are hardly dealt by in the
 “ Augmentation of Salaries. Her Majesty’s Instructions, which I communicated
 “ to you at our last Meeting, might have convinced you that it
 “ was her Tenderness towards her Subjects in the Plantations, who suffered
 “ under an established Custom of making considerable Presents to their
 “ Governours, by Acts of Assembly, that induced her to allot to each of them
 “ such a Salary as she judged sufficient for their Support, in their respective
 “ Stations, with a strict Prohibition of all such Presents for the future;
 “ which Instruction has met with a chearful and grateful Compliance in all
 “ the other Colonies.

“ If you have been in any Thing distinguished, it is by an extraordinary
 “ Measure of her royal Bounty and Care. I hope you will make
 “ suitable Returns, lest some Insinuations, much repeated of late Years,
 “ should gain Credit at last, that however your Resentment has fallen upon
 “ the *Governor*, it’s the *Government* you dislike.

“ It is necessary, at this Time, that you be told also, that giving Money
 “ for the Support of Government, and disposing of it at your Pleasure, is
 “ the same with giving none at all. Her Majesty is the sole Judge of the
 “ Merits of her Servants. This Right has never yet been disputed at
 “ Home, and should I consent to give it up abroad, I should render myself
 “ unworthy, not only of the Trust reposed in me, but of the Society
 “ of my Fellow-Subjects, by incurring her highest Displeasure. If I have
 “ tired you by a long Speech, I shall make Amends by putting you to the
 “ Trouble of a very short Answer.

“ Will you support her Majesty’s Government, in the Manner she has
 “ been pleased to direct, or are you resolved that Burden shall lie still upon

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“ the Governor, who cannot accuse himself of any Thing that may have deserved this Treatment at your Hands ?

“ Will you take Care of the Debts of the Government ; or, to increase my Sufferings, must I continue under the Torture of the daily Cries of such as have just Demands upon you, and are in Misery, without the Power of giving them any Hopes of Relief ?

“ Will you take more effectual Care of your own Safety, in that of your Frontiers ; or are you resolved for the future to rely upon the Security of an open Winter, and the Caprice of your savage Neighbours ? I shall be very sorry if this Plainness offends you. I judge it necessary towards the establishing and cultivating a good Understanding betwixt us. I hope it will be so construed, and wish heartily it may have that Effect.”

Perplexed with this remarkable Speech, the Assembly, after a few Days, concluded, that as his Excellency had prorogued them in *February*, while he was at *Burlington*, in the Province of *New-Jersey*, they could not sit and act as a House ; upon which, they were the same Day dissolved.

The five *Indian Kings*, carried to *England* by Colonel *Schuyler*, having seen all the Curiosities in *London*, and been much entertained by many Persons of Distinction, returned to *Boston*, with Commodore *Martin* and Colonel *Nicholson* ; the latter of whom commanded the Forces designed against *Port-Royal* and the Coast of *Nova-Scotia*. In this Enterprize the *New-England Colonies*, agreeable to their wonted Courage and Loyalty, lent their Assistance ; and the Reduction of the Garrison, which was then called *Annapolis-Royal*, was happily completed on the 2d of *October*, 1710. Animated by this, and some other Successes in *Newfoundland*, *Nicholson* again urged the Prosecution of the Scheme for the Reduction of *Canada* ; which having been strongly recommended by the *Indian Chiefs*, as the only effectual Means to secure the northern Colonies, was now again resumed.

Towards the Execution of this Project, five thousand Troops from *England* and *Flanders*, were sent over under the Command of Brigadier *Hill*, the Brother of Mrs. *Masham*, the Queen's new Confident on the Disgrace of the Dutchess of *Marlborough*. The Fleet of Transports, under the Convo of Sir *Hoveden Walker*, arrived, after a Month's Passage, at *Boston*, on the 4th of *June*, 1711. The Provisions, with which they expected to be supplied there, being not provided, the Troops landed. *Nicholson*, who was to command the Land-Forces, came immediately to *New-York*, where Mr. *Hunter* convened the Assembly, on the 2d of *July*. The Re-election of the same Members, who had served in the last, was a sufficient Proof of the

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the general Aversion to the Establishment of a Revenue. *Robert Livingston*, junior, who married the only Daughter of Colonel *Schuyler*, came in for *Albany*; and together with Mr. *Morris*, who was again chosen for the Borough of *West-Chester*, joined the Governour's Interest. Brigadier *Hunter* informed the Assembly of the intended Expedition, and the Arrival of the Fleet and Forces; that the Quota of this Province, settled by the Council of War, at *New-London*, was 600 private Sentinels and their Officers: besides which, he recommended their making Provision for building Batteaus, transporting the Troops and Provisions, subsisting the *Indians*, and for the contingent Charges: nor did he forget to mention the Support of Government and the publick Debts.

The House was so well pleased with the Design upon *Canada*, that they voted an Address of Thanks to the Queen, and sent a Committee to *Nicholson*, to congratulate his Arrival, and make an honourable Acknowledgement of his "*sedulous Application to her Majesty for reducing Canada.*" In a few Days Time, an Act was passed for raising Forces; and the Assembly, by a Resolution, according to the Governour's Advice, restricted the Price of Provisions to certain particular Sums. Bills of Credit, for forwarding the Expedition, were now also struck, to the Amount of 10,000 *l.* to be sunk in five Years, by a Tax on Estates real and personal. After these Supplies were granted, the Governour prorogued the Assembly; tho' nothing was done relating to the ordinary Support of Government.

While these Preparations were making at *New-York*, the Fleet, consisting of twelve Men of War, forty Transports, and six Store-Ships, with forty Horses, a fine Train of Artillery and all Manner of warlike Stores, sailed for *Canada*, from *Boston*, on the 30th of *July*; and, about a Month afterwards, *Nicholson* appeared at *Albany*, at the Head of an Army of four thousand Men, raised in this and the Colonies of *New-Jersey* and *Connecticut*: the several Regiments being commanded by Colonel *Ingoldby*, Colonel *Whiting*, and Colonel *Schuyler*, the latter of whom procured 600 of the *Five Nations* to join our Army.

The *French*, in *Canada*, were not unapprised of these Designs. *Vaudreuil*, the Governour General, sent his Orders, from *Montreal*, to the *Sieur De Beaucourt*, to hasten the Works he was about at *Quebeck*, and commanded that all the Regulars and Militia should be held in Readiness to march on the first Warning. Four or five hundred *Indians*, of the more distant Nations, arrived at the same Time at *Montreal*, with Messieurs *St. Pierre* and *Tonti*, who, together with the *Caugbnuaga* Profelytes, took up the Hatchet

in Favour of the *French*. *Vaudreuil*, after dispatching several *Indians* and two Missionaries among the *Five Nations*, to detach them from our Interest, went to *Quebeck*, which *Beaucourt* the Engineer had sufficiently fortified to sustain a long Siege. All the principal Posts below the City, on both Sides of the River, were prepared to receive the *British* Troops in case of their Landing. On the 14th of *August*, Sir *Hoveden Walker* arrived with the Fleet in the Mouth of *St. Lawrence* River; and fearing to lose the Company of the Transports, the Wind blowing fresh at North-West, he put into *Gaspy* Bay, and continued there till the 20th of the same Month. Two Days after he failed from thence, the Fleet was in the utmost Danger, for they had no Soundings, were without Sight of Land, the Wind high at East-South-East, and the Sky darkened by a thick Fog. In these Circumstances the Fleet brought to, by the Advice of the Pilots, who were of Opinion, that if the Ships lay with their Heads to the Southward, they might be driven by the Stream into the midst of the Channel: but instead of that, in two Hours after, they found themselves on the North Shore, among Rocks and Islands, and upon the Point of being lost. The Men of War escaped, but eight Transports, containing eight hundred Souls, Officers, Soldiers, and Seamen, were cast away. Two or three Days being spent, in recovering what they could from the Shore, it was determined, at a Consultation of Sea Officers, to return to some Bay or Harbour, till a further Resolution could be taken. On the 14th of *September* they arrived at *Spanish-River* Bay, where a Council of War, consisting of Land and Sea Officers, considering that they had but ten Weeks Provision, and judging that they could not depend upon a Supply from *New-England*, unanimously concluded to return Home, without making any farther Attempts; and they accordingly arrived at *Portsmouth* on the 9th of *October*, when, in Addition to our Misfortunes, the *Edgar*, a 70 Gun Ship, was blown up, having on Board above four hundred Men, besides many Persons who came to visit their Friends.

As soon as the Marquis *De Vaudreuil*, by the Accounts of the Fishermen and two other Ships, had Reason to suspect that our Fleet was returned, he went to *Chambly*, and formed a Camp of three thousand Men to oppose *Nicholson's* Army, intended to penetrate *Canada*, at that End. But he was soon informed that our Troops were returned, upon the News of the Disaster which had befallen the Fleet, and that the People of *Albany* were in the utmost Consternation.

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The new Ministry are generally censured for their Conduct in this Expedition by the Whigs, who condemn both the Project and the Measures taken towards its Execution. The Scheme was never laid before the Parliament, tho' it was then sitting; but this, it is said, was for the greater Secrecy, and for the same Reason, the Fleet was not fully victualed at Home. They relied upon *New-England* for Supplies, and this destroyed the Design. For the Ships tarried at *Boston*, till the Season for the Attack was over.

According to Lord *Harley's* Account of this Expedition, the Whole was a Contrivance of *Bolingbroke*, *Moore*, and the Lord Chancellor *Harcourt*, to cheat the Publick of twenty thousand Pounds. The latter of these was pleased to say "No Government was worth serving, that would not admit " of such advantageous Jobs."

Apprehensive that the Enemy would fall upon our Borders, as they afterwards really did, in small Parties, upon the Miscarriage of that Enterprize; Governour *Hunter* pressed the Assembly, in Autumn, to continue a Number of Men in Pay the ensuing Winter, and to repair the out Forts. After the House had passed several Votes to this Purpose, his Excellency, during the Session, went up to *Albany*, to withdraw the Forces of the Colony, and give Orders for the necessary Repairs.

The publick Debts, by this unfortunate Expedition, were become greatly enhanced, and the Assembly, at last, entered upon Measures for the Support of the Government, and sent up to the Council several Bills for that Purpose. The latter attempted to make Amendments, which the other would not admit, and a warm Controversy arose between those two Branches of the Legislature. The Council assigned Instances, that Amendments had formerly been allowed; and, besides this Argument, drawn from Precedent, insisted that they were a Part of the Legislature, constituted as the Assembly were "by the meer Grace of the Crown;" adding that the Lords of Trade had determined the Matter in their Favour. The House, nevertheless, adhered to their Resolutions, and answered in these Words:

" 'Tis true, the Share the Council have (if any) in the Legislation, does
 " not flow from any Title they have from the Nature of that Board, which
 " is only to advise; or from their being another distinct State, or Rank of
 " People in the Constitution, which they are not, being all Commons; but
 " only from the meer Pleasure of the Prince signified in the Commission.
 " On the contrary, the inherent Right the Assembly have to dispose of the
 " Money of the Traders of this Colony, does not proceed from any Com-
 " mission, Letters Patent, or other Grant from the Crown; but from the

“ free Choice and Election of the People, who ought not to be divested of
 “ their Property (nor justly can) without their Consent. Any former Con-
 “ descensions, of other Assemblies, will not prescribe to the Council, a Pri-
 “ vilege to make any of those Amendments, and therefore they have it not.
 “ If the Lords Commissioners for Trade and Plantations, did conceive no
 “ Reason why the Council should not have Right to amend Money Bills,
 “ this is far from concluding there are none. The Assembly understand
 “ them very well, and are sufficiently convinced of the Necessity they are
 “ in, not to admit of any Encroachment so much to their Prejudice.”

Both Houses adhered obstinately to their respective Opinions: in Conse-
 quence of which, the publick Debts remained unpaid, though his Excellency
 could not omit passing a Bill for paying to himself 3750 Ounces of Plate.

Upon the Return of the Fleet, *Dudley, Saltonstal, and Cranston*, the Go-
 vernours of the Eastern Colonies, formed a Design of engaging the *Five*
Nations in a Rupture with the *French*, and wrote on that Head to Mr.
Hunter; who, suspicious that his Assembly would not approve of any Pro-
 ject that might increase the publick Debts, laid their Letter before the
 House, and, according to his Expectations, they declared against the
 Scheme.

About this Time Colonel *Hunter*, by the Advice of his Council, began
 to exercise the Office of Chancellor, having, on the 4th of *October*, ap-
 pointed Messieurs *Van Dam* and *Philipse* Masters, Mr. *Whileman* Register,
 Mr. *Harrison* Examiner, and Messieurs *Sharpas* and *Broughton* Clerks. A
 Proclamation was then issued, to signify the sining of the Court on *Thursday*
 in every Week. This gave Rise to these two Resolutions of the House.

“ *Resolved*, That the erecting a Court of Chancery, without Consent
 “ in general Assembly, is contrary to Law, without Precedent, and of
 “ dangerous Consequence to the Liberty and Property of the Subjects.

“ That the establishing Fees, without Consent in general Assembly, is
 “ contrary to Law.” The Council made these Votes the Subject of Part
 of a long Representation, which they shortly after transmitted to the Lords
 of Trade, who, in a Letter to the Governour, in Answer to it, approved of
 his erecting a Court of Equity, and blamed the Assembly; adding, “ That
 “ her Majesty has an undoubted Right of appointing such, and so many
 “ Courts of Judicature, in the Plantations, as she shall think necessary for
 “ the Distribution of Justice.”

At the next Meeting, in *May* 1712, Colonel *Hunter* strongly recommend-
 ed the publick Debts to the Consideration of the Assembly, informing them,
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that the Lords of Trade had signified their Opinion, with respect to the amending Money Bills, in Favour of the Council. The House neglected the Matters laid before them, and the Governour broke up the Sessions by a short Prorogation of three Days. After which they soon passed an Act for paying his Excellency 8025 Ounces of Plate. Our publick Affairs never wore a more melancholy Aspect than at this Juncture.

Among the *Five Nations* many Emissaries from the *French* were daily seducing them from the *British* Interest, and our late ill Success gave such a powerful Influence to their Solicitations, that the *Indians* even at *Catt's Kill* sent a Belt of *Wampum* to those in *Dutchess* County to prepare for a War. The *Senecas* and *Sbarwanas* were also greatly disaffected, and it was generally apprehended that they would fall upon the Inhabitants along *Hudson's River*. An Invasion was strongly suspected, by Sea, on the City of *New-York*, where they had been alarmed, in *April*, by an Insurrection of the Negroes; who, in Execution of a Plot to set Fire to the Town, had burnt down a House in the Night, and killed several People who came to extinguish the Fire, for which nineteen of them were afterwards executed. But distressed as the Colony then was, the Assembly were inflexibly averse to the Establishment of a Revenue, which had formerly been wickedly misapplied and exhausted. At the ensuing Session, in the Fall, Colonel *Hunter* proposed a Scheme to the Assembly, which was, in Substance, that the Receiver-General should give Security, residing in the Colony, for the due Execution of his Office; and, every Quarter, account, to the Governour and Council, for the Sums he might receive. That the Creditors of the Government should, every three Months, deliver in their Demands to the Governour and Council; when, if that Quarter's Revenue equaled the Amount of such Debts, the Governour, by the Advice of Council, should draw for it: but if the Revenue, for that Quarter, should fall short of the Governour's Demands; then the Warrants were to be drawn for so much only as remained, and the Creditors should afterwards receive new Drafts for their Balances in the next Quarter. That no Warrant should be issued, until the quarterly Account of the Revenue was given in; but that then they should be paid in Course, and an Action of Debt be given against the Receiver-General in case of Refusal. That he should account also to the Assembly when required, and permit all Persons to have Recourse to his Books. The House turned a deaf Ear to this plausible Project, and displeas'd with a Letter from the Lords of Trade, favouring the Council's Claim to amend Money Bills, they agreed upon an Address to the Queen, protesting their Willingness to sup-

port her Government, complaining of Misapplications in the Treasury, intimating their Suspicions that they were misrepresented, and praying an Instruction to the Governour to give his Consent to a Law, for supporting an Agent to represent them at the Court of *Great-Britain*. Provoked by this Conduct, and to put an End to the Disputes subsisting between the two Houses, his Excellency dissolved the Assembly.

Before the meeting of the next Assembly, the Peace of *Utrecht* was concluded, on the 31st of *March*, 1713. A Peace, in the Judgment of many, dishonourable to *Great-Britain*, and injurious to her Allies. I shall only consider it with relation to our *Indian Affairs*. The Reader doubtless observed, that Lord *Bellomont*, after the Peace at *Ryswick*, contended with the Governour of *Canada*, that the *Five Nations* ought to be considered as Subjects of the *British* Crown, and that the Point was disputed even after the Death of Count *Frontenac*. It does not appear that any Decision of that Matter was made between the two Crowns, till the Treaty of *Utrecht*, the XVth Article of which is in these Words :

“ The Subjects of *France* inhabiting *Canada*, and others, shall hereafter give no Hindrance or Molestation to the *Five Nations*, or Cantons of *Indians*, subject to the Dominion of *Great Britain*, nor to the other Nations of *America* who are Friends to the same. In like Manner, the Subjects of *Great-Britain* shall behave themselves peaceably towards the *Americans*, who are Subjects or Friends to *France*; and on both Sides they shall enjoy full Liberty of going and coming on account of Trade. Also the Natives of these Countries shall, with the same Liberty, resort, as they please, to the *British* and *French* Colonies, for promoting Trade on one Side and the other, without any Molestation or Hindrance, either on the Part of the *British* Subjects, or of the *French*. But it is to be exactly and distinctly settled by Commissaries, who are, and who ought to be, accounted the Subjects of *Britain* or of *France*.”

In Consequence of this Treaty, the *British* Crown became entitled, at least for any Claim that could justly be interposed by the *French*, to the Sovereignty over the Country of the *Five Nations*, concerning the Extent of which, as it never was adjusted by Commissaries, it may not be improper to say a few Words.

When the *Dutch* began the Settlement of this Country, all the *Indians* on *Long-Island*, and the northern Shore of the Sound, on the Banks of *Connecticut*, *Hudson's*, *Delaware*, and *Susquebana Rivers*, were in Subjection to the *Five Nations*; and, within the Memory of Persons now living, acknowledged

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knowledged it by the Payment of an annual Tribute *. The *French* Historians of *Canada*, both ancient and modern, agree, that the *more northern Indians* were driven before the superior martial Prowess of the Confederates. The Author of the Book entitled, *Relation de ce qui s'est passé de plus remarquable aux Missions de Peres de la Compagnie de Jesus, en la nouvelle France*, published with the Privilege of the *French* King, at *Paris*, in 1661, writes with such singular Simplicity, as obviates the least Suspicion of those sinister Views, so remarkable in the late *French* Histories. He informs us, that all the northern *Indians*, as far as *Hudson's Bay*, were harassed by the *Five Nations* "Partout (says he, speaking in the Name of the Missionaries) " nous trouvons Iroquois, qui comme un Phantome importun, nous obsede " en tous lieux." In the Account he gives of the Travels of a Father, in 1658, we are told, that the Banks of the upper Lake were lined with the *Algonkins*, " Ou la Crainte des Iroquois leur a fait chercher un Asyle." Writing of the *Hurons*, " La Nation la plus sedentaire & la plus propre " pour les Semences de la Foy," he represents them as totally destroyed by the Confederates. *Charlevoix*, whose History of *New France* is calculated to countenance the Encroachments of the *French*, gives the following Description of the Territory of the Confederates.

" The Country of the *Iroquois* (says he) extends itself between the 41st " and 45th Degrees of North Latitude, about 70 or 80 Leagues from East " to West, from the Head of the River, bearing for its Name that of " *Richlieu* and *Sorel* †; that is, from Lake *St. Sacrament* to *Niagara*, and a " little above forty Leagues from North to South, or rather North-East " and South-West from the Head of the *Mohawks* River to the River " *Ohio*. Thus the last mentioned River and *Pennsylvania* bound it on the " South. On the West it has Lake *Ontario*; and Lake *Erie* on the North- " West. *St. Sacrament* and the River *St. Lawrence* on the North; on the " South and South-East, the Province of *New-York*. It is watered with " many Rivers. The Land is in some Places broken, but, generally speak- " ing, very fertile."

In this partial Description, the Jesuit is neither consistent with his Geographer, nor several other *French* Authours, and yet both his History and

* A little Tribe settled at the *Sugar-Loaf* Mountain in *Orange* County, to this Day make a yearly Payment of about 20 l. to the *Mohawks*.

† The River issuing from Lake *Champlain*, is called, *Rivieres des Iroquois de Richelieu & Sorel*, but the last is now most commonly used.

Mr. *Bellin's* Maps, in 1744 *, which are bound up with it, furnish many strong Evidences in Favour of the *British* Claims. I will point out a few Instances. The ancient Country of the *Hurons* is laid down on the North Side of Lake *Erie*, by which we are ascertained of the Extent of Territory, to which the *Five Nations* are entitled by their Conquest of that People. The Right of the Confederates to the South Side of that Lake, is also established by their Dispersion of the *Cat Indians*, to whom it originally belonged. The Land, on both Sides of the Lake *Ontario*, is admitted to be theirs by this Geographer, who writes on the North, "Les Iroquois du Nord," and on the South Side, "Pays des Iroquois." *Hennepin*, *La Hontan* and *Delisle*, all concur with *Bellin*, in extending the Right of the *Five Nations*, to the Lands on the North Side of Lake *Ontario*. The first of these, besides what appears from his Map, speaking of that Lake, has these Words, "There are likewise on the North Side these Iroquois Villages, *Tejajahon*, *Kente*, and *Ganneoussé*;" every one of which is laid down even in *Bellin's*, and almost all the Maps I have seen of that Country, whether *French* or *English*. What renders *Hennepin's* Account the more remarkable is, that these Villages were there in 1679, seven Years after the Erection of Fort *Frontenac*. From whence it may fairly be argued, that their not opposing those Works, was by no Means a Cession of the Country to the *French*; and indeed *Charlevoix* himself represents that Matter as carried on by a Fraud, for, says he, "Under Pretext of seeking their Advantage, the Governor had nothing in View, que de les tenir en Bride."

To these Attestations, which are the more to be depended upon, because they are given by the *French* Writers, whose Partiality leads them to con-

* Mr. *Bellin* published a new Set of Maps in 1745, the first Plate being thought too favourable to our Claims, especially in the Protraction of the North Side of the Bay of *Fundy*, for *Nova Scotia*, which, in the second Plate, was called "the South Part of *New France*." General *Shirley*, one of the *British* Commissaries for settling the disputed Limits, took Occasion to speak of this Alteration to Mr. *Bellin* at *Paris*, and informed him that 100 Copies of his first Maps were dispersed in *London*, upon which he discovered some Surprise; but instead of urging any thing in Support of the Variation in his new

Draft, said, smiling, "We in France must follow the Command of the Monarch." I mention this to shew, that since the *French* Government interposes in the Construction of their Maps, they are proper Evidence against them. Among the *English*, Dr. *Mitchel's* is the only authentick one extant. None of the rest, concerning *America*, have passed under the Examination, or received the Sanction of any publick Board; and, for this Reason, they ought not to be construed to our Prejudice. Add, that they generally copy from the *French*.

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fine the *Five Nations* to contracted Limits *, we may add, that our *Indians* univerſally concur in the Claim of all the Lands, not fold to the *Engliſh*, from the Mouth of *Sorel* River, on the South Side of the Lakes *Erie* and *Ontario*, on both Sides of the *Ohio*, till it falls into the *Missiſſippi*; and on the North Side of thoſe Lakes, that whole Territory between the *Outawais* River and the Lake *Huron*, and even beyond the Streights between that and Lake *Erie*. This laſt Tract, and the Land on the North Side of the Lakes *Erie* and *Ontario*, were contained in their Surrender to King *William* in 1701; of which I took Notice in its proper Place: and doubtleſs to that, and Lord *Bellomont's* Conteſt with Count *Frontenac*, we muſt aſcribe it, that the *Five Nations* were afterwards ſo particularly taken Notice of in the Treaty of *Utrecht*.

The *British* Title to Fort *Frontenac*, and the Lands on the North-Weſt Side of *Cadaracqui* River, has of late been drawn into Queſtion by ſome, who, from Jealouſy, or other Motives equally ſhameful, were bent upon finding Fault with every Meaſure planned by General *Shirley*. The Advocates for the *French* Claim, relied much on a late Map of the middle *British Colonies*, and two Pamphlets published by *Lewis Evans*.

“The *French*, ſays he, being in Poſſeſſion of Fort *Frontenac*, at the Peace of *Ryſwick*, which they attained during their War with the Confederates, gives them an undoubted Title to the Acquiſition of the North-Weſt Side of *St. Lawrence* River, from thence to their Settlement at *Montreal*.” The Writer adds; “It was upon the Faith and Honour of King *William's* Promiſe (by the fourth Article of the Treaty of *Ryſwick*) of not diſturbſing the *French* King in the free Poſſeſſion of the Kingdoms, Counties, Lands, or Dominions he then enjoyed, that I ſaid the *French* had an undoubted Title to their Acquiſition of the North-Weſt Side of *St. Lawrence* River, from *Frontenac* to *Montreal*.”

Whether the Treaty ought to be conſidered, as having any Relation to this Matter, is a Queſtion which I ſhall not take upon me to determine. The Map-maker ſuppoſes it to be applicable, and, for the preſent, I grant it. The XIIth Article of this Treaty is in theſe Words: “The moſt

* Mr. *Bellin* was Engineer of the Marine, and tells us, that *Charlevoix* performed his Travels in this Country, by Order of the *French* Court; that he was a Man of Attention and Curioſity, and had a determined Reſolution to collect all poſſible Intelligence, which he deſign-

ed to make publick. To give the greater Credit to the Jeſuit's Hiſtory and his own Map, he adds, that *Charlevoix* was never without the Inſtruments proper for a Voyager, “*partout la Bouſſole à la main.*”

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“ Christian King shall restore to the King of *Great-Britain*, all Countries, Islands, Forts, and Colonies, wheresoever situated, which the *English* did possess before the Declaration of the present War. And in like Manner, the King of *Great-Britain* shall restore to the most Christian King, all Countries, Islands, Forts, and Colonies, wheresoever situated, which the *French* did possess before the said Declaration of War.” If therefore the *British* Subjects were in Possession of Fort *Frontenac* at the Commencement of the War, the *French*, who attained it during its Continuance, according to this Treaty, ought to have surrendered it to the *British* Crown.

Whatever the *French* Title to Fort *Frontenac* might have been, antecedent to the Year 1688, in which the Island of *Montreal* was invaded by the *Five Nations*, it is certain, that it was then abandoned, and that the *Indians* entered it, and demolished a great Part of the Works *. But the Authour of the Map affirms, “ that the ENGLISH did NOT possess Fort *Frontenac* before the Declaration of War terminated by the Peace of *Ryswick*.” To which I reply, that the *Indians* acquired a Title in 1688, either by Conquest or Dereliction, or both; and that the Crown of *Great-Britain* had a Right to take Advantage of their Acquisition, in Virtue of its Sovereignty over the *Five Cantons*. That they were our Dependents, was strongly and often insisted upon by Governour *Dongan* and Lord *Belmont*, and the Point remained *sub Judice* till the Treaty of *Utrecht*. Then a Decision was solemnly made in our Favour, which looks back, as the Determination of all Disputes do, at least as far as the first Rise of the Controversy; posterior to which, and prior to King *William's* War, his *Indian* Subjects obtained the Possession of the Fort in Question †. Whence I think it may be fairly deduced, if we take the Treaty of *Ryswick* for our Rule, that Fort *Frontenac*, which was regained by the *French* during their War with us, ought to have been surrendered to the *British* Crown. Every publick Transaction between the *French* and the *Five Nations*, without the Participation of the Government of *Great-Britain*, since the *Indians* were claimed as our Dependents, is perhaps absolutely void, and particularly the Treaty of Peace made between the *Indians* and the Chevalier *De Callieres*, after the Death of Count *Frontenac* ‡.

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* LeFort de Catarocouy étoit évacué & ruiné. *Charl.*

† The *Five Nations* entered the Fort in 1688, and the War against *France* was not proclaimed till *May* 1689.

‡ *Evans's* Map and first Pamphlet, or Analysis, were published in the Summer 1755, and that Part in Favour of the *French* Claim to *Frontenac*, was attacked by two Papers in the *New-York*

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The Possession of any Part of the Country of the *Five Nations* by the *French*, either before or since the Close of *Queen Anne's War*, cannot prejudice the *British* Title, because the Treaty of *Aix la Chapelle*, renews and confirms that executed at *Utrecht* in 1713, and expressly stipulates, that the Dominions of the contracting Parties shall be in the same Condition, "which they ought of Right to have been in before the late War." Commissaries were soon after appointed to adjust the controverted Limits, who accordingly met at *Paris*, and continued the Negotiation, till the *French* King perfidiously seized upon several Parts of *Nova-Scotia*, or *Acadia*, the Settlement of the Bounds of which, was Part of the very Business of the Commissaries. This gave Rise to the present Operations, and the longest Sword will determine the Controversy.

Brigadier *Hunter* was disappointed in his Expectations upon the late Dissolution, for though the Elections were very hot, and several new Members came in, yet the Majority were in the Interest of the late Assembly, and on the 27th of *May*, 1713, chose Mr. *Nicoll* into the Chair. The Governour spoke to them with great Plainness, informing them, that it would be in vain to endeavour to lodge the Money allotted for the Support of Government, in any other than the Hands of the *Queen's* Officers. "Nevertheless (says he) if you are so resolved, you may put the Country to the Expence of a Treasurer, for the Custody of Money raised for extraordinary Uses." He added, that he was resolved to pass no Law, till Provision was made for the Government. The Members were therefore reduced to the Dilemma of passing a Bill for that Purpose, or breaking up immediately. They chose the former, and the Governour gave his Assent to that, and an Excise Bill on strong Liquors, which continues to this Day, producing into the Treasury about one Thousand Pounds *per Annum*.

York Mercury, in *January* 1756. This occasioned his Publication of the second Pamphlet the next Spring, in which he endeavours to support his Map. He was a Man in low Circumstances, in his Temper precipitate, of violent passions, great Vanity, and rude Manners. He pretended to the Knowledge of every thing, and yet had very little Learning. By his inquisitive Turn, he filled his Head with a considerable Collection of Materials, and a Person of more Judgment than he had, might, for a few Days, receive Advantages from his Conversation. He piqued himself much upon his two Maps, which

are however justly chargeable with many Errors. His Ignorance of Language is evident, both in them and the two Pamphlets of his Analysis, the last of which is stuffed with groundless Aspersions on General *Shirley*, who deserves so well from these Colonies, that on that Account, and to weaken the Authority of a Map prejudicial to his Majesty's Rights, I beg the Reader's Excuse for this Infraction of the old Rule, *de mortuis nil nisi bonum*. He died at *New-York*, *June* 12, 1756, under an Arrest for a gross Slander, uttered against Mr. *Morris*, the Governour of *Pennsylvania*.

After a short Recess, several other Laws were enacted in the Fall. But the Debts of the Government still remained unnoticed, till the Summer of the Year 1714. A long Session was then almost entirely devoted to that single Affair. Incredible were the Numbers of the publick Creditors. New Demands were every Day made. Petitions came in from all Quarters, and even for Debts contracted before the Revolution. Their Amount was near twenty eight thousand Pounds. To pay this prodigious Sum, Recourse was had to the Circulation of Bills of Credit to that Value. These were lodged in the Hands of the Province Treasurer, and issued by him only, according to the Directions of the Act.

The News of the Queen's Death arriving in the ensuing Fall, a Dissolution ensued of course; and a new House met in *May*, 1715, which continued only to the 21st of *July*. For the Governour being now determined to subdue those, whom he could not allure, again dissolved the Assembly. He succeeded in his Design; for though Mr. *Nicoll* was re-elected into the Chair on the 9th of *June*, 1716, yet we plainly perceive, by the Harmony introduced between the several Branches of the Legislature, that the Majority of the House were now in the Interest of the Governour.

An incontestible Evidence of their good Understanding, appeared at the Session in Autumn, 1717, when the Governour informed them of a Memorial, which had been sent Home, reflecting upon his Administration. The House immediately voted an Address to him, which was conceived in Terms of the utmost Respect, testifying their Abhorrence of the Memorial, as a false and malicious Libel. It was supposed to be written by *Mulford*, a Representative for *Suffolk* County, who always opposed the Measures that were taken to preserve the Friendship of the *Five Nations*, and foolishly projected a Scheme to cut them off. It was printed in *England*, and delivered to the Members at the Door of the House of Commons, but never had the Authour's intended Effect.

It was at this Meeting, the Council, on the 31st of *October*, sent a Message by Mr. *Alexander*, then Deputy Secretary, to the House, desiring them "to appoint proper Persons, for running the Division Line between this Colony and the Province of *New-Jersey*, his Excellency being assured the Legislature of the Province of *New-Jersey* will bear half the Expence thereof." The Assembly had a Bill before them, at that Time, which afterwards passed into a Law, for the Payment of the remaining Debts of the Government, amounting to many thousand Pounds; in which, after a Recital of the general Reasons, for ascertaining the Limits between *New-*

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York and *New-Jersey* on the one Side, and *Connecticut* on the other, a Clause was added, to defray the Expence of those Services. Seven hundred and fifty Ounces of Plate were enacted "to be issued by Warrant, " under the Hand and Seal of the Governour of this Province for the " Time being, by and with the Advice and Consent of his Majesty's Council, in such Parts and Portions as shall be requisite for that Service, when " the Survey, ascertaining, and running the said Line, Limit, and Boundary, shall be begun, and carried on, by the mutual Consent and Agreement of his Excellency and Council of this Province, and the Proprietors of the Soil of the said Province of *New-Jersey*." According to this Law, the Line " agreed on by the Surveyors and Commissioners of " each Colony was to be conclusive." Another Sum was also provided by the same Clause, for running the Line between *New-York* and *Connecticut*; and in the Year, 1719, an Act was passed for the Settlement of that Limit, of which I shall have Occasion to take Notice in a succeeding Administration.

Whether it was because Mr. *Nicoll* was disgusted with the Governour's prevailing Interest in the House, or to his infirm State of Health, that he desired, by a Letter to the general Assembly, on the 18th of *May*, 1718, to be discharged from the Speaker's Place, is uncertain. His Request was readily granted, and *Robert Livingston*, Esq; chosen in his Stead. The Concord between the Governour and this Assembly, was now wound up to its highest Pitch. Instead of other Evidences of it, I shall lay before the Reader his last Speech to the House on the 24th of *June*, 1719, and their Address in Answer to it.

" Gentlemen, I have now sent for you, that you may be Witnesses to " my Assent to the Acts passed by the general Assembly in this Session. I " hope that what remains unfinished, may be perfected by To-morrow, " when I intend to put a Close to this Session.

" I take this Opportunity also to acquaint you, that my late uncertain " State of Health, the Care of my little Family, and my private Affairs, " on the other Side, have at last determined me, to make Use of that License of Absence, which has been some Time ago so graciously granted " me; but with a firm Resolution to return to you again, if it is his Majesty's Pleasure that I should do so: but if that proves otherwise, I assure you " that whilst I live, I shall be watchful and industrious to promote the Interest

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“ tereft and Welfare of this Country, of which I think I am under the
 “ strongest Obligations, for the future, to account myself a Countryman.

“ I look with Pleasure on the present Quiet and flourishing State
 “ of the People here, whilst I reflect on that in which I found them at
 “ my Arrival. As the very Name of Party or Faction seems to be for-
 “ gotten, may it for ever lye buried in Oblivion, and no Strife ever happen
 “ amongst you, but that laudable Emulation, who shall approve himself
 “ the most zealous Servant and most dutiful Subject of the best of Princes,
 “ and most useful Member of a well established and flourishing Commu-
 “ nity, of which you Gentlemen have given a happy Example, which I
 “ hope will be followed by future Assemblies. I mention it to your Ho-
 “ nour, and without Ingratitude and Breach of Duty I could do no less.”

Colonel *Morris* and the new Speaker, were the Authours of the Answer
 to this Speech, tho' it was signed by all the Members. Whether Mr. *Hun-*
ter deserved the Elogium they bestowed upon him, I leave the Reader to
 determine. It is certain that few Plantation Governours have the Honour
 to carry Home with them such a Testimonial as this :

“ Sir, when we reflect upon your past Conduct, your just, mild, and
 “ tender Administration, it heightens the Concern we have for your De-
 “ parture, and makes our Grief such as Words cannot truly express. You
 “ have governed well and wisely, like a prudent Magistrate, like an affec-
 “ tionate Parent ; and wherever you go, and whatever Station the Divine
 “ Providence shall please to assign you, our sincere Desires and Prayers for
 “ the Happiness of you and yours, shall always attend you.

“ We have seen many Governours, and may see more ; and as none of
 “ those, who had the Honour to serve in your Station, were ever so justly
 “ fixed in the Affections of the Governed, so those to come will acquire no
 “ mean Reputation, when it can be said of them, their Conduct has been
 “ like yours.

“ We thankfully accept the Honour you do us, in calling yourself our
 “ Countryman ; give us Leave then to desire, that you will not forget this
 “ as your Country, and, if you can, make haste to return to it.

“ But if the Service of our Sovereign will not admit of what we o
 “ earnestly desire, and his Commands deny us that Happiness ; permit us
 “ to address you as our Friend, and give us your Assistance, when we are
 “ oppressed with an Administration the Reverse of yours.”

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Colonel *Hunter* departing the Province, the chief Command devolved, the 31st of *July*, 1719, on *Peter Schuyler*, Esq; then the eldest Member of the Board of Council. As he had no Interview with the Assembly during his short Administration, in which he behaved with great Moderation and Integrity; there is very little observable in his Time, except a Treaty, at *Albany*, with the *Indians*, for confirming the ancient League; and the Transactions respecting the Partition Line between this and the Colony of *New-Jersey*: concerning the latter of which, I shall now lay before the Reader a very summary Account.

The two Provinces were originally included in the Grant of King *Charles* to the Duke of *York*. *New-Jersey* was afterwards conveyed by the Duke to Lord *Berkley* and Sir *George Carteret*. This again, by a Deed of Partition, was divided into *East* and *West Jersey*, the former being released to Sir *George Carteret*, and the latter to the Assigns of Lord *Berkley*. The Line of Division extended from *Little Egg Harbour* to the North Partition Point on *Delaware River*, and thus both those Tracts became concerned in the Limits of the Province of *New-York*. The original Rights of Lord *Berkley* and Sir *George Carteret*, are vested in two different Sets, consisting each of a great Number of Persons, known by the general Name of the Proprietors of *East* and *West Jersey*, who, tho' they surrendered the Powers of Government to Queen *Anne*, in the Year 1702, still retained their Property in the Soil. These were the Persons interested against the Claim of *New-York*. It is agreed on all Sides, that the Deed to *New-Jersey* is to be first satisfied, out of that great Tract granted to the Duke, and that the Remainder is the Right of *New-York*. The Proprietors insist upon extending their northern Limits to a Line drawn from the Latitude of $41^{\circ} 40'$ on *Delaware*, to the Latitude of 41° , on *Hudson's River*; and alledge, that before the Year 1671, the Latitude of 41° , was reputed to be fourteen Miles to the Northward of *Tappan Creek*, Part of those Lands being settled under *New-Jersey* till 1684. They farther contend, that in 1684 or 1685, *Dongan* and *Lawrie*, (the former, Governour of *New-York*, and the latter, of *New-Jersey*;) with their respective Councils agreed, that the Latitude on *Hudson's River* was at the Mouth of *Tappan Creek*, and that a Line from thence to the Latitude of $41^{\circ} 40'$ on *Delaware* should be the Boundary Line. In 1686, *Robinson*, *Wells*, and * *Keith*, Surveyors of the three fe-

* The same who left the Quakers, and took Orders in the Church of *England*. *Burnet's* Hist. of his Own Times.

veral Provinces, took two Observations, and found the Latitude of 41° to be $1'$ and $25''$ to the Northward of the *Yonker's Mills*, which is four Miles and forty five Chains to the Southward of the Mouth of *Tappan Creek*. But against these Observations the Proprietors offer sundry Objections, which it is not my Business to enumerate. It is not pretended by any of the Litigants, that a Line according to the Stations settled by *Dongan* and *Laurie* was actually run; so that the Limits of these contending Provinces, must long have existed in the uncertain Conjectures of the Inhabitants of both; and yet the Inconveniencies of this unsettled State, through the Infancy of the Country, were very inconsiderable. In the Year 1701, an Act passed in *New-York*, relating to Elections, which annexed *Wagachemeck*, and great and little *Minisink*, certain Settlements near *Delaware*, to *Ulster County*. The Intent of this Law was to quiet Disputes before subsisting between the Inhabitants of those Places, whose Votes were required both in *Orange* and *Ulster*. The natural Conclusion from hence is, that the Legislature of *New-York* then deemed those Plantations not included within the *New-Jersey* Grant.

Such was the State of this Affair till the Year 1717, when Provision was made by this Province for running the Line. The same being done in *New-Jersey* the succeeding Year, Commissions for that Purpose under the great Seals of the respective Colonies, were issued in *May*, 1719. The Commissioners, by Indenture dated the 25th of *July*, fixed the North Station Point on the northermost Branch of *Delaware*, called the *Fish-Kill*; and from thence a Random Line was run to *Hudson's River*, terminating about five Miles to the Northward of the Mouth of *Tappan Creek*. In *August*, the Surveyors of *East-Jersey* met for fixing the Station on *Hudson's River*. All the Commissioners not attending thro' Sickness, nothing further was done. What had already been transacted, however, gave a general Alarm to many Persons interested in several Patents under *New-York*, who before imagined their Rights extended to the Southward of the Random Line. The *New-York* Surveyor afterwards declined proceeding in the Work, complaining of Faults in the Instrument, which had been used in fixing the North Station on *Delaware*. The Proprietors, on the other Hand, think they have answered his Objections, and the Matter rested, without much Contention, till the Year 1740. Frequent Quarrels multiplying after that Period, relating to the Rights of Soil and Jurisdiction Southward of the Line in 1719, a probationary Act was passed in *New-Jersey*, in *February*, 1748, for running the Line *ex parte*, if the Province of

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New-York refused to join in the Work. Our Assembly, soon after, directed their Agent, to oppose the King's Confirmation of that Act; and it was accordingly dropped, agreeably to the Advice of the Lords of Trade, whose Report of the 18th of *July*, 1753, on a Matter of so much Importance, will doubtless be acceptable to the Reader.

“ To the KING's MOST EXCELLENT MAJESTY:

“ *May it please your Majesty,*

“ **W**E have lately had under our Consideration, an Act passed in your Majesty's Province of *New-Jersey* in 1747-8, entitled, *An Act for running and ascertaining the Line of Partition and Division betwixt this Province of New-Jersey, and the Province of New-York.*

“ And having been attended by Mr. *Paris*, Solicitor in Behalf of the Proprietors of the Eastern Division of *New-Jersey*; with Mr. *Hume Campbell* and Mr. *Henley* his Counsel in Support of the said Act; and by Mr. *Charles*, Agent for the Province of *New-York*, with Mr. *Forrester* and Mr. *Pratt* his Counsel against the said Act; and heard what each Party had to offer thereupon; we beg Leave humbly to represent to your Majesty, that the Considerations which arise upon this Act, are of two Sorts, *viz.* such as relate to the Principles upon which it is founded, and such as relate to the Transactions and Circumstances which accompany it.

“ As to the first, it is an Act of the Province of *New-Jersey* interested in the Determination of the Limits, and in the consequential Advantages to arise from it.

“ The Province of *New-Jersey*, in its distinct and separate Capacity, can neither make nor establish Boundaries: it can as little prescribe Regulations for deciding Differences between itself and other Parties concerned in Interest.

“ The established Limits of its Jurisdiction and Territory, are such as the Grants under which it claims have assigned. If those Grants are doubtful, and Differences arise upon the Constructions, or upon the Matters of them, we humbly apprehend that there are but two Methods of deciding them: either by the Concurrence of all Parties concerned in Interest, or by the regular and legal Forms of judicial Proceedings: and it appears to us, that the Method of Proceeding must be derived from the immediate Authority of the Crown itself, signified by a Com-

“ mission from your Majesty under the great Seal: the Commission of
 “ subordinate Officers and of derivative Powers being neither competent
 “ nor adequate to such Purposes: to judge otherwise would be, as we
 “ humbly conceive, to set up *ex parte* Determinations and incompetent Ju-
 “ risdictions in the Place of Justice and legal Authority.

“ If the Act of *New-Jersey* cannot conclude other Parties, it cannot be
 “ effectual to the Ends proposed; and that it would not be effectual to
 “ form an absolute Decision in this Case, the Legislature of that Province
 “ seems sensible, whilst it endeavours to leave to your Majesty's Determi-
 “ nation, the Decision of one Point relative to this Matter, and of consi-
 “ derable Importance to it; which Power your Majesty cannot derive from
 “ them, without their having the Power to establish the Thing itself, with-
 “ out the Assistance of your Majesty.

“ As we are of Opinion, that the present Act without the Concurrence
 “ of other Parties concerned in Interest, is unwarrantable and ineffectual;
 “ we shall in the next Place consider what Transactions and Proceedings
 “ have passed; towards obtaining such Concurrence.

“ The Parties interested are your Majesty and the two Provinces of
 “ *New-York* and *New-Jersey*. Your Majesty is interested with Respect to
 “ your Sovereignty, Seigneurie, and Property; and the said Provinces with
 “ Respect to their Government and Jurisdiction.

“ With regard to the Transactions on the Part of *New-York*, we beg
 “ Leave to observe, that whatever Agreements have been made formerly
 “ between the two Provinces for settling their Boundaries; whatever Acts
 “ of Assembly have passed, and whatever Commissions have been issued by
 “ the respective Governours and Governments; the Proceedings under
 “ them have never been perfected, the Work remains unfinished, and the
 “ Disputes between the two Provinces subsist with as much Contradiction
 “ as ever; but there is a Circumstance that appears to us to have still
 “ more Weight, namely, that those Transactions were never properly war-
 “ ranted on the Part of the Crown: the Crown never participated in them,
 “ and therefore cannot be bound with Respect to its Interests by Proceed-
 “ ings so authorized.

“ The Interest which your Majesty has in the Determination of this
 “ Boundary, may be considered in three Lights: either as Interests of So-
 “ vereignty, respecting mere Government; of Seigneurie, which respect Ef-
 “ cheats, and Quitrents; or of Property, as relative to the Soil itself;
 “ which last Interest, takes Place in such Cases, where either your Majesty

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“ has never made any Grants of the Soil, or where such Grants have by Escheats reverted to your Majesty.

“ With Regard to the first of these Interests, *viz.* that of Sovereignty, it has been alledged to us in Support of the Act, that it is not materially affected by the Question, as both Provinces are under your Majesty's immediate Direction and Government : but they stand in a very different Light with Respect to your Majesty's Interest in the Quitrents and Escheats ; in both which Articles the Situation of the two Provinces appears to us to make a very material Alteration : for altho' the Province of *New-Jersey* is not under Regulations of Propriety or Charter with Respect to its Government, yet it is a proprietary Province with Respect to the Grant and Tenure of its Territory, and consequently as *New-York* is not in that Predicament, the Determination of the Boundary in Prejudice to that Province, will affect your Majesty's Interest with Respect to the Tenure of such Lands as are concerned in this Question : it being evident, that whatever Districts are supposed to be included in the Limits of *New-Jersey*, will immediately pass to the Proprietors of that Province, and be held of them, by which Means your Majesty would be deprived of your Escheats, and the Quitrents would pass into other Hands.

“ To obviate this Objection, it has been alledged, that the Crown has already made absolute Grants of the whole Territory that can possibly come in Question under the Denomination of this Boundary, and reserved only trifling and inconsiderable Quitrents on those Grants. But this Argument does not seem to us to be conclusive, since it admits an Interest in your Majesty, the Greatness or Smallness of which is merely accidental ; and therefore does not affect the Essence of the Question : and we beg Leave to observe, that in the Case of exorbitant Grants with inconsiderable Quitrents ; and where consequently it may reasonably be supposed, that the Crown has been deceived in such Grants by its Officers ; your Majesty's contingent Right of Property in Virtue of your Scignerie, seems rather to be enlarged than diminished.

“ This being the Case, it appears to us, that Governor *Hunter* ought not to have issued his Commission for running the Line above mentioned, without having previously received the royal Direction and Instruction for that Purpose ; and that a Commission issued without such Authority, can be considered, with Respect to the Interests of the Crown, in no other Light than as a mere Nullity : and even with Respect to *New-York*,

“ we observe, that the said Commission is questionable, as it does not follow the Directions of the above-mentioned Act, passed in 1717, which declares, that the Commission to be issued, shall be granted under the joint Authority of the Governor and Council of that Province.

“ But it has been further urged, that the Crown has since confirmed these Transactions, either by previous Declarations or by subsequent Acquiescence, and consequently participated in them, so far as to conclude itself: we shall therefore, in the next Place, beg Leave to consider the Circumstances urged for this Purpose.

“ It has been alledged, that the Crown, by giving Consent to the aforesaid Act, passed in *New-York* in 1717, for paying and discharging several Debts due from that Colony, &c. concluded and bound itself, with Respect to the subsequent Proceedings had under the Commission issued by Governor *Hunter*; but the View and Purport of that Act appears to us so entire, and so distinctly formed for the Purpose of raising Money and establishing Funds; so various and so distinct from any Consideration of the Disputes subsisting in the two Provinces, with Respect to the Boundaries; that we cannot conceive a single Clause in so long and so intricate an Act, can be a sufficient Foundation to warrant the Proceedings of Governor *Hunter* subsequent to it, without a special Authority from the Crown for that Purpose; and there is the more Reason to be of this Opinion, as the Crown, by giving its Assent to that Act; can be construed to have assented only to the levying Money for a future Purpose; which Purpose could not be effected by any Commission, but from itself; and therefore can never be supposed to have, thereby, approved a Commission from another Authority, which was at that Time already issued, and carrying in Execution, previous to such Assent.

“ We further beg Leave humbly to represent to your Majesty, that the Line of Partition and Division between your Majesty's Province of *New-York* and Colony of *Connecticut*, having been run and ascertained, pursuant to the Directions of an Act passed, at *New-York*, for that Purpose, in the Year 1719, and confirmed by his late Majesty in 1723; the Transactions between the said Province and Colony, upon that Occasion, have been alledged to be similar to, and urged as, a Precedent, and even as an Approbation, of the Matter now in Question: but we are humbly of Opinion, that the two Cases are materially, and essentially, different. The Act passed in *New-York*, in 1719, for running and ascer-

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" taining the Lines of Partition and Division between that Colony and the
 " Colony of *Connecticut* recites, that in the Year 1683, the Governor and
 " Council of *New-York*, and the Governor and Commissioners of *Con-*
 " *necticut*, did, in Council, conclude an Agreement concerning the Boun-
 " daries of the two Provinces; that, in Consequence of this Agreement,
 " Commissioners and Surveyors were appointed on the Part of each Go-
 " vernment, who did actually agree, determine, and ascertain, the Lines
 " of Partition; marked out a certain Part of them, and fixed the Point
 " from whence the remaining Part should be run: that the several Things
 " agreed on and done by the said Commissioners, were ratified by the re-
 " spective Governors; entered on Record in each Colony, in *March* 1700;
 " approved and confirmed by Order of King *William*, the third, in his Privy
 " Council; and by his said Majesty's Letter to his Governor of *New-York*.
 " From this Recital it appears to us, that those Transactions were not only
 " carried on with the Participation, but confirmed by the express Act and
 " Authority of the Crown; and that Confirmation made the Foundation
 " of the Act passed, by *New-York*, for settling the Boundaries between the
 " two Provinces; of all which Authority and Foundation the Act, we
 " now lay before your Majesty, appears to us to be entirely destitute.

" Upon the Whole, as it appears to us, that the Act in Question, can-
 " not be effectual to the Ends proposed; that your Majesty's Interest may
 " be materially affected by it, and that the Proceedings, on which it is
 " founded, were not warranted in the first Instance, by the proper Autho-
 " rity, but carried on without the Participation of the Crown; we cannot
 " think it advisable, to lay this Act before your Majesty, as fit to receive
 " your royal Approbation.

" Which is most humbly submitted,

Whitchball,
July 18, 1753.

" *Dunk Halifax,*
 " *J. Grenville,*
 " *James Oswald,*
 " *Andrew Stone.*"

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*From the Year 1720, to the Commencement of the Administration
of Colonel Cosby.*

WILLIAM BURNET, Esq; took upon him the Government
of this Province, on the 17th of *September*, 1720. The Council
named in his Instructions, were

Colonel *Schuyler*,
Colonel *Depeyster*,
Captain *Walter*,
Colonel *Beekman*,
Mr. *Van Dam*,
Colonel *Heatbcote*,

Mr. *Barbaric*,
Mr. *Philipse*,
Mr. *Byerly*,
Mr. *Clarke*,
Dr. *Johnston*,
Mr. *Harison*.

Mr. *Burnet* was a Son of the celebrated Bishop of that Name, whose
Piety and Erudition, but especially his Zeal and Activity, for the glorious
Revolution and protestant Succession, will embalm his Memory to the most
distant Ages. The Governour was a Man of Sense and polite Breeding, a
well read Scholar, sprightly, and of a social Disposition. Being devoted
to his Books, he abstained from all those Excesses, into which his pleasur-
able Relish would otherwise have plunged him. He studied the Arts of
recom-

recommending himself to the People, had nothing of the Moroseness of a Scholar, was gay and condescending, affected no Pomp, but visited every Family of Reputation, and often diverted himself in free Converse with the Ladies, by whom he was very much admired. No Governour, before him, did so much Business in Chancery. The Office of Chancellor was his Delight. He made a tolerable Figure in the Exercise of it, tho' he was no Lawyer, and had a Foible very unsuitable for a Judge, I mean his resolving too speedily, for he used to say of himself, "I act first, and think afterwards." He spoke however always sensibly, and by his great Reading was able to make a literary Parade.---As to his Fortune it was very inconsiderable, for he suffered much in the *South Sea* Scheme. While in *England*, he had the Office of Comptroller of the Customs at *London*, which he resigned to Brigadier *Hunter*, as the latter, in his Favour, did the Government of this and the Colony of *New-Jersey*. Mr. *Burnet's* Acquaintance with that Gentleman gave him a fine Opportunity, before his Arrival, to obtain good Intelligence both of Persons and Things. The Brigadier recommended all his old Friends to the Favour of his Successor, and hence we find that he made few Changes amongst them *. Mr. *Morris*, the chief Justice, was his principal Confident. Dr. *Colden* and Mr. *Alexander*, two *Scotch* Gentlemen, had the next Place in his Esteem. He shewed his Wisdom in that Choice, for they were both Men of Learning, good Morals, and solid Parts. The former was well acquainted with the Affairs of the Province, and particularly those which concerned the *French* in *Canada* and our *Indian* Allies. The latter was bred to the Law, and tho' no Speaker, at the Head of his Profession for Sagacity and Penetration; and in Application to Business no Man could surpass him. Nor was he unacquainted with the Affairs of the Publick, having served in the Secretary's Office, the best School in the Province, for Instruction in Matters of Government; because the Secretary enjoys a Plurality of Offices, conversant with the first Springs of our provincial Oeconomy. Both those Gentlemen Mr. *Burnet* soon raised to the Council Board, as he also did Mr. *Morris*, jun. Mr. *Van Horn*, whose Daughter he married, and Mr. *Kennedy*, who succeeded *Byerly*, both at the Council Board, and in the Office of Receiver-General.

* Colonel *Schuyler* and Mr. *Philips* were, indeed, removed from the Council Board, by his Representations; and their opposing, in Council, the Continuance of the Assembly, after his Arrival, was the Cause of it.

Of all our Governours none had such extensive and just Views of our *Indian Affairs*, and the dangerous Neighbourhood of the *French*, as Governour *Burnet*, in which Mr. *Livingston* was his principal Assistent. His Attention to these Matters appeared at the very Commencement of his Administration, for in his first Speech to the Assembly, the very Fall after his Arrival, he laboured to implant the same Sentiments in the Breasts of the Members; endeavouring to alarm their Fears, by the daily Advances of the *French*, their possessing the main Passes, seducing our *Indian Allies*, and increasing their new Settlements in *Louisiana*.

Chief Justice *Morris*, whose Influence was very great in the House, drew the Address in Answer to the Governour's Speech, which contained a Passage manifesting the Confidence they reposed in him. "We believe that the Son of that worthy Prelate, so eminently instrumental under our glorious Monarch, *William* the third, in delivering us from arbitrary Power, and its Concomitants, Popery, Superstition, and Slavery; has been educated in, and possesses, those Principles, that so justly recommended his Father to the Council and Confidence of protestant Princes; and succeeds our former Governor, not only in Power, but Inclination, to do us good."

From an Assembly, impressed with such favourable Sentiments, his Excellency had the highest Reason, to expect a submissive Compliance, with every Thing recommended to their Notice. The publick Business proceeded without Suspicion or Jealousy, and nothing intervened to disturb the Tranquillity of the political State. Among the most remarkable Acts, passed at this Session, we may reckon that, for a five Years Support; another for laying a Duty of two *per Cent.* prime Cost, on the Importation of *European Goods*, which was soon after repealed by the King; and a third, for prohibiting the Sale of *Indian Goods* to the *French*. The last of these was a favourite Act of the Governour's, and tho' a Law very advantageous to the Province, became the Source of an unreasonable Opposition against him, which continued thro' his whole Administration. From the Conclusion of the Peace of *Utrecht*, a great Trade was carried on between *Albany* and *Canada*, for Goods saleable among the *Indians*. The Chiefs of the Confederates, wisely foresaw its ill Consequences, and complained of it to the Commissioners of *Indian Affairs* *, who wrote to Mr. *Hunter*, acquainting

* The Governours residing at *New-York*, be commissioned, at *Albany*, to receive Intelligence from the *Indians*, and treat with them upon

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ing him of their Dissatisfaction. The Letter was laid before the House, but no effectual Step taken to prevent the Mischief, till the passing of this Act, which subjected the Traders to a Forfeiture of the Effects sold, and the Penalty of 100 *l.* Mr. *Burnet's* Scheme was to draw the *Indian* Trade into our own Hands; to obstruct the Communication of the *French* with our Allies, which gave them frequent Opportunities of seducing them from their Fidelity; and to regain the *Cagbnuagas*, who became interested in their Disaffection, by being the Carriers between *Albany* and *Montreal*. Among those who were more immediately prejudiced by this new Regulation, the Importers of those Goods, from *Europe*, were the chief; and hence the Spring of their Opposition to the Governour.

All possible Arts were used, both here and at Home, to preserve the good Temper of the Assembly. Brigadier *Hunter* gave the Ministry such favourable Accounts of the Members, that Colonel *Schuyler*, during his Presidency, had Orders from Mr. Secretary *Craggs*, neither to dissolve them himself, nor permit them to be dissolved; and at the Spring Session, in the Year 1721, Mr. *Burnet* informed them, that his Continuance of them, was highly approved at Home. *Horatio Walpole*, the Auditor-General, who had appointed Mr. *Clarke* for his Deputy, thought this a favourable Conjunction, for procuring 5 *per Cent.* out of the Treasury. But the House were averse to his Application, and on the 2d of *June*, *Abraham Depeyster*, jun. was appointed Treasurer by the Speaker's Warrant, with the Consent of the Governour, in the Room of his Father, who was infirm; upon which he entered into a Recognizance of 5000 *l.* to the King, before a Judge of the supreme Court, for the faithful Execution of his Trust, which was lodged in the Secretary's Office. The House, at the same Time, in an Address, declared their Willingness that the Treasurer should account; but

on Emergencies. This gave Rise to the Office of Commissioners of *Indian* Affairs, who in general transact all such Matters as might be done by the Governour. They receive no Salaries, but considerable Sums are deposited in their Hands for occasional Presents. There are regular Minutes of their Transactions from the Year 1675. These were in separate Quires, till Mr. *Alexander*, who borrowed them for his Perusal in 1751, had them bound up in four large Volumes in Folio. Here all our *Indian* Treaties are entered. The Books are kept by a Se-

cretary, commissioned in *England*, whose Appointment is an annual Salary of 100 *l.* Proclamation out of the Quit-Rents. The Commandant at *Oswego* is generally a Commissioner. The Office would probably have been more advantageous than it has been, if the Commissioners were not Traders themselves, than which nothing is more ignoble in the Judgment of the *Indians*. Sir *William Johnson* is at present the sole Commissioner, and within nine Months after the Arrival of General *Braddock*, received 10,000 *l.* Sterling, to secure the *Indian* Interest.

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utterly refused to admit of any Draughts upon the Treasury, for the Auditor-General, who was constrained to depend entirely upon the Revenue, out of which he received about 200 *l. per Annum*.

Mr. *Burnet* being well acquainted with the Geography of the Country, wisely concluded, that it was to the last Degree necessary, to get the Command of the great Lake *Ontario*, as well for the Benefit of the Trade, and the Security of the Friendship of the *Five Nations*, as to frustrate the *French* Designs, of confining the *English* Colonies to narrow Limits, along the Sea Coast, by a Chain of Forts on the great Passes from *Canada* to *Louisiana*. Towards the Subversion of this Scheme, he began the Erection of a Trading House at *Oswego*, in the County of the *Senecas*, in 1722; and recommended a Provision for the Residence of trusty Persons among them, and the *Onondagas*, which last possess the Center of the *Five Cantons*. This Year was remarkable for a Congress of several Governours and Commissioners, on the Renewal of the ancient Friendship with the *Indians* at *Albany*. Mr. *Burnet* prevailed upon them to send a Messäge, to threaten the *Eastern Indians* with a War, unless they concluded a Peace with the *English*, who were very much harassed by their frequent Irruptions. On the 20th of *May*, in the Year following, the Confederates were augmented by their Reception of above 80 *Nicariagas*, besides Women and Children, as they had been formerly, by the Addition of the *Tuscaroras*. The Country of the *Nicariagas* was on the North Side of *Missilimakinack*, but the *Tuscaroras* possessed a Tract of Land, near the Sources of *James's River*, in *Virginia*, from whence the Encroachments of the *English*, induced them to remove, and settle near the South-East End of the *Oneyda Lake*.

The strict Union subsisting between the several Branches of the Legislature, gave a Handle to Mr. *Burnet's* Enemies to excite a Clamour against him. Jealousies were industriously sown in the Breasts of the People. The Continuance of an Assembly, after the Accession of a new Governour, was represented as an anti-constitutional Project; and tho' the Affairs of the Publick were conducted with Wisdom and Spirit, many were so much imposed upon, that a Rupture between the Governour and the Assembly was thought to be absolutely necessary for the Weal and Safety of the Community. But this was not the only Stratagem of those who were disaffected by the Prohibition of the *French* Trade. The *London* Merchants were induced to petition the King for an Order to his Governour, prohibiting the Revival of the Act made against it, or the passing any new Law of that Tendency. The Petition was refered to the Board of Trade, and

backed before their Lordships, with Suggestions of the most notorious Falsehoods. The Lords of Trade prudently advised, that no such Directions should be sent to Mr. *Burnet*, till he had an Opportunity of answering the Objections against the Act. They were accordingly sent over to him, and he laid them before his Council. Dr. *Colden* and Mr. *Alexander* exerted themselves in a memorable Report in Answer to them, which drew upon them the Resentment of several Merchants here, who had first excited the *London* Petition, and laid the Foundation for a Variance between their Families, which has manifested itself on many Occasions. In Justice to Mr. *Burnet's* Memory, and to shew the Propriety of his Measures for obstructing the *French* Trade, I cannot refrain the Republication of the Council's Report at full Length.

‘ *May it please your Excellency,*

‘ **I**N Obedience to your Excellency's Commands, in Council, the 29th
‘ of *October*, referring to us a Petition of several Merchants in *London*,
‘ presented to the King's most excellent Majesty, against renewing an Act
‘ passed in this Province, entitled, “ *An Act for Encouragement of the Indian*
‘ *Trade, and rendering it more effectual to the Inhabitants of this Province,*
‘ *and for prohibiting the Selling of Indian Goods to the French.*” As likewise
‘ the several Allegations of the said Merchants before the right honour-
‘ able the Lords of Trade and Plantations, we beg Leave to make the fol-
‘ lowing Remarks.

‘ In order to make our Observations the more distinct and clear, we
‘ shall gather together the several Assertions of the said Merchants, both in
‘ their Petition, and delivered verbally before the Lords of Trade, as to
‘ the Situation of this Province, with Respect to the *French* and *Indian*
‘ Nations; and observe on them, in the first Place, they being the Founda-
‘ tion on which all their other Allegations are grounded. Afterwards
‘ we shall lay before your Excellency, what we think necessary to observe,
‘ on the other Parts of the said Petition, in the Order they are in the Pe-
‘ tition, or in the Report of the Lords of Trade.

‘ In their geographical Accounts they say, “ *Besides the Nations of Indi-*
‘ *ans that are in the English Interest, there are very many Nations of Indians,*
‘ *who are at present in the Interest of the French, and who lie between New-*
‘ *York and the Nations of Indians in the English Interest.* ---- *The French*
‘ *and their Indians would not permit the English Indians to pass over by their*
‘ *Forts.*”

"Forts." *The said Act* "restrains them (the Five Nations) from a free Commerce with the Inhabitants of New-York.

"The five Indian Nations are settled upon the Banks of the River St. Lawrence, directly opposite to Quebeck, two or three hundred Leagues distant from the nearest British Settlements in New-York.

"They (the five Nations of Indians) were two or three hundred Leagues distant from Albany; and that they could not come to trade with the English, but by going down the River St. Lawrence, and from thence through a Lake, which brought them within eighteen Leagues of Albany."

These Things the Merchants have thought it safe for them, and consistent with their Duty to his sacred Majesty, to say in his Majesty's Presence, and to repeat them afterwards before the right honourable the Lords of Trade, though nothing can be more directly contrary to the Truth. For there are no Nations of *Indians* between *New-York* and the Nations of *Indians* in the *English* Interest, who are now six in Number, by the Addition of the *Tuscaroras*. The *Mohawks* (called *Annies* * by the *French*) one of the *Five Nations*, live on the South Side of a Branch of *Hudson's River*, (not on the North Side as they are placed in the *French* Maps) and but forty Miles directly West from *Albany*, and within the *English* Settlements; some of the *English* Farms, upon the same River, being thirty Miles further West. The *Oneydas* (the next of the *Five Nations*) lie likewise West from *Albany*, near the Head of the *Mohawks* River, about one hundred Miles from *Albany*. The *Onondagas* lie about one hundred and thirty Miles West from *Albany*; and the *Tuscaroras* live partly with the *Oneydas* and partly with the *Onondagas*. The *Cayugas* are about one hundred and sixty Miles from *Albany*; and the *Senecas* (the furthest of all these Nations, are not above two hundred and forty Miles from *Albany*, as may appear from Mr. *De L'Isle's* † Map of *Louisiana*, who lays down the *Five Nations* under the Name of *Iroquois*: and Goods are daily carried, from this Province, to the *Senecas*, as well as to those Nations that lie nearer, by Water, all the Way, except three Miles (or in the dry Seasons five Miles) where the Traders carry over Land between the *Mohawks* River and the *Wood Creek*, which runs into the *Oneydas* Lake, without going near either *St. Lawrence* River, or any of the Lakes upon which the *French* pass, which are intirely out of their Way.

* *Agnies.*† *De L'Isle.*

The nearest *French* Forts or Settlements to *Albany*, are *Chambly* and *Montreal*, both of them lying about North and by East from *Albany*, and are near two hundred Miles distant from it. *Quebeck* lies about three hundred and eighty Miles North-East from *Albany*. So far is it from being true, that the *Five Nations* are situated upon the Banks of the River *St. Lawrence*, opposite to *Quebeck*, that *Albany* lies almost directly between *Quebeck* and the *Five Nations*. And to say that these *Indians* cannot come to trade at *Albany*, but by going down the River *St. Lawrence*, and then into a Lake eighteen Leagues from *Albany* (we suppose they mean Lake *Champlain*) passing by the *French* Forts, is to the same Purpose as if they should say, that one cannot go from *London* to *Bristol*, but by Way of *Edinburgh*.

Before we go on to observe other Particulars, we beg Leave further to remark, that it is so far from being true, that the *Indians* in the *French* Interest, lie between *New-York* and our *Five Nations* of *Indians*; that some of our Nations of *Indians* lie between the *French* and the *Indians*, from whence the *French* bring the far greatest Quantity of their Furs: for the *Sennekas* (whom the *French* call *Sonontouons* *) are situated between Lake *Erie* and *Cadaracqui* Lake, (called by the *French*, *Ontario*) near the great Fall of *Iagara* †, by which all the *Indians* that live round Lake *Erie*, round the Lake of the *Hurons*, round the Lake of the *Illinois*, or *Micbegan*, and round the great upper Lake, generally pass in their Way to *Canada*. All the *Indians* situated upon the Branches of the *Mississippi*, must likewise pass by the same Place, if they go to *Canada*. And all of them likewise, in their Way to *Canada*, pass by our Trading-place upon the *Cadaracqui* Lake, at the Mouth of the *Onondaga* River. The nearest and safest Way of carrying Goods upon the *Cadaracqui* Lake, towards *Canada*, being along the South Side of that Lake, (near where our *Indians* are settled, and our Trade of late is fixed) and not by the North Side and *Cadaracqui*, or *Frontinac* Fort, where the *French* are settled.

Now that we have represented to your Excellency, that not one Word of the Geography of these Merchants is true, upon which all their Reasoning is founded; it might seem needless to trouble your Excellency with any further Remarks, were it not to show with what Earnestness they are promoting the *French* Interest, to the Prejudice of all his Majesty's Colo-

* *Sonontouans*.† Sometimes *Oniagara*, *Oebniagara*, but commonly *Niagara*.

PART V.
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“nies in *North America*, and that they are not ashamed of asserting any Thing for that End, even in the royal Presence.

“First they say, “That by the Act passed in this Province, entitled, An Act for the Encouragement of the *Indian Trade*, &c. All Trade whatsoever is prohibited in the strictest Manner, and under the severest Penalties, between the Inhabitants of *New-York* Government, and the *French of Canada*.”

“This is not true; for only carrying Goods to the *French*, which are proper for the *Indian Trade*, is prohibited. The Trade, as to other Things, is left in the same State it was before that Act was made, as it will appear to any Person that shall read it: and there are, yearly, large Quantities of other Goods, openly, carried to *Canada*, without any Hindrance from the Government of *New-York*. Whatever may be said of the Severity and Penalties in that Act, they are found insufficient to deter some from carrying Goods clandestinely to the *French*; and the Legislature of this Province are convinced, that no Penalties can be too severe, to prevent a Trade, which puts the Safety of all his Majesty's Subjects of *North America* in the greatest Danger.

“Their next Assertion is, “*All the Indian Goods have by this Act been raised 25 l. to 30 l. per Cent.*” This is the only Allegation in the whole Petition, that there is any Ground for. Nevertheless, tho' the common Channel of Trade cannot be altered without some Detriment to it in the Beginning; we are assured from the Custom-house Books, that there has been every Year, since the passing of this Act, more Furs exported from *New-York*, than in the Year immediately before the passing of this Act. It is not probable that the greatest Difference between the Exportation, any Year before this Act, and any Year since, could so much alter the Price of Beaver, as it is found to be this last Year. Beaver is carried to *Britain* from other Parts besides *New-York*, and it is certain that the Price of Beaver is not so much altered here by the Quantity in our Market, as by the Demand for it in *Britain*. But as we cannot be so well informed here, what occasions Beaver to be in greater Demand in *Britain*, we must leave that to be enquired after in *England*. However, we are fully satisfied that it will be found to be for very different Reasons from what the Merchants alledge.

“The Merchants go on and say, “Whereas, on the other Hand, this Branch of the *New-York* Trade, by the Discouragements brought upon it by this Act, is almost wholly engrossed by the *French*, who have al-

“ready

“ ready by this Act, been encouraged to send proper *European Goods* to
 “ *Canada*, to carry on this Trade, so that should this Act be continued,
 “ the *New-York Trade*, which is very considerable, must be wholly lost to
 “ us, and center in the *French*. --- Though *New-York* should not furnish
 “ them, the *French* would find another Way to be supplied therewith,
 “ either from some other of his Majesty's Plantations, or it might be directly
 “ from *Europe*. --- Many of the Goods, which the *Indians* want, being as
 “ easy to be had directly from *France* or *Holland*, as from *Great-Britain*.”

‘ This is easily answered, by informing your Excellency, that the principal of the Goods proper for the *Indian Market*, are only of the Manufactures of *Great-Britain*, or of the *British Plantations*, viz. Strouds, or Stroud-waters, and other Woollens, and Rum. --- The *French* must be obliged to buy all their Woollens (the Strouds especially) in *England*, and thence carry them to *France*, in Order to their Transportation to *Canada*.

‘ The Voyage to *Quebeck*, through the Bay of *St. Lawrence*, is well known to be the most dangerous of any in the World, and only practicable in the Summer Months. The *French* have no Commodities in *Canada*, by Reason of the Cold and Barrenness of the Soil, proper for the *West-India Markets*; and therefore have no Rum but by Vessels from *France*, that touch at their Islands in the *West-Indies*. *New-York* has, by Reason of its Situation, both as to the Sea and the *Indians*, every Way the Advantage of *Canada*. The *New-York Vessels* make always two Voyages in a Year from *England*, one in Summer, and another in Winter, and several Voyages in a Year to the *West-Indies*. It is manifest, therefore, that it is not in the Power of the *French* to import any Goods near so cheap, to *Canada*, as they are imported to *New-York*.

‘ But to put this out of all Controversy, we need only observe to your Excellency; that Strouds (without which no considerable Trade can be carried on with the *Indians*) are sold at *Albany* for 10 *l.* a Piece: they were sold at *Montreal*, before this Act took Place, at 13 *l.* 2 *s.* 6 *d.* and now they are sold there for 25 *l.* and upwards; which is an evident Proof, that the *French* have not in these four Years Time (during the Continuance of this Act) found out any other Way to supply themselves with Strouds; and likewise that they cannot trade without them, seeing they buy them at so extravagant a Price.

‘ It likewise appears, that none of the neighbouring Colonies have been able to supply the *French* with these Goods, and those that know the Geography of the Country, know it is impracticable to do it at any tolerable

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‘ rable Rate, because they must carry their Goods ten Times further by Land than we need to do.

‘ We are likewise assured, that the Merchants of *Montreal* lately told Mr. *Vaudreuil* their Governor, that if the Trade from *Albany* be not by some Mean or other encouraged, they must abandon that Settlement. We have Reason therefore to suspect, that these Merchants (at least some of them) have been practised upon by the *French* Agents in *London*; for no doubt, the *French* will leave no Method untried to defeat the present Designs of this Government, seeing they are more afraid of the Consequences of this Trade between *New-York* and the *Indians*, than of all the warlike Expeditions that ever were attempted against *Canada*.

‘ But to return to the Petitioners. “ They conceive nothing can tend more to the withdrawing the Affections of the *Five Nations* of *Indians* from the *English* Interest, than the Continuance of the said Act, which in its Effects restrains them from a free Commerce with the Inhabitants of *New-York*, and may too probably estrange them from the *English* Interest; whereas by a Freedom of Commerce, and an encouraged Intercourse of Trade with the *French* and their *Indians*, the *English* Interest might, in Time, be greatly improved and strengthened.”

‘ It seems to us a strange Argument to say, that an Act, the whole Purport of which is to encourage our own People to go among the *Indians*, and to draw the far *Indians* through our *Indian* Country to *Albany* (and which has truly produced these Effects) would, on the contrary, restrain them from a free Commerce with the inhabitants of *New-York*, and may too probably estrange them from the *English* Interest; and therefore that it would be much wiser in us to make Use of the *French*, to promote the *English* Interest; and for which End, we ought to encourage a free Intercourse between them and our *Indians*. The Reverse of this is exactly true, in the Opinion of our *Five Nations*; who in all their publick Treaties with this Government, have represented against this Trade, as *the building the French Forts with English Strouds*: that the encouraging a Freedom of Commerce with our *Indians*, and the *Indians* round them, who must pass through their Country to *Albany*, would certainly increase both the *English* Interest and theirs, among all the Nations to the Westward of them; and that the carrying the *Indian* Market to *Montreal* in *Canada*, draws all the far *Indians* thither.

‘ The last Thing we have to take Notice, is what the Merchants asserted before the Lords of Trade, *viz.* “ That there has not been half the

“ Quantity of *European* Goods exported since the passing of this Act, that used to be.” --- ‘ We are well assured, that this is no better grounded than the above Facts they assert with the same Positiveness. For it is well known, almost to every Person in *New-York*, that there has not been a less, but rather a greater, Quantity of *European* Goods, imported into this Place, since the passing of this Act than was at any Time before it, in the same Space of Time. As this appears by the Manifests in the Custom-house here, the same may likewise be easily proved by the Custom-house Books in *London*.

‘ As all the Arguments of the Merchants run upon the ill Effects this Act has had upon the Trade and the Minds of the *Indians*, every one of which we have shown to be asserted, without the least Foundation to support them; there nothing now remains, but to shew the good Effects this Act has produced, which are so notorious in this Province, that we know not one Person that now opens his Mouth against the Act.

‘ Before this Act passed, none of the People of this Province travelled into the *Indian* Countries to trade. We have now above forty young Men, who have been several Times as far as the Lakes a trading, and thereby become well acquainted, not only with the Trade of the *Indians*, but likewise with their Manners and Languages; and those have returned with such large Quantities of Furs, that greater Numbers are resolved to follow their Example; so that we have good Reason to hope, that in a little Time, the *English* will draw the whole *Indian* Trade of the inland Countries to *Albany*, and into the Country of the *Five Nations*. This Government has built a publick Trading-house upon *Cataracqui* Lake, at *Irondequat* in the *Sennekas* Land, and another is to be built, next Spring, at the Mouth of the *Onondagas* River. All the far *Indians* pass by these Places, in their Way to *Canada*; and they are not above half so far from the *English* Settlements, as they are from the *French*.

‘ So far is it from being true what the Merchants say, “ That the *French* Forts interrupt all Communication between the *Indians* and the *English* ;” that if these Places be well supported, as they easily can be from our Settlements, in case of a Rupture with the *French*, it will be in the Power of this Province; to intercept the greatest Part of the Trade between *Canada* and the *Indians* round the Lakes and the Branches of the *Mississippi*. --- Since this Act passed, many Nations have come to *Albany* to trade; and Peace and Friendship, whose Names had not so much as been heard of

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among us. — In the Beginning of *May*, 1723, a Nation of *Indians* came to *Albany* singing and dancing, with their *Calumets* before them, as they always do when they come to any Place, where they have not been before. We do not find that the Commissioners of *Indian Affairs*, were able to inform themselves what Nation this was.

Towards the End of the same Month, eighty Men, besides the Women and Children, came to *Albany* in the same Manner. These had one of our *Five Nations* with them for an Interpreter, by whom they informed the Commissioners, that they were of a great Nation, called *Nebkereages*, consisting of six Castles and Tribes; and that they lived near a Place called by the *French*, *Missimakinab*, between the upper Lake and the Lake of the *Hurons*. These *Indians* not only desired a free Commerce, but likewise to enter into a strict League of Friendship with us and our *Six Nations*, that they might be accounted the seventh Nation in the League; and being received accordingly, they left their *Calumet* as a Pledge of their Fidelity. — In *June* another Nation arrived, but from what Part of the Continent we have not learned.

In *July*, the *Twighewes* arrived, and brought an *Indian* Interpreter of our Nations with them, who told, that they were called by the *French*, *Miamies*, and that they live upon one of the Branches of the River *Mississippi*. --- At the same Time some of the *Tabsagrondie* *Indians*, who live between Lake *Erie* and the Lake *Hurons*, near a *French* Settlement, did come and renew their League with the *English*, nor durst the *French* hinder them. --- In *July* this Year, another Nation came, whose Situation and Name we know not; and in *August* and *September*, several Parties of the same *Indians* that had been here last Year: but the greatest Numbers of these far *Indians* have been met this Year in the *French* Country by our Traders, every one of them endeavouring to get before another, in order to reap the Profits of so advantageous a Trade, which has all this Summer long, kept about forty Traders constantly employed, in going between our Trading-places, in our *Indian* Country, and *Albany*.

All these Nations of *Indians*, who came to *Albany*, said, that the *French* had told them many strange Stories of the *English*, and did what they could to hinder their coming to *Albany*, but that they had resolved to break through by Force. The Difference on this Score between the *Tabsagrondie* *Indians* and the *French* (who have a Fort and Settlement there, called by them *Le Detroit*) rose to that Height, this Summer, that Mi-

‘ *Tonti*, who commanded there, thought it proper to retire, and return
 ‘ to *Canada* with many of his Men.

‘ We are, for these Reasons, well assured, that this Year there will be
 ‘ more Beaver exported for *Great-Britain*, than ever was from this Pro-
 ‘ vince in one Year; and that if the Custom-house Books at *London* be
 ‘ looked into, it will be found, that there will be a far greater Quantity of
 ‘ Goods for the *Indians* (Strouds especially) sent over next Spring, than ever
 ‘ was at any one Time to this Province. For the Merchants here tell us,
 ‘ that they have at this Time ordered more of these Goods, than ever was
 ‘ done at any one Time before.

‘ These Matters of Fact prove, beyond Contradiction, that this Act has
 ‘ been of the greatest Service to *New-York*, in making us acquainted with
 ‘ many Nations of *Indians*, formerly entirely unknown, and Strangers, to us;
 ‘ withdrawing them from their Dependance upon the *French*, and in unit-
 ‘ ing them to us and our *Indians*, by Means of Trade and mutual Offices
 ‘ of Friendship.---Of what great Consequence this may be to the *British*
 ‘ Interest in general, as to Trade, is apparent to any Body. It is no less
 ‘ apparent likewise, that it is of the greatest Consequence to the Safety of
 ‘ all the *British* Colonies in *North America*. We feel, too sensibly, the ill
 ‘ Effects of the *French* Interest in the present War betwixt *New-England*,
 ‘ and only one Nation of *Indians* supported by the *French*. Of what dismal
 ‘ Consequences then might it be, if the *French* should be able to influence,
 ‘ in the same Manner, so many and such numerous Nations, as lie to the
 ‘ Westward of this Province, *Pensylvania* and *Maryland*? On the other
 ‘ Hand, if all these Nations (who assert their own Freedom, and declare
 ‘ themselves Friends to those that supply them best with what they want)
 ‘ be brought to have a Dependance upon the *English* (as we have good
 ‘ Reason to hope in a short Time they will) the *French* of *Canada*, in Case
 ‘ of a War, must be at the Mercy of the *English*.

‘ To these Advantages must be added, that many of our young Men
 ‘ having been induced by this Act to travel among the *Indians*, they learn
 ‘ their Manners, their Languages, and the Situation of all their Countries,
 ‘ and become inured to all Manner of Fatigues and Hardships; and a great
 ‘ many more being resolved to follow their Example, these young Men, in
 ‘ Case of War with the *Indians*, will be of ten Times the Service, that the
 ‘ same Number of the common Militia can be of.---The Effects of this
 ‘ Act have likewise so much quieted the Minds of the People, with Respect

‘ to

to the Security of the Frontiers, that our Settlements are now extended above thirty Miles further West towards the *Indian* Countries, than they were before it passed.

The only Thing that now remains to answer, is an Objection which we suppose may be made, What can induce the Merchants of *London* to petition against an Act, which will be really so much for their Interest in the End? The Reason is, in all Probability, because they only consider their present Gain; and that they are not at all concerned for the Safety of this Country, in encouraging the most necessary Undertaking, if they apprehend their Profit for two or three Years may be lessened by it. This Inclination of the Merchants has been so notorious, that few Nations, at War with their Neighbours, have been able to restrain them from supplying their Enemies with Ammunition and Arms. The Count *D'Estlade*, in his Letters in 1638, says, that when the *Dutch* were besieging *Antwerp*, one *Beiland*, who had loaded four Fly-boats with Arms and Powder for *Antwerp*, being taken up by the Prince of *Orange's* Order, and examined at *Amsterdam*, said boldly, that the Burghers of *Amsterdam* had a Right to trade every where: that he could name a hundred that were Factors for the Merchants at *Antwerp*, and that he was one. "That Trade cannot be interrupted, and that for his Part he was very free to own, that if to get any Thing by Trade it were necessary to pass through Hell, he would venture to burn his Sails." When this Principle, so common to Merchants, is considered, and that some in this Place have got Estates by trading many Years to *Canada*, it is not to be wondered, that they have acted as Factors for *Canada* in this Affair, and that they have transmitted such Accounts to their Correspondents in *London*, as are consistent with the Trust reposed in them by the Merchants of *Canada*.

In the last Place, we are humbly of Opinion, that it may be proper to print the Petition of the Merchants of *London*, and their Allegations before the Lords of Trade, together with the Answers your Committee has made thereto, in Vindication of the Legislature of this Province, of which we have the Honour to be a Part, if your Excellency shall approve of our Answers; that what we have said may be exposed to the Examination of every one in this Place, where the Truth of the Matters of Fact is best known, and that the Correspondents of these Merchants may have the most publick Notice to reply, if they shall think it proper, or

to

to difown, in a publick Manner, that they are the Authors of fuch groundlefs Informations. All which is unanimoſly and humbly ſubmitted by

Your Excellency's

Moſt obedient humble Servants,

R. Walter,

Rip Van Dam,

John Barbarie,

Fr. Hariſon,

Cadwallader Colden,

James Alexander,

Abraham Van Horne.

Governour Burnet tranſmitted this Report to the Board of Trade, and it had the intended Effect. About the latter End of the Year 1724, an unfortunate Diſpute commenced in the French Church, of which, becauſe it had no ſmall Influence on the publick Affairs of the Government, I ſhall lay before the Reader a ſhort Account.

The Perſecutions in France, which enſued upon the Revocation of the Edict of Nantz, drove the proteſtant Subjects of Louis XIV. into the Territories of other Princes. Many of them fled even into this Province: the moſt opulent ſettled in the City of New-York, others went into the Country and planted New Rochelle, and a few ſeated themſelves at the New Paltz in Ulſter County. Thoſe who reſided in New-York ſoon erected a Church, upon the Principles and Model of that in Geneva; and by their Growth and foreign Acceſſions, formed a Congregation, for Numbers and Riches, ſuperior to all but the Dutch. They had two Miniſters; Rou, the firſt called, was a Man of Learning, but proud, pleaſurable, and paſſionate. Moulinaars, his Colleague, was moſt diſtinguiſhed for his pacifick Spirit, dull Parts, and unblameable Life and Converſation. Rou deſpiſed his Fellow Labourer, and for a long Time commanded the whole Congregation, by the Superiority of his Talents for the Pulpit. The other impatient of repeated Affronts and open Contempt, raiſed a Party in his Favour, and this Year ſucceeded in the Election of a Set of Elders, diſpoſed to humble the Delinquent. Rou being ſuſpicious of the Deſign, reſuſed to acknowledge them duly elected. Incenſed at this Conduct, they entered an Act in their Minutes, diſmiſſing him from the paſtoral Charge of the Church, and procured a Ratification of the Act under the Hands of the Majority of the People. Governour Burnet had, long before this Time, admitted Rou into his Familiarity, on the

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the Score of his Learning; and that Consideration encouraged a Petition to him, from *Rou's* Adherents, complaining against the Elders. The Matter was then referred to a Committee of the Council, who advised that the Congregation should be admonished, to bring their Differences to an amicable Conclusion. Some Overtures, to that End, were attempted; and the Elders offered to submit the Controversy to the *Dutch* Ministers. But *Rou*, who knew that the *French* Church, in this Country, without a Synod was unorganized, and could not restrain him, chose rather to bring his Bill in *Chancery* before the Governour.

Mr. *Alexander* was his Council, and Mr. *Smith* *, a young Lawyer, of the first Reputation as a Speaker, appeared for the Elders. He pleaded to the Jurisdiction of the Court, insisting that the Matter was entirely ecclesiastical, and, in the Prosecution of his Argument, entered largely into an Examination of the Government of the Protestant Churches in *France*. According to which, he shewed that the Consistory were the proper Judges of the Point in Dispute, in the first Instance; and that from thence an Appeal lay to a Collogue, next to a Provincial, and last of all to a national Synod. Mr. *Burnet* nevertheless over-ruled the Plea, and the Defendants, being fearful of a Decree, that might expose their own Estates to the Payment of *Rou's* Salary, thought it advisable to drop their Debates, reinstate the Minister, and leave the Church.

All those who opposed *Rou* were disobliged with the Governour: among these Mr. *De Lancey* was the most considerable for his Wealth and popular Influence. He was very rigid in his religious Profession, one of the first Builders, and by far the most generous Benefactor, of the *French* Church, and therefore left it with the utmost Reluctance. Mr. *Burnet*, before this Time, had considered him as his Enemy, because he had opposed the Prohibition of the *French* Trade; and this led him into a Step, which, as it was a personal Indignity, Mr. *De Lancey* could never recollect without Resentment. This Gentleman was returned for the City of *New-York*, in the Room of a deceased Member, at the Meeting of the Assembly in *September* 1725. When he offered himself for the Oaths, Mr. *Burnet* asked him how he became a Subject of the Crown? He answered, that he was denized in *England*, and his Excellency dismissed him, taking Time to consider the Matter. Mr. *De Lancey* then laid before the House an Act of a Notary Pub-

* These Gentlemen came into the Colony in the same Ship in 1715. The latter was born at *Newport Pagnel* in *Buckinghamshire*. They were among the principal Agents in the political Struggles during the Administration of Col. *Cosby*.

lick, certifying that he was named in a Patent of Denization, granted in the Reign of *James* the Second---A Patent of the same Kind, under the Great Seal of this Province, in 1686---And two Certificates, one of his having taken the Oath of Allegiance, according to an Act passed here in 1683, and another of his serving in several former Assemblies. The Governour, in the mean Time, consulted the Chief Justice, and transmitted his Opinion * to the House, who resolved in Favour of Mr. *De Lancey*. Several other new Representatives came in, at this Session, upon the Decease of the old Members; and *Adolph Philipse*, who was sometime before dismissed from the Council Board, was elected into the Speaker's Chair, in the Absence of Mr. *Livingston*. The Majority, however, continued in the Interest of the Governour; and consented to the Revival of the several Acts, which had been passed for prohibiting the *French* Trade; which in Spite of all the Restraints laid upon it, was clandestinely carried on by the People of *Albany*. *Oswego*, nevertheless, grew considerable for its Commerce: fifty-seven Canoes went there this Summer, and returned with seven hundred and thirty-eight *Packs* of Beaver and Deer Skins.

Nothing could more naturally excite the Jealousy of the *French*, than the Erection of the new trading House at the Mouth of the *Onandaga* River. Fearful of losing a profitable Trade, which they had almost entirely engrossed, and the Command of the Lake *Ontario*, they launched two Vessels in it in 1726, and transported Materials, for building a large Store-house, and repairing the Fort at *Niagara*. The Scheme was not only to secure to themselves the Entrance into the West End of the Lake, as they already had the East, by the fraudulent Erection of Fort *Frentenac*, many Years before; but also to carry their Trade more westerly, and thus render *Oswego* useless, by shortening the Travels of the Western *Indians*, near two hundred Miles. Baron *De Longueil*, who had the chief Command in *Canada*, on the Death of the Marquis *de Vaudreuil* in October 1725, was so intent upon this Project, that he went, in Person, to the *Onondago* Canton, for Leave to raise the Store-house at *Niagara*: and as those *Indians* were most of all exposed to the Intrigues of the Jesuits, who constantly resided amongst them; he prevailed upon them by Fraud and false Representations to consent to it, for their Protection against the *English*. But as soon as this Matter was made known to the other Nations, they declared the Permission granted by the

* What Col. *Morris*'s Opinion was, I have not been able to discover. Governour *Burnet*'s Conduct was thought to be unconstitutional, and

an Invasion of the Rights of the Assembly, who claim the exclusive Privilege of determining the Qualifications of their own Members.

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Onondagas to be absolutely void; and sent Deputies to *Niagara*, with a Message, signifying that the Country in which they were at Work, belonged solely to the *Semecas*; and required them immediately to desist. The *French*, notwithstanding, were regardless of the Embassage, and pushed on their Enterprize with all possible Dispatch, while *Joncaire* exerted all his Address among the *Indians*, to prevent the Demolition of the Works. *Canada* was very much indebted to the incessant Intrigues of this Man. He had been adopted by the *Semecas*, and was well esteemed by the *Onondagas*. He spoke the *Indian* Language as *Charlevoix* informs us, "avec la plus sublime eloquence Iroquoise," and had lived amongst them, after their Manner, from the Beginning of *Queen Anne's* Reign. All these Advantages he improved for the Interest of his Country; he facilitated the Missionaries in their Progress through the Cantons, and more than any Man contributed to render their Dependence upon the *English*, weak and precarious. Convinced of this, Colonel *Schuyler* urged the *Indians*, at his Treaty with them, in 1719, to drive *Joncaire* out of their Country, but his Endeavours were fruitless*.

The Jesuit *Charlevoix* does Honour to Mr. *Burnet*, in declaring that he left no Stone unturned, to defeat the *French* Designs at *Niagara*. Nor is it much to be wondered at. For besides supplanting his favourite Trade at *Ofwego*, it tended to the Defection of the *Five Nations*; and in Case of a Rupture, exposed the Frontiers of our Southern Colonies to the Ravages of the *French* and their Allies. Mr. *Burnet*, upon whom these Considerations made the deepest Impression, laid the Matter before the House, remonstrated against the Proceedings to *Longuiel* in *Canada*, wrote to the Ministry in *England*, who complained of them to the *French* Court, and met the Confederates at *Albany*, endeavouring to convince them of the Danger they themselves would be in, from an aspiring, ambitious, Neighbour. He spoke first about the Affair privately to the *Sachems*, and afterwards, in the publick Conference, informed them of all the Encroachments which the *French* had made upon their Fathers, and the ill Usage they had met with, according to *La Potberrie's* Account, published with the Privilege of the *French* King, at *Paris*, in 1722. He then reminded them of the kind Treatment they had received from the *English*, who constantly fed and cloathed them, and never attempted any Act of Hostilities to their Prejudice. This Speech was extremely well drawn, the Thoughts being conceived in strong Figures, particularly

* The same Thing has since been frequently laboured, but to no Purpose. His Son continued the Course of Intrigues begun by the Father, till General *Shirley*, while he was at *Ofwego* in 1755, prevailed upon the *Semecas* to order him to *Canada*.

expressive and agreeable to the *Indians*. The Governour required an explicit Declaration of their Sentiments, concerning the *French* Transactions at *Niagara*, and their Answer was truly categorical. "We speak now in the Name of all the *Six Nations*, and come to you howling. This is the Reason why we howl, that the Governor of *Canada* incroaches on our Land and builds thereon." After which they entreated him to write to the King for Succour. Mr. *Burnet* embraced this favourable Opportunity to procure from them a Deed, surrendering their Country to his Majesty, to be protected for their Use, and confirming their Grant in 1701, concerning which there was only an Entry in the Books of the Secretary for *Indian Affairs* *. It happened very unfortunately, that his Excellency's Hands were then more weakened than ever, by the growing Disaffection in the House. The Intrigues of his Adversaries, and the frequent Deaths of the Members, had introduced such a Change in the Assembly, that it was with Difficulty he procured a three Years Support. The Clamours of the People ran so high without Doors for a new Election, that he was obliged to dissolve the House, and soon after another Dissolution ensued on the Death of the King. The *French*, in the mean Time, completed their Works at *Niagara*, and Mr. *Burnet*, who was unable to do any Thing else, erected a Fort, in 1727, for the Protection of the Post and Trade at *Oswego*. This necessary Undertaking was pregnant with the most important Consequences, not only to this, but all our Colonies; and though the Governour's seasonable Activity, deserved the highest Testimonials of our Gratitude, I am ashamed to confess, what I am bound to relate, that he built the Fort at his private Expence, and that a Balance of above 56*l.* Principal, though frequently demanded, remains due to his Estate to this very Day.

Beaubarnois, the Governour of *Canada*, who superseded *Longuiel*, was so incensed at the building of the Fort, that he sent a written Summons, in *July*, to the Officer posted there, to abandon it; and though his Predecessor had done the same, a little before, at *Niagara*, in the County of the *Sennecas*,

* Besides the Territories at the West End of *Lake Erie*, and on the North Side of that, and the *Lake Ontario*, which were ceded in 1701; the *Indians* now granted, for the same Purpose, all their Habitations from *Oswego* to *Cayaboga* River, which disembogues into *Lake Erie*, and the Country extending sixty Miles from the Southermost Banks of those Lakes. Though

the first Surrender, through Negligence, was not made by the Execution of a formal Deed under Seal; yet as it was transacted with all the Solemnity of a Treaty, and as the second Surrender confirms the first, no intermediate Possession by the *French* can prejudice the *British* Title derived by the Cession in 1701.

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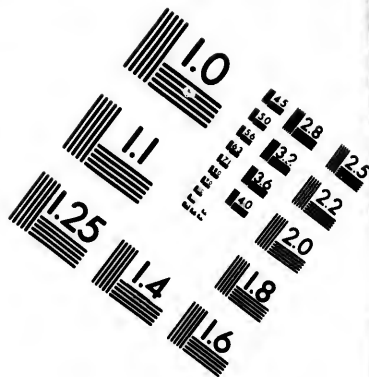
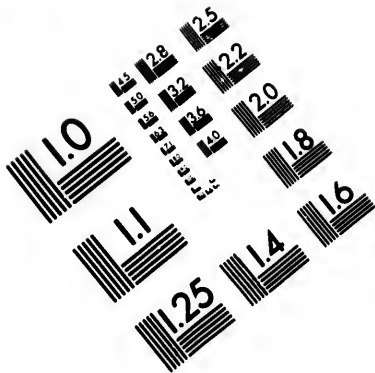
the acknowledged Subjects of the *British* Crown *, yet, with a singular Effrontery, he dispatched *De la Chaffaigne*, a Man of Parts and Governour of *Trois Rivieres*, to *New-York*, with the strongest Complaints to Mr. *Burnet* upon that Head. His Excellency sent him a polite, but resolute, Answer on the 8th of *August*; in which he refuted the Arguments urged by the *French* Governour General; and remonstrated against the Proceedings, of the last Year, at *Niagara*.

The new Assembly met in *September* 1727, and consisted of Members all ill affected to the Governour. The long Continuance of the last, the Clamours which were excited by several late important Decrees in Chancery, the Affair of the *French* Church, and especially the prohibiting the *Canada* Trade, were the Causes, to which the Loss of his Interest is to be ascribed. Mr. *Philippe*, the Speaker, was piqued at a Decree in Chancery against himself, which very much affected his Estate; no Wonder then that the Members, who were very much influenced by him, came, on the 25th of *November*, into the following Resolutions. Colonel *Hitch*, from the Committee of Grievances, reported, " That as well by the Complaints of several People, as by
" the general Cry of his Majesty's Subjects inhabiting this Colony, they find
" that the Court of Chancery, as lately assumed to be set up here, renders the
" Liberties and Properties of the said Subjects extremely precarious; and
" that by the violent Measures taken in, and allowed by it, some have been
" ruined, others obliged to abandon the Colony, and many restrained in it,
" either by Imprisonment or by excessive Bail exacted from them not to de-
" part, even when no Manner of Suits are depending against them: and
" therefore are of Opinion, that the extraordinary Proceedings of that
" Court, and the exorbitant Fees and Charges, countenanced to be exacted
" by the Officers and Practitioners thereof, are the greatest Grievance and
" Oppression this Colony hath ever felt: and that for removing the fatal

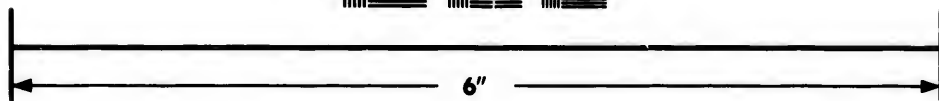
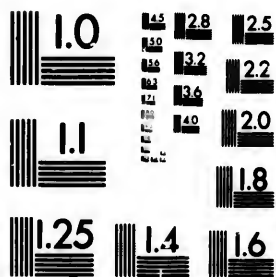
* Though the Sovereignty over the *Five Nations* was ceded to *Great-Britain*, and *Charlevoix* himself had acknowledged that *Niagara* was Part of their Country, yet the pious Jesuit applauds the *French* Settlement there, which was so manifest an Infraction of the Treaty of *Utrecht*. The Marquis *De Nonville*, in his Letter to the Court of *France* in 1686, proposed the Erection of a Fort there, to secure the Communication with the Lakes, and deprive us of a Trade which he computed to be worth 400,000 Francs per Annum. *Charlevoix*, perhaps, considered these

Advantages sufficient to justify the Violation of publick Faith; reasoning upon the Principles of *Le Chevalier de Callieres*, who thought the Legality of making a Conquest of *New-York*, during the strict Peace in *James II's* Reign, might be inferred from the Benefit, that would, thereby, accrue to the *French* Colony, " que il n'y avoit
" point d'autre voye pour conserver la Colonie,
" que de nous rendre maîtres de la *Nouvelle York*;
" & que cette conquête etoit legitime par la
" necessité."





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“ Consequences thereof, they had come to several Resolutions, which being read, were approved by the House, and are as follow :

“ *Resolved*, That the Erecting or Exercising, in this Colony, a Court of Equity or Chancery (however it may be termed) without Consent in General Assembly, is unwarrantable, and contrary to the Laws of *England*, and a manifest Oppression and Grievance to the Subjects, and of pernicious Consequence to their Liberties and Properties.

“ *Resolved*, That this House will at their next Meeting prepare, and pass, *An Act* to declare and adjudge all Orders, Ordinances, Devices, and Proceedings, of the Court, so assumed to be erected and exercised as above-mentioned, to be illegal, null, and void, as by Law and Right they ought to be.

“ *Resolved*, That this House, at the same Time, will take into Consideration, whether it be necessary, to establish a Court of Equity or Chancery in this Colony ; in whom the Jurisdiction thereof ought to be vested, and how far the Powers of it shall be prescribed and limited.”

Mr. *Burnet* no sooner heard of these Votes, than he called the Members before him, and dissolved the Assembly. They occasioned, however, an Ordinance in the Spring following, as well to remedy fundry Abuses in the Practice in Chancery, as to reduce the Fees of that Court, which, on Account of the popular Clamours, were so much diminished, that the Wheels of the Chancery, have ever since rusted upon their Axes, the Practice being contemned by all Gentlemen of Eminence in the Profession.

We are now come to the Close of Mr. *Burnet's* Administration, when he was appointed to the chief Command of the *Massachusetts Bay*. Though we never had a Governour, to whom the Colony is so much indebted as to him ; yet the Influence of a Faction, in the Judgment of some, rendered his Removal necessary for the publick Tranquillity. Insensible of his Merit, the undistinguishing Multitude were taught to consider it as a most fortunate Event ; and till the ambitious Designs of the *French King*, with respect to *America*, awakened our Attention to the general Welfare, Mr. *Burnet's* Administration was as little esteemed, as that of the meanest of his Predecessors.

He was very fond of *New-York*, and left it with Reluctance. His Marriage here connected him with a numerous Family, and, besides an universal Acquaintance, there were some Gentlemen, with whom he contracted a strict Intimacy and Friendship.

The excessive Love of Money, a Disease common to all his Predecessors, and to some who succeeded him, was a Vice, from which he was entirely

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free. He fold no Offices, nor attempted to raise a Fortune by indirect Means; for he lived generously, and carried scarce any Thing away with him, but his Books. These and the Conversation of Men of Letters, were to him inexhaustible Sources of Delight. His astronomical Observations have been useful; but by his Comment on the *Apocalypse*, he exposed himself, as other learned Men have before him, to the Criticisms of those who have not Abilities to write half so well.

John Montgomerie, Esq; received the Great Seal of this Province from Mr. *Burnet*, on the 15th of *April* 1728, having a Commission to supersede him here and in *New-Jersey*. The Council Board consisted of

Mr. *Walters*,
Mr. *Van Dam*,
Mr. *Barbarie*,
Mr. *Clarke*,
Mr. *Harrison*,
Dr. *Colden*,

Mr. *Alexander*,
Mr. *Morris*, jun.
Mr. *Van Horne*,
Mr. *Provoost*,
Mr. *Livingston*,
Mr. *Kennedy*.

The Governour was a *Scotch* Gentleman, and bred a Soldier; but, in the latter Part of his Life, he had little Concern with Arms, having served as Groom of the Bedchamber to his present Majesty, before his Accession to the Throne. This Station, and a Seat he had in Parliament, paved the Way to his Preferment in *America*. In his Talents for Government he was much inferior to his Predecessor, for he had neither Strength nor Acuteness of Parts, and was but little acquainted with any Kind of Literature.

As in the natural, so in the political World, a violent Storm is often immediately succeeded by a peaceful Calm; tired by the mutual Struggles of party Rage, every Man now ceased to act under its Influence. The Governour's good Humour too extinguished the Flames of Contention, for being unable to plan, he had no particular Scheme to pursue; and thus by confining himself to the Exercise of the common Acts of Government, our publick Affairs flowed on in a peaceful, uninterrupted, Stream.

The Reader will, for this Reason, find none of those Events in Col. *Montgomerie's* short Administration, which only take Rise under the Superintendency of a Man of extensive Views. Indeed he devoted himself so much to his Ease, that he has scarce left us any Thing to perpetuate the Remembrance of his Time.

The two Rocks, upon which the publick Tranquillity was shipwrecked in the late Administration, he carefully avoided; for he dissolved the Assembly, called by his Predecessor, before they had ever been convened: and as to the Chancery he himself countenanced the Clamours against it, by declining to sit; till enjoined to exercise the Office of Chancellor by special Orders from *England*. He then obeyed the Command, but not without discovering his Reluctance; and modestly confessing to the Practisers, that he thought himself unqualified for the Station. Indeed the Court of Chancery was evidently his Aversion, and he never gave a single Decree in it, nor more than three Orders; and these, both as to Matter and Form, were first settled by the Council concerned.

Mr. *Philipse* was chosen Speaker of the Assembly which met, on the 23d of *July*, and continued sitting in perfect Harmony till Autumn. After his Excellency had procured a five Years Support, and several other Laws to his Mind, of less considerable Moment; he went up to *Albany*, and, on the 1st of *October*, held a Treaty with the *Six Nations* for a Renewal of the ancient Covenant. He gave them great Presents, and engaged them in the Defence of *Oswego*. Nothing could be more seasonable than this Interview, for the *French* who eyed that important Garrison and our increasing Trade there, with the most restless Jealousy, prepared, early in the Spring following, to demolish the Works. Governour *Burnet* gave the first Intelligence of this Design, in a Letter to Colonel *Montgomerie*, dated at *Boston* the 31st of *March*, 1729. The Garrison was thereupon immediately reinforced by a Detachment from the Independent Companies; which together with the declared Resolution of the *Indians* to protect the Fort, induced the *French* to desist from the intended Invasion*.

Thus far our *Indian* Affairs appeared to be under a tolerable Direction; but these fair Prospects were soon obscured by the King's repealing, on the 11th of *December*, 1729, all the Acts which Mr. *Burnet*, with so much Labour and Opposition, procured for the Prohibition of an execrable Trade between *Albany* and *Montreal*. To whose Intrigues this Event is to

* From that Time, to the Year 1754, this Garrison was guarded only by a Lieutenant and five and twenty Men. General *Shirley's* parting from the Forces destined against Fort *Duquesne*, and proceeding with half the Army to *Oswego* in 1755, was extremely fortunate to our Colonies; the *French* being then determined and prepared to possess themselves of that Post. Besides the

Vessels launched there to secure the Command of the Lake, the General, before he returned to Winter Quarters, erected two strong square Forts, with Bastions, commanding as well the Entrance into the *Onondaga* River, as the old Fort; in the Situation of which, little Regard was had to any Thing besides the Pleasantness of the Prospect.

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be ascribed, cannot be certainly determined. But that it was pregnant with the worst Consequences, Time has sufficiently evinced. Nothing could more naturally tend to undermine the Trade at *Oswego*, to advance the *French* Commerce at *Niagara*, to alienate the *Indians* from their Fidelity to *Great-Britain*, and particularly to rivet the Defection of the *Cagbnuagas*. For these residing on the South Side of *St. Lawrence*, nearly opposite to *Montreal*, were employed by the *French* as their Carriers; and thus became interested against us, by Motives of the most prevailing Nature. One would imagine, that after all the Attention bestowed on this Affair in the late Administration, the Objections against this trading Intercourse with *Canada*, must have been obvious to the meanest Capacity; and yet so astonishing has been our Conduct, that from the Time Mr. *Burnet* removed to *Boston*, it has rather been encouraged than restrained. This Trade, indeed, was subject to Duties; but that at *Oswego* always was, and still is, exposed to the same Incumbrance; while the *French* Trade, in the Interval between the Years 1744 and 1750, was perfectly free: and as the Duty, by the Law then made, is laid only on Goods sold in the City and County of *Albany*, the Trader to elude the Act, is only exposed to the Trouble of transporting his Merchandize, beyond the scant District of the City ascertained in the Charter. But how much soever our Inattention to this Matter may deserve Censure, I cannot in Justice to my Countrymen help observing, that from the severest Scrutiny I could make, our People are free from the Charge of selling Ammunition to the *French*, which has so unjustly exposed the Inhabitants of *Albany*, to the Odium of all the Colonies in *New-England* *.

The Year 1731 was distinguished, only by the complete Settlement of the disputed Boundary between this Province and the Colony of *Connecticut*. An Event, considering the late colonizing Spirit and extensive Claims of the People of *New-England*, of no small Importance, and concerning which it may be proper to give a succinct Account.

The Partition Line agreed upon, in 1664, being considered as fraudulent, or erroneous; a second Agreement, suspended only for the King's and the Duke's Approbation, was concluded, on the 23d of *November* 1683, between Colonel *Dongan* and his Council, and *Robert Trent*, Esq; then Governor of *Connecticut*, and several other Commissioners appointed by that Colony. The Line of Partition, then agreed to be established, was to begin

* Ever since the Year 1729, the Sale of Arms I attribute to the Confidence of the Government, and Ammunition to the *French*, has been exempt both from Duties and a Prohibition; which that the Calumny is entirely groundless.

at the Mouth of *Byram* Brook, "Where it falleth into the *Sound*, at a Point called *Lyon's Point*, to go as the said River runneth, to the Place where the common Road, or wading Place, over the said River is; and from the said Road or wading Place, to go North North-west into the Country, as far as will be eight *English* Miles from the foresaid *Lyon's Point*; and that a Line of twelve Miles, being measured from the said *Lyon's Point*, according to the Line or general Course of the *Sound* Eastward: where the said twelve Miles endeth, another Line shall be run from the *Sound*, eight Miles into the Country North North-west, and also, that a fourth Line be run (that is to say) from the Northermost End of the eight Miles Line, being the third mentioned Line, which fourth Line with the first mentioned Line, shall be the Bounds where they shall fall to run; and that from the Eastermost End of the fourth mentioned Line (which is to be twelve Miles in Length) a Line parrallel to *Hudson's* River; in every Place twenty Miles distant from *Hudson's* River, shall be the Bounds there, between the said Territories or Province of *New-York*, and the said Colony of *Connecticut* so far as *Connecticut* Colony doth extend Northwards; that is to the South Line of the *Massachusetts* Colony: only it is provided, that in Case the Line from *Byram* Brook's Mouth, North North-west eight Miles, and the Line, that is then to run twelve Miles to the End of the third fore mentioned Line of eight Miles, do diminish or take away Land, within twenty Miles of *Hudson's* River, that then so much as is in Land diminished of twenty Miles of *Hudson's* River thereby, shall be added out of *Connecticut* Bounds unto the Line aforementioned, parallel to *Hudson's* River and twenty Miles distant from it; the Addition to be made the whole Length of the said parrallel Line, and in such Breadth, as will make up, Quantity for Quantity, what shall be diminished as aforesaid."

Pursuant to this Agreement some of the Lines were actually run out, and a Report made of the Survey, which, on the 24th of *February* 1684, was confirmed by the Governour of each Colony at *Milford* in *Connecticut*. Here the Matter rested, till a Dispute arose concerning the Right of Jurisdiction over the Towns of *Rye* and *Bedford*, which occasioned a Solicitation at Home; and on the 28th of *March* 1700, King *William* was pleased to confirm the Agreement in 1683.

Nineteen Years afterwards, a probationary Act was passed, empowering the Governour to appoint Commissioners, as well to run the Line parrallel to *Hudson's* River, as to re-survey the other Lines and distinguish the Boundary.

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The *Connecticut* Agent opposed the King's Confirmation of this Act *totis viribus*, but it was approved on the 23d of *January* 1723. Two Years after, the Commissioners and Surveyors of both Colonies met at *Greenwich*, and entered first into an Agreement, relating to the Method of performing the Work.

The Survey was immediately after executed in Part, the Report being dated on the 12th of *May* 1725; but the complete Settlement, was not made till the 14th of *May* 1731, when Indentures, certifying the Execution of the Agreement in 1725, were mutually signed by the Commissioners and Surveyors of both Colonies. Upon the Establishment of this Partition, a Tract of Land lying on the *Connecticut* Side, consisting of above 60,000 Acres, from its Figure called the *Oblong*, was ceded to *New-York*, as an Equivalent for Lands near the *Sound* surrendered to *Connecticut* *.

The very Day after the Surrender, made by that Colony, a Patent passed in *London* to Sir *Joseph Eyles* and others, intended to convey the whole *Oblong*. A Grant posterior to the other was also regularly made here, to *Hauley* and Company, of the greatest Part of the same Tract, which the *British* Patentees brought a Bill in Chancery to repeal. But the Defendants filed an Answer, containing so many Objections against the *English* Patent, that the Suit remains still unprosecuted, and the *American* Proprietors have ever since held the Possession. Mr. *Harison*, of the Council, solicited this Controversy for Sir *Joseph Eyles* and his Partners, which contributed, in a great Degree, to the Troubles, so remarkable, in a succeeding Administration.

Governour *Montgomerie* died on the 1st of *July* 1731; and being a Man of a kind and humane Disposition, his Death was not a little lamented. The chief Command then devolved upon *Rip Van Dam*, Esq; he being the oldest Counsellor, and an eminent Merchant of a fair Estate, though distinguished more for the Integrity of his Heart, than his Capacity to hold the Reins of Government. He took the Oaths before

Mr. *Alexander*,
Mr. *Van Horne*,
Mr. *Kennedy*,

Mr. *De Lancey* †, and
Mr. *Courtlandt*.

* See *Douglas's* late *Plan of the British Dominions of New-England*.

† This Gentleman being a Youth of fine Parts, was called up to the Council Board on the 26th of *January* 1729, just after his Return from

the University. Mr. *Morris*, jun. was suspended on the same Day, for Words dropped in a Dispute relating to the Governour's Draughts upon the Revenue.

This Administration is unfortunately signalized by the memorable Encroachment at *Crown Point*. An Enemy despised at first for his Weakness, generally grows formidable for his Activity and Craft. This Observation is true, applied to private Persons, religious Sects, or publick States. The *French*, in *Canada*, have always been jealous of the increasing Strength of our Colonies; and a Motive of Fear led them, naturally, to concert a regular System of Conduct for their Defence. Confining us to scant Limits along the Sea Coast, is the grand Object they have long had in View; and seizing the important Passes from *Canada* to *Louisiana*, seducing our *Indian* Allies, engrossing the Trade, and fortifying the Routes into their Country, were all proper Expedients towards the Execution of their Plan. By erecting *Fort St. Frederick*, they secured the absolute Command of *Lake Champlain*, through which we must pass, if ever a Descent be made upon *Canada*, either to conquer the Country, or harass its Out-settlements. The Garrison was, at first, situated on the East Side of the Lake, near the South End; but was afterwards built upon a commodious Point on the opposite Side. Of all their Infractions of the Treaty of *Utrecht*, none was more palpable than this. The Country belonged to the *Six Nations*, and the very Spot, upon which the Fort stands, is included within a Patent, to *Dellius* the *Dutch* Minister of *Albany*, granted under the Great Seal of this Province in 1696. Besides, nothing could be more evident than the Danger to which it exposed us. Through this Lake the *French* Parties made their ancient bloody IncurSIONS upon *Schenectady*, the *Mohawks* Castles, and *Deerfield*; and the Erection of this Fort was apparently adapted, to facilitate the Inroads of the Enemy, upon the Frontiers of the Colonies of *New-York*, *Massachusetts Bay*, and *New-Hampshire*. For it served not only as an Asylum to fly to, after the Perpetration of their Inhumanities, but for a Magazine of Provisions and Ammunition; and though it was much above 120 Miles from the very City of *Albany*, yet by the Conveyance through *Sorel* River and the Lake, it may be reinforced from *Montreal* in three or four Days *.

The *Massachusetts* Government foresaw the dangerous Consequences of the *French* Fort at *Crown Point*, and Governour *Belcher* gave us the first Infor-

* The present Fort at *Crown Point* is said to be a Square with four Bastions, and a high Castle within the Walls. It has no Ditch, but is strengthened by a Redoubt, and mounts six and thirty small Cannon. While the Colony Forces, consisting of about 4000 Militia, lay at Lake

George, employed in erecting *Fort William Henry* in 1755, the *French* threw up an advanced Work at *Ticonderoge*, near the North-east End of *Lake George*: an important Pass about 16 Miles to the Southward of *Fort Frederick*.

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mation of it, in a Letter from *Boston* to Mr. *Van Dam*. He informed him of the Vote of the General Court, to bear their Proportion of the Charge of an Embassage to *Canada*, to forbid the Works, and pressed him to engage the Opposition of the *Six Nations*. *Van Dam* laid the Letter before his Council, on the 4th of *February* 1732; who, with singular Calmness, advised him to write to the Commissioners of *Indian* Affairs, at *Albany*, ordering them to enquire, whether the Land belonged to the Confederates or the *River Indians*. That Mr. *Van Dam* ever wrote to the Commissioners, I have not been able to discover; nor whether any Complaint of the Encroachment was sent Home, according to the second Advice of Council on the 11th of *February*; who, besides the first Step, were now pleased to recommend his transmitting Governour *Belcher's* Letter and the *Boston* Vote to the several South-western Colonies.

The Passiveness we discovered, on this impudent and dangerous Invasion of his Majesty's Rights, is truly astonishing; and the more so, as the Crown had, at that Time, four Independent Companies, which had long been posted here for our Protection, at the annual Expence of about 7500*l.* Sterling. A very good Scheme, in some Measure, to repair this shameful Misconduct, was afterwards projected, by settling the Lands near *Lake George*, with loyal Protestant Highlanders from *Scotland*. Captain *Laughlin Campbel*, encouraged by a Proclamation to that Purpose, came over in 1737, and ample Promises were made to him. He went upon the Land, viewed and approved it; and was entreated to settle there, even by the *Indians*, who were taken with his Highland Dress. Mr. *Clarke*, the Lieutenant Governour, promised him, in a printed Advertisement, the Grant of 30,000 Acres of Land, free from all but the Charges of the Survey and the King's Quit Rent. Confiding on the Faith of the Government, Captain *Campbel* went Home to *Isla*, sold his Estate, and, shortly after, transported, at his own Expence, 83 Protestant Families, consisting of 423 Adults, besides a great Number of Children. Private Faith and publick Honour loudly demanded the fair Execution of a Project, so expensive to the Undertaker and beneficial to the Colony. But it unfortunately dropped, through the fordid Views of some Persons in Power, who aimed at a Share in the intended Grant; to which *Campbel*, who was a Man of Spirit, would not consent.

Captain *Campbel*, afterwards, made an Attempt to redress himself, by an Application to the Assembly here, and then to the Board of Trade in *England*. The first proved abortive, and such were the Difficulties attending the last, that he left his Colonists to themselves; and with the poor Remains of

his broken Fortune purchas'd a small Farm in this Province. No Man was better qualified than he, for the Business he had engag'd in. He had a high Sense of Honour and a good Understanding: was active, loyal, and of a military Disposition. For upon the News of the late Rebellion in *Scotland*, he went Home: fought under the Duke, returned to his Family and soon after died; leaving a Widow and several Children, who still feel the Consequences of his Disappointments.

Mr. *Van Dam* finish'd his Administration, on the 1st of *August* 1732; when *William Cosby*, Esq; arriv'd, with a Commission, to govern this and the Province of *New-Jersey*. The History of our publick Transactions, from this Period, to the present Time, is full of important and entertaining Events, which I leave others to relate. A very near Relation to the Authour had so great a Concern in the publick Controversies with Colonel *Cosby*, that the History of those Times will be better received from a more disinterested Pen. To suppress Truth on the one Hand, or exaggerate it; on the other, are both inexcusable Faults, and perhaps it would be difficult for me to avoid those Extremes. Besides, a Writer, who exposes the Conduct of the Living, will inevitably meet with their Fury and Repentment. The prudent Historian of his own Times will always be a Coward, and never give Fire, till Death protects him from the Malice and Stroke of his Enemy.

PART V.
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C H A P. I.

A Geographical Description of the Country.

THE Province of *New-York*, at present, contains *Long Island*, *Stat-ten Island*, and the Lands, on the East Side of *Hudson's River*, to the Bounds of *Connecticut*. From the Division Line between that Colony and the *Massachusetts Bay*, Northward, to the Line between us and the *French*, we claim an Extent to *Connecticut River*.*. On the West Side of *Hudson's*

* The Grounds of this Claim are contained in the following Report of a Committee, of Council, to Governour *Clinton*, on the 2d of *March 1753*, which was drawn up by Mr. *Alexander*.

May it please your Excellency,

“ In Obedience to your Excellency's Order, in Council, of the 3d Day of *July* last, referring to a Committee thereof, the Petitions of *Robert Livingston, jun. Esq;* and of the Owners of a certain Tract of Land called *Westenhook*, complaining of new Claims and Encroachments made upon their Lands by the Inhabitants of the *Massachusetts Bay*, and

“ also the Surveyor General's and the Attorney General's Reports on the said two Petitions: the Committee having maturely weighed and considered of the same, humbly beg Leave to report to your Excellency;

“ 1st, That they apprehend the Claims of *Massachusetts Bay* to the Manor of *Livingston*, or the said Tract of Land called *Westenhook*, cannot be well founded; because they find that the *Dutch* claimed the Colony of *New Netherland*, as extending from *Cape Cod* to *Cape Cornelius*, now called *Cape Henlopen*, Westward of *Delaware Bay*, along the Sea Coast, and as far back into the Country, as
“ any

Hudſon's River from the Sea to the Latitude of 41° lies *New-Jerſey*. The Line of Partition between that Province and this, from that Latitude to the

“ any of the Rivers within thoſe Limits extend;
 “ and that they were actually poſſeſſed of *Con-*
 “ *necticut* River, long before any other *Euro-*
 “ *pean* People knew any Thing of the Exiſtence
 “ of ſuch a River, and were not only poſſeſſed
 “ of the Mouth of it, where they had a Fort
 “ and Garriſon, but diſcovered the River above
 “ a hundred Miles up, had their People trading
 “ there, and purchaſed of the Natives almoſt
 “ all the Lands on both Sides of the ſaid River.

“ 2dly, That Governor *Stuyveſant*, the *Dutch*
 “ Governor of the ſaid Province, by his Let-
 “ ter dated the 2d of *September* 1664, New
 “ *Stile*, in Answer to a Letter from Governor
 “ *Richard Nicolls* of the $\frac{30}{8}$ *Auguſt* preceding,
 “ demanding the Surrender of all the Forts and
 “ Places of Strength poſſeſſed by the *Dutch* un-
 “ der his (Governor *Stuyveſant's*) Command,
 “ writes as follows:—“ Moreover it's without
 “ Diſpute, and acknowledged by all the World,
 “ that our Predeceſſors by virtue of the Com-
 “ miſſion and Patent of the ſaid Lords the States
 “ Generals, have without Controul, and peace-
 “ ably (the contrary never coming to our
 “ Knowledge) enjoyed *Fort Orange* about 48
 “ or 50 Years; and *Manhatans* about 41 or 42
 “ Years; the *South River* 40 Years, and the
 “ *Freſh River* about 36 Years.” Which laſt
 “ mentioned River, the Committee find to be
 “ the ſame, that is now called *Connecticut* River.

“ 3dly, That the ſaid *Dutch* Governor *Stuy-*
 “ *veſant* did, in the Year 1664, ſurrender all the
 “ Country, which the *Dutch* did then poſſeſs,
 “ to King *Charles* the Second, and that the
 “ States General made a Ceſſion thereof, by the
 “ Treaty of *Breda*, in the Year 1667: that
 “ the *Dutch* reconquered Part of this Province
 “ in 1673, and ſurrendered and abſolutely yield-
 “ ed it to King *Charles* the Second, in 1673-4,
 “ by the Treaty of *London*; and that in the
 “ Year 1674, King *Charles* granted to the Duke
 “ of *York*, all the Land between *Connecticut*
 “ River and *Delaware* Bay; the whole of theſe
 “ Lands being Part of the former Colony of
 “ *New Netherland*.

“ 4th, That the Duke of *York* in his ſeveral
 “ Commiſſions to Major *Edmund Androſt*, on
 “ the 1ſt of *July* 1674, and to Governor *Don-*
 “ *gan* on the 30th of *September* 1682, among
 “ other Deſcriptions of the Boundaries of this
 “ Province, mentions all the Land from the
 “ Weſt Side of *Connecticut* River to the Eaſt
 “ Side of *Delaware* Bay: that their Majeſties
 “ King *William* and Queen *Mary*, by their
 “ Commiſſion, bearing Date the fourth Day of
 “ *January*, in the firſt Year of their Majeſties
 “ Reign, appointed *Henry Sloughter* to be Go-
 “ vernour of the Province of *New-York*, and
 “ Territories depending thereon; the Bounda-
 “ ries whereof to *Connecticut* River, on the Eaſt,
 “ were notorious, by the Grant and other
 “ Commiſſions aforeſaid, and many other Grants
 “ and Commiſſions relating to the ſame.

“ 5th, That the Committee apprehend *Con-*
 “ *necticut* River continued the Eaſt Bounds of
 “ this Province, until the 28th of *March* 1700,
 “ when, by King *William's* Confirmation of an
 “ Agreement between this Province and *Con-*
 “ *necticut*, the Weſtern Bounds of that Colony
 “ were ſettled at twenty Miles from *Hudſon's*
 “ River: and they cannot find any other Alte-
 “ ration in the Eaſtern Bounds of this Province,
 “ and have no Reaſon to believe any other was
 “ made before, or ſince, that Time.

“ 6th, That King *James* the Firſt, by Let-
 “ ters Patents bearing Date the 3d of *November*,
 “ in the 18th Year of his Reign, granted unto
 “ the Council of *Plymouth*, from forty to forty-
 “ eight Degrees of North Latitude inclusive, in
 “ which there is a Recital to this Purpose.—
 “ Now for as much as the King has been cer-
 “ tainly given to underſtand, by divers good
 “ Subjects that have, for theſe many Years
 “ frequented thoſe Coaſts and Territories, between
 “ the Degrees of 40° and 48° , that there are
 “ no other Subjects of any Chriſtian King or
 “ State, or by any Authority from their Sove-
 “ reigns, Lords, or Princes, actually in Poſſeſ-
 “ ſion of any the ſaid Lands or Precincts,
 “ whereby any Right, Claim, Intereſt, or Title,
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the other Station on *Delaware*, is unfettled. From thence, wherefoever it may be fixed, we claim all the Lands, on the East Side of *Delaware*, to the North

“ may, or ought, by that Means, to accrue or belong to them,” &c. And also a Proviso in these Words, “ Provided always, that the said Lands, Islands, or any of the Premises, by the said Letters Patent intended or meant to be granted, were not then actually possessed or inhabited by any other Christian Power or State.” Which Patent, the Committee conceive, could not vest any Thing in the Grantees, by Reason of the said Recital and Condition upon which it was granted; Part of the Premises being then actually possessed by the *Dutch*, and most of the said Colony of *New Netherland* being within the Bounds thereof.

“ 7th, That the Council of *Plymouth*, by their Deed dated the 19th of *March*, in the third Year of King *Charles* the First, granted to Sir *Henry Roswell* and others, Part of what was supposed to be granted by the said Letters Patent, which Grant, from the said Council of *Plymouth*, the Committee take to be void, as founded upon the said void Patent.

“ 8th, That he the said Sir *Henry Roswell*, and others, obtained a Grant and Confirmation thereof, from the Crown, under the Great Seal of *England*, dated the 4th of *March*, in the fourth Year of King *Charles* the First, within which Grant and Confirmation, the Province of *Massachusetts Bay* is included; which Grant and Confirmation was adjudged void in the high Court of *Chancery of England* in the Year 1684. And the Committee are of Opinion, that nothing, to the Westward of *Connecticut River*, could pass by that Grant and Confirmation; for that his Majesty could not have had an Intention to grant the same, it being then possessed by the *Dutch*, as before mentioned.

“ 9th, That the Committee conceive the Inhabitants of *Massachusetts Bay* can claim nothing at present, but what is granted them by their last Charter in 1691; all their other Grants and Charters being either void of themselves, or declared so in the *Chancery of England*.

“ 10th, That the Bounds granted, by this Charter, are Westward as far as the Colonies of *Rhode Island*, *Connecticut*, and the *Narraganset* Country: which Words being in the Case of a Grant from the Crown, the Committee conceive, cannot extend their Bounds farther than to *Connecticut* Colony, and therefore not to *Connecticut River*, and much less to the Westward of it; because *Connecticut* itself, at the Time of that Charter, did not, in the Knowledge of the Crown, extend Westward of that River; nor did till nine Years after, when, by the royal Approbation, the Agreement between this Province and that Colony taking Place, (which was not to be in Force till such Approbation) the Bounds of that Colony were settled as is before mentioned: and the Committee conceive it to be against Reason, to suppose that the Crown intended, by the said Charter, to grant any Part of the Province of *New-York*, under the then immediate Government of the Crown, without express Mention thereof in the Charter; and without Notification thereof to *Henry Slaughter*, then Governor of this Province, that the Crown had granted such a Part of what was before within his Jurisdiction by their Majesties Commission aforesaid to him.

“ 11th, That both the Patents, under which the Petitioners claim, the Committee find were granted under the Great Seal of this Province; that of the Manor of *Livingston* in 1686, and that of *Westenbrook* in 1735. And that the Lands contained in the said Grants are, the Committee apprehend, within the Jurisdiction of this Province, they being both West of *Connecticut River*.

“ 12th, That the Committee are of Opinion, the Attempts of the Inhabitants of the *Massachusetts Bay*, to make Encroachments upon any Lands, granted by Letters Patent under the Great Seal of *New-York*, or upon any Lands within the Jurisdiction of this Province, are disrespectful to his Majesty's Authority,

North Line of *Pennsylvania*; and all the Territory, on both Sides of the *Mohawks* River, and Westward to the Isthmus at *Niagara*: in a Word, all the Country belonging to the Crown of *Great-Britain*, not already granted; for we are to consider *New-York* among her Sister Colonies, to borrow a Law Phrase, as a Residuary Legatee.

Hence we have, from the Beginning, been exposed to Controversies about Limits. The *New-Jersey* Claim includes several hundred thousand Acres, and has not a little impeded the Settlement of the Colony. The Dispute with the *Massachuset's Bay* is still more important, and, for several Years past, occasioned very considerable Commotions. The *New-Hampshire* Pretensions have, as yet, exposed us to no great Trouble. But when all those Claims are settled, a new Controversy will probably commence with the Proprietaries of *Pennsylvania*.

This Province was, in 1691, divided, by an Act of Assembly, into twelve Counties, which I shall describe in their Order.

“ tend to the Disturbance of the Subjects of this Province, and may be the Cause of great Mischiefs and Disorders.

“ 13th, That the Steps taken by the said Inhabitants, even were the Bounds of this Province doubtful and unsettled, are Intrusions, and disrespectful to his Majesty's Authority.

“ And lastly, The Committee are of Opinion, that a Copy of so much of this Report, as shall be approved of by your Excellency and the Council, be transmitted to the Lieutenant Governor of the Province of *Massachuset's Bay*, requesting that he would take effectual Measures, that all Encroachments and Disturbances, by the People of that Colony, on his Majesty's Subjects of this Province, be stayed; and that he would lay this Matter before the next *General Court*, that they may inform your Excellency, by what Warrant they claim or exercise any Right to Soil or Jurisdiction, Westward of *Connecticut* River; that the same may be considered, and such

“ Steps taken towards removing all Causes of Encroachments, or Disturbances, for the future, as may be agreeable to Equity and Justice: to the End, that good Understanding may be preserved, which ought to subsist between Fellow Subjects and neighbouring Provinces.

“ All which is nevertheless humbly submitted,

“ by Order of the Committee,

“ JAMES DE LANCREY, Chairman.”

The Government of the *Massachuset's Bay* never exhibited the Reasons of their Claim, in Answer to this Report, but continued their Encroachments: and, in the Spring, 1755, surveyed and sold Lands, lying several Miles West of the Eastern Extent of the Manor of *Livingston* and the Patent of *Claverack*.

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The CITY and COUNTY of NEW-YORK.

THE *City of New-York*, at first, included only the Island, called by the *Indians, Manbatans*; *Manning's Island*, the two *Barn Islands* and the three *Oyster Islands* were in the *County*. But the Limits of the *City* have since been augmented by Charter. The Island is very narrow, not a Mile wide at a Medium, and about 14 Miles in Length. The South-west Point projects into a fine spacious Bay, nine Miles long and about four in Breadth; at the Confluence of the Waters of *Hudson's River*, and the Streight between *Long Island* and the Northern Shore. The *Narrows*, at the South End of the Bay, is scarce two Miles wide, and opens the Ocean to full View. The Passage up to *New-York* from *Sandy Hook*, a Point that extends farthest into the Sea, is safe, and not above five and twenty Miles in Length. The common Navigation is between the East and West Banks, in two or three and twenty Feet Water. But it is said that an eighty Gun Ship may be brought up, through a narrow, winding, unfrequented, Channel, between the North End of the East Bank and *Coney Island*.

The *City* has, in Reality, no natural Bason or Harbour. The Ships lie off in the Road, on the East Side of the Town, which is docked out, and better built than the West Side, because the Freshets in *Hudson's River*, fill it in some Winters with Ice.

The *City of New-York*, as I have elsewhere had Occasion to mention, "consists of about two thousand five hundred Buildings. It is a Mile in Length, and not above half that in Breadth. Such is its Figure, its Center of Business, and the Situation of the Houses, that the mean Cartage from one Part to another, does not exceed above one Quarter of a Mile, than which nothing can be more advantageous to a trading City."

It is thought to be as healthy a Spot as any in the World. The East and South Parts, in general, are low, but the rest is situated on a dry, elevated, Soil. The Streets are irregular, but being paved with round Pebbles are clean, and lined with well built Brick Houses, many of which are covered with tiled Roofs.

No Part of *America* is supplied with Markets abounding with greater Plenty and Variety. We have Beef, Pork, Mutton, Poultry, Butter, wild Fowl, Venison, Fish, Roots, and Herbs, of all Kinds, in their Seasons. Our Oysters are a considerable Article in the Support of the Poor. Their Beds

are within View of the Town; a Fleet of two hundred small Craft, are often seen there, at a Time, when the Weather is mild in Winter; and this single Article is computed to be worth annually 10 or 12,000 *l*.

This City is the Metropolis and grand Mart of the Province, and, by its commodious Situation, commands also all the Trade of the Western Part of *Connecticut* and that of *East Jersey*. "No Season prevents our Ships from launching out into the Ocean. During the greatest Severity of Winter, an equal, unrestrained, Activity runs through all Ranks, Orders, and Employments."

Upon the South-west Point of the City stands the Fort, which is a Square with four Bastions. Within the Walls is the House in which our Governours usually reside; and opposite to it Brick Barracks, built formerly, for the Independent Companies. The Governour's House is in Heighth three Stories, and fronts to the West; having, from the second Story, a fine Prospect of the Bay and the *Jersey* Shore. At the South End there was formerly a Chapel, but this was burnt down in the Negroe Conspiracy of the Spring 1741. According to Governour *Burnet's* Observations, this Fort stands in the Latitude of 40° 42' N.

Below the Walls of the Garrison, near the Water, we have lately raised a Line of Fortifications, which commands the Entrance into the Eastern Road and the Mouth of *Hudson's* River. This Battery is built of Stone, and the Merlons consist of Cedar Joists, filled in with Earth. It mounts 92 Cannon, and these are all the Works we have to defend us. About six Furlongs, South-east of the Fort, lies *Notten Island*, containing about 100 or 120 Acres, reserved by an Act of Assembly as a Sort of Demesne for the Governours, upon which it is proposed to erect a strong Castle, because an Enemy might from thence easily bombard the City, without being annoyed either by our Battery, or the Fort. During the late War a Line of Palisadoes was run from *Hudson's* to the East River, at the other End of the City, with Block-houses at small Distances. The greater Part of these still remain as a Monument of our Folly, which cost the Province about 8000 *l*.

The Inhabitants of *New-York* are a mixed People, but mostly descended from the original *Dutch* Planters. There are still two Churches, in which religious Worship is performed in that Language. The old Building is of Stone and ill built, ornamented within by a small Organ Loft and Brass Branches. The new Church is a high, heavy, Edifice, has a very extensive Area, and was completed in 1729. It has no Galleries, and yet will perhaps contain a thousand or twelve hundred Auditors. The Steeple of this Church

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Church affords a most beautiful Prospect, both of the City beneath and the surrounding Country. The *Dutch* Congregation is more numerous than any other, but as the Language becomes difused, it is much diminished; and unless they change their Worship into the *English* Tongue, must soon suffer a total Dissipation. They have at present two Ministers: the reverend Messieurs *Ritzma* and *De Ronde*, who are both strict *Calvinists*. Their Church was incorporated on the 11th of *May*, 1696, by the Name of *The Minister, Elders, and Deacons, of the reformed Protestant Dutch Church of the City of New-York*, and its Estate, after the Expiration of sundry long Leases, will be worth a very great Income*.

All the *Low Dutch* Congregations, in this and the Province of *New-Jersey*, worship after the Manner of the reformed Churches in the *United Provinces*. With Respect to Government, they are in Principle *Presbyterians*; but yet hold themselves in Subordination to the *Classis of Amsterdam*, who sometimes permit, and at other Times refuse, them the Powers of Ordination. Some of their Ministers consider such a Subjection as anti-constitutional, and hence in several of their late annual Conventions, at *New-York*, called the *Cætus*, some Debates have arisen amongst them; the Majority being inclined to erect a *Classis*, or ecclesiastical Judicatory, here, for the Government of their Churches. Those of their Ministers, who are Natives of *Europe*, are, in general, averse to the Project. The Expence attending the Ordination of their Candidates, in *Holland*, and the Reference of their Disputes to the *Classis of Amsterdam*, is very considerable; and with what Consequences, the Interruption of their Correspondence with the *European Dutch*, would be attended, in Case of a War, well deserves their Consideration.

There are, besides the *Dutch*, two episcopal Churches in this City, upon the Plan of the established Church in *South Britain*. *Trinity* Church was built in 1696, and afterwards enlarged in 1737. It stands very pleasantly upon the Banks of *Hudson's River*, and has a large Cemetery, on each Side, inclosed in the Front by a painted paled Fence. Before it a long Walk is railed off from the *Broad-way*, the pleasantest Street of any in the whole Town. This Building is about 148 Feet long, including the Tower and Chancel, and 72 Feet in Breadth. The Steeple is 175 Feet in Height, and over the Door facing the River is the following Inscription.

* Their Charter was confirmed by a late Act of Assembly ratified by his Majesty, which recites the VIIIth Article of the Surrender in 1664.

PER ANGSTAM.

“ Hoc Trinitatis Templum fundatum, est Anno Regni illustrissimi, supremi, Domini Gulielmi tertii, Dei Gratia, Angliæ, Scotiæ, Franciæ et Hiberniæ Regis, Fidei Defensoris, &c. Octavo, Annoq; Domini 1696.”

“ Ac voluntariâ quorundam Contributione, ac Donis Ædificatum, maximè autem, dilecti Regis Chiliarchæ BENJAMINI FLETCHER, hujus Provinciæ stratiæ & Imperatoris, Munificentia, animatum et auctum, cujus tempore moderaminis, hujus Civitatis incolæ, Religionem protestantem Ecclesiæ Anglicanæ, ut secundum Legem nunc stabilitæ, profitentes, quodam Diplomate, sub Sigillo Provinciæ incorporati sunt, atque alias Plurimas, ex Re suâ familiari, Donationes notabiles eidem dedit.”

The Church is, within, ornamented beyond any other Place of publick Worship amongst us. The Head of the Chancel is adorned with an Altarpiece, and opposite to it, at the other End of the Building, is the Organ. The Tops of the Pillars, which support the Galleries, are decked with the gilt Busts of Angels winged. From the Ceiling are suspended two Glas Branches, and on the Walls hang the Arms of some of its principal Benefactors. The Allies are paved with flat Stones.

The present Rector of this Church is the Rev. Mr. *Henry Barclay*, formerly a Missionary among the *Mohawks*, who receives a 100 l. a Year, levied upon all the other Clergy and Laity in the City, by Virtue of an Act of Assembly procured by Governour *Fletcher*. He is assisted by Dr. *Johnson* and Mr. *Auchmuty*.

This Congregation, partly by the Arrival of Strangers from *Europe*, but principally by Profelytes from the *Dutch Churches*, is become so numerous, that though the old Building will contain 2000 Hearers, yet a new one was erected in 1752. This, called *St. George's Chapel*, * is a very neat Edifice, faced with hewn Stone and tiled. The Steeple is lofty †, but irregular; and its Situation in a new, crowded, and ill-built, Part of the Town.

The Rector, Churchwardens, and Vestrymen of *Trinity Church*, are incorporated by an Act of Assembly, which grants the two last the Advowson or Right of Presentation; but enacts, that the Rector shall be instituted and inducted in a Manner most agreeable to the King's Instructions to the Governour, and the canonical Right of the Bishop of *London*. Their Worship

* The Length, exclusive of the Chancel, 92 Feet, and its Breadth 20 Feet less.

† One hundred and seventy-five Feet.

is conducted after the Mode of the Church of *England*; and with Respect to Government, they are empowered to make Rules and Orders for themselves, being, if I may use the Expression, *an independent, ecclesiastical, Corporation.*

The Revenue of this Church is restricted, by an Act of Assembly, to 500*l. per Annum*; but it is possessed of a real Estate, at the North End of the Town, which having been lately divided into Lots and let to Farm, will, in a few Years, produce a much greater Income.

The Presbyterians increasing after Lord *Cornbury's* Return to *England*, called Mr. *Anderfon*, a *Scotch* Minister, to the pastoral Charge of their Congregation; and Dr. *John Nichl*, *Patrick Mac Night*, *Gilbert Livingston* and *Thomas Smith*, purchased a Piece of Ground and founded a Church, in 1719. Two Years afterwards they petitioned Colonel *Schuyler*, who had then the chief Command, for a Charter of Incorporation, to secure their Estate for religious Worship, upon the Plan of the Church in *North-Britain*; but were disappointed in their Expectations, through the Opposition of the episcopal Party. They, shortly after, renewed their Request to Governour *Burnet*, who referred the Petition to his Council. The Episcopallians again violently opposed the Grant, and the Governour, in 1724, wrote upon the Subject to the Lords of Trade for their Direction. Counsellor *West*, who was then consulted, gave his Opinion in these Words: "Upon Consideration of the several Acts of Uniformity that have passed in *Great-Britain*, I am of Opinion that they do not extend to *New-York*, and consequently an Act of Toleration is of no Use in that Province; and, therefore, as there is no Provincial Act for Uniformity, according to the Church of *England*, I am of Opinion, that by Law such Patent of Incorporation may be granted, as by the Petition is desired. *Richard West*, 20 August, 1724."

After several Years Solicitation for a Charter in vain, and fearful that those who obstructed such a reasonable Request, would watch an Opportunity to give them a more effectual Wound; those, among the Presbyterians, who were invested with the Fee Simple of the Church and Ground, conveyed it, on the 16th of *March*, 1730, to the Moderator of the General Assembly of the Church of *Scotland* and the Commission thereof, the Moderator of the Presbytery of *Edinburgh*, the Principal of the College of *Edinburgh*, the Professor of Divinity therein, and the Procurator and Agent of the Church of *Scotland*, for the Time being, and their Successors in Office, as a Committee of the General Assembly. On the 15th of *August*, 1732, the Church of *Scotland*, by an Instrument under the Seal

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“ of the General Assembly,” and signed by Mr. *Niel Campbell*, Principal of the Univerfity of *Glasgow*, and Moderator of the General Assembly and Commiffion thereof; Mr. *James Nesbit*, one of the Minifters of the Gofpel at *Edinburgh*, Moderator of the Prefbytery of *Edinburgh*; Mr. *William Hamilton*, Principal of the Univerfity of *Edinburgh*; Mr. *James Smith*, Profefor of Divinity therein; and Mr. *William Grant*, Advocate Procurator for the Church of *Scotland*, for the Time being; purfuant to an Act of the General Affembly, dated the 8th of *May*, 1731, did declare, “ That notwithstanding the aforefaid Right made to them and their Succelfors in Office, “ they were defirous, that the aforefaid Building and Edifice and Appurtenances thereof, be preferved for the pious and religious Purpofes for which the fame were defigned; and that it fhould be free and lawful to the Prefbyterians then refiding, or that fhould at any Time, thereafter, be refident, in, or near, the aforefaid City of *New-York*, in *America*, or others joining with them, to convene, in the forefaid Church, for the Worfhip of God in all the Parts thereof, and for the Difpenfation of all Gofpel Ordinances; and generally to ufe and occupy the faid Church and its Appurtenances, fully and freely in all Times coming, they fupporting and maintaining the Edifice and Appurtenances at their own Charge.”

Mr. *Anderson* was fucceeded, in *April* 1727, by the Rev. Mr. *Ebenezer Pemberton*, a Man of polite Breeding, pure Morals, and warm Devotion; under whofe inceffant Labours the Congregation greatly increafed, and was enabled to erect the prefent Edifice in 1748. It is built of Stone, railed off from the Street, is 80 Feet long and in Breadth 60. The Steeple, raifed on the South-weft End, is in Height 145 Feet. In the Front to the Street, between two long Windows, is the following Infcription gilt and cut in a black Slate fix Feet in Length.

Auspicanto Deo
 Hanc Ædem
 Cultui divino facram
 In perpetuum
 celebrando,
 AD. MDCCXIX.
 Primò fundatam;
 Denuo penitus reparatam
 et
 Ampliorem et ornatioram

AD.

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AD. MDCCXLVIII
 Constructam,
 Neo-Eborancenſes Presbyteriani
 In ſuum et ſuorum Uſum
 Condentes,
 In hæc votivâ Tabulâ
 D D D Q.
 * * *
 Concordiâ, Amore
 Necnon Fidei Cultus et Morum
 Puritate
 Suffulta, clariuſq; exornata,
 Annuente Chriſto,
 Longum perduret in Ævum.

Mr. *Alexander Cumming*, a young Gentleman of Learning and ſingular Penetration; was choſen Colleague to Mr. *Pemberton*, in 1750; but both were diſmiſſed, at their Requeſt, about three Years afterwards; the former, through Indispoſition, and the latter, on Account of trifling Contentions kindled by the Bigotry and Ignorance of the lower Sort of People. Theſe Debates continued till they were cloſed, in *April 1756*, by a Deciſion of the Synod, to which, almoſt all our Presbyterian Churches, in this and the Southern Provinces are ſubject. The Congregation conſiſts, at preſent, of 12 or 1400 Souls; under the paſtoral Charge of the Rev. Mr. *David Boſtwick*, who was lately tranſlated from *Jamaica* to *New-York*, by a ſynodical Decree. He is a Gentleman of a mild, catholic, Diſpoſition; and being a Man of Piety, Prudence, and Zeal, confines himſelf entirely to the proper Buſineſs of his Function. In the Art of Preaching, he is one of the moſt diſtinguiſhed Clergymen in theſe Parts. His Diſcourſes are methodical, ſound, and pathetic; in Sentiment, and in Point of Diction, ſingularly ornamented. He delivers himſelf without Notes, and yet with great Eaſe and Fluency of Expreſſion; and performs every Part of divine Worſhip with a ſtriking Solemnity.

The *French Church*, by the Contentions in 1724, and the Diſuſe of the Language, is now reduced to an inconfiderable Handful. The Building which is of Stone nearly a Square *, plain both within and without. It is fenced from the Street, has a Steeple and a Bell, the latter of which was the Gift of

* The Area is ſeventy Feet long and in Breadth fifty.

Sir Henry Afsburst of London. On the Front of the Church is the following Inscription,

ÆDES SACRA
GALLOR. PROT.
REFORM.
FVNDA. 1704.
PENITVS
REPAR. 1741.

The present Minister, Mr. Carle, is a Native of *France*, and succeeded Mr. Rou in 1754. He bears an irreproachable Character, is very intent upon his Studies, preaches moderate *Calvinism*, and speaks with Propriety, both of Pronunciation and Gesture.

The *German Lutheran* Churches are two. Both their Places of Worship are small: one of them has a Cupola and Bell.

The *Quakers* have a Meeting-house, and the *Moravians*, a new Sect amongst us, a Church, consisting principally of Female Profelytes from other Societies. Their Service is in the *English* Tongue.

The *Anabaptists* assemble at a small Meeting-house, but have as yet no regular settled Congregation. The *Jews*, who are not inconsiderable for their Numbers, worship in a Synagogue erected in a very private Part of the Town, plain without, but very neat within.

The City Hall is a strong Brick Building, two Stories in Heighth, in the Shape of an Oblong, winged with one at each End, at right Angles with the first. The Floor below is an open Walk, except two Jails and the Jailor's Apartments. The Cellar underneath is a Dungeon, and the Garret above a common Prison. This Edifice is erected in a Place where four Streets meet, and fronts, to the South-west, one of the most spacious Streets in Town. The Eastern Wing, in the second Story, consists of the Assembly Chamber, a Lobby, and a small Room for the Speaker of the House. The West Wing, on the same Floor, forms the Council Room and a Library; and in the Space between the Ends, the *Supreme Court* is ordinarily held.

The Library consists of a 1000 Volumes, which were bequeathed to *The Society for the Propagation of the Gospel in foreign Parts*, by Dr. Millington, Rector of *Newington*. Mr. *Humphrys*, the Society's Secretary, in a Letter of the 23d of *September* 1728, informed Governour *Mortgomerie*, that the Society intended to place these Books in *New-York*, intending to establish a Library,

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brary, for the Use of the Clergy and Gentlemen of this and the neighbouring Governments of *Connecticut*, *New-Jersey*, and *Pennsylvania*, upon giving Security to return them; and desired the Governour to recommend it to the Assembly, to provide a Place to reposit the Books, and to concur in an Act for the Preservation of them and others that might be added. Governour *Montgomerie* sent the Letter to the Assembly, who ordered it to be laid before the City Corporation, and the latter in *June 1729*, agreed to provide a proper Repository for the Books, which were accordingly soon after sent over. The greatest Part of them are upon theological Subjects, and through the Carelessness of the Keepers many are missing.

In 1754, a Set of Gentlemen undertook to carry about a Subscription towards raising a publick Library, and in a few Days collected near 600 *l.* which were laid out in purchasing, about 700 Volumes of new, well chosen, Books. Every Subscriber, upon Payment of 5 *l.* Principal, and the annual Sum of 10 *s.* is entitled to the Use of these Books. His Right by the Articles is assignable, and for Non-compliance with them may be forfeited. The Care of this Library, is committed to twelve Trustees, annually elected by the Subscribers, on the last *Tuesday of April*, who are restricted from making any Rules repugnant to the fundamental Subscription. This is the Beginning of a Library, which in Procefs of Time will probably become vastly rich and voluminous; and it would be very proper for the Company to have a Charter for its Security and Encouragement. The Books are deposited in the same Room with those given by *the Society*.

Besides the City Hall, there belong to the Corporation, a large Alms-house or Place of Correction, and the Exchange, in the latter of which there is a large Room raised upon Brick Arches, generally used for publick Entertainments, Concerts of Musick, Balls and Affsemblies.

Though the City was put under the Government of a Mayor, &c. in 1665, it was not regularly incorporated till 1686. Since that Time several Charters have been passed: the last was granted by Governour *Montgomerie* on the 15th of *January 1730*.

It is divided into seven Wards, and is under the Government of a Mayor, Recorder, seven Aldermen, and as many Assistants or Common Councilmen. The Mayor, a Sheriff, and Coroner, are annually appointed by the Governour. The Recorder has a Patent during Pleasure. The Aldermen, Assistants, Assessors and Collectors, are annually elected by the Freemen and Freeholders of the respective Wards. The Mayor has the sole Appointment of a Deputy, and, together with four Aldermen, may appoint a Chamberlain. The

Mayor or Recorder, four Aldermen, and as many Assistants, form "The Common Council of the City of New-York;" and this Body, by a Majority of Voices, hath Power to make Bye-laws for the Government of the City, which are binding only for a Year, unless confirmed by the Governour and Council. They have many other Privileges relating to Ferriages, Markets, Fairs, the Affize of Bread, Wine, &c. and the licensing and Regulation of Tavern Keepers, Cartage, and the like. The Mayor, his Deputy, the Recorder and Aldermen, are constituted Justices of the Peace; and may hold not only a Court of Record once a Week, to take Cognizance of all civil Causes, but also a Court of General Quarter Sessions of the Peace. They have a common Clerk, commissioned by the Governour, who enjoys an Appointment worth about four or five hundred Pounds *per Annum*. The annual Revenue of the Corporation is near two thousand Pounds. The standing Militia of the Island consists of about 2300 Men *, and the City has in Reserve, a thousand Stand of Arms for Seamen, the Poor and others, in Case of an Invasion.

The North Eastern Part of *New-York* Island, is inhabited, principally, by *Dutch* Farmers, who have a small Village there called *Harlem*, pleasantly situated on a Flat cultivated for the City Markets.

WEST-CHESTER.

THIS County is large, and includes all the Land beyond the Island of *Manhatans* along the *Sound*, to the *Connecticut* Line which is its Eastern Boundary. It extends Northward to the Middle of the Highlands, and Westward to *Hudson's* River. A great Part of this County is contained in the Manors of *Philipsburgh*, *Pelham*, *Fordham*, and *Courlandt*, the last of which has the Privilege of sending a Representative to the General Assembly. The County is tolerably settled. The Lands are in general rough but fertile, and therefore the Farmers run principally on Grazing. It has several Towns, *East-Chester*, *West-Chester*, *New-Rochelle*, *Rye*, *Bedford*, and *North-Castle*. The Inhabitants are either *English* or *Dutch* Presbyterians, Episcopalians, Quakers and *French* Protestants. The former are the most numerous. The two Episcopal Missionaries are settled at *Rye* and *East-Chester*, and

* The whole Number of the Inhabitants, Negroes; but that Account is erroneous. It is exclusive of Females above sixty, according to a List returned to the Governour, in the Spring 1756, amounted to 10,468 Whites, and 2275 Souls. It is most probable that there are in the City 15,000 Souls.

receive each 60*l.* annually taxed upon the County. The Town of *West-Chester* is an incorporated Borough, enjoying a Mayor's Court, and the Right of being represented by a Member in Assembly.

D U T C H E S S.

THIS County adjoins to *West-Chester*, which bounds it on the South, the *Connecticut* Line on the East *, *Hudson's River* on the West, and the County of *Albany* on the North. The South Part of this County is mountainous and fit only for Iron Works, but the rest contains a great Quantity of good Upland well watered. The only Villages in it are *Pogb-keepfing* and the *Fish-Kill*, though they scarce deserve the Name. The Inhabitants on the Banks of the River are *Dutch*, but those more Easterly *Englishmen*, and, for the most Part, Emigrants from *Connecticut* and *Long Island*. There is no Episcopal Church in it. The Growth of this County has been very sudden, and commenced but a few Years ago. Within the Memory of Persons now living, it did not contain above twelve Families; and according to the late Returns of the Militia, it will furnish at present above 2500 fighting Men.

A L B A N Y.

THIS County extends from the South Bounds of the Manor of *Livingston* on the East Side, and *Ulster* on the West Side of *Hudson's River*; on the North its Limits are not yet ascertained. It contains a vast Quantity of fine low Land. Its principal Commodities are Wheat, Pease, and Pine Boards.

The City of *Albany*, which is near 150 Miles from *New-York*, is situated on the West Side of the River. There our Governours usually treat with the *Indian* Dependents upon the *British* Crown. The Houses are built of Brick in the *Dutch* Taste, and are in Number about 350. There are two Churches in it. That of the Episcopalians, the only one in this large County, is a stone Building. The Congregation is but small, almost all the Inhabitants

* In describing the Limits of the several Counties, I regard their Bounds according to the Jurisdiction as now exercised in each, rather than the Laws relating to them, which are very imperfect, especially the general Act in 1691. The greatest Part of *Hudson's River* is not included in any of our Counties.

reforting to the *Dutch Church*, which is a plain, square, stone, Edifice. Besides these they have no other publick Buildings, except the City Hall and the Fort; the latter of which is a stone Square, with four Bastions, situated on an Eminence which overlooks the Town, but is itself commanded by higher Ground. The greatest Part of the City is fortified only by Palisadoes, and in some Places there are small Cannon planted in Block-houses. *Albany* was incorporated by Colonel *Dongan* in 1686, and is under the Government of a Mayor, Recorder, six Aldermen, and as many Assistants. It has also a Sheriff, Town Clerk, Chamberlain, Clerk of the Markets, one High Constable, three Sub-Constables, and a Marshal. The Corporation is empowered besides to hold a Mayor's Court for the Trial of civil Causes, and a Court of General Quarter Sessions.

Sixteen or eighteen Miles North-west from *Albany* lies *Schenectady*, on the Banks of the *Mohawks* Brank, which falls into *Hudson's River*. 12 Miles to the North of *Albany*. This Village is compact and regular, built principally of Brick, on a rich Flat of low Land, surrounded with Hills. It has a large *Dutch Church*, with a Steeple and Town Clock near the Center. The Windings of the River through the Town, and the Fields (which are often overflowed in the Spring) form, about Harvest, a most beautiful Prospect. The Lands in the Vale of *Schenectady* are so fertile, that they are commonly sold at 45 *l. per Acre*. Though the Farmers use no Kind of Manure they till the Fields every Year, and they always produce full Crops of Wheat or Pease. Their Church was incorporated by Governour *Cosby*, and the Town has the Privilege of sending a Member to the Assembly.

From this Village our *Indian* Traders set out in Battoes for *Oswego*. The *Mohawk's River*, from hence to Fort *Hunter*, abounds with Riffs and Shoals, which in the Spring give but little Obstruction to the Navigation. From thence to its Head, or rather to the Portage into the *Wood Creek*, the Conveyance is easy and the Current less rapid. The Banks of this River are, in general, low, and the Soil exceeding good. Our Settlements, on the North Side, extend to *Burnet's Field*, a Flat inhabited by *Germans*, which produces Wheat and Pease in surprising Plenty. On the South Side, except a few *Scotch Irish* in *Cherry Valley* at the Head of *Susquebanna*, we have but few Farms West of the three *German* Towns on *Schobare*, a small Creek which empties itself into the *Mohawk's River*, about 20 Miles West of *Schenectady*. The Fur Trade at *Oswego*, is one of the principal Advantages of this County. The *Indians* resort thither in *May*, and the Trade continues till the latter End of *July*. A good Road might be made from *Schenectady* to *Oswego*. In the

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the Summer 1755, fat Cattle were easily driven there for the Army under the Command of General *Shirley*.

The principal Settlements to the Northward of *Albany* are *Conestigiune*, Eastward of *Schenectady* on the *Mohawk's* River, which a little lower tumbles down a Precipice of about 70 Feet high, called the *Cabors*. The Surprise, which as one might imagine, would naturally be excited by the View of so great a Cataract, is much diminished by the Height of the Banks of the River; besides, the Fall is as uniform as a Mill-dam, being uninterrupted by the Projection of Rocks.

At *Scaghtabook*, on the East Side of the North Branch of *Hudson's* River, there are a few Farms, but many more several Miles to the Eastward, and about 25 Miles from *Albany*, in the Patent of *Hosick*. These were all broke up by an Irruption of *French* and *Indians*, who on the 28th of *August* 1754, killed and scalped two Persons, and set Fire to the Houses and Barns.

About 40 Miles to the Northward of *Albany*, on the West Side of the River, lies *Saragotoga*, a fine Tract of low Land, from which several Families were driven by the *French* *Indians*, in the late War. A Project of purchasing these Lands from the Proprietors, settling them with *Indians*, raising a Fort there and cultivating the Soil for them, has been often talked of since Captain *Campbell's* Disappointment, as a proper Expedient to curb the scalping Parties sent out from *Crown Point*.

In the Southern Part of the County of *Albany*, on both Sides of *Hudson's* River, the Settlements are very scattered, except within twelve Miles of the City, when the Banks become low and accessible. The Islands here, which are many, contain perhaps the finest Soil in the World.

There are two Manors in the County, *Renslaerwick* and *Livingston*, which have each the Privilege of sending a Member to the Assembly. The Tenants of these Manors, and of the Patents of *Claverack*, have free Farms at the annual Rent of a Tenth of the Produce, which has as yet been neither exacted nor paid. At *Ancram* in the Manor of *Livingston* is an Iron Furnace, about 14 Miles from the River. Its best and most improved Lands lie at *Tachantic* in the Eastern Parts, which have of late been much disturbed by the Inroads of the *Massachuset's* Bay, on this and the Patents of *Westernbook* and *Claverack*.

The Winters in this County are commonly severe, and *Hudson's* River freezes so hard a hundred Miles to the Southward of *Albany*, as to bear Sleds loaded with great Burdens. Much Snow is very serviceable to the Farmers here, not only in protecting their Grain from the Frost, but in facilitating the

the Transportation of their Boards and other Produce, to the Banks of the River against the ensuing Spring.

U L S T E R.

THIS County joins to that of *Albany*, on the West Side of *Hudson's* River. Its Northern Extent is fixed at *Sawyer's* Rill: the Rivers *Delaware* and *Hudson* bound it East and West, and a West Line from the Mouth of *Murderer's* Creek is its Southern Limit.

The Inhabitants are *Dutch*, *French*, *English*, *Scotch*, and *Irish*, but the first and the last are most numerous. The Episcopalians in this County are so inconsiderable, that their Church is only a mean Log-house. The most considerable Town is *Kingston*, situated about two Miles from *Hudson's* River. It contains about 150 Houses mostly of Stone, is regularly laid out on a dry level Spot, and has a large stone Church and Court-house near the Center. It is thought to resemble *Schenectady*, but far exceeds it in its Elevation: On the North Side of the Town, the *Esopus* Kill winds through rich and beautiful Lawns. The People of *Ulster* having long enjoyed an undisturbed Tranquility, are some of the most opulent Farmers in the whole Colony.

This County is most noted for fine Flour, Beer, and a good Breed of Draught Horses. At the Commencement of the Range of the *Apalachian* Hills, about 10 Miles from *Hudson's* River, is an inexhaustible Quarry of Millstones, which far exceed those from *Colen* in *Europe*, formerly imported here, and sold at 80*l.* a Pair. The *Marbletown* Millstones cost not a fourth Part of that Sum. This and the Counties of *Dutchess* and *Orange* abound with Lime-stone, and on the Banks of *Hudson's* River are found great Bodies of blue Slate.

The principal Villages, besides *Kingston*, are *Marbletown*, *Hurley*, *Rockester*, *New Paltz*, and the *Wall-kill*, each of which is surrounded with fine Tracts of low Land. The Militia of *Ulster* is about 15 or 1600 Men and a Company of Horse.

O R A N G E

COUNTY is divided by a Range of Mountains, stretching Westward from *Hudson's* River, called *The Highlands*. On the North Side the Lands are very broken but fertile, and inhabited by *Scotch*, *Irish*, and *English* Presbyterians.

Presbyterians. The Society's Missionary in *Ulster* preaches here sometimes to a small Congregation of the episcopal Persuasion, which is the only one in the County. Their Villages are *Gosben*, *Bethlehem*, and *Little Britain*, all remarkable for producing, in general, the best Butter made in the Colony. The People on the South Side of the Mountains are all *Dutch*; and *Orange Town*, more commonly called by the *Indian Name Tappan*, is a small but very pleasant inland Village, with a stone Court-house and Church. The Militia consists of about 300 fighting Men.

This County joins to the Province of *New-Jersey* on the South; and the Non-settlement of the Partition Line has been the greatest Obstruction to its Growth.

There is a very valuable Tract called the *Drowned Lands* on the North Side of the Mountains, containing about 40 or 50,000 Acres. The Waters, which descend from the surrounding Hills, being but slowly discharged by the River issuing out of it, cover these vast Meadows every Winter, and hence they become extremely fertile. The Fires kindled up in the Woods by the Deer Hunters in Autumn, are communicated by the Leaves to these Meadows, before the Waters rise above the Channel of the River, and a dreadful, devouring Conflagration over-runs it, consuming the Herbage for several Days. The *Walkill River*, which runs through this extensive, amphibious Tract, if I may use the Expression, is in the Spring stored with Eels of uncommon Size and Plenty, very useful to the Farmers residing on its Banks. The River is about two Chains in Breadth where it leaves the drowned Lands, and has a considerable Fall. The Bottom of it is a broken Rock, and I am informed by Mr. *Clinton*, a Gentleman of Ingenuity and a mathematical Turn, that the Channel might, for less than 2000 *l.* be sufficiently deepened to draw off all the Water from the Meadows. Some Parts near the Banks of the Upland, have been already redeemed from the Floods. These Spots are very fertile, and produce *English Grass*, *Hemp*, and *Indian Corn*.

The Mountains, in the County of *Orange*, are clothed thick with Timber, and abound with Iron Ore, Ponds, and fine Streams for Iron Works. *Gosben* is well supplied with white Cedar, and in some Parts of the Woods is found great Plenty of black Walnut.

Before I proceed to the Description of the Southern Counties, I beg Leave to say a few Words concerning *Hudson's River*.

Its Source has not, as yet, been discovered. We know, in general, that it is in the mountainous, uninhabited, Country, between the Lakes *Ontario* and *Champlain*. In its Course Southward it approaches the *Mohawks River*

within a few Miles at *Saucondaga*. From thence it runs North and North-easterly towards Lake *St. Sacrement*, now called Lake *George*, and is not above 8 or 10 Miles distant from it. The Course then to *New-York* is very uniform, being in the Main South 12 or 15° West.

The Distance from *Albany* to Lake *George* is computed at 65 Miles. The River in that Interval is navigable only to Batteaus, and interrupted by Rifts, which occasion two Portages of half a Mile each *. There are three Routes from *Crown Point* to *Hudson's River* in the Way to *Albany*; one through Lake *George*, another through a Branch of Lake *Champlain*, bearing a Southern Course, and terminating in a Basin, several Miles East of Lake *George*, called the *South Bay*. The third is by ascending the *Wood Creek*, a shallow Stream about one hundred Feet broad, which, coming from the South-east, empties itself into the South Branch of the Lake *Champlain*.

The Place, where these Routes meet on the Banks of *Hudson's River*, is called the *Carrying Place*. Here Fort *Lyman*, since called Fort *Edward*, is built; but Fort *William Henry*, a much stronger Garrison, was erected at the South End of Lake *George*, after the Repulse of the *French* Forces under the Command of Baron *Dieskau* on the 8th of *September* 1755. General *Shirley* thought it more advisable, to strengthen Fort *Edward* in the Concurrence of three Routes, than to erect the other at Lake *George* 17 Miles to the Northward of it; and wrote a very pressing Letter upon that Head to Sir *William Johnson*, who then commanded the Provincial Troops.

The Banks of *Hudson's River* are, for the most part, rocky Cliffs, especially on the Western Shore. The Passage through the Highlands, affords a wild romantick Scene, for sixteen Miles, through steep and lofty Mountains. The Tide flows a few Miles above *Albany*. The Navigation is safe, and performed in Sloops of about 40 or 50 Tons Burden, extremely well accommodated to the River. About sixty Miles above the City of *New-York* the Water is fresh, and in wet Seasons much lower. The River is stored with Variety of Fish, which renders a Summer's Passage to *Albany*, exceedingly diverting to such as are fond of Angling.

The Advantages of this River for penetrating into *Canada*, and protecting the Southern Colonies from the Irruptions of the *French*, by securing the Command of the Lakes, and cutting off the Communication between the *French* Settlements on *St. Lawrence* and the *Mississippi*, though but lately attended to, must be very apparent to every judicious Observer of the Maps of the inland Part of *North-America*.

* In the Passage from *Albany* to Fort *Edward*, the whole Land Carriage is about 12 or 13 Miles.

The *French*, as appears from the intended Invasion in 1689, have long eyed the *English* Possession of this Province with Jealousy; and it becomes us to fall upon every Method for its Protection and Defence.

The singular Conveniency of *Hudson's* River to this Province in particular, was so fully shewn in one of the late Papers, published in 1753, under the Title of the *Independent Reflector*, that I cannot help reprinting the Passage relating to it.

“ High Roads, which, in most trading Countries, are extremely expensive, and awake a continual Attention for their Reparation, demand from us, comparatively speaking, scarce any *public* Notice at all. The whole Province is contained in two narrow Oblongs, extending from the City East and North, having Water Carriage from the Extremity of one, and from the Distance of one hundred and sixty Miles of the other; and by the most accurate Calculation, has not, at a Medium, above twelve Miles of Land Carriage, throughout its whole Extent. This is one of the strongest Motives to the Settlement of a new Country, as it affords the easiest and most speedy Conveyance from the remotest Distances, and at the lowest Expence. The Effects of this Advantage are greater than we usually observe, and are therefore not sufficiently admired.

“ The Province of *Pensylvania*, has a fine Soil, and, through the Importation of *Germans*, abounds with Inhabitants; but being a vast inland Country, its Produce must, of Consequence, be brought to a Market over a great Extent of Ground, and all by Land Carriage. Hence it is, that *Philadelphia* is crowded with Waggons, Carts, Horses, and their Drivers: a Stranger, at his first Entrance, would imagine it to be a Place of Traffick, beyond any one Town in the Colonies; while at *New-York*, in particular, to which the Produce of the Country is all brought by Water, there is more Business, at least, Business of Profit, though with less Shew and Appearance. Not a Boat in our River is navigated with more than two or three Men at most; and these are perpetually coming in from, and returning to, all Parts of the adjacent Country, in the same Employments, that fill the City of *Philadelphia* with some Hundreds of Men, who, in Respect to the public Advantage may justly be said, to be laboriously idle: for, let any one nicely compute the Expence of a Waggon, with its Tackling; the Time of two Men in attending it; their Maintenance; four Horses and the Charge of their Provender, on a Journey of one, though they often come, two hundred Miles; and he will find, these several Particulars amount to a Sum far from being inconsiderable. All

“ this Time the *New-York* Farmer is in the Course of his proper Business,
 “ and the unincumbered Acquisitions of his Calling; for, at a Medium,
 “ there is scarce a Farmer in the Province, that cannot transport the Fruits
 “ of a Year's Labour, from the best Farm, in three Days, at a proper Season,
 “ to some convenient Landing, where the Market will be to his Satisfaction,
 “ and all the Wants from the Merchant, cheaply supplied: besides which,
 “ one Boat shall steal into the Harbour of *New-York*, with a Lading of
 “ more Burden and Value, than *forty* Waggons, *one hundred and sixty* Horses,
 “ and *eighty* Men, into *Philadelphia*; and perhaps with less Noise, Bluster,
 “ or Shew than one.

“ Prodigious is the Advantage we have in this Article alone, I shall not
 “ enter into an abstruse Calculation, to evince the exact Value of it, in all
 “ the Lights in which it may be considered; thus much is certain, that barely
 “ on Account of our easy Carriage, the Profits of Farming with us, exceed
 “ those in *Pennsylvania*, at least by *thirty per Cent.* and that Difference, in
 “ Favour of our Farmers, is of itself sufficient to enrich them; while the
 “ others find the Disadvantage they are exposed to, so heavy, (especially the
 “ remote Inhabitants of their Country) that a bare Subsistence is all they can
 “ reasonably hope to obtain. Take this Province throughout, the Expence
 “ of transporting a Bushel of Wheat, is but *Two-pence*, for the Distance of
 “ one hundred Miles; but the same Quantity at the like Distance in *Pen-*
 “ *sylvania*, will always exceed us *one Shilling* at least. The Proportion be-
 “ tween us, in the Conveyance of every Thing else, is nearly the same. How
 “ great, then, are the Incumbrances to which they are exposed! What an
 “ immense Charge is saved to us! how sensible must the Embarrassments
 “ they are subject to, be to a trading People!”

R I C H M O N D

COUNTY consists of *Staten* Island, which lies nine Miles South West-
 ward from the City of *New-York*. It is about 18 Miles long, and at a
 Medium six or seven in Breadth. On the South Side is a considerable Tract
 of good level Land, but the Island is, in general, rough, and the Hills high.
 The Inhabitants are principally *Dutch* and *French*. The former have a
 Church, but the latter having been long without a Minister, resort to an
 episcopal Church in *Richmond* Town, a poor mean Village and the only one
 on the Island. The Parson of the Parish receives *40 l. per Annum* raised by
 a Tax upon the County.

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Southward of the main Coast of this and the Colony of *Connecticut*, lies *Long Island*, called by the *Indians Matowacs*, and named, according to an Act of Assembly in King *William's* Reign, *Nassau*. Its Length is computed at 120 Miles, and the mean Breadth twelve. The Lands on the North and South Side are good, but in the Middle sandy and barren. The Southern Shore is fortified against any Invasion from the Sea by a Beach inaccessible to Ships, and rarely to be approached, even by the smallest Long-boats, on Account of the Surge, which breaks upon it with great Fury, even when the Winds are light. The Coast East and West admits of regular Soundings far into the Ocean, and as the Lands are, in general, low for several hundred Miles, nothing can be more advantageous to our Ships, than the high Lands of *Neverfink* near the Entrance at the *Hook*, which are scarce six Miles in Length, and often seen thirty Leagues from the Sea. This Island affords the finest Roads in *America*, it being very level and but indifferently watered. It is divided into three Counties.

K I N G ' S

COUNTY lies opposite to *New-York* on the North Side of *Long Island*. The Inhabitants are all *Dutch*, and enjoying a good Soil, near our Markets, are generally in easy Circumstances. The County, which is very small, is settled in every Part, and contains several pleasant Villages, viz. *Buswick*, *Breucklin*, *Bedford*, *Flat-Bush*, *Flat-Lands*, *New-Utrecht*, and *Gravesend*.

Q U E E N ' S

COUNTY is more extensive, and equally well settled. The principal Towns are *Jamaica*, *Hempstead*, *Flushing*, *Newtown*, and *Oysterbay*. *Hempstead Plain* is a large, level, dry, champain, Heath, about sixteen Miles long, and six or seven wide, a common Land belonging to the Towns of *Oysterbay* and *Hempstead*. The Inhabitants are divided into *Dutch* and *English* Presbyterians, Episcopalian, and Quakers.

There are but two episcopal Missionaries in this County, one settled at *Jamaica*, and the other at *Hempstead*; and each of them receives 60 l. annually levied upon all the Inhabitants.

S U F F O L K

INCLUDES all the Eastern Part of *Long Island*, *Shelter Island*, *Fisher's Island*, *Plumb Island*, and the Isle of *White*. This large County has been long settled, and except one small episcopal Congregation, consists entirely of *English* Presbyterians. Its principal Towns are *Huntington*, *Smith Town*, *Brookhaven*, *Southampton*, *Southold*, and *Easthampton*. The Farmers are, for the most part, Graziers, and living very remote from *New-York*, a great Part of their Produce is carried to Markets in *Boston* and *Rhode Island*. The *Indians*, who were formerly numerous on this Island, are now become very inconsiderable. Those that remain, generally bind themselves Servants to the *English*. The Whale Fishery, on the South Side of the Island, has declined of late Years through the Scarcity of Whales, and is now almost entirely neglected.

The *Elizabeth Islands*, *Nantucket*, *Martin's Vineyard*, &c. and *Pemy Quid*, which anciently formed *Duke's* and the County of *Cornwal*, are now under the Jurisdiction of the *Massachusetts Bay*. Sir *William Phips* demanded them of Governour *Eletcher* in *February* 1692-3, not long after the new Charter to that Province; but the Government here was then of Opinion, that that Colony was not entitled to any Islands Westward of *Nantucket*.

An Estimate of the comparative Wealth of our Counties, may be formed from any of our Assessments. In a 10,000*l.* Part of a 45,000*l.* Tax laid in 1755, the Proportions settled by an Act of Assembly stood thus:

<i>New-York</i>	£ 3332 : 0 : 0
<i>Albany</i>	1060 : 0 : 0
<i>King's</i>	484 : 0 : 0
<i>Queen's</i>	1000 : 0 : 0
<i>Suffolk</i>	866 : 0 : 0
<i>Richmond</i>	304 : 0 : 0
<i>West-Chester</i>	1000 : 0 : 0
<i>Ulster</i>	866 : 0 : 0
<i>Dutchess</i>	800 : 0 : 0
<i>Orange</i>	300 : 0 : 0
	£ 10,000 : 0 : 0

CHAP. II.

Of the INHABITANTS.

THIS Province is not so populous as some have imagined. Scarce a third Part of it is under Cultivation. The Colony of *Connecticut*, which is vastly inferior to this in its Extent, contains according to a late authentick Enquiry above 133,000 Inhabitants, and has a Militia of 27,000 Men; but the Militia of *New-York*, according to the general Estimate, does not exceed 18,000. The whole Number of Souls is computed at 100,000.

Many have been the Discouragements to the Settlement of this Colony. The *French* and *Indian* Irruptions, to which we have always been exposed, have driven many Families into *New-Jersey*. At Home, the *British* Acts for the Transportation of Felons, have brought all the *American* Colonies into Liferedit with the industrious and honest Poor, both in the Kingdoms of *Great-Britain* and *Ireland*. The mischievous Tendency of those Laws was shewn in a late Paper, which it may not be improper to lay before the Reader.

“ It is too well known that in Pursuance of divers Acts of Parliament,
 “ great Numbers of Fellows who have forfeited their Lives to the Public,
 “ for the most atrocious Crimes, are annually transported from Home to
 “ these Plantations. Very surprizing one would think, that Thieves, Burglars,
 “ Pickpockets, and Cut-purses, and a Hérđ of the most flagitious Banditti
 “ upon Earth, should be sent as agreeable Companions to us! That the su-
 “ preme Legislature d’id intend a Transportation to *America*, for a Punish-
 “ ment of these Villains, I verily believe: but so great is the Mistake, that
 “ confident I am, they are thereby, on the contrary, highly rewarded. For
 “ what, in God’s Name, can be more agreeable to a penurious Wretch,
 “ driven, through Necessity, to seek a Livelihood by breaking of Houses,
 “ and robbing upon the King’s Highway, than to be saved from the Halter;
 “ redeemed

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redeemed from the Stench of a Goal, and transported, Passage free, into a Country, where, being unknown, no Man can reproach him with his Crimes; where Labour is high, a little of which will maintain him; and where all his Expences will be moderate and low. There is scarce a Thief in *England*, that would not rather be transported than hanged. Life in any Condition, but that of extreme Misery, will be preferred to Death. As long, therefore, as there remains this wide Door of Escape, the Number of Thieves and Robbers at Home, will perpetually multiply, and their Depredations be incessantly reiterated.

“ But the Acts were intended, *for the better peopling the Colonies*. And will Thieves and Murderers be conducive to that End? What Advantage can we reap from a Colony of unrestrainable Renegadoes? will they exalt the Glory of the Crown? or rather, will not the Dignity of the most illustrious Monarch in the World, be sullied by a Province of Subjects so lawless, detestable, and ignominious? Can Agriculture be promoted, when *the wild Boar of the Forest breaks down our Hedges and pulls up our Vines*? Will Trade flourish, or Manufactures be encouraged, where Property is made the Spoil of such who are too idle to work, and wicked enough to murder and steal?

“ Besides, are we not Subjects of the same King, with the People of *England*; Members of the same Body politic, and therefore entitled to equal Privileges with them? If so, how injurious does it seem to free one Part of the Dominions, from the Plagues of Mankind, and cast them upon another? Should a Law be proposed to take the Poor of one Parish, and billet them upon another, would not all the World, but the Parish to be relieved, exclaim against such a Project, as iniquitous and absurd? Should the numberless Villains of *London* and *Westminster* be suffered to escape from their Prisons, to range at large and depredate any other Part of the Kingdom, would not every Man join with the Sufferers, and condemn the Measure as hard and unreasonable? And though the Hardships upon us, are indeed not equal to those, yet the Miseries that flow from Laws, by no Means intended to prejudice us, are too heavy, not to be felt. *But the Colonies must be peopled*. Agreed; And will the Transportation Acts ever have that Tendency? No, they work the contrary Way, and counteract their own Design. We want People 'tis true, but not Villains, ready at any Time, encouraged by Impunity, and habituated upon the slightest Occasions, to cut a Man's Throat, for a small Part of his Property. The Delights of such Company, is a noble Inducement, indeed,

“ to

" to the honest Poor, to convey themselves into a strange Country. Amidst
 " all our Plenty, they will have enough to exercise their Virtues, and stand
 " in no Need of the Association of such, as will prey upon their Property.
 " and gorge themselves with the Blood of the Adventurers. They came
 " over in Search of Happiness; rather than starve will live any where, and
 " would be glad to be excused from so afflicting an Antepart of the Tor-
 " ments of Hell. In Reality, Sir, these very Laws, though otherwise de-
 " signed, have turned out in the End, the most effectual Expedients, that
 " the Art of Man could have contrived, to prevent the Settlement of these
 " remote Parts of the King's Dominions. They have actually taken away
 " almost every Encouragement to so laudable a Design. I appeal to Facts.
 " The Body of the *English* are struck with Terror at the Thought of coming
 " over to us, not because they have a vast Ocean to cross, or leave behind
 " them their Friends; or that the Country is new and uncultivated: but
 " from the shocking Ideas, the Mind must necessarily form, of the Company
 " of inhuman Savages, and the more terrible Herd of exiled Malefactors.
 " There are Thousands of honest Men, labouring in *Europe*, at four Pence
 " a Day, starving in Spite of all their Efforts, a dead Weight to the respec-
 " tive Parishes to which they belong; who, without any other Qualifications
 " than common Sense, Health, and Strength, might accumulate Estates
 " among us, as many have done already. These, and not the others, are
 " the Men that should be sent over, for the *better peopling the Plantations*.
 " *Great-Britain* and *Ireland*, in their present Circumstances, are overstocked
 " with them; and he who would immortalize himself, for a *Lover of Man-*
 " *kind*, should concert a Scheme for the Transportation of the industriously
 " honest abroad, and the immediate Punishment of Rogues and Plunder-
 " ers at Home. The pale-faced, half-clad, meagre, and starved Skeletons,
 " that are seen in every Village of those Kingdoms, call loudly for the Pa-
 " triot's generous Aid. The Plantations too would thank him for his Af-
 " sistance, in obtaining the Repeal of those Laws which, though otherwise
 " intended by the Legislature, have so unhappily proved injurious to his own
 " Country, and ruinous to us.---It is not long since a Bill passed the Com-
 " mons, for the Employment of such Criminals in his Majesty's Docks, as
 " should merit the Gallows. The Design was good. It is consistent with
 " sound Policy, that all those, who have forfeited their Liberty and Lives
 " to their Country, should be compelled to labour the Residue of their Days
 " in its Service. But the Scheme was bad, and wisely was the Bill rejected
 " by the Lords, for this only Reason, That it had a *natural Tendency* to

“ *discredit the King's Yards*: the Consequences of which must have been
 “ prejudicial to the whole Nation. Just so ought we to reason in the pre-
 “ sent Case, and we should then soon be brought to conclude, that though
 “ peopling the Colonies, which was the laudable Motive of the Legislature,
 “ be expedient to the Publick; abrogating the Transportation Laws, must
 “ be equally necessary.”

The Bigotry and Tyranny of some of our Governours, together with the great Extent of their Grants, may also be considered among the Discouragements against the full Settlement of the Province. Most of these Gentlemen coming over with no other View than to raise their own Fortunes, issued extravagant Patents, charged with small Quit Rents, to such as were able to serve them in the Assembly; and these Patentees being generally Men of Estates, have rated their Lands so exorbitantly high, that very few poor Persons could either purchase or lease them. Add to all these, that the *New-England* Planters have always been disaffected to the *Dutch*, nor was there, after the Surrender, any foreign Accession from the *Netherlands*. The Province being thus poorly inhabited, the Price of Labour became so enormously enhanced, that we have been constrained to import Negroes from *Africa*, who are employed in all Kinds of Servitude and Trades.

English is the most prevailing Language amongst us, but not a little corrupted by the *Dutch* Dialect, which is still so much used in some Counties, that the Sheriffs find it difficult to obtain Persons sufficiently acquainted with the *English* Tongue, to serve as Jurors in the Courts of Law.

The Manners of the People differ as well as their Language. In *Suffolk* and *Queen's* County, the first Settlers of which were either Natives of *England*, or the immediate Descendants of such as begun the Plantations in the Eastern Colonies, their Customs are similar to those prevailing in the *English* Counties, from whence they originally sprang. In the City of *New-York*, through our Intercourse with the *Europeans*, we follow the *London* Fashions; though by the Time we adopt them, they become disused in *England*. Our Affluence, during the late War, introduced a Degree of Luxury in Tables, Dress, and Furniture, with which we were before unacquainted. But still we are not so gay a People, as our Neighbours in *Boston* and several of the Southern Colonies. The *Dutch* Counties, in some Measure, follow the Example of *New-York*, but still retain many Modes peculiar to the *Hollanders*.

The City of *New-York* consists principally of Merchants, Shopkeepers, and Trademen, who sustain the Reputation of honest, punctual, and fair, Dealers. With Respect to Riches, there is not so great an Inequality amongst

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us, as is common in *Boston* and some other Places. Every Man of Industry and Integrity has it in his Power to live well, and many are the Instances of Persons, who came here distressed by their Poverty, who now enjoy easy and plentiful Fortunes.

New-York is one of the most social Places on the Continent. The Men collect themselves into weekly Evening Clubs. The Ladies, in Winter, are frequently entertained either at Concerts of Musick or Assemblies, and make a very good Appearance. They are comely and dress well, and scarce any of them have distorted Shapes. Tinctured with a *Dutch* Education, they manage their Families with becoming Parsimony, good Providence, and singular Neatness. The Practice of extravagant Gaming, common to the fashionable Part of the fair Sex, in some Places, is a Vice with which my Countrywomen cannot justly be charged. There is nothing they so generally neglect as Reading, and indeed all the Arts for the Improvement of the Mind, in which, I confess, we have set them the Example. They are modest, temperate, and charitable; naturally sprightly, sensible, and good-humoured; and, by the Helps of a more elevated Education, would possess all the Accomplishments desirable in the Sex. Our Schools are in the lowest Order; the Instructors want Instruction, and through a long shameful Neglect of all the Arts and Sciences, our common Speech is extremely corrupt, and the Evidences of a bad Taste, both as to Thought and Language, are visible in all our Proceedings, publick and private.

The People, both in Town and Country, are sober, industrious, and hospitable, though intent upon Gain. The richer Sort keep very plentiful Tables, abounding with great Varieties of Flesh, Fish, Fowl, and all Kinds of Vegetables. The common Drinks are Beer, Cyder, weak Punch, and *Madeira* Wine. For Desert, we have Fruits in vast Plenty, of different Kinds and various Species.

Gentlemen of Estates rarely reside in the Country, and hence few or no Experiments have yet been made in Agriculture. The Farms being large, our Husbandmen, for that Reason, have little Recourse to Art for manuring and improving their Lands; but it is said, that Nature has furnished us with sufficient Helps, whenever Necessity calls us to use them. It is much owing to the Disproportion between the Number of our Inhabitants, and the vast Tracts remaining still to be settled, that we have not, as yet, entered upon scarce any other Manufactures, than such as are indispensibly necessary for our Home Convenience. Felt-making, which is perhaps the most natural of any we could fall upon, was begun some Years ago, and Hats

were exported to the *West-Indies* with great Success, till lately prohibited by an Act of Parliament.

The Inhabitants of this Colony are in general healthy and robust, taller but shorter lived than *Europeans*, and, both with Respect to their Minds and Bodies, arrive sooner to an Age of Maturity: Breathing a serene, dry, Air, they are more sprightly in their natural Tempers than the People of *England*, and hence Instances of Suicide are here very uncommon. The History of our Diseases belongs to a Profession with which I am very little acquainted. Few Physicians amongst us are eminent for their Skill. Quacks abound like Locusts in *Egypt*, and too many have recommended themselves to a full Practice and profitable Subsistence. This is the less to be wondered at, as the Profession is under no Kind of Regulation. Loud as the Call is, to our Shame be it remembered, we have no Law to protect the Lives of the King's Subjects, from the Malpractice of Pretenders. Any Man at his Pleasure sets up for Physician, Apothecary, and Chirurgeon. No Candidates are either examined or licensed, or even sworn to fair Practice *. The natural History of this Province would of itself furnish a small Volume, and therefore I leave this also to such, as have Capacity and Leisure to make useful Observations, in that curious and entertaining Branch of natural Philosophy.

* The Necessity of regulating the Practice of Physick, and a Plan for that Purpose, were strongly recommended by the Authour of the *Independent Reflector*, in 1753, when the City of *New-York* alone boasted the Honour of having above forty Gentlemen of that Faculty.

C H A P. III.

Of our TRADE.

THE Situation of *New-York*, with Respect to foreign Markets, for Reasons elsewhere assigned is to be preferred to any of our Colonies. It lies in the Center of the *British* Plantations on the Continent, has at all Times a short easy Access to the Ocean, and commands almost the whole Trade of *Connecticut* and *New-Jersey*, two fertile and well cultivated Colonies. The Projection of *Cape Codd* into the *Atlantick*, renders the Navigation from the former to *Boston*, at some Seasons, extremely perilous; and sometimes the Coasters are driven off and compelled to winter in the *West-Indies*. But the Conveyance to *New-York*, from the Eastward through the *Sound*, is short and unexposed to such Dangers. *Philadelphia* receives as little Advantage from *New-Jersey*, as *Boston* from *Connecticut*, because the only Rivers which roll through that Province, disembogue not many Miles from the very City of *New-York*. Several Attempts have been made to raise *Pertb-Amboy* into a trading Port, but hitherto it has proved to be an unfeasible Project. *New-York*, all Things considered, has a much better Situation, and were it otherwise, the City is become too rich and considerable, to be eclipsed by any other Town in its Neighbourhood.

Our Merchants are compared to a Hive of Bees, who industriously gather Honey for others---*Non vobis mellificatis Apes*. The Profits of our Trade center chiefly in *Great-Britain*, and for that Reason, methinks, among others, we ought always to receive the generous Aid and Protection of our Mother Country. In our Traffick with other Places, the Balance is almost constantly in our Favour. Our Exports to the *West-Indies* are Bread, Pease, Rie-meal, *Indian* Corn, Apples, Onions, Boards, Staves, Horses, Sheep, Butter, Checse, pickled Oysters, Beef, and Pork. Flour is also a main Article, of which there is shipped about 80,000 Barrels *per Annum*. To preserve the Credit of this important Branch of our Staple, we have a good Law, appointing Officers to inspect and brand every Cask before its Exportation. The Returns are chiefly Rum, Sugar, and Molasses, except Cash from *Curacoa*, and when
Mules,

Mules, from the *Spanish Main*, are ordered to *Jamaica*, and the *Windward Islands*, which are generally exchanged for their natural Produce, for we receive but little Cash from our own Islands. The Balance against them would be much more in our Favour, if the Indulgence to our Sugar Colonies, did not enable them to sell their Produce at a higher Rate than either the *Dutch* or *French* Islands.

The *Spaniards* commonly contract for Provisions, with Merchants in this and the Colony of *Pennsylvania*, very much to the Advantage both of the Contractors and the Publick, because the Returns are wholly in Cash. Our Wheat, Flour, *Indian* Corn, and Lumber shipped to *Lisbon* and *Madeira*, balance the *Madeira* Wine imported here.

The Logwood Trade to the Bay of *Honduras* is very considerable, and was pushed by our Merchants with great Boldness in the most dangerous Times. The Exportation of Flax Seed to *Ireland* is of late very much increased. Between the 9th of *December* 1755, and the 23d of *February* following, we shipped off 12,528 Hogsheds. In Return for this Article, Linens are imported and Bills of Exchange drawn, in Favour of *England*, to pay for the dry Goods we purchase there. Our Logwood is remitted to the *English* Merchants for the same Purpose.

The Fur Trade, though very much impaired by the *French* Wiles and Encroachments, ought not to be passed over in Silence*. The Building of *Oswego* has conduced, more than any Thing else, to the Preservation of this Trade. Peltry of all Kinds is purchased with Rum, Ammunition, Blankets, Strouds, and Wampum, or Conque-shell Bugles. The *French* Fur Trade, at *Albany*, was carried on till the Summer 1755, by the *Cagbnuaga* Profelytes; and in Return for their Peltry, they received *Spanish* Pieces of Eight, and some other Articles which the *French* want to complete their Assortment of *Indian* Goods. For the Savages prefer the *English* Strouds to theirs, and the *French* found it their Interest to purchase them of us, and transport them to the *Western Indians* on the Lakes *Erie*, *Huron*, and at the Streight of *Mislimakinac*.

Our Importation of dry Goods from *England* is so vastly great, that we are obliged to betake ourselves to all possible Arts, to make Remittances to the *British* Merchants. It is for this Purpose we import Cotton from *St. Thomas's* and *Surinam*; Lime-juice and *Nicaragua* Wood from *Curacoa*; and

* It is computed that formerly, we exported 150 Hogsheds of Beaver and other fine Furs per Annum, and 200 Hogsheds of *Indian*-dressed Deer-skins, besides those carried from *Albany* into *New-England*. Skins undressed are usually shipped to *Holland*.

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Logwood from the Bay, &c. and yet it drains us of all the Silver and Gold we can collect. It is computed, that the annual Amount of the Goods purchased by this Colony in *Great-Britain*, is in Value not less than 100,000 *l.* Sterling; and the Sum would be much greater if a Stop was put to all clandestine Trade. *England* is, doubtless, entitled to all our Superfluities; because our general Interests are closely connected, and her Navy is our principal Defence. On this Account, the Trade with *Hamburg* and *Holland* for Duck, chequered Linen, Oznabrigs, Cordage, and Tea, is certainly, upon the Whole, impolitick and unreasonable; how much soever it may conduce to advance the Interest of a few Merchants, or this particular Colony.

By what Measures this contraband Trade may be effectually obstructed is hard to determine, though it well deserves the Attention of a *British* Parliament. Increasing the Number of Custom-house Officers, will be a Remedy worse than the Disease. Their Salaries would be an additional Charge upon the Publick; for if we argue from their Conduct, we ought not to presume upon their Fidelity. The exclusive Right of the *East-India* Company to import Tea, while the Colonies purchase it of Foreigners 30 *per Cent.* cheaper, must be very prejudicial to the Nation. Our People, both in Town and Country, are shamefully gone into the Habit of Tea-drinking; and it is supposed we consume of this Commodity in Value near 10,000 *l.* Sterling *per Annum.*

Some are of Opinion that the Fishery of Sturgeons, which abound in *Hudson's* River, might be improved to the great Advantage of the Colony; and that, if proper Measures were concerted, much Profit would arise from Ship-building and naval Stores. It is certain we have Timber in vast Plenty, Oak, white and black Pines, Fir, Locust, red and white Mulberry, and Cedar; and perhaps there is no Soil on the Globe, fitter for the Production of Hemp than the low Lands in the County of *Albany*. To what I have already said concerning Iron Ore, a necessary Article, I shall add an Extract from the *Independent Reflector*.

“ It is generally believed, that this Province abounds with a Variety of Minerals. Of Iron in particular we have such Plenty, as to be excelled by no Country in the World of equal Extent. It is a Metal of intrinsic Value beyond any other, and preferable to the purest Gold. The former is converted into numberless Forms, for as many indispensable Uses; the latter, for its Portableness and Scarcity, is only fit for a Medium of Trade: but Iron is a Branch of it, and I am persuaded will, one Time or other, be one of the most valuable Articles of our Commerce. Our
“ annual.

“ annual Exports to *Boston*, *Rhode-Island* and *Connecticut*, and since the late
 “ Act of Parliament, to *England*, are far from being inconsiderable. The
 “ Bodies of Iron Ore in the Northern Parts of this Province are so many,
 “ their Quality so good, and their Situation so convenient, in Respect of
 “ Wood, Water, Hearth-stone, proper Fluxes, and Carriage, for Furnaces,
 “ Bloomeries, and Forges, that with a little Attention we might very soon
 “ rival the *Swedes* in the Produce of this Article. If any *American* Attempts
 “ in Iron Works have proved abortive, and disappointed their Undertakers,
 “ it is not to be imputed either to the Quality of the Ore, or a Defect of Con-
 “ veniences. The Want of more Workmen, and the Villainy of those we
 “ generally have, are the only Causes to which we must attribute such Mis-
 “ carriages. No Man, who has been concerned in them, will disagree with
 “ me, if I assert, that from the Founder of the Furnace to the meanest
 “ Bankfman or Jobber, they are usually low, profligate, drunken, and faith-
 “ less. And yet, under all the innumerable Disadvantages of such Instru-
 “ ments, very large Estates have, in this Way, been raised in some of our
 “ Colonies. Our Success, therefore, in the Iron Manufactory, is obstructed
 “ and discouraged by the Want of Workmen, and the high Price of La-
 “ bour, its necessary Consequence, and by these alone: but 'tis our Happi-
 “ ness, that such only being the Cause, the Means of Redress are entirely in
 “ our own Hands. Nothing more is wanting to open a vast Fund of Riches
 “ to the Province, in the Branch of Trade, than the Importation of Fo-
 “ reigners. If our Merchants and landed Gentlemen could be brought to
 “ a Coalition in this Design, their private Interests would not be better ad-
 “ vanced by it, than the public Emolument; the latter in particular, would
 “ thereby vastly improve their Lands, increase the Number, and raise the
 “ Rents of their Tenants. And I cannot but think, that if those Gentle-
 “ men who are too inactive to engage in such an Enterprize, would only
 “ be at the Pains of drawing up full Representations of their Advantages
 “ for Iron Works, and of publishing them from Time to Time in *Great-*
 “ *Britain*, *Ireland*, *Germany*, and *Sweden*; the Province would soon be sup-
 “ plied, with a sufficient Number of capable Workmen in all the Branches
 “ of that Manufactory.”

The Money used in this Province is Silver, Gold, *British* Halfpence, and
 Bills of Credit. To counterfeit either of them is Felony without Benefit of
 Clergy; but none except the latter, and *Lyon* Dollars are a legal Tender.
 Twelve Halfpence, till lately, passed for a Shilling; which being much be-
 yond their Value in any of the neighbouring Colonies, the Assembly, in 1753,

resolved to proceed, at their next Meeting, after the 1st of *May* ensuing, to the Consideration of a Method for ascertaining their Value. A Set of Gentlemen, in Number seventy-two, took the Advantage of the Discredit that Resolve put upon Copper Halfpence, and on the 22d of *December*, subscribed a Paper, engaging not to receive or pass them, except at the Rate of fourteen Coppers to a Shilling. This gave Rise to a Mob, for a few Days, among the lower Class of People, but some of them being imprisoned, the Scheme was carried into Execution; and established in every Part of the Province, without the Aid of a Law. Our Paper Bills, which are issued to serve the Exigencies of the Government, were at first equal to an Ounce of Silver, then valued at eight Shillings. Before the late *Spanish* War, Silver and Gold were in great Demand to make Remittances for *European* Goods, and then the Bills sunk, an Ounce of Silver being worth nine Shillings and three Pence. During the War, the Credit of our Bills was well supported, partly by the Number of Prizes taken by our Privateers, and the high Price of our Produce abroad; and partly by the Logwood Trade and the Depreciation of the *New-England* Paper Money, which gave ours a free Circulation through the Eastern Colonies. Since the War, Silver has been valued at about nine Shillings and two Pence an Ounce, and is doubtless fixed there, till our Imports exceed what we export. To assist his Majesty for removing the late Encroachments of the *French*, we have issued 80,000 *l.* to be sunk in short Periods, by a Tax on Estates real and personal; and the whole Amount of our Paper Currency is thought to be about 160,000 *l.*

Never was the Trade of this Province in so flourishing a Condition, as at the latter End of the late *French* War. Above twenty Privateers were often out of this Port, at a Time; and they were very successful in their Captures. Provisions, which are our Staple, bore a high Price in the *West-Indies*. The *French*, distressed through the Want of them, gladly received our Flags of Truce, though sometimes they had but one or two Prisoners on Board, because they were always loaded with Flour, Beef, Pork, and such like Commodities. The Danger their own Vessels were exposed to, induced them to sell their Sugars to us at a very low Rate. A Trade was, at the same Time, carried on between *Jamaica* and the *Spanish* Main, which opened a fine Market to the Northern Colonies, and the Returns were, principally, in Cash. It was generally thought, that if the War had continued, the greatest Part of the Produce of the *Spanish* and *French* Settlements in the *West-Indies* would have been transported to *Great-Britain*, through some one or other of her Colonies; whence we may fairly argue their prodigious Importance.

The provincial Laws relating to our Trade are not very numerous. Those concerned in them, may have Recourse to the late Edition of our Acts at large, published in 1752; and for this Reason, I beg to be excused from exhibiting an unentertaining Summary of them in this Work.

C H A P. IV.

Of our RELIGIOUS STATE.

BY the Account already given, of the Rise and Progress of the Acts for settling a Ministry in four Counties, and the Observations made concerning our various Christian Denominations, I have in a great Measure anticipated what I at first intended to have ranged under this Head.

The principal Distinctions amongst us, are the Episcopalians, and the *Dutch* and *English* Presbyterians; the two last together with all the other Protestants in the Colony, are sometimes (perhaps here improperly) called by the general Name of Dissenters; and compared to them, the Episcopalians are, I believe, scarce in the Proportion of one to fifteen. Hence partly arises the general Discontent on Account of the Ministry Acts; not so much that the Provision made by them is engrossed by the minor Sect, as because the Body of the People, are for an equal, universal, Toleration of Protestants, and utterly averse to any Kind of ecclesiastical Establishment. The Dissenters, though fearless of each other, are all jealous of the episcopal Party, being apprehensive that the Countenance they may have from Home, will foment a Lust for Dominion, and enable them, in Process of Time, to subjugate and oppress their Fellow Subjects. The violent Measures of some of our Governours have given an Alarm to their Fears, and if ever any other Gentleman, who may be honoured with the chief Command of the Province, begins to divert himself, by retrenching the Privileges and Immunities they now enjoy, the Confusion of the Province will be the unavoidable Consequence of his Folly. For though his Majesty has no other Subjects upon whose Loyalty he can more firmly depend, yet an Abhorrence of Persecution, under any of its Appearances, is so deeply rooted in the People of this Plantation; that as long as they continue their Numbers and Interest in the Assembly,

sembly, no Attempt will probably be made upon the Rights of Conscience, without endangering the publick Repose.

Of the Government of the *Dutch Churches*, I have already given an Account. As to the episcopal Clergy, they are Missionaries of the *English Society* for propagating the Gospel, and ordinarily ordained by the Bishop of *London*, who, having a Commission from the King to exercise ecclesiastical Jurisdiction, commonly appoints a Clergyman here for his Commissary. The Ministers are called by the particular Churches, and maintained by the voluntary Contribution of their Auditors and the Society's annual Allowance, there being no Law for Tithes.

The *English Presbyterians* are very numerous. Those inhabiting *New-York, New-Jersey, Pennsylvania*, and the three *Delaware Counties*, are regularly formed, after the Manner of the Church of *Scotland*, into Consistories or Kirk Sessions, Presbyteries and Synods, and will probably soon join in erecting a general Assembly. The Clergy are ordained by their Fellows, and maintained by their respective Congregations. I except those Missionaries among the *Indians*, whose Subsistence is paid by the *Society in Scotland for propagating Christian Knowledge*. None of the Presbyterian Churches in this Province are incorporated, as is the Case of many in *New-Jersey*. Their Judicatories are upon a very proper Establishment, for they have no Authority by legal Sanctions to enforce their Decrees. Nor indeed is any religious Sect, amongst us, legally invested with Powers prejudicial to the common Privileges of the rest. The Dominion of all our Clergy is, as it ought to be, merely spiritual. The Episcopalians, however, sometimes pretend, that the ecclesiastical Establishment in *South Britain* extends here; but the whole Body of the Dissenters are averse to the Doctrine. The Point has been disputed with great Fervour, and the Sum of the Arguments against it is contained in a late Paper, which I shall lay before the Reader, at large, without any additional Reflections.

It was published in *September 1753*, under the Title of the *Independent Reflector*, and is in these Words:

The Arguments in Support of an ecclesiastical Establishment, in this Province, impartially considered and refuted.

— *Eripe turpi*
Colla jugo : liber, liber sum, dic age. HOR.

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Whether

Whether the Church of *England* is equally established in the Colonies, as in the Southern Parts of *Great-Britain*, is a Question that has often been controverted. Those who hold the Affirmative, have drawn a long Train of Consequences in Favour of the *Episcopalians*, taking it for granted, that the Truth is on their Side. The *Presbyterians*, *Independents*, *Congregationalists*, *Anabaptists*, *Quakers*, and all those among us, who in *England* would fall under the general Denomination of *Dissenters*, are warm in the Negative. I beg Leave, therefore, to interpose in the Debate; and as I promised, in the Introduction to these Papers, to vindicate the religious, as well as civil, Rights and Privileges of my Countrymen; I shall devote this Paper to a Consideration of so important a Point: to which I am the more strongly inclined, because such Establishment has often been urged against the Scheme I have proposed for the Constitution of our College. My Opinion is, that the Notion of a general religious Establishment in this Province, is entirely groundless. According to the strict Rules of Controversy, the *Onus probandi*, or the Burden of the Proof, lies upon those who affirm the Position; and it would therefore be sufficient for me barely to deny it. I shall, nevertheless, waive the Advantage of this Rule of the Schools; and, as becomes an impartial Advocate for Truth, proceed to state the Arguments, which are generally urged in Support of an Establishment. I shall then shew their Insufficiency, and conclude with the particular Reasons upon which my Opinion is founded.

They who assert, that the Church of *England* is established in this Province, never, that I have heard of, pretended that it owes its Establishment to any provincial Law of our own making. Nor, indeed, is there the least Ground for such a Supposition. The Acts, that establish a *Ministry* in this, and three other Counties, do not affect the whole Colony; and therefore can by no Means, be urged in Support of a general Establishment. Nor were they originally designed to establish the *Episcopalians* in Preference or Exclusion of any other Protestants in those Counties to which they are limited. But as the Proposition is, that the Establishment of the Church of *England* is equally binding here, as in *England*; so, agreeable thereto, the Arguments they adduce are the following:

First, That as we are an *English* Colony, the constitutional Laws of our Mother Country, antecedent to the Legislature of our own, are binding upon us; and therefore at the Planting of this Colony, the *English* religious Establishment immediately took Place.

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Secondly, That the Act which established the episcopal Church in *South-Britain*, previous to the Union of *England* and *Scotland*, extends to, and equally affects, all the Colonies.

These are the only Arguments that can be offered with the least Plausibility, and if they are shewn to be inconclusive, the Position is disproved, and the Arguments of Consequence must be impertinent and groundless. I shall begin with the Examination of the first: And here it must be confessed, for undoubted Law, that every new Colony, till it has a Legislature of its own, is, in general, subject to the Laws of the Country from which it originally sprang. But that all of them, without Distinction, are to be supposed binding upon such Planters, is neither agreeable to Law nor Reason. The Laws which they carry with them, and to which they are subject, are such as are absolutely necessary to answer the original Intention of our entering into a State of Society: Such as are requisite, in their new Colony State, for the Advancement of their and the general Prosperity; such, without which they will neither be protected in their Lives, Liberty, or Property: and the true Reason of their being considered, even subject to such Laws, arises from the absolute Necessity of their being under some Kind of Government, their supporting a Colony Relation and Dependence, and the evident Fitness of their Subjection to the Laws of their Mother Country, with which alone they can be supposed to be acquainted. Even at this Day we extend every general Act of Parliament which we think reasonable and fit for us, though it was neither designed to be a Law upon us, nor has Words to include us, and has even been enacted long since we had a Legislature of our own. This is a Practice we have introduced for our Conveniency*; but that the *English* Laws, so far as I have distinguished them, should be binding upon us, antecedent to our having a Legislature of our own, is of absolute unavoidable Necessity. But no such Necessity can be pretended, in Favour of the Introduction of any religious Establishment whatsoever; because, it is evident that different Societies do exist with different ecclesiastical Laws, or, which is sufficient to my Purpose, without such as the *English* Establishment; and that civil Society, as it is antecedent to any ecclesiastical Establishments, is in its Nature unconnected with them, independent of them, and all social Happiness completely attainable without them.

Secondly, To suppose all the Laws of *England*, without Distinction, obligatory upon every new Colony at its Implantation, is absurd, and would

* This Practice is very dangerous, and is assuming little less than a legislative Authority.

effectually

effectually prevent the Subjects from undertaking so hazardous an Adventure. Upon such a Supposition a thousand Laws will be introduced, inconsistent with the State of a new Country, and destructive of the Planters. To use the Words of the late Attorney-General, Sir *Dudley Ryder* *, “ It would be acting the Part of an unskilful Physician, who should prescribe the same Dose to every Patient, without distinguishing the Variety of “ Distempers and Constitutions.” According to this Doctrine, we are subject to the Payment of Tithes, ought to have a spiritual Court, and impoverished, as the first Settlers of the Province must have been, they were yet liable to the Payment of the Land Tax. And had this been the Sense of our Rulers, and their Conduct conformable thereto, scarce ever would our Colonies have appeared in their present flourishing Condition; especially if it be considered, that the first Settlers of most of them, sought an Exemption in these *American Wilds*, from the Establishment to which they were subject at Home.

Thirdly, If the Planters of every new Colony carry with them the established Religion of the Country from whence they migrate; it follows, that if a Colony had been planted when the *English* Nation were Pagans, the Establishment in such Colony must be Paganism alone: and, in like Manner, had this Colony been planted while Popery was established in *England*, the Religion of Papists must have been our established Religion; and if it is our Duty to conform to the Religion established at Home, we are equally bound, against Conscience and the Bible, to be *Pagans, Papists, or Protestants*, according to the particular Religion they shall please to adopt. A Doctrine that can never be urged, but with a very ill Grace indeed, by any Protestant Minister?

Fourthly, If the Church of *England* is established in this Colony, it must either be founded on Acts of Parliament, or the common Law. That it is not established by the first, I shall prove in the Sequel; and that it cannot be established by the common Law, appears from the following Considerations.

The common Law of *England*, properly defined, consists of those general Laws to which the *English* have been accustomed, from Time whereof there is no Memory to the contrary; and every Law deriving its Validity from such immemorial Custom, must be carried back as far as to the Reign of *Richard I.* whose Death happened on the 6th of *April 1199*. But the present

* Afterwards Lord Chief Justice of the *King's Bench* against the Extent of the Statute of Frauds and Perjuries. These were, his Words, in an Opinion

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Establishment of the Church of *England* was not till the fifth Year of *Queen Anne*. And hence it is apparent, that the Establishment of the Church of *England*, can never be argued from the common Law even in *England*; nor could be any Part of it, since it depends not for its Validity upon Custom immemorial. And therefore, though it be admitted, that every *English* Colony is subject to the common Law of the Realm, it by no Means follows, that the Church of *England* is established in the Colonies; because, the common Law knows of no such religious Establishment, nor considers any religious Establishment whatever, as any Part of the *English* Constitution. It does, indeed, encourage Religion; but that, and a particular Church Government, are Things entirely different.

I proceed now to a Consideration of the second Argument insisted on, to prove an episcopal Establishment in the Colonies, founded on the Act which established the Church of *England*, passed in the fifth Year of *Queen Anne*, recited and ratified in the *Act for an Union of the two Kingdoms of England and Scotland*. And that this Act does not establish the Church of *England* in the Colonies, has been so fully shewn by Mr. *Hobart* *, in his *Second Address to the episcopal Separation in New-England*, that I shall content myself with an Extract from the Works of that ingenious Gentleman, which, with very little Alteration, is as follows :

“ The Act we are now disputing about, was made in the fifth Year of
 “ *Queen Anne*, and is entitled, *An Act for securing the Church of England*,
 “ as by Law established. The Occasion of the Statute was this: The Par-
 “ liament in *Scotland*, when treating of an Union with *England*, were ap-
 “ prehensive of its endangering their ecclesiastical Establishment. *Scotland*
 “ was to have but a small Share in the Legislature of *Great-Britain*, but
 “ forty-five Members in the House of Commons which consist of above five
 “ hundred, and but sixteen in the House of Lords, which then consisted of
 “ near an hundred, and might be increased by the Sovereign at Pleasure.
 “ The *Scots*, therefore, to prevent having their ecclesiastical Establishment
 “ repealed in a *British* Parliament, where they might be so easily out-voted
 “ by the *English* Members, passed an Act previous to the Union, establishing
 “ the Presbyterian Church within the Kingdom of *Scotland*, in Perpetuity,
 “ and made this Act an essential and fundamental Part of the Union which
 “ might not be repealed, or altered by any subsequent *British* Parliament;
 “ and this put the *English* Parliament upon passing this Act for securing the
 “ Church of *England*. Neither of them designed to enlarge the Bounds of

* A Minister of one of the Churches at *Fairfield* in *Connecticut*.

“ their

“ their ecclesiastical Constitution, or extend their Establishment farther than
 “ it reached before, but only to *secure* and *perpetuate* it in its then present
 “ Extent. This is evident, not only from the Occasion of the Act, but
 “ from the charitable Temper the *English* Parliament was under the Influ-
 “ ence of, when they passed it. The Lord *North* and *Grey* offered a Rider
 “ to be added to the Bill for an Union, *viz.* That it might not extend to an
 “ Approbation or Acknowledgment of the Truth of the Presbyterian Way
 “ of Worship, or allowing the Religion of the Church of *Scotland* to be
 “ what it is stiled, *the true Protestant Religion*. But this Clause was rejected.
 “ --- A Parliament that would acknowledge the Religion of the Church of
 “ *Scotland*, to be the true Protestant Religion, and allow their Acts to ex-
 “ tend to an Approbation of the Presbyterian Way of Worship, though they
 “ might think it best to secure and perpetuate the Church of *England* within
 “ those Bounds, wherein it was before established, can hardly be supposed
 “ to have designed to extend it beyond them.

“ The Title of the Act is exactly agreeable to what we have said of the
 “ Design of it, and of the Temper of the Parliament that passed it. 'Tis
 “ entitled, *An Act* not for enlarging, but *for securing the Church of England*,
 “ and that not in the *American* Plantations, but *as it is now by Law esta-*
 “ *blished*; which plainly means no more than to perpetuate it within its an-
 “ cient Boundaries.

“ The *Provision* made in the Act itself, is well adapted to this Design;
 “ for it enacts, That the Act of the 13th of *Elizabeth*, and the Act of Uni-
 “ formity, passed in the 13th Year of *Charles II.* and all and singular other
 “ Acts of Parliament then in Force for the Establishment and Preservation
 “ of the Church of *England*, should remain in full Force for ever; and that
 “ every succeeding Sovereign should, at his Coronation, take and subscribe
 “ an Oath to maintain and preserve inviolably the *said Settlement* of the
 “ Church of *England*, *as by Law established*, within the Kingdoms of *Eng-*
 “ *land* and *Ireland*, the Dominion of *Wales*, and Town of *Berwick* upon
 “ *Tweed*, and the Territories thereunto belonging. This Act doth not use
 “ such Expressions, as would have been proper and even necessary, had the
 “ Design been to have made a new Establishment; but only such as are pro-
 “ per to ratify and confirm an old one. The Settlement, which the King is
 “ sworn to preserve, is represented as existing previously to the passing this
 “ Act, and not as made by it. The Words of the Oath are, *to maintain*
 “ *and preserve inviolably the said Settlement*. If it be asked, *What Settlement?*
 “ The Answer must be, a Settlement heretofore made and confirmed by
 “ certain

“ certain Statutes, which for the greater Certainty and Security are enumerated in this Act, and declared to be unalterable. This is the Settlement the King is sworn to preserve, and this Settlement has no Relation to us in *America*. For the Act, which originally made it, did not reach hither; and this Act, which perpetuates them, does not extend them to us.”

It is a Mistake to imagine, that the Word *Territories* necessarily means these *American Colonies*. “ These Countries are usually in Law, as well as other Writings, stiled Colonies or Plantations, and not Territories. An Instance of this we have in the Charter to *the Society for propagating the Gospel in foreign Parts*.” And it is the invariable Practice of the Legislature, in every Act of Parliament, both before and after this Act, designed to affect us, to use the Words *Colonies*, or *Plantations*. Nor is it to be supposed, that, in so important a Matter, Words of so direct and broad an Intent would have been omitted. “ The Islands of *Jersey* and *Guernsey* were properly Territories belonging to the Kingdom of *England*, before the Union took Place; and they stand in the same Relation to the Kingdom of *Great-Britain* since. The Church of *England* was established in these Islands, and the Legislature intended to perpetuate it in them, as well as in *England* itself; so that as these Islands were not particularly named in the Act, there was Occasion to use the Word *Territories*, even upon the Supposition, that they did not design to make the Establishment more extensive than it was before this Law passed.” Further, in order to include the Plantations in the Word *Territories*, we must suppose it always to mean every other Part of the Dominions not particularly mentioned in the Instrument that uses it, which is a Construction that can never be admitted: for, hence it will follow, that those Commissions which give the Government of a Colony, and the *Territories thereon depending in America* (and this is the Case of every one of them) extend to all the *American Colonies*, and their Governours must of Consequence have reciprocal Superintendencies; and should any Commission include the Word *Territories* generally, unrestricted to *America*, by the same Construction the Governour, therein mentioned, might exercise an Authority under it, not only in *America*, but in *Africa* and the *Indies*, and even in the Kingdom of *Ireland*, and perhaps, in the Absence of the King, in *Great-Britain itself*. Mr. *Hobart* goes on, and argues against the Establishment from the Light in which the Act of Union has, ever since it was passed, been considered.

“ Dr. *Bisse*, Bishop of *Hereford*, (says he) a Member of the Society, preached the annual Sermon, *February 21, 1717*, ten Years after the Act

“ of Union took Place; and he says, it would have well become *the Wisdom*
 “ *wherewith that great Work* (the Reformation or Establishment of the
 “ Church of England) *was conducted in this Kingdom, that this foreign Enter-*
 “ *prise* (the Settlement of Plantations in America) *also should have been carried*
 “ *on by the Government in the like regular Way.* But he owns the Government
 “ at Home did not interpose in the Case, or establish any Form of Religion
 “ for us. *In Truth* (says his Lordship) *the whole was left to the Wisdom of the*
 “ *first Proprietors, and to the Conduct of every private Man.* He observes, that
 “ of late Years the civil Interest hath been regarded, and the Dependance of
 “ the Colonies, on the Imperial Crown of the Realm, secured: but then,
 “ with Regard to the Religion of the Plantations, his Lordship acknow-
 “ ledges, that *the Government itself here at Home, sovereign as it is, and in-*
 “ *vested doubtless with sufficient Authority there,* hath not thought fit to inter-
 “ pose in this Matter, *otherwise than in this charitable Way: it hath enabled us*
 “ *to ask the Benevolence of all good Christians towards the Support of Missionaries*
 “ *to be sent among them.* Thus Bishop Bisse thought as I do, and that the
 “ Act of Union nor any other Law prior thereto, did extend the Establish-
 “ ment to the Plantations; and if the Society had not been of the same Opi-
 “ nion, they would hardly have printed and dispersed his Sermon. Neither
 “ did the civil Rulers of the Nation, who may justly be supposed acquainted
 “ with its Laws, think the Act of Union, or any other Law, established
 “ the Church of England in America. This is plain from the Letter of the
 “ Lords Justices to Governor Dummer, in the Year 1725, almost twenty
 “ Years after the Union, wherein they say, *there is no regular Establishment of*
 “ *any national or provincial Church in these Plantations.*

“ If it be urged, that the King's Commission to the late Bishop of Lon-
 “ don, proves an ecclesiastical Establishment here, it is sufficient to answer,
 “ that his Lordship was remarkable for Skill in the Laws, so far as they re-
 “ late to ecclesiastical Affairs, as appears from his *Codex*; and he was of the
 “ contrary Opinion, for in his Letter to Dr. Colman, of May 24, 1735, he
 “ writes thus: *My Opinion has always been, that the religious State of New-*
 “ *England is founded in an equal Liberty to all Protestants; none of which can*
 “ *claim the Name of a national Establishment, or any Kind of Superiority over*
 “ *the rest.* This Opinion the Bishop gave not only since the Act of Union,
 “ but even seven Years after he had received his Commission; and surely it
 “ must be admitted, that as he had Time enough to consider it, so he, of all
 “ others, best understood it.” Thus far Mr. Hobart. With Respect to the
 Act of Union, I beg Leave only to subjoin, that it is highly probable the

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Scotch Parliament believed the *English* intended to establish their Church only in *England*. For in the Close of the Act, by which they had established the *Presbyterian* Church in *Scotland*, it is declared in these express Words, *That the Parliament of England may provide for the Security of the Church of England, as they think expedient, to take Place within the Bounds of the said Kingdom of England.* And whatever Latitude the Word *Kingdom* has in common Speech, it, in a legal Sense, is limited to *England*, properly so called, and excludes the Plantations.

Nor can we suppose, that the Church of *England* is established in these Colonies, by any Acts prior to the Act of Union above considered. For besides the several Opinions against such Supposition already adduced, it is unreasonable to imagine, that if there was any such Establishment, King *Charles II.* in direct Repugnancy thereto, should have made the Grant of *Pennsylvania*, and given equal Privileges to all Religions in that Province, without even excepting the *Roman* Catholics; and that the Colonies of *Rhode-Island*, *Connecticut*, and the *Massachusetts Bay*, should be permitted to make their provincial Establishments, in Opposition to an antecedent Establishment of the Church of *England*, especially as the Laws of the *Massachusetts Bay* Province, are constantly sent Home, and the King has the absolute Power of repealing every Act he should think improper to be continued as a Law. Whoever, therefore, considers this, and that the King is sworn to preserve the Church of *England* Establishment, must necessarily conclude, that whatever Sentiments may obtain among the Episcopalians in *America*, our Kings and their Councils have always conceived that such Establishment could by no Means be extended to us. As to *Connecticut*, all the Episcopalians of that Colony, and even their Ministers, were legally compellable to contribute to an annual Tax for the Support of the congregational Clergy, till of late they were favoured with a Law which grants them a Privilege of Exemption from that iniquitous and unreasonable Burden. But whether they are subject to the like unchristian Imposition in the other Colonies above-mentioned, I am not sufficiently acquainted with their Laws to determine*.

The 13th Number of the *Watch Tower* published at *New-York* in 1755, espouses the same Side with the Authour of the *Reflector*, adds several new Arguments and the Opinions of eminent Counsel at Law, and considers the

* I believe there is no just Cause for the Complaints transmitted by the Missionaries. *Dr. Douglas* assigns several Instances of gross Misrepresentations and Falshoods.—*Vid.* his *Summary*, 2d

Vol. p. 139. *Boston* Edit. 1753, and the *Watch Tower*, N^o XLI. published at *New-York* in 1755.

Force of what is advanced by the late Dr. *Douglass*, in Favour of his Position, that the religious State of the *American* Plantations is an universal Toleration of Protestants of every Denomination.

The Clergy of this Province are, in general, but indifferently supported: it is true they live easily, but few of them leave any Thing to their Children. The episcopal Missionaries, for enlarging the Sphere of their secular Business, not many Years ago attempted, by a Petition to the late Governour *Clinton*, to engross the Privilege of solemnizing all Marriages. A great Clamour ensued and the Attempt was abortive. Before that Time the Ceremony was even performed by Justices of the Peace, and the Judges at Law have determined such Marriages to be legal. The Governour's Licenses now run to "*All Protestant Ministers of the Gospel.*" Whether the Justices act still, when the Banns are published in our Churches, which is customary only with the Poor, I have not been informed. Marriage in a new Country ought to have the highest Encouragements, and it is on this Account, perhaps, that we have no provincial Law against such as are clandestine, though they often happen, and, in some Cases, are attended with Consequences equally melancholy and mischievous.

As to the Number of our Clergymen, it is large enough at present, there being but few Settlements unsupplied with a Ministry, and some superabound. In Matters of Religion we are not so intelligent, in general, as the Inhabitants of the *New-England* Colonies; but both in this Respect and good Morals, we certainly have the Advantage of the Southern Provinces. One of the King's Instructions to our Governours, recommends the Investigation of Means for the Conversion of Negroes and *Indians*. An Attention to both, especially the latter, has been too little regarded. If the Missionaries of the *English* Society for propagating the Gospel, instead of being seated in opulent christianized Towns, had been sent out to preach among the Savages, unspeakable, political, Advantages would have flowed from such a salutary Measure. Dr. *Douglass*, a sensible, immethodical, Writer, often incorrect, expects too much *: besides, he treats the Missionaries with Rudeness and Contempt, and lashes their Indolence with unmerciful Acrimony.

* "Our young Missionaries may procure a perpetual Alliance and commercial Advantages with the *Indians*, which the *Roman* Catholic Clergy cannot do, because they are forbidden to marry. I mean our Missionaries may intermarry with the Daughters of the Savages, and other considerable *Indians*, and their Progeny will for ever be a certain Cement between us and the *Indians.*" *Dougl. Sum.* &c. Vol. II. p. 138. *Boston* Edit. 1753.

CHAP. V.

The POLITICAL STATE.

THIS Colony, as a Part of the King's Dominions, is subject to the Control of the *British* Parliament, but its more immediate Government is vested in a Governour, Council, and General Assembly.

The Governours in Chief, who are always appointed by the King's Commission under the Great Seal of *Great-Britain*, enjoy a vast Plenitude of Power, as may be seen in their Patents, which are nearly the same: The following is a Copy of that to the late Sir *Danvers Osborn*.

GEORGE the Second by the Grace of God of *Great-Britain France and Ireland* King Defender of the Faith and so forth. To our trusty and well beloved Sir *Danvers Osborn* Baronet Greeting Whereas we did by our Letters Patent under our Great Seal of *Great-Britain* bearing Date at *Westminster* the third Day of *July* in the fifteenth Year of our Reign constitute and appoint the honourable *George Clinton* Esq; Captain General and Governour in Chief in and over our Province of *New-York* and the Territories depending thereon in *America* for and during our Will and Pleasure as by the said recited Letters Patent (Relation being thereunto had) may more fully and at large appear Now know you that we have revoked and determined and by these Presents do revoke and determine the said recited Letters Patent and every Clause Article and Thing therein contained And further know you that we reposing especial Trust and Confidence in the Prudence Courage and Loyalty of you the said Sir *Danvers Osborn* of our especial Grace certain Knowledge and meer Motion have thought fit to constitute and appoint you the said Sir *Danvers Osborn* to be our Captain General and Governour in Chief in and over our Province of *New-York* and the Territories depending thereon in *America* 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 herewith given you or by such

A P.

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 and our Will and Pleasure is that you the said Sir *Danvers Osborn* after the Publication of these our Letters Patent 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 intituled 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 twenty-fifth Year of the Reign of King *Charles* the Second intituled 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 *New-York* and the Territories depending thereon for the due and impartial Administration of Justice and further that you take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to Trade and the Plantations 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 Lieutenant Governor if there be any upon the Place all which being duly performed you shall administer unto 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 intituled 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 to cause them to make and subscribe the aforementioned Declaration and to administer to them the Oath for the due Execution of their Places and Trusts. 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 and if there shall be any Lieutenant Governor him likewise to suspend from the Execution of his

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Command and to appoint another in his Stead until our Pleasure be known 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 But that our Affairs may not suffer at that Distance for want of a due Number of Councillors if ever it should happen that there be less than seven of them residing in our said Province we do hereby give and grant unto you the said Sir *Danvers Osborn* 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 until 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. And we do hereby give and grant unto you full Power and 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 according to the Usage of our Province of *New-York*. (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 intituled (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 the aforementioned Declaration (which Oaths and Declarations you shall commissionate fit Persons under our Seal of *New-York* to tender and administer unto them) and until the same shall be so taken and subscribed no Person shall be capable of sitting though elected And we do hereby declare that the Persons so elected and qualified shall be called and deemed the general Assembly of that our Province and the Territories depending thereon And you the said Sir *Danvers Osborn* by and 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 public Peace Welfare and 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 agreeable to 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 *New-York* for our Approbation or Disallowance of the same as also Duplicates thereof by the next Conveyance and in Case any or all of the said Laws Statutes and Ordinances being not before confirmed by us shall at any Time be disallowed 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 Sir *Danvers Osborn* 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 thenceforth cease determine and become utterly void and of none Effect any Thing to the contrary thereof notwithstanding And to the End that nothing may be passed or done by our said Council or Assembly to the Prejudice of us our Heirs or Successors we will and ordain that you the said Sir *Danvers Osborn* shall have and enjoy a negative Voice in the making and passing of all Laws Statutes and Ordinances as aforesaid 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. And our further Will and Pleasure is that you shall and may use and keep the public Seal of our said Province of *New-York* for sealing all Things whatsoever that pass the Great Seal of our said Province under your Government And we do further give and grant unto you the said Sir *Danvers Osborn* 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 aforementioned Oaths 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. And we do further by these Presents give and grant unto you the said Sir *Danvers Osborn* full Power and Authority with the Advice and Consent of our said Council to erect constitute and establish such and so many Courts of Judicature and public Justice within our said Province under your Government as you and they shall think fit and necessary for the hearing and determining of all Causes as well criminal as civil according to Law and Equity and for awarding Execution thereupon with all reasonable and necessary Powers Authorities Fees and Privileges belonging thereunto as also

to appoint and commissionate fit Persons in the several Parts of your Government to administer the Oaths mentioned in the aforesaid Act intituled 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 to tender and administer the aforesaid Declaration unto such Persons belonging to the said Courts as shall be obliged to take the same 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 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 wilful Murder only excepted) in which Cases you shall likewise have Power upon extraordinary Occasions to grant Reprieves to the Offenders until and to the Intent our royal Pleasure may be known therein. 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 and Territories aforesaid as often as any of them shall happen to be void. And we do hereby give and grant unto you the said Sir *Danvers Osborn* 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 *New-York* and other the Territories 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 Invasions 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 and 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 And we do hereby give and grant unto you full Power and Authority by and with the Advice and Consent of our said Council to erect raise and build in our said Province of *New-York* and the Territories depending thereon 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 and 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 And forasmuch as divers Mutinies and Disorders may happen by Persons shipped and employed at Sea during the Time of War and to the End that such as shall be shipped and employed at Sea during the Time of War may be better governed and ordered we do hereby give and grant unto you the said Sir *Danvers Osborn* full Power and Authority to constitute and appoint Captains Lieutenants Masters of Ships and other Commanders and Officers and to grant to 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 two Acts the one passed in the thirteenth Year of the Reign of King *Charles* the Second entituled an Act for the establishing Articles and Orders for the regulating and better Government of his Majesty's Navies Ships of War and Forces by Sea and the other passed in the eighteenth Year of our Reign entituled an Act for the further regulating and better Government of his Majesty's Navies Ships of War and Forces by Sea and for regulating Proceedings upon Courts Martial in the Sea Service and to use such Proceedings Authorities Punishments Corrections and Executions upon any Offender or 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 and Territories as the Case shall be found to require according to the martial Law and the said Direction during the Time of War as aforesaid Provided that nothing herein contained shall be construed to the enabling you or any by your Authority to hold Plea or have any Jurisdiction of any Offences Cause Matter or Thing committed or done upon the high Sea or within any of the Havens Rivers or Creeks of our said Province and Territories under your Government by any Captain Commander Lieutenant Master Officer Seaman Soldier or other Person whatsoever

soever who shall be in our 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 tried as their Offences shall require either by Commission under our Great Seal of *Great-Britain* as the Statute of the twenty-eighth of *Henry* the Eighth directs or by Commission from our said Commissioners for executing the Office of our High Admiral or from our High Admiral of *Great-Britain* for the Time being according to the aforementioned Acts. 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 tried and punished according to the Laws of the Place where any such Disorders Offences and Misdemeanors shall be committed on Shore notwithstanding such Offenders 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 of Justice for such Offences committed on Shore from any Pretence of his being employed in our Service at Sea. And our further Will and Pleasure is that all public Monies raised or which shall be raised by any Act to be hereafter made within our said Province and other the Territories depending thereon be issued out by Warrant from you by and with the Advice and Consent of our Council and disposed of by you for the Support of the Government and not otherwise And we do hereby likewise give and grant unto you full Power and Authority by and with the Advice and Consent of our said Council to settle and agree with the Inhabitants of our Province and Territories aforesaid for such Lands Tenements and Hereditaments as now are or hereafter shall be in our Power to dispose of and them to grant to any Person or Persons upon such Terms and under such moderate Quittrents Services and Acknowledgments to be thereupon reserved unto us as you by and with the Advice aforesaid shall think fit which said Grants are to pass

and be sealed by our Seal of *New-York* and being entered upon Record by such Officer or Officers as are or shall be appointed thereunto shall be good and effectual in the Law against us our Heirs and Successors And we do hereby give you the said Sir *Danvers Osborn* full Power 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 Merchandizes as by you with the Advice and Consent of our said Council shall be thought fit and necessary And we do hereby require and command all Officers and Ministers civil military and all other Inhabitants of our said Province and Territories depending thereon to be obedient aiding and assisting unto you the said Sir *Danvers Osborn* in the Execution of this our Commission and the Powers and Authorities herein contained and in Case of your Death or Absence out of our said Province and Territories depending thereon 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 and enjoyed during our Pleasure or until your Arrival within our said Province and Territories and if upon your Death or Absence out of our said Province and Territories depending thereon 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 and Pleasure is that the eldest Counsellor whose Name is first placed in our said Instructions to you and who shall at the Time of your Death or Absence be residing within our said Province of *New-York* 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 same Manner and to all Intents and Purposes as other our Governor and Commander in Chief of our said Province should or ought to do in Case of your Absence until your Return or in all Cases until our further Pleasure be known therein and we do hereby declare ordain and appoint that you the said Sir *Danvers Osborn* shall and may hold execute and enjoy the Office and Place of our Captain General and Governor in Chief in and over our Province of *New-York* and the Territories depending thereon together with all and singular the Powers and Authorities hereby granted unto you for and during our Will and Pleasure. And whereas there are divers Colonies adjoining to our Province of *New-York* for the Defence and Security whereof it is requisite that due Care be taken in Time of War we have there-
fore

fore thought it necessary for our Service and for the better Protection and Security of our Subjects inhabiting these Parts to constitute and appoint and we do by these Presents constitute and appoint you the said Sir *Danvers Osborn* to be our Captain General and Commander in Chief of the Militia and of all the Forces by Sea and Land within our Colony of *Connecticut* and of all our Forts and Places of Strength within the same and for the better ordering governing and ruling our said Militia and all our Forces Forts and Places of Strength within our said Colony of *Connecticut* we do hereby give and grant unto you the said Sir *Danvers Osborn* and in your Absence to our Commander in Chief of our Province of *New-York* all and every the like Powers as in these Presents are before granted and recited for the ruling governing and ordering our Militia and all our Forces Forts and Places of Strength within our Province of *New-York* to be exercised by you the said Sir *Danvers Osborn* and in your Absence from our Territories and Dominion of *New-York* by our Commander in Chief of our Province of *New-York* within our said Colony of *Connecticut* for and during our Pleasure In Witness whereof we have caused these our Letters to be made Patent witness ourself at *Westminster* the first Day of *August* in the twenty-seventh Year of our Reign.

By Writ of Privy Seal,

YORKE and YORKE.

The Instructions, received with the Commission, are explanatory of the Patent, and regulate the Governour's Conduct on almost every common Contingency*.

The Salary generally granted to the Governour by the Instructions is 1200 *l.* Sterling out of the Revenue here; but that being an insufficient Fund, the Assembly in Lieu of it, give him annually 1560 *l.* Currency, The Perquisites perhaps amount to as much more.

This Office was formerly very lucrative, but becomes daily less considerable, because almost all the valuable Tracts of Land are already taken up.

The Council, when full, consists of twelve Members appointed by the King's Mandamus and Sign manual. All their Privileges and Powers are contained in the Instructions. They are a Privy Council to the Governour, in Acts of civil Government; and take the same Oath administered to the

* The Instructions are, in Number, above a Hundred and never recorded. They are changeable at the King's Pleasure, but rarely undergo any very considerable Alteration.

King's

King's Council in *England*. The Tenure of their Places is extremely precarious, and yet their Influence upon the publick Measures very considerable. In the Grant of all Patents the Governour is bound to consult them, and regularly they cannot pass the Seal without their Advice.

They enjoy a legislative Power, as the Lords do in Parliament; and exercise also judicial Authority upon Writs of Error and Appeals. They are convened by the Governour, and he is always present when they sit as a Court or Privy Council, which is ordinarily at the Fort. In their legislative Capacity they meet without the Governour, and always at the City Hall. They sit according to their Seniority, and the eldest Member present is Speaker of their House. In a Committee the Chairman has no Voice. They cannot vote by Proxy, but have the Privilege of entering their Dissent, and the Reasons at large, on their Minutes. Their Proceedings are very formal, and in many Respects they imitate the Example of the Lords. Their Messages to the Assembly are carried by one of their own Members, and the House always rises at his Entrance and receives them standing. The Council never publish their legislative Minutes, but the Assembly always print their own Votes, nor do either of these Houses permit Strangers to be present at their Conventions.

A Counsellor's Title is *The Honourable*. They serve his Majesty without Salaries. The Business of the Privy Council Board is of late very much increased, and never had so great Weight in the Colony as at present; which is much owing to the King's calling Lawyers of Reputation to the Assistance of his Governours. The present Members are the honourable

Cadwallader Colden,
Archibald Kennedy,
James De Lancey * Lieutenant Governour,
Daniel Horsmanden,
George Clarke, jun.

Joseph Murray,
John Rutherford,
Edward Holland,
 Sir *William Johnson, Bart.*
John Chambers,
William Smith.

The Business in Council daily increases, and is now become very burdensome, being entirely transacted by a few Members. Mr. *Colden* resides in the Country; Mr. *Clarke* in *England*; Mr. *Rutherford*, being an Officer, moves

* The Office of Lieutenant Governour requires no Service, except on the Death or in the Absence of a Governour in Chief. It gives no Rank in Council, nor is there any Salary annexed to it.

with

with the Army, and Sir *William Johnson* has his Residence, in the Western Part of the County of *Albany*.

The General Assembly consists of twenty-seven Representatives chosen by the People, in Pursuance of a Writ of Summons issued by the Governour.

At the Day appointed for their Appearance, such as are elected convene themselves at the Assembly-Chamber, in the City of *New-York*; and, by the Clerk of the House, inform the Governour of their Meeting. If they are above thirteen in Number, some Persons (generally the Judges of the supreme Court) are sent to the Assembly-Chamber empowered by a Commission to take their Oaths and Subscriptions. They are then called before his Excellency, who recommends their Choice of a Speaker. For that Purpose they again retire, and conduct the Person they elect into the Chair, which is seated at the upper End of a long Table. After that he is presented to his Excellency, in the Council-Chamber; and upon his Approbation of their Choice, which is of Course, the Speaker addresses himself to the Governour, and in Behalf of the House prays, "That their Words and Actions may have a favourable Construction, that the Members may have free Access to him; and they and their Servants be privileged with a Freedom from Arrests." The Governour, after promising these Things on his Part, reads his Speech to both Houses; and, at the Request of the Speaker, delivers a Copy for the Use of the Assembly.

I need not enlarge upon the Customs of the General Assembly; for they take the Practice of the *British* House of Commons for their Model, and vary from them in but very few Instances. Money Bills are not returned to them by the Council Board, as the Lords do to the Commons; and yet the Reasons for this Practice are much stronger here than at Home. When the Governour passes the Bills sent up to him, both Houses are present in the Council Chamber. It is then customary for him to ask the Advice of his Council with Respect to every Bill, and he signs them at the Foot after these Words, "I assent to this Bill, enacting the same, and order it to be enrolled." After that the Acts are published in the open Street, near the City Hall; his Excellency and the two Houses being present.

The daily Wages of the Representatives, as regulated by sundry Acts of Assembly, are annexed to the following List of the present Members of the House.

For

For the City and County of NEW-YORK.

Paul Richard, }
Henry Cruger, } Esqrs; each 6 s. per
William Walton, } Diem.
John Watts, }

City and County of ALBANY.

Peter Winne, }
Peter Douw, } Esqrs; 10 s. per Diem.

WEST-CHESTER County.

John Thomas, }
Frederick Philipse, } Esqrs; 6 s. per
Diem.

SUFFOLK County.

Elexzer Miller, }
William Nicoll, } Esqrs; 9 s. per Diem.

QUEEN'S County.

David Jones, }
Thomas Coriel, } Esqrs; 6 s. per Diem.

KING'S County.

Johannes Lott, }
Dominicus Vanderacer, } Esqrs; 6 s. per
Diem.

ULSTER County.

Johannes Jansen, }
Moses De Pew, jun. } Esqrs; 6 s. per
Diem.

RICHMOND County.

William Walton, }
Benjamin Seaman, } Esqrs; 16 s. per
Diem.

DUTCHESS County.

Henry Beekman, }
Henry Fikse, } Esqrs; 6 s. per Diem.

ORANGE County.

Theodorus Sneider, }
Samuel Gale, } Esqrs; 6 s. per
Diem.

Borough of WEST-CHESTER.

Peter De Lancey, Esq; 10 s. per Diem.

Township of SCHENECTADY.

Jacobus Mynderse, Esq; 10 s. per Diem.

Manor of RENSLAERWYCK.

John B. V. Renslaer, Esq; 10 s. per
Diem.

Manor of LIVINGSTON.

Robert Livingston, jun. Esq; 10 s. per
Diem.

Manor of COURTLANDT.

Philip Ver Plank, Esq; 6 s. per Diem.

The Continuance of our Assemblies was unlimited, till the political Struggles, which took Rise in Mr. *Cosby's* Administration, forced Mr. *Clarke*, who succeeded him, to pass the Act restricting them to three Years; but this was repealed by the King, and a septennial Law enacted soon after the Arrival of Governour *Clinton*, which is still in full Force.

No Colony, upon the Continent, has formerly suffered more than ours, in the Opinion of the King's Ministers. This has been owing to the ill Impressions made by our Governours, who are scarce ever disengaged from Disputes with the Lower House. Our Representatives, agreeable to the general Sense of their Constituents, are tenacious in their Opinion, that the Inhabitants of this Colony are entitled to all the Privileges of *Englishmen*; that they have a Right to participate in the legillative Power, and that the Session of Assemblies here, is wisely substituted instead of a Representation in Parliament, which, all Things considered, would, at this remote Distance, be extremely inconvenient and dangerous. The Governours, on the other Hand, in general, entertain political Sentiments of a quite different Nature. All the Immunities we enjoy, according to them, not only flow from, but absolutely depend upon, the mere Grace and Will of the Crown*. It is easy to conceive, that Contentions must naturally attend such a Contradiction of Sentiments. Most of our Disputes however relate to the Support of Government. Before Lord *Cornbury's* Embezzlements, the Revenue was established for a long Period, but afterwards reduced to a few Years. The violent Measures, in Mr. *Cosby's* Time, led the Assembly to the Scheme of an annual Provision. These are the Words of that much famed Address of the House, to Lieutenant Governour *Clarke*, on the 8th of *September 1737*, previous to the Change.

“ The true Causes of the Deficiency of the Revenue, we believe are too well known to your Honour, to make it necessary for us to say much on

* “ We are no more than a little Corporation.—I would advise these Gentlemen (Assemblies) for the future, to drop those Parliamentary Airs and Style about Liberty and Property, and keep within their Sphere, and make the best Use they can of his Majesty's Instructions and Commission; because it would be high Treason to sit and act without it.—This is our Charter. If we abuse or make a wicked Use of his Majesty's Favours, we are, of them, but Tenants at Will; we only hold them during Pleasure and good Be-

“ haviour.”—These are the accurate and bright Thoughts of the Gentleman who published a Pamphlet, entitled, “ *An Essay on the Government of the Colonies*,” in 1752. Sir *William Jones*, Attorney-General to *James II.* was of a very different Opinion. For he told the King, “ That he could no more grant a Commission to levy Money on his Subjects in the Plantations, without their Consent by an Assembly, than they could discharge themselves from their Allegiance.” *Life of Sir William Phips*, p. 23.

“ that Head: Had the conspicuous Loyalty of the Inhabitants of this Province, met with a suitable Treatment in Return: it is not unlikely, but we should now be weak enough to act like others before us, in being lavish beyond our Abilities, and raising Sums unnecessary to be given; and continued the Donation, like them, for a longer Time than what was convenient for the Safety of the Inhabitants: but Experience has shewn the Imprudence of such a Conduct, and the miserable Condition to which the Province is reduced, renders the raising of large Sums very difficult if not impracticable. We therefore beg Leave to be plain with your Honour, and hope you will not take it amiss, when we tell you, that you are not to expect, that we either will raise Sums unfit to be raised; or put what we shall raise into the Power of a Governour to misapply, if we can prevent it: nor shall we make up any other Deficiencies, than what we conceive are fit and just to be paid; or continue what Support or Revenue we shall raise, for any longer Time than one Year. Nor do we think it convenient to do even that, until such Laws are passed, as we conceive necessary for the Safety of the Inhabitants of this Colony, who have reposed a Trust in us for that only Purpose; and which we are sure you will think it reasonable we should act agreeable to, and by the Grace of God we will endeavour not to deceive them.”

The Sentiments of this Address still prevail among the People, and therefore the Success of the present Solicitations, for a permanent, indefinite, Support, will probably be in vain.

The Matter has been often litigated with great Fervency on both Sides, and the Example of the *British* Parliament urged as a Precedent for our Imitation. To this it is answered, that the particular State of this Province differs so widely from that of their Mother Country, that we ought not in this Respect to follow the Custom of the Commons. Our Constitution, as some observe, is so imperfect in numberless Instances, that the Rights of the People lie, even now, at the mere Mercy of their Governours; and granting a perpetual Support, it is thought, would be in Reality little less, than the Loss of every Thing dear to them.

It must be confessed that many plausible Arguments may be assigned, in Support of the Jealousy of the House. A Governour has numberless Opportunities, not proper to be mentioned, for invading the Rights of the People, and insuperable Difficulties would necessarily attend all the Means of Redress.

By gradual Advances, at seasonable Junctures, we might have introduced such Amendments, as would at this Day have established a sound and well fortified

fortified political Frame; but through our utter Neglect of Education, the ancient Assemblies consisted of plain, illiterate, Husbandmen, whose Views seldom extended farther than to the Regulation of Highways, the Destruction of Wolves, wild Cats, and Foxes, and the Advancement of the other little Interests of the particular Counties, which they were chosen to represent.

CHAP. VI.

Of our LAWS and COURTS.

THE State of our Laws opens a Door to much Controversy. The Uncertainty with Respect to them renders Property precarious, and greatly exposes us to the arbitrary Decisions of bad Judges. The common Law of *England* is generally received, together with such Statutes, as were enacted before we had a Legislature of our own. But our Courts exercise a sovereign Authority, in determining what Parts of the Common and Statute Law ought to be extended; for it must be admitted, that the Difference of Circumstances necessarily requires us, in some Cases, to reject the Determinations of both. In many Instances they have also extended, as I have elsewhere observed, even Acts of Parliament, passed since we have had a distinct Legislation, which is adding greatly to our Confusion. The Practice of our Courts is not less uncertain than the Law. Some of the *English* Rules are adopted and others rejected. Two Things therefore seem to be absolutely necessary for the publick Security.

First, The passing an Act for settling the Extension of the *English* Laws. And, *Secondly*, That the Courts ordain a general Set of Rules for the Regulation of the Practice.

To give a particular Account of our Laws civil and criminal, cannot be expected in this Work. All Lands are held of the Crown by Socage Tenure, as those of *East-Greenwich*, at Home, in the County of *Kent*; and the Manner of obtaining a Title to such as are vacant, or in the Possession of the *Indians*, is this:

Formerly the Custom was to apply to the Governour in Council, for a License to purchase Lands of the Natives in his Majesty's Name. A Deed was then privately obtained from the *Indian* Proprietors to the King, and an-

nexed to a second Petition to the Governour, for a Warrant to the Surveyor-General, to make a Survey of the Quantity purchased. Another Warrant, upon the Return of the Survey, was then issued to the Attorney-General, to prepare a Draught of the Patent; which being transmitted to the Secretary's Office, was then engrossed upon Parchment, and the Great Seal affixed to it by the Governour.

In these Surveys and Deeds more Lands were often included, than the *Indians* intended to sell; and these Frauds being frequently complained of, an Order was made by the Governour and Council, in 1736, that thenceforth no *Indian* Deed should be taken, until the Land proposed to be granted, was actually surveyed by the Surveyor-General, or one of his Deputies, in the Presence of the *Indian* Proprietors: that the Bounds of the Tract should be then entered in the Deed, and a Certificate endorsed, that they are agreeable to the Survey, and that he saw the Consideration Money or Goods, *bona fide*, delivered to the Vendors.

The Patenting of Lands, has long been, and still continues to be, very expensive.

Our Law Judicatories are numerous; I begin with the lowest.

Of the JUSTICES COURT.

JUSTICES of the Peace are appointed by Commission from the Governours, who, to serve their Purposes in Elections, sometimes grant, as it is called, *the Administration* to particular Favourites in each County, which is the Nomination of Officers civil and military; and by these Means, the Justices have been astonishingly multiplied. There are Instances of some who can neither write nor read*. These Genii, besides their ordinary Powers, are by Acts of Assembly enabled to hold Courts, for the Determination of small Causes of five Pounds and under; but the Parties are privileged, if they choose it, with a Jury of six Men. The Proceedings are in a summary Way, and the Conduct of the Justices has given just Cause to innumerable Complaints. The Justices have also a Jurisdiction, with Respect to Crimes under the Degree of grand Larceny. For any three of them (one being of the Quorum) may try the Criminal, without a Jury, and inflict Punishments not extending to Life or Limb.

* Lord Bacon's Observation, that there are many who count it a Credit to be burdened with the Office of a Justice of the Peace, is very applicable to us. *Bacon's Works*, Fol. Vol. II. p. 151.—The Statute of 38 Hen. VIII. limited the Number of Justices to Eight in a County.

The

The Sessions and Court of COMMON-PLEAS.

THE Court of *Common-Pleas* takes Cognizance of all Causes, where the Matter in Demand is in Value above five Pounds. It is established by an Ordinance of the Governour in Council. The Judges are ordinarily three, and hold their Offices during Pleasure. Through the Infancy of the Country, few, if any of them, are acquainted with the Law. The Practice of these Courts is similar to that of the *Common-Bench* at *Westminster*. They have each a Clerk commissioned by the Governour, who issues their Writs, enters their Minutes, and keeps the Records of the County. They are held twice every Year. These Judges, together with some of the Justices, hold, at the same Time, a Court of General Sessions of the Peace.

The SUPREME COURT.

THE Jurisdiction of this Court extends through the whole Province, and its Powers are very great. For it takes Cognizance of all Causes civil and criminal, as fully as the *King's-Bench* and *Common-Pleas* at *Westminster*. In civil Controversies, the Value of the Sum demanded must exceed twenty Pounds. This Court has four Terms in a Year, and always sits at *New-York* *. The Judges, for many Years past, have been but three. The Chief Justice has ten Shillings as a Perquisite, upon the first Motion in every Cause, together with an annual Allowance of 300 *l*. The second and third Justices have also yearly Appointments, too inconsiderable to be worth mentioning. They hold their Offices by separate Commissions under the Great Seal of the Province, which were formerly *during Pleasure*, but of late *quum diu se bene gesserint* †.

The *Supreme Court* was, at first, established by several Laws of the Province; but the Terms were, afterwards, directed by an Ordinance of the Governour and Council, which is alterable at Pleasure.

* The Terms commence on the third *Tuesdays* in *January*, *April*, and *October*, and on the last in *July*. The first and the last continue five Days, and the two other Terms ten.

† Prosecutions, by Information, are often commenced in the *Supreme Court* by Order of the

Governour and Council, and Criminals sometimes committed by their Warrants; for which Reason some are of Opinion, that the Judges ought not to be Members of that Board, which is frequently the Case.

Whether

Whether this Court has a Right to determine Causes in a Course of Equity, was a Question much litigated, during the Troubles in the several Administrations of Mr. *Cosby* and Mr. *Clarke*. Colonel *Morris*, afterwards Governour of *New-Jersey*, sat then as Chief Justice upon the Bench, and delivered a long, argumentative, Opinion in the Negative*. The People were, in general, on that Side, and the *Exchequer* Court Bell scarce ever rung, but the City was all in Confusion. Petitions against the Court, from several Parts of the Province, came up to the Assembly, who desired to hear Council; and accordingly Mr. *Smith* and Mr. *Murray*, delivered their Opinions at their Request, both which were afterwards printed by their Order. The former, who spoke first, urged numerous Authorities, to prove that no Court of Equity could be legally established except by Prescription or an Act of the Legislature, and concluded with these Words---“Tis with the greatest Submission that I tender my Opinion upon these Points---I have said nothing with a Design to offend any Man, nor have I omitted saying any Thing, that I thought might tend to the publick Good. *Liberavi Animam meam*. I have endeavoured to discharge the Trust, and support the Character, with which this House has honoured me. You have my sincere and real Sentiments. If I have erred in any Thing, it has been unwillingly. I am heartily a Friend to this Colony, and earnestly wish its Prosperity. I have no Interest in the Points in Question, but what are common to all the Freemen of this Province. I profess the greatest Veneration for the Laws of my Country, and am glad of every Opportunity to do them publick Honour. They place our Liberties upon the firmest Basis, and put our Properties under the surest Protection. I rejoice in the Security that we have of a long Enjoyment of them, by the Settlement of the Succession in the House of *Hanover*---’Tis the Excellency of our Constitution, and the Glory of our Princes, that they are sovereign over Freemen, and not Slaves. ’Tis the Misery of an arbitrary Government, that a Man can enjoy nothing under it, that he can call his own. Life, Liberty, and Property, are not his, but all at the Will and Disposal of his tyrannical Owner. I don’t wonder that our Ancestors have been always so jealous of their Liberties: How oft have they bravely fought, and nobly died, in the Defence of them? We have received our Liberties and

* See the printed Opinion, and the Arguments of Messieurs *Alexander* and *Smith* for the Defendant *Van Dam* adversus the Attorney-General; in Support of a Plea to the Jurisdiction of the *Supreme Court*, on a Bill filed there for Governour *Cosby* in a Course of Equity. *New-York* printed by *John P. Zenger*, 1733.

“ our Laws, as an Inheritance transmitted to us in the Blood of our Fathers.
 “ How highly therefore should we prize and value them! And what Care
 “ should we take, that we and our Posterity may enjoy them in their full
 “ Extent? If this be our happy Case, *we shall sit under our own Vines and our*
 “ *own Fig-trees, and none will make us afraid.* We shall see our Country
 “ flourish, and ourselves a happy People. But if an arbitrary Power over
 “ our Liberties and Properties be let in upon us, but at a BACK DOOR, it
 “ will certainly drive many of us out of our Habitations; and 'tis to be
 “ feared, will once more reduce our Country to a Wilderness, and a Land
 “ without Inhabitant: which we doubt not but this *honourable House* will
 “ take Care to prevent.”

Mr. Murray laboured to show that the *Chancery, King's-Bench, Common-Pleas* and *Exchequer*, were of original Jurisdiction by the Constitution of *England*; and was fearful that our Establishment of these Courts here by an Act of Assembly, would draw into Question our equal Rights to all the Liberties and Privileges of *Englishmen*. He closed his Opinion in this Manner:

“ And now, Mr. Speaker, I have in the best Manner that I was capable
 “ of, performed what this honourable House desired of me, in giving truly
 “ my Sentiments upon the Subject Matter of these Petitions.

“ Mr. *Smith*, in delivering his Sentiments last *Friday*, did in so hand-
 “ some and elegant a Manner, fully prove that the People of this Colony
 “ are undoubtedly entitled to the Customs, Laws, Liberties, and Privileges
 “ of *Englishmen*, that it was needless for me to attempt the Proof thereof,
 “ which otherwise I should have done. But I do entirely agree with him,
 “ in all that he said on that Head; and I hope I have proved that the fun-
 “ damental Courts, by the Laws of *England*, are as much Part of those
 “ Liberties and Privileges, and as much by the Customs and Laws of *Eng-*
 “ *land*, as any other of their Liberties and Privileges are; and of Conse-
 “ quence, the People here as much entitled to those fundamental Courts,
 “ as to their other Privileges; and have endeavoured to answer all the Ob-
 “ jections that I had heard were, or thought could be, made against our
 “ being entitled to the same Courts. And upon the whole thereof, as there
 “ has been much talked about the Liberties and Privileges of the People,
 “ I would beg Leave only to propound this one Question, who is he that ar-
 “ gues most in Favour of the Liberties of the People? He who affirms and
 “ proves, that they are entitled to those Liberties and Privileges, Laws and
 “ Customs of *England*, and the good old original Courts, that are by those

“ Laws,

“Laws, without an Act? or, he who argues and says, we are not entitled to them, until an Act is passed to establish them? I suppose the Answer would be given, without Hesitation, in Favour of the former.”

“But, Mr. Speaker, if it yet should be said, that there is a Necessity for making Acts relating to those Courts, I would beg Leave to offer to this honourable House, the Imitation of such Laws relating to those Courts, as the wise Legislature of *England* have thought fit to make. I presume, it will not be said, there can be a better Pattern offered for the Assembly to go by. And it is not to be supposed, but that the Parliament at Home has made all the Regulations therein that can be thought necessary; whereas going into new Schemes and new Inventions, may be attended with many Inconveniencies, which, when they happen, may not be so easily remedied.

“And I beg Leave to conclude, by praying that God Almighty may guide, direct, and influence this honourable House, in their Debates and Consultations upon this momentous Affair, and that the End thereof may be for the Good of all the Inhabitants of this Colony.”

The Opposition, to the *Exchequer*, became now stronger than before the Council were heard. And therefore, under these Discouragements, the Court has taken Cognizance of no Causes since *Van Dam's*, nor has that indeed ever been determined*.

The

* Sir *John Randolph* wrote his Sentiments concerning these Disputes to Captain *Pearse*. And as he was an eminent Lawyer in *Virginia*, I doubt not his Letter will be acceptable to the Reader.

SIR,

“By your Request, I have perused and considered the Arguments of Mr. *Smith* and Mr. *Murray*, before the General Assembly of *New-York*, in Relation to the Court of Equity established there in a new Court of *Exchequer*; which I perceive was done, principally, for determining a Dispute between the Governor and the President of the Council, about their Right to the Salary annexed to the Office of the Commander in Chief, whether he be the Governor or President; and it seems strange to me, that upon such an Occasion, so extraordinary a Step should be

“taken, as the erecting of a new Court, exempted from the Rules of Proceeding at the Common Law, when the Matter might have been decided in an Action of the Case upon an *Indebitatus assumpsit*, which is the settled Method and most expeditious Remedy, in Cases of that Nature.

“Both these Gentlemen seem to have agreed in one Point, that it was necessary to trace the Court of *Chancery* and the Equity Court in the *Exchequer* back to their original Institution, in order to shew whether the Governor of a new Plantation, hath a Power or not to erect Courts, in Imitation of these high and ancient Courts in *England*.—And from their Researches, they seem to have made very different Conclusions. Mr. *Smith* rightly concludes against the Legality of this Court; but Mr. *Murray* is afraid all must be lost, if the four fundamental Courts, as he

“calls

The Judges of this Court, according to an Act of Assembly, are Judges of *Nisi Prius* of Course; and, agreeable to an Ordinance of the Governour and

“ calls them, can't be obtained in *New-York*.—
 “ I own I don't understand the Force of this
 “ Sort of Reasoning, nor can I conceive, how
 “ any Enquiry into the Original of the High
 “ Court of *Chancery*, which must after all end
 “ in a meer Conjecture, can afford the least As-
 “ sistance, in forming a right Judgment upon
 “ this Question, which must depend upon the
 “ particular Constitution of these foreign Co-
 “ lonies.—

“ The Court of *Chancery* in *England*, has its
 “ Being from Custom and Usage, to which it
 “ owes its Legality.—If it were to be erected
 “ now by the King's Power it could not stand;
 “ therefore it is undoubtedly a great Absurdity
 “ to suppose, that upon the planting every new
 “ Colony by the Subjects of *England*, new
 “ Courts must spring up, as it were from the
 “ Roots of the ancient Courts, and be establish-
 “ ed without the Consent of the Legislature,
 “ because we can imitate their Methods of Pro-
 “ ceeding, though we are very imperfect in
 “ Comparison to their Reason and Judgment.—
 “ Then I think there is another Impropriety in
 “ the Debate of this Question; they would ar-
 “ gue from the Power and Prerogative of the
 “ King, to entitle a Governour to act in the
 “ same Manner. I think before they turn a
 “ Governour into a King, they should take Care,
 “ to provide for him the same Sufficiency of
 “ Wisdom and as able a Council; therefore I
 “ must suppose, a mighty Difference between
 “ the Power of a King and the Governours a-
 “ broad.—Their Instructions as to the erecting
 “ of Courts, or the Authorities granted in their
 “ Patents for that Purpose, are not now, as
 “ they were in the Beginning, when there were
 “ no Courts; but proper Judicatures being long
 “ since established, there is an End of their
 “ Power in that Respect, and if any Alteration
 “ is found necessary, it must certainly be done
 “ by the Consent of the Legislature. The
 “ Kings of *England* have always, so far as I
 “ am acquainted with the History of the Plan-

“ tations, used a particular Tenderness in the
 “ Business of erecting their Courts of Judica-
 “ ture, by directing their Governours, to take
 “ the Advice of the General Assemblies in that
 “ Matter, and I dare say, that if the Patents
 “ and Instructions of the Governour of *New-*
 “ *York* were to be inspected, no sufficient War-
 “ rant will be found in them, to exercise this
 “ high Power of setting up new Courts. But
 “ be that as it will, this is most manifest, that
 “ setting up one or more Men, with Power to
 “ judge Men's Properties, by other Rules than
 “ those of the Common Law, by which alone
 “ we of the Plantations must be governed, must
 “ subject the Estates of that People to an arbi-
 “ trary Rule, so far as they are restrained from
 “ appealing to an higher Jurisdiction, and may
 “ enslave them to the weak, if not corrupt,
 “ Judgments of those Men.—It really seems
 “ to be a singular Misfortune to the People of
 “ *New-York*, that a Question of this Nature
 “ should be so far countenanced, as to become
 “ a Subject of Argument, when I believe, in
 “ any other Colony, it would not have been
 “ thought a Matter of any Doubt or the least
 “ Difficulty. But above all, it is most extra-
 “ vagant, that a Court of Equity should be
 “ erected, for the Trial of a Cause, of which,
 “ without doing Violence to its Nature, it can-
 “ not have any Jurisdiction; and I have won-
 “ dered, in so warm a Debate, that this Point
 “ has been passed over.—I think nothing could
 “ entitle the Court of Equity, to proceed in the
 “ Cause between the Governour and *Van Dam*,
 “ unless there was a Want of Proof, of *Van Dam's*
 “ receiving the Money in Dispute, which I sup-
 “ pose is impossible, since it must have issued out
 “ of the publick Treasury of the Province.—
 “ If I had been to have argued this Point, I
 “ should have taken a very different Method
 “ from those Gentlemen. Instead of taking so
 “ much Pains, in running through so many
 “ Book Cases, to settle what the Constitution
 “ of *England* is, I would have stated the Con-

and Council, perform a Circuit through the Counties once every Year. They carry with them, at the same Time, a Commission of *Oyer and Terminer* and *General Jail Delivery*, in which some of the County Justices are joined.

The Judges and Practisers in the *Supreme*, and all other Courts, wear no peculiar Habits as they do at *Westminster-Hall* and in some of the *West-India* Islands; nor is there, as yet, any Distinction or Degrees among the Lawyers.

The Door of Admission into the Practice is too open. The usual Preparatories are a College or University Education, and three Years Apprenticeship; or, without the former, seven Years Service under an Attorney. In either of these Cases, the Chief Justice recommends the Candidate to the Governour, who thereupon grants a License to practice under his Hand and Seal at Arms. This being produced to the Court, the usual State Oaths and Subscription are taken, together with an Oath for his upright Demeanour, and he is then qualified to practice in every Court in the Province. Into the County Courts, Attornies are introduced with still less Ceremony. For our Governours have formerly licensed all Persons, how indifferently soever recommended; and the Profession has been shamefully disgraced, by the Admission of Men not only of the meanest Abilities, but of the lowest Em-

“stitution of this particular Government, as it
 “is grounded either upon Treaties or Grants
 “from the Crown of *England*; for as *New-*
 “*York* was a conquered Country, it is very pro-
 “bable, something may have been stipulated,
 “between the *States General* and Crown of
 “*England*, in Behalf of the Subjects of *Holland*,
 “which were left there in Possession of their
 “Estates, and so became Subjects to *England*.—
 “If there was any such Treaty, that must be
 “looked upon as the *Fundamental Law of the*
 “*Province*; and next to that, the King’s Char-
 “ters must take Place.—I don’t at all doubt,
 “but some Way or other, the Common Law
 “was established there, and if not, as there is
 “a Legislature, I suppose it is adopted by the
 “Country; for there is undoubtedly, a
 “great Difference between the People of a con-
 “quered Country, and Colonies reduced by the
 “King’s Consent by the Subjects of *England*.
 “The Common Law follows *them* wherever
 “they go, but as to the *other*, it must arise ei-
 “ther from Treaties or Grants; therefore it is
 “a Pity, every Thing in Relation to this Mat-
 “ter has been omitted, which would have been
 “of great Use to those, who are unacquainted
 “with the Facts, in forming a Judgment in this
 “Case.—I can’t forbear observing a mighty
 “Weakness in the Lawyers of *New-York*, in
 “blindly following a common Error, in Rela-
 “tion to the Statutes of *England* being in Force
 “there; whereas there is no Foundation in
 “Sense or Reason for such an Opinion. The
 “Common Law must be the only Rule, and if
 “we wade into the Statutes, no Man can tell
 “what the Law is. It is certain all of them
 “can’t bind, and to know which do, was al-
 “ways above my Capacity.—Those that are
 “declarative of the Common Law, serve us
 “rather as Evidences, than by any binding
 “Quality as Statutes.
 “I am, SIR,
 “Your most obedient Servant, &c.
 “JOHN RANDOLPH.”

ployments.

ployments. The present Judges of the *Supreme Court* are the honourable (for that is their Title)

James De Lancey, Esq; Chief Justice.

John Chambers, Esq; second Justice.

Daniel Horsmanden, Esq; third Justice.

They have but two Clerks; one attendant upon the *Supreme Court* at *New-York*, and the other on the Circuits. The former seals all their Procefs and is Keeper of the Records.

The COURT of ADMIRALTY.

THE only Officers of this Court are the Judge, or Commissary, the Register and Marshal. The present Judge, *Lewis Morris*, Esq; has, by his Commission *, a Jurisdiction in all maritime Affairs, not only here, but in the Colonies of *New-Jersey* and *Connecticut*. The Proceedings before him are in *English*, and according to the Course of the Civil Law.

The PREROGATIVE COURT.

THE Business of this Court relates to the Probate of last Wills and Testaments, and the Grants of Letters of Administration on Intestates Estates. The Powers, relative to these Matters, are committed to the Governour, who acts ordinarily by a Delegate.

The COURT of the GOVERNOUR and COUNCIL.

THE Authority of this Court is best seen in the Instruction on which it depends.

“ Our Will and Pleasure is, that you, or the Commander in Chief of our said Province, for the Time being, do all in 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,

* It is under the Seal of the *Admiralty*, and dated *January 16, 1738.*

“ and the Council of our said Province; and you are, for that Purpose, to issue a Writ, in the Manner which has been usually 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 said 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 admitted to vote upon the said Appeal; but they may, nevertheless, be present at the hearing thereof, to give the Reasons of the Judgment 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 Judgement of you, or the Commander in Chief for the Time being, and Council as aforesaid, our Will and 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 Appeal be made within fourteen Days after Sentence, and good Security given by the Appellant, that he will effectually prosecute the same and answer the Condemnation, and 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 and Pleasure, that in all Cases, where, by your Instructions, you are to admit Appeals to us in our Privy Council, Execution be suspended, until the final Deter-

* Before the Arrival of Sir *Danvers Osborn*, Appeals were given to the Governour and Council, in all Causes above 100 *l.* Sterling, and to the King in Council, in all those above 300 *l.* Sterling. By this Instruction, the Power of the *Supreme Court* and of the Governour and Council, is prodigiously augmented. In this Infant

Country few Contracts are equal to the Sums mentioned in the Instruction, and therefore an uncontrollable Authority in our Courts may be dangerous to the Property and Liberties of the People. Proper Checks upon Judges preserve them both from Indolence and Corruption.

“ mination

“mination 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 De-
 “termination of such Appeal, such Decree or Judgment should be reversed,
 “and Restitution awarded to the Appellant.”

The COURT of CHANCERY.

OF all our Courts, none has been more obnoxious to the People than this. There have been (as I have already shewn) few Administrations since its first Erection, in which our Assemblies have not expressed their Disapprobation of its Constitution by Ordinance, and the Exercise of the Chancellor's Power by the Governour. During the Administration of Governour *Cosby*, a Bill was filed by Sir *Joseph Eyles* and others, to vacate the oblong Patent granted by his immediate Predecessor to *Hauky* and Company. The Defendants excepted to the Governour's Jurisdiction, but being over-ruled, they resorted to the Assembly with a Complaint, and the House, on the 6th of *November 1735*, resolved,

“That a Court of *Chancery* in this Province, in the Hands or under the
 “Exercise of a Governor, without Consent in General Assembly, is contrary
 “to Law, unwarrantable, and of dangerous Consequence to the Liberties
 “and Properties of the People.”

The same Sentiments obtained among the People in Mr. *Clarke's* Time, as is very evident in the memorable Address of the Assembly, in 1737, a Part of which, relative to the Court of *Chancery*, is too singular to be suppressed.

“The settling and establishing of Courts of general Jurisdiction, for the
 “due Administration of Justice, is necessary in every Country, and we con-
 “ceive they ought to be settled and established, by the Acts of the whole Le-
 “gislature, and their several Jurisdictions and Powers by that Authority
 “limited and appointed, especially Courts that are to take Cognizance of
 “Matters in a Course of Equity.---This has been the constant Practice in
 “*England*, when new Courts were to be erected, or old ones to be abolished
 “or altered; and the several Kings of *England*, in whose Reigns those Acts
 “were made, never conceived, that the settling, erecting, or abolishing Courts,
 “by Acts of the Legislature, had any Tendency to destroy or in the least to
 “diminish their just and legal Prerogatives.---It was the Method in Use here,
 “both before and since the Revolution, and particularly recommended to
 “the

“ the Assembly to be done in that Manner, by a Message from Governor
 “ *Sloughter* and Council, on the 15th Day of *April* 1691. He was the first
 “ Governor since the Revolution; and the Governors that since that Time
 “ assented to those Acts, we suppose, never in the least imagined, they were
 “ giving up the Prerogative of their Masters when they gave that Assent;
 “ nor did we ever learn that they were censured for doing so.---On the con-
 “ trary, the constant Instructions, that have from Time to Time been given
 “ to the Governors of this Province, seem clearly to point out the doing of
 “ it, by Acts of the Legislature, and not otherwise, as may be gathered
 “ from the Instruction, for the erecting of a Court for the determining of
 “ small Causes, by which there are positive Directions given to the Gover-
 “ nors, to recommend it to the Assembly, that a Law should be passed for that
 “ Purpose; but notwithstanding these Directions, given in direct and ex-
 “ press Terms, the Governors never would apply for such an Act, but erect-
 “ ed that Court by an Ordinance of themselves and Council, as they did
 “ the Court of *Chancery*, which had before that Time been erected by Acts
 “ of the Legislature in another Manner.---They could not be ignorant,
 “ what Dissatisfaction the erecting of a Court of *Chancery* in that Manner,
 “ gave the Generality of the People.---This was very manifest, by the Re-
 “ solves of the General Assembly, at the Time of its first being so erected,
 “ and often since, declaring the Illegality of such a Proceeding. And though
 “ these Resolves, have been as often as made, treated by the Governors with
 “ an unreasonable Disregard and Contempt of them, yet to Men of Prudence,
 “ they might have been effectual, to have made them decline persisting in a
 “ Procedure, so illegal and so generally dissatisfactory; and which (as they
 “ managed it) proved of no Use to the Public or Benefit to themselves. For
 “ as few of them had Talents equal to the Task of a Chancellor, which
 “ they had undertaken to perform, so it was executed accordingly. Some
 “ of them being willing to hold such a Court, others not, according as they
 “ happened to be influenced by those about them. So that were it really
 “ established in the most legal Manner (as it was not) yet being in the Hands
 “ of a Person not compellable to do his Duty, it was so managed, that the
 “ extraordinary Delays and fruitless Expence attending it, rendered it not
 “ only useless, but a Grievance to the Inhabitants, especially those, who
 “ were so unfortunate as to be concerned in it: which we hope you think
 “ with us, that it is high Time should be redressed.

“ Your Honour well knows, that the establishing that Court, in the Man-
 “ ner it has been done, has been a Subject of Contention, between the Go-

“ vernors

“Governers and the Assembly; and since it is confessed by all, that the establishing both of that, and other Courts, by Act of the Legislature, is indisputably legal, and gives them the most uncontrovertible Authority; and if unquestionably legal, what is so, cannot be destructive of his Majesty’s Prerogative.---We therefore hope, you will make no Scruple of assenting to this Bill, to put an End to a Contention, that has not been, nor will be, while it continues, beneficial to his Majesty’s Service.”---

From this Time, the *Chancery* has been unattacked by the Assembly, but the Business transacted in it is very inconsiderable. A Court of Equity is absolutely necessary, for the due Administration of Justice; but whether private Property ought to be in the Hands of the Governours, I leave others to determine*. As the publick Business of the Colony increases, few of them, I believe, will be ambitious of the Chancellor’s Office, as they have not the Assistance of a Master of the *Rolls*. The present Officers of this Court (which is always held in the Council-Chamber at the Fort) are, his Excellency Sir *Charles Hardy*, Knt. Chancellor, two Masters, two Clerks, one Examiner, a Register, and a Serjeant at Arms, and not one of them has a Salary. In our Proceedings we copy after the *Chancery* in *England*, and indeed in all our Courts, the Practice at Home is more nearly imitated in this and *New-Jersey*, than in any other Province upon the Continent. Few of our Assemblies have been capable to concert any new Regulations of this Kind; and hence the Lawyers have had Recourse to the *English* Customs and Forms, which they have generally adopted. While the *New-England* Colonies, through the superior Education of their Representatives, have introduced numberless Innovations, peculiar to themselves; the Laws of our Mother Country have gradually obtained here, and, in this Respect, the Publick has perhaps received Advantages, even from the Ignorance of our Ancestors.

* Some are of Opinion, that the Governour’s Jurisdiction in this, and the *Spiritual*, or *Prerogative*, Court are incompatible.

F I N I S.

