

Background: Chicago skyline from Planetarium point.

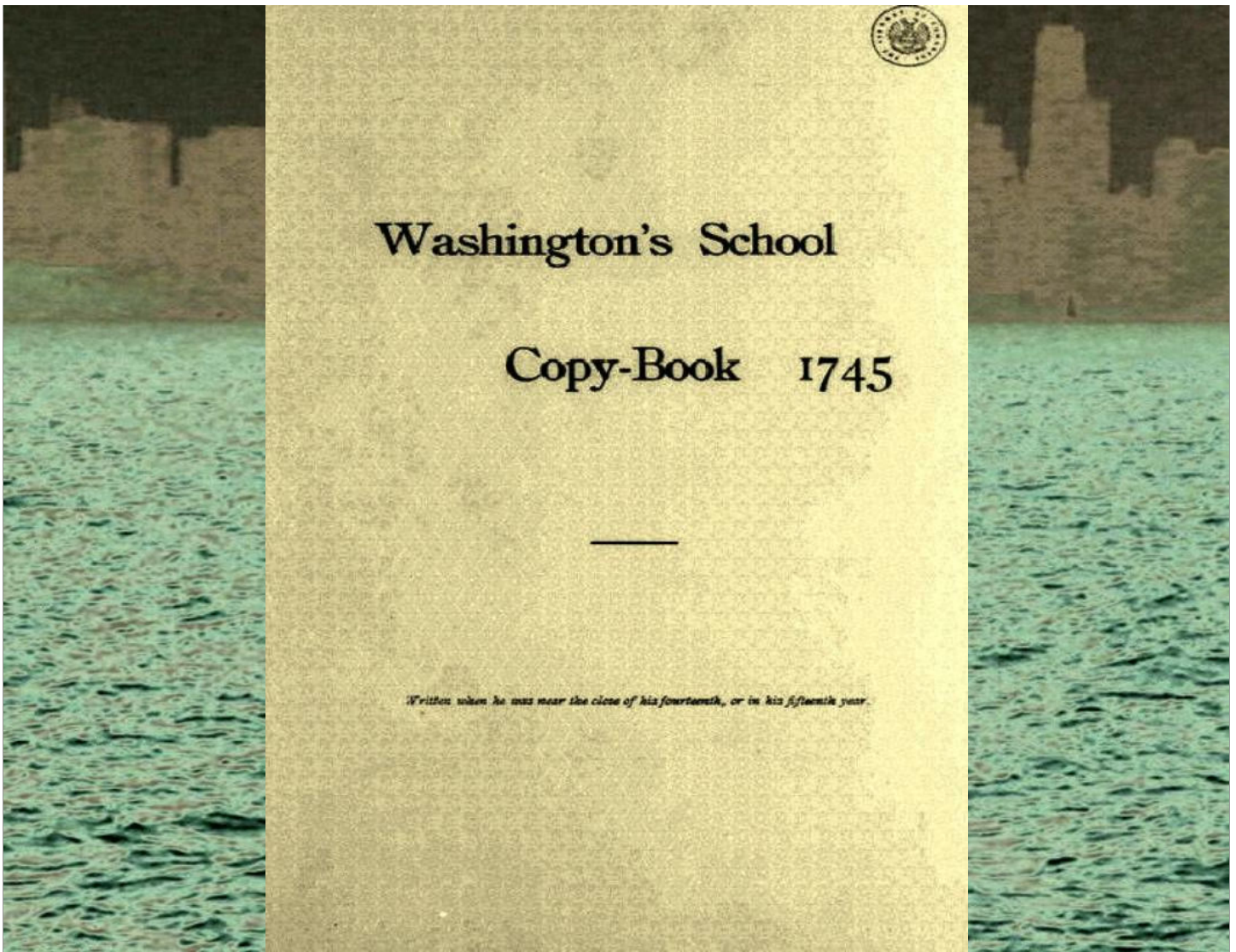
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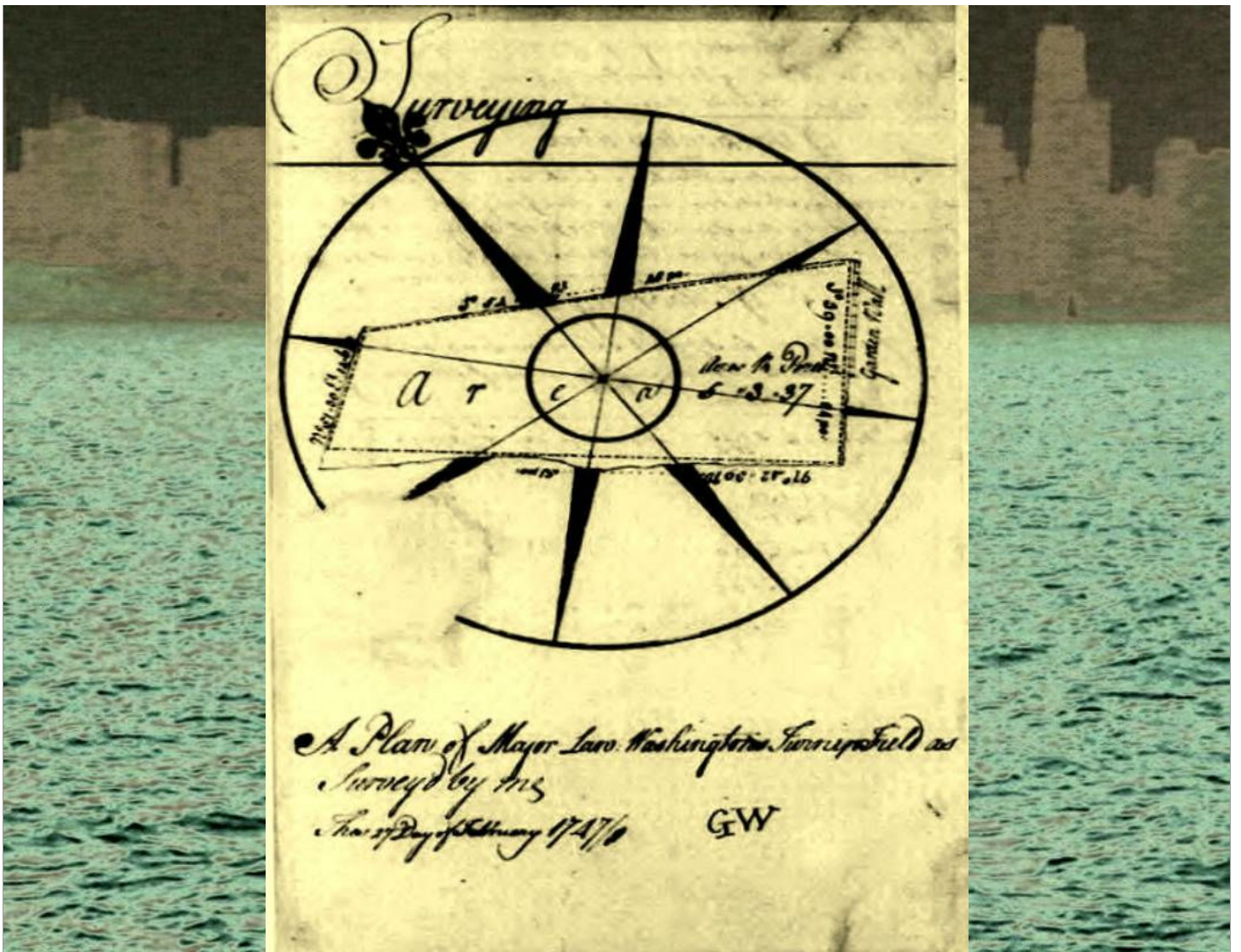


Restaurant (south wall). Hubbard at Union (northwest corner). Chicago, Illinois.



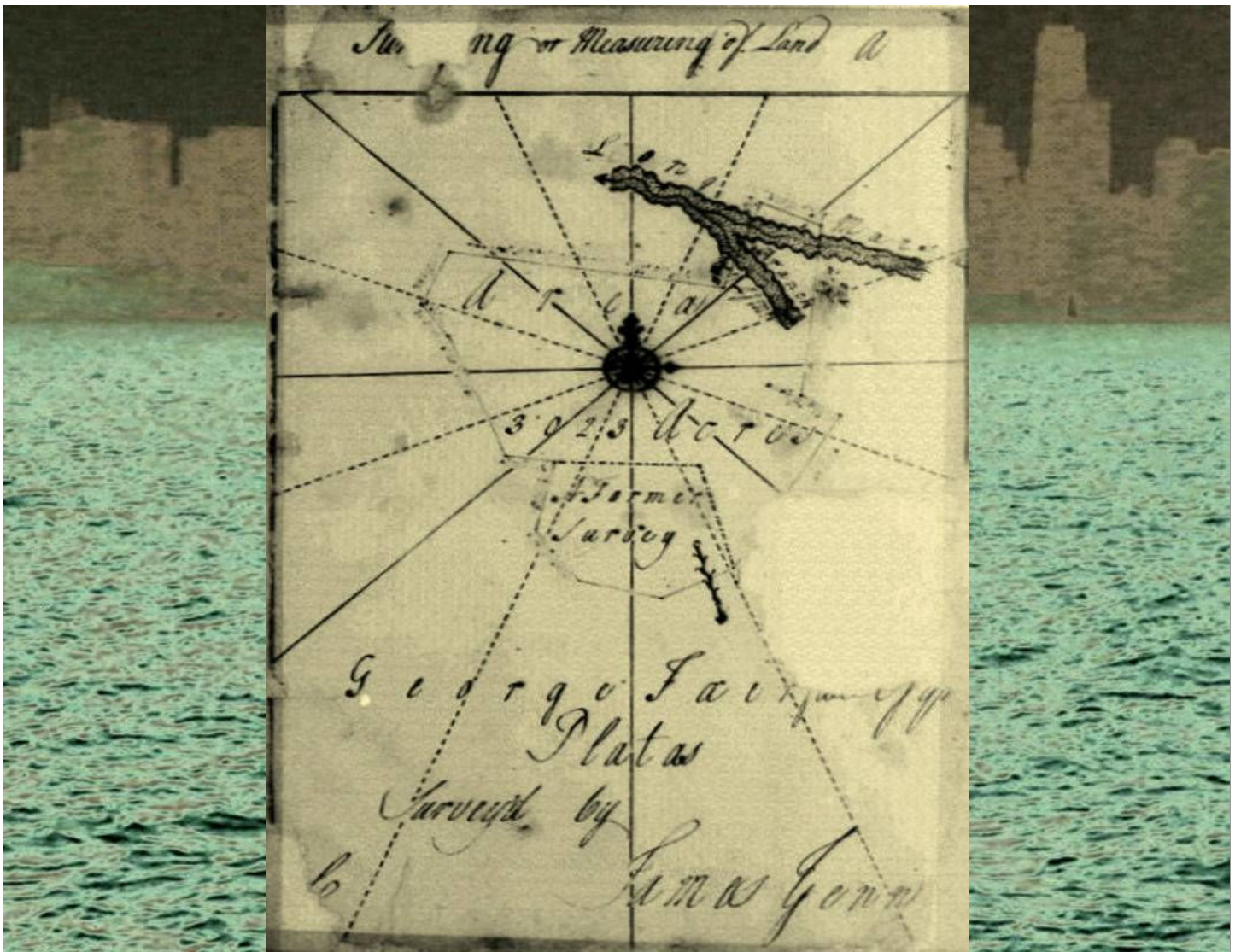
George Washington's copy book

found at George Washington Papers at the Library of Congress, 1741-1799; Series 1a. www.loc.gov (American Memory)



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Bernard, Jean Frédéric (died 1752). Le cours du fleuve Mississipi selon les relations les plus modernes. Amsterdam: Chez J. F. Bernard (1737).

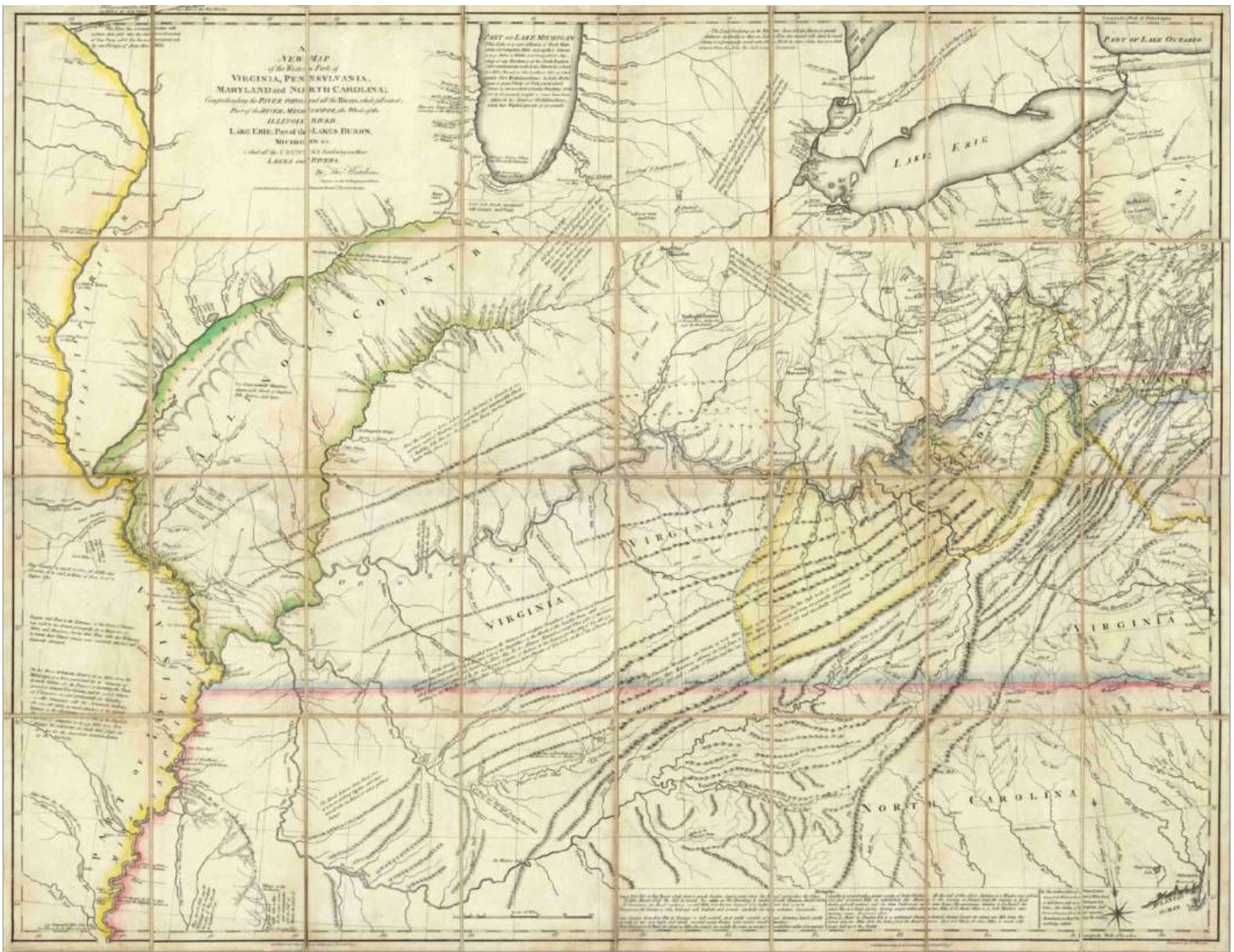
Shows territory from Hudson Bay to the Gulf of Mexico, and from headwaters of the Rio Grande to the mouth of the St. Lawrence.

Number 15, Rochambeau collection. Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

Call #G3300 1737 .B4 Vault : Roch 15

Digital ID g3300 ct001248 <http://hdl.loc.gov/loc.gmd/g3300.ct001248>

ct001248[1].jpg



Hutchins, Thomas. A Topographical Description Of Virginia, Pennsylvania, Maryland, And North Carolina, Comprehending The Rivers Ohio, Kenhawa, Sioto, Cherokee, Wabash, Illinois, Mississippi, &c With A Plan of the Rapids of the Ohio. London: J. Almon, publishers & sellers (opposite Burlington House, in Piccadilly) (1778).

An uncolored map showing the local roads, sprints, and topography of the land. First edition, second issue.

Reference: Streeter 1299; Howes H846. Streeter: "Hutchins' work is one of the most valuable sources on the West during the British period."

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A
CATALOGUE
OF THE
BOOKS MANUSCRIPTS AND MAPS
RELATING PRINCIPALLY TO
AMERICA

COLLECTED BY THE LATE
LEVI ZIEGLER LEITER

With Collations and Bibliographical Notes

BY
HUGH ALEXANDER MORRISON



WASHINGTON
PRIVATELY PRINTED
1907

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University of California.
with the compliments of

Mrs. Mary T. Leiter

Mr. Joseph Leiter

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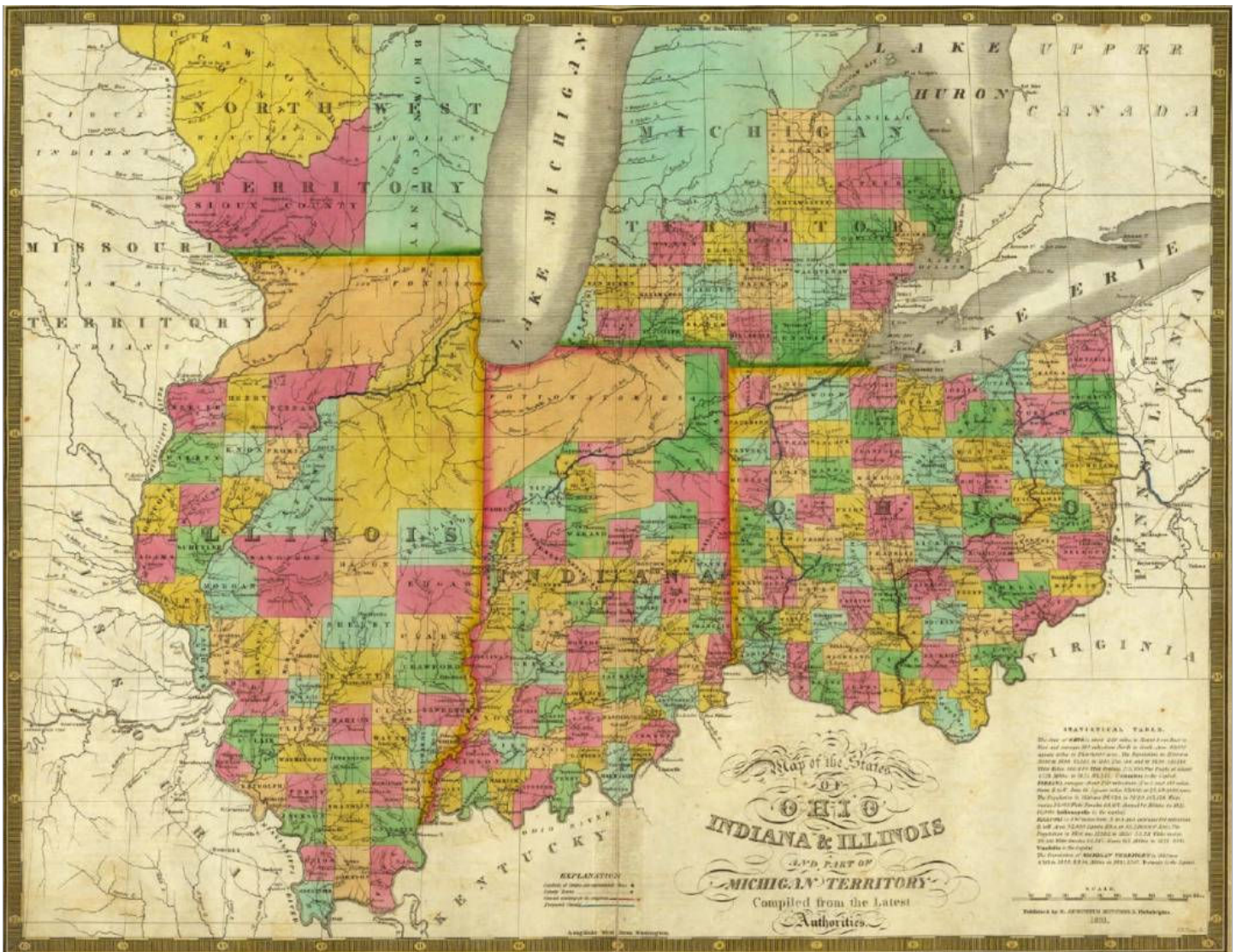
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FACSIMILE OF ORIGINAL MAP SKETCHED BY BENJAMIN FRANKLIN AND DAVID HARTLEY, 1783

Franklin, Benjamin and Hartley, David (artists) (1783). Proposed division of territories west of the original states. Plate 13. Facsimile of original map sketched by B. Franklin and D. Hartley. page 345 in *The Leiter Library, A Catalogue of the Books Manuscripts and Maps Relating Principally to America Collected by the Late Levi Ziegler Leiter with Collations and Biographical Notes by Hugh Alexander Morrison*. Washington: Mrs. Levi Zeigler (1907).



Map of the States Of Ohio, Indiana & Illinois And Part Of Michigan Territory Compiled from the Latest Authorities. page 11 in A New American Atlas, Designed Principally To Illustrate The Geography Of The United States Of North America; In Which Every Country In Each State And Territory Of The Union Is Accurately Delineated, As Far As At Present Known: The Whole Compiled From The Latest And Most Authentic Information. Philadelphia: S. Augustus Mitchell (1831). Engraved by J.H. Young Sc.

Mitchell's first atlas, published in the first year of Mitchell's map publishing career. Mitchell purchased the plates for this atlas from Anthony Finley, who used them previously in his 1826 edition of his own atlas of the same title, "New American Atlas" (see our # 0278, 0279). Mitchell reissued the atlas with Mitchell's imprint on all the maps, with updating on the maps, and with new borders for the maps. This form of the atlas (folio) is most rare, with no copy in the Library of Congress and only two copies located by LeGear in her "American Atlases" bibliography. Dealers note only one copy for sale or at auction in the last decade. The maps included in the atlas were produced by Mitchell primarily as pocket maps and this explains the rarity of the folio atlas. Maps in full hand painted color. Atlas bound in half leather marbled paper covered boards with red leather label stamped with "American Atlas" in gilt.

David Rumsey Collection :
 Reference American Atlases L3584; P11026 and L3585 (Pocket edition).
 List #3884.011
 Series #14
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- The fundamental principles of democracy don't support a power of government to tax landed property or to
- seize it for unpaid taxes.

Nonetheless, the American Revolution cost money that Americans didn't have at the time, and American leaders had to come up with something to convince foreign creditors that they could pay back loans.

- The states granted the power to the Continental Congress when they wrote and ratified the 1781 Articles of Confederation.

State legislators didn't explain how they got the right to grant it.

The power to tax landed property is a fabrication; it's only a figment of greedy imaginations; but it's an enduring part of US life.

● A power of government to tax landed property got into the mix during the American Revolution.

● The so-called states granted the power to the Continental Congress when they ratified the 1781 Articles of Confederation, but members of state legislatures couldn't explain satisfactorily how they got the power to grant it. ●

- The states seem to have known that they'd done wrong; their delegates to the Continental Congress never acted on the alleged power to tax landed property.

● They seem to have acknowledged the wrong when they ratified the 1787 US Constitution and retired the 1781 Articles.

● The 1787 US Constitution grants no power to tax landed property to the US Congress or the states.

● It does say that powers it doesn't list belong to states or the people, the two entities not being the same.

● No constitutional provision allows states to fabricate powers for themselves or the people from thin air.

● The English monarchy and its delegates taxed produce and services; people paid rent, not tax, for land.

- Nonetheless, in the mid-1790s, having retired the 1781 Articles, and with no authority except a 1781 provision they didn't carry forward, the US Congress worked on legislation to tax real estate.

The Congress took advantage of some vague provisions in the 1787 Constitution to do so.

They were fooling around and the statute went back to committee and languished a while.

- The Congress wasn't just fooling around.

They'd previously

- attributed a power to tax imports to the states, and had to write and ratify the 1787 Constitution to transfer it to Congress.

What the states ceded to Congress was theirs no longer.

The power to tax landed property would be the same.

- If the power to tax landed property belonged to the US Congress because the states ratified vague language, then the power to tax landed property didn't belong to the states.

The transfer of power is a two-way street.

The states would need a new constitution or a constitutional amendment to get back a power to tax land that they didn't really have to begin with.

- If you marked the waxing, waning and positioning of the power to tax landed property on a timeline of
- American negotiations with foreign powers to acquire new territory, you might see more than coincidence.

● Congress debated and enacted a property tax in the 1790s but didn't enforce it prior to the acquisition of Louisiana.

● It sat in committee during negotiations for East Florida.

- Congress didn't talk tough about its power to tax real estate until the Alamo was lost and negotiations were underway for Texas.

● Meanwhile, as Congress acquired new territory, it signed off on charters for new states that imply they could tax land, without saying so directly. It takes more than a statehood charter to make the power true. ●

- The provisions of charters for new states don't play backward to original states, no matter how many items from their wish lists the old states put in them.

● However, the justifiable powers of original states might play forward.

- From the start, different states of the United States acted differently on their alleged power to tax land and the things that people build on it.

● Illinois officials passed the power to tax property to counties, possibly because they knew that both the counties and the tax are wrong. To defeat counties is one of several ways to defeat the tax in Illinois.

● Illinois has counties because it is a division of the Northwest Territory.

● The 1787 Ordinance for the government of the Northwest Territory told the first officials to divide the whole territory into townships or counties.

The 1785 Land Act had already ordered the division of the territory into townships.

The word township meant different things to the inhabitants of different states; and some states had no townships at all.

Some states that had townships had them by another name.

- Within the context of the 1787 Ordinance, the word township could be defined only as the 1785 Land Act defined it.

The 1785 Land Act defined a township as a tract of land, square in shape, 6 miles a side, subdivided into one-mile square sections, for a total of 36 square-mile sections per township.

- The 1785 Land Act further defined townships by reserving five+ of the 36 square mile sections from sale.

The reservations could be rented and income used as a tax alternative to offset the cost of government services, because taxation exceeds the limited powers of democratic government that gets its power from the people.

- One of the five+ square-mile sections was reserved specifically to township inhabitants for the sole purpose of financing or offsetting their costs for K-8 education for their children.

School lands had to be managed uniformly in all the Northwest and other territories to ensure that the reservation was of equal benefit and value to everyone who bought land and inhabited it.

- Therefore, Congress was obligated to follow-up with a law that described how township inhabitants would manage the land and divide the income among its schools.

The 1787 Northwest Ordinance was the logical follow-up law, but it doesn't follow through.

- Like townships, counties had developed differently in the various colonies and states.

- They were known by various names and had different functions place to place.

- Unlike townships, counties didn't have a standard definition created by a national law that could be used to interpret and enforce the provision of the 1787 Ordinance regarding the division of the territory into townships or counties.

- Townships were strong and counties were weak in the colonies of New England.

- The 1785 Land Act divided the Northwest Territory into townships in deference to New England and mid-

- Atlantic states.

- Virginia had no townships.

- Virginia did have a leading role in the war with England and donated most of the Northwest Territory to the new nation so it could be sold to pay down the debt of the Revolution.

- In the phrase, townships or counties, counties is clearly a modifier that helps both New Englanders and Virginians understand that southern counties are the equivalent of northern townships.

The 1787 Ordinance mandates the division of the territory into townships (aka counties etc.) for the sole purpose of providing electoral districts so inhabitants can send representatives to the territorial legislature.

● The 1787 Ordinance doesn't imply that the electoral districts had additional purposes.

● The 1787 Ordinance doesn't describe district governance and grant it power over people and land.

● Townships could and should have done fine as electoral districts for many years to come.

● Townships should have populated slowly and evenly, creating no apportionment problems.

● The 1787 Ordinance says *townships or counties* twice and *townships and counties* once.

● Territorial officials seized on and ran with *townships and counties*, though it's obviously a typo.

● In so doing, they exposed the tremendous power that typesetters can have on a nation.

● The question is, was the typo accidental or on purpose?

● I think the typo was on purpose.

● I also think that Ben Franklin, who was a government printer before he was a diplomat, knew that unscrupulous people can pervert the best of laws by scrambling type.

● Franklin kept an eye on Congress the first few years after the 1783 Treaty of Paris brought a wealth of land under its control.

● He was also involved with people who had plans for the Northwest Territory.

● He would be aware that they planned to disappear tax alternative reservations so they could make the territory a cash cow.

● The more administrative divisions they created, the more the milk would flow.

- These unscrupulous people wouldn't write the 1787 Ordinance themselves.

- If they believed it included the phrase *townships or counties* once, they'd bribe the printer to alter it once.

- Franklin threw in two extra *townships or counties* that the printer didn't look for or change.

- Majority rules. Counties are redundant to townships and an unjustifiable burden on the people.

- Historically, a county is what its name implies; a county is the domain of a count.

- English lords drew counties on American maps in the colonial era because they were used to counties.

- England itself has counties but no counts.

- The countries of mainland Europe had barons and counts. England had dukes and earls and classed them together under the heading baron.

● The names of some English counties include the word shire.

● Shire is a more proper word for counties in England.

● It isn't proper to think of an English county or shire as a duke or earl's domain.

● A domain is a tract of land over which a person or persons have absolute ownership, dominion and rule.

- English barons gained, lost and ceded dominion of their lands when the tides of foreign imperialists ebbed and flowed across their country.

The barons seem to have originated as petty kings of nomadic tribes that reached England in ancient times and claimed a tract of land sufficient for their needs by the simple act of squatting on it.

● Eventually, these kings, who had been elected to lead their tribes in war ad hoc, usurped the communal ownership of land and also exerted a power to govern tribesmen who'd enjoyed a limited autonomy before.

● Rome invaded England, united as many of the kingships as it could, made the union a Roman province, and appointed governors to rule it.

- Rome abandoned England and the petty kings, along with Roman administrators who stayed in the country,
- revived the petty kingships.

They exerted absolute dominion over land and people.

Along came a petty king of the Normans, as Vikings were known when they moved to France, and he conquered the English kings separately and together.

- At the time of the Norman conquest, the kings of European tribes and descendents of former Roman administrators were enamored of all things Roman, and fought among themselves to rule a revived Roman empire.

● The Norman conqueror imposed Roman practices, law and religion on England.

● France had counts; and for this reason, England got counties.

- Slowly but surely, William the conqueror and his successors bundled the land and power of all the petty English kings into the dominion of one king of all the country.

The Norman king granted the same lands to his supporters and a few of the former kings and delegated most of his power to them as long as they respected his absolute dominion.

- English counties then had many of the attributes of the previously private domains of petty kings who'd been entitled dukes and earls.

The monarch maintained a presence in the counties by appointing his own people to them.

The idea was to win the hearts and minds of the locals by keeping the barons in check.

● Norman kings sent sheriffs to the counties. Sheriffs may have gotten their title from shire.

● A succession of Norman kings also appointed coroners to counties.

● A coroner was the king's man, corona being Latin for crown.

● If a duke or earl abused his power and killed locals who rebelled, the coroner would discover it and give victims the king's justice.

- The primary relationship between locals and their rulers was that of tenants or lessees to landlords.

- People who worked the land or had workshops to provide other services, paid rent for the privilege.

- Royal grants to dukes and lords transferred rental income from preexisting leases to them and allowed the barons to engage in a new lease when an old lease expired, if it wasn't perpetual.

● Kings got their income from taxing dukes and earls.

● Before the Roman invasion, the definition of English democracy had sometimes been a right of tribesmen to elect their generals when wars arose.

● After the Norman invasion, dukes and earls demanded a right to meet with their king to negotiate how much he'd tax them.

● These meetings became the new English definition of democracy.

- The English definition of democracy didn't question a king's right to demand a cut of his barons' income
- from rents paid by locals.

The English definition of democracy accepted a king's right to take what was his, all the land, its produce and people being his domain, but reminded the king that though he was supreme, a handful of people could take him out.

- The English nobility is also known as the peerage, and the House of Lords as the House of Peers, though peer means equals.

The variable definition of peer confuses the term, a jury of one's peers.

A jury of peers had been a jury of tribesmen or soldiers back when tribes dispensed justice as they defined it.

Then juries became lords judging each other because they claimed to have superior knowledge of law.

● The relationship between the common people and their nobles was similar to the relationship between the nobles and their king.

● It didn't take too many centuries for nobles and kings to realize it was good public relations to have meetings with common people regarding taxation, since all taxes fall on the common people sooner or later.

● English dukes and earls got their House of Lords in which they could negotiate and approve taxes.

● Lords owed their titles to kings who could revoke the titles that they or a predecessor had granted.

● Then the locals got a House of Commons in which to do the same, though the Lords could veto their decisions.

● The king could dissolve one or both houses if he didn't like their decisions.

● The legislative process in England has been misrepresented as self-determination ever since.

● Counties became electoral districts for the purpose of sending people to Parliament.

● Counties sent one duke or earl and a few additional titled people to the House of Lords.

● The lords' largest lessees voted for a few of their own to sit in the House of Commons.

● The absolute dominion of the Norman dynasty remained intact up to the American revolution.

● English kings merely signed over more of it to Houses known for corruption and as enemies of the people.

● Colonial assemblies exerted the king's power and enforced English law in the colonies, in addition to the king's appointed governors.

● Colonial legislatures were a third House that American colonists suffered.

- Colonial assemblies were places where the richest colonists interfaced with English governors and lords.

It's likely that the interface led to a conspiracy, the purpose of which was to shift the absolute power of kings entirely to lords, and a few other privileged people, before wiping kings off the map.

● The lords of Europe would be happy indeed if they could tax and not be taxed.

● To many leaders, the war was a public spectacle to mask a private coup.

● The shift of absolute power over land and people occurred, whether the conspiracy can be proved or not.

● It occurred in the name of the people who'd be taxed.

A chapter from William Maclay's journals is among the documents that follow this introduction to them.

William Maclay represented Pennsylvania in the first Congress after the 1787 Constitution took effect.

He writes of constituents and colleagues who cut deals to sell US soil to Europeans.

He might also reveal a plot to make immigration and naturalization synonyms of each other.

● Speculators who bought US soil low to sell it high needed immigration to make a profit.

● The 1787 Constitution doesn't give Congress a power to allow immigration (admit foreign labor).

● The Constitution attributes the power to bring in foreign labor to the states and indicates they agreed to retire it in the early 1800s.

- As with the power to tax imports, the states would have to ratify a new constitution or amend the current one (1787) to transfer the power to Congress.

The 1787 Constitution grants Congress the power to naturalize foreign nationals.

It refers to foreign nationals who owned land in territory that Congress acquired from foreign governments.

- The power to naturalize foreign grantees in territory that the US acquired by conquest or purchase was redundant to the Laws of Nations by which the US must abide to be a member of the family of nations.

Treaties that formalized territorial acquisitions included a provision to naturalize the grantees.

The constitutional provision for naturalization augments the power of Congress to make treaties.

- The provision for naturalization in the treaties is redundant to international law; and
- naturalization would have to occur even if a treaty didn't specify it.

Kings aren't as powerful as they look in the movies.

They exist mostly to legitimize the power of their lords over land and people and to sign the occasional treaty.

- If, say, the lords of France wanted the benefits of shifting their grants in Louisiana to US dominion,
- the king would have to give them what they wanted.

● Though he'd still have to worry about losing his head.

● Or if some Spanish grantees in Florida or California yearned to be US citizens, for the reasons I'm trying to explain here, well, the Spanish king would have to make it happen.

- The property tax was a bargaining chip in negotiations with foreign grantees for the US acquisition of foreign soil in North America.

● If they had to stage a US win in a war of conquest to explain to their lessees why they'd be paying the Yankees property tax, sobeit.

● None of the inside traders even tried to explain to the Anglos what followed on their deals.

● Anglo commoners would fight for and win land that foreign profiteers would buy and sell for huge profits to foreigners; the inflated prices would inflate the taxes that the Anglos were paying on land they'd already fought for and won.

● If they didn't pay the tax on the land, they'd lose it.

● New England Puritans and Pennsylvania Quakers have in common that they both lived for a time in Holland; and they migrated to the US with the support of Dutch bankers.

- Puritans and Quakers expanded their territory in New England and spread into the mid-Atlantic states during the colonial era.

They'd moved into the south by the time of the revolution.

Dutch bankers financed the revolution indirectly and directly.

- William Penn is of special interest because his father, he himself, and his heirs and colleagues had a talent for luring English lords and monarchs into debt.

When Penn called in his and his father's markers, he demanded American colonies in payment.

● The property tax is another way to throw people into debt and seize their land.

● Up to the day I'm typing this introduction, inflated Dutch mortgages leading to foreclosure are a third way to seize US soil, and resemble Penn's initial strategy closely.

I became suspicious when I noted that a Dutch banker sat on the Chicago Board of Education when it fired me for blowing the whistle on irregularities in its compliance with special education law.

The banker claimed the bank was US in his Board of Education bio, but my handbook of Chicago banks said otherwise, as did materials I received in the mail for being a customer of it.

● Delving a little deeper,
I came across some
Powerpoint presentations
that a Holland-based
● employee of the bank had
put online, explaining its
profits to stockholders.

● The bank made its money
from mortgage loans in the
United States and Brazil.

● Brazil was more profitable.

● I had been a property owner for several decades.

● I developed a spreadsheet from my itemized tax bills that showed that as my property tax inflated, the Board of Education percentage of it also grew.

● I'd learned to navigate the Illinois statutes during a divorce and again when I blew the whistle on special education violations.

With this experience under my belt, all of it pointing to systemic corruption in the Illinois General Assembly, I learned that Illinois General Assemblypersons have made a lot more work for themselves than they should.

They've enacted a large body of law regarding municipal governments, schools, and property taxes for the generality of Illinois counties, communities and residents.

- **Illinois General Assemblypersons have enacted a matching body of law specific to Chicago and/or Cook County that says ridiculously divergent things.**

The Mayor of Chicago appoints Chicago Board of Education members.

Everywhere else in Illinois, the voters elect board of education members.

● The Chicago Board of Education can run up as much debt as it pleases, and float bond issues to pay it off, under the Mayor's oversight.

● Everywhere else in Illinois, the voters must approve each and every bond issue their elected board members want; and quite often they vote no.

- The Chicago Board of Education can run up as much debt as it pleases because the Cook County Treasurer is its flunky to collect whatever taxes it demands from property owners.

● The Illinois Constitution provides for a property tax cap.

● The tax cap is higher for Cook County than other counties.

● The tax cap is a cap in name only.

● The tax cap is a percentage of the combined assessed valuations of all properties in the county, on which there is no cap.

- A banker can, therefore,
 - ☑ borrow tax revenues while they sit on deposit ...
 - ☑ use the borrowed money to make inflated loans on a few properties ...
 - ☑ give the county assessor inflated selling prices and appraisals ...

- ☑ force the assessor to inflate assessed valuations on all other properties ...
- ☑ force a tax increase on all properties ...
- ☑ increase tax revenues on deposit that the banker can borrow for another round of inflation ...

- while he sits on the board of education driving up the cost of education by short changing students ...
- so he can run up a giant school debt his bank can buy and collect interest on ...

- in addition to interest his bank collects on inflated mortgages ...
- that force home owners and renters into poverty ...
- inflating government debt for poverty programs to relieve their anguish ...

● William Maclay preached the Quaker doctrine in his journal.

● They believe in the oneness or brotherhood of man, and for this reason they wanted the US to have a liberal immigration law.

● Maclay forgot to mention that Quaker speculators and financiers needed immigrants to pay too much for Chicago houses and Chicago city services so they could work in Chicago factories.

● In effect, the men who founded the US founded it as a private for-profit corporation without anyone's by-your-leave but their own.

● The states perpetuated the colonial corporations as money makers for European lords, while the new national government, created new money-making opportunities for them.

● The states' several constitutions and the three consecutive national constitutions were the equivalent of corporate by-laws; and have no more jurisdiction over the people than the by-laws of other corporations.

● They simply describe how corporate executives will run their businesses to protect the interests of their stockholders.

● Foreign banks are stockholders because they buy US debt; the American people aren't.

● The American people are customers who've lost the power of the purse, because their so-called government forces them to buy whatever the banks want it to sell.

● The Penns et al. executed a deft maneuver and an awesome sleight of hand back in the day.

● But that's all.

● It doesn't wash.

● From the first Congress onward, following ratification of the 1787 Constitution, the Quakers held an annual meeting and wrote up a petition that they sent to Congress.

● The petition reminded Congress that the former colonies had agreed to end slavery when they ratified the 1774 Articles of Association, before they declared themselves states in 1776.

● Actually, the former colonies had agreed only to end the slave trade.

● Some analysts might think the 1787 provision to stop the importation of foreign labor in the early 1800s follows through.

● However, the industrial revolution had already started, and few people mistook industrial jobs for freedom.

● Southern planters could barely make ends meet, with or without slavery.

- African laborers already in the US were stiff competition for white commoners in the labor markets of the south, whether slave or freed.

If Quakers, Puritans and adherents of the other Protestant sects of the north imported European workers for their factories, the condition of southern whites would get even worse.

● Quakers claimed to be peaceful, but they forced the Civil War.

● It occurred because northern profiteers refused to compromise with the south, admit that they were slavers, too, and give it up.

● Lincoln used the contents of the annual Quaker petitions as a legal argument to proceed to war.

● Quakers said they believed in the brotherhood of man, but the Civil War became a genocide of people who really were their brothers, or at least their own kind.

● Lincoln got the liberal immigration law through Congress at the onset of the war; and US cities have been industrial disaster zones, as well as ethnic war zones ever since.

● The Civil War ran up a huge debt; European bankers bought it as usual; and forced the first income tax through Congress to pay it down.

● Maclay's heirs wrote that they published his journals because the underlying message of them is that notable people are flawed.

● He might have made the case closer to home than they thought.

● The 1785 Land Act had reserved one square mile of every 36 square miles to be rented for the support of schools.

● The 1785 Land Act reserved four square miles of every 36 square miles for the future disposition of Congress.

A 1796 revision of the 1785 Land Act, cleared some confusion in the 1785 Act, and made it clear that the best of the founders wanted Congress to retain the land and rent it, rather than sell it off.

Nonetheless, the reservations of four square miles disappeared quickly.

Subsequent territorial land acts reserved more square miles to schools, and none to Congress.

I recall seeing the statute by which Congress slipped the four square miles back into the general pool of public lands from which they could be sold, when I first went through the statutes in 2004, but I couldn't find it in 2011.

I do recall that if I saw the statute, I could find no debate about it in the record.

● The 1785 Land Act also reserved all patches of land that contained mineral and salt deposits.

● The fate of school lands is well documented and the fate of mineral lands equally so.

● Though mining companies have gotten a nasty reputation, the federal government was never at a loss for miners willing to rent and improve its mineral lands.

● Mineral lands were a source of income and an alternative to taxes for Congress, same as they had been for monarchs.

● Congress hasn't managed its mineral lands consistently.

● It has changed its mind many times about whether to rent or sell, though renting is the better option.


● It currently prefers renting; and acknowledges that it could improve the land and rent facilities for mining as well as the right to mine.

● The industrialization of America was inevitable in the north, the south, the old states, the territories, and the new states.

● Congress could have cut a lot of red tape and a lot of crap if it retained the four square miles of every 36 in the territories and new states, played them backwards as best it could, and rented the land to entrepreneurs.

● Corporations of every size and millionaires would have no cause to gripe about and evade income taxes, if taxes were beside the point because government paid its bills with rental income that corporations paid to do business in the first place.

● Government wouldn't have to fight interminable fights in the courts to protect the people from pollution, if government owned the land on which industries flourished. Government could put environmentally friendly rules in the leases.



● You can see the sane and beautiful future the best of US founders mapped out for us.

●

●

● You can also see how the worst of them destroyed it.

●

●

JOURNALS OF THE CONTINENTAL CONGRESS

1774-1789

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saving in that Department, and thereby rendered services to the United States, and thereupon submit the following Resolution.¹

FRIDAY, MAY 20, 1785.

Congress assembled. Present as yesterday.

Congress proceeded in the third reading of the Ordinance for ascertaining the mode of disposing of lands in the western territory, and the same being gone through, was passed as follows:

An Ordinance for ascertaining the mode of disposing of Lands in the Western Territory.

Be it ordained by the United States in Congress assembled, that the territory ceded by individual States to the United States, which has been purchased of the Indian inhabitants, shall be disposed of in the following manner:

A surveyor from each state shall be appointed by Congress, or a committee of the States, who shall take an Oath for the faithful discharge of his duty, before the Geographer of the United States, who is hereby empowered and directed to administer the same; and the like oath shall be administered to each chain carrier, by the surveyor under whom he acts.

The Geographer, under whose direction the surveyors shall act, shall occasionally form such regulations for their conduct, as he shall deem necessary; and shall have authority to suspend them for misconduct in Office, and shall make report of the same to Congress, or to the Committee of the States; and he shall make report in case of sickness, death, or resignation of any surveyor.

The Surveyors, as they are respectively qualified, shall proceed to divide the said territory into townships of six miles square, by lines running due north and south, and others crossing these at right angles, as near as may be, unless where the boundaries of the late Indian purchases may render the same impracticable, and then they shall depart from this rule no farther than such particular circum-

¹ This report, in the writing of John Lawrance, is in the *Papers of the Continental Congress*, No. 19, III, folio 623. It was read this day, according to the indorsement, and the resolve, as recommended, passed verbatim June 13. Ludwick's memorial is in No. 41, V, folio 411.

stances may require; and each surveyor shall be allowed and paid at the rate of two dollars for every mile, in length, he shall run, including the wages of chain carriers, markers, and every other expense attending the same.

The first line, running north and south as aforesaid, shall begin on the river Ohio, at a point that shall be found to be due north from the western termination of a line, which has been run as the southern boundary of the state of Pennsylvania; and the first line, running east and west, shall begin at the same point, and shall extend throughout the whole territory. Provided, that nothing herein shall be construed, as fixing the western boundary of the state of Pennsylvania. The geographer shall designate the townships, or fractional parts of townships, by numbers progressively from south to north; always beginning each range with number one; and the ranges shall be distinguished by their progressive numbers to the westward. The first range, extending from the Ohio to the lake Erie, being marked number one. The Geographer shall personally attend to the running of the first east and west line; and shall take the latitude of the extremes of the first north and south line, and of the mouths of the principal rivers.

The lines shall be measured with a chain; shall be plainly marked by chaps on the trees, and exactly described on a plat; whereon shall be noted by the surveyor, at their proper distances, all mines, salt springs, salt licks and mill seats, that shall come to his knowledge, and all water courses, mountains and other remarkable and permanent things, over and near which such lines shall pass, and also the quality of the lands.

The plats of the townships respectively, shall be marked by subdivisions into lots of one mile square, or 640 acres, in the same direction as the external lines, and numbered from 1 to 36; always beginning the succeeding range of the lots with the number next to that with which the preceding one concluded. And where, from the causes before mentioned, only a fractional part of a township shall be surveyed, the lots, protracted thereon, shall bear the same numbers as if the township had been entire. And the surveyors, in running the external lines of the townships, shall, at the interval of every mile, mark corners for the lots which are adjacent, always designating the same in a different manner from those of the townships.

The geographer and surveyors shall pay the utmost attention to the variation of the magnetic needle; and shall run and note all lines

by the true meridian, certifying, with every plat, what was the variation at the times of running the lines thereon noted.

As soon as seven ranges of townships, and fractional parts of townships, in the direction from south to north, shall have been surveyed, the geographer shall transmit plats thereof to the board of treasury, who shall record the same, with the report, in well bound books to be kept for that purpose. And the geographer shall make similar returns, from time to time, of every seven ranges as they may be surveyed. The Secretary at War shall have recourse thereto, and shall take by lot therefrom, a number of townships, and fractional parts of townships, as well from those to be sold entire as from those to be sold in lots, as will be equal to one seventh part of the whole of such seven ranges, as nearly as may be, for the use of the late continental army; and he shall make a similar draught, from time to time, until a sufficient quantity is drawn to satisfy the same, to be applied in manner hereinafter directed. The board of treasury shall, from time to time, cause the remaining numbers, as well those to be sold entire, as those to be sold in lots, to be drawn for, in the name of the thirteen states respectively, according to the quotas in the last preceding requisition on all the states; provided, that in case more land than its proportion is allotted for sale, in any state, at any distribution, a deduction be made therefor at the next.

The board of treasury shall transmit a copy of the original plats, previously noting thereon, the townships, and fractional parts of townships, which shall have fallen to the several states, by the distribution aforesaid, to the Commissioners of the loan office of the several states, who, after giving notice of not less than two nor more than six months, by causing advertisements to be posted up at the court houses, or other noted places in every county, and to be inserted in one newspaper, published in the states of their residence respectively, shall proceed to sell the townships, or fractional parts of townships, at public vendue, in the following manner, viz: The township, or fractional part of a township, N 1, in the first range, shall be sold entire; and N 2, in the same range, by lots; and thus in alternate order through the whole of the first range. The township, or fractional part of a township, N 1, in the second range, shall be sold by lots; and N 2, in the same range, entire; and so in alternate order through the whole of the second range; and the third range shall be sold in the same manner as the first, and the fourth in the same manner as the second, and thus alternately throughout all the ranges; pro-

vided, that none of the lands, within the said territory, be sold under the price of one dollar the acre, to be paid in specie, or loan office certificates, reduced to specie value, by the scale of depreciation, or certificates of liquidated debts of the United States, including interest, besides the expense of the survey and other charges thereon, which are hereby rated at thirty six dollars the township, in specie, or certificates as aforesaid, and so in the same proportion for a fractional part of a township, or of a lot, to be paid at the time of sales; on failure of which payment, the said lands shall again be offered for sale.

There shall be reserved for the United States out of every township, the four lots, being numbered 8, 11, 26, 29, and out of every fractional part of a township, so many lots of the same numbers as shall be found thereon, for future sale. There shall be reserved the lot N 16, of every township, for the maintenance of public schools, within the said township; also one third part of all gold, silver, lead and copper mines, to be sold, or otherwise disposed of as Congress shall hereafter direct.

When any township, or fractional part of a township, shall have been sold as aforesaid, and the money or certificates received therefor, the loan officer shall deliver a deed in the following terms:

The United States of America, to all to whom these presents shall come, greeting:

Know ye, That for the consideration of dollars, we have granted, and hereby do grant and confirm unto the township, (or fractional part of a township, as the case may be) numbered in the range excepting therefrom, and reserving one third part of all gold, silver, lead and copper mines within the same; and the lots Ns 8, 11, 26, and 29, for future sale or disposition, and the lot N 16, for the maintenance of public schools. To have to the said his heirs and assigns for ever; (or if more than one purchaser, to the said their heirs and assigns forever as tenants in Common.) In witness whereof, (A. B.) Commissioner of the loan office, in the State of hath, in conformity to the Ordinance passed by the United States in Congress assembled, the twentieth day of May, in the year of our Lord one thousand seven hundred and eighty five, hereunto set his hand, and affixed his seal, this day of in the year of our Lord and of the independence of the United States of America

And when any township, or fractional part of a township, shall be sold by lots as aforesaid, the Commissioner of the loan office shall deliver a deed therefor in the following form:

The United States of America, to all to whom these presents shall come, Greeting:

Know ye, That for the consideration of dollars, we have granted, and hereby do grant and confirm unto the lot (or lots, as the case may be, in the township or fractional part of the township, as the case may be) numbered in the range excepting and reserving one third part of all gold, silver, lead and copper mines within the same, for future sale or disposition. To have to the said his heirs and assigns for ever; (or if more than one purchaser, to the said their heirs and assigns for ever as tenants in common.) In witness whereof, (A. B.) Commissioner of the continental loan office in the state of hath, in conformity to the Ordinance passed by the United States in Congress assembled, the twentieth day of May, in the year of our Lord 1785, hereunto set his hand, and affixed his seal, this day of in the year of our Lord and of the independence of the United States of America

Which deeds shall be recorded in proper books, by the commissioner of the loan office, and shall be certified to have been recorded, previous to their being delivered to the purchaser, and shall be good and valid to convey the lands in the same described.

The commissioners of the loan offices respectively, shall transmit to the board of treasury every three months, an account of the townships, fractional parts of townships, and lots committed to their charge; specifying therein the names of the persons to whom sold, and the sums of money or certificates received for the same; and shall cause all certificates by them received, to be struck through with a circular punch; and they shall be duly charged in the books of the treasury, with the amount of the moneys or certificates, distinguishing the same, by them received as aforesaid.

If any township, or fractional part of a township or lot, remains unsold for eighteen months after the plat shall have been received, by the commissioners of the loan office, the same shall be returned to the board of treasury, and shall be sold in such manner as Congress may hereafter direct.

And whereas Congress, by their resolutions of September 16 and 18 in the year 1776, and the 12th of August, 1780, stipulated grants of land to certain officers and soldiers of the late continental army, and by the resolution of the 22d September, 1780, stipulated grants of land to certain officers in the hospital department of the late

continental army; for complying therefore with such engagements, Be it ordained, That the secretary at war, from the returns in his office, or such other sufficient evidence as the nature of the case may admit, determine who are the objects of the above resolutions and engagements, and the quantity of land to which such persons or their representatives are respectively entitled, and cause the townships, or fractional parts of townships, hereinbefore reserved for the use of the late continental army, to be drawn for in such manner as he shall deem expedient, to answer the purpose of an impartial distribution. He shall, from time to time, transmit certificates to the commissioners of the loan offices of the different states, to the lines of which the military claimants have respectively belonged, specifying the name and rank of the party, the terms of his engagement and time of his service, and the division, brigade, regiment or company to which he belonged, the quantity of land he is entitled to, and the township, or fractional part of a township, and range out of which his portion is to be taken.

The commissioners of the loan offices shall execute deeds for such undivided proportions in manner and form herein before-mentioned, varying only in such a degree as to make the same conformable to the certificate from the Secretary at War.

Where any military claimants of bounty in lands shall not have belonged to the line of any particular state, similar certificates shall be sent to the board of treasury, who shall execute deeds to the parties for the same.

The Secretary at War, from the proper returns, shall transmit to the board of treasury, a certificate, specifying the name and rank of the several claimants of the hospital department of the late continental army, together with the quantity of land each claimant is entitled to, and the township, or fractional part of a township, and range out of which his portion is to be taken; and thereupon the board of treasury shall proceed to execute deeds to such claimants.

The board of treasury, and the commissioners of the loan offices in the states, shall, within 18 months, return receipts to the secretary at war, for all deeds which have been delivered, as also all the original deeds which remain in their hands for want of applicants, having been first recorded; which deeds so returned, shall be preserved in the office, until the parties or their representatives require the same.

And be it further Ordained, That three townships adjacent to lake Erie be reserved, to be hereafter disposed of by Congress, for the use

of the officers, men, and others, refugees from Canada, and the refugees from Nova Scotia, who are or may be entitled to grants of land under resolutions of Congress now existing, or which may hereafter be made respecting them, and for such other purposes as Congress may hereafter direct.

And be it further Ordained, That the towns of Gnadenhutzen, Schoenbrun and Salem, on the Muskingum, and so much of the lands adjoining to the said towns, with the buildings and improvements thereon, shall be reserved for the sole use of the Christian Indians, who were formerly settled there, or the remains of that society,¹ as may, in the judgment of the Geographer, be sufficient for them to cultivate.

Saving and reserving always, to all officers and soldiers entitled to lands on the northwest side of the Ohio, by donation or bounty from the commonwealth of Virginia, and to all persons claiming under them, all rights to which they are so entitled, under the deed of cession executed by the delegates for the state of Virginia, on the first day of March, 1784, and the act of Congress accepting the same: and to the end, that the said rights may be fully and effectually secured, according to the true intent and meaning of the said deed of cession and act aforesaid, Be it Ordained, that no part of the land included between the rivers called little Miami and Sciots, on the northwest side of the river Ohio, be sold, or in any manner alienated, until there shall first have been laid off and appropriated for the said Officers and Soldiers, and persons claiming under them, the lands they are entitled to, agreeably to the said deed of cession and act of Congress accepting the same.

Done by the United States in Congress assembled, the 20th day of May, in the year of our Lord 1785, and of our sovereignty and independence the ninth.

CHARLES THOMSON, *Secretary*. RICHARD H. LEE, *President*.²

The committee, consisting of Mr. [Rufus] King, Mr. [William Samuel] Johnson, Mr. [William] Grayson, Mr.

¹ Moravian. The report of Mr. [Hugh] Williamson, Mr. [Richard Henry] Lee and Mr. [Samuel] Osgood on a memorial of J. Ettwein, A. Hübner and H. C. de Schweinitz on this matter was delivered March 31, 1784, and is indorsed by Thomson: "May 18 [1785] taken into the Ordinance for disposing of Western lands." The report, and two miscellaneous papers connected therewith, are in the *Papers of the Continental Congress*, Miscellaneous, in the Library of Congress.

² See Bibliographic Notes, 1785, for the various modifications of this Ordinance before its final adoption. Identification of the printed forms there given presents difficulties.

When any township shall have been sold, the loan officer shall deliver a deed in the following terms.

The United States of America, to all to whom these presents shall come, greeting:
Know ye, That for the consideration of dollars, we have granted, and hereby do grant and confirm unto the township, (or fractional part of a township, as the case may be) numbered in the range excepting therefrom, and reserving one third part of all gold, silver, lead and copper mines within the same; and the lots Ns 8, 11, 26, and 29, for future sale or disposition, and the lot N 16, for the maintenance of public schools. To have to the said his heirs and assigns for ever; (or if more than one purchaser, to the said their heirs and assigns forever as tenants in Common.) In witness whereof, (A. B.) Commissioner of the loan office, in the State of hath, in conformity to the Ordinance passed by the United States in Congress assembled, the twentieth day of May, in the year of our Lord one thousand seven hundred and eighty five, hereunto set his hand, and affixed his seal, this day of in the year of our Lord and of the independence of the United States of America

When any township shall be sold by lots, the Commissioner of the loan office shall deliver a deed in the following form.

The United States of America, to all to whom these presents shall come, Greeting:
Know ye, That for the consideration of dollars, we have granted, and hereby do grant and confirm unto the lot (or lots, as the case may be, in the township or fractional part of the township, as the case may be) numbered in the range excepting and reserving one third part of all gold, silver, lead and copper mines within the same, for future sale or disposition. To have to the said his heirs and assigns for ever; (or if more than one purchaser, to the said their heirs and assigns for ever as tenants in common.) In witness whereof, (A. B.) Commissioner of the continental loan office in the state of hath, in conformity to the Ordinance passed by the United States in Congress assembled, the twentieth day of May, in the year of our Lord 1785, hereunto set his hand, and affixed his seal, this day of in the year of our Lord and of the independence of the United States of America

Note that the deed for whole townships describes the reservations, and the deed for lots (sections) does not.

The reason is that the treasury agent wouldn't sell reservations in townships he sold by lots, but when he sold whole townships he would need to remind buyers that they couldn't divide and re-sell reservations but had to maintain the reservations for the benefit of people who bought subdivisions. The deed for each subdivision (and sub-sub-division) (and sub-sub-sub-division) of townships sold whole would, therefore, describe reservations and perpetuate them.

Template for deed that transfers whole township from Congress to private buyer.

Fitzpatrick, John C. (editor) (1933). An Ordinance for Disposing of Lands in the North Western Territory (1785 May 20, page 378). Journals of the Continental Congress, Vol. 28 (1785 Jan 11 – Jun 30). Washington (DC): US Government Printing Office.

Template for deed that transfers township lots from Congress to private buyer.

Fitzpatrick, John C. (editor) (1933). An Ordinance for Disposing of Lands in the North Western Territory (1785 May 20, page 379). Journals of the Continental Congress, Vol. 28 (1785 Jan 11 – Jun 30). Washington (DC): US Government Printing Office.

CERTIFICATE No. 28367 } **THE UNITED STATES OF AMERICA,** 395
To all to whom these Presents shall come, Greeting:
WHEREAS Samuel Birkbeck of St. Davis County, Illinois
 has deposited in the **GENERAL LAND OFFICE** of the United States, a Certificate of the **REGISTER OF THE LAND OFFICE** at Dixon whereby it appears that full payment has been made by the said

Samuel Birkbeck according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the Public Lands," for the east half of the North East quarter of section Twenty Seven in Township Twenty Nine of Range one East in the District of Kansas subject to Sale at Dixon Illinois containing eighty acres

according to the official plat of the survey of the said Lands, returned to the General Land Office by the SURVEYOR GENERAL, which said tract has been purchased by the said *Samuel Birkbeck*,

NOW KNOW YE, That the United States of America, in consideration of the Premises, and in conformity with the several acts of Congress, in such case made and provided, **HAVE GIVEN AND GRANTED**, and by these presents **DO GIVE AND GRANT**, unto the said *Samuel Birkbeck*

and to his heirs, the said tract above described: **TO HAVE AND TO HOLD** the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereto belonging, unto the said

Samuel Birkbeck and to his heirs and assigns forever.

In Testimony Whereof, I, *James D. Polk* PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these Letters to be made **PATENT**, and the **SEAL** of the **GENERAL LAND OFFICE** to be hereunto affixed.

GIVEN under my hand, at the **CITY OF WASHINGTON**, the *first* day of *July* in the Year of our Lord one thousand eight hundred and *forty eight* and of the **INDEPENDENCE OF THE UNITED STATES** the *Seventy Second*
BY THE PRESIDENT, *James D. Polk*
S. H. Loughton *By J. R. Stephens*
 Recorder of the General Land Office.

BY AUTHORITY OF CONGRESS.
 THE
Public Statutes at Large
 OF THE
UNITED STATES OF AMERICA,
 FROM THE
 ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1845.
ARRANGED IN CHRONOLOGICAL ORDER.
 WITH
 REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS
 ON THE SAME SUBJECT,
 AND
COPIOUS NOTES OF THE DECISIONS
 OF THE
Courts of the United States
 CONSTRUING THOSE ACTS, AND UPON THE SUBJECTS OF THE LAWS.
 WITH AN
INDEX TO THE CONTENTS OF EACH VOLUME,
 AND A
FULL GENERAL INDEX TO THE WHOLE WORK, IN THE CONCLUDING VOLUME.
 TOGETHER WITH
 The Declaration of Independence, the Articles of Confederation, and
 the Constitution of the United States;
 AND ALSO,
 TABLES, IN THE LAST VOLUME, CONTAINING LISTS OF THE ACTS RELATING TO THE JUDICIARY,
 IMPOSTS AND TONNAGE, THE PUBLIC LANDS, ETC.
 EDITED BY
RICHARD PETERS, ESQ.,
 COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognized, acknowledged, and declared by the publishers, according to the provisions of the Joint resolution of Congress, passed March 2, 1844.

VOL. I.
BOSTON:
CHARLES C. LITTLE AND JAMES BROWN.
 1845.

<http://www.glorerecords.blm.gov/PatentSearch/>

Peters, Richard (editor, by authority of Congress). Statute 29, An Act providing for the sale of US land in the territory northwest of the Ohio River and above the mouth of the Kentucky River (page 464). The Public Statutes at Large of the United States of America from 1789 to 1845, and copious notes of the decisions of the courts of the United States. Boston: Charles C. Little and James Brown (1845).

Maryland empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned.

Part of the act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations continued in force, 1800, ch. 15.

sent of Congress be, and is hereby granted and declared to the operation of an act of the General Assembly of Maryland, made and passed at a session begun and held at the city of Annapolis, on the first Monday of November, in the year one thousand seven hundred and ninety-one, intituled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned."

SEC. 2. And be it further enacted, That the act, intituled "An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia and Rhode Island and Providence Plantations," shall be continued, and is hereby declared to be in full force, so far as the same respects the states of Georgia and Rhode Island and Providence Plantations.

SEC. 3. And be it further enacted, That this act shall be, and continue in force for the term of three years, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 12, 1796.

STATUTE I.

May 17, 1796.

CHAP. XXVII.—An Act authorizing the erection of a Lighthouse on Cape Cod, in the State of Massachusetts.

A lighthouse to be erected on Cape Cod.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of the Treasury, to provide, by contract, which shall be approved by the President of the United States, for building a lighthouse on Cape Cod, in the state of Massachusetts, (as soon as the necessary cession of land for the purpose shall be made by the said state to the United States;) and to furnish the same, with all necessary supplies: And also, to agree for the salaries, or wages of the person, or persons, who may be appointed by the President, for the superintendance and care of the same: And that the number or disposition of the light or lights in the said lighthouse, be such, as may tend to distinguish it from others, as far as is practicable; and that the light or lights on Gurnet head, at the entrance of Plymouth harbour, be altered or diminished, if necessary: And that eight thousand dollars be appropriated for the same, out of any monies not otherwise appropriated.

APPROVED, May 17, 1796.

Appropriation therefor.

STATUTE I.

May 18, 1796.

CHAP. XXIX.—An Act providing for the Sale of the Lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river.(n)

A surveyor general to be appointed; his power and duties.

SECTION I. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a Surveyor General shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors, as his deputies; whom he shall

(n) The acts of Congress relating to the sale of the public lands northwest of the river Ohio, are: An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of the Kentucky river, May 18, 1796, chap. 29; an act for regulating grants of land appropriated for military services, and for the Society of the United Brethren, for propagating the gospel among the heathen, June 1, 1796, chap. 46; an act to amend the act entitled "An act for regulating grants of land appropriated for military services, and for the Society of United Brethren for propagating the gospel among the heathen," March 2, 1799, chap. 29; an act to authorize the sale of certain lands between the Great and Little Miami rivers, in the territory of the United States, northwest of the river Ohio; and for giving a pre-emption to certain purchasers, March 2, 1799, chap. 34; an act in addition to an act regulating the grants of land appropriated for military services, and for the Society of United Brethren for propagating the gospel among the heathen, and for other purposes, March 1, 1800; act of May 10, 1800; an act making provision for the disposal of the public lands in the Indian territory, and for other purposes, March 26, 1804, chap. 35; an act to authorize the Secretary at War, to issue land warrants, and for other purposes, April 15, 1806, chap. 29; an act providing for the cases of lost military land warrants and discharges for faithful services, April 27, 1816, chap. 127, &c. &c.

cause, without delay, to survey and mark the unascertained outlines of the lands lying northwest of the river Ohio, and above the mouth of the river Kentucky, in which the titles of the Indian tribes have been extinguished, and to divide the same in the manner herein after directed; he shall have authority to frame regulations and instructions for the government of his deputies; to administer the necessary oaths, upon their appointments; and to remove them for negligence or misconduct in office.(a)

SEC. 2. Be it further enacted, That the part of the said lands,

(a) The decisions of the courts of the United States, as to the principles which regulate the titles to the public lands, in the states which form part of the territory northwest of the river Ohio, have been:

A title to lands under grants by Indian titles northwest of the river Ohio, to private individuals in the years 1773 and 1775, cannot be sustained in the courts of the United States. Lessee of Johnson et al. v. McIntosh, 8 Wheat. 543; 5 Cond. Rep. 515.

The title to land depends entirely on the laws of the nation in which they lie. Ibid. Discovery constitutes the original title to lands on the American continent, as between the different European nations. The title thus derived was the exclusive right of acquiring the soil from the natives, and establishing settlements upon it. The title was to be consummated by possession. Ibid.

The right of the original inhabitants, was to a considerable extent impaired, but in no instance disregarded. The Europeans respected the right of the natives as occupants, but asserted the ultimate dominion to be in themselves; and claimed and exercised as a consequence of this ultimate dominion, a power to grant the soil while yet in the possession of the natives. Ibid.

By the treaty between Great Britain and the United States, which concluded the revolution, the powers of government and the right of soil, which had been previously in Great Britain, passed definitely to the United States. Ibid.

The United States, or the several states, have a clear title to all the lands within the boundary lines described in the treaty; subject only to the Indian right of occupancy; and the exclusive power to extinguish that right, was vested in the United States, which might constitutionally exercise it. Ibid.

It is a principle of universal law, that if an uninhabited country be discovered by a number of individuals, who acknowledge no connection with, and own no allegiance to any government whatever, the country becomes the property of the discoverers, so far as they can use it. Ibid.

If the discovery be made, and possession be taken under the authority of an existing government which is acknowledged by the emigrants, the discovery is made for the whole nation; and the country becomes a part of the nation, and the vacant soil is to be disposed of by that organ of the government which has the constitutional power to dispose of the national domain. Ibid.

The decision of the register and receiver of a land-office, in the absence of fraud, would be conclusive as to the facts that the applicant for the land was then in possession, and of his cultivating the land during the preceding year; because these questions are directly submitted to those officers. Yet if they undertake to grant pre-emptions to land, on which the law declares they shall not be granted, then they are acting on a subject matter clearly not within their jurisdiction; as much so, as if a court whose jurisdiction was declared not to extend beyond a given sum, should attempt cognizance of a case beyond that sum. Wilcox v. Jackson, 13 Peters, 498.

Appropriation of land by the government, is nothing more or less than setting it apart for some peculiar use. Whenever a tract of land has been once legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands; and no subsequent law or proclamation, or sale, would be construed to embrace it, or to operate upon it, although no other reservation were made of it. Ibid.

Nothing passes a perfect title to public lands, with the exception of a few cases, but a patent. The exceptions are where Congress grants lands in words of present grant. The general rule applies as well to pre-emptions, as to other purchases of public land. Ibid.

A state has a perfect right to legislate as she may please, in regard to the remedies to be prosecuted in her courts, and to regulate the disposition of the property of her citizens, by descent, devise or alienation. But Congress are invested by the constitution with the power of disposing of the public land, and making needful rules and regulations concerning it. Ibid.

Where a patent has not been issued for a part of the public land, a state has no power to declare any title less than a patent valid against the claim of the United States to the land; or against a title held under a patent from the United States. Ibid.

Whenever the question in any court, state or federal, is whether the title to property which had belonged to the United States, has passed, that question must be resolved by the laws of the United States. But whenever the property has passed, according to those laws, then the property, like all other in the state, is subject to state legislation; so far as that legislation is consistent with the admission that the title passed, and was vested according to the laws of the United States. Ibid.

Congress has the sole power to declare the dignity and effect of titles emanating from the United States; and the whole legislation of the government, in reference to public lands, declares the patent to be the superior and conclusive evidence of legal title. Until it issues, the fee is in the government, which by the patent passes to the grantee, and he is entitled to recover the possession by ejectment. Bagwell v. Broderick, 13 Peters, 458.

Where the title to the public land has passed out of the United States by conflicting patents, there can be no objection to the practice adopted by the courts of a state, to give effect to the better right in any form of remedy the legislature or courts of the state may prescribe.

No doubt is entertained, of the power of the states to pass laws authorizing purchasers of lands from the United States, to prosecute actions of ejectment upon certificates of purchase against trespassers on the lands purchased; but it is denied that the states have any power to declare certificates of purchase, of equal dignity with a patent. Congress alone can give them such effect. Ibid.

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Footnote a, paragraph 11. Appropriation of land by the government, is nothing more or less than setting it apart for some peculiar use. Whenever a tract of land has been once legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands; and no subsequent law or proclamation, or sale, would be construed to embrace it, or to operate upon it, although no other reservation were made of it. (Wilcox v. Jackson, 13 Peters, 498)

The lands how to be surveyed, laid out, &c.

which has not been already conveyed by letters patent, or divided, in pursuance of an ordinance in Congress, passed on the twentieth of May, one thousand seven hundred and eighty-five, or which has not been heretofore, and during the present session of Congress may not be appropriated for satisfying military land bounties, and for other purposes, shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of the late Indian purchase, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers may render it impracticable; and then this rule shall be departed from no further than such particular circumstances may require. The corners of the townships shall be marked with progressive numbers from the beginning; each distance of a mile between the said corners shall be also distinctly marked with marks different from those of the corners. One half of the said townships, taking them alternately, shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines, at the end of every two miles; and by marking a corner, on each of the said lines, at the end of every mile; the sections shall be numbered respectively, beginning with the number one, in the north-east section, and proceeding west and east alternately, through the township with progressive numbers, till the thirty-sixth be completed. And it shall be the duty of the deputy surveyors, respectively, to cause to be marked, on a tree near each corner made, as aforesaid, and within the section, the number of such section, and over it, the number of the township, within which such section may be; and the said deputies shall carefully note, in their respective field-books, the names of the corner trees marked, and the numbers so made: The fractional parts of townships shall be divided into sections, in manner aforesaid, and the fractions of sections shall be annexed to, and sold with, the adjacent entire sections. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen feet and one half each, subdivided into twenty-five equal links, and the chain shall be adjusted to a standard to be kept for that purpose. Every surveyor shall note in his field-book the true situations of all mines, salt licks, salt springs and mill seats, which shall come to his knowledge; all water courses, over which the line he runs shall pass; and also the quality of the lands. These field-books shall be returned to the Surveyor General, who shall therefrom cause a description of the whole lands surveyed, to be made out and transmitted to the officers who may superintend the sales: He shall also cause a fair plat to be made of the townships, and fractional parts of townships, contained in the said lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; a copy thereof shall be kept open at the Surveyor General's office, for public information; and other copies sent to the places of the sale, and to the Secretary of the Treasury.

Plat of townships and fractional parts to be made.

Reservations for the future disposal of the United States.

Sec. 3. *Be it further enacted*, That a salt spring lying upon a creek which empties into the Sciota river, on the east side, together with as many contiguous sections as shall be equal to one township, and every other salt spring which may be discovered, together with the section of one mile square which includes it, and also four sections at the centre of every township, containing each one mile square, shall be reserved, for the future disposal of the United States; but there shall be no reservations, except for salt springs, in fractional townships, where the fraction is less than three fourths of a township.

Sections of 640 acres (except reservations) to be sold at ven-

Sec. 4. *Be it further enacted*, That whenever seven ranges of townships shall have been surveyed below the Great Miami, or between the Sciota river and the Ohio company's purchase, or between the southern boundary of the Connecticut claims and the ranges already laid off

beginning upon the Ohio river and extending westwardly, and the plats thereof made and transmitted, in conformity to the provisions of this act, the said sections of six hundred and forty acres (excluding those hereby reserved) shall be offered for sale, at public vendue, under the direction of the governor or secretary of the western territory, and the Surveyor General: such of them as lie below the Great Miami shall be sold at Cincinnati; those of them which lie between the Sciota and the Ohio company's purchase, at Pittsburg; and those between the Connecticut claim and the seven ranges, at Pittsburg. And the townships remaining undivided shall be offered for sale, in the same manner, at the seat of government of the United States, under the direction of the Secretary of the Treasury, in tracts of one quarter of a township lying at the corners thereof, excluding the four central sections, and the other reservations before mentioned: *Provided always*, that no part of the lands directed by this act to be offered for sale, shall be sold for less than two dollars per acre.

Sec. 5. *Be it further enacted*, That the Secretary of the Treasury, after receiving the aforesaid plats, shall forthwith give notice, in one newspaper in each of the United States, and of the territories north-west and south of the river Ohio, of the times of sale; which shall, in no case, be less than two months from the date of the notice; and the sales at the different places shall not commence, within less than one month of each other: And when the governor of the western territory, or Secretary of the Treasury, shall find it necessary to adjourn, or suspend the sales under their direction, respectively, for more than three days, at any one time, notice shall be given in the public newspapers, of such suspension, and at what time the sales will re-commence.

Sec. 6. *Be it further enacted*, That immediately after the passing of this act, the Secretary of the Treasury shall, in the manner herein before directed, advertise for sale, the lands remaining unsold in the seven ranges of townships, which were surveyed, in pursuance of an ordinance of Congress, passed the twentieth of May, one thousand seven hundred and eighty-five, including the lands drawn for the army, by the late Secretary of War, and also those heretofore sold, but not paid for; the townships which by the said ordinance, are directed to be sold entire, shall be offered for sale, at public vendue in Philadelphia, under the direction of the Secretary of the Treasury, in quarter townships, reserving the four centre sections, according to the directions of this act. The townships, which, by the said ordinance, are directed to be sold in sections, shall be offered for sale at public vendue, in Pittsburg, under the direction of the governor or secretary of the western territory, and such person as the President may specially appoint for that purpose, by sections of one mile square each, reserving the four centre sections, as aforesaid; and all fractional townships shall also be sold in sections, at Pittsburg, in the manner, and under the regulations provided by this act, for the sale of fractional townships: *Provided always*, That nothing in this act shall authorize the sale of those lots, which have been heretofore reserved in the townships already sold.

Sec. 7. *Be it further enacted*, That the highest bidder for any tract of land, sold by virtue of this act, shall deposit, at the time of sale, one twentieth part of the amount of the purchase money; to be forfeited, if a moiety of the sum bid, including the said twentieth part, is not paid within thirty days, to the treasurer of the United States, or to such person as shall be appointed by the President of the United States, to attend the places of sale for that purpose; and upon payment of a moiety of the purchase money, within thirty days, the purchaser shall have one year's credit for the residue; and shall receive from the Secretary of the Treasury, or the governor of the western territory, (as the case may be) a certificate describing the land sold, the sum paid on account, the balance

due, by the Governor or Secretary of the western territory, and the Surveyor General.

Undivided townships to be sold in like manner by the Secretary of the Treasury.

No part of the lands to be sold for less than two dollars per acre.

Secretary of Treasury to give notice of the times of sale, &c.

Certain other lands to be sold.

Mode of payment and of obtaining a patent, &c.

Mode of payment, and of obtaining a patent, &c.

1812, ch. 68, sec. 8. 1836, ch. 352, sec. 6.

Entries to be made of the date of sales &c.

Governor or Secretary to transmit copies at certain times.

Tracts sold to be noted on the general plat.

Navigable rivers to be public highways. Streams not navigable, to be common property.

Compensation of Surveyor Gen. President to fix compensation of assistant surveyors.

Expense not to exceed three dollars for every mile surveyed.

Regulation of fees to be paid.

Oath to be taken by the Surveyor General, &c.

The person to be appointed to receive the mo-

remaining due, the time when such balance becomes payable; and that the whole land sold will be forfeited, if the said balance is not then paid; but that if it shall be duly discharged, the purchaser, or his assignee, or other legal representative, shall be entitled to a patent for the said lands: And on payment of the said balance to the treasurer, within the specified time, and producing to the Secretary of State a receipt for the same, upon the aforesaid certificate, the President of the United States is hereby authorized to grant a patent for the lands to the said purchaser, his heirs or assigns: And all patents shall be countersigned by the Secretary of State, and recorded in his office. But if there should be a failure in any payment, the sale shall be void, all the money theretofore paid on account of the purchase shall be forfeited to the United States, and the lands thus sold shall be again disposed of, in the same manner as if a sale had never been made: *Provided nevertheless*, that should any purchaser make payment of the whole purchase money, at the time when the payment of the first moiety is directed to be made, he shall be entitled to a deduction of ten per centum on the part, for which a credit is hereby directed to be given; and his patent shall be immediately issued.

SEC. 8. *Be it further enacted*, That the Secretary of the Treasury, and the governor of the territory north west of the river Ohio, shall respectively, cause books to be kept, in which shall be regularly entered, an account of the dates of all the sales made, the situation and numbers of the lots sold, the price at which each was struck off, the money deposited at the time of sale, and the dates of the certificates granted to the different purchasers. The governor, or secretary of the said territory shall, at every suspension or adjournment, for more than three days, of the sales under their direction, transmit to the Secretary of the Treasury, a copy of the said books, certified to have been duly examined and compared with the original. And all tracts sold under this act, shall be noted upon the general plat, after the certificate has been granted to the purchaser.

SEC. 9. *And be it further enacted*, That all navigable rivers, within the territory to be disposed of by virtue of this act, shall be deemed to be, and remain public highways: And that in all cases, where the opposite banks of any stream, not navigable, shall belong to different persons, the stream and the bed thereof shall become common to both.

SEC. 10. *And be it further enacted*, That the surveyor general shall receive for his compensation, two thousand dollars per annum; and that the President of the United States may fix the compensation of the assistant surveyors, chain carriers and axe men: *Provided*, that the whole expense of surveying and marking the lines, shall not exceed three dollars per mile, for every mile that shall be actually run or surveyed.

SEC. 11. *And be it further enacted*, That the following fees shall be paid for the services to be done under this act, to the treasurer of the United States, or to the receiver in the western territory, as the case may be; for each certificate for a tract containing a quarter of a township, twenty dollars; for a certificate for a tract containing six hundred and forty acres, six dollars; and for each patent for a quarter of a township, twenty dollars; for a section of six hundred and forty acres, six dollars: And the said fees shall be accounted for by the receivers, respectively.

SEC. 12. *And be it further enacted*, That the surveyor general, assistant surveyors, and chain carriers, shall, before they enter on the several duties to be performed under this act, severally take an oath or affirmation, faithfully to perform the same; and the person, to be appointed to receive the money on sales in the western territory, before he shall receive any money under this act, shall give bond with sufficient security,

for the faithful discharge of his trust: That, for receiving, safe keeping, and conveying to the treasury the money he may receive, he shall be entitled to a compensation to be hereafter fixed.

APPROVED, May 18, 1796.

may in the western territory to give bond, &c.

STATUTE I.

May 19, 1796.

[Expired.]

Act of March 30, 1802, Act of March 3, 1799.

A boundary line between the United States and various Indian tribes to be ascertained and marked.

CHAP. XXX.—An Act to regulate Trade and Intercourse with the Indian Tribes, and to preserve Peace on the Frontiers.(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following boundary line, established by treaty between the United States and various Indian tribes, shall be clearly ascertained, and distinctly marked, in all such places, as the President of the United States shall deem necessary, and in such manner as he shall direct, to wit: Beginning at the mouth of Cayahoga river on Lake Erie, and running thence up the same, to the portage between that and the Tuscaroras branch of the Muskingum; thence down that branch, to the crossing place above Fort Lawrence; thence westerly to a fork of that branch of the Great Miami river, running into the Ohio, at, or near which fork, stood Jaromie's store, and where commences the portage, between the Miami of the Ohio, and Saint Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westerly course to Fort Recovery, which stands on a branch of the Wabash; thence southwesterly, in a direct line to the Ohio, so as to intersect that river, opposite the mouth of Kentucky or Cuttaw river; thence down the said river Ohio, to the tract of one hundred and fifty thousand acres, near the rapids of the Ohio, which has been assigned to General Clark, for the use of himself and his warriors; thence around the said tract, on the line of the said tract, till it shall again intersect the said river Ohio; thence down the same, to a point opposite the high lands or ridge between the mouth of the Cumberland and Tennessee rivers; thence easterly on the said ridge, to a point, from whence, a southwest line will strike the mouth of Duck river; thence still easterly on the said ridge, to a point forty miles above Nashville; thence northeast, to Cumberland river; thence up the said river, to where the Kentucky road crosses the same; thence to the top of Cumberland mountain; thence along Campbell's line, to the river Clinch; thence down the said river, to a point from which a line shall pass the Holsten, at the ridge, which divides the waters running into Little River, from those running into the Tennessee; thence south, to the North Carolina boundary; thence along the South Carolina Indian boundary, to and over the Oconna mountain, in a southwest course, to Tugelo river; thence in a direct line, to the top of the Currahee mountain, where the Creek line passes it; thence to the head or source of the main south branch of the Oconee river, called the Appalachee; thence down the middle of the said main south branch and river Oconee, to its confluence with Oakmulgee, which forms the river Altamaha; thence down the middle of the said Altamaha, to the old line on the said river; and thence along the said old line to the river Saint Mary's; *Provided always*, that if the boundary line between the said Indian tribes and the United States, shall, at any time hereafter, be varied, by any treaty which shall be made between the said Indian tribes and the United States, then all the provisions contained in this act, shall be construed to apply to the said line so to be varied, in the same manner, as the said provisions now apply to the boundary line herein before recited.

Provision for alterations which may be made by treaty.

(a) The act of March 30, 1802, having described what should be the Indian country at that time, as well as at any future time, when purchases of territory should be made of the Indians, the carrying of spirituous liquors into a territory so purchased after March, 1802, although the same should be frequented and inhabited exclusively by Indians, would not be an offence within the meaning of the act of Congress, so as to subject the goods of the trader, found in company with these liquors, to seizure and forfeiture. American Fur Company v. The United States, 2 Peters, 358.

THE
Public Statutes at Large
 OF THE
UNITED STATES OF AMERICA,

FROM THE
 ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1845.

ARRANGED IN CHRONOLOGICAL ORDER.

WITH
 REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS
 ON THE SAME SUBJECT,

AND
 COPIOUS NOTES OF THE DECISIONS

OF THE
Courts of the United States

CONSTRUING THOSE ACTS, AND UPON THE SUBJECTS OF THE LAWS.

WITH AN
 INDEX TO THE CONTENTS OF EACH VOLUME,
 AND A

FULL GENERAL INDEX TO THE WHOLE WORK, IN THE CONCLUDING VOLUME.

TOGETHER WITH
**The Declaration of Independence, the Articles of Confederation, and
 the Constitution of the United States;**

AND ALSO,
 TABLES, IN THE LAST VOLUME, CONTAINING LISTS OF THE ACTS RELATING TO THE JUDICIARY,
 IMPOSTS AND TONNAGE, THE PUBLIC LANDS, ETC.

EDITED BY
RICHARD PETERS, ESQ.,
 COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognised, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of Congress, passed March 3, 1845.

VOL. I.

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 CHARLES C. LITTLE AND JAMES BROWN.
 1845.

wines, and which may be secured by bond, the term of twelve months is allowed; and it is proper to extend, in like manner, the payment of the duties accruing on other wines;

Sec. 5. *Therefore, be it enacted*, That for the payment of the duties on other than Maderia wines, and which shall be secured by bond, such bond shall be taken with condition for the payment of the duties in twelve months, in like manner as by law is directed for the payment of the duties on Maderia wines.

APPROVED, March 3, 1791.

Term for payment of the duties on wine prolonged.

STATUTE III.
 March 2, 1791.

CHAP. XXVII.—*An Act for granting lands to the Inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That four hundred acres of land be given to each of those persons, who in the year one thousand seven hundred and eighty-three, were heads of families at Vincennes or in the Illinois country, on the Mississippi, and who since that time have removed from one of the said places to the other. And the governor of the territory northwest of the Ohio is hereby directed, to cause the same to be laid out for them, at their own expense, either at Vincennes or in the Illinois country, as they shall severally elect.

400 acres of land granted to each head of a family, and

1804, ch. 35, sec. 3.
 1807, ch. 34.
 1793, ch. 10.

SEC. 2. *And be it further enacted and declared*, That the heads of families at Vincennes or in the Illinois country in the year one thousand seven hundred and eighty-three, who afterwards removed without the limits of the said territory, are notwithstanding, entitled to the donation of four hundred acres of land made by the resolve of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight; and the governor of the said territory, upon application to him for that purpose, is hereby directed to cause the same to be laid out for such heads of families or their heirs; and shall also cause to be laid off and confirmed to such persons the several tracts of land which they may have possessed, and which before the year one thousand seven hundred and eighty-three may have been allotted to them according to the laws and usages of the government under which they had respectively settled: *Provided nevertheless*, That if such persons or their heirs do not return and occupy the said lands within five years, such lands shall be considered as forfeited to the United States.

also to those who have removed from said territory,

if they return within five years.

SEC. 3. *And be it further enacted*, That one hundred and fifty acres of land, heretofore in possession of the Piankeshaw Indians, and now under actual improvement, and constituting a part of the village of Vincennes, be given to the persons who are severally in possession of the said land.

Lands formerly possessed by Piankeshaw Indians confirmed to present possessors.

SEC. 4. *And be it further enacted*, That where lands have been actually improved and cultivated at Vincennes, or in the Illinois country, under a supposed grant of the same, by any commandant or court claiming authority to make such grant, the governor of the said territory be, and he hereby is empowered to confirm to the persons who made such improvements, their heirs or assigns, the lands supposed to have been granted as aforesaid, or such parts thereof as he, in his discretion, may judge reasonable, not exceeding to any one person, four hundred acres.

Improvers of lands claiming under a supposed grant, to have their claims confirmed.

1806, ch. 40.

SEC. 5. *And be it further enacted*, That a tract of land, containing about five thousand four hundred acres, which for many years has been fenced and used by the inhabitants of Vincennes as a common, also a tract of land including the villages of Cohos and Prairie du Pont, and heretofore used by the inhabitants of the said villages as a common, be, and the same are hereby appropriated to the use of the inhabitants of

Lands heretofore used as a common to be appropriated thereto.

Peters, Richard (editor). Public Statutes at Large of the US. Volume I. Boston: Charles C. Little and James Brown (1845). By authority of Congress. References to the matter of each act and to the subsequent acts on the same subject. Copious notes of the decisions of the courts of the US.

Vincennes and of the said villages respectively, to be used by them as a common, until otherwise disposed of by law.

Militia men who have not obtained any donation of land, to receive 100 acres.

SEC. 6. *And be it further enacted*, That the governor of the said territory be authorized to make a grant of land not exceeding one hundred acres, to each person who hath not obtained any donation of land from the United States, and who, on the first day of August, one thousand seven hundred and ninety, was enrolled in the militia at Vincennes or in the Illinois country, and has done militia duty, the said land to be laid out at the expense of the grantees, and in such form and place as the said governor shall direct. *Provided nevertheless*, That no claim founded upon purchase or otherwise, shall be admitted within a tract of land heretofore occupied by the Kaskaskia nation of Indians, and including their village, which is hereby appropriated to the use of the said Indians.

Appropriation of a tract for the Kaskaskia Indians.

Grant of to P. Gibault and St. Jam Beouvais.

SEC. 7. *And be it further enacted*, That two lots of land heretofore in the occupation of the priests at Cahokia, and situated near that village, be, and the same is hereby granted in fee to P. Gibault; and that a tract of land at Kaskaskia, formerly occupied by the Jesuits, be laid off and confirmed to St. Jam Beouvais, who claims the same in virtue of a purchase thereof.

Donation lands to be laid out according to act of Congress of June 20th, 1788.

SEC. 8. *And be it further enacted*, That so much of the act of Congress of the twenty-eighth of August, one thousand seven hundred and eighty-eight, as refers to the locations of certain tracts of land directed to be run out and reserved for donations, to the ancient settlers in the Illinois country, be, and the same is hereby repealed, and the governor of the said territory is directed to lay out the same, agreeably to the act of Congress of the twentieth of June, one thousand seven hundred and eighty-eight.

APPROVED, March 3, 1791.

STATUTE III.

March 3, 1791.

CHAP. XXVIII.—*An Act for raising and adding another Regiment to the Military Establishment of the United States, and for making farther provision for the protection of the frontiers.*

Repealed 1795, ch. 44.

An additional regiment to be raised of 912 men,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be raised an additional regiment of infantry, which, exclusive of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates and musicians.

how organized.

SEC. 2. *And be it further enacted*, That the said regiment shall be organized in the same manner as the regiment of infantry described in the act, intituled "An act for regulating the military establishment of the United States."

1790, ch. 10.

Their pay and allowances.

SEC. 3. *And be it further enacted*, That the troops aforesaid by this act to be raised, including the officers, shall receive the same pay and allowances, be subject to the same rules and regulations, and be engaged for the like term, and upon the same conditions, in all respects, excepting the bounty herein after mentioned, as are stipulated for the troops of the United States, in the before-mentioned act.

Bounty for enlistment.

SEC. 4. *And be it further enacted*, That each non-commissioned officer, private and musician, who has enlisted or shall enlist pursuant to the act aforesaid, or who shall enlist pursuant to this act, shall be entitled to receive six dollars as a bounty.

What officers may be appointed,

SEC. 5. *And be it further enacted*, That in case the President of the United States should deem the employment of a major-general, brigadier-general, a quartermaster and chaplain, or either of them, essential to the public interest, that he be, and he hereby is empowered, by and with the advice and consent of the Senate, to appoint the same accordingly.



JOURNALS OF THE
CONTINENTAL CONGRESS
1774-1789

EDITED FROM THE ORIGINAL
RECORDS IN THE LIBRARY OF
CONGRESS BY ROSCOE R. HILL

Volume XXXII. 1787
January 17-July 20

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PREFATORY NOTE

The Continental Congress, during 1787, continued its labors under difficulties due to the lack of attendance of sufficient States for the conduct of business. It was not until January 17, 1787, that a quorum of seven States was present and the Congress was organized for the Federal year 1786-87. From that date until October 27, the last day on which a quorum was present, there were 112 days on which the Congress assembled and transacted business. The following table shows the attendance of the various States upon these days.

	Full representation (2 or more delegates)	One delegate present	No delegate present
	<i>Days</i>	<i>Days</i>	<i>Days</i>
New Hampshire.....	4	23	85
Massachusetts.....	104	8	0
Rhode Island.....	13	50	49
Connecticut.....	53	13	46
New York.....	112	0	0
New Jersey.....	103	4	5
Pennsylvania.....	101	6	5
Delaware.....	74	26	12
Maryland.....	7	30	75
Virginia.....	106	2	4
North Carolina.....	104	2	6
South Carolina.....	62	23	27
Georgia.....	84	(22) 23	5

Upon these days 11 States were fully represented on 4 days; 10 States on 6 days; 9 States on 39 days; 8 States on 35 days; and 7 States on 28 days. On most of the days one or more of the remaining States were represented by one del-

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egate. However, there were only 2 days on which there was a delegate present from each of the 13 States. The Journal also records the attendance of 6 or less States on 102 days, but there was no State that had a full representation for every day for which an entry was made. The entries of November and December indicate the arrival of the complete representation of 6 States and single delegates of 2 others for the sessions of the Federal year 1787-88.

Despite the handicap of poor attendance a great amount of business was done by the Congress during this year as is attested by the record presented in this volume. Early in the year the Congress provided for a Convention of the States to meet and consider amendments to the Articles of Confederation and pending the outcome of the deliberations of this body, which prepared the draft of a new constitution, the Congress was particularly inactive. To receive the report of the Convention and refer it to the States, delegates from 11 States assembled for several days late in September, which was the only time during the year when that number of States was present.

Many other problems were before the Congress. The question of the western lands and the government of the Western Territory received much attention. A resolution fixing the powers of the Board of Treasury to contract for the sale of lands, and the enactment of the Ordinance of 1787 for the government of the Western Territory were solutions for these matters. As in preceding years the claims of individuals gave much work to the Congress as well as to the Board of Treasury and the Secretary at War. Consideration was also given to the settlement of the accounts between the individual States and the Federal Government, and the Ordinance of May 7, 1787, on this subject was adopted. The question of providing a sufficient revenue for the Federal establishment demanded extended discussion and considera-

tion of a requisition on the States for the year. Important problems in the relations with France, Great Britain, Spain, and Portugal, as well as changes in diplomatic representation and the redemption of captives in Algiers, occupied much of the attention of the delegates. A treaty of peace and friendship with Morocco was ratified and published. Indian affairs, matters in connection with the Post Office Department, and interstate questions likewise came in for a share of the time of Congress.

In 1787 the Secretary's office kept, besides the Public Journal and the Secret Foreign and Domestic Journals, various other auxiliary records which have been utilized in editing this volume. These include the *Record of Credentials* (*Papers of the Continental Congress*, No. 180, I), the *Despatch Book* (No. 185, IV), *Committee Reports* (No. 189), the *Committee Book* (No. 190), *Ordinances* (No. 175), *Western Territory* (No. 176), the *President's Letter Book* (No. 16), the *Secretary's Letter Book* (No. 18B), and *Ratifications of the Constitution*. The endorsements on the original documents from the files of the Secretary's office also furnished much pertinent information as to the proceedings.

As in the preceding volumes, in addition to the Journal entries, the credentials of the delegates, motions, committee reports, reports of the Secretary of Congress, and reports of the heads of the departments, all of which were laid before Congress, are included in this volume in order to give as complete a presentation as possible of the workings of that august body. The names of committee members and a notation of letters and petitions received and read in Congress are given in the footnotes.

A report of the Board of Treasury of March 19, 1787, is taken from a photostat copy of the volume entitled *Reports of the Board of Treasury A*, the original of which is in the New York Public Library. The notes of James Madison on

the debates of the Congress for a part of the year are taken from the manuscript copy in the Library of Congress. The lists of reports formed by Charles Thomson, in November 1786, at the close of the sessions of the Congress of 1785-86, showing the unfinished business and the subjects which had been negatived or were obsolete, are given in an appendix. Bibliographical notes on the imprints of the Congress for 1787 are also included.

ROSCOE R. HILL, *Editor*.

HERBERT PUTNAM, *Librarian*.

APRIL 1935.



Persons who are under similar circumstances with Mr Pownal are waiting the determination of Congress thereon.

I have the honor to be, etc.,

OFFICE OF MARINE ACCOUNTS

July 10, 1787

CHARLES THOMSON Esq^r

BEN WALKER¹

FRIDAY, JULY 13, 1787.

Congress assembled present as yesterday

According to Order the Ordinance for the government of the territory of the United States North West of the river Ohio was read a third time² and passed as follows

An Ordinance for the government of the territory of the United States North West of the river Ohio.³

Be it ordained by the United States in Congress Assembled that the said territory for the purposes of temporary government be one district, subject however to be divided into two districts as future circumstances may in the Opinion of Congress make it expedient.

Be it ordained by the authority aforesaid, that the estates both of resident and non resident proprietors in the said territory dying intestate shall descend to and be distributed

¹ JULY 12, 1787. According to the *Committee Book, Papers of the Continental Congress*, No. 190, p. 152 the following matters were referred:

Motion of Mr. Nathan Dane respecting supplies furnished to the French fleet in 1778, to the Board of Treasury to report.

An Indian letter of Credence, to the Secretary at War to report. Report, dated July 14, was read July 16, 1787.

² See July 12 for second reading. See also April 26, May 9, 10, July 9 and 11, 1787.

³ Besides the Journal entry this Ordinance is entered by Benjamin Bankson and attested by William Grayson, Chairman, and Chas. Thomson, Secy., in the *Register of Ordinances, Papers of the Continental Congress*, No. 175, pp. 121-134. It is also copied by John Fisher in *Western Territory, Papers of the Continental Congress*, No. 176, pp. 1-14. In printed form, signed by Chas. Thomson, it is in *Papers of the Continental Congress*, No. 50, I, pp. 229-230 and Broad-sides.

The portions of the Ordinance underlined by the editor were added to the original report by amendment during the debate.

among their children and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand child to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants then in equal parts to the next of kin in equal degree and among collaterals the children of a deceased brother or sister of the intestate shall have in equal parts among them their deceased parent's share and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned estates in the said territory may be devised or bequeathed by wills in writing signed and sealed by him or her in whom the estate may be, being of full age, and attested by three witnesses, and real estates may be conveyed by lease and release or bargain and sale signed, sealed and delivered by the person being of full age in whom the estate may be and attested by two witnesses provided such wills be duly proved and such conveyances be acknowledged or the execution thereof duly proved and be recorded within one year after proper magistrates, courts and registers shall be appointed for that purpose and personal property may be transferred by delivery saving however to the french and canadian inhabitants and other settlers of the Kaskaskies, Saint Vincents and the neighbouring villages who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid that there shall be appointed from time to time by Congress a governor, whose commission shall continue in force for the term of

three years, unless sooner revoked by Congress; he shall reside in the district and have a freehold estate therein, in one thousand acres of land while in the exercise of his office. There shall be appointed from time to time by Congress a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district and have a freehold estate therein in five hundred acres of land while in the exercise of his office; It shall be his duty to keep and preserve the acts and laws passed by the legislature and the public records of the district and the proceedings of the governor in his executive department and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court to consist of three judges any two of whom to form a court, who shall have a common law jurisdiction and reside in the district and have each therein a freehold estate in five hundred acres of land while in the exercise of their offices, and their commissions shall continue in force during good behaviour.

The governor, and judges or a majority of them shall adopt and publish in the district such laws of the original states criminal and civil as may be necessary and best suited to the circumstances of the district and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being shall be Commander in chief of the militia, appoint and commission all officers in the same below the rank of general Officers; All general Officers shall be appointed and commissioned by Congress.

Previous to the Organization of the general Assembly the governor shall appoint such magistrates and other civil

officers in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly; but all magistrates and other civil officers, not herein otherwise directed shall during the continuance of this temporary government be appointed by the governor.

For the prevention of crimes and injuries the laws to be adopted or made shall have force in all parts of the district and for the execution of process criminal and civil, the governor shall make proper divisions thereof, and he shall proceed from time to time as circumstances may require to lay out the parts of the district in which the indian titles shall have been extinguished into counties and townships subject however to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants of full age in the district upon giving proof thereof to the governor, they shall receive authority with time and place to elect representatives from their counties or townships to represent them in the general assembly, provided that for every five hundred free male inhabitants there shall be one representative and so on progressively with the number of free male inhabitants shall the right of representation encrease until the number of representatives shall amount to twenty five after which the number and proportion of representatives shall be regulated by the legislature; provided that no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years and be a resident in the district or unless he shall have resided in the district three years and in either case shall likewise hold in his own right in fee simple two hundred acres of land within the same; provided also that a

freehold in fifty acres of land in the district having been a citizen of one of the states and being resident in the district; or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected shall serve for the term of two years and in case of the death of a representative or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead to serve for the residue of the term.

The general assembly or legislature shall consist of the governor, legislative council and a house of representatives. The legislative council shall consist of five members to continue in Office five years unless sooner removed by Congress any three of whom to be a quorum and the members of the council shall be nominated and appointed in the following manner, to wit; As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met they shall nominate ten persons residents in the district and each possessed of a freehold in five hundred acres of Land and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council by death or removal from office, the house¹ of representatives shall nominate two persons qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term, and every five years, four months at least before the expiration of the time of service of the Members of Council, the said house shall nominate ten persons qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as Members of the council five years, unless

¹ Benjamin Bankson takes up the entry.

sooner removed. And the Governor, legislative council, and house of representatives, shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and Articles in this Ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the Governor for his assent; but no bill or legislative Act whatever, shall be of any force without his assent. The Governor shall have power to convene, prorogue and dissolve the General Assembly, when in his opinion it shall be expedient.

The Governor, Judges, legislative Council, Secretary, and such other Officers as Congress shall appoint in the district shall take an Oath or Affirmation of fidelity, and of Office, the Governor before the president of Congress, and all other Officers before the Governor. As soon as a legislature shall be formed in the district, the Council and house assembled in one room, shall have authority by joint ballot to elect a Delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary Government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of States and permanent government therein, and for their admission to a share in the federal Councils on an equal footing with the original States, at as early periods as may be consistent with the general interest,

It is hereby Ordained and declared by the authority aforesaid, That the following Articles shall be considered as Articles of compact between the Original States and the

people and States in the said territory, and forever remain unalterable, unless by common consent, *to wit*,

Article the First. No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

Article the Second. The Inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by Jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable unless for capital offences, where the proof shall be evident, or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any persons property, or to demand his particular services, full compensation shall be made for the same; and in the just preservation of rights and property it is understood and declared; that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide and without fraud previously formed.

Article the Third. Religion, Morality and knowledge being necessary to good government and the happiness of mankind, Schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorised by Congress; but laws founded in justice and humanity

shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Article the Fourth. The said territory, and the States which may be formed therein shall forever remain a part of this Confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the Acts and Ordinances of the United States in Congress Assembled, conformable thereto. The Inhabitants and Settlers in the said territory, shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expences of Government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts or new States, as in the original States, within the time agreed upon by the United States in Congress Assembled. The Legislatures of those districts, or new States, shall never interfere with the primary disposal of the Soil by the United States in Congress Assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non resident proprietors be taxed higher than residents. The navigable Waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the Inhabitants of the said territory, as to the Citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost or duty therefor.

Article the Fifth. There shall be formed in the said territory, not less than three nor more than five States, and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The Western State in the said territory, shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and post Vincents due North to the territorial line between the United States and Canada, and by the said territorial line to the lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from post Vincents to the Ohio; by the Ohio, by direct line drawn due North from the mouth of the great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line; provided however, and it is further understood and declared, that the boundaries of these three States, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan; and whenever any of the said States shall have sixty thousand free Inhabitants therein, such State shall be admitted by its Delegates into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government, provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these Articles; and so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may

be a less number of free Inhabitants in the State than sixty thousand.

Article the Sixth. There shall be neither Slavery nor involuntary Servitude in the said territory otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; provided always that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it Ordained by the Authority aforesaid, that the Resolutions¹ of the 23^d of April 1784 relative to the subject of this ordinance be, and the same are hereby repealed and declared null and void.

² Done &c.

On passing the above Ordinance the yeas and nays being required by M^r [Abraham] Yates

<i>Massachusetts</i>		<i>Virginia</i>	
M ^r Holten	ay	M ^r Grayson	ay
M ^r Dane	ay	M ^r R H Lee	ay
<i>New York</i>		M ^r Carrington	ay
M ^r Smith	ay	<i>North Carolina</i>	
M ^r Haring	ay	M ^r Blount	ay
M ^r Yates	no	M ^r Hawkins	ay
<i>New Jersey</i>		<i>South Carolina</i>	
M ^r Clarke	ay	M ^r Kean	ay
M ^r Schurman	ay	M ^r Huger	ay
<i>Delaware</i>		<i>Georgia</i>	
M ^r Kearny	ay	M ^r Few	ay
M ^r Mitchell	ay	M ^r Pierce	ay

So it was resolved in the affirmative.

¹ Journals, vol. XXVI, pp. 275-279.

² Charles Thomson resumes the entry.

Timeline/ Title/ Publisher	Excerpts: Northwest Ordinance: Townships or Counties, not Townships and Counties
1785 May 18 Ordinance for ascertaining the mode of disposing of Lands in the Western Territory.	<p>The Surveyors, as they are respectively qualified, shall proceed to divide the said territory into townships of six miles square ..</p> <p>The plats of the townships respectively, shall be marked by subdivisions into lots of one mile square, or 640 acres ..</p> <p>In the same direction as the external lines ..</p> <p>And numbered from 1 to 36 ..</p> <p>Always beginning the succeeding range of the lots with the number next to that with which the preceding one concluded.</p> <p>And where, from the causes before mentioned ..</p> <p>Only a fractional part of a township shall be surveyed ..</p> <p>The lots protracted thereon, shall bear the same numbers as if the township had been entire.</p>
1786-05-10 Draft Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.30. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.	<p>(1) The Committee (Monroe, Johnson, King, Kean, Pinckney) to whom a motion (Dane) was referred on temporary government for the western States ..</p> <p>It being stipulated by individual States in their Acts of Cession ..</p> <p>That the Territory be laid into States of certain dimensions, ..</p> <p>And admitted into the Confederacy with the rights of the (13) original States ..</p> <p>It becomes necessary that Congress carry the said condition into effect.</p> <p>This can be done only by promoting its settlement ..</p> <p>And securing to its settlers and others who may purchase the soil ..</p> <p>The rights of property and personal safety ..</p> <p>With the conditions upon which they shall ultimately obtain that important privilege.</p>

Timeline/ Title/ Publisher	Excerpts: Northwest Ordinance: Townships or Counties, not Townships and Counties
<p>1786-05-10 Draft Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.30. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.</p>	<p>(2) The Committee think it the duty of Congress to adopt and publish .. Previous to the sale of any part of the territory .. The plan of a temporary government .. With the period at which it shall expire, and they assume their form and equal Station ..</p> <p>They are aware of the propriety of defining the bounds of the new States .. Asking the old states to revise their Acts of Cession which respects their dimensions ..</p> <p>It is to be understood that the States as therein designated shall be perpetual. ..</p> <p>(3) Governor shall lay out lands into Counties, townships, or otherwise upon petition from the people forming settlement(s) Governor will make such other inferior and local arrangements Consistent with the Ordinances and Resolutions of Congress calculated to promote their interest and happiness ..</p> <p>When there are -- free male inhabitants of full age they shall receive authority to elect representatives from their Counties or Townships to represent them in general Assembly .. A Representative shall be a Citizen of one of the US, or have resided in the district -- years .. And shall own -- Acres in fee simple ..</p> <p>The General Assembly shall consist of Governor, Council, House of Representatives with authority confined to lands disposed of by US ..</p>

Timeline/ Title/ Publisher	Excerpts: Northwest Ordinance: Townships or Counties, not Townships and Counties
<p>1786-05-10 Draft Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.30. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.</p>	<p>(4) Non-resident proprietors either Citizens or foreigners shall not be taxed higher than Residents. Governor has power to convene and dissolve the general Assembly .. Inhabitants to pay a part of the federal debts contracted or to be contracted proportionately .. Settlers may keep a non-voting member in Congress after they form a General Assembly and before they become a state</p> <p>The object of the temporary government is .. To protect the persons and rights of those who may settle in the infancy of their settlement ..</p> <p>The US look forward with equal anxiety to the period at which temporary government shall cease and they be admitted into the Confederacy .. They will be admitted when they obtain a common interest in US affairs .. And mature age and strength to act for themselves .. The highest and most satisfactory evidence being the number of free male inhabitants equal to the least populated of the 13 original states ..</p> <p>[.. and 1784-04-23 resolutions repealed.]</p>

Timeline/ Title/ Publisher	Excerpts: Northwest Ordinance: Townships or Counties, not Townships and Counties
<p>1786-07-10 Draft Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.30. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.</p>	<p>(1) The Committee (Monroe, Johnson, King, Kean, Pinckney) reported the next draft of temporary government for the western States .. To promote its settlement and secure to its settlers and others who may purchase the soil .. The rights of property, and of personal safety .. The committee think it the duty of Congress to adopt and publish the plan of a temporary government previous to the sale of any part of the said territory. THE PLAN Governor to lay out land into counties, townships, subject to alterations thereafter by General Assembly (500) free male inhabitants of full age in district shall receive authority to elect representatives from their counties or townships ..</p> <p>(2) Representatives to be citizen of one of the US or resident in district (3) years .. And own (200) acres in fee simple .. Franchise limited to free males who have .. A free hold or life estate in (50) acres if a citizen One year residence in district if not .. All money bills to originate in house of representatives .. Governor has power to convene General Assembly.. Inhabitants to pay part of federal debts contracted or to be contracted, proportionately .. The object of temporary government being to protect the persons and rights of those who settle in the infancy of their settlements .. When number of inhabitants equal those of least numerous original state .. They may meet in metropolis or seat of government to form a free constitution & appoint delegates to the Congress on equal footing with (13) original states ..</p> <p>[.. and 1784-04-23 resolutions repealed.]</p>

Timeline/ Title/ Publisher	Excerpts: Northwest Ordinance: Townships or Counties, not Townships and Counties
<p>1786-08-24 Draft Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.31. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.</p>	<p>On a report of a committee (Monroe, Johnson, King, Pinckney, Smith) on a petition from the inhabitants of Kaskaskies, for the organization of a government over the said district, Ordered, That the secretary of Congress inform the Inhabitants of Kaskaskies, that Congress have under their consideration the plan of a temporary government for the said district, and that its adoption will be no longer protracted than the importance of the subject and a due regard to their Interest may require.</p>
<p>1786-09-19 Draft Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.31. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.</p>	<p>The Committee (Johnson, Pinckney, Smith, Dane, Henry) report a plan of a temporary government for such districts or new States as shall be laid out .. To secure the rights of personal liberty and property to the inhabitants and other purchasers .. Governor to lay out the land into Counties and Townships subject to Alterations by the Legislature .. Electors to be Citizen or foreigner resident in district 1 year and own (50) acres</p>
<p>1787-05-00 Draft Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.32. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.</p>	<p>The report of the committee (Johnson, Pinckney, Smith, Dane, Henry) to prepare a plan of a temporary government for such districts, or new states, as shall be laid out by the US was under consideration this day .. It was assigned for (1787-04-27) on which day no business was transacted .. This report had been left as unfinished business (1786-09-21). It was read a second time (1787-05-09).</p>

Timeline/ Title/ Publisher	Excerpts: Northwest Ordinance: Townships or Counties, not Townships and Counties
<p>1787-05-07 Draft Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.32. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.</p>	<p>(1) The committee (Madison, Clark, Dane) report on St. Vincents, (Kaskaskias) and the Illinois ..</p> <p>There are a large number of Inhabitants, principally descendants of the Antient French settlers who have for (70 or 80) years past been governed by French laws usages and Customs ..</p> <p>For want of criminal laws and magistrates to administer their existing laws they are subjected to very great inconveniences ..</p> <p>Many mere land Jobbers are induced to intrude on their lands and disturbe their possessions ..</p> <p>Congress ought without delay to provide for the administration of Government ..</p> <p>Resolved that a Commissioner be appointed by Congress for (3) years unless sooner revoked ..</p> <p>To divide the said settlements into proper districts containing not more than (800) nor less than (400) inhabitants each ..</p> <p>To summon the Inhabitants to meet and elect one magistrate for each (200) Inhabitants ..</p>



Timeline/ Title/ Publisher	Excerpts: Northwest Ordinance: Townships or Counties, not Townships and Counties
<p>1787-05-07 Draft Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.32. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.</p>	<p>(2) Magistrates shall have full power to hear and determine all Controversies not relating to property in lands .. According to the laws, usages, and customs that prevail in such district .. The commissioner and the major part of the magistrates shall have full power to examine into the titles and possessions of the Inhabitants .. And to award execution according to the laws and customs prevailing in such district .. And to exercise criminal jurisdiction by the laws of Virginia .. Resolved that no property in lands after (1787-09-01) shall be transferred but by bargain and agreement fairly and openly made by the parties before some magistrate .. Resolved that it shall be the duty of the Commissioner and magistrates to prevent unfair and fraudulent purchases of lands of the said Inhabitants ..</p>



Timeline/ Title/ Publisher	Excerpts: Northwest Ordinance: Townships or Counties, not Townships and Counties
<p>1787-05-09 Draft Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.32. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.</p>	<p>Congress proceeded in the second reading of the draft .. The Ordinance being amended .. Ordered that it be transcribed and .. (1787-05-10) be assigned for the third reading.</p>
<p>1787-05-10 Draft Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.32. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.</p>	<p>The order of the day was called (Massachusetts) .. For the third reading of the (NW Ordinance) .. postponed ..</p> <p>Governor to appoint magistrates and civil officers in each county or township .. Governor to lay out territory into counties and townships .. 5,000 free male inhabitants of full age to receive authority to elect representatives from their counties or townships .. Electors to be citizens of one of the US or resident (2) years and owner of (50) acres .. Bills to originate indifferently either in the council or house of representatives .. Governor may convene and dissolve the general assembly ..</p>

Timeline/ Title/ Publisher	Excerpts: Northwest Ordinance: Townships or Counties, not Townships and Counties
<p>1787-07-11 Draft Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.32. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.</p>	<p>(1) The Committee (Carrington, Dane, Lee, Kean,Smith) reported an Ordinance for the government of the territory of the US NW of the river Ohio which was read a first time. To add several clauses to draft of 1787-05-10 .. Real estates may be conveyed by lease, or bargain and sale with (2) witnesses .. By the person being of full age, in whom the estate may be .. Personal property may be transferred by delivery .. Except that laws and customs remain in force relative to descent and conveyance to the the Inhabitants of Kaskaskias and post Vincents .. (2) Governor, legislative Council, and House of Representatives to make laws for the good government of the district not repugnant to the principles and articles in this ordinance .. Extending to all parts of the Confederacy the fundamental principles of civil and religious liberty which form the basis whereon these republics, their laws and Constitutions are erected .. To fix and establish those principles as the basis of all laws Constitutions and Governments, which forever hereafter shall be formed in the said Territory .. The following articles shall be considered as articles of compact between the original States and the people and States in the said Territory, and forever remain unalterable unless by Common Consent ..</p>

Timeline/ Title/ Publisher	Excerpts: Northwest Ordinance: Townships or Counties, not Townships and Counties
<p>1787-07-11 Draft Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.32. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.</p>	<p>(3) Judicial proceedings according to Common law .. No man deprived of liberty or property but by Judgment of peers or the law of the land .. Full compensation for property and services taken for common preservation .. Just preservation of rights and property .. No law ever to be made or have force that interferes with or effects private contracts or engagements .. Indian lands, property, rights, liberty protected, and protected from wrongs, and peace preserved with them .. Territory and States which may be formed therein forever a part of this Confederation .. And subject to all acts and ordinances of the US in Congress .. (4) Legislatures shall never interfere with the primary disposal of the soil by the US in Congress assembled .. Nor with regulations for securing the title in such soil to the bona fide purchasers .. No tax shall be imposed on US land Institutions for the promotion of religion and morality, schools and the means of education shall forever be encouraged .. All persons while young shall be taught some useful Occupation ..</p>

Timeline/ Title/ Publisher	Excerpts: Northwest Ordinance: Townships or Counties, not Townships and Counties
<p>1787-07-13 Passed Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.32. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.</p>	<p>(1) The Northwest Ordinance was read a third time and passed .. Changes from previous drafts included ..</p> <p>Religion, Morality and knowledge being necessary to good government and the happiness of mankind, Schools and the means of education shall forever be encouraged. (Article 3)</p> <p>60,000 free Inhabitants for Statehood .. Such admission shall be allowed at an earlier period, and when there may be less than 60,000 (Article 5)</p> <p>Slavery prohibited (Article 6)</p> <p>(2) Previous to the organization of the general assembly .. The governor shall appoint such magistrates and other civil officers .. In each county or township .. As he shall find necessary for the preservation of the peace and good order in the same (Section 7)</p>

Timeline/ Title/ Publisher	Excerpts: Northwest Ordinance: Townships or Counties, not Townships and Counties
1787-07-13 Passed Ordinance for the government of the Territory of the United States northwest of the River Ohio. Journals of the Continental Congress Vol.32. Fitzpatrick, John C. (editor) (1934). Washington (DC): Library of Congress.	<p>(3)</p> <p>For the prevention of crimes and injuries .. The laws to be adopted or made shall have force in all parts of the district .. And for the execution of process, criminal and civil .. The governor shall make proper divisions thereof .. And he shall proceed from time to time as circumstances may require .. To lay out the parts of the district in which the Indian titles shall have been extinguished .. Into counties and townships .. Subject, however, to such alterations as may thereafter be made by the legislature. (Section 8)</p> <p>(4)</p> <p>So soon as there shall be five thousand free male inhabitants of full age in the district .. Upon giving proof thereof to the governor, they shall receive authority, with time and place .. To elect a representative .. From their counties or townships .. To represent them in the general assembly (Section 9)</p>

An ORDINANCE for the GOVERNMENT of the TERRITORY of the UNITED STATES, North-West of the RIVER OHIO.

BE IT ORDAINED by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estate both of resident and non-resident proprietors in said territory, dying intestate, shall descend to, and be distributed among their children or descendants of a deceased child in equal parts; the descendants of a deceased child or grand-child to take the share of their deceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collateral children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parents share; having in all cases to the widow of the intestate, her third part of the real estate of the deceased, and one third part of the personal estate of the deceased, and one third part of the real estate of the deceased, and one third part of the personal estate of the deceased.

And until the governor and judges shall adopt laws as herein after mentioned, estates in said territory may be devised or bequeathed by will in writing, signed and sealed by him or her, in whom the estate may be, (being of full age) and attested by three witnesses; and real estates may be conveyed by lease and sale, or bargain and sale, signed, sealed, and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery, having, however, no other form.

And all laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked, he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district until their ratification by the general assembly thereof, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not heretofore otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, as for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be 5000 free male inhabitants of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that for every 500 free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to 25, after which the number and proportion of representatives shall be regulated by the legislature; provided that no person be eligible or qualified to sit as a representative, unless he shall have been a citizen of one of the United States three years and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall likewise hold in his own right, in fee simple, 100 acres of land within the same; provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district; or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years, and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council, shall consist of five members, to continue in office five years, unless sooner removed by Congress, any three of whom to be a quorum, and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons residents in the district, and each possessed of a freehold in 500 acres of land, and nominate ten persons residents in the district, and each possessed of a freehold in 500 acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death, or removal from office, the house

of representatives shall nominate two persons qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the term of service of the members of council, the said house shall nominate ten persons qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; no bill or ordinance shall be in force until he has assented thereto. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office, the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled in one room, shall have authority by joint ballot to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

And for extending the principles of the fundamental principles of civil and religious liberty, which form the basis upon which the constitution of the United States is erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of states, and permanent government therein, and for their admission to a share in the federal council on an equal footing with the original states, as early periods as may be consistent with the general interest.

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit:

Article the First. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable unless for capital offences, where the proof shall be evident, or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any persons property, or to demand any particular services, full compensation shall be made for the same; and in the just preservation of rights and property it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or agreements, bona fide and without fraud previously formed.

Article the Third. Institutions for the promotion of religion and morality, schools and the means of education shall forever be encouraged, and shall be free to all; and no religious test shall ever be required as a qualification for any office or public trust, and no person shall be denied the enjoyment of his civil and political rights on account of his religious opinions; and no person shall be taken from them without their consent, and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Article the Fourth. The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in said territory, shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislature of the district or districts or new states, as in the original states, within the time agreed upon by the United States in Congress assembled. The legislatures of the said districts, or new states, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in each lot to the bona fide purchaser. No tax shall be imposed on lands the property of the United States; and in no case non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and on the Mississippi, and the carrying places between the same shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost, or duty thereon.

Article the Fifth. There shall be formed in the said territory, not less than three nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession and the states of Kentucky, Tennessee, and Mississippi, shall be bounded as follows, to wit: The western state in said territory, shall be bounded by the Mississippi, the Ohio and the western boundary of the state of Kentucky, and the Potomac due north to the territorial line between the United States and Canada, and by said territorial line to the lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from Fort Vincennes to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the territorial line, and by said territorial line. The eastern state shall be bounded by the said direct line, the Ohio, Pennsylvania, and the said territorial line; provided however, and it is further understood and declared, that the boundaries of these three states, shall be subject to far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the northern bend or extreme of lake Michigan; and wherever any of the said states shall have fifty thousand free inhabitants therein, such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original states in all respects whatever; and shall be at liberty to form a permanent constitution and state government; provided the constitution and government to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than fifty thousand.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, and the same are hereby repealed and declared null and void.

A= draft of the bill that passed

An ORDINANCE for the GOVERNMENT of the TERRITORY of the UNITED STATES, North-West of the RIVER OHIO.

BE IT ORDAINED by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand-child, to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collateral, the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parent's share; and there shall be no distinction between kindred of the whole and half blood; favoring in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. — And until the governor and judges shall adopt laws as herein after mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be, (being of full age) and attested by three witnesses; — and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery, giving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskia, Saint Vincent's, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and to transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof;—and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that for every five hundred free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five, after which the number and proportion of representatives shall be regulated by the legislature; provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall likewise hold in his own right, in fee simple, two hundred acres of land within the same:—Provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district; or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years, and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by a majority of any three of whom to be a quorum, and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate and commission, as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the term of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws, in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office, the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house, assembled in one room, shall have authority by joint ballot to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which hereafter shall be formed in the said territory;—to provide also for the establishment of a permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest.

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

Article the First. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

Article the Second. The inhabitants of the said territory shall always be entitled to the benefits of the writ of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable unless for capital offences, where the proof shall be evident, or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any person's property, or to demand his particular services, full compensation shall be made for the same;—and in the just preservation of rights and property it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide and without fraud previously formed.

Article the Third. Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Article the Fourth. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory, shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislature of the district or districts or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost or duty thereon.

Article the Fifth. There shall be formed in the said territory, not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western State in the said territory, shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Post Vincennes due north to the territorial line between the United States and Canada, and by the said territorial line to the lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincennes to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: Provided however, and it is further understood and declared, that the boundaries of these three States, shall be subject to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southern bend or extreme of Lake Michigan; and whenever any of the said States shall have fifty thousand free inhabitants therein, each State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original States in all respects whatever; and shall be at liberty to form a permanent constitution and State government: Provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

Article the Sixth. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted: Provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.

DONE by the UNITED STATES in CONGRESS assembled, the 13th day of July, in the year of our Lord 1787, and of the sovereignty and independence the 12th.



THE
Public Statutes at Large
 OF THE
UNITED STATES OF AMERICA,

FROM THE
 ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1845.

ARRANGED IN CHRONOLOGICAL ORDER.

WITH
 REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS
 ON THE SAME SUBJECT,

AND
 COPIOUS NOTES OF THE DECISIONS

OF THE
Courts of the United States

CONSTRUING THOSE ACTS, AND UPON THE SUBJECTS OF THE LAWS.

WITH AN
 INDEX TO THE CONTENTS OF EACH VOLUME,
 AND A
 FULL GENERAL INDEX TO THE WHOLE WORK, IN THE CONCLUDING VOLUME.

TOGETHER WITH
*The Declaration of Independence, the Articles of Confederation, and
 the Constitution of the United States;*

AND ALSO,
 TABLES, IN THE LAST VOLUME, CONTAINING LISTS OF THE ACTS RELATING TO THE JUDICIARY,
 IMPOSTS AND TONNAGE, THE PUBLIC LANDS, ETC.

EDITED BY
RICHARD PETERS, ESQ.,
 COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognized, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of Congress, passed March 3, 1845.

VOL. I.

BOSTON:
 CHARLES C. LITTLE AND JAMES BROWN.
 1845.

DECLARATION OF INDEPENDENCE.

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN
 UNITED STATES OF AMERICA.

July 4, 1776.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

VOL. I.—1.

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Peters, Richard (editor). Public Statutes at Large of the US. Volume I. Boston: Charles C. Little and James Brown (1845). By authority of Congress. References to the matter of each act and to the subsequent acts on the same subject. Copious notes of the decisions of the courts of the US.

July 4, 1776.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefits of trial by jury;

For transporting us beyond seas to be tried for pretended offences;

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

July 4, 1776.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the UNITED STATES OF AMERICA, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE and INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as FREE and INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

JOHN HANCOCK.

New Hampshire.—Josiah Bartlett, William Whipple, Matthew Thornton.

Massachusetts Bay.—Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.

Rhode Island, &c.—Stephen Hopkins, William Ellery.

Connecticut.—Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.

New York.—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

New Jersey.—Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

Pennsylvania.—Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.

Delaware.—Cæsar Rodney, George Read, Thomas M'Kean.

Maryland.—Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton.

Virginia.—George Wythe, Richard Henry Lee, Thomas Jefferson,

Benjamin Harrison, Thomas Nelson, Jun., Francis Lightfoot Lee, Carter Braxton.

North Carolina.—William Hooper, Joseph Hewes, John Penn.

South Carolina.—Edward Rutledge, Thomas Hayward, Jun., Thomas Lynch, Jun., Arthur Middleton.

Georgia.—Button Gwinnett, Lyman Hall, George Walton.

CONSTITUTION OF THE UNITED STATES.

Purposes for which the Constitution was ordained and established.

Legislative powers vested in Congress.

House of Representatives.

Representatives and direct taxes to be apportioned according to respective numbers.

Census to be taken every ten years.

Representatives in Congress.

WE, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.^(a)

ARTICLE I. § 1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.^(b)

§ 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative, and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four,

^(a) Martin, heir at law of Fairfax, v. Hunter's Lessee, 1 Wheat. 304; 3 Cond. Rep. 575. Briscoe et al. v. the Bank of the Commonwealth of Kentucky, 11 Peters, 257. McCulloch v. The State of Maryland, 4 Wheat. 318; 4 Cond. Rep. 466. Gibbons v. Ogden, 9 Wheat. 1. Barron v. The Mayor and City Council of Baltimore, 7 Peters, 243. Marberry v. Madison, 1 Cranch, 237; 1 Cond. Rep. 267. United States v. Smith, 5 Wheat. 153; 4 Cond. Rep. 519. Owing v. Norwood, 5 Cranch, 344; 2 Cond. Rep. 375.

^(b) The object of the Constitution was to establish three great departments of government: the Legislative, the Executive, and the Judicial departments. The first was to pass laws; the second to approve and execute them; the third to expound and enforce them. Martin, heir at law of Fairfax, v. Hunter's Lessee, 1 Wheat. 304; 3 Cond. Rep. 575.

The Constitution unavoidably deals in general language. It did not suit the purpose of the people in framing this great charter of our liberties to provide for minute specifications of its powers, or to declare the means by which those powers were to be carried into execution. It was foreseen that that would be a perilous and difficult, if not an impracticable task. The instrument was not intended merely to provide for the exigencies of a few years, but was to endure through a long lapse of ages; the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be made indispensable to effectuate the general objects of the charter; and restrictions and specifications which at present might seem salutary, might in the end prove the overthrow of the system itself. Hence its powers are expressed in general terms; leaving to the legislature, from time to time, to adopt its own means to effectuate legitimate objects, and to mould and remodel the exercise of its own powers as its own wisdom, and the public interests should require. Martin, &c. v. Hunter, 1 Wheat. 304; 3 Cond. Rep. 575.

Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.^(a)

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

§ 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

§ 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

§ 5. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent

Vacancies in the representation, how filled.

Speaker and officers of H. R. Impeachment. Senate, how composed. Senators, how chosen.

Each Senator to have one vote. One third of the Senators to be chosen every second year. Vacancies during recess of the Legislature of a State. How filled.

Qualifications of Senators.

Vice President of U. S. president of Senate.

The Senate to choose their officers. President pro tempore.

The Senate to have the sole power to try impeachments. When the President of U. S. is tried, the Chief Justice shall preside.

Judgment in case of impeachment. Party convicted subject to indictment at law.

Times and places for holding elections. Congress may at anytime make or alter regulations made by the States, except as to the places of choosing Senators.

Congress to assemble once a year. Each House

^(a) South Carolina adopted the Constitution by a convention called in November, 1789. Rhode Island, by a convention held in May, 1790, assented to the Constitution. Kentucky was admitted into the Union, June 1, 1792. Vermont was admitted into the Union, March 4, 1791. Tennessee was admitted into the Union, June 1, 1796. Ohio was established as a state of the Union, by act of April 30, 1802. Louisiana was admitted into the Union, April 30, 1812. Indiana was admitted into the Union, December 11, 1816. Mississippi was admitted into the Union, December 10, 1817. Illinois was admitted into the Union, December 3, 1818. Alabama was admitted into the Union, December 14, 1819. Maine was admitted into the Union by an act of Congress, passed March 3, 1820. Missouri was admitted into the Union, March 2, 1821. Arkansas was admitted into the Union, June 15, 1836. Michigan was admitted into the Union, January 26, 1837. North Carolina became a member of the Union, before June 4, 1790. Iowa and Florida were authorized to become states of the Union, by act of March 3, 1845, chap. 48.

to be the judge of the elections, returns, and qualifications of its members. A majority to form a quorum.

Rules of proceeding. Each House to keep a journal. Yeas and nays.

Adjournments of the Houses of Congress.

Compensation of the Senators and Representatives. Privileged from arrest, with exceptions. Not to be questioned in any other place for any speech or debate in either House.

Appointment to office of Senators or Representatives. No person holding any office under the U. S. to be a member of either House during his continuance in office.

Bills for raising revenue. Bills, after having passed Congress, to be presented to the President. Proceedings when the President disapproves.

Every order, resolution, or vote, of both Houses (except on a question of adjournment) to be presented to the President of the U. S. Powers of Congress.

members, in such manner, and under such penalties, as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

§ 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

§ 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days, (Sundays excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

§ 8. The Congress shall have power(a)

(a) Congress must possess the choice of means, and must be empowered to use any means, which are in fact conducive to the exercise of a power granted by the Constitution. *United States v. Fisher, et al.; Assignees of Blight, 2 Cranch's Rep. 358; 1 Cond. Rep. 421.*

To lay and collect taxes, duties, imposts and excises,(a) to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States:(b)

To borrow money on the credit of the United States:
To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:(c)

To establish a uniform rule of naturalization,(d) and uniform laws on the subject of bankruptcies throughout the United States:(e)

To lay taxes, and provide for the common defence and welfare. Duties to be uniform. To borrow money. To regulate commerce. Naturalization. Bankruptcies.

The powers granted to Congress are not exclusive of similar powers existing in the States, unless where the Constitution has expressly, in terms, given an exclusive power to Congress; or the exercise of a like power is prohibited to the States; or there is a direct repugnancy, or incompatibility in the exercise of it by the States. The example of the first class is to be found in the exclusive legislation delegated to Congress over places purchased by the consent of the legislature of the State in which the same shall be located for forts, arsenals, dock-yards, &c.; of the second class, of the prohibition of a State to coin money, or emit bills of credit; of the third class, the power to establish a uniform rule of naturalization, and the delegation of admiralty and maritime jurisdiction. In all other cases the States retain concurrent authority with Congress. *Houston v. Moore, 5 Wheat. 1; 4 Cond. Rep. 589.*

An act of Congress repugnant to the Constitution cannot become the law of the land. *Marbury v. Madison, 1 Cranch, 137; 1 Cond. Rep. 267.*

The mere grant of power to Congress does not imply a prohibition on the States to exercise the same power. Whenever the terms in which such a power is granted to Congress require that it should be exercised exclusively by Congress, the subject is as completely taken from the State legislatures, as if they had been expressly forbidden to act upon it. *Sturges v. Crowninshield, 4 Wheat. 122; 4 Cond. Rep. 409.*

(a) The power of Congress to levy and collect taxes, duties, imposts, and excises, is co-extensive with the territory of the United States. *Loughborough v. Blake, 5 Wheat. 317; 4 Cond. Rep. 660.*

The power of Congress to exercise exclusive legislation, in all cases whatever, within the District of Columbia, includes the power of taxing it. *Ibid.*

The authority of Congress to lay and collect taxes, does not interfere with the power of the States to tax for the support of their own governments; nor is the exercise of that power by the States, an exercise of any portion of the power that is granted to the United States. *Gibbons v. Ogden, 9 Wheat. 1; 5 Cond. Rep. 562.*

(b) The constitutional provision that direct taxes shall be apportioned among the several States, according to their respective numbers, to be ascertained by a census, was not intended to restrict the power of imposing direct taxes to States only. *Loughborough v. Blake, 5 Wheat. 317; 4 Cond. Rep. 660.*

(c) An act of Congress, laying an embargo for an indefinite period of time, is constitutional and valid. *The United States v. The William, 2 Hall's Am. Law Jour. 255.*

The power of regulating commerce extends to the regulation of navigation. *Gibbons v. Ogden, 9 Wheat. 1; 5 Cond. Rep. 562.*

The power to regulate commerce extends to every species of commercial intercourse between the United States and foreign nations, and among the several States. It does not stop at the external boundary of a State; but it does not extend to a commerce which is completely internal. *Ibid.*

The power to regulate commerce is general, and has no limitations but such as are prescribed by the Constitution itself. This power, so far as it extends, is exclusively vested in Congress, and no part of it can be exercised by a State. *Ibid.*

The power of regulating commerce extends to navigation carried on by vessels employed in transporting passengers. *Ibid.*

All those powers which relate to merely municipal legislation, or which may be properly called internal police, are not surrendered (by the States) or restrained, and consequently in relation to those the authority of a State is complete, unqualified, and exclusive. *The City of N. York v. Miln, 11 Peters, 102.*

The act of the legislature of New York passed February 1824, entitled, "An Act concerning passengers in vessels arriving in the port of New York," is not a regulation of commerce, but of police; and being so, it was passed in the exercise of a power which belonged to that State. *Ibid.*

The power to regulate commerce, includes the power to regulate navigation, as connected with the commerce with foreign nations and among the States. It does not stop at the mere boundary line of a State, nor is it confined to acts done on the waters, or in the necessary course of the navigation thereof; it extends to such acts done on the land, which interfere with, obstruct, or prevent the due exercise of the powers to regulate commerce and navigation with foreign nations, and among the States. Any offence which thus interferes with, obstructs, or prevents such commerce and navigation, though done on land, may be punished by Congress, under its general authority to make all laws necessary and proper to execute their delegated constitutional powers. *The United States v. Lawrence Coombe, 12 Peters, 72.*

Persons are not the subjects of commerce, and not being imported goods, they do not fall within the meaning founded upon the Constitution, of a power given to Congress, to regulate commerce, and the prohibition of the States for imposing a duty on imported goods. *Ibid.; Gibbons v. Ogden, 9 Wheat. 1; 5 Cond. Rep. 562.*

(d) Under the Constitution of the United States, the power of naturalization is exclusively in Congress. *Chirac v. Chirac, 3 Wheat. 259; 4 Cond. Rep. 111; Houston v. Moore, 5 Wheat. 1; 4 Cond. Rep. 589.*

(e) The powers of Congress to establish uniform laws on the subject of bankruptcy throughout the

B

To coin money. To fix the standard of weights and measures.
To punish counterfeiters.
Post-offices.
To promote the progress of science and useful arts.
Inferior tribunals.
Piracies on the high seas.
To declare war.
To raise armies.
Navy, &c.
Government of the army and navy.
Militia.

For the organization, &c. of the militia.

Exclusive Legislation over seat of government of the U. S.

Exclusive authority over places purchased with the consent of States.

To make laws for carrying into execution all powers vested in government of U. S.

Migration or importation of persons.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post-offices and post-roads:

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the Supreme Court:

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations: (a)

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise and support armies: but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress. (b)

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. And,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof. (c)

§ 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

United States, does not exclude the right of the States to legislate on the same subject, except when the power is actually exercised by Congress, and the State laws conflict with those of Congress. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523; *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409.

Since the adoption of the Constitution of the United States, a state has authority to pass a Bankrupt law, provided such law does not impair the obligation of contracts; and provided there be no act of Congress in force to establish a uniform system of bankruptcy, conflicting with such law. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409.

(b) The act of the 3d March, 1819, chap. 76, sec. 5, referring to the law of nations for a definition of the crime of piracy, is a constitutional exercise of the power of Congress to define and punish that crime. *United States v. Smith*, 5 Wheat. 153; 4 Cond. Rep. 619. See also *United States v. Palmer*, 3 Wheat. 610; 4 Cond. Rep. 352.

(c) The act of Congress of Feb. 28, 1795, to provide for the calling out the militia to execute the laws of the Union, suppress insurrections, and repel invasions, is within the constitutional powers of Congress. *Martin v. Mott*, 12 Wheat. 19; 6 Cond. Rep. 410.

(d) Congress must possess the choice of means, and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution. *United States v. Fisher et al.*, 2 Cranch, 358; 1 Cond. Rep. 421. *Van Horne's Lessee v. Dorrance*, 2 Dall. 304; *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267, 268. *The United States v. Bevans*, 3 Wheat. 336; 4 Cond. Rep. 275. *McCulloch v. Maryland*, 4 Wheat. 316; 4 Cond. Rep. 466. *United States v. Tingey*, 5 Peters, 115. *Anderson v. Dunn*, 6 Wheat. 204. *Dugan v. The United States*, 3 Wheat. 172; 4 Cond. Rep. 223. *The Exchange*, 7 Cranch, 116; 2 Cond. Rep. 438. *Osborn v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741. *Harrison v. Sturry*, 5 Cranch, 239; 2 Cond. Rep. 260. *Postmaster General v. Early*, 12 Wheat. 138; 6 Cond. Rep. 480.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it. (a)

No bill of attainder or *ex post facto* law shall be passed. (b)

No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

§ 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; (c) pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility. (d)

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. (e) No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ART. II. § 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows:

(a) *Ex parte* Barford, 3 Cranch, 448. *Ex parte* Bollman, 4 Cranch, 75; 2 Cond. Rep. 33. *Ex parte* Kearney, 7 Wheat. 38; 5 Cond. Rep. 225. *Ex parte* Tobias Watkins, 5 Peters, 158. *Ex parte* Milburn, 9 Peters, 704. *Martin v. Mott*, 12 Wheat. 19; 6 Cond. Rep. 410.

(b) The prohibition of the Federal Constitution of *ex post facto* laws extends to penal statutes only; and does not extend to cases affecting only the civil rights of individuals. *Calder et al. v. Bull*, 3 Dall. 386; 1 Cond. Rep. 172. *Fletcher v. Peck*, 6 Cranch, 87; 2 Cond. Rep. 308. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523.

(c) *Briscoe v. The Bank of the Commonwealth of Kentucky*, 11 Peters, 257. *Craig v. The State of Missouri*, 4 Peters, 431. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523. *Cooper v. Telfair*, 4 Dall. 14; 1 Cond. Rep. 211.

(d) If any act of the legislature is repugnant to the Constitution, it is, *ipso facto*, void; and it is the duty of the court so to declare it. *Vanhorne's Lessee v. Dorrance*, 2 Dall. 304.

The Constitution fixes the limits to the exercise of legislative authority, and prescribes the orbit in which it must move. Whatever may be the case in other countries, yet here there can be no doubt that any act of the Legislature repugnant to the Constitution is absolutely void. *Ibid.* *Fletcher v. Peck*, 6 Cranch, 87; 2 Cond. Rep. 308.

The legislature of a state can pass no *ex post facto* law. An *ex post facto* law is one which renders an act punishable, which was not punishable when it was committed. *Ibid.* *Houston v. Moore*, 5 Wheat. 1; 4 Cond. Rep. 559.

The invalidity of a state law, as impairing the obligation of contracts, does not depend on the extent of the change which the law effects in the contract. *Green v. Biddle*, 8 Wheat. 1; 5 Cond. Rep. 369. *Briscoe v. The Bank of the Commonwealth of Kentucky*, 11 Peters, 257. *New Jersey v. Wilson*, 7 Cranch, 164; 2 Cond. Rep. 457. *Terrett v. Taylor*, 9 Cranch, 43; 3 Cond. Rep. 254. *Trustees of Dartmouth College v. Woodward*, 4 Wheat. 518; 4 Cond. Rep. 526. *The Proprietors of the Charles River Bridge v. The Proprietors of the Warren Bridge*, 11 Peters, 420. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409. *Hawkins v. Barney's Lessee*, 5 Peters, 456. *Mason v. Haile*, 12 Wheat. 370; 6 Cond. Rep. 535. *Farmers' and Mechanics' Bank v. Smith*, 6 Wheat. 131; 5 Cond. Rep. 35. *Satterlee v. Matthewson*, 2 Peters, 380. *Wilkinson v. Leland*, 2 Peters, 627.

(e) *Brown v. The state of Maryland*, 12 Wheat. 419; 6 Cond. Rep. 554.

Writ of Habeas Corpus.

Bills of attainder, or *ex post facto* laws.

Capitation or other direct tax.

No tax or duty on articles exported from any State.

No preference to ports of one State over another.

No money drawn from the treasury but by law.

Receipts and expenditures published.

No title of nobility to be granted.

Limitation of the powers of the States.

Executive power vested in a President of the U. S.

Duration of office.

Mode of electing President and Vice President.

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.^(a)

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

The President shall at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear, (or affirm,) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

§ 2. The President shall be commander-in-chief of the army and

Electors of President and Vice President.

Qualifications of the President.

Vacancy in the office of President. How supplied.

Compensation for the services of the President.

Oath of office of the President.

^(a) By an amendment to the Constitution, a substitute for this paragraph was adopted. Amendment, Art. 12, § 1. This amendment was proposed in October 1803, and was ratified before September 1804. See the amendment, *post*.

navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; ^(a) and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.^(b)

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

§ 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

§ 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ART. III. § 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.^(c)

§ 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the

^(a) The decisions of the Supreme Court of the United States on the powers and duties of the President of the United States have been the following: *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267; 1 Peters, 296; 13 Peters, 524. *Williams v. The Suffolk Ins. Com.*, 13 Peters, 415.

^(b) *Ann. Ins. Comp. v. Canter*, 1 Peters, 511, 517; with Mr. Justice Johnson's opinion. *Ex parte Duncan N. Hennen*, 13 Peters, 230.

^(c) The decisions of the Supreme Court of the United States on the 1st and 2d sections of the 3d article of the Constitution have been: *The State of Rhode Island v. The State of Massachusetts*, 12 Peters, 657-72. *McBride v. Hoey*, 11 Peters, 167. *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267. *Ex parte Crane*, 5 Peters, 190. *Ex parte Milburn*, 9 Peters, 704. *Town of Pawlet v. Clark et al.*, 9 Cranch, 292; 3 Cond. Rep. 468. *Ex parte Kearney*, 7 Wheat, 38; 5 Cond. Rep. 225. *McClay v. Silliman*, 2 Wheat, 369; 4 Cond. Rep. 162. *The United States v. Bevan*, 3 Wheat, 336; 4 Cond. Rep. 275. *United States v. Hamilton*, 3 Dall, 17. *Ex parte Bollman*, 4 Cranch, 75; 2 Cond. Rep. 33. *Ex parte Tobias Watkins*, 3 Peters, 193. *Cherokee Nation v. The State of Georgia*, 5 Peters, 1. *Cohens v. The State of Virginia*, 6 Wheat, 264. *Osborn v. The Bank of the United States*, 9 Wheat, 738; 5 Cond. Rep. 741. *The United States v. Ortega*, 11 Wheat, 467; 6 Cond. Rep. 394. *Fowler v. Lindsey et al.*, 3 Dall, 411. *The United States v. Goodwin*, 7 Cranch, 108; 2 Cond. Rep. 434.

The third article of the Constitution of the United States enables the judicial department to receive jurisdiction to the full extent of the Constitution, laws and treaties of the United States, when any question respecting them shall assume such form that the judicial power is capable of acting on it. That power is capable of acting, only when the subject is submitted to it by a party who asserts his rights in a form prescribed by law. It then becomes a case.

Osborn et al. v. The Bank of the United States, 9 Wheat, 738; 5 Cond. Rep. 741.

Powers and duties of the President.

May grant reprieves and pardons.

May make treaties, by and with the advice and consent of the Senate.

Appointments to office.

Vacancies during the recess of the Senate.

Give Congress information of the State of the Union.

Convene Congress on extraordinary occasions. When he may adjourn Congress.

Other powers and duties.

Removals from office by impeachment and conviction of crimes.

Judicial powers.

Judges to hold office during good behaviour. Compensation not to be diminished during continuance in office.

Extent of judicial power.

United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, (a) and those in which a State shall be party, the Supreme Court shall have original jurisdiction. (b) In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make. (c)

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

§ 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ART. IV. § 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof. (d)

§ 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall

be delivered up on claim of the party to whom such service or labour may be due. (a)

§ 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

§ 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

ART. V. The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ART. VI. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land: and the judges, in every State, shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ART. VII. The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand

(a) Prigg v. The Commonwealth of Pennsylvania, 16 Peters, 539. The clauses in the Constitution relating to fugitives from labour, manifestly contemplate the existence of a positive, unqualified right on the part of the owner of the slave, which no State law or regulation can in any way qualify, regulate, control, or restrain. Any law or regulation which interrupts, limits, delays, or postpones the rights of the owner to the immediate command of his service or labour, operates pro tanto, a discharge of the slave therefrom. The question can never be how much he is discharged from; but whether he is discharged from any service by the natural and necessary operation of the State laws, or State regulations. The question is not one of quantity and degree, but of withholding or controlling the incidents of a positive right.

The owner of a fugitive slave has the same right to take him in a State to which he has escaped or fled, that he had in the State from which he escaped; and it is well known that this right to seizure or re-capture is universally acknowledged in all the slave-holding States. *Ibid.*

Original jurisdiction of the Supreme Court. Appellate jurisdiction of the Supreme Court.

Trial by jury.

Treason. Conviction for treason.

Punishment of treason. Attainder.

The public acts, &c., of the States to have full faith and credit.

Citizens of the States entitled to equal privileges.

Fugitives from justice.

Fugitives from labour.

(a) An indictment under the crimes act of 1790, chap. 9, sec. 23, for infracting the law of nations by offering violence to the person of a foreign minister, is a case "affecting ambassadors and other public ministers, or consuls," within the second section of the third article of the Constitution of the United States. *The United States v. Ortega*, 11 Wheat. 467; 6 Cond. Rep. 394.

(b) On the original jurisdiction of the Supreme Court, the following cases have been decided: *Ex parte Kearney*, 7 Wheat. 38; 5 Cond. Rep. 225. *McCluny v. Sullivan*, 2 Wheat. 369; 4 Cond. Rep. 162. *The Columbian Insurance Company v. Wheelwright*, 7 Wheat. 534; 5 Cond. Rep. 334. *United States v. Hamilton*, 3 Dall. 17. *Ex parte Tobias Watkins*, 3 Peters, 193. *Ex parte Crane et al.*, 5 Peters 190. *United States v. Ravara*, 2 Dall. 297. *Cherokee Nation v. The State of Georgia*, 5 Peters, 1. *The State of New Jersey v. The State of New York*, 5 Peters, 284. *Ex parte Juan Madrazo*, 7 Peters, 627. *The State of Rhode Island v. The State of Massachusetts*, 12 Peters, 657-755. *Cohens v. The State of Virginia*, 6 Wheat. 264; 5 Cond. Rep. 90. *Osborn v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741. *Fowler et al. v. Lindsey et al.*, 3 Dall. 411.

(c) Upon the appellate powers of the Supreme Court, the following cases have been decided: *United States v. Goodwin*, 7 Cranch, 108; 2 Cond. Rep. 434. *Wiscart v. Dauchy*, 3 Dall. 321; 1 Cond. Rep. 144. *United States v. Moore*, 3 Cranch, 159; 1 Cond. Rep. 480. *Osborn v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741. *Owings v. Norwood's Lessee*, 5 Cranch, 344; 2 Cond. Rep. 275. *Martin v. Hunter's Lessee*, 1 Wheat. 304; 3 Cond. Rep. 575. *Gordon v. Caldwell*, 3 Cranch, 268; 1 Cond. Rep. 524. *Ex parte Kearney*, 7 Wheat. 38; 5 Cond. Rep. 225. *Ingles v. Coolidge*, 2 Wheat. 363; 4 Cond. Rep. 155. *Gelston et al. v. Hoyt*, 3 Wheat. 312; 5 Cond. Rep. 445. *Miller v. Nicholls et al.*, 1 Peters, 662. *Buel v. Van Ness*, 8 Wheat. 312; 5 Cond. Rep. 445. *Miller v. Nicholls et al.*, 1 Peters, 311; 4 Cond. Rep. 465. *Mathews v. Zane et al.*, 7 Wheat. 164; 5 Cond. Rep. 265. *Houston v. Moore*, 3 Wheat. 433; 4 Cond. Rep. 285. *Williams v. Norris*, 12 Wheat. 117; 6 Cond. Rep. 482. *Montgomery v. Hernandez*, 12 Wheat. 129; 6 Cond. Rep. 475. *Gibbons v. Ogden*, 6 Wheat. 448; 5 Cond. Rep. 184. *Weston et al. v. The City Council of Charleston*, 3 Peters, 449.

(d) *Mills v. Duryee*, 7 Cranch, 481; 2 Cond. Rep. 578. *Hampton v. McConnel*, 3 Wheat. 234; 4 Cond. Rep. 243. See act of May 26, 1790, chap. 11. Act of March 27, 1804, chap. 26.

New States. Formation of new States out of other States.

Congress to have power to dispose of and make regulations respecting the territories or other property of the U. S.

Guarantee by the U. S. of a republican form of government to every State; and each State to be protected from invasion, and against domestic violence.

Amendments to Constitution. No State, without its consent, shall be deprived of an equal suffrage in the Senate.

Debts &c., contracted before the adoption of the Constitution to be valid against the U. S.

The Constitution and laws of the U. S. or treaties, the supreme law of the land.

Oath or affirmation to support the Constitution.

No religious test a qualification for office. Ratification of the Constitution.

seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON, PRESIDENT, and Deputy from Virginia.

New Hampshire.—John Langdon, Nicholas Gilman.

Massachusetts.—Nathaniel Gorham, Rufus King.

Connecticut.—William Samuel Johnson, Roger Sherman.

New York.—Alexander Hamilton.

New Jersey.—William Livingston, David Brearley, William Paterson, Jonathan Dayton.

Pennsylvania.—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

Delaware.—George Read, Gunning Bedford, Jun., John Dickinson, Richard Bassett, Jacob Broom.

Maryland.—James M'Henry, Daniel of St. Thomas Jenifer, Daniel Carroll.

Virginia.—John Blair, James Madison, Jun.

North Carolina.—William Blount, Richard Dobbs Spaight, Hugh Williamson.

South Carolina.—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

Georgia.—William Few, Abraham Baldwin.

Attest:

WILLIAM JACKSON, Secretary.

ART. I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ART. II. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ART. III. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ART. IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.(b)

ART. V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb;(c) nor shall be compelled, in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ART. VI. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

ART. VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.(d)

ART. VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. IX. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ART. X. The powers not delegated to the United States by the Con-

Religion. Freedom of Speech. Right of petition.

Right to bear and keep arms.

Quartering of soldiers.

Unreasonable searches and seizures prohibited.

No warrant to issue but on oath or affirmation.

Trials for capital offences, or infamous crimes.

No one to be twice put in jeopardy of life or limb, for the same offence.

Private property not to be taken for public use without just compensation.

Trial by jury in criminal cases.

Trial by jury in civil cases.

Excessive bail not to be required, nor excessive punishments inflicted.

Enumeration of rights not to be construed to deny or disparage those retained by the people. Reserved powers.

(a) The first ten of these amendments were proposed by Congress, (with others which were not ratified by three fourths of the legislatures of the several states,) by resolution of 1789, post, pp. 97, 98, and were ratified before 1791. The eleventh amendment was proposed by Congress by resolution of the year 1794, post, p. 402, and was ratified before 1796. The twelfth article was proposed by Congress by resolution of October, 1803, vol. 2, p. 506, and was ratified before September, 1804.

(b) *Ex parte Burford*, 3 Cranch, 448; 1 Cond. Rep. 594.

(c) *United States v. Haskell and Francis*, 4 Wash. C. C. R. 402. *United States v. Gilbert*, 2 Sumner's C. C. R. 19.

(d) The amendments to the Constitution of the United States, by which the trial by jury was secured, may, in a just sense, be well construed to embrace all suits which are not of equity or admiralty jurisdiction, whatever may be the form they may assume to settle legal rights. *Parsons v. Bedford et al.* 3 Peters, 433.

stitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Limitation of the judicial power.

ART. XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.^(a)

Election of President and Vice President of the U. S.

ART. XII. § 1.(b) The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

§ 2. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President: a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

§ 3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

(a) The amendment to the Constitution by which the judicial power was declared not to extend to any suit commenced or prosecuted by a citizen or citizens of another State, or by foreign subjects against a State, prevented the exercise of jurisdiction in any case past or future. *Hollingsworth v. The State of Virginia*, 3 Dall. 378; 1 Cond. Rep. 169.

(b) This amendment was proposed in October, 1803, and was ratified before September, 1804.

like penalties as in the case of prisoners committed under the authority of such States respectively; the United States to pay for the use and keeping of such gaols, at the rate of fifty cents per month for each prisoner that shall, under their authority, be committed thereto, during the time such prisoner shall be therein confined; and also to support such of said prisoners as shall be committed for offences.

receive and keep prisoners committed under authority of the United States.

APPROVED, September 23, 1789.

3. RESOLVED, That it shall be the duty of the Secretary of State, to procure from time to time such of the statutes of the several states as may not be in his office.

Secretary of State to procure the statutes of the States.

APPROVED, September 23, 1789.

The Conventions of a number of the States having at the time of their adopting the Constitution expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the government will best insure the beneficent ends of its institution—

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, That the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the United States, all or any of which articles, when ratified by three fourths of the said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

Amendments to the Constitution of the United States.

ARTICLES in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.

ART. I. After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

ART. II. No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

Adopted.

ART. III. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Adopted.

ART. IV. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Adopted.

ART. V. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Adopted.

ART. VI. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation.

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Peters, Richard (editor). Public Statutes at Large of the US. Volume I. Boston: Charles C. Little and James Brown (1845). By authority of Congress. References to the matter of each act and to the subsequent acts on the same subject. Copious notes of the decisions of the courts of the US.

ported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Adopted. ART. VII. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

Adopted. ART. VIII. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

Adopted. ART. IX. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Adopted. ART. X. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Adopted. ART. XI. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Adopted. ART. XII. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That John White, late a commissioner to settle the accounts between the United States and the states of Pennsylvania, Delaware, and Maryland, and his clerks, John Wright, and Joshua Dawson, be considered as in office until the fourth day of February, one thousand seven hundred and eighty-nine.

APPROVED, September 29, 1789.

BY AUTHORITY OF CONGRESS.

THE
Public Statutes at Large
OF THE
UNITED STATES OF AMERICA,

FROM THE
ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1845.

ARRANGED IN CHRONOLOGICAL ORDER.

WITH
REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS
ON THE SAME SUBJECT,

AND
COPIOUS NOTES OF THE DECISIONS

OF THE
Courts of the United States

CONSTRUING THOSE ACTS, AND UPON THE SUBJECTS OF THE LAWS.

WITH AN
INDEX TO THE CONTENTS OF EACH VOLUME,
AND A
FULL GENERAL INDEX TO THE WHOLE WORK, IN THE CONCLUDING VOLUME.

TOGETHER WITH
**The Declaration of Independence, the Articles of Confederation, and
the Constitution of the United States;**

AND ALSO,
TABLES, IN THE LAST VOLUME, CONTAINING LISTS OF THE ACTS RELATING TO THE JUDICIARY,
IMPOSTS AND TONNAGE, THE PUBLIC LANDS, ETC.

EDITED BY
RICHARD PETERS, ESQ.,
COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognized, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of Congress, passed March 3, 1846.

VOL. I.

BOSTON:
CHARLES C. LITTLE AND JAMES BROWN.
1845.

Peters, Richard (editor). Public Statutes at Large of the US. Volume I. Boston: Charles C. Little and James Brown (1845). By authority of Congress. References to the matter of each act and to the subsequent acts on the same subject. Copious notes of the decisions of the courts of the US.

JOURNAL OF WILLIAM MACLAY

UNITED STATES SENATOR FROM PENNSYLVANIA
1789-1791

EDITED BY
EDGAR S. MACLAY, A. M.



NEW YORK
D. APPLETON AND COMPANY
1890

PREFACE.

THERE is a tendency, when dealing with public men of the past, to throw a glamour around their memory, and, by a systematic perversion or ignoring of facts, to lead present generations to regard them as little less than deities. The signers of the Declaration of Independence, the framers of our Constitution, and all who in any way were involved in the inception of this nation, are venerated with a childlike awe, rendering us oblivious to the motives which led to those occurrences or to the pressure of circumstances which induced many to take the course they did. The journal of William Maclay, beginning with the 24th of April, 1789, and ending on the 3d of March, 1791, gives a graphic description of the debates, ceremonies, and social life of that important period of our national existence. Some hesitancy has been felt in giving an unreserved publication of this journal to the world, owing to the severity of the criticisms made on prominent personages, which in a large degree serve to dispel the roseate illusions in reference to men of that day. It should be kept in mind, however, that the journal was strictly private in its nature, intended merely for personal reference, and that the thought of its publication seems never to have entered the mind of its author, else he undoubtedly would have smoothed over many phrases and erased entire passages, as being too forcible for public expression.

Journal of William Maclay (1789-1791). New York: D. Appleton and Company (1890).

The journal is accessible online at the Library of Congress/ American Memory website, possibly by a link to the University of Chicago or another private university digital book collection.

But in just this circumstance lies the great value of the work. William Maclay wrote every evening of events which took place during the day. He wrote while his mind was yet heated with the fierce debates in the Senate, and while the scenes were yet fresh in his memory, thus transmitting on paper pictures of historical events which are wonderfully vivid. Great care, therefore, has been taken to give the present publication word for word from the original manuscript, even to the spelling of proper names: Ellsworth being spelled with one "l," Read as Reed, Beckley, Clerk of the House of Representatives, as Buckley, and Carroll as Carrol.

William Maclay, like many of those who were actively engaged in the Revolution, was of Scotch descent, his father, Charles Maclay, having sailed for America in 1734. The brothers of William Maclay were also active in the movements which led to the overthrow of British supremacy in America; his brother, the Hon. John Maclay, being a member of that conference held in "Carpenters' Hall" which declared that "they, in behalf of the people of Pennsylvania, were willing to concur in a vote of Congress declaring the United Colonies free and independent States." John Maclay also served three terms in the Pennsylvania Legislature, 1790, 1792, and 1794. Another brother of William Maclay, the Hon. Samuel Maclay, was chosen Speaker of the Pennsylvania State Senate, of which body he was a member from 1797 to 1802, and resigned in 1802 in order to serve in the United States Senate, where he represented Pennsylvania from 1802 to 1809.

William Maclay was born on the 20th of July, 1737, in New Garden Township, Pennsylvania, and was educated in the classical school of the Rev. John Blair. He studied law, and was admitted to practice at the York County bar, April 28, 1760. At the close of the French and Indian War he visited England and had an interview with Thomas Penn, one of the

proprietaries, relative to the surveys in the middle and northern parts of the province. In 1772 he laid out the town of Sunbury, and erected for himself a stone house, which was standing a few years since. He acted as the representative of the Penn family, and took a prominent part in the so-called Pennamite war. At the outset of the Revolution, although an officer of the proprietary Government, he took an active part in favor of independence, during which struggle he held the position of assistant commissary. In 1781 he was elected to the Assembly of Pennsylvania, and from that time filled the offices of member of the Supreme Executive Council, Judge of the Court of Common Pleas, deputy surveyor, and was one of the commissioners for carrying into effect the laws respecting the navigation of the Susquehanna. In January, 1789, he was elected to the United States Senate. The question as to who should hold the long term of office was decided by lot—William Maclay drawing the short term, while Robert Morris, his colleague, drew the long term.

William Maclay began to differ with the Federalists very early in the session. He did not approve of the state ceremony attendant upon the intercourse of the President with Congress; he flatly objected to the presence of the President in the Senate while business was being transacted; and boldly spoke against his policy in the immediate presence of President Washington. He was one of the foremost in opposing the chartering of the United States Bank, even at the sacrifice of personal popularity, for the strong Democratic position he took and the stubbornness with which he maintained it in the face of overwhelming pressure cost him his re-election, he being succeeded by an ardent Federalist.

So pronounced were the Democratic views of William Maclay, and so boldly and ably did he maintain his position in the face of the opposition, that the question

can well be raised if he, rather than Thomas Jefferson, was not the true founder of the Democratic party. It is well known that on the organization of the "new Government," as it was then called, April, 1789, Thomas Jefferson was in France, where he had resided since 1784, and that he did not arrive in New York, then the seat of government, until March, 1790, some eleven months after the Federal machine had been in operation. And it was some time after he took his place as Secretary of State that his influence and ability as a leader of men were felt among the elements composing the Democratic party. It was during these first months of the new Government's life that questions seriously affecting its character, whether to be monarchical or republican in its forms, were fiercely debated and decided. It was then that the foundations of the great Democracy were laid; the superstructure erected by Thomas Jefferson being in conformity with the precedents then and there irrevocably established.

Who, then, was the leader of the opposition to this strong monarchical tendency? The records of the First Congress, unfortunately, are fragmentary and meager, so that little has been known of the stirring debates that took place at that time. The journal of William Maclay, however, throws a flood of light on this period, and establishes beyond cavil the claims of Pennsylvania to having produced the father of the Democratic party in the person of William Maclay.

For a hundred years this valuable journal has been jealously guarded from public scrutiny by the descendants of the statesman. Portions of it were privately printed in 1880, and a limited edition distributed among the members and friends of the family. Many passages, however, were suppressed, as being too caustic in their strictures on eminent personages whom we are accustomed to regard with the highest veneration. This, however, in a great measure, destroyed the com-

plexion of the context and the value of the work. But, now that an unreserved publication is called for in the interest of history, it will be seen that William Maclay was foremost in the opposition to these extreme monarchical views of the Federalists, and that in combating and subverting their aspirations he laid the foundation of the Democratic party.

On his retirement from the Senate, William Maclay resided on his farm, adjoining Harrisburg, where he erected a stone mansion. In the year 1795 he was elected a member of the Pennsylvania House of Representatives, and was again elected in 1803. He was a presidential elector in 1796, and from 1801 to 1803 officiated as one of the Associate Judges of Dauphin County. He died on the 16th of April, 1804, in Harrisburg, and is buried in Paxtang churchyard.

He was a man of the strictest integrity, positive opinions, keen insight into the underlying motives of men, and with indomitable perseverance and tenacity of purpose in carrying out views once formed. In personal appearance he was six feet and three inches in height, light complexion, while his hair, in middle age, appears to have been brown, and was tied behind or "clubbed." Mr. Harris, of Harrisburg, narrates that he "well remembered, when a young collegian, during the summer vacation he used to watch Mr. Maclay wearing a suit of white flannel, with lace ruffles, walking up and down the river-bank in Maclayville—as it was then called—and he thought he had never seen such a dignified, majestic old gentleman: while," he added, "I was always half afraid of him—he seemed to awe me into insignificance."

EDGAR S. MACLAY.

New York. August, 1890.

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LIST OF PERSONS REFERRED TO IN THE JOURNAL.

AMES, FISHER, Rep., Massachusetts.	ELMER, JONATHAN, Senator, New Jersey.
ASHE, JOHN BAPTIST, Rep., North Carolina.	FEW, WILLIAM, Senator, Georgia.
RALDWIN, ABRAHAM, Rep., Georgia.	FINDLEY, WILLIAM, afterward Congressman, serving eleven terms.
BARRETT, RICHARD, Senator, Delaware.	FITZSIMONS, THOMAS, Rep., Pennsylvania.
BECELEY, JOHN, Clerk of the House of Representatives.	FLOYD, WILLIAM, Rep., New York.
BENSON, Rep., New York.	FOSTER, THEODORE, Senator, Rhode Island.
BINGHAM, WILLIAM, afterward Pennsylvania State Senator.	GALE, GEORGE, Rep., Maryland.
BLAND, THEODORE, Rep., Virginia.	GALLATIN, ALBERT, afterward United States Senator.
BOUDNOT, ELIAS, Rep., New Jersey.	GERRY, ELBRIDGE, Rep., Massachusetts.
BREWY, JOHN, Rep., Virginia.	GILES, WILLIAM B., Rep., Virginia.
BRYAN, Judge, father of the abolition laws.	GILMAN, NICHOLAS, Rep., New Hampshire.
BURKE, EDMUND, Rep., South Carolina.	GOODRICE, BENJAMIN, Rep., Massachusetts.
BUTLER, PIERCE, Senator, South Carolina.	GRAYSON, WILLIAM, Senator, Virginia.
CARBOLL, CHARLES, Senator, Maryland. (Note. Written with one "l" in journal.)	GRAY, GEORGE, member of the Constitutional Convention of Pennsylvania, 1789-90.
CARROLL, DAVID, Rep., Maryland.	GROTT, JONATHAN, Rep., Massachusetts.
CREW, President of the Pennsylvania High Court of Errors and Appeals, 1790-1806.	GUNN, JAMES, Senator, Georgia.
CLYMER, GEORGE, Rep., Pennsylvania.	GURNEY, COLONEL FRANCIS, member of Pennsylvania Legislature.
COLER, ISAAC, Rep., Virginia.	HAMILTON, ALEXANDER, Secretary of the Treasury.
CONYER, BENJAMIN, Rep., Maryland.	HARRIS, DAVY, son of John Harris.
COXE, TENCH, Assistant Secretary of the Treasury.	HARRIS, JOHN, founder of Harrisburg, and father-in-law to William Maclay.
DALTON, TRISTRAM, Senator, Massachusetts.	HARTLEY, THOMAS, Rep., Pennsylvania.
DELLNY, SHARPE, Collector of Duties at the Port of Philadelphia.	HAWKINS, BENJAMIN, Senator, North Carolina.
DICKERSON, PHILEMON, Senator, New Jersey.	HEISTER, DANIEL, Rep., Pennsylvania.
ELLCOTT, ANDREW, Surveyor.	HENRY, JOHN, Senator, Maryland.
ELLSWORTH, OLIVER, Senator, Connecticut. (Note. Written Ellsworth in the journal.)	HILLGAS, MICHAEL, Assistant Treasurer.
	HOOGE, DANIEL, Rep., South Carolina.
	HUMPHREYS, Colonel.
	HUNTINGTON, BENJAMIN, Rep., Connecticut.

- IRWIN, MATTHEW, Master of Rolls of Pennsylvania, 1790-1800.
- IZARD, RALPH, Senator, South Carolina.
- JACKSON, JAMES, Rep., Georgia.
- JEFFERSON, THOMAS, Secretary of State.
- JOHNSON, WILLIAM S., Senator, Connecticut.
- JOHNSTON, SAMUEL, Senator, North Carolina.
- KING, RUFUS, Senator, New York.
- KNOX, General, Secretary of War.
- LANGDON, JOHN, Senator, New Hampshire.
- LAWRENCE, JOHN, Rep., New York.
- LEAR, THOMAS, Private Secretary to Washington.
- LEE, RICHARD HENRY, Senator, Virginia.
- LEONARD, GEORGE, Rep., Massachusetts.
- LEW, Chaplain of the Senate.
- LIVERMORE, SAMUEL, Rep., New Hampshire.
- LIVINGSTON, WILLIAM, Governor of New Jersey.
- LOGAN, GEORGE, member of Pennsylvania Legislature.
- MACLAY, WILLIAM, Senator, Pennsylvania.
- MADDERSON, WILLIAM, afterward Naval Officer of the Port of Philadelphia.
- MATTHEWS, GEORGE, Rep., Georgia.
- MADSON, JAMES, Jr., Rep., Virginia.
- MEREDITH, SAMUEL, first Treasurer of the United States, 1789-1801.
- MIFFLIN, General THOMAS, President of the Supreme Executive Council of Pennsylvania.
- MILES, SAMUEL, Mayor of Philadelphia, 1790-'91.
- MONTGOMERY, Colonel JOHN, commissioned an Associate Judge of Cumberland County, Pa., in 1794.
- MORRIS, ROBERT, Senator, Pennsylvania.
- MULLENBERG, F. A., Rep., Pennsylvania, and Speaker of the House.
- MULLENBERG, General PETER, Rep., Pennsylvania.
- OSWALD, ELEAZER, editor "Independent Gazetteer."
- OTIS, SAMUEL, Secretary of the Senate.
- PAGE, JOHN, Rep., Virginia.
- PARKER, JOSIAH, Rep., Virginia.
- PARTRIDGE, GEORGE, Rep., Massachusetts.
- PATERSON, WILLIAM, Senator, New Jersey.
- PETT, chairman of the Public Creditors.
- PETERS, RICHARD, Speaker of the Pennsylvania Assembly, 1789-'90.
- POWELL, afterward Speaker of Pennsylvania Senate.
- READ, GEORGE, Senator, Delaware.
- RUSH, Dr. BENJAMIN, member of Pennsylvania Convention which ratified the United States Constitution, 1787.
- RYERSON, member of Pennsylvania Assembly.
- SCOTT, THOMAS, Rep., Pennsylvania.
- SCHUYLER, PHILIP, Senator, New York.
- SEGDWICK, THEODORE, Rep., Massachusetts.
- SENEY, JOSHUA, Rep., Maryland.
- SHERMAN, ROGER, Rep., Connecticut.
- SMILE, JOHN, member of Pennsylvania Legislature, afterward of Congress, 1793-'95, 1799-1813.
- SMITH, WILLIAM, Rep., Maryland.
- STANTON, JOSEPH, Senator, Rhode Island.
- STONE, MICHAEL J., Rep., Maryland.
- STRONG, CALEB, Senator, Massachusetts.
- STROGES, JONATHAN, Rep., Connecticut.
- SYLVESTER, PETER, Rep., New York.
- TRACHTER, GEORGE, Rep., Massachusetts.
- THOMPSON, CHARLES, Secretary of the old Congress.
- TRUMBULL, JONATHAN, Rep., Connecticut.
- TRUXTON, Captain, afterward Commander of the frigate *Constellation*.
- TUCKER, THOMAS T., Rep., South Carolina.
- WADSWORTH, JEREMIAH, Rep., Connecticut.
- WHITE, ALEXANDER, Rep., Virginia.
- WILLIAMSON, HUGH, Rep., North Carolina.
- WINGATE, PAINE, Senator, New Hampshire.
- WYNKOOP, HENRY, Rep., Pennsylvania.
- VANDALSEN, William Maclay's landlord while in New York.
- Vining, JOHN, Rep., Delaware.

Walters, Senator Gray
Sen. 1800-1801



CHAPTER VI.

THE ASSUMPTION AND NATURALIZATION BILLS.

March 4th.—Visited Mr. Harris this morning. Found him recovering fast. I have an interest in everything that happened to him, of which he is little aware; indeed, nobody knows my feelings on this subject but myself. He will, I trust, be well in a few days, and if his complaint should be completely removed it may tempt me to advise a person, in whose welfare I feel myself deeply interested, to submit to the same operation. But of this hereafter.

My bodings of yesterday were not ill founded with respect to Bailey's bill. A man ought not to put his hand in a dog's mouth, and trust to his generosity not to bite it; commit the bill to its declared enemies, and trust to their generosity to report in favor of it! My conjectures were right, and they have reported dead against it.

Dined with the President of the United States. It was a dinner of dignity. All the Senators were present, and the Vice-President. I looked often around the company to find the happiest faces. Wisdom, forgive me if I wrong thee, but I thought folly and happiness most nearly allied. The President seemed to bear in his countenance a settled aspect of melancholy. No cheering ray of convivial sunshine broke through the cloudy gloom of settled seriousness. At every interval of eating or drinking he played on the table with a fork or knife, like a drumstick. Next to him, on his right, sat Bonny Johnny Adams, ever and anon mantling his visage with the most unmeaning simper that ever dimpled the face of folly. Goddess of Nature, forgive me if I censure thee for that thou madest him not a tailor, so full of small attentions is

he, and so well qualified does he seem to adjust the etiquette of loops and buttons. But stay, perhaps I wrong thee. So miserably doth he measure politics, and so unmercifully and unskillfully would he play the shears of government in cutting out royal robes and habiliments, that it may justly be doubted whether the measure of his understanding be adequate to the adjusting the proportions of the back, belly, and breeches of the human form agreeably to the rules of an experienced habit-maker. Thus, goddess, among the savage tribes of the lazy, lying, lumpish Indian, who can neither hunt, fish, nor hoe corn, makest thou the dreaming, smoking, pretended prophet, priest, and politician. Goddess, we acknowledge thy power and submit to thy sway, but humbly pray we may never have another similar example of it.

March 5th.—Just after I entered the Senate chamber, I received from my brother a letter, which made me considerably uneasy, about some rascally carryings on at the Pennsylvania Land-Office. It has occasioned me to write sundry letters, and really has fretted me a good deal. But away with it! This day gave a fresh instance of the rascality of Otis. The committee on Bailey's bill reported yesterday, and said not one word more, nor was another word said in the Senate, but Otis had on the minutes ordered that the report be accepted. I did not immediately observe it, but I called on him about it. His excuse was Mr. Adams had ordered him to do so. Visited Mr. Harris; found him getting much better.

March 6th.—Stayed at home. In the evening visited Mr. Harris, whom I found recovering. I wrote this day to the Secretary and Receiving-General of the Land-Office respecting the affair of which my brother wrote to me. Read the account of the Pelew Islands by Keale, a catchpenny thing, perhaps true enough, but stretched and swelled as if it had been puffed by Hawksworth. Paid my barber for two months, and 1s. 6d. for a ribbon.

March 7th.—Devoted this day to writing to my family. Wrote to every one, even little Billy. I, however, crowded the girls into one letter. This is hardly fair, but I must be more liberal to them next time. Called to see Mr. Harris,

and found him quite cheerful. He will be about in a few days, if nothing happens amiss to him.

March 8th.—This is the important week, and perhaps the important day, when the question will be put on the assumption of the State debts. I suspect this from the rendezvousing of the crew of the Hamilton galley. It seems all hands are piped to quarters.

Four o'clock.—I was rather deceived, as the adoption party do not yet consider themselves strong enough to risk the putting of the question, for it seems the day has passed and nothing is done. The Naturalization bill was taken up. The debates were exceedingly lengthy and a great number of amendments moved. Mr. Morris stood by me in one, that was to enable aliens to hold lands in the United States. 'Tis said he has an agent in Europe now selling lands. I am wrong to minute this circumstance. He is, however, very seldom with me. I know not how it came, but I was engaged, on one side or the other, warmly on every question. The truth of the matter is, it is a vile bill, illiberal and void of philanthropy, and needed mending much. We complained [to the Representatives from Pennsylvania] that such an ungenerous bill should be sent to us—at least I did. They answered, "You have little to do," and they sent us employment.

This night the Pennsylvanians supped together at Simmons'. 'Twas freely talked of that the question was to have been taken this day on the assumption of the State debts, but — Vining, from the Delaware State, is come in, and it was put off until he would be prepared by the Secretary [Hamilton], I suppose, so that my morning creed was a well-founded belief. The language of the Philadelphia gentlemen is still for adoption. The great reason formerly urged for it was that Pennsylvania would draw a great revenue from the Union. I brought forward the case of Amsterdam, to which the United Provinces owed great balances, which were not paid a century after the Revolution. Mr. Fitzsimons said they were not paid yet nor never would be; but then, with one voice, all the three citizens [Morris, Fitzsimons, and Scott] said little, if anything, would be due to Pennsylvania, and declared that settling old accounts was misspent time. Burn all old ac-

counts, said Mr. Morris, and pay only the people who now hold certificates. I wished for harmony and declined argument, but said the citizens of Philadelphia would not abandon the State securities. This was admitted, but Mr. Morris said that the State might subscribe for the amount of them. This would be sinking two per cent to the State, as they would subscribe in at four per cent, and pay six to their own citizens. But I forbore entering into argument. Colonel Hartley kept shuffling about, still repeating all depends on the adoption of the State debts. "If this is not done, New England and Carolina will fly off, and the Secretary's scheme is ruined. We must, we must adopt it." Hartley is lucky, but this, in fact, is the court lesson.

March 9th.—In the Senate chamber this morning Butler said he heard a man say he would give Vining one thousand guineas for his vote, but added, "I question whether he would do so in fact." So do I, too, for he might get it for a tenth part of the sum. I do not know that pecuniary influence has actually been used, but I am certain that every other kind of management has been practiced and every tool at work that could be thought of. Officers of Government, clergy, citizens, [Order of] Cincinnati, and every person under the influence of the Treasury; Bland and Huger carried to the chamber of Representatives—the one lame, the other sick. Clymer stopped from going away, though he had leave, and at length they risked the question and carried it, thirty-one votes to twenty-six. And all this after having tampered with the members since the 22d of last month [February], and this only in committee, with many doubts that some will fly off and great fears that the North Carolina members will be in before a bill can be matured or a report gone through. Mr. Morris received a note signed J. C., communicating the news. He only said, "I am sorry it is by so small a majority." General Muhlenberg and Heister, of the Pennsylvania delegation, only, were in the negative.

I had to wrangle with the New England men alone on the Naturalization bill till near one o'clock. Johnston, of North Carolina, took in some degree a part with me. I held my own, or at least I thought so, with tolerable success, but such

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shuffling and want of candor I really scarce ever before was witness to. I certainly, however, gained greatly. Twice yesterday did we attempt, without success, to throw out the two years' residence. The amendments which I offered went to cure this defect with respect to the power of holding lands. Numbers of gentlemen now declared their dislike of the two years, and wished the bill committed for the purpose of having this part rejected. I agreed, but we were very unlucky in our committee. We Pennsylvanians act as if we believed that God made of one blood all families of the earth; but the Eastern people seem to think that he made none but New England folks. It is strange that men born and educated under republican forms of government should be so contracted on the subject of general philanthropy. In Pennsylvania, used as we are to the reception and adoption of strangers, we receive no class of men with such diffidence as the Eastern people. They really have the worst characters of any people who offer themselves for citizens. Yet these are the men who affect the greatest fear of being contaminated with foreign manners, customs, or vices. Perhaps it is with justice that they fear an adoption of any of the latter, for they surely have enough already.

March 10th.—Was the first at the Hall this morning. However, it was not long before some of the Secretary's [Hamilton] gladiators came in. What an abject thing a man becomes when he makes himself a tool to any one! I ventured to predict to one of them that the Secretary's system would fail. "Why, but the assumption of the State debts is carried already." I ventured to tell how. From me, distant as the room would let him, did he fly off. Bassett has this day declared in the most unequivocal manner against the adoption of the State debts; says if they are adopted he will move for two per cent. I asked him how Mr. Read would be on this question. He said against assumption. But both of them acted a weak part in the affair of the residence. The business of this day does not merit a minute. The Senate adjourned early and I came home, as I did not feel very well.

We had company this day. The greater part were New England men, who soon went away. Burke and Tucker both

voted for the assumption of the State debts. Tucker declared his views in the most unequivocal manner; after the State [debts] were discharged by the Federal assumption, to sponge the whole. Burke reprobated the whole of the Secretary's report and declared it would blow up. He was not so explicit, but seemed in unison with Tucker. What must come of the report if these men are sincere? They have been among the supporters of it; but, alas! what poor, supple things men are, bending down before every dinner and floated away with every flask of liquor! Paid my boarding off this day.

March 11th.—Snowed all last night and a snowy morning. Attended at the Hall. Two bills came up from the Representatives—the bill for inventions and one to give additional salaries to clerks. Read for the first time. A bill for the mitigation of fines and forfeitures was taken up for a second reading. Opposed by Bassett and Few. A commitment was early moved and seemed generally agreed to, but the members popped up and down talking about it and about it for above an hour. Something occurred to me which none of them touched; but I thought it useless to rise; besides, I had been almost constantly on my legs on the 8th and 9th, and a man, even a good speaker, loses all weight if he makes himself troublesome. Patterson, I find, belongs to the gladiatorial band. I ever thought since I knew him that he was a loaf-and-fish man. He talks of resigning, and I suppose we will hear of his being a judge or something better than a Senator.

March 12th.—Attended this day at the Hall. No business of consequence done. The committee on the Naturalization bill reported, but far short of the points which I wished established in it. There really seems a spirit of malevolence against Pennsylvania in this business. We have been very liberal on the subject of admitting strangers to citizenship. We have benefited by it and still do benefit. Some characters seem disposed to deprive us of it. I moved a postponement of a day, that we might consider of this amendment. It was easily carried; but Izard snapped, ill-natured as a cur, and said "No" alone. Mr. Morris turned toward me this day and seemed to invite a *tête-à-tête*. He said Mr. Wilson is coming over. I asked if on any court business. He did not know; believed

not. We spoke of who would be Governor [of Pennsylvania]. He declared in favor of St. Clair; spoke against Mifflin and Bingham. I said I had heard Miles spoken of. He objected to Miles as wanting knowledge. I never made mention of any of the Muhlenbergs. He objected to Mifflin; said, "See what sort of people he has put in office." The S. G. was mentioned. He said, "You should have had that office." I went into some details of the duties of that office, showed it was one in which a drone might slumber, but if filled well was a most laborious office, and pointed out how.

March 13th.—Being Saturday, the Senate did not meet. Stayed at home all day; read and looked over the journals of Congress. A day perfectly unimportant. The streets were very sloppy with the melting of the snow.

March 14th.—There was a considerable fire in the neighborhood last night; it, of course, raised me by daylight. After breakfast the day seemed so delightful I could not help walking. I went to Mr. Scott's lodgings. I got at him on the subject of the Secretary's report. He declared to me that he was altogether against it. I asked him if he had any correspondence with Pennsylvania. He declared no. I put Nicholson's piece into his hand; I put Mr. Findley's letter into his hand. I told him there were some people discontented in Pennsylvania. I read Dr. Logan's letter to him as a proof of it. He called it anti-Federalism. I took out Dr. Rush's—call him anti-Federal if you will. It was worse. He went into the allegations against Nicholson with regard to the State accounts. To say all of him [Scott] in one word, he has thrown himself into Fitzsimons' wake more from the principles of indolence than anything else. He will not give himself the trouble of acting independently. I found a woman in the room with him with a young child in her arms. He appeared to be fondling on the child.

I called in the afternoon on a Mr. Ryerson, a member of the Assembly from Pennsylvania, at the City Tavern. I expected he had letters from my brother; but he had none, nor did my brother * know of his coming. I asked him what was

* Samuel Maclay, afterward United States Senator, 1803-1809.

doing in the Pennsylvania Assembly. He said not much. He had dined out with Mr. Morris. I spoke to him of the adoption of the State debts. Oh, yes, he believed people were generally for it. On speaking a little further, I found him absolutely ignorant of every ray of information about them. He owned it after some time, and desired me to put some state of the matter on paper, and that he would pay particular attention to it when he returned.

March 15th.—I complied with Mr. Ryerson's request, and furnished him with an abstract of the State debt of Pennsylvania, and a number of remarks on it. I read it very deliberately to him, and he seemed to understand it.

The only debate of any consequence this day in the Senate was on the Naturalization bill. The same illiberality as was apparent on other occasions possessed the New England men. Immigration is a source of population to us, and they wish to deprive us of it. I was up several times, but always endeavored to be concise and to the point as much as I possibly could. Mr. Morris was up once. I thought he lost himself, and, by way of getting out, said he was of the same opinion as the member from New York (Mr. King). Mr. King is as much against us as any of them, but he does it in an indirect manner. We spent to three o'clock on it.

I dined this day at Elsworth's by invitation from General Heister. Madison, Bishop Prevost, and a considerable number at dinner, the Speaker and General Muhlenberg. Nothing remarkable.

I called on Ryerson and put into his hands a number of remarks pointedly against the Assumption bill, etc. He talked of great intimacy with my brother. My brother had mentioned him to me in terms of respect in some of his letters. I therefore treated him with unbounded confidence. This was imprudent and I ought not to have done it, nor would I had it not been for some of my brother's letters, in which he mentions Ryerson as connected with him in some political points.

March 16th.—Mr. Morris looked with a strange degree of shyness at me for some time after we met in the Hall. I had heard that Ryerson came from Philadelphia to do business with Mr. Morris. It occurred in a moment to me that he had

betrayed to Mr. Morris all that had passed between him and me, and likewise my remarks in manuscript on the assumption of the State debt. In this moment *mens conscia recti* was a treasure to me. I had told Ryerson that there were no hopes of Mr. Morris being with me on this question, but that I had passed no censure on him for it. I determined to avow all I had done, as I did nothing with any view of concealment. I had hinted to Ryerson that I rather wished than otherwise that the General Assembly [of Pennsylvania] should declare their sense on this question of assumption, and the more so as Carolina had instructed her members for it.

Mr. Morris, after sitting serious a good while, turned to me and began a familiar chat. At last he asked me to walk on one side from our seats, and asked me if back lands could still be taken up. I told him yes. He immediately proposed to me to join him in a speculation in lands which he said he thought that he, from his connections in Europe, could sell at a dollar an acre. I paused a moment; said, as our waste lands were totally unproductive, such a thing might be beneficial to the public as well as ourselves; that in these points of view I saw no objection. I stated some affairs of our Land-Office briefly, and he concluded we would make up our estimates at the first leisure moment. If he is in earnest in this matter, he will be favorable to the lowering of the terms of the Land-Office. I have, however, the most unequivocal proofs of the baseness of Ryerson, who, notwithstanding his promises, has communicated everything to Mr. Morris. The principal debates this day were on the Naturalization bill, and were characterized with the same illiberality as those before mentioned.

We had company this day, mostly Virginians. Colonel Bland was of the number. He is an assumer on the subject of the State debts. He avowed his design to be a demonstration to the world that our present Constitution aimed directly at consolidation, and the sooner everybody knew it the better; so that, in fact, he supported the Secretary on anti-Federal principles. This, I believe, is the design of Gerry and many more. The New England men, however, want to get their debts shook off before they declare themselves completely. In their former attempts to sink them they raised Shays' insurrec-

tion. After dark I received a letter from my brother, calling Ryerson a *scoundrel* in direct terms. He is a mere tool to the Philadelphians, and has deceived my brother.

March 17th.—The Appropriation bill was just read, and the President passed to and took up the Mitigation bill [of fines, forfeitures]. It was on the third reading, and Elsworth offered an amendment and the bill was committed.

Now the Naturalization bill was taken up, and all our old arguments went over and over again. The fact is, the adoption of strangers has set Pennsylvania far ahead of her sister States. They are spiteful and envious, and wish to deprive her of this source of population; but it will scarcely do to avow openly such ungenerous conduct. It therefore must be done under various pretenses and legal distinctions. Two years' residence was insisted on in the bill. We cared not for this, but let the stranger hold land the moment he comes, etc., etc. Two law opinions were supported in the debates of the day: one, that of the power of holding lands was a feature of naturalization; that lands, etc., could not be held without it. This doctrine was pushed so far by Elsworth as to declare that the rights of electors, being elected, etc., should attend and be described in the act of naturalization. All that could be said would not support this doctrine. Elsworth was even so absurd as to suppose, if a man acquired the right of suffrage in one State, he had it in all, etc. This doctrine it was seen would not carry, and now one more conformable to the common law was set up.

It was alleged that the disability of an alien to hold lands arose from the common law, and was separable from the rights of naturalization, as in the case of denization in England, where the Crown could confer the right of giving, receiving, and holding real property. When an alien, therefore, was enabled to hold real estate, it was in reality by repealing part of the common law with respect to him; not by giving a power, but taking away a disability. It, therefore, strictly speaking, rested with the respective States whether they would repeal the common law with respect to aliens touching the point of holding property, and, being a pure State concern, had no occasion to be made any mention of in the Naturaliza-

tion act, but must remain to be settled by the different States by law, as well as the rights of elections, etc. We of Pennsylvania contended hard to have a clause for empowering aliens to hold, etc., but the above reasoning prevailed, and we lost it.

Before the Senate was formed this morning, Mr. Carrol, of Carrolton, happened to be sitting next to me. We were chatting on some common subject. The Vice-President was in the chair, which he had taken on the performance of prayer. He hastily descended, and came and took the chair next to Mr. Carrol's. He began abruptly: "How have you arranged your empire on your departure? Your revenues must suffer in your absence. What kind of administration have you established for the regulation of your finances? Is your government intrusted to a viceroy, nuncio, legate, plenipotentiary, or *chargé d'affaires*?" etc., etc. Carrol endeavored to get him down from his imperial language by telling him he had a son-in-law who paid attention to his affairs, etc. 'Twas in vain. Adams would not dismount his hobby. At it again; nor was there an officer, in the household, civil, or military departments of royal or imperial government that he had not an allusion to. I pared my nails and thought he would soon have done, but it is no such easy thing to go through the detail of an empire. Guardian goddess of America, canst thou not order it so, that when thy sons cross the Atlantic they may return with something else besides European forms and follies? But I found this prayer ruffled me a little, so I left them before Adams had half settled the empire.

Mr. Morris had some further chat on the proposal of yesterday. I told him that, if I thought it possible that disadvantage could flow either to the public or individuals, I never would hear of it. He said advantage would probably flow to the public from it. It would be the means of bringing us both money and people. I now touched him on the subject of lowering back lands of Pennsylvania. It was a cold scent. I find he is for what the speculators call *dodging*: selling the land in Europe before he buys it here. He repeated that a dollar an acre could be got for it.

March 18th.—The burden of this day's debate was the Naturalization bill over again. From the most accurate obser-

vation I have been able to make, the conduct of the members has been influenced by the following motives: As Pennsylvania is supposed likely to derive most benefit by migrations, the Eastern members are disposed to check it as much as they can. Jersey nearly indifferent; Delaware absolutely so; Maryland as Jersey; Virginia unrepresented; North Carolina favorable; South Carolina and Georgia want people much, but they fear the migrations, and will check them rather than run the chance of importing people who may be averse to slavery. Hence the bill passed the House [Senate] nearly as it came up from the Representatives.

The governing ideas, however, seem to be the following: That the holding property was separable from and not absolutely connected with naturalization; that laws and regulations relating to property, not being among the powers granted to Congress, remained with the different States. Therefore, Congress would be guilty of an assumption of power if they touched it; that the holding of property was a common law right, and the disability of aliens to hold property from that quarter. King, Patterson, Bassett, Read, Henry, and Johnson, all finally settled in this way. Elsworth dead against this; the holding property (real) a feature inseparable from naturalization, etc. Strong rather inclined to Elsworth. Dr. Johnson said about as much on one side as the other. Few, too, is said to be a lawyer; but, though he spoke a great deal, he did not seem to enter into the distinctions. For our parts we wished the Naturalization bill to be in exact conformity as possible to the existing laws relating to aliens in Pennsylvania; and this, I am convinced, would have been the case had it not been for that low spirit which contaminates public characters as well as private life.

March 19th.—The Naturalization bill again taken up. Now Butler, too proud to have lent his aid to any motion that was not his own, came forward with two motions. They were, in fact, nearly the same which had been negatived three or four times before. It was alleged they were out of order; but he was indulged, and lost them both. Now Few must be a great man, and he must bring forward his motion, too. It was equally out of order; but he was indulged in the loss of

it. It appears that all over Europe, where the civil law prevails, aliens hold property. It is the common law of England that deprives them of holding real estate. The common law has been received by us, and with it this consequence. However, since we can not get the rights of property fully acknowledged, it is best that the Naturalization bill say nothing about it.

Mr. Morris got warmly at me this day about the affair of land. Repeated he thought even more than a dollar per acre could be got, and requested me to write him an account of the kind of land, distance to market, etc. I wrote him as follows:

NEW YORK, March 20, 1790.

SIR: The lands concerning which you have made inquiry are situated in the county of Northumberland, on the head of the Lycoming, Pine Creek, and Tioga branches of the river Susquehanna. Their distance from Philadelphia, as the roads now go, is from one hundred and eighty to two hundred miles, but it may be shortened by opening a more direct communication. The county of Northumberland, in which the first settlements were made about the year 1770, was totally desolated by the incursions of the Indians during the Revolution, a misfortune it can never experience a second time, as the late settlements of the State of New York [being extended north of it] and Luzerne County form a complete barrier, and the savages have greatly diminished—must soon be totally excluded by the increasing settlements from the Atlantic side of the great lakes Ontario and Erie. Northumberland County now contains between two and three thousand families. Provisions of all kinds can be had in abundance. The average price of wheat, rye, Indian corn, barley, buckwheat, and speltz, when compounded, has seldom been equaled, to a half a Spanish dollar per bushel. The present year it is higher, not owing to any failure of crops, but the uncommon demand for exportation. The country in which these lands are situated is mountainous, but the high ridges are never included in the surveys. It is covered with an immense forest of timber—maple-sugar tree, birch, beech, oak of all kinds, pine, mostly of the white and spruce kinds, white walnut, wild cherry, hickory, ash, etc.

These forests, some time ago, seemed to set husbandry at defiance; but we now know that, independent of the advantages of clearing the ground, they can be converted to useful purposes in the manufacture of potash. The different streams of the Susquehanna offer the means of conveying any produce whatever to market. This country has been observed to be particularly favorable to grass, and perhaps the raising of cattle may be the most profitable object of husbandry, as stock carries itself to market. These parts enjoy in an eminent degree the advantage and security of double crops.

The snows, which fall regularly at their proper season in winter, insure a plentiful harvest of the fall grain, wheat and rye, with tolerable husbandry seldom yielding less than twenty bushels per acre. The length of the summer is well adapted to Indian corn, flax, oats, spring barley, summer wheat, tobacco, and vegetables of all kinds. Buckwheat is often sowed with success in the same summer on the ground from whence wheat, rye, or winter barley had been reaped. Perhaps, so far as respects seasons, the interests of husbandry are nowhere better secured than in Pennsylvania. The abundant exports of flour, grain, etc., from the port of Philadelphia afford full proof of this. It is certain that as you advance southward and diminish the rigors of winter, you lessen the certainty of the winter crop; while ascending to the north, the contracted and chilly season seldom brings to maturity the summer produce, which is often blasted or perished by early frosts.

Yet such is the rage of migrations that lands with all the advantages of soil and climate in the bosom of society are neglected for fancied elysiums in Yazoo or Kentucky. I can not state with precision the quantity of these lands, having no actual surveys before me, but I know that they are no less than fifty thousand acres. If I can render you any further information, I shall be happy in doing so.

I am, sir, your most, etc., W. M.

Honorable R. MORRIS, Esq.

Writing the foregoing letter was all I did this forenoon. The Speaker took me in his carriage and we rode in the afternoon.

March 21st, Sunday.—Wrote letters to my family this forenoon. Dated a piece of intelligence from Hamiltonople, etc. After dinner walked alone, up and down, back and forward on the island. The Speaker told me the report was not to be taken up until Fitzsimons came back, which was to be on Thursday. He knows all the motions of the janizaries and gladiators.

March 22d.—Visited Mr. Wilson's lodgings with the Speaker. I then went with Mr. Wynkoop to visit Mr. Carrol, of Carrolton. We got on the subject of the State of Carolina having instructed their representation. Could any hints have gone from here, said he, to set them on this measure? He is a Roman Catholic, and the intimate friend of Mr. Fitzsimons.

This question raised the following train of ideas in my mind: Fitzsimons is gone to prevent a similar measure in Pennsylvania, and I am suspected of having given hints to set such a measure going. Perhaps something of this kind may be alleged against me with justice. The doctrine of instruction may certainly be carried so far as to be in effect the tribunial veto of the Romans, and reduce us to the state of a Polish Diet. But it is introduced. Perhaps the best way is for all the States to use it, and the general evil, if it really should be one, will call for a remedy. But here is a subject worthy of inquiry: Is it to be expected that a Federal law passed directly against the sense of a whole State will ever be executed in that State? If the answer is in the negative, it is clearly better to give the State an early legislative negative than finally let her use a practical one which would go to the dissolution of the Union.

A memorial of one Tracy was read, praying a bankrupt law to be passed under the authority of the United States. A motion for the appointment of a committee to bring in a bill for such a purpose. There was a great deal of speaking on this subject, and, really, I thought the subject had not justice done to it. I got up and was listened to with attention while I explained the difference between the common law for the discharge of insolvent debtors and the laws respecting commission of bankruptcy, and confined the latter to its proper field, the trading part of the community; and this part only

belonged to Congress to take up, and I doubted whether they had done most harm or good, etc. I was led into a detail of the laws of England on this head. Much was said on all hands, but we negated the motion.

The appropriation bill was now reported, with a very trifling amendment indeed; to divide a sum of about a hundred and ninety dollars between our doorkeeper and the doorkeeper of the Representatives. The momentum of a spittle would have been as effectual to stop the flowing of the sea as any effort to check this bill. The appropriations were all in gross, and to the amount of upward of half a million. I could not get a copy of it. I wished to have seen the particulars specified, but such a hurry I never saw before. I did not see the bill in the hands of any of the members, but they might have had it for aught I know. I really fear the committee gave themselves little trouble about it. The moment it was through, General Schuyler and Mr. Morris called for it on the third and last reading, for they said the Secretary wanted to make remittances to Europe. They got what they wanted, and thus we had done with it.

This mode of doing business can not last long. All evils, it is said, cure themselves. Here is a general appropriation of above half a million dollars—the particulars not mentioned—the estimate on which it is founded may be mislaid or changed; in fact, it is giving the Secretary the money for him to account for as he pleases. This certainly is all wrong. The estimate should have formed part of the bill, or should have been recited in it.

Am I too sharp-sighted, or have I observed some shyness in some people? I believe it is the former. Mr. Morris this day asked if I had prepared anything on the subject we had been conversing about [buying lands]. I put the letter into his hands. He read it with apparent satisfaction; put it into his pocket. He asked me if some kind of houses could not be raised and covered with bark at a small expense on these lands. I told him they might, if honest men were employed who would not make a job of it.

The Senate adjourned about two o'clock. I was told there was warmth in the House of Representatives on the Quaker

memorial, and went in. The House have certainly greatly debased their dignity, using base, invective, indecorous language; three or four up at a time, manifesting signs of passion, the most disorderly wanderings in their speeches, telling stories, private anecdotes, etc. I know not what may come of it, but there seems to be a general discontent among the members, and many of them do not hesitate to declare that the Union must fall to pieces at the rate we go on. Indeed, many seem to wish it.

March 23d.—Went with a party to wait on Mr. Jefferson. He was out. We left our names. Sat a long time in the Senate chamber without doing anything whatever. At last up came the appropriation bill. The original bill gave Gifford Dally, the doorkeeper of the Representatives, one hundred and ninety-two dollars for services during the vacancy. We divided the sum, and gave ninety-six dollars to Dally and ninety-six dollars to Mathers, our doorkeeper. This they [the Representatives] would not agree to; continued the one hundred and ninety-two dollars to Dally, and put in ninety-six dollars for Mathers. Pretty amusement for the governors of a great empire to play at cross-purposes! King, Elsworth, and Morris were all up, and "Adhere!" "Adhere!" was heard from every quarter of the House. Our Vice-President put some questions, but whether it was for "non-concurrence," "insisting," or "adhering," I do not remember. It was, however, carried; no one thinking it worth while to say no.

Mr. Morris chatted with great freedom with me to-day on his private affairs. Explained some of the difficulties he had met with in the settlement of his accounts. Says the balance will be in his favor. Declares he will soon have done and put to silence his adversaries. Justice says plainly this ought to be the case, if he has been injured. He is very full of the affair between him and me. His countenance speaks the appearance of sincerity and candor. Interest, however, the grand anchor to secure any man, lies at the bottom.

March 24th.—This day little of consequence done in the Senate. The appropriation bill was sent up. The Representatives withdrew their amendments, after having showed a

spirit of petulance to no purpose. I was called out of the Senate. When I came in, the report of the committee on the difference of boundary between the United States and Nova Scotia was under consideration. I said a few words, which appeared to be well received, on the subject. Izard and Butler both manifested a most insulting spirit this day, when there was not the least occasion for it nor the smallest affront offered. These men have a most settled antipathy to Pennsylvania, owing to the doctrines patronized in that State on the subject of slavery. Pride makes fools of them, or rather completes what Nature began.

This day the Speaker entertained. The company was not numerous; the discourse not entertaining, or at least nothing remarkable.

March 25th.—The Speaker told me last night that Mr. Clymer wished to see us this morning at his lodgings. As I always embrace the smallest hint to meet the delegation, I was early ready, but the "Friends," who had been in town on the abolition business, called in two parties to take leave of us. I, however, hastened to Mr. Clymer's lodgings. Found Scott, Heister, and Wynkoop at the door. I asked what had happened. Scott, with a great laugh, said Clymer had read them a letter to the Speaker, and was dreadfully afraid all the people would fly to the Western world. I replied, "Scott, I told you some time ago that all this would happen if you taxed the Atlantic States too high, and you gave me a great Monongahela laugh in answer." "Aye," says he, "and I will give you many more." I went up-stairs, and had a letter of Clymer's composing put into my hands; the amount of it was that every man was worth two hundred pounds sterling; that every man that went to the Western country was lost to the United States, and therefore every tract of land we sold to a settler would be attended with the loss of a man or his equivalent, two hundred pounds sterling, deducting the trifle the United States would get for the land.

All this fine reason falls dead to the ground should it appear that the man is not lost to the United States. It is, however, a fact that by an impolitic oppression of taxes we may detach the whole country from us and connect them with

New Orleans; and in that case we will get nothing for the lands. Clymer came in, and said on the principle of that letter he would vote against paying any of the public debt with back lands. What a deal of pains he has been at to fish up some kind of reason to accommodate his vote to the wish of the *public creditors, alias* speculators! They are a powerful body in Philadelphia, and therefore are not to be neglected. I asked what our friends in Philadelphia thought, particularly on the assumption of the State debt. He said they were divided, but there were more *against it* than *for it*. He now said some fine things on the improvement of the State, etc. I walked with him and Colonel Hartley. All the way to the Hall did his tongue run on the subject of going to the Potomac. I bore my testimony in the plainest language against all this; regretted our not having tried an adjournment to Philadelphia a year ago; said, if we would go to Philadelphia with the promise of the permanent residence on the Potomac, we could without it. He was peevish and fretful.

No business of consequence done in the Senate. Two bills came up to be signed. Our Vice-President used these words from the chair before he signed them: "Is there any objection, gentlemen, to the signing of these bills?" He seems a tone lower than he used to be. The amendment on the mitigation bill was non-concurred in, and managers for a conference appointed.

March 26th.—The bill for augmenting the military to sixteen hundred men came up. Read, and Monday appointed for a second reading. A petition read from Captain Barry and others for communication. Nothing else done in the Senate. Spent some time on the bill for the encouragement of inventions, etc. The Speaker had company this day—all Pennsylvanians. Mr. Morris took pains to make himself agreeable. The Speaker told him they had determined to risk the revenue business, as they now found Williamson and Ashe would be for the assumption, as they had changed their minds. How true is the observation made by Henry, of Maryland: "All great governments resolve themselves into cabals"! Ours is a mere system of jockeying opinions. Vote this way for me, and I will vote that way for you.

March 27th.—Being Saturday, read in my room. After dinner walked and caught cold. In the evening received a few lines from Dr. Rush, in which he tells me I am complained of for my correspondence with the Comptroller-General. This, I well know, comes from Fitzsimons. He would wish that no man but himself should know anything of the finances of Pennsylvania. I have made advances to the Philadelphians repeatedly, but they shake us off, and, when meetings had been settled for the communication of knowledge, they have broken them up. But I am found to possess knowledge of the finances of Pennsylvania. The presumption is that I correspond with Nicholson. [I] am become independent of them, and therefore criminal. I had written to the Doctor, but inclosed a note to him on this subject, for which see my letter-book.

Mr. Morris has made no agreement with me about lands. He said he would draw up something on this subject in writing. Nothing of this has happened, and perhaps never will. I thought such a thing might happen, and was careful in my letter. But I will make no rash conclusions. Time will settle all matters, and we, with all our little bristlings, will soon be as quiet as the trodden sod.

March 28th.—Being Sunday, was a day devoted to the thoughts of my family. Wrote letters, as usual. I have been upward of three months from them. This is really disagreeable. The time may come when I would give anything in my power to be one day with them, and now I am absent with my own consent. I wish I was honorably off with this same business of the Senate. If Congress continues to sit in New York, I can not pretend to continue a member of it. Circumstances may direct me to what is best. God has, however, given to every man his talent for the express purpose of making use of it; or, in other words, that he may conduct himself on the principles of right reason. May he enable me to keep my lamp trimmed always! Stayed at home all day.

March 29th.—Committee on the bill for the progress of writs, etc., reported. Three other bills came up to us: one for treaty with Indians; for extending the effect of the State inspection laws; and the North Carolina session. The last amended by striking out the word "Honorable" from before

the names of the Senators. Butler bounced, and Izard made frightful faces at it. They were opposed by King, Elsworth, and Patterson. I was pleased to see the Yorkers and the Southern people at it. The business was got rid of by a new clause altogether in the beginning of the bill, from which a clear inference in practice follows, viz.: That the whole of a bill is in the power of the Senate, notwithstanding their former agreement, and the concurrence of the other House to any part or parts of it; and their deliberations are not confined to the parts only respecting which the disagreement subsists. I have spoken to Otis to copy all the papers that I may plead this precedent, if necessary; for this doctrine was pointedly denied in the disputes respecting the permanent bill, viz., my papers for the copies made out by Otis.

This day the House of Representatives took up the report of the Committee of the Whole House on the Secretary's report; and, after adopting the first three clauses, recommitted the one on the assumption of the State debts—twenty-nine to twenty-seven; so that I hope this will be rejected at last. The Speaker has declared that he will vote against it if there should be a tie in the House. This was my opinion, which he early adopted and which he has so often subscribed to, that it will be impossible for him to recede from it upon this principle—that a matter of moment, not absolutely necessary, had better be omitted than carried by so small a majority vote as one vote. This opinion has met with much approbation from many members of the Senate, and I have taken care to let the Speaker know it.

March 30th.—The bill for additional pay to the clerks of the accounts between the United States and individual States was called up and lost. Third reading of the bill for the progress of useful arts produced a debate by the New England members in favor of a man from their country, but by being joined by the Southern men we defeated them. Read the law for giving effect to the inspection laws of the States. Message from the Representatives with Cession bill agreed to. Message from the President with nominations to vacant offices. The bill for the military establishment took up the rest of the day in desultory debate, and was finally committed to seven

members. This bill seems laying the foundation of a standing army. The justifiable reasons for using force seem to be the enforcing of laws, quelling insurrections, and repelling invasions. The Constitution directs all these to be done by militia. Should the United States, unfortunately, be involved in war, an army for the annoyance of an enemy in their own country (as the most effective mode of keeping the calamity at a distance and enforcing an adversary to terms) will be necessary. This seems the meaning of the Constitution, and that no troops should be kept up in peace. This bill certainly aims at different objects. The first error seems to have been the appointing of a Secretary of War when we were at peace, and now we must find troops lest his office should run out of employment.

Dressed and attended the levee. I generally used to leave this part of duty to Mr. Morris; but now he is gone, and, lest there should be any complaints, I will discharge this piece of etiquette. The day was fine and the levee large.

March 31st.—A call of the gladiators this morning. Therefore expect it will be a day of some importance in the House of Representatives. In the Senate the bill for enforcing the inspection law of the State had a third reading. The appointment of Rufus Putnam, a Judge of the Western Territory; James Brown, Attorney for Kentucky; and Henry Bogart, Surveyor for Albany, were consented to. Senate adjourned.

Went early to hear the event of this day's debates in the House of Representatives. Nothing remarkable, save a violent personal attack on Hamilton by Judge Burke, of South Carolina, which the men of the blade say must produce a duel. The question was not taken, on the assumption. Mr. Wynkoop spoke to me in the chamber of Representatives, to have a meeting of the delegation. I supported this idea, and we agreed to meet at the Speaker's. But I first went and drank tea with Mr. Wynkoop and Mrs. Wynkoop. There was a great deal of desultory discourse at the meeting. Mr. Clymer took on him to assert that the State of Pennsylvania was in debt to the Union, and disbelieved all Mr. Nicholson's statements, and declared unequivocally for burning all old accounts. I mentioned Nicholson's statements as being made from authority, and that they neither ought nor could be invalidated

on supposition; that the old Confederation had proceeded every step on the grounds of a final settlement; that to annihilate the old accounts was contrary to the new Constitution, which had sanctified every act of the old Congress; nor could I see how any State could call on the Union to assume any debt of theirs until she showed by a settlement that she had exceeded her requisitions. Both Clymer and Wynkoop are seeking for some plausible excuse to change their ground. I have endeavored to humor them, but their pride and obstinacy are hard to subdue.

April 1st.—This day in Senate two bills were signed, the Carolina Cession act and the bill for giving effect to the State inspection laws. A committee was also appointed to settle the pay of the Senators up to this time.

The Senate adjourned, and I went into the chamber of Representatives to hear the debates. It was a dull scene. Gerry took up the time of the committee to the hour of adjournment. He is a tedious and most disagreeable speaker. The committee rose and no question was taken. Soon after I came in I took an opportunity of speaking to Mr. Wynkoop. I was pointing out some inconveniences of the assumption. I found he seemed much embarrassed. Lawrence and Benson had got him away from his usual seat to near where they commonly sat. He paused a little; got up rather hastily; said, "God bless you!" went out of the chamber, and actually took his wife and proceeded home to Pennsylvania. The way in which this good man can best serve his country is in superintending his farm. Perhaps there is no method more acceptable to Nature; he certainly is wanting in political fortitude. Benson, Lawrence, the Secretary, and others have paid attention to him, and he has not firmness of mind to refuse them his vote. But he has done what equally offends them and subjects himself to ridicule: he has abandoned the whole business and deserted the cause of his country at a time when an honest vote is inestimable. To-morrow being Good Friday, we adjourned over to Saturday.

April 2d.—The House of Representatives met, but adjourned on account of the holiday. I conversed this day at the Hall with George Gray. He declares the people of Penn-

sylvania are universally opposed to assumption, now the matter is understood. This is the effect of the publications which I have labored hard indeed to get into the prints. The Speaker is now firm against the assumption, and so is Scott. Clymer is so, too, I believe, but I am not quite certain whether his wish of popularity has as yet been able to subdue his pride and obstinacy. Hartley is too giddy and unsettled for any one to determine how he will vote, and, as his judgment has no share in it, the presumption is that he will vote with Smith, of Carolina, and those whose company he always keeps. I have put my political life in my hand in starting this opposition in the teeth of the Philadelphians. If I fail, my seat in Congress and disgrace in the public eye will follow. But I am conscious of rectitude of intention, and *hic murus aeneus esto, nil conscire sibi, nulla pallescere culpa.*"

I was this day to have dined with the Secretary [Hamilton], but a violent storm of wind and rain came on, and I could not get a hackney. The Speaker offered me his carriage, but then his servants were all gone to church.

April 3d.—Called in the morning at Mr. Hamilton's office to make an apology for not dining with him. Could not see him. He was closeted with the Secretary of War. Was desired to stay until he was disengaged. The importance of my business would not justify this. Gave my name and compliments to Colonel Hamilton, and information that the badness of the weather prevented my dining with him yesterday, as I happened to be so unfortunate as not to be able to procure a carriage; and now, this momentous affair being settled, went to the Hall. The minutes were read. A message was received from the President of the United States. A report was handed to the Chair. We looked and laughed at each other for half an hour, and adjourned. The report was the pay due to each member. Dr. Elmer and Mr. Bassett whispered me, after the report was handed in, that King and Schuyler were allowed full pay, notwithstanding they had not been much with us, and that Dr. Johnson was allowed full pay and mileage to Connecticut, though he lives here, while the time Dr. Elmer was absent was deducted. Honesty thrives but badly east of the Hudson.

I went into the Representative chamber, expecting the assumption would be taken up. A listless apathy seemed to pervade the whole. Two motions were negatived touching some appointment of a foreign nature that did not seem to have been well digested. Somebody said adjourn, and they adjourned accordingly. This really seems like the mockery of business. The New England men despair of being able to saddle us with their debts, and now they care not whether they do any business or not. Mr. George Gray, of the Lower Ferry, Mr. Luper, his son-in-law, Colonel Oswald, and another gentleman, dined with us. We had much free conversation after dinner. Mr. Luper had waited on Mr. Fitzsimons before he came away. Fitzsimons advised him not to come, and told him a year hence would be time enough; *that nothing would be done in the business until he returned to New York.* They sat till late. I was happy to have a company of Pennsylvanians.

April 4th.—I wrote my letters early. The day was inviting and I could not avoid the temptation of walking out. I went to Scott's lodgings and he walked with me. The town is much agitated about a duel between Burke and Hamilton. So many people concerned in the business may really make the fools fight.

When I was called down to dinner, the Speaker and General Muhlenberg were closeted with Clymer and Jackson. All was profound mystery. We had half finished our dinner before they joined us. I saw they were filled with thoughts of importance, but I scorned to be inquisitive. I retired to my chamber. The Speaker soon came to me and unfolded the mystery. Clymer had a proposal to barter away the Pennsylvania votes for an assumption for the Carolina and Massachusetts votes for an adjournment to Philadelphia. He and Fitzsimons are now squirming like cels in a basket to regain the popularity which they have or are likely to lose on this business by bringing forward a plausible pretext to justify their late vote. The Speaker, however, openly avowed to me the reason of the vote for assumption, viz., consolidation and uniting in one Government. I told him plainly Hamilton had no ability for such work, and the thing would miscarry in his or

any other hands. I determined to go and call on Clymer about this business. I did so, but he had Jackson (of the President's family) with him.*

I sat till I was tired and rose with the first of the company to come away. Clymer asked me to walk on the Battery, and we roamed almost the whole length of the town, up the East River and back again, without his giving me an opportunity of speaking to him. I felt hurt at his distant treatment. I went with him home. He called Jackson in. Jackson made a florid harangue on the golden opportunity of bartering the votes of Pennsylvania with South Carolina and Massachusetts to give the assumption, and get the residence of Congress. Whatever I might have done in other company, I would not commit myself to Jackson. I spoke my sentiments sincerely on the villainy of bartering votes; declared my opinion that Pennsylvania need make no sacrifice to obtain Congress; that matters were working as favorably as could be wished; that I entertained no doubt of adjourning to Philadelphia; that assuming the State debts in the proposed manner was so radically wrong that nothing could justify the act, and that the postponement of it ought to take place at any rate.

Clymer said it would not be postponed; it would be carried. I said the Pennsylvanians might see each other before that time. He said they could not. I told him if the Pennsylvanians were able to postpone it after a contract was made they were able to do it without any contract; and if they really meant to sell their votes, it was idle to talk of giving them without and before a contract was made. Make a present of a thing, and you need not demand the price afterward. I concluded with saying I would have time enough to make up my mind before the business appeared before the Senate, but had no objection to deliver my sentiments at any time, and had given them now with freedom. The cold, distant, stiff, and, let me add, stinking manner of this man is really painful to be submitted to. I never will go into any company with design to give offense, but I really think out of respect to myself I ought to avoid his company; at least I need not go into it

* Meaning a voter for Hamilton.

without necessity. Jackson's interfering in this business is far from proper.

Hence appears plainly how much the assumption of the State debts was made a point of by the court party. In fact, the reduction of the State governments was the object in theory in framing both the Constitution and Judiciary and in as many laws of the United States as were capable of taking a tincture of that kind. But it won't do.

April 5th, Monday.—The bill for the progress of the useful arts was concurred with after considerable debate. The report of the Senators from the joint committee on the Mitigation bill was that the disagreement continued. A communication was received from the President of the United States of three acts of the Legislature of New York. The whole paper was read. The act of transmission from the government of New York was pomposity itself. They, however, often reiterated the words "free and independent," which I thought done designedly. I had some discourse with Colonel Hartley, and he has promised to withhold his vote for the assumption for some time at least.

I went this afternoon to hear a negro preach. I can only say it would be in favor of religion in general if preachers manifested the same fervor and sincerity that were apparent in his manner. He declared himself untutored, but he seemed to have the Bible by heart. *Tempora mutantur et nos mutantur in illis.*

April 6th.—The Senate seemed likely to have no business before them this day; but all at once up rose Few, and offered a report of the bill for the military establishment. Some trifling amendments were made in the compensation to the officers, but the bill was materially the same. It was agreed to, as the sense of the Senate, that no report should be offered until the bill for regulating the intercourse with the Indians and the treaty bill should be put into the hands of the same committee; but whatever is, is best. It is out of the hands of the committee and postponed. I spoke against the whole bill as an egg from which a standing army would be hatched, as it is a standing army in fact, for the smallness of the number does not diminish the principle. But I foresee I will have much to say under this head at a future day.

Carrol, of Carrolton, edged near me in the Senate chamber and asked me if I had seen the King of France's speech and the acts of the "Tiers États," by which the distinctions of the nobility were broken down. I told him I had, and I considered it by no means dishonorable to us that our efforts against titles and distinctions were now seconded by the representative voice of twenty-four millions. A flash of joy lightened from his countenance. How fatal to our fame as lovers of liberty would it have been had we adopted the shackles of servility which enlightened nations are now rejecting with detestation!

April 7th.—A committee was appointed in the Senate to bring in a bill for the territory of the United States south of the Ohio. I did not oppose the appointment of a committee, but told some of them that they must make it stand alone, as I wished to avoid all expense. I had no notion of salaries to the Governor, judges, etc. I considered the motion brought forward by way of making some entry on the journals as much as anything else. A short bill, however, came up and had a first reading.

The Speaker had company this day. I was wanting in spirits, and did not seem to enjoy it. The table was, however, filled well, and there was a good flow of conviviality. After dinner the Speaker told me that Fitzsimons and Clymer wanted to see the delegation at their quarters. I was not well. It was late, and a tempest of wind and cold. But I went. Fitzsimons [spoke as if he] had been hired to extol the political merit of Massachusetts and South Carolina and deprecate that of Pennsylvania. It was in vain that I told him everything in a pecuniary point of view must remain in doubt until the accounts were settled; that the only man who had it in his power to give an opinion on the subject (the Comptroller-General) had taught us to think differently. I said that the State, Navy, and defense of the river Delaware had cost vast sums. I could not see that the defense of the Delaware, etc., was any more charged against Pennsylvania than the expense of the American arms before Boston was a demand against Massachusetts, or the charges at Yorktown against Virginia. If Pennsylvania advanced the money, it was in the general

defense, as well as her own, and the charge lay well against the Union.

The business of the meeting was to consult about an adjournment to Philadelphia, and, as the votes of Pennsylvania would determine for or against assumption, whether they could not be so managed as to affect that measure. I will only set down what I said on the matter as opinion, that to barter votes was unjustifiable; that the risk of losing votes was as great as the chance of gaining by making a bargain with the other side, for Philadelphia had friends on both sides; that the best mode was to postpone the assumption and push the adjournment to Philadelphia while both parties feared and both courted the Pennsylvania vote.

April 8th.—A bill which came up yesterday for suspending part of the revenue law with respect to the port of Yeonus in Virginia was read a second time. Now Elsworth moved some alteration of the law with regard to some ports in Connecticut. Langdon wanted an alteration in New Hampshire, and Dalton one for Massachusetts. It was committed to these three members. God forgive me if I wrong them, but I fear they want to make loopholes in the impost law to suit their private purposes, or rather the purposes of State smuggling.

I never observed so drooping an aspect, so turbid and forlorn an appearance as overspread the partisans of the Secretary [Hamilton] in our House this forenoon. If I had chosen to use the language of political scandal, I would call them "Senatorial Gladiators." Elsworth and Izard in particular walked almost all the morning back and forward. Strong and Patterson seemed moved, but not so much agitated. King looked like a boy that had been whipped, and General Schuyler's hair stood on end as if the Indians had fired at him. I accounted for the appearance of King and Schuyler from the publications that have appeared against them in the papers for two days past.

Just before dinner Andrew Brown, the printer, called. It seems there had been a meeting of the citizens of Philadelphia on Saturday last to consider on the subject of General Knox's report, and a committee is appointed to draw up something. Brown has refused to print for them, and has flown off to this

place for the purpose of giving notice of the event and claiming his reward; and perhaps a third motive has had weight with him, for I really never saw any man have more the appearance of fright upon him. I know him to have been a spy and tool for Hamilton for some time past. He told us of some man having offered some violent pieces to him for publication, which he said were written well; but he refused to print them, and the author took them away. He said they were addressed to the yeomanry of Pennsylvania. I suspect this may be my friend George Logan. He ought to beware of A. Brown; he does not know him. Brown owned to us that Hamilton had written to Jefferson in his favor after publishing his recantation, and refused to print anything against the Secretary's report.

April 9th.—The committee of yesterday reported the bill with Elsworth's amendment only. Said Mr. Hamilton was of opinion, when the new impost law was enacted, the other amendments could be introduced. This is art in him to make friends to his new bill, and shows that he is either still confident of success or affects it. There was no objection and the bill had all its readings.

Elsworth reported a bill for the government south of the Ohio. It was to be the same as the government of the Western Territory, *mutatis mutandis*. I had some previous discourse with Elsworth on this subject. I can with truth pronounce him the most uncandid man I ever knew possessing such abilities. I am often led to doubt whether he has a particle of integrity; perhaps such a quality is useless in Connecticut.

In Senate this day the gladiators seemed more than commonly busy. As I came out from the Hall, all the President's family were there—Humphreys, Jackson, Nelson, etc. They had Vining with them, and, as I took it, were a standing committee to catch the members as they went in or came out. The crisis is at hand. At dinner the Speaker told me there had been a call of the Secretary's party last night. Fitzsimons, he said, had been sent for, and they had determined to risk an action to-morrow.

April 10th.—Busy to near eleven writing letters to my

family. Dressed and attended to see the event of the day, but it was put off by consent. The Treasurer told me the reason of it afterward. Sherman, who is against the assumption, is expected to go away, and thus the other party will be less strong, or at least more so, by one vote. The Secretary's people scarce disguise their design, which is to create a mass of debts which will justify them in seizing all the sources of Government, thus annihilating the State Legislatures and creating an empire on the basis of consolidation.

April 11th, Sunday.—Stayed at my lodgings almost all day, a few minutes excepted, when I went to the lodgings of General Irwin, who is this day to set off on his journey to Carlisle. Wrote sundry letters, read, etc. I charged General Irwin with letters for Harrisburg and Sunbury. Wrote a few lines to Eleazer Oswald, editor of the Independent Gazetteer, to inclose his paper and forward it to my son Johnny, to be left at Adam Zantinger's in Market Street, Philadelphia.

April 12th, Monday.—The business done in the Senate was trifling. A bill for establishing the government of the North Carolina cession was taken up. I had occasion to speak to it, and moved a postponement until the bill be printed and put into the members' hands. It was carried. Elsworth was fretted, and I cared not. Two amended bills came up from the other House and were postponed. We adjourned between twelve and one o'clock.

I went into the House of Representatives to hear the question of assumption taken up. Clymer got up; said the assumption was two and a quarter millions against his State; more than she ought to pay; but, for confirming the Government and for national purposes, he would vote for it. I could not hear all he said, but the above was the amount of it.

Fitzsimons hoped to have a great many conditions obtained, such as that the interest of the State debt should be paid in the respective States; that no improper charges should be brought forward. But he would vote for it now in expectation that these conditions would be obtained afterward. Certainly this could not be called the conduct of a wise man; he

voted as well as Clymer for it formerly and took all the Pennsylvania delegation with him except Heister and General Muhlenberg without any condition whatever, unless it might be private ones known only to himself and the Treasury. The question was, however, taken and lost: thirty-one against it and twenty-nine for it.* Fitzsimons, Clymer, and Hartley voted for it.

Sedgwick, from Boston, pronounced a funeral oration over it. He was called to order; some confusion ensued; he took his hat and went out. When he returned, his visage, to me, bore the visible marks of weeping. Fitzsimons reddened like scarlet; his eyes were brimful. Clymer's color, always pale, now verged to a deadly white; his lips quivered, and his nether jaw shook with convulsive motions; his head, neck, and breast contracted with gesticulations resembling those of a turkey or goose nearly strangled in the act of deglutition. Benson bungled like a shoemaker who had lost his end. Ames's aspect was truly hippocratic—a total change of face and features; he sat torpid, as if his faculties had been benumbed. Gerry exhibited the advantages of a cadaverous appearance, at all times placid and far from pleasing; he ran no risk of deterioration. Through an interruption of hectic lines and consumptive coughs he delivered himself of a declaration that the delegates of Massachusetts would proceed no further, but send to their State for instructions.

Happy impudence sat enthroned on Lawrence's brow. He rose in puffing pump and moved that the committee should rise, and assigned the agitation of the House as a reason. Wadsworth hid his grief under the rim of a round hat. Boudinot's wrinkles rose in ridges and the angles of his mouth were depressed and assumed a curve resembling a horse's shoe. Fitzsimons first recovered recollection, and endeavored to rally the discomfited and disheartened heroes. He hoped the good sense of the House would still predominate and lead them to reconsider the vote which had been now taken; and he doubted not but what it would yet be adopted under proper modifications. The Secretary's group pricked up their ears,

* This, of course, greatly reduced the value of certificates.

and Speculation wiped the tear from either eye. Goddess of description, paint the gallery; here's the paper, find fancy quills or crayons yourself.

April 13th, Tuesday.—Nothing of moment done this day in the Senate. The bill for the Territory south of the Ohio passed a second reading. Some trifling debate on the amendments of the bill defining crimes and punishments. The day was clear, though somewhat cold, but I felt a desire of being abroad, and walked out almost all day with Mr. R. Harris, who is now abroad again.

April 14th, Wednesday.—There was nothing of importance transacted this day in the Senate, no debate worth minuting. The Senate adjourned, and we, or at least I, went into the House of Representatives. But even there everything seemed equally unimportant. The House adjourned, and as I was to dine this day with Mr. Izard, the Speaker, and General [Muhlenberg] being likewise engaged at the same place, we had an hour on hand to saunter away before dinner. It began to rain as we got to Izard's. There was of the company Count von Berkel, the Speaker of the New York House of Representatives, members of Congress, etc. Among our wine I mentioned the expected death of Dr. Franklin. Izard knew him as well as any man in the world. Dr. Johnson would yield to no man on intimate acquaintance with his [Franklin's] character, and at him they both went. I really never was much of an admirer of the Doctor, but I could hardly find it in my heart to paint the devil so bad. He had every fault of vanity, ambition, want of sincerity, etc. Lee's rascally virtue of prudence was all they would leave him.

I must note it down that Clymer called me out of the Senate chamber this day. It was on no business of any consequence. He talked with me a considerable time. After I came into the Representative chamber he came and took a chair beside me. I must declare that, be his motives what they may, I never saw him so condescending. I will not balk him in his advances to me; my heart tells me that peace with all the world is the most acceptable and desirable object to be pursued. I will not shun her, but place myself in her paths. What is it that whispers in my ear that, if any dirty

trick is played me that has its date about this time, I need not be at a loss to guess the author? No, no. I will give it no such meaning. I will not suppose him to have worn a cloak, but that he came clothed in candor.

April 15th, Thursday.—The bill for regulating the military establishment was called up. The friends of this bill seem to be chiefly Butler, King, and Schuyler. I have opposed this bill hitherto as often as it has been before the House as the foundation, the corner-stone of a standing army. The troops are augmented one half. The reasons hitherto given have been the distressed state of Georgia. Butler has blazed away on this subject at a great rate; declared over and over that Georgia would seek protection elsewhere if troops were not sent to support her, etc., etc., and said fifty Indians had penetrated into that State, of which he had authentic information, etc. Carrol joined him. King, Schuyler, Elsworth, and Lee opposed them. Lee made a set speech against standing armies. He really spoke well. King at last got up and rather upbraided the Georgia members for their silence on this question. This brought up Colonel Gunn. He declared he knew nothing of fifty Indians making any inroads into Georgia. He was just from there, and had the latest accounts. Georgia was in peace, and never had a better prospect of continuing so. There existed no cause in Georgia for augmenting the troops; and since that was the reason assigned for it, he should vote against it.

Infatuated people that we are! The first thing done under our new Government was the creation of a vast number of offices and officers. A treasury delated into as many branches as interest could frame. A Secretary of War with a host of clerks; and above all a Secretary of State, and all these men labor in their several vocations. Hence we must have a mass of national debt to employ the Treasury, an army for fear the Department of War should lack employment. Foreign engagements, too, must be attended to to keep up the consequences of that Secretary. The next cry will be for an Admiralty. Give Knox his army, and he will soon have a war on hand; indeed, I am clearly of opinion that he is aiming at this even now, and that, few as the troops are that he now has

under his direction, he will have a war in less than six months with the Southern Indians.

Lent the Speaker fifty dollars.

April 16th.—And now again for the augmentation of the troops. I took a minute view of all the papers forwarded by General Knox. They were copies of letters which he had received from different places and carried, evidently, management on the face of them. Thus, for instance, General Knox writes to General Wayne in Georgia to inform him whether the Spaniards had not lately supplied the Indians with arms and ammunition. General Wayne answers that his inquiries on this head resolved themselves into the affirmative, and adds his opinion that it is highly probable hostile uses may be made of those supplies by the savages. In this manner leading letters procure favorable answers from men who expect to be employed in case troops are raised. Before Colonel Gunn came, the dangers and distress of Georgia were magnified as far as fancy could from frightful pictures. Colonel Gunn contradicts all this.

New phantoms for the day must be created. Now a dangerous and dreadful conspiracy is discovered to be carrying on between the people of Kentucky and the Spaniards. King unfolded this mysterious business, adding that he conceived his fears were well founded. He firmly believed there was a conspiracy; that it was dangerous to put arms into the hands of the frontier people for their defense, lest they should use them against the United States.

I really could scarce keep my seat and hear such base subterfuges made use of one after another. I rose, demanded what right gentlemen had to monopolize information. If they had it, let them come forward with it and give other people an opportunity of judging of the authenticity of the information, as well as the persons in possession of it; declared that I could not tamely sit and hear the characters of the people on the Western waters traduced by the lump. This day was the first ever I heard of the word "conspiracy" being applied to the inhabitants of the Western waters. I had a right to doubt it until authentic proof was brought forward of the fact. I felt myself disposed to wipe King hard, and certainly did so.

It was moved and seconded very fairly to reduce the number to one thousand, and carried, eleven to nine. Elsworth, though he spoke for the reduction, voted against us. Mr. Morris desired to be excused from voting, as he had come but lately. Elsworth said he voted against one thousand because he wanted twelve hundred; and, though it was certainly out of all order, got a question put on this number and carried it by one vote. No man ever had a more complete knack of putting his foot in a business than this same Elsworth. At one thousand we should have had but one regiment. Now the committee to whom it is recommitted will try to continue them in two. And yet economy is all his cry.

I gave notice that, when the title of the bill came to be considered, I would move to strike out "for regulating the military establishment of the United States," and mentioned particularly what I took the intention of the troops to be agreeably to the old acts of Congress, viz., *protection of the frontiers of the United States; facilitating the surveying and selling the public lands and preventing unwarrantable encroachments on the same.* The man must be blind who does not see a most unwarrantable management respecting our military affairs. The Constitution certainly never contemplated a standing army in time of peace. A well-regulated militia to execute the laws of the Union, quell insurrections, and repel invasions, is the very language of the Constitution. General Knox offers a most exceptional bill for a general militia law which excites (as it is most probably he expected) a general opposition. Thus the business of the militia stands still, and the Military Establishment bill, which increases the standing troops one half, is pushed with all the art and address of ministerial management.

April 17th.—Being Saturday, a party was formed to go to Haerlem. Long cooped up in the city, I joyfully joined them, but the wind soon blew cold and raw from the east, and we could not stay out of doors. Like most other human expectations, our hopes vanished in disappointment. I got some cold, and felt slight complaints of the rheumatic kind. The ramble has, however, had its uses, and may cure me on the subject of excursions in the future.

April 18th, Sunday.—This is the most tempestuous day which I remember. Snow, torrents of rain, high winds. Kept the house all day; read and wrote to my family. The Speaker received letters by which it appears the Philadelphians, or at least the aristocrats, will support Mifflin rather than him [Muhlenberg] for Governor. He recapitulated the return they had always made to him for his engaging the Germans to support their measures. He had a share of the profits of the vendue office from Paton, but it amounted to little. They deserted him on the appointment of vendue-master. For the Northern Liberties he got the office in Montgomery by a constitutional vote, and it never paid him for the paper he spent for the Republican party.

April 19th, Monday.—The journals of the Senate can scarce designate a day of less importance than the present. The yeas and nays had been fairly taken on reducing the troop from sixteen hundred to one thousand, but the way the minutes read the question was for the striking out of every man, viz., the whole sixteen hundred. Elsworth moved to strike out the whole of the yeas and nays, etc. This certainly was against all rule: the reading of the minutes is for correction, not altering them. Wyngate and Langdon spoke a good deal, but it was in vain. They carried it.

I bought two little pocket-books for Betsey and Nelly, to be sent home by Bobby Harris. On the vellum in one of them I wrote:

A daddy to a daughter dear
This little present sends:
May she to him, far off or near,
By duty make amends!

In the other one I wrote the following:

A father to a favorite child
Presents this little toy:
May she through life a sunshine mild
And happiness enjoy!

Wretched man that I am, who do not break loose from this disagreeable place and stay, live and die with my family!

April 20th, Tuesday.—Dressed this day to go with Bobby Harris to the levee, but the President was gone to Long

Island. We sat a long time in the Senate, without doing anything. At last the committee on the military bill reported. The report was a mere matter of detail, only the clause limiting the bill to two years was struck out. I had given notice that I would move to alter the title of the bill so as to express the use and intention of raising the troops, but our Vice-President, in order to jockey me, was for putting the question on the bill without saying anything about the title at all. Elsworth, who can not bear that anybody should move anything but himself, and to whom I showed the title I had proposed to offer, pushed himself before me with a title different and much shorter. He was not seconded. I offered mine, and was seconded by Lee. A long debate ensued. Elsworth now gave all the opposition in his power. It was really painful to hear the servile sentiments that were advanced. The spirit of the whole was, that we had nothing to do with the troops; had no right to know what the President did with them or applied them to; it was interfering with his command, etc. I thought they were well answered. But what of that? We lost it. Elsworth now showed plainly that he cared little about his motion, and that he had only started his to draw off the Senate from mine. Butler had declared he would second him during the debate on mine. I, therefore, called for it. He now moved it differently, viz., "An act to raise troops for the service of the United States." His first motion was "for the defense of the frontiers and for other purposes." All we could do was to get a question on it, such as it was. The Senate divided, ten to ten. The Vice-President made a remarkable speech. He said to raise troops for the service of the United States was as much a standing army as a military establishment, and voted for the old title. I thought I confirmed every argument I advanced, either from the old or new Constitution of Pennsylvania, or from the Constitution of the United States. But a sentence from the Secretary [Knox] is of more avail than all the Constitutions in the United States with many people.

The limiting clause at the end of the bill confining it to two years being lost, I moved that three years in the first clause should be struck out and two inserted. I brought for-

ward the "appropriation" clause in the Constitution to support me in this motion, but, as it was known where the majority was, I could not obtain a second.

We had a meeting last night of our delegation on the subject of removing Congress. The avowed language of the Philadelphians [was] to make a Potomac contract. I insisted we should lose as much on one hand as we could gain on the other, and infamy was certain; that the business could be better done without it, etc.

April 21st.—The bill for regulating the military establishment was taken up for a third reading. Being in the Senate, and of course in order, I moved to restore the seventeenth section, which had been struck out yesterday, in the following words: "And be it further enacted that this act shall continue and be in force until the 26th day of March, 1792." I went over the Constitutions of Pennsylvania, old and new; that they were abhorrent of a standing army in time of peace inferred, as I thought, clearly the same doctrine from the Constitution of the United States. I then showed that this bill established a standing army. It was for regulating the military establishments of the United States. It carried a permanent establishment on the face of it, as it was unlimited in point of time. It clearly carried with it a permanent standing army. I compared it to the Mutiny bill of Great Britain. All the world knew that Great Britain had a standing army, and her soldiers were enlisted generally for life; and yet the jealousy of the nation was such that the boldest minister dared not propose the extending of the Mutiny bill to more than one year. In the legislative theory, the English had no standing army. It was but an annual one. But if the bill passed in its present form we should not have even a theory to oppose to a standing army, etc.

Elsworth got up and said the reason the clause was struck out was that it contradicted the terms of enlistment, and he made a distinction between enlisting men for three years and appropriating pay for them for three years. We could do the one. We could not do the other without breaking the Constitution. He wished they were enlisted for seven or ten years, etc. I answered that it seemed as if men strained their inge-

nity to try how near they could approach an infraction of the Constitution without breaking it. There could be no doubt but what the clause limiting the appropriation to two years was meant as a bar against a standing army, and yet gentlemen seemed to strain their faculties to accomplish the very end prohibited, without being chargeable with a direct breach of commandments, etc.

Elsworth declared, both yesterday and this day, that military establishment meant and could mean nothing short of a standing army. Carrol used the same language, and expressly said that, though the Constitution of Pennsylvania might forbid it, we were not to be governed by any State Constitution. But of all the flammers, none blazed like Izard. He wished for a standing army of ten thousand men. He feared nothing from them. No nation ever lost its liberty by a standing army, etc. The Romans lost their liberty, but it was not by the army under Julius Caesar. He was well answered by Lee, but it was in vain. A standing army was the avowed doctrine, and on the question Lee, Wyngate, and myself rose. I openly declared my regret that there were not enough of us to call the yeas and nays. Mr. Morris was not in at the taking of the question.

I find in some conversation which I have had with the Speaker that Hartley is very dependent in his circumstances. A mere borrower and discounter of notes at the Philadelphia bank. It is much against him in point of prudence that he should be the most extravagant member of the Pennsylvania delegation.

April 22d.—The morning looked so tempting I could not resist the impulse I felt for walking out. The Speaker joined me at the door. We called on Mr. Wynkoop, who is confined with his sore leg. We got on the assumption of State debts. I find the Speaker rather wavers of late. Wynkoop seemed all Secretary [Hamilton]. I embarked, as I generally do, and I endeavored to speak so plain that I scarce think it possible I could be misunderstood; and I could not help thinking that to understand and obtain consent were inseparable. He waved what I said as if he would push all by in the lump. But if I had talked to a mute camel, or addressed myself to

a dead horse, my speech would have had the same effect; and yet he seemed to have neither opinion nor system of his own.

Attended at the Hall. A bill was committed, a message was received, and the Senate adjourned. Wrote a short piece against the assumption of State debts; sent a copy to Bailey for publication. This day there were accounts published of the death of Dr. Franklin, and the House of Representatives voted to drape their arms for a month. When I consider how much the Doctor has been celebrated, and when I compare his public fame with his private character, I am tempted to doubt whether any man was as perfect. Yet it is, perhaps, for the good of society that patterns of perfection should be held up for men to copy after. I will, therefore, give him my vote of praise, and, if any Senator moves crape for his memory, I shall have no objection to it; yet we suffered Grayson to die without any attention to his memory, though he belonged to our body, and perhaps had some claim to a mark of sorrow.

April 23d.—Felt rheumatic pains over a considerable part of me, and really have some fear that I shall have a fit of it. A bill had been committed yesterday "for the relief of a certain description of officers." I believe it came from the Secretary of War. It was absolutely unintelligible, and it really struck me it was meant as the stock to ingraft some mischief on with respect to the commutation pensions and half-pay of the old army, everything relating to which we had generally considered as settled. I spoke freely of it yesterday and this day, though I was not of the committee. The committee, however, reported against the whole of it, and it was rejected.

It really seems as if a listlessness or spirit of laziness pervaded the House of Representatives. Anything which comes from a Secretary is adopted almost without any examination. The military establishment bill came up—concurrent in. Strange that not a Pennsylvanian should object to this bill. As it now stands, it flatly contradicts the Constitution of Pennsylvania, both old and new.

Carrol rose and made a motion that the Senate should wear crape for a month for the loss of Dr. Franklin. Before he was seconded, Elsworth got up and opposed it; said, as it would not be carried in the Senate; he trusted it would not be sec-

onded. I rose and seconded Carrol. Izard and Butler hated Dr. Franklin, and I well knew that this opposition of Elsworth aimed at their gratification. Perhaps my supporting Carrol had something of a tincture of the same kind. King and Dr. Johnson joined Elsworth. Elsworth addressed Carrol and told him (through the Chair) that he might as well withdraw his motion, as it would be lost. This was really insulting. But as the matter, strictly speaking, was not senatorial or such as belonged to us in our capacity as a public body, and as it was opposed, Carrol looked at me and I nodded assent, and it was withdrawn.

April 24th.—A party was formed by General Muhlenberg to go to Long Island, but, recollecting the disappointment of last Saturday, I declined going with them. Stayed at home and spent the day rather in a lounging manner. Wrote some letters. The Speaker proposed a ride in his carriage. I was all passive. He took a lady who was indisposed. I went in the evening and sat awhile with Mr. Wynkoop. In the afternoon Henry Stone and some other members of Congress called on me to go and see some cattle of enormous size. I went. Two bullocks of great bulk indeed were shown to us. I was sorry for my walk. They were in the yard of the slaughter-house. I now learned some secrets of the butcher business which I never knew before. The ox is emptied by repeated bleedings of almost all his veins before he is killed. A place is fitted up to which their heads are drawn up by a rope, and the jugular veins are opened. The blood falls down on the boards, inclined so that it runs into a trough fixed in the ground; and hogs are kept to feed on it. All this preparation is made to make the beef white. Then the great, harmless creatures had undergone several of their bleedings, and were moving about faint and languid, with looks of dumb despair. O man, what a monster art thou! I can not get rid of the impression this sight has left me.

April 25th, Sunday.—I wrote letters as usual to my family this morning. At ten o'clock went to Mr. Wynkoop's lodgings, in order to go to the meeting. It blew up cold and began to rain. The clergyman we intended to hear (Dr. Lynn) was sick, so we did not go out, but I sat with him a consider-

able time. Our chat was on various and trifling subjects: weather, home, farming, and what not. After a pause he broke out with a laugh, saying how fine and quietly we got over the military establishment; all smooth—not a word of opposition. He expressed great satisfaction, and seemed to manifest that kind of triumph which would follow the performance of an arduous task with unexpected facility. Surely the ministerial gentry must have looked for opposition and prepared themselves accordingly; and my worthy friend must have been of their council, which seems a hard thought, but what am I to believe? I, however, soon undeceived him with regard to the part I had acted in the Senate, and he looked like a man who unexpectedly finds himself in strange company.

April 26th, Monday.—Attended at the Hall. Mr. Walker, from Virginia, the gentleman elected in the room of Mr. Grayson, took his seat. The Progress bill, which in fact consisted only of one clause continuing the old one to another session, had a second reading. We did not continue in our seats for more than three quarters of an hour, till King moved an adjournment. Modesty by degrees begins to leave. We used to stay in the Senate chamber till about two o'clock, whether we did anything or not, by way of keeping up the appearance of business. But even this we seem to be got over.

Dr. Elmer asked me to walk with him. I saw cards handed about the Senate, but this happens so often that I took no notice of it. When we were in the street the doctor asked me if I had not a card to dine with the President. I told him, with all the indifference I could put on, no, and immediately took up some other subject, which I entered upon with eagerness, as if I had hardly noticed his question. This is the second time the Doctor has asked me the same question, so that the President's neglect of me can be no secret. How unworthy of a great character is such littleness! He [Washington] is not aware, however, that he is paying me a compliment that none of his guests can claim. He places me above the influence of a dinner, even in his own opinion. Perhaps he means it as a punishment for my opposition to court measures. Either way, I care not a fig for it. I certainly feel a pride arising from a consciousness that the greatest man in the world

has not credit enough with me to influence my conduct in the least. This pride, however, or perhaps I should call it self-approbation, is the result of my conduct and by no means the motive of it. This I am clear in.

I am so very intent on getting Congress away from this place that I went to see the Philadelphians and concert what was further to be done. I wished to communicate to them the result of my inquiries, and receive their stock of information on the subject of removal. I had some time ago determined never to call on them any more, but my anxiety on this point made me break through this rule. But the result has made me re-enact my former resolution. I think it best to respect myself. Let this resolution be as a ring on my finger or the shirt on my back; let me never be without it.

This morning we had snow near two inches deep. It melted as it fell during the fore part of the day, and turned at last to rain.

This day Mr. Clymer made his famous speech for throwing away the Western world. A noble sacrifice, truly, to gratify the public creditors of Philadelphia! Reject territory of an extent of an empire so that it may be out of the power of Congress to oblige the public creditors to take any part of it. This, added to the confiscation of the seventeen shillings sixpence in every pound of alienated certificates, which virtually belonged to the person who performed the original service and bestowing on it a base speculation, completes the counterpart of villainy to the meritorious soldier on the one hand, and defrauded and betrayed country on the other, whose resources are rejected that the debt may become irredeemable and permanent.

April 27th.—This is a day of no business in the Senate. Before the House formed, Mr. Adams, our Vice-President, came to where I was sitting and told how many late pamphlets he had received from England; how the subject of the French Revolution agitated the English politics; that for his part he despised them all but the production of Mr. Burke, and this same Mr. Burke despised the French Revolution. Bravo, Mr. Adams! I did not need this trait of your character to know you.

In the evening I called at the post-office on a business of Mr. Zantingers. Langdon, who lodges nearly opposite, called to me from a window. I went over and had a long discourse with him on the subject of removing Congress. He wants to make the assumption of State debts the condition of it. I was guarded as to any concessions on this subject. He avowed in the most unequivocal manner that *consolidation* of the different governments was his object in the matter; that perhaps it was against the interests of his State in particular, etc.

This morning was snowy and remarkably cold. I have used the cold bath for two mornings past, and, I think, with good effect. I certainly am in better health, and feel a very great improvement of appetite. Perhaps I must be guarded as to this point. The flesh-brush I never omit. The party who went on Long Island Saturday week have most of them repented of it.

April 28th.—This was really a snowy day. The distant hills in the evening were still white. Even in the town the houses were white till in the afternoon. Three successive snowy days at this time of the year appears extraordinary, indeed.

Childs this day published a piece which I contrived to get into his hands. Neither he nor any of the printers here know me to be a writer; nor will they know it unless the Speaker or General Mulhberg should blow me; but even then they do not know me to be the author of more than two or three pieces.

As we had nothing to do in the Senate, Carrol moved for a committee to consider what was to be done about Rhode Island, etc. One was accordingly appointed. The Senate adjourned early, on pretense of doing business in committees. I went for a while into the House of Representatives, but, finding the debates unimportant, I went to settle some private business, and soon came home, where I remained the rest of the day. In the evening had the satisfaction to receive letters from home up to the 15th instant. All well.

April 29th.—Called to see Colonel Gunn. He was willing to talk, and I had no mind to interrupt him. He spoke freely relating to the barfaced conduct of King and Elsworth in

supporting any measure proposed by the Secretaries. Indeed, their toolism is sufficiently evident to everybody. He says the agitating the affair of Rhode Island is only to furnish a pretext to raise more troops. Be this as it may, that Carrol was only a tool in bringing it forward yesterday was sufficiently evident. Gunn is going to Philadelphia, and I have arranged matters so that he will be taken notice of there.

No business was done in the Senate but consenting to some nominations sent down yesterday, and the Senators from Virginia laid a resolution on the table for opening the doors of the Senate on the discussion of legislative subjects.

April 30th.—A flood of business came up from the Representatives, but none of it was acted on save the first reading of bills and appointing a committee to confer with them on some point of order or etiquette. Mr. Morris spoke to me as to repealing the law or that part of the judiciary about holding a District and Circuit Court at Yorktown. I gave as my opinion that it was best to let the other House do it, as they had introduced Yorktown; and I find Boudinot has this day carried in a bill for this purpose. I hate the whole of the judiciary, and, indeed, made no place at first but Philadelphia for holding the courts. I shall not therefore give them my opposition. If a place is hereafter appointed for holding any Circuit Court, it, perhaps, should be Harrisburg.

Senate adjourned over to Monday.

May 1st, Saturday.—This is a day of general moving in New York, being the day on which their leases chiefly expire. It was a finer day than yesterday. I could not forbear the impulse of walking out. I went for Mr. Scott, but he had changed his lodgings and was not to be found. Fell in with Walker and Parker, of Virginia. They were coming to visit our house. They pressed us so hard for dinner that we consented. I had not, however, walked far enough, and went to see Mr. Wynkoop. We got again on the subject of State debt. I never saw a man take so much pains *not* to see a subject. It is, however, now disposed of, at least for this session.

I have a letter from Dr. Rush. He praises the piece I sent him. Calls it sensible; owns himself convinced. His

words [were], "I have erred through ignorance on this subject" [State debts].

With less prudence than integrity I attacked the Secretary's [Hamilton's] report the moment it appeared. When the leading feature in it, the assumption of State debts, was carried by a majority of five in the committee of the whole Representatives, I redoubled my efforts against it; and I really believe that by my endeavors it was finally rejected. I am fully sensible that I staked every particle of credit [popularity] I had in the world on this business, and have been successful. But let me lay my account, never to be thought of for it. Be it so. I have made enemies of all the Secretaries, and all their tools, perhaps of the President of the United States, and Bonny Johnny Adams for the many pieces I have written. With all the pains I have taken to conceal myself [the pieces] must have betrayed me in one shape or other. But I have no enemy in my own bosom.

Williamson's coming in, and one of his colleagues, had a considerable effect. When the whole of the North Carolina delegation appeared, it settled the business. The assumption would have completed the pretext for seizing every resource of government and subject of taxation in the Union, so that even the civil list of the respective governments would have to depend on the Federal Treasury. This was the common talk of the Secretary's tools.

We could not resist the pressing invitation of Parker and some Virginians to dine with them on turtle. All this is not worth a note, but on the next page are some anecdotes of General Washington.

No Virginian can talk on any subject, but the perfection of General Washington interweaves itself into every conversation. Walker had called at his farm [Washington's] as he came through Virginia. It consists of three divisions. The whole contains some ten or fifteen thousand acres. It is under different overseers, who may be styled generals, under whom are grades of subordinate appointments descending down through whites, mulattoes, negroes, horses, cows, sheep, hogs, etc.; it was hinted all were named. The crops to be put into the different fields, etc., and the hands, horned-cattle, etc., to

be used in tillage, pasturing, etc., are arranged in a roster calculated for ten years. The Friday of every week is appointed for the overseers, or we will say the brigadier-generals, to make up their returns. Not a day's work but is noted; what, by whom, and where done; not a cow calves or a ewe drops a lamb but it is registered; deaths, etc., whether accidental or by the hands of the butcher, all minuted. Thus the etiquette and arrangement of an army are preserved on his farm. This may truly be called sham-care; but is it not nature? When once the human mind is penetrated by any system, no matter what, it can never disengage itself. Query: Did not the Roman poet understand nature to perfection who makes his heroes marshal their armies of ghosts in the Elysian fields; and spirits imitate in shadows the copies of their former occupation?

May 2d, Sunday.—The fore part of this day was very pleasant. An east wind blew up and deformed the afternoon. I, however, walked a good deal. I have drunk wine with the Speaker at the rate of about three glasses a day, and I really consider myself worse for it. May be I am mistaken. I will observe for a day or two longer. I bore this day with more impatience and have thought more about my family than any other day since I have been in New York. I wrote as usual to them and sundry other acquaintances.

**VIRGINIA
TOWNSHIPS
AND
COUNTIES**

Virginia Counties and Towns	The state, by another division,
We have no townships.	is formed into parishes, many of
The counties are 74 in number, of	which are commensurate with
very unequal size and population:	the counties.
35 are on the tide waters;	Some counties comprehend more
23 are between the tide waters	than one parish.
and Blue ridge mountains;	Some parishes comprehend more
8 between the Blue ridge and	than one county.
Alleghaney mountains; and	
8 westward of the Alleghaney.	

Jefferson, Thomas (1743-1826). Counties and Towns. in Notes on the State of Virginia (pages 234-235).

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Exact text:

The counties have been enumerated under Query IX. They are 74 in number, of very unequal size and population. Of these 35 are on the tide waters, or in that parallel; 23 are in the Midlands, between the tide waters and Blue ridge of mountains; 8 between the Blue ridge and Alleghaney; and 8 westward of the Alleghaney.

The state, by another division, is formed into parishes, many of which are commensurate with the counties: but sometimes a county comprehends more than one parish, and sometimes a parish more than one county. This division had relation to the religion of the state, a Parson of the Anglican church, with a fixed salary, having been heretofore established in each parish. The care of the poor was another object of the parochial division.

We have no townships. Our country being much intersected with navigable waters, and trade brought generally to our doors, instead of our being obliged to go in quest of it, has probably been one of the causes why we have no towns of any consequence. Williamsburgh, which, till the year 1780, was the seat of our government, never contained above 1800 inhabitants; and Norfolk, the most populous town we ever had, contained but 6000. Our towns, but more properly our villages or hamlets, are as follows.

(continued on next slide)

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[new2?id=JefVirg.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=12&division=div1](http://etext.lib.virginia.edu/etcbin/toccer-new2?id=JefVirg.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=12&division=div1)

Exact text continued:

On James river and its waters, Norfolk, Portsmouth, Hampton, Suffolk, Smithfield, Williamsburgh, Petersburg, Richmond the seat of our government, Manchester, Charlottesville, New London.

On York river and its waters, York, Newcastle, Hanover.

On Rappahannoc, Urbanna, Portroyal, Fredericksburg, Falmouth.

On Patowmac and its waters, Dumfries, Colchester, Alexandria, Winchester, Staunton.

On Ohio, Louisville.

There are other places at which, like some of the foregoing, the laws have said there shall be towns; but Nature has said there shall not, and they remain unworthy of enumeration. Norfolk will probably be the emporium for all the trade of the Chesapeak bay and its waters; and a canal of 8 or 10 miles will bring to it all that of Albemarle sound and its waters. Secondary to this place, are the towns at the head of the tidewaters, to wit, Petersburg on Appamattox, Richmond on James river, Newcastle on York river, Alexandria on Patowmac, and Baltimore on the Patapsco. From these the distribution will be to subordinate situations in the country. Accidental circumstances however may controul the indications of nature, and in no instances do they do it more frequently than in the rise and fall of towns.

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Norfolk, the most populous town we ever had, contained but 6000.

Our towns, but more properly our villages or hamlets, are as follows.

On James river and its waters,

•Norfolk

•Portsmouth

•Hampton

•Suffolk

•Smithfield

•Williamsburgh

•Petersburg

•Richmond (seat of government)

•Manchester

•Charlottesville

•New London.

On York river and its waters,

•York

•Newcastle

•Hanover.

On Rappahannoc,

•Urbanna

•Portroyal

•Fredericksburg

•Falmouth.

On Patowmac and its waters,

•Dumfries

•Colchester

•Alexandria

•Winchester

•Staunton.

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Virginia Cities, Counties, Towns and Unincorporated Areas	The Virginia Company of London financed the English settlement.
In 1607, the Powhatan chiefdom and the English colony existed side by side; and the politics of each culture existed under the overall authority of one person.	The English king authorized his agents to govern English settlers according to English law and the terms of the corporate charter.
Powhatan ruled over territory inhabited by an alliance of tribes, each with its own towns and local ruler, who paid tribute to him.	Powhatan and his Indians respected the English hierarchy.
	The English king and his subjects respected Indian government.

Library of Virginia
<http://www.lva.virginia.gov/exhibits/political/colonial.htm>

The English king retained ultimate authority over Virginia government until 1776, but the governors he appointed shared power with colonists.

The General Assembly enacted the laws of the colony.

It was comprised of the colonists' elected representatives (House of Burgesses) and councillors appointed by the governor.

A minority of colonists had the right to vote for burgesses: adult white men who owned or rented substantial property.

Though voting was limited to prosperous and better-educated members of the society, politics was always a public event, and election day had the atmosphere of a carnival.

In 1776, the Virginia Constitution abolished the royal form of government and created a republic.

Ultimate political authority rested with the people thereafter.

The right to vote and hold government office in Virginia was still restricted to prosperous and well-educated people after the revolution.

The General Assembly elected the governor and all judges.

Justices of the peace, appointed by the governor, dominated local government before the revolution and afterwards.

Nonetheless, Virginians from many walks of life were interested in public affairs and helped create the first US political party system.

English colonists learned their ideas of government in England, where Anglican church officials had power over English common people through ecclesiastical parishes and courts.

In 1619, representatives elected from boroughs in four corporate cities (Charles City, Elizabeth City, Henrico and James City) sat in the first Virginia General Assembly.

Cities had civil and ecclesiastic officials, who provided some checks and balances to the power of each.

English practices allowed each city its own bishop and cathedral, but English church officials gave power over all Virginia cities to the Bishop of London, who sent no one to Virginia until 1689.

In 1634, the first Virginia counties were established; and the idea of cities and their bishops became outmoded.

Towns and unincorporated areas with a name on the roadside are part of a county.

Three of the first eight Virginia counties had 'city' in their name, nonetheless.

Towns have a mayor and a town council, but unincorporated areas don't.

Virginia is unique in treating cities as separate entities, completely independent from counties.

Residents of towns and unincorporated areas vote for members of a county board of supervisors and other officials, but residents of cities don't.

Residents of Virginia cities vote for city councils and mayors.

Town residents vote for town officials and county officials.

City residents pay city real estate and personal property taxes, and get their business and professional licenses from city officials.

Town residents pay town taxes and county taxes.

City residents don't vote for county supervisors, and city residents don't pay county taxes.

Residents of unincorporated areas vote only for county officials and pay only county taxes.

If a Virginia city annexes land from a Virginia county, residents in the annexed area lose the right to vote for county officials, but also lose the obligation to pay county taxes.

Since World War Two, five counties have merged with their cities or had the General Assembly convert the county into a city.

In 1975, the General Assembly blocked cities from annexing shopping centers and other high value commercial property from counties.

Cities wanted the areas because the properties pay more taxes than the cost of city services to them, such as education. Stores and offices don't send children to school.

For 30 years, many Virginia cities and counties have been able to share the responsibilities and costs of services such as landfills and jails without getting into disputes.

The Virginia General Assembly now encourages regional cooperation for services such as water filtration and distribution.

In the past 10 years, two Virginia cities gave up their city charters and reverted to being towns within counties.

If a town abandons its charter, county taxpayers absorb the cost of services such as police to town inhabitants.

In 2009, Fairfax County thought of converting to a city because the state treats cities better than counties in the matter of highways.

Virginia allocates money for highways directly to cities, while counties play second fiddle to decision-makers in the Commonwealth Transportation Board.

A separate city of Fairfax already exists.

Though Virginia could have had a Fairfax City County in the past, Virginia might acquire a Fairfax County City in the future.

VIRGINIA

MAPS

1755

1780

1794

1799

1839



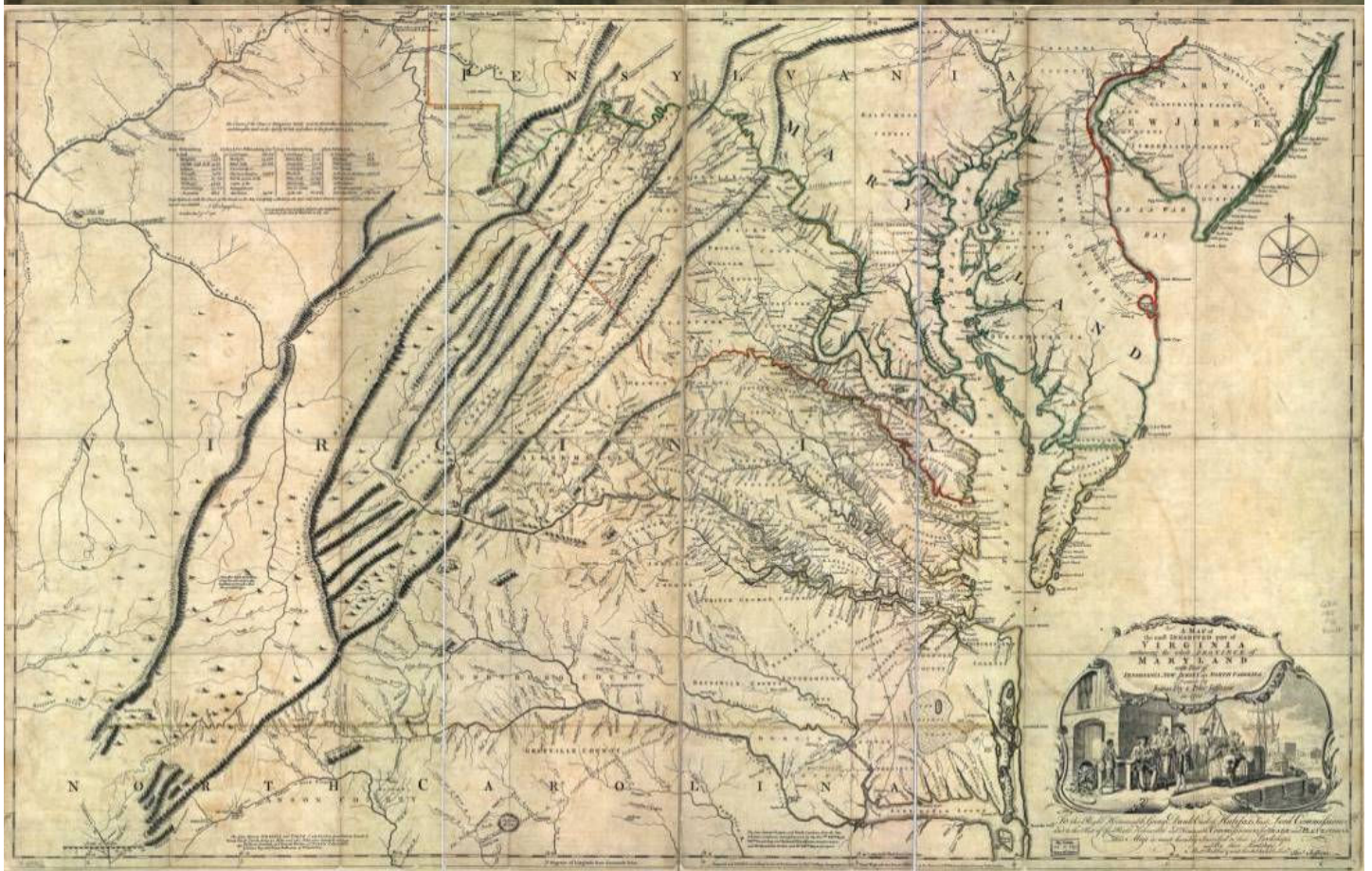
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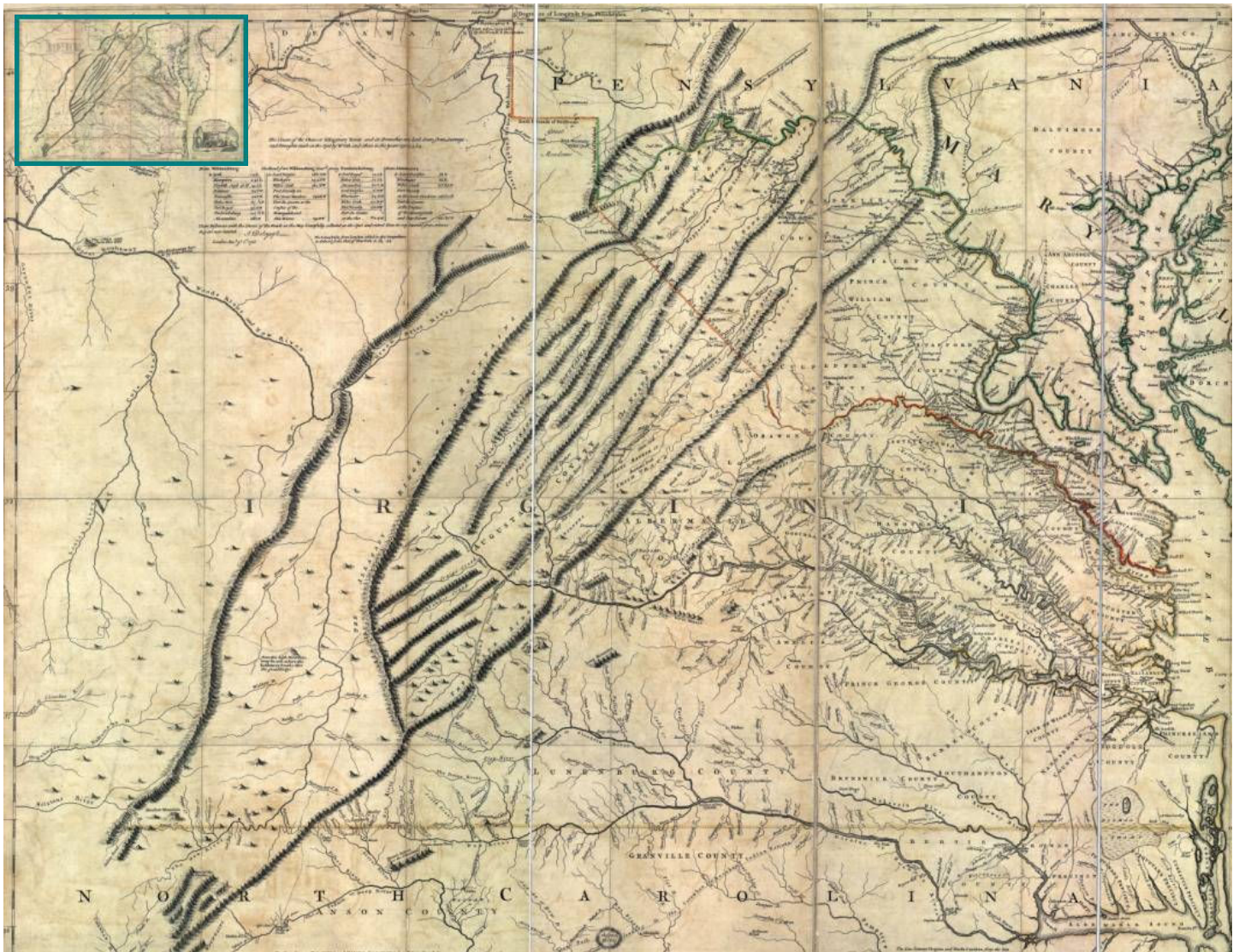
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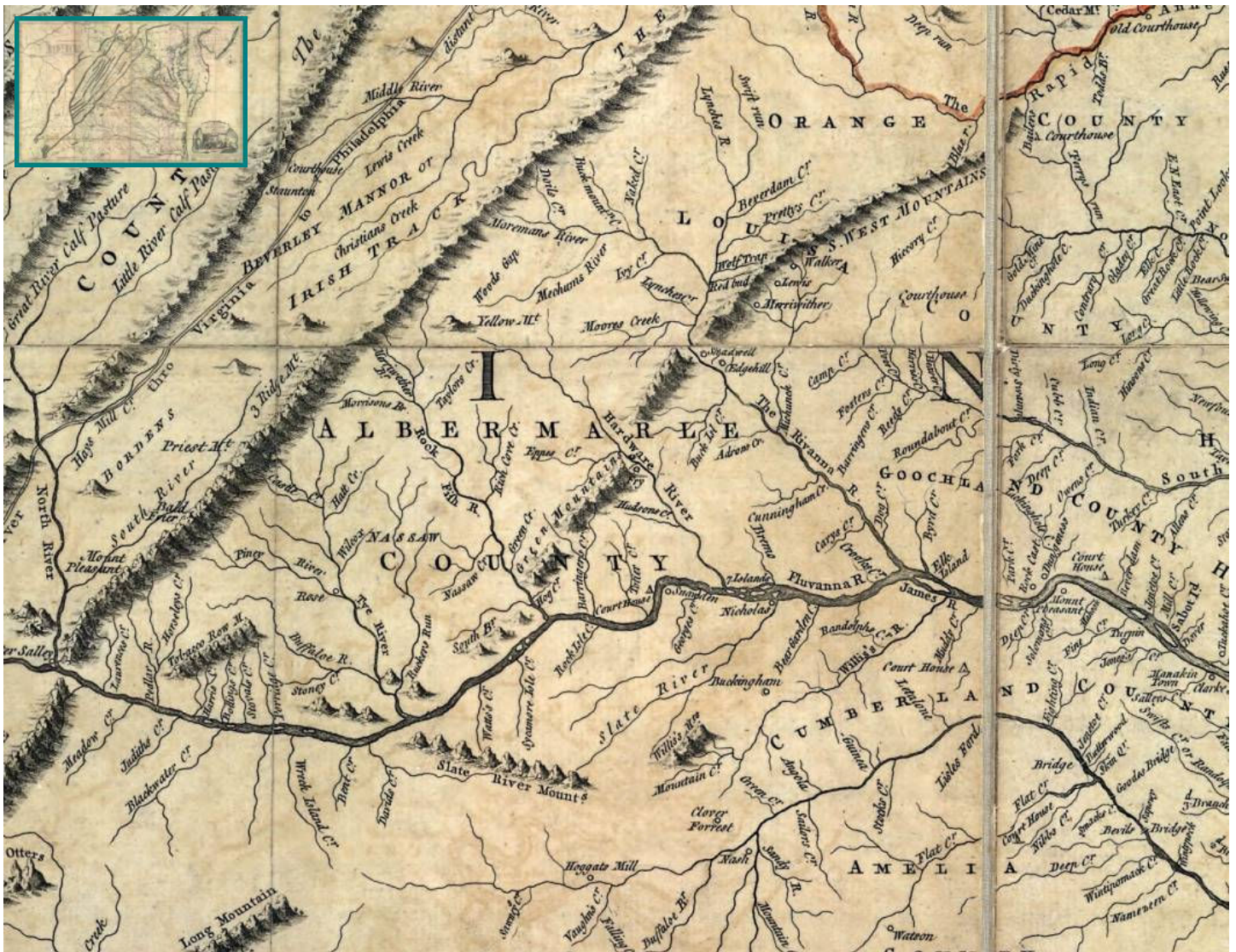
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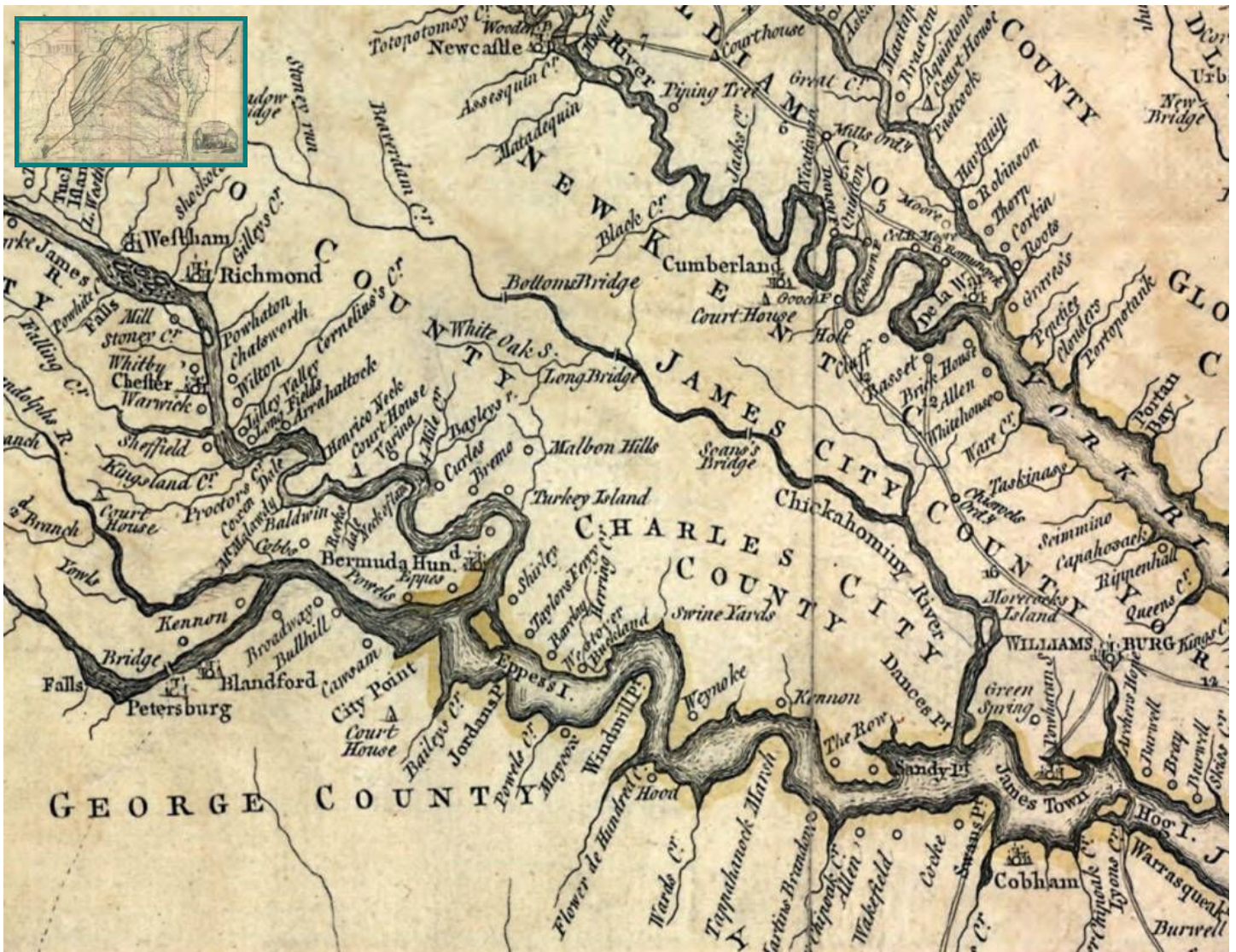
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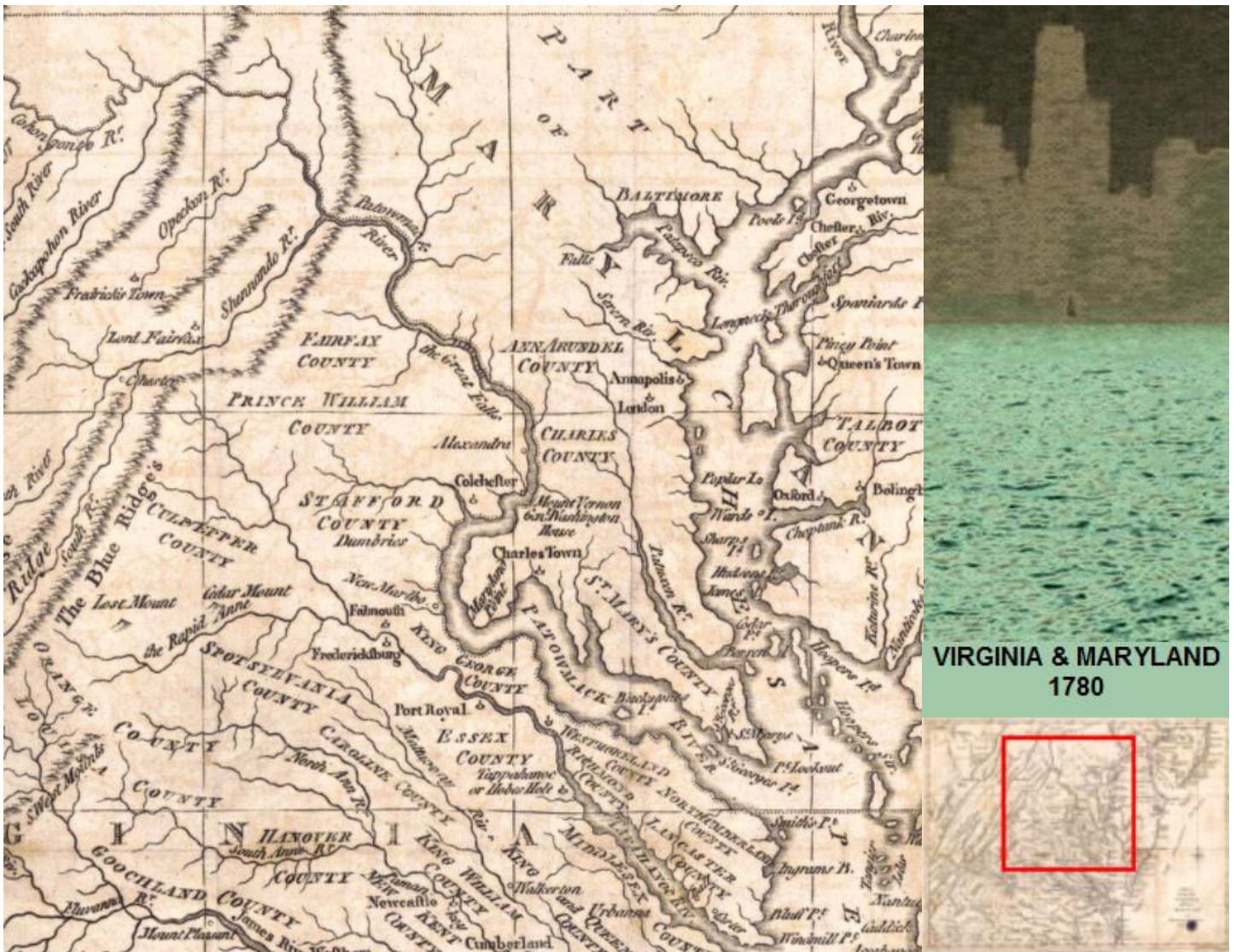
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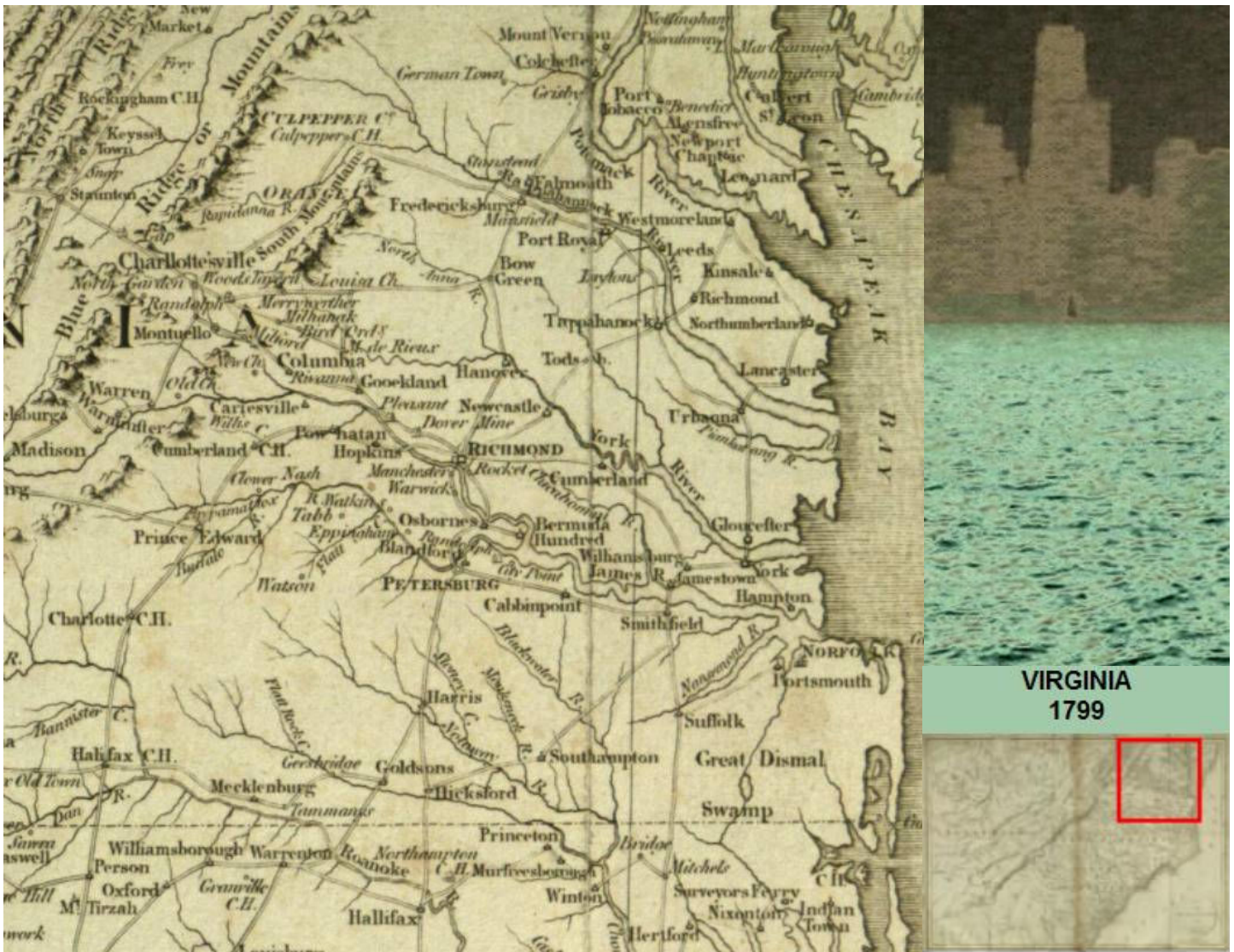
VIRGINIA & MARYLAND
1794



Lewis, Samuel. State of Virginia. in Carey's American Edition of Guthrie's Geography. Philadelphia: M. Carey (1794).

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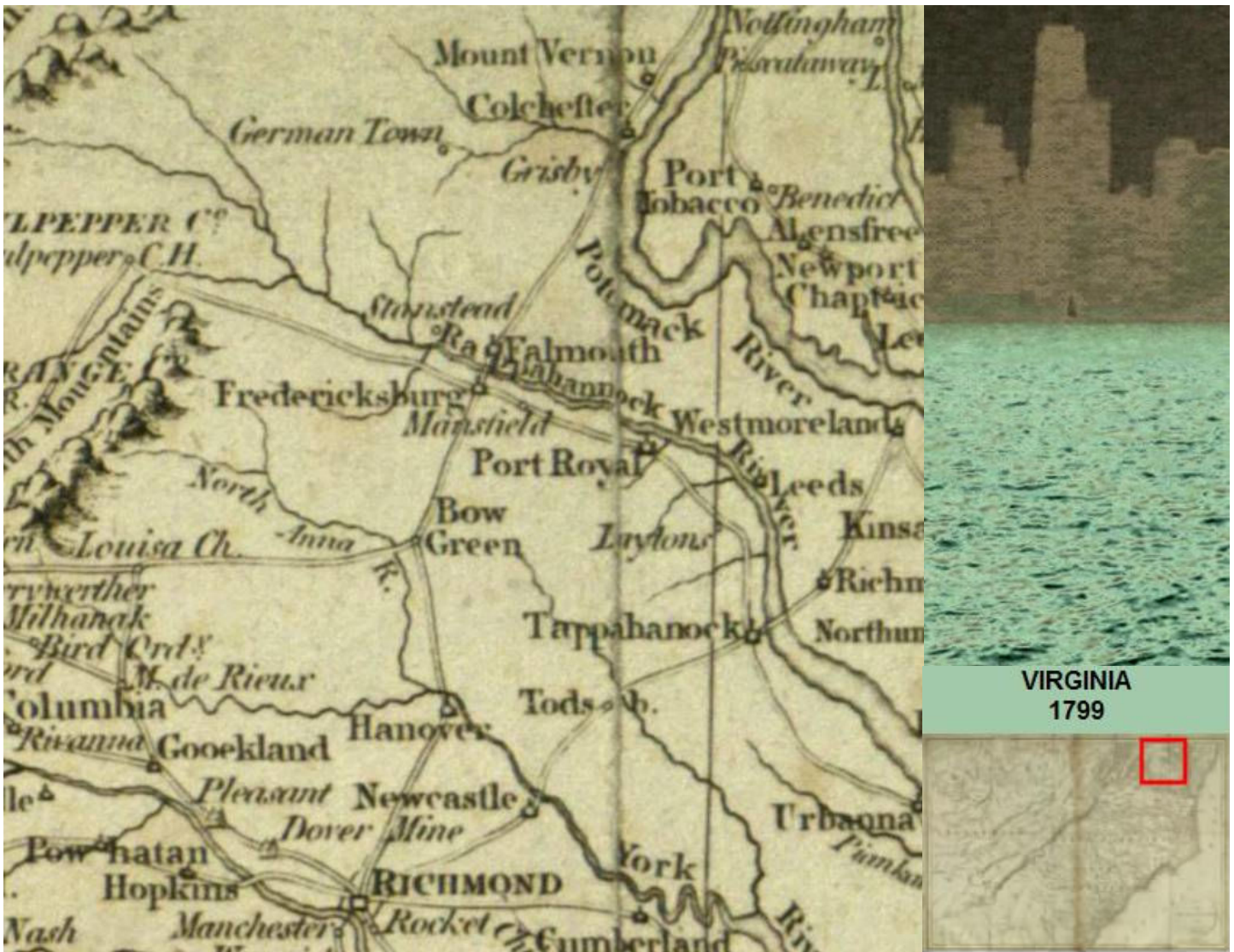
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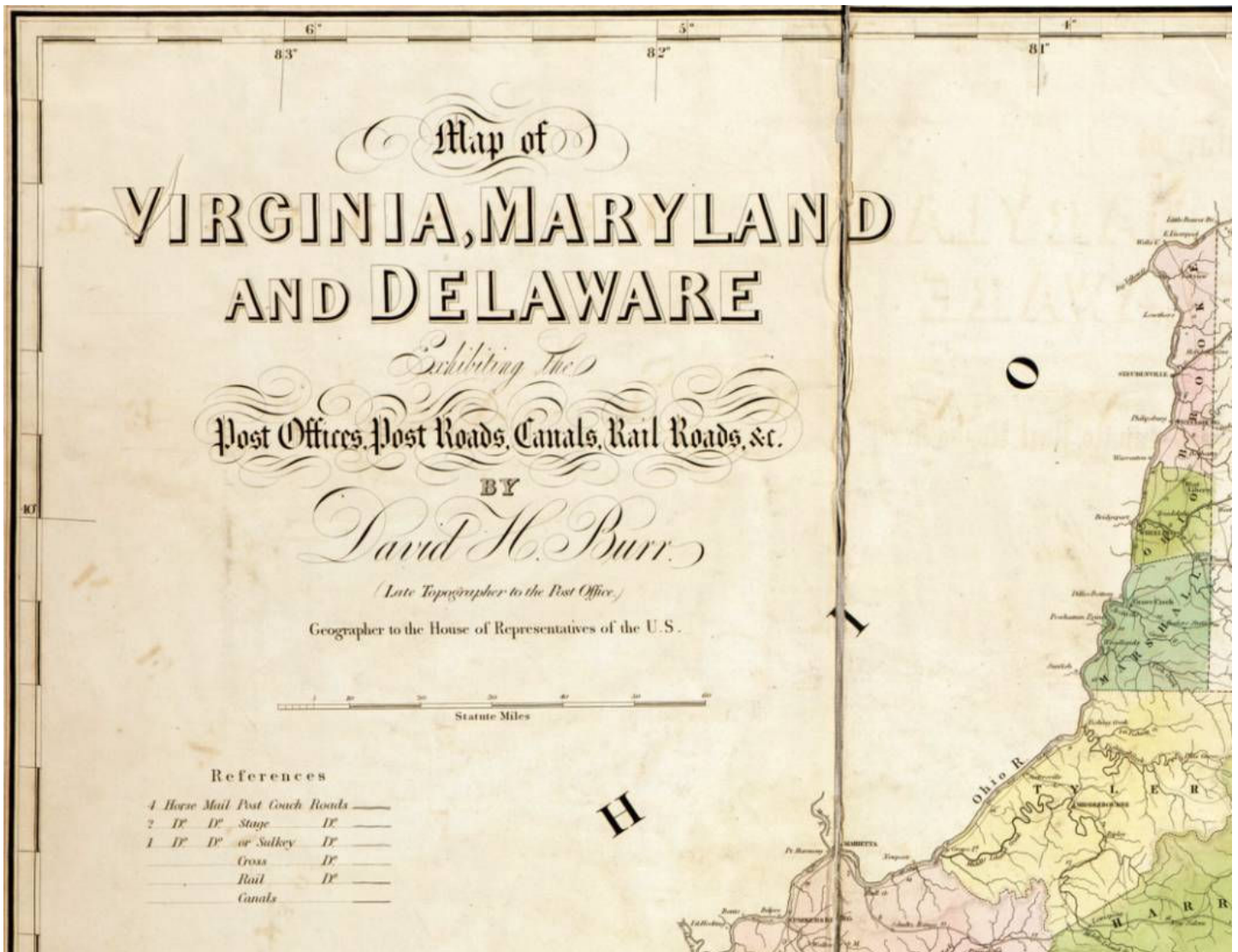
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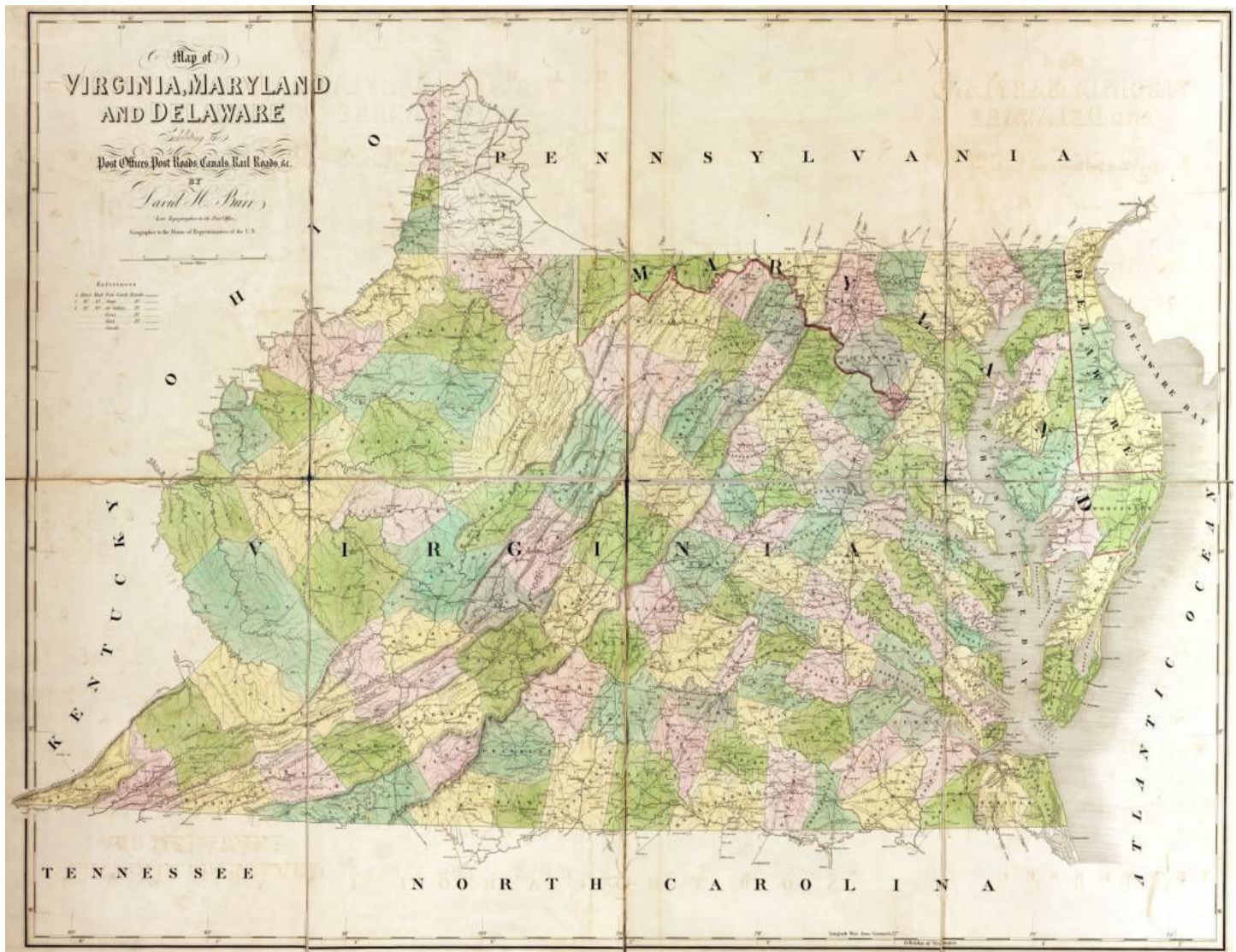
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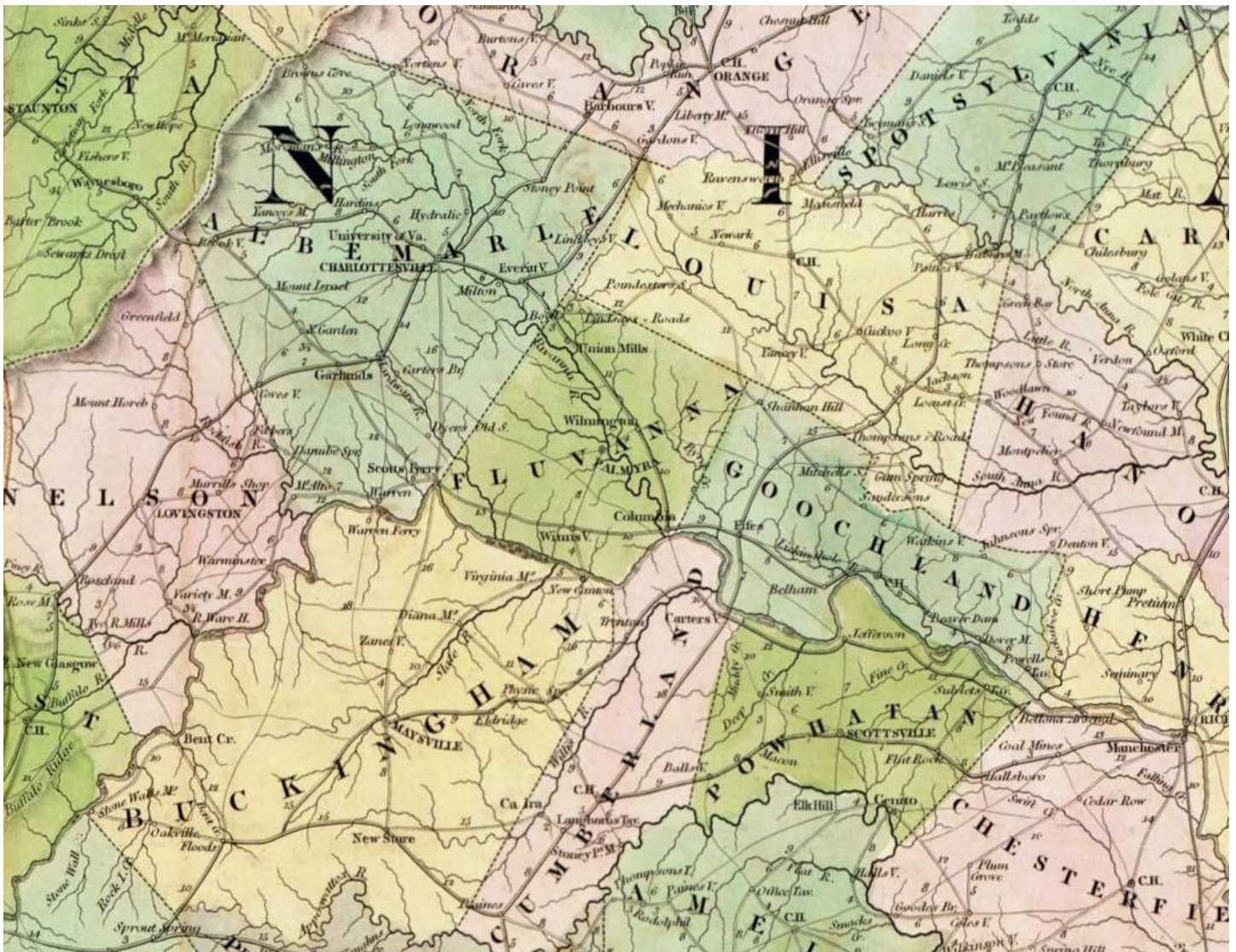
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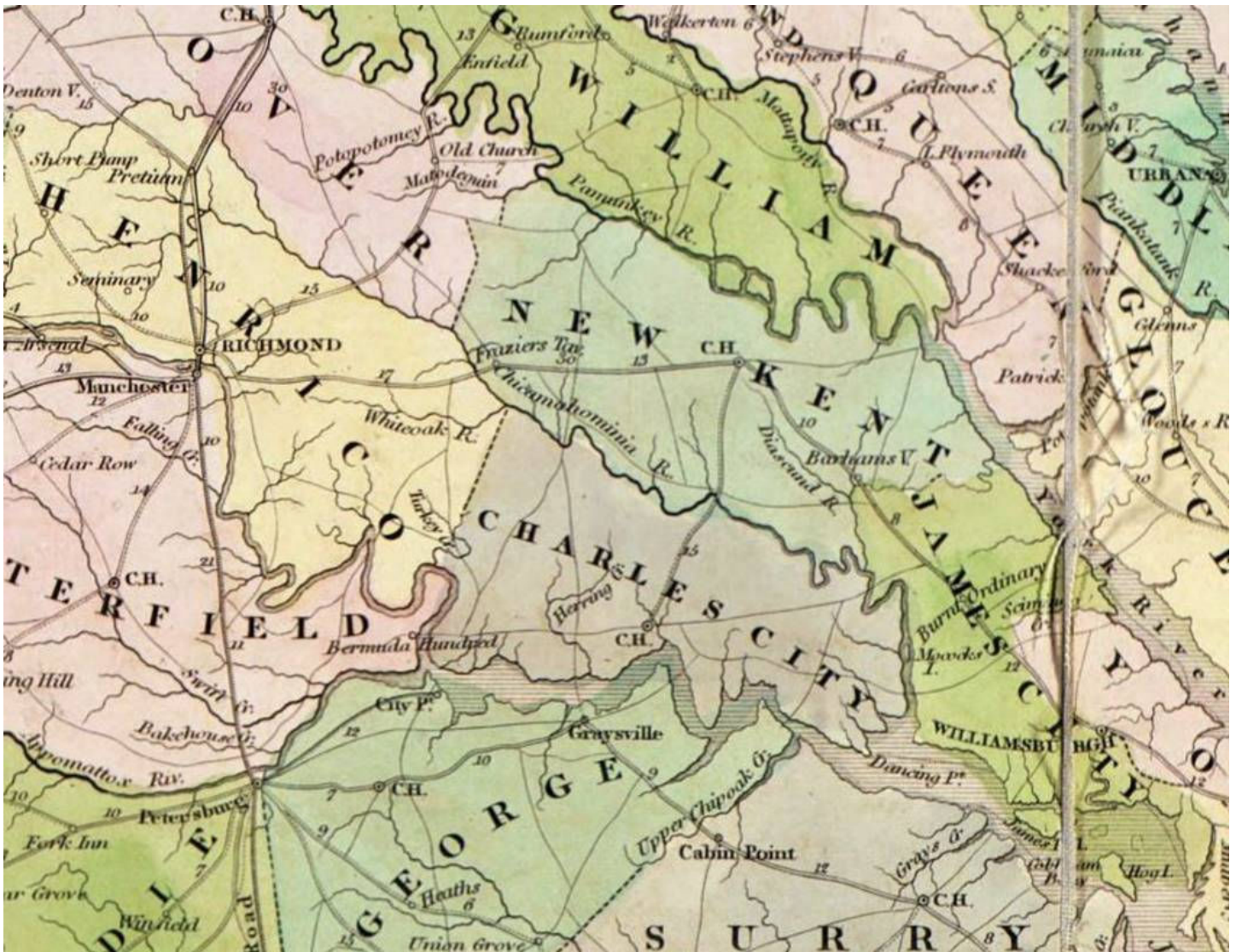
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**SOUTH CAROLINA
TOWNSHIPS
AND
COUNTIES**

The Royal Colony of South Carolina	The Lords Proprietors recognized very early during the formation of Carolina that towns were essential to the growth of the overall colony, but they had no formal plan to achieve their goals.
There are many contradictory histories about the establishment of 'Townships' in the interior of South Carolina immediately after the Crown took over the colony in 1729.	Settlers in the Albemarle region (now in northeastern North Carolina) didn't want to establish towns because they wanted to live freely on the many acres they could acquire.
There were two Acts to establish new Townships in South Carolina, one in 1730 and one in 1761.	

http://www.carolana.com/SC/Royal_Colony/sc_royal_colony_township_acts.html
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After the Tuscarora War (1711-1715) they realized that having towns would offer some protection against the Native Americans, and the formation of towns in North Carolina began.

The Lords Proprietors demanded that the first settlements would be in and around the town of Charles Town, in what is now South Carolina, and it was accomplished in 1670.

New London was established in 1682 and Dorchester was founded in 1696.

However, by the end of the rule of the Lords Proprietors, South Carolina had added only Beaufort (1711) and George Town (1729).

As early as 1721, a few short years after the second major Indian uprising (the Yamassee War, 1715-1716), Colonel John Barnwell, who had participated in both Indian wars, drafted a plan and presented it to Sir Francis Nicholson, the governor of South Carolina.

Barnwell's plan was to establish towns well into the interior of South Carolina and populate these towns with 'hardy fighting men' to serve as a deterrent against any future Indian hostilities.

Governor Nicholson apparently did nothing.

During the first two decades of the 1700s, many plans were presented by independent, interested parties, to the Crown, to the Lords Proprietors, and to colonial governors of the two colonies.

Jean Pierre Purry, a Swiss Palatine, campaigned all over Europe and in England for help to take his brethren French Huguenots to the New World.

His efforts finally paid off after seven years.

The man who is credited most often with the 'idea' of establishing Townships in the interior of South Carolina is Governor Robert Johnson, who finally made it happen in 1730.

There's insufficient evidence to clearly state why the idea suddenly took off, but it did.

It's been suggested that he relied upon Colonel Barnwell's earlier plan; or King George II 'instructed' him to make it happen; or he simply dreamed it up himself.

There are references to an official Act called the Township Act of 1730 (also referred to as 1731 and 1733), but it hasn't been located yet to prove its existence.

Nevertheless, within several years after 1730, nine townships were surveyed and laid out into lots.

A piece of unsurveyed land was allocated to new settlements.

The laid-out Townships were allocated 10,000 or 20,000 acres, depending on location.

The original nine townships of 1730 were Amelia, Congaree, Edisto, Fredericksburg, Kings Town, New Windsor, Purrysburg, Queensborough, and Williamsburg.

In 1735, Congaree was renamed to Saxe-Gotha Township, and Edisto was renamed to Orangeburgh Township (later shortened to Orangeburg).

Queensborough was later shortened to Queensboro, and Kings Town was shortened to Kingston.

In 1734, the Welsh Tract was established, without boundaries or a survey, along the Great Pee Dee River in northwestern South Carolina.

It was soon thereafter settled in 1736 by Welsh Calvinists-Baptists from Delaware and Pennsylvania.

In 1732, Purrysburg Township was settled by Jean Pierre Purry, a Swiss-Palatine who brought over several hundred Protestants, including French Huguenots and German Lutherans.

Some also went to Amelia Township in the same year.

In 1732, Fredericksburg Township was first settled by Quakers and Scots-Irish, primarily from Virginia, with a few from Pennsylvania and Maryland.

Also in 1732, the permanent town of Camden was founded in Fredericksburg Township.

In 1732, Kings Town was surveyed and in 1734, the first settlers arrived.

They were mostly Scots-Irish and some English from Pennsylvania, Virginia, and Maryland.

In 1735, Scots-Irish and Welsh from Pennsylvania and Delaware settled Queensborough Township.

Also in 1735, Scots-Irish from Pennsylvania, Virginia, and Maryland settled Williamsburg Township.

In 1735, approx. 250 Swiss-Palatines, mostly German, but also some French, settled Orangeburgh Township.

Also in 1735, Congaree was renamed Saxe-Gotha Township before German Lutherans began settlement.

In 1737, Swiss-Palatines, mostly French, but also some Germans, settled New Windsor Township.

The French and Indian War (1756-1759) and the Cherokee War (1760) led to the Bounty Act of 1761.

In 1762, Boonesborough Township was established and settled by Scots-Irish Presbyterians from Virginia.

The Act provided cash money to anyone who brought settlers to the 'upcountry' area of South Carolina to serve as a deterrent against future Indian attacks on the colony.

In 1764, Hillsborough Township was established and settled by 212 French Huguenots.

The Huguenots founded two small towns, New Bordeaux and New Rochelle, that didn't survive into the modern era.

In 1765, Londonborough Township was established and settled by 300 Swiss-Palatines, more Germans than French.

The township was also known as Belfast Township by a few people and on a few maps.

The three townships established in the 1760s didn't survive into the modern era.

The people divided into factions known as Freedom Fighters (revolutionaries) and Tories (loyalists) during the American Revolution.

Many new settlers moved to other parts during the conflict.

Only four of the nine townships and the Welsh Tract established in the 1720s and 1730s were successful: Kings Town, Orangeburg, Williamsburg, and Fredericksburg.

New Windsor couldn't compete with Augusta, across the Savannah River in Georgia, and it effectively disappeared.

Purrysburg Township lasted perhaps a hundred years.

Amelia and Saxe-Gotha Townships evaporated by the early 1800s.

The 'Townships' are lost to history and virtually no vestiges of them remain today.

<p>A Historical Look at Horry County</p>	<p>In 1729, seven of eight Lords Proprietors sold their interest to George II of England.</p>
<p>People have lived in Horry (o-ree) County for 10,000 years; and it was once the home of the Waccamaw tribe of Sioux.</p>	<p>George II then sent surveyors to lay out 11 townships in South Carolina to develop the ‘back country’ of Carolina Province.</p>
<p>In 1663, King Charles II of England granted the area of South and North Carolina to eight powerful Englishmen (Lords Proprietors).</p>	<p>Kingston Township on the Waccamaw River was one of those original townships.</p>

<http://www.horrycounty.org/history/index.asp>
 Kelly Lee Brosky, Horry County Public Information

George's surveyors found a wilderness that drew fur traders, the second-born sons of English nobility, and adventurers who wanted land.

Fishermen founded Little River on the Atlantic coast; and it's one of the oldest settlements in Horry County, then known as Craven County.

Many settlers wanted religious freedom.

The naval stores industry overtook the fur trade in time.

Those of wealth and consequence bought or were granted large tracts of land.

Cattle and pigs were important commodities in this area; and indigo was a major cash crop for sale in Europe.

The Formation of Counties in South Carolina	In 1682, South Carolina was first divided into polities.
The development of local government and jurisdictions in South Carolina is complex and unique.	The first divisions of South Carolina were known as proprietary counties.
Unlike the other twelve British colonies, South Carolina didn't form counties or towns during the colonial period.	The first three counties were Berkeley, Colleton, and Craven.
	In 1685, Carteret was added; and it was re-named Granville in 1708.

<http://www.iongenealogy.com/?p=272>

The function of proprietary counties was solely geographical; they didn't create or keep records.

In 1706, the Province of South Carolina established the Church of England as the official state-supported church.

Until 1716, proprietary counties served as districts for the assignment and election of representatives, as well as militia duty.

From 1706 through 1778, the church's 25 parishes recorded vital records.

They were also used as a general reference in land grants and conveyances (deeds).

In 1716, the parishes became districts for the proportioning and election of representatives.

Parishes were also used as tax districts.

In 1731, an act of royal provincial government in South Carolina authorized townships.

Parishes functioned as geographic locators in grants and conveyances, but didn't fully replace the proprietary counties in that function.

The act authorized 11 townships containing 20,000 acres each.

An act of 1761 authorized additional townships.

Some grants and conveyances mention the parish, some the proprietary county, and some give both.

Townships had only a geographical function. They didn't create or keep records.

Agents went to Europe to recruit families to settle the townships.

Families were offered inducements such as free transportation to South Carolina, free provisions for one year, and free land.

Like parishes, some townships, were used for tax districts and appeared as locators in grants and conveyances.

In 1769, circuit court districts superceded the proprietary counties.

In 1772, the circuit courts began to function.

The original districts were named Beaufort, Camden, Charleston, Cheraws, Georgetown, Ninety-Six, and Orangeburgh.

In 1785, counties were formed within the circuit court districts.

From 1769 to 1785, proprietary counties continued to be used as geographical references.

In 1785, the seven circuit court districts were subdivided into 33 counties.

Inferior courts were established in some of the counties, and record-keeping began at the local level.

However, the circuit court districts continued to function, and many local actions were conducted at the district seat instead of the county seat.

In 1791, South Carolina established two more circuit court districts named Pinckney and Washington.

Three circuit court districts (Beaufort, Charleston, and Georgetown) were allowed to postpone the formation of county governments, and their counties never functioned.

Before 1800, all counties were counties in circuit court districts.

Residents could conduct business in either the county or the circuit court district.

Three of four counties in Orangeburgh District weren't used 1791-1799 because residents preferred district government to county government.

The beginning dates for land, probate, and court records are those held in each county's courthouse and may include records of an earlier polity.

The county didn't become the highest level of local government throughout South Carolina until 1800.

Many of the counties that were established geographically 1785-1799 didn't function as local governments equally or keep records.

In 1800, 25 'districts' were established.

The 9 circuit court districts and 37 counties were abolished.

Some of the new districts were identical with counties in circuit court districts established 1785-1799.

Other districts were entirely new polities.

As the highest level of local government, all 25 districts had equal status and record-keeping functions.

Between 1800 and 1867, the original districts expanded and divided to become 30 districts.

In 1868, districts were re-named counties by a new constitution.

The 46 present-day counties in South Carolina trace their lineage to the formation of districts in 1800.



The Formation of Counties in South Carolina	At first, local government had few resources, little regulatory authority, and could only provide limited and basic services, such as justice, roads and ferries, some poor relief, and the supervision of elections.
Antebellum county government and original governmental units were quite different from today's county council and landscape of counties.	
County government was originally created by the General Assembly to be a local extension or branch of the state government.	

Formation of counties in South Carolina
<http://archives.sc.gov/formation/>

After 1895, legislative delegations administered the majority of county affairs, which were funded through a 'supply' or local appropriations bill passed by the state legislature.

After 1945, county councils gradually took control of county affairs from legislative delegations.

A 1973 constitutional amendment and the 1975 Home Rule (Local Government) Act allowed more direct local responsibility for spending decisions and personnel management, allowing counties to become significant service providers on their own.

Because records are arranged under the county of origin or the county inheriting the record, it's important to understand the development of counties.

However, before 1785, most records were maintained by the central government in Charleston that are now created at the county level.

Counties have existed in one form or another since colonial days, beginning with the establishment of three coastal counties in 1682.

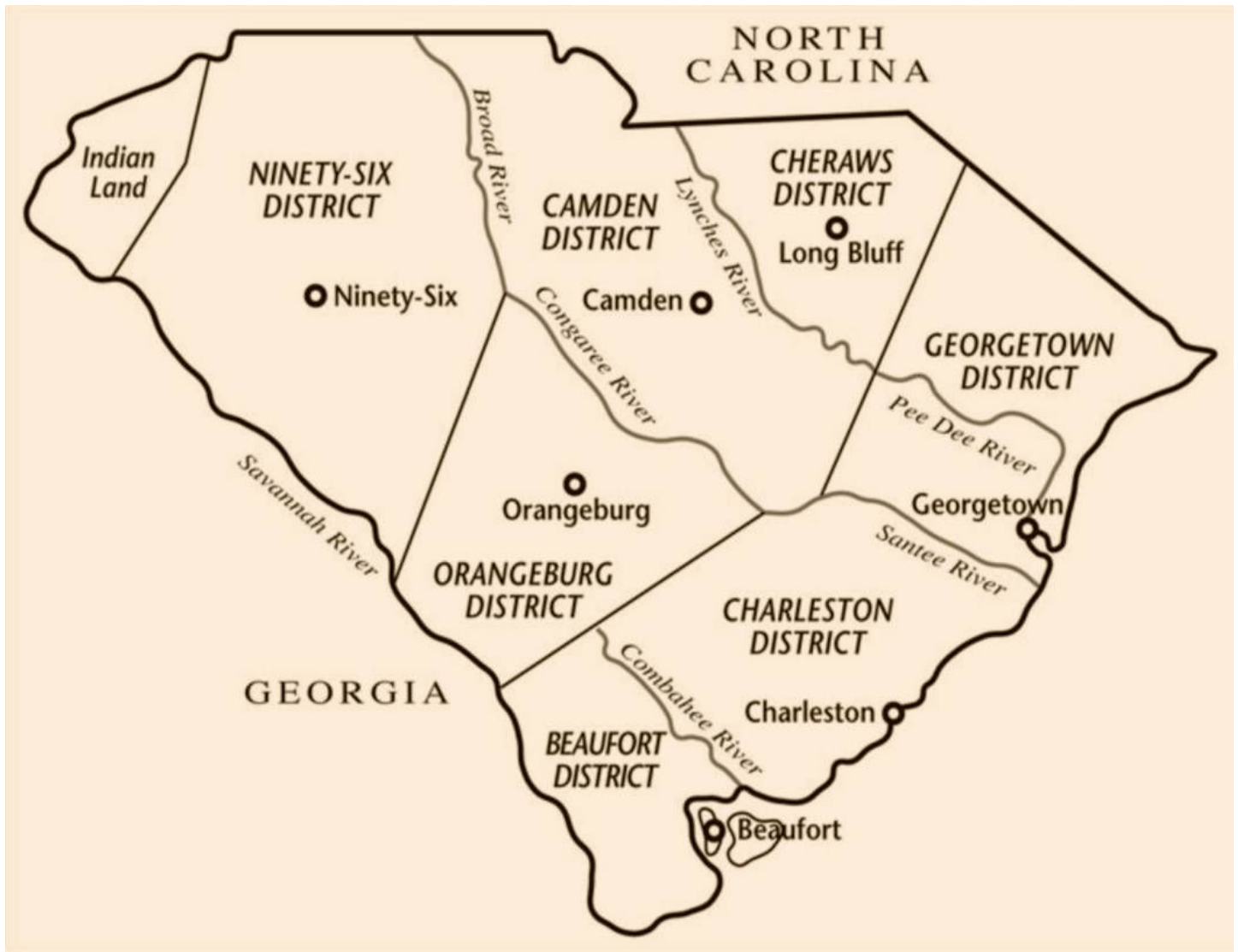
Anglican parishes were used as election districts and had responsibility for roads, care of the poor, and education.

Historically, geographic administrative areas were tied to the courts.

From 1785 to 1799 counties existed as administrative and judicial units.

From 1800 to 1868, they were changed to districts.

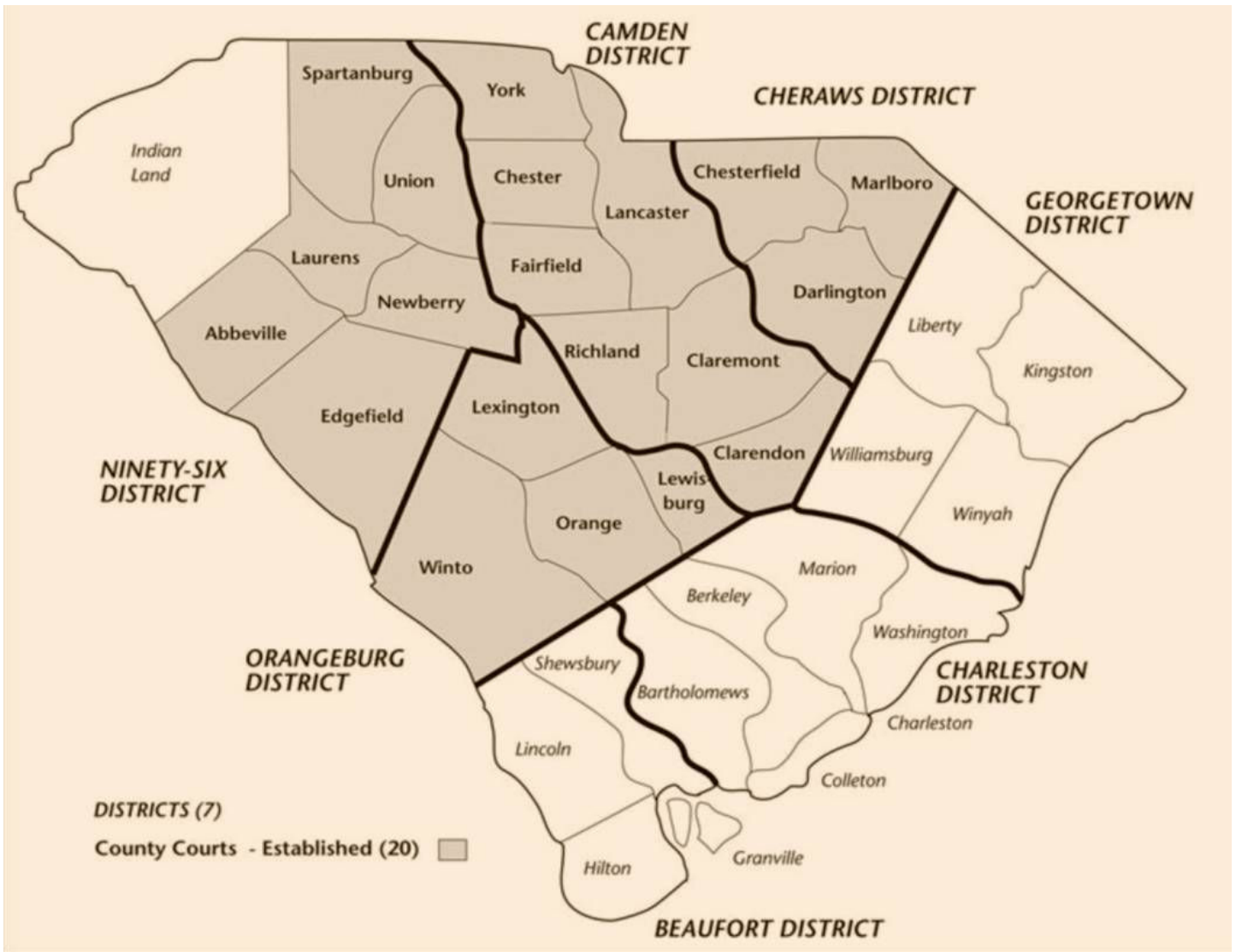
In 1868, a state constitution finally designated them 'counties'.



Districts, 1769-1784

Georgetown extended from the North Carolina line to the Santee. Charleston lay between the Santee and the Combahee. Beaufort sat between the Combahee and the Savannah. Northwest of Georgetown was the Cheraws District, bounded on the west by Lynches River; west of the Cheraws was the large district of Camden, bounded on the west by the river system of the Santee, Congaree, and Broad; south and west of Camden, two more large districts extended to the Savannah River--Orangeburg to the south, and Ninety-Six to the north.

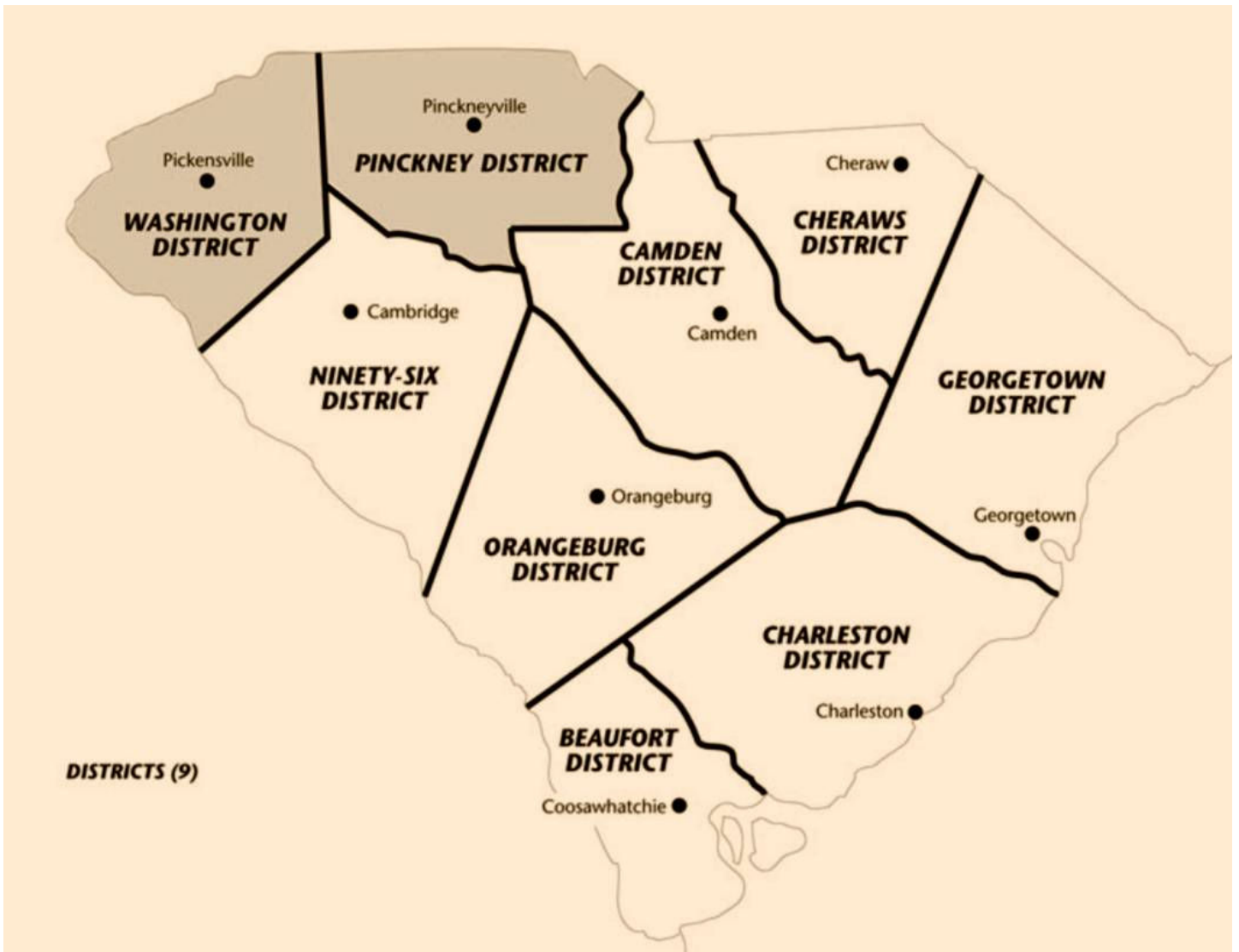
<http://www.archivesindex.sc.gov/guide/CountyRecords/1769.htm>



Districts and Counties, 1785

The 1785 act gave the Cheraws District the counties of Chesterfield, Marlboro, and Darlington; it divided Camden District into York, Chester, Fairfield, Lancaster, Richland, Claremont, and Clarendon counties. It gave Ninety-Six District the counties of Spartanburg, Union, Laurens, Newberry, Abbeville, and Edgefield. And it divided Orangeburg District into Orange, Lewisburg, Lexington, and Winton (an early version of Barnwell) counties.

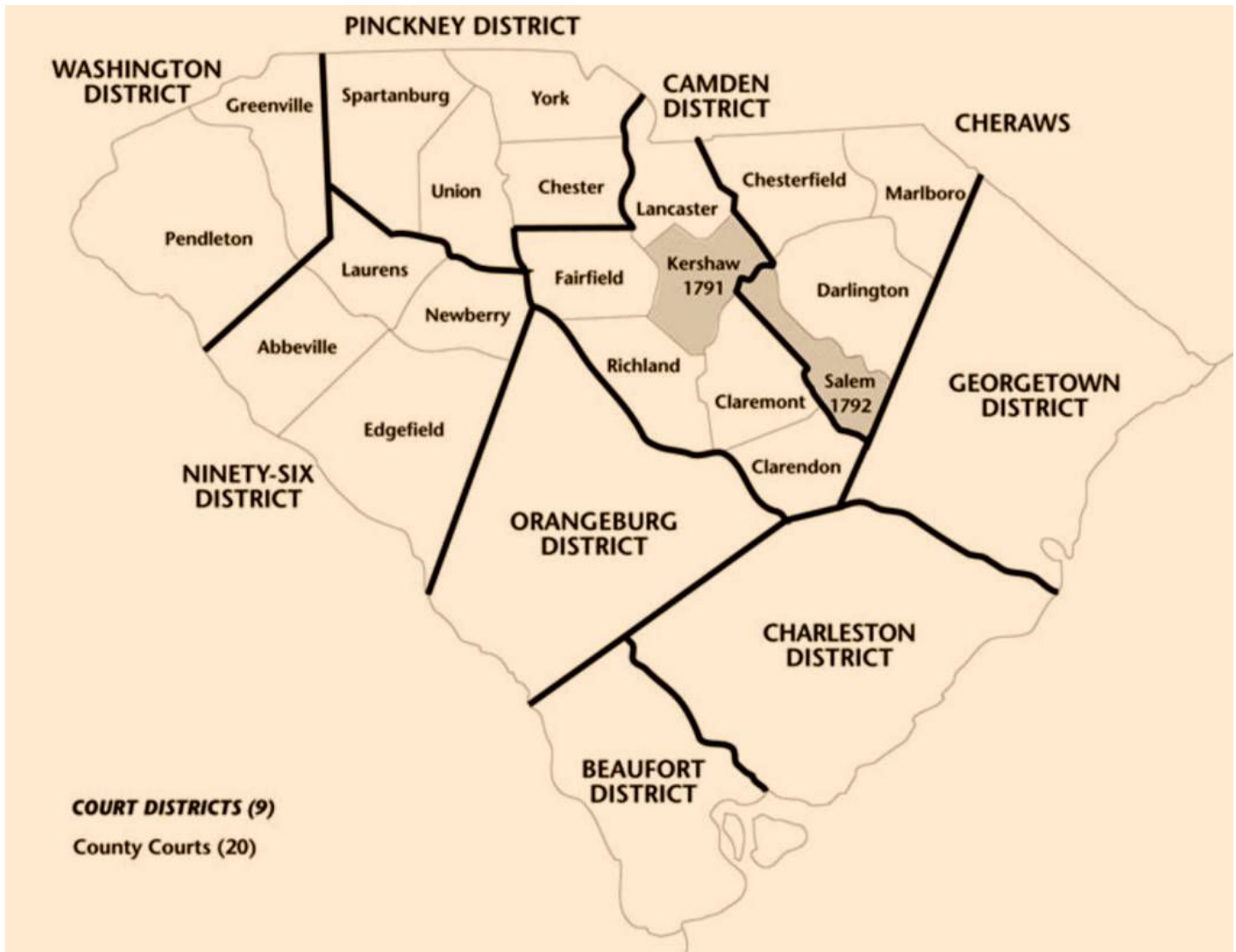
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Districts, 1791-1799

In 1791, the four Orangeburg counties were abolished, and two new districts were created. Washington District was formed to encompass the counties of Greenville and Pendleton. Pinckney District took York and Chester counties from Camden District, and Spartanburg and Union counties from Ninety-Six District.

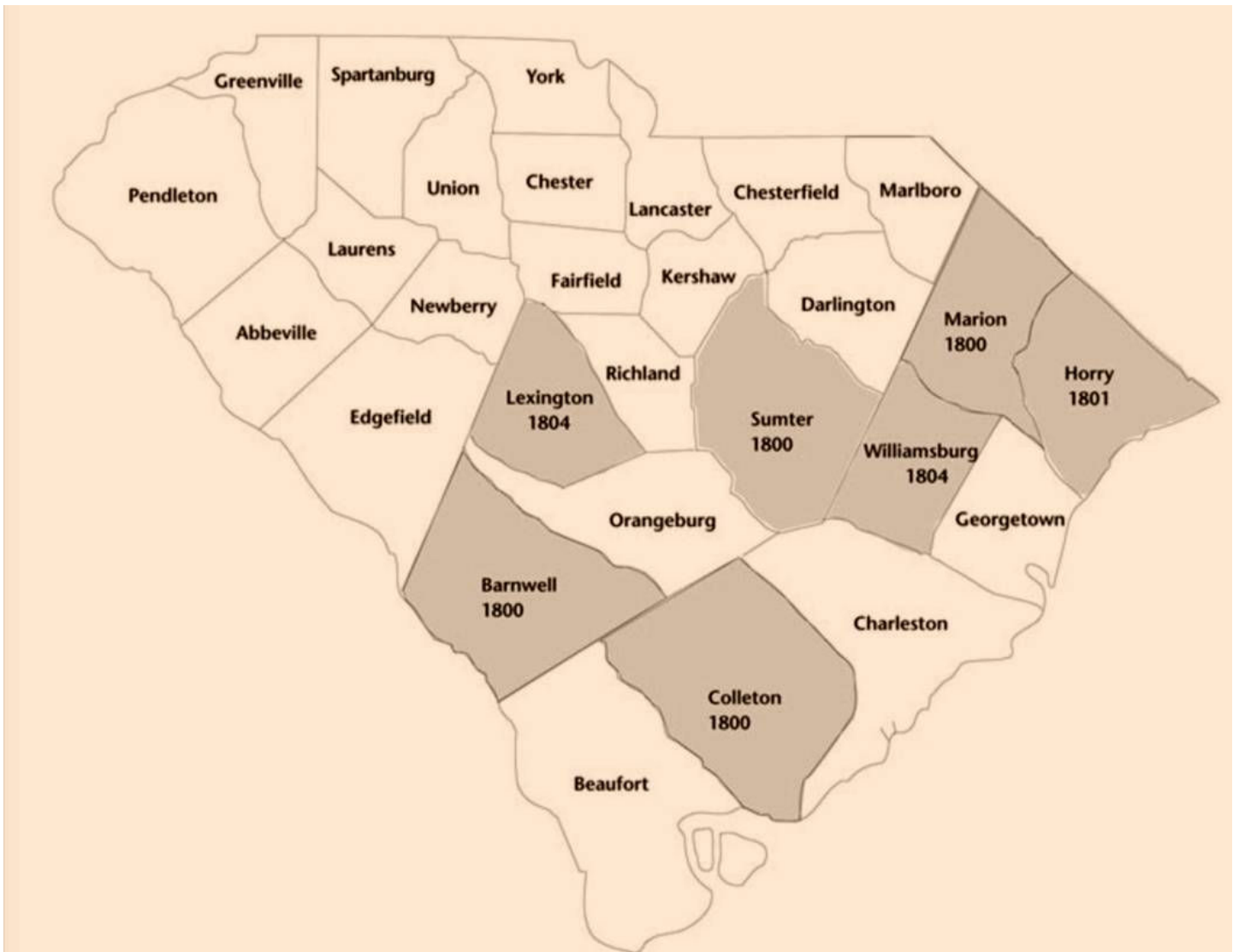
<http://www.archivesindex.sc.gov/guide/CountyRecords/dist9199.htm>



Districts and Counties, 1791-1799

In 1791, Salem County was formed from portions of Clarendon and Clarendon counties; and Kershaw County was formed from portions of Clarendon, Lancaster, Fairfield, and Richland counties.

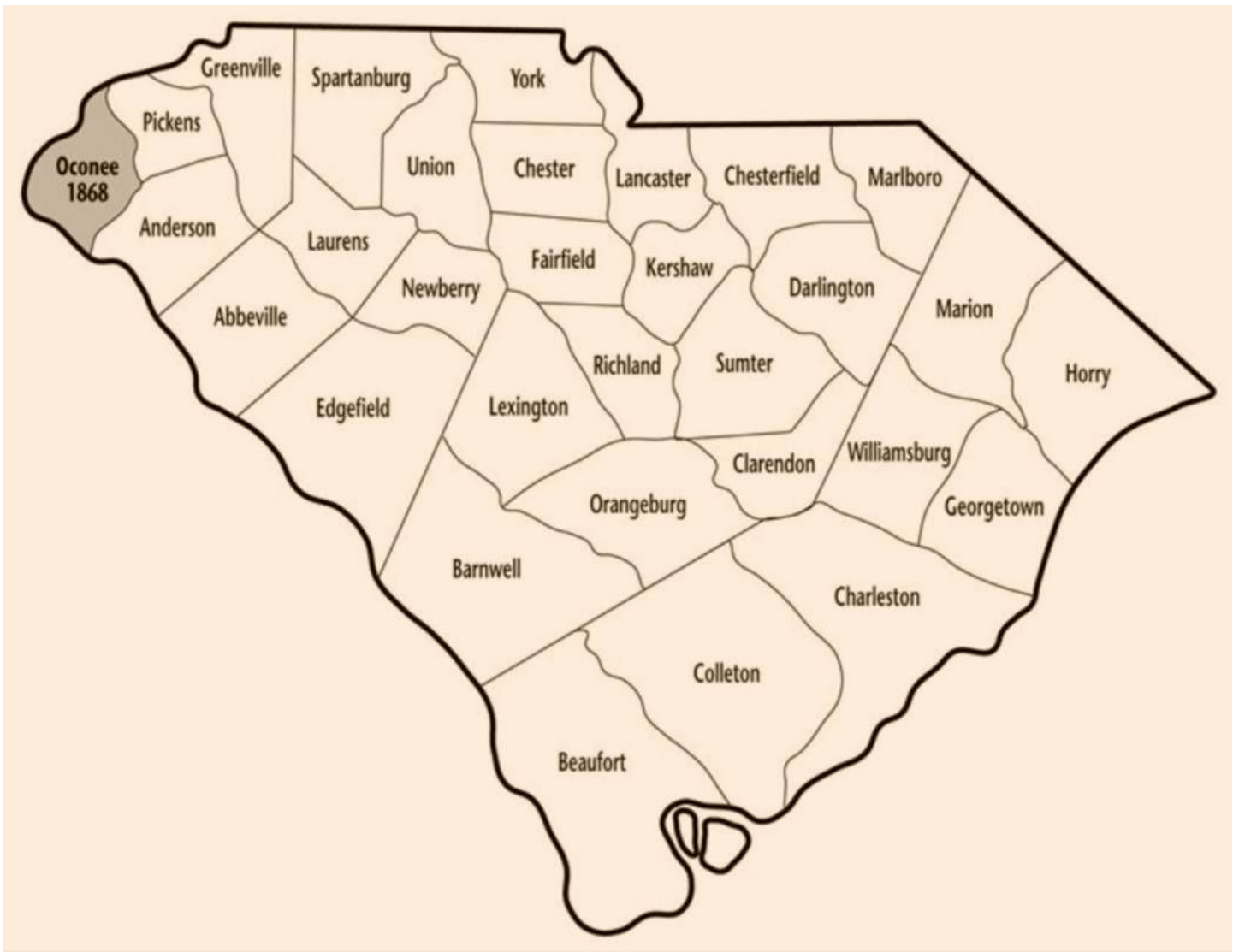
<http://www.archivesindex.sc.gov/guide/CountyRecords/1791.htm>



Districts, 1800-1814

In 1800, most of the counties were formed into districts. Washington, Pinckney Ninety-Six, Camden, and the Cheraws districts vanished, and the counties they had encompassed became districts. Claremont, Clarendon, and Salem counties became Sumter District. Marion District was formed from part of Georgetown, Colleton District from part of Charleston, and Barnwell District from part of Orangeburg. Georgetown yielded Horry District in 1801 and Williamsburg District in 1804. That same year, Lexington District was formed from Orangeburg with roughly the same territory as the old county of the same name.

<http://www.archivesindex.sc.gov/guide/CountyRecords/1800.htm>



Counties, 1868-1870

The Constitution of 1868 stated that "the Judicial Districts shall hereafter be designated as Counties" and formed Oconee County from the western part of Pickens.

<http://www.archivesindex.sc.gov/guide/CountyRecords/1868.htm>

SOUTH CAROLINA

MAPS

1707

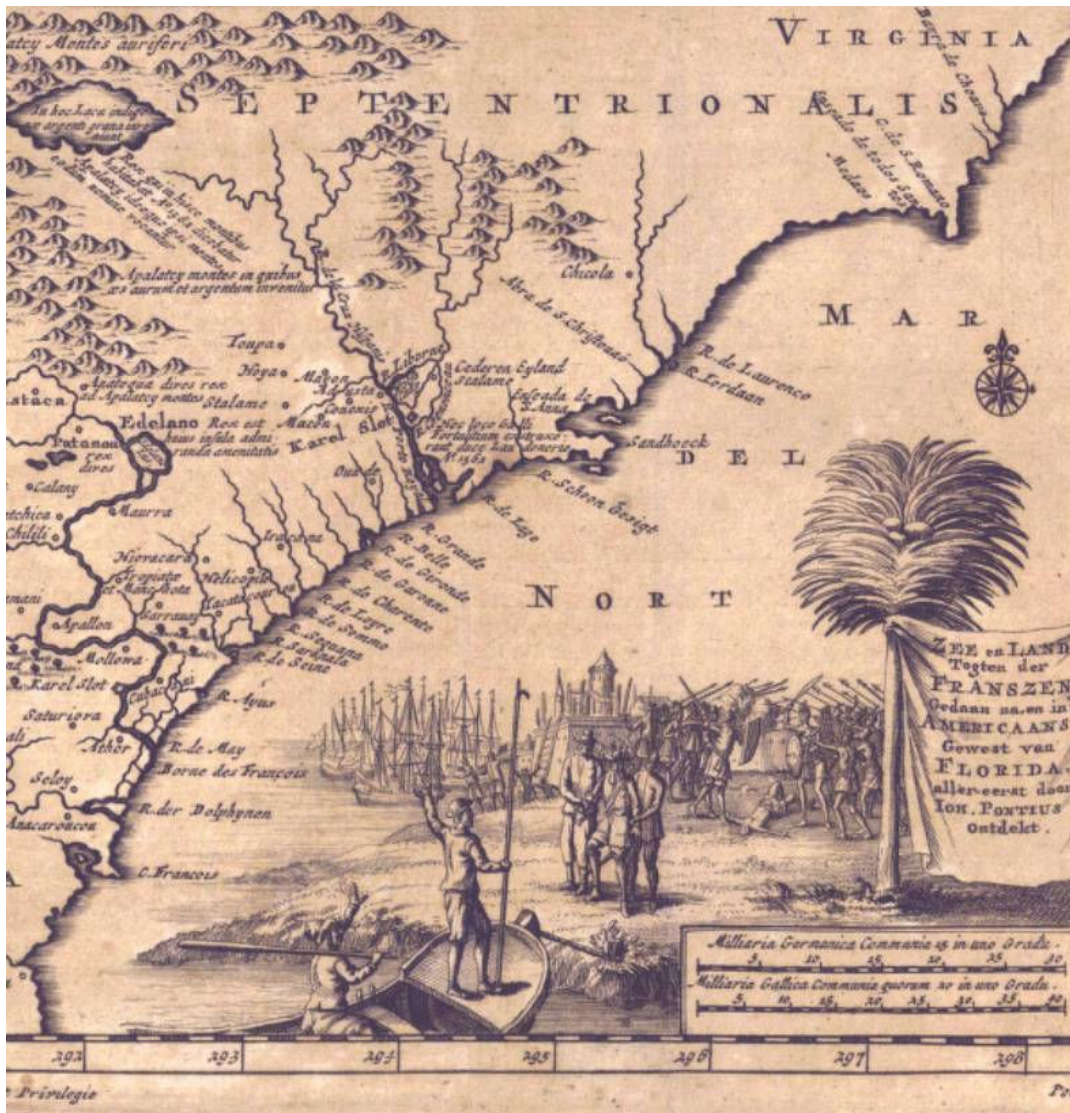
1747

1780

1799

1814

**The 1780 map and other maps
might substitute precinct for
district or county and/or label
precinct lines as district lines.**



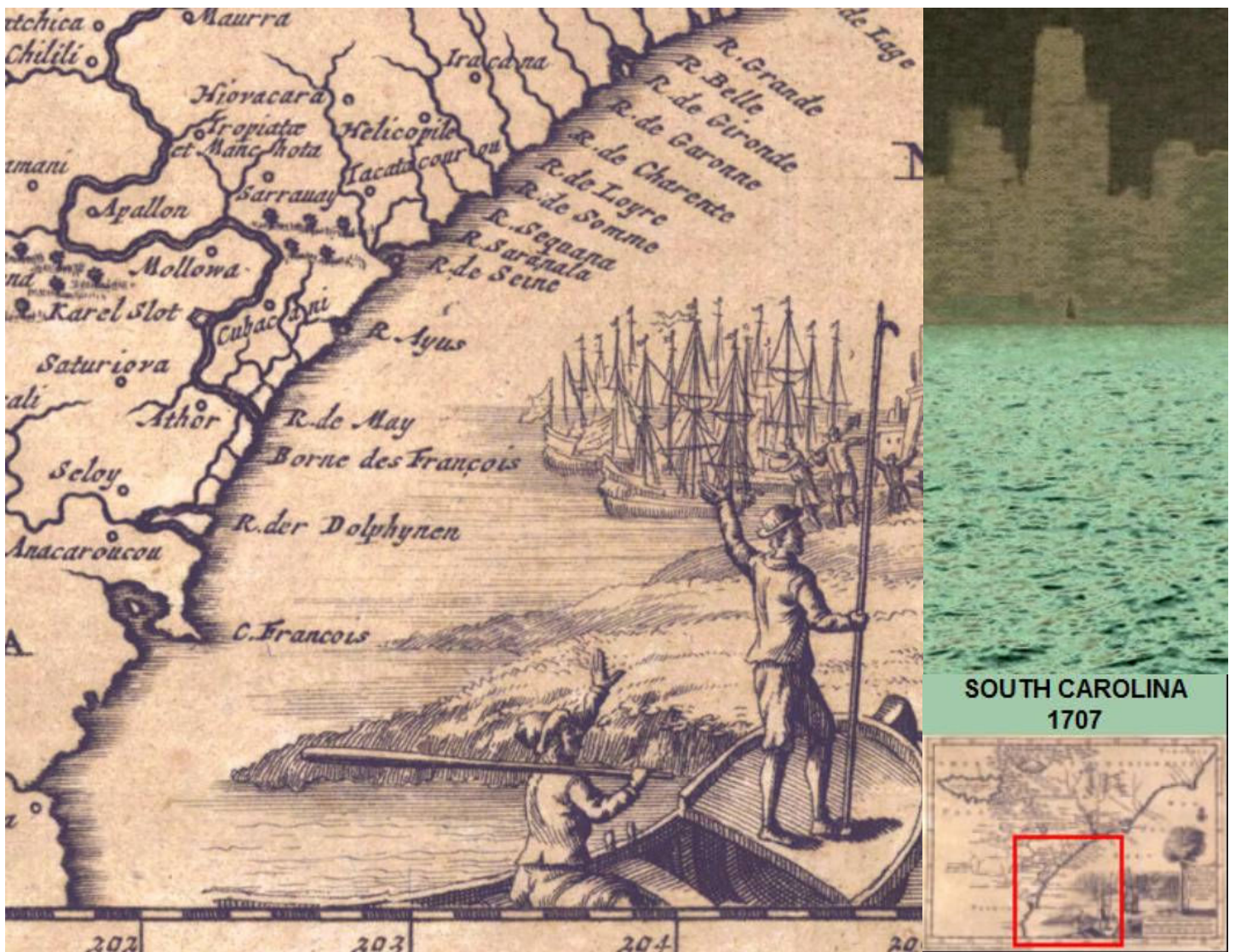
**SOUTH CAROLINA
1707**



Aa, Pieter Van der (1707). Zee en Land-Togten der Franszen Gedaan na, in't Americaans Gewest van Florida, aller-eerst door Ioh. Published: Vytgevoert te Leyden door Pieter Vander Aa met Privilegie, (1707).

Birmingham (Alabama) Public Library Cartography Collection
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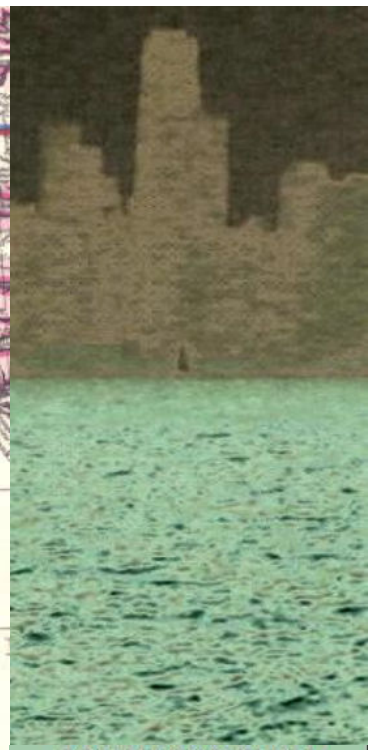
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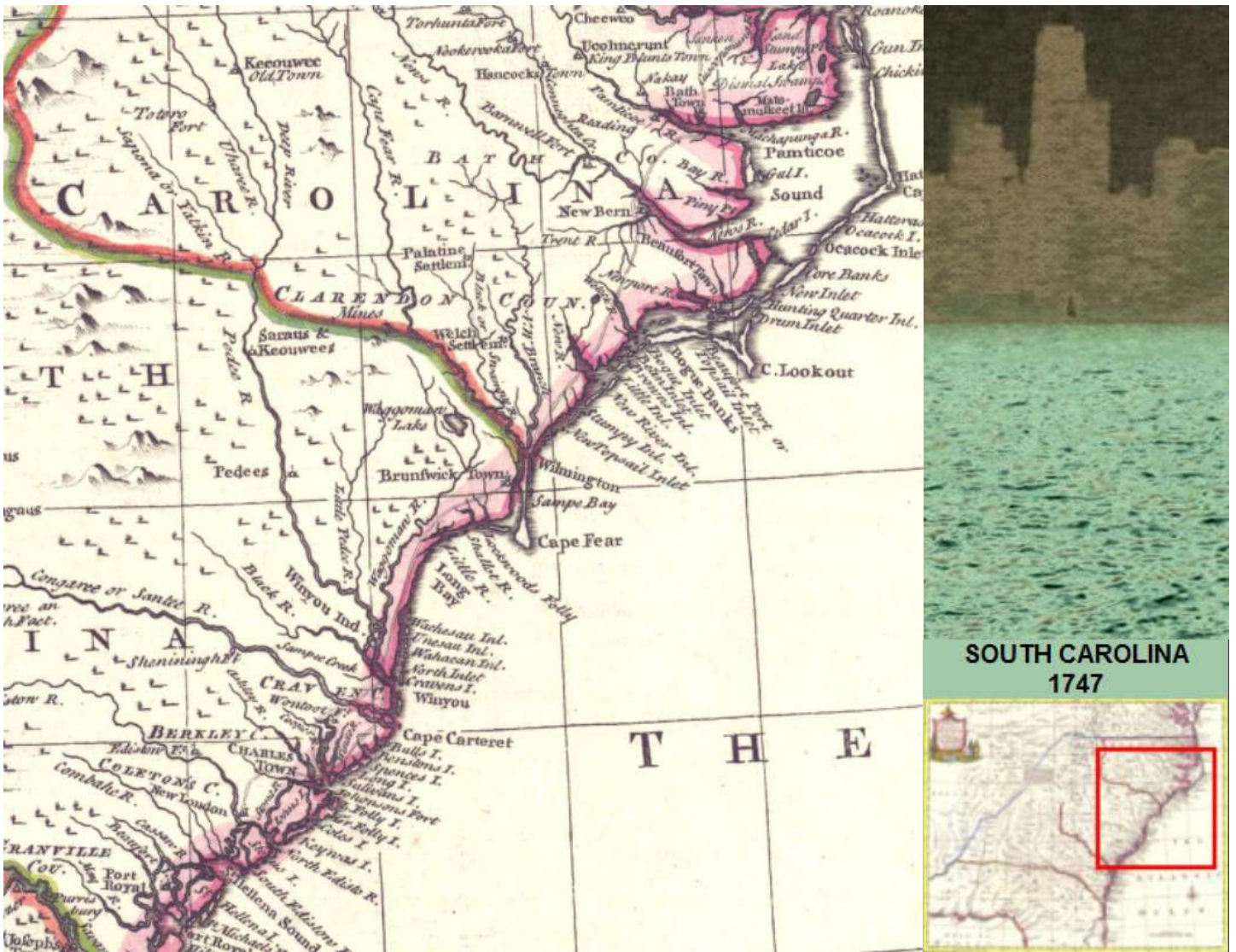
**SOUTH CAROLINA
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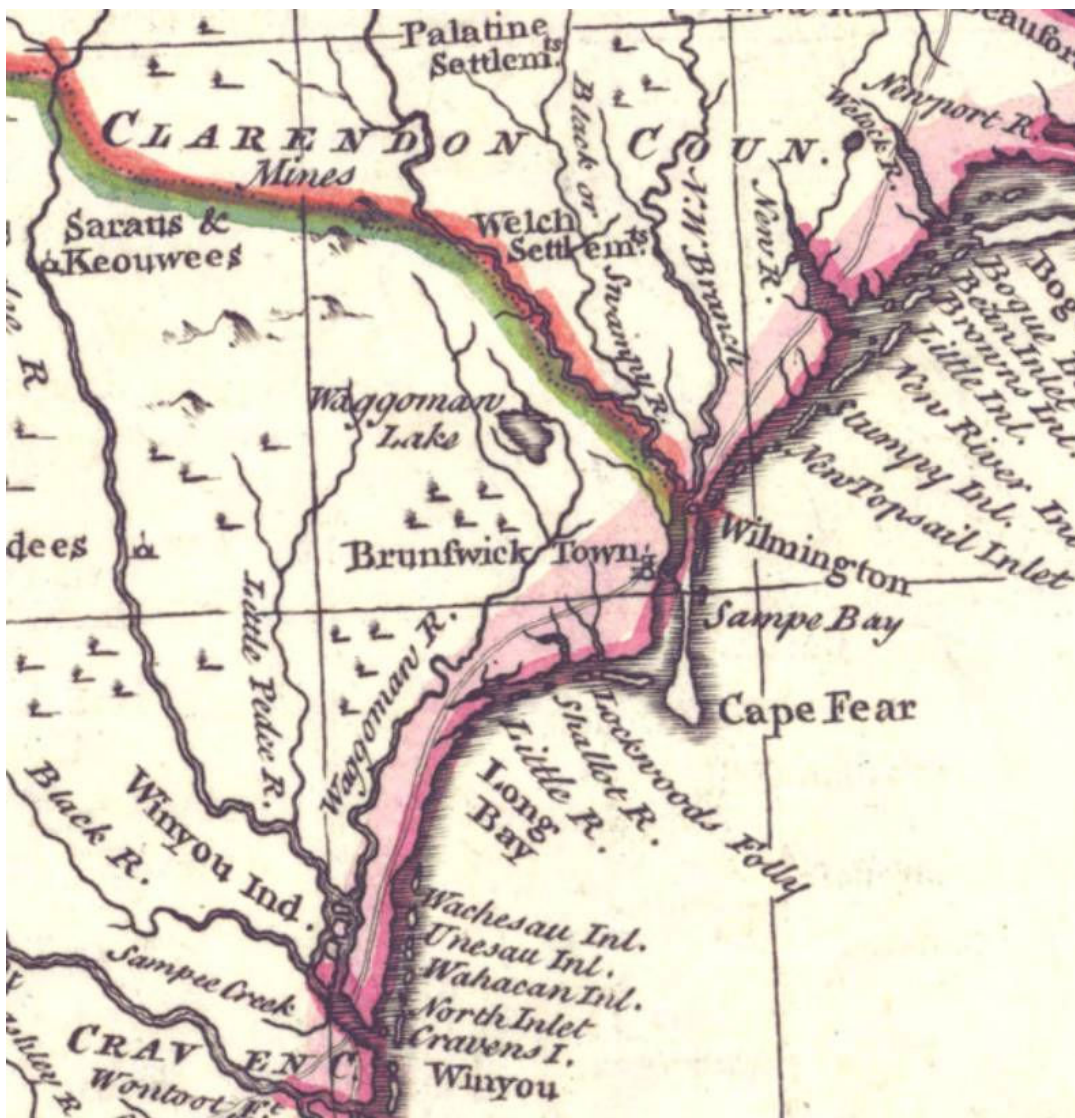
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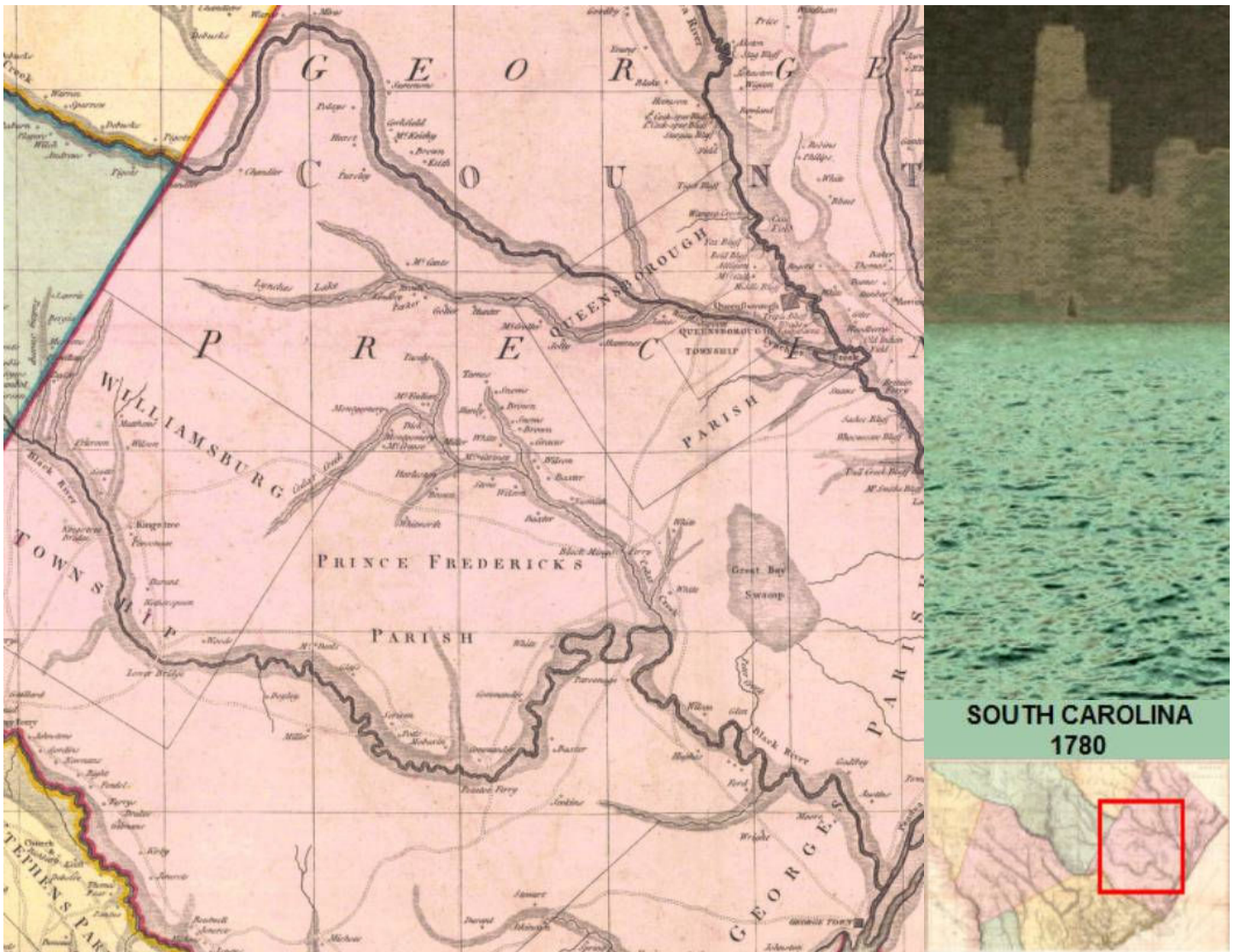


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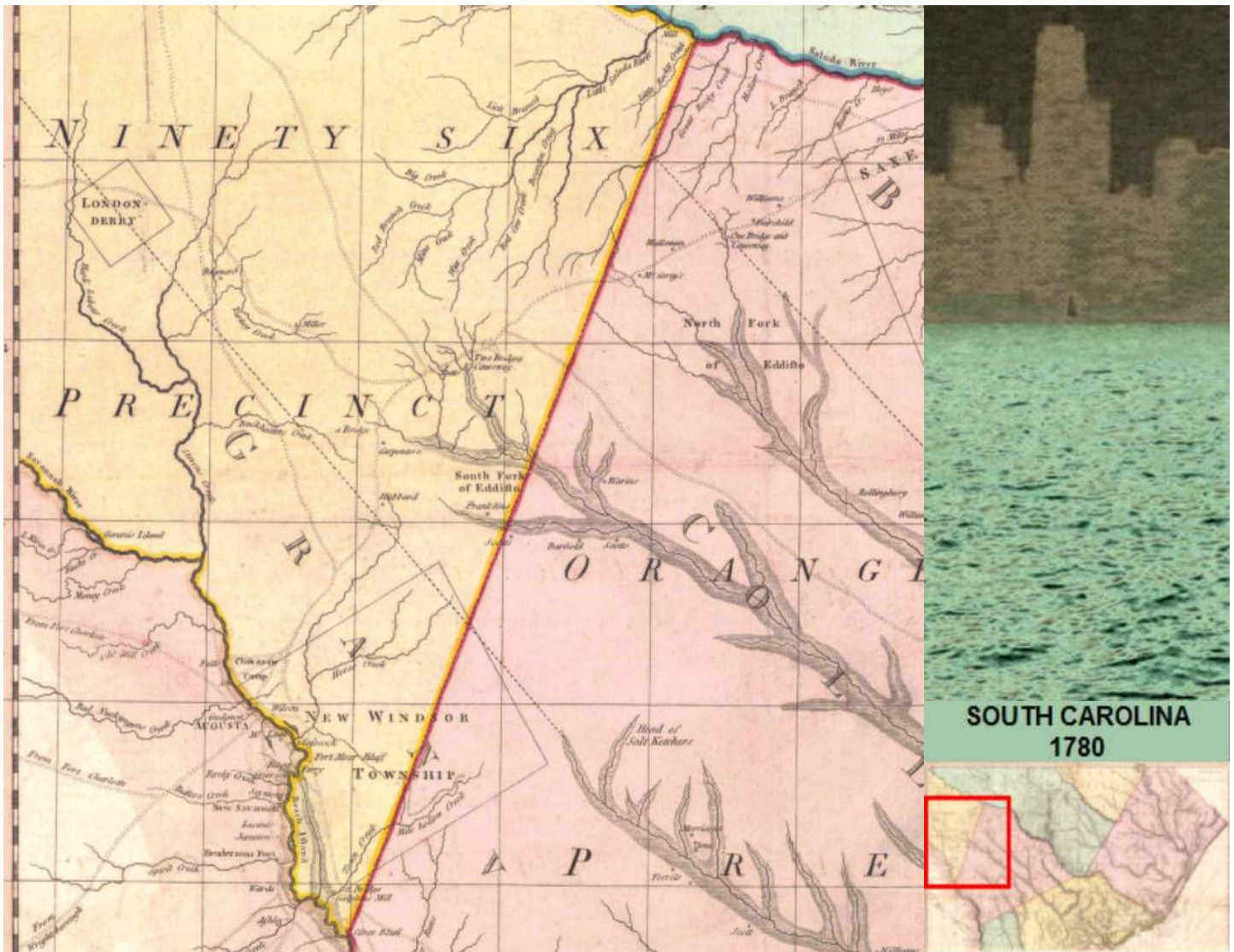
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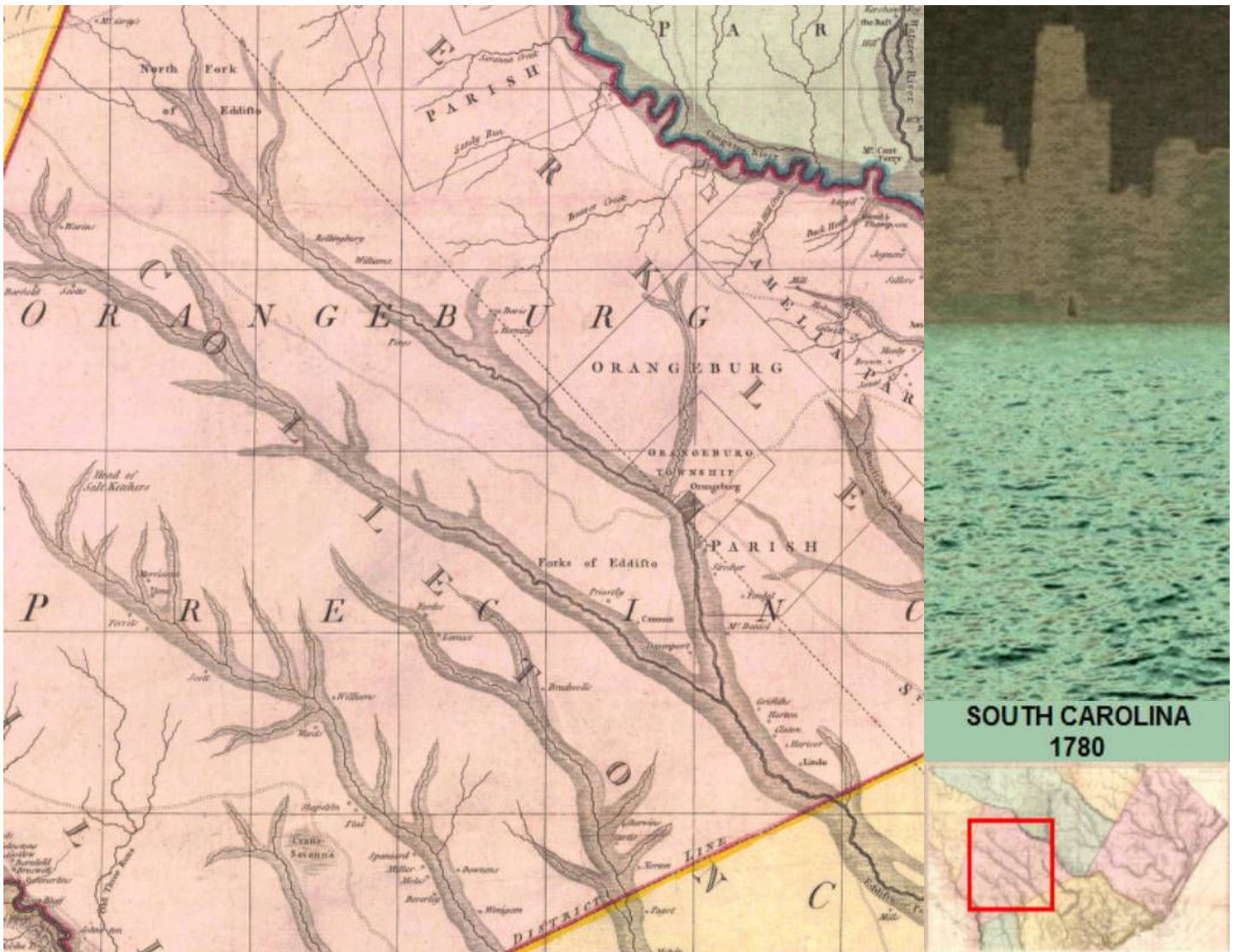
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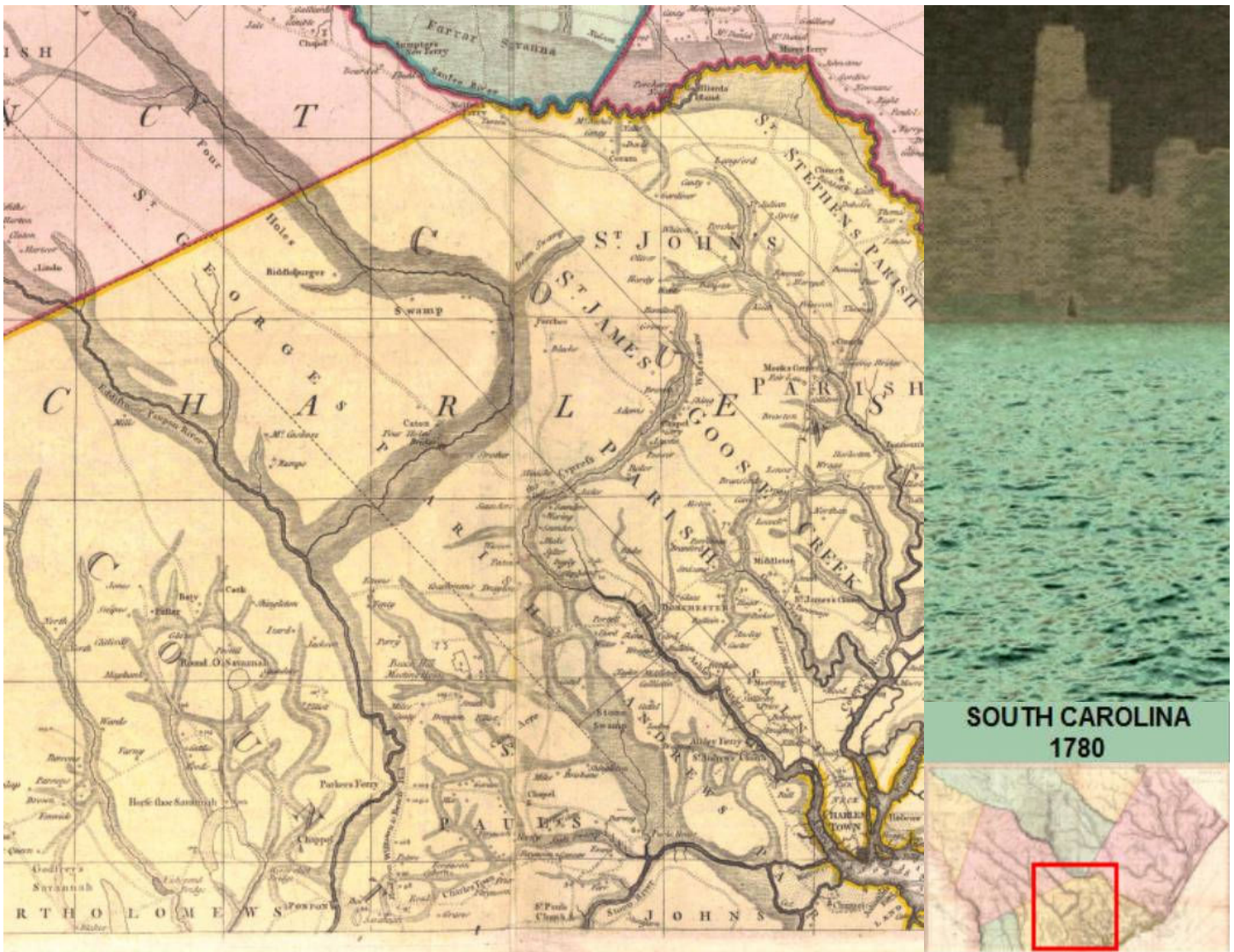
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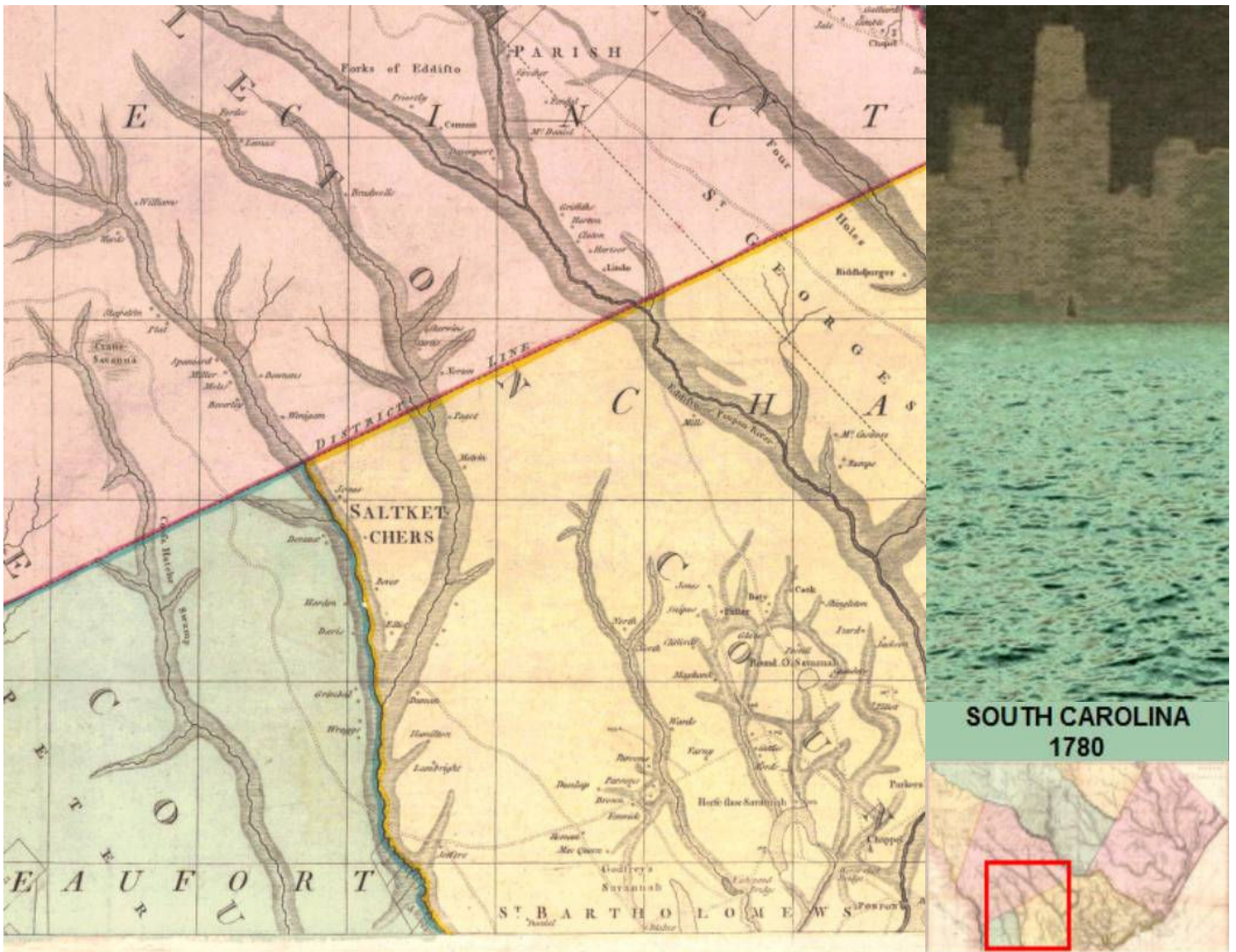
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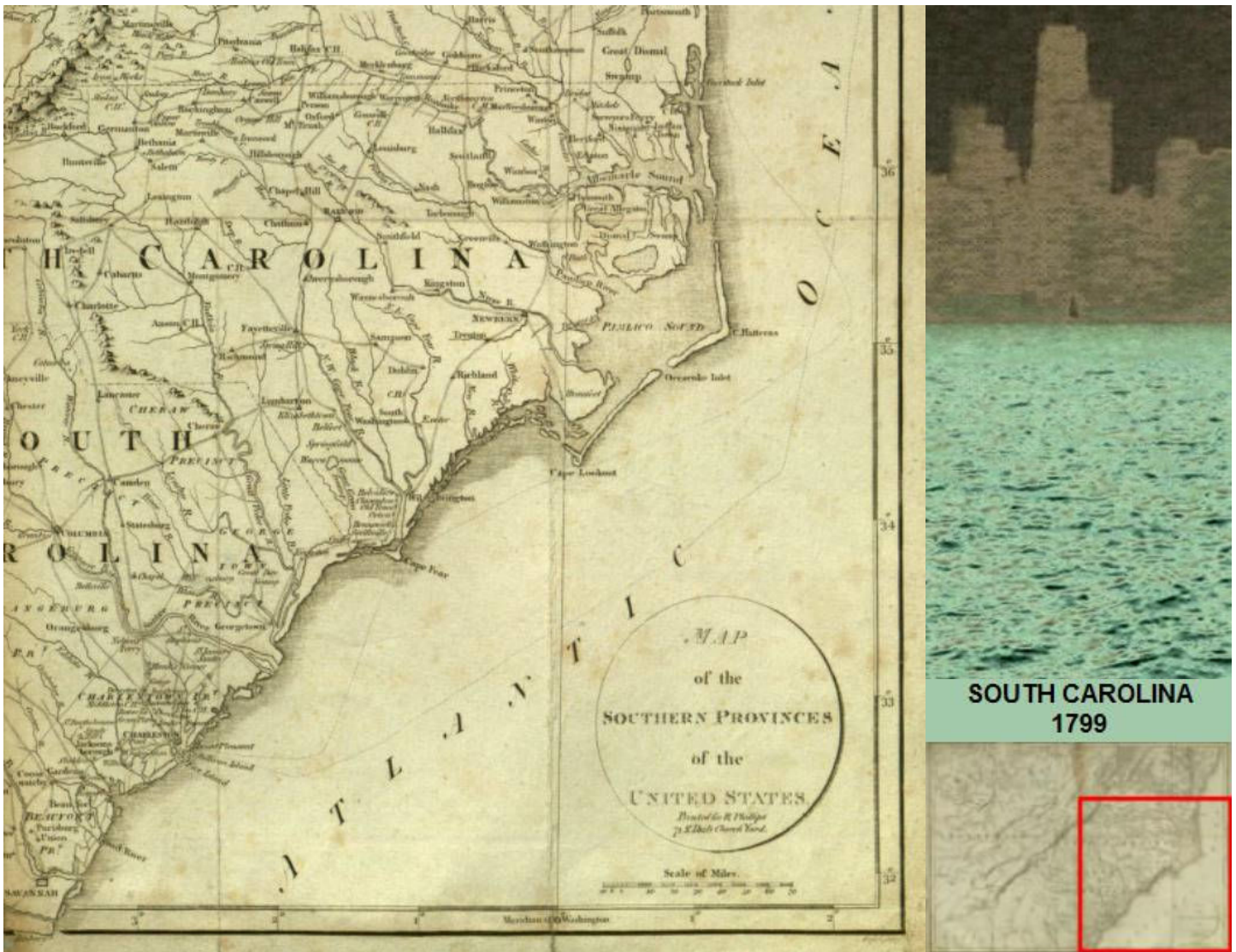
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Relief shown pictorially.; Prime meridian: Washington, D.C.; Shows area from Fort Washington to Savannah, and from Muscle Shoals to Atlantic coast.; The original French, and this English version, both first appeared in 1799.

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Referenced By Phillips. Maps of America, p. 873

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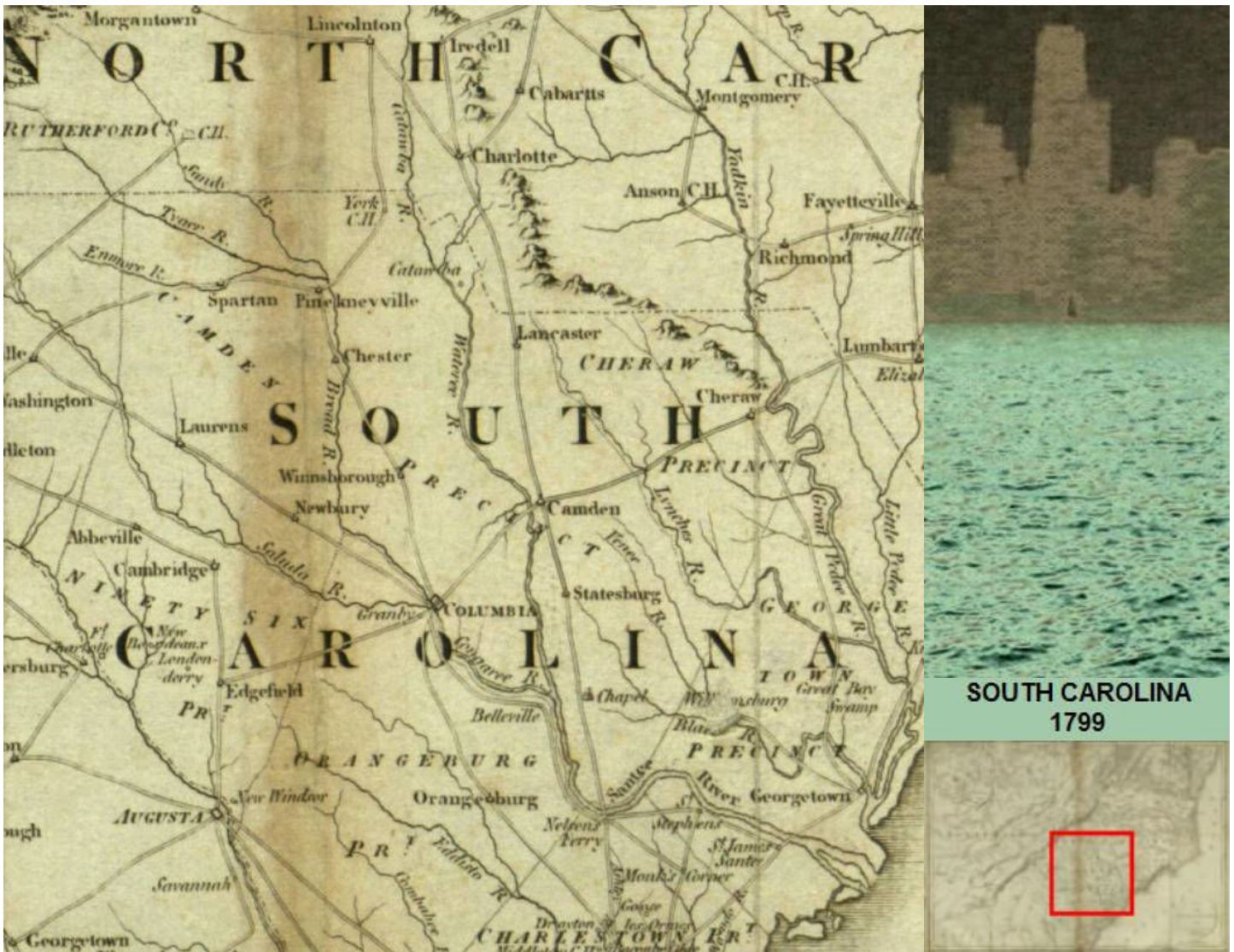
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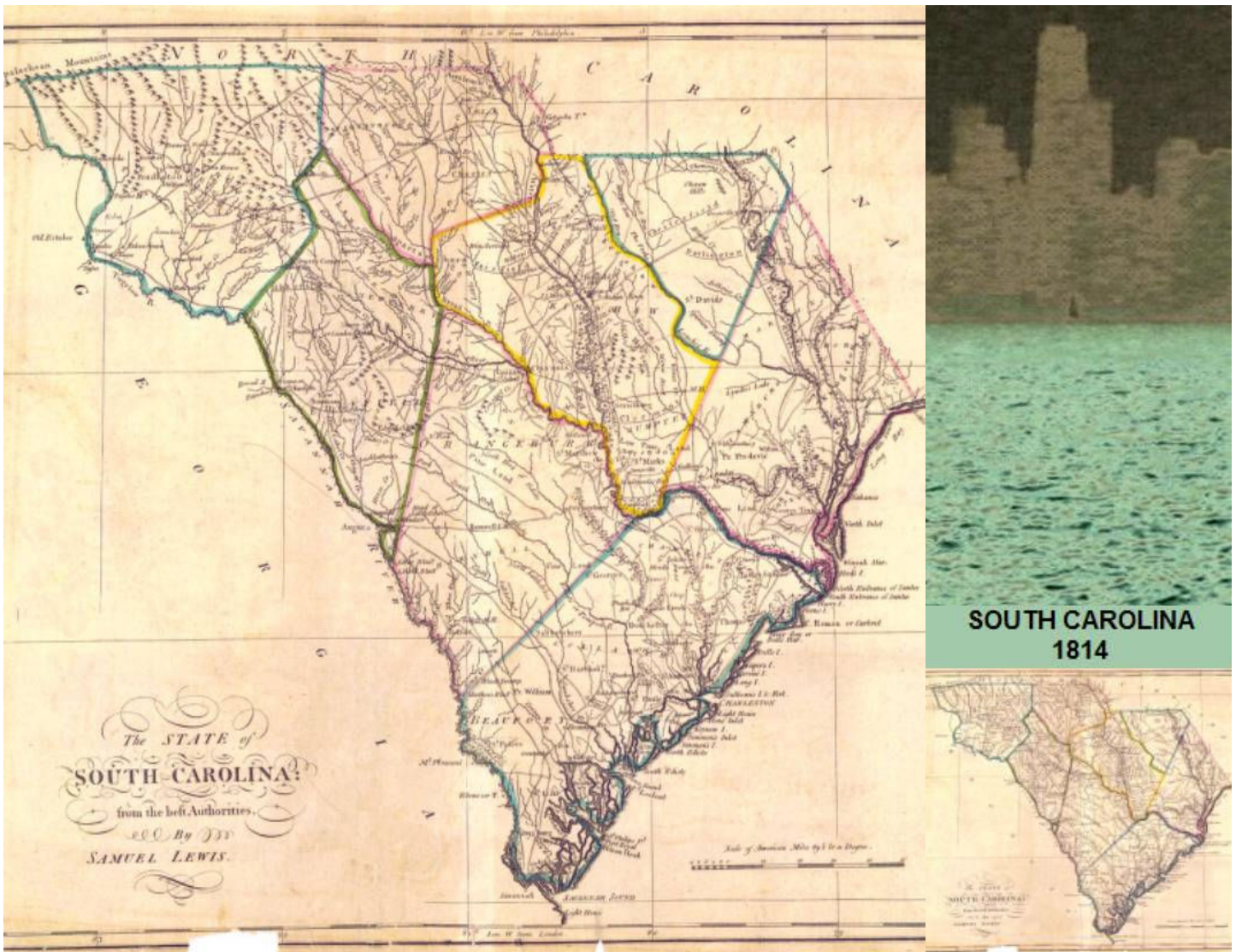
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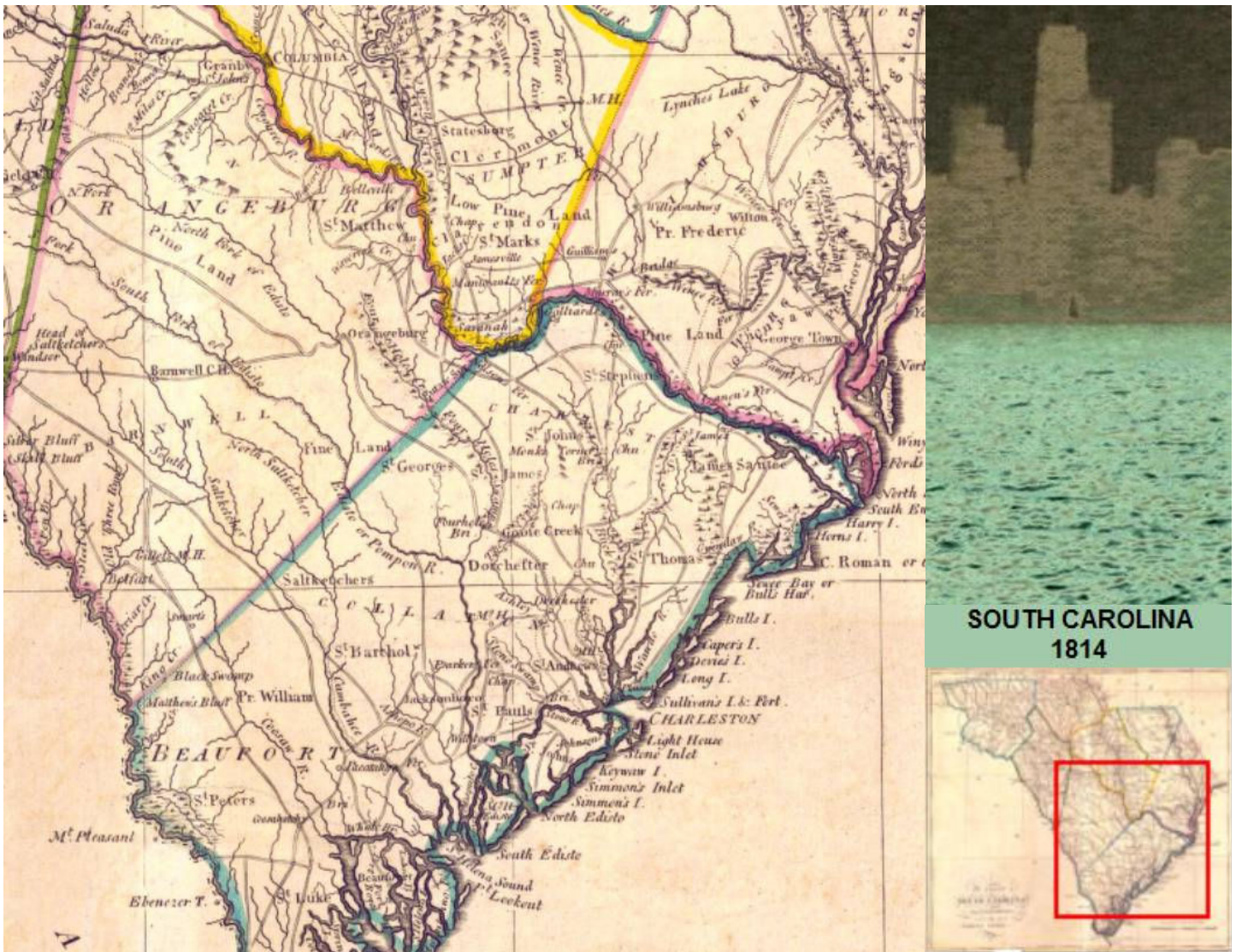
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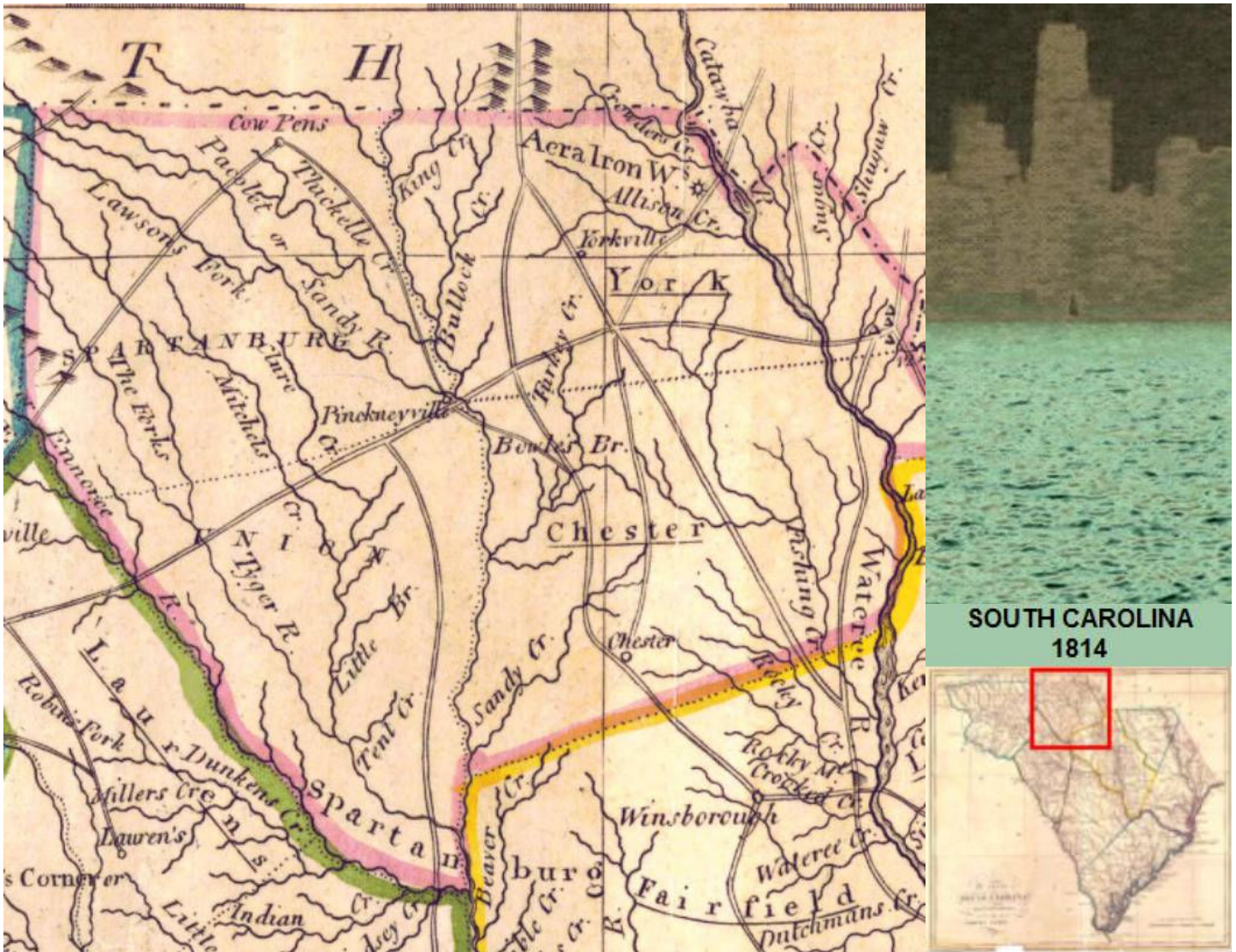
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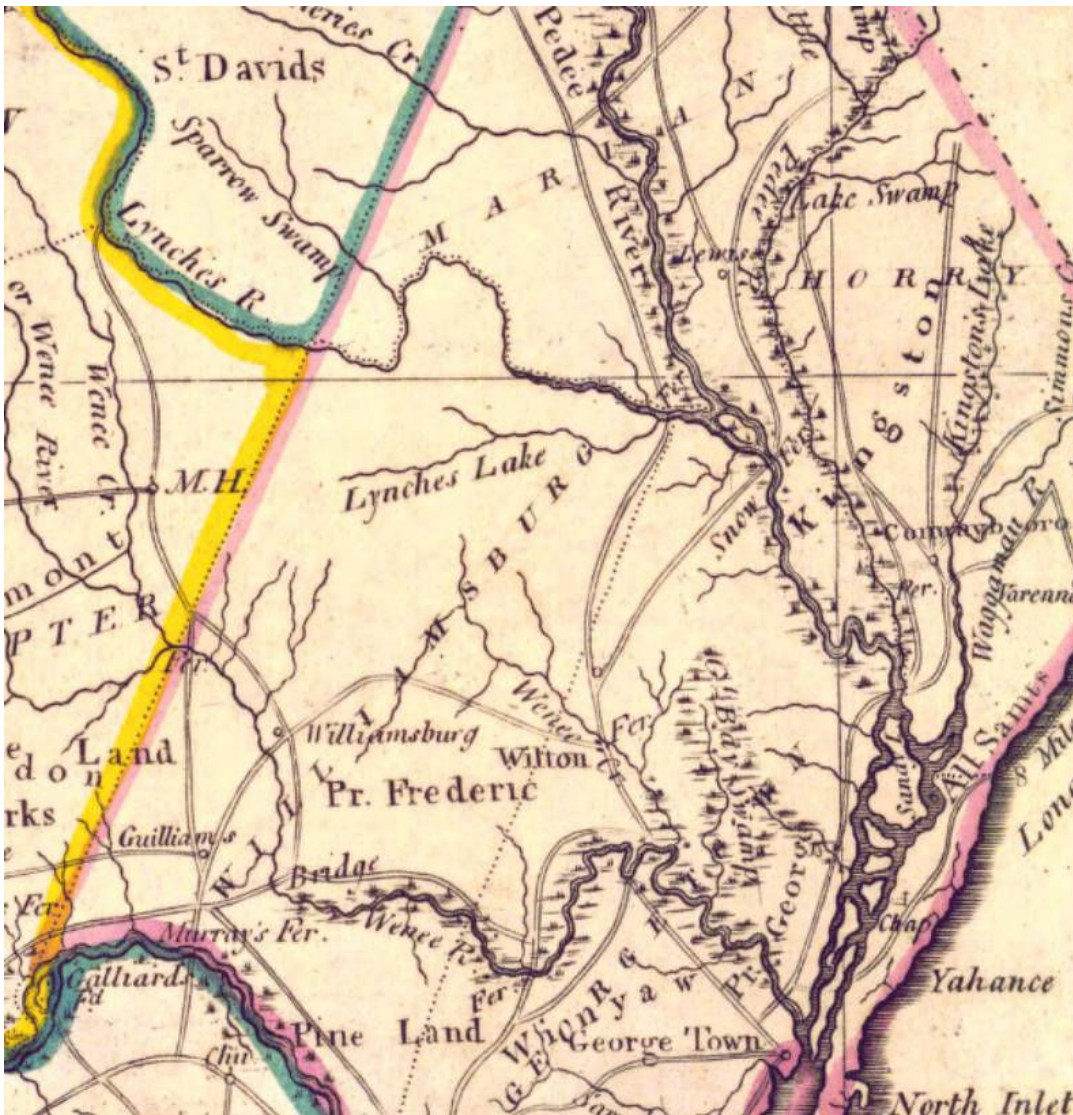
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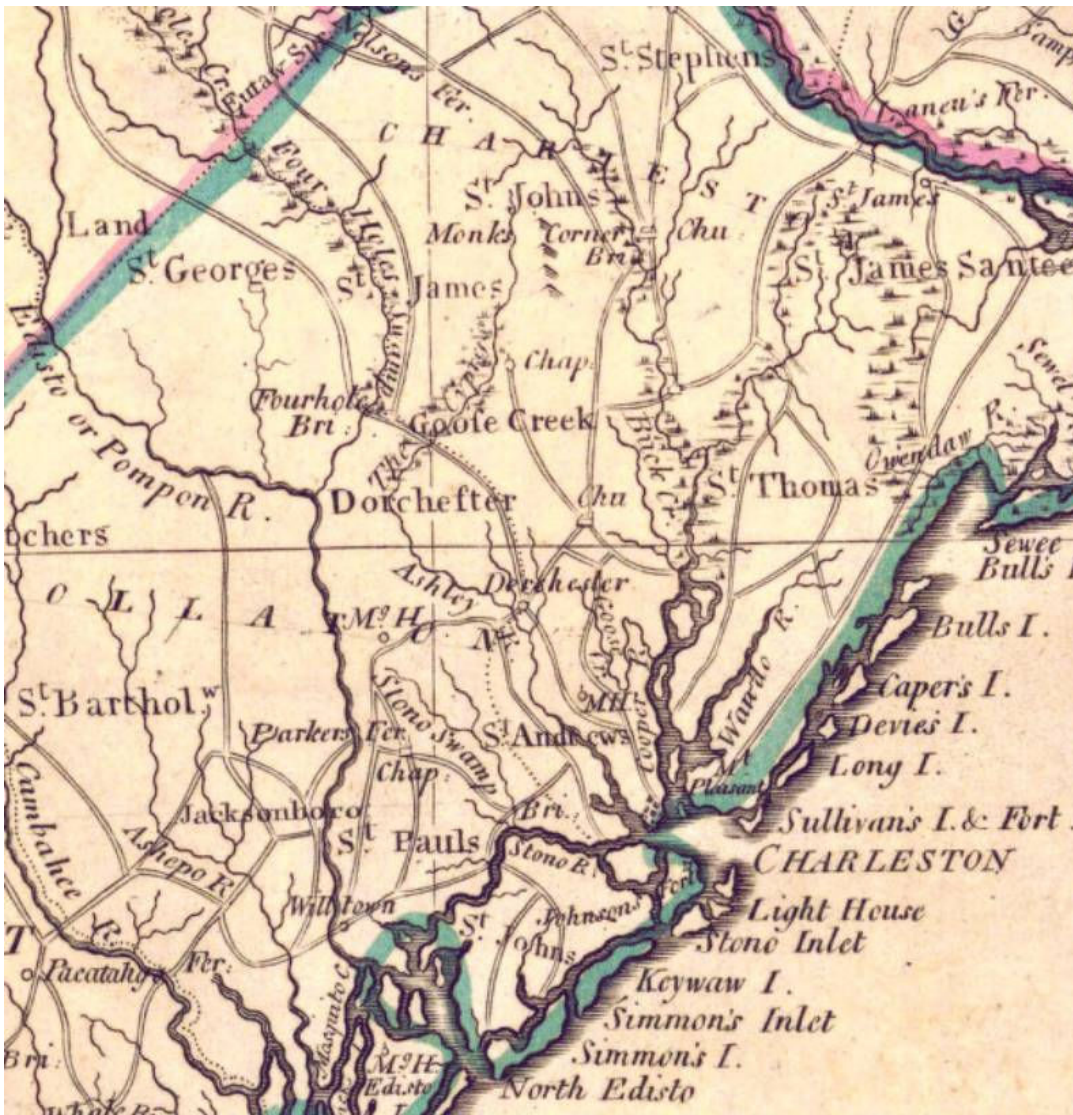
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**NORTH CAROLINA
TOWNSHIPS
AND
COUNTIES**

<p>Why Do We Have Townships in North Carolina?</p>	<p>The constitution established three elected officials in each township.</p>
<p>In 1868, North Carolina wrote a new constitution during post-Civil War reconstruction because Republican party carpetbaggers from the north took over state government in the south.</p>	<p>Two justices of the peace and one clerk served two-year terms.</p>
<p>The 1868 constitution required that every county subdivide into townships.</p>	<p>They formed the governing body of townships and regulated roads, bridges, property assessment and taxation under the county commissioner's supervision.</p>

Why Do We Have Townships in North Carolina? North Carolina Room, Forsyth County Public Library (2010 January 12).

From: An Overview of Local Government. chapter in County and Municipal Government in North Carolina. University of North Carolina School of Government (2007). (You can read it online for free.)

Also: Fries, Adelaide. The History of a County on the March, page 154-.

<http://northcarolinaroom.wordpress.com/2010/01/12/north-carolina-townships/>

Each township also had a three-member school board and at least one constable.

North Carolina reconstruction townships resembled older townships in Pennsylvania and Ohio.

The Yankee-inspired North Carolina township system didn't last long.

The northern township system undermined the power that southern landowners and merchants enjoyed before the war.

In 1875, ex-Confederates of the south created the Conservative Party and took power back from the carpetbaggers.

In 1877, an amendment to the 1868 constitution stripped townships of their government and power.

Named townships were retained for census purposes and as divisions of the counties to maintain local infrastructure.

In 1868, in Forsyth County, the county surveyor ran new township lines in 25 days.

In 1868 December, another surveyor drew a map that shows three tiers of four rectangular townships each.

The 1868 map is now preserved in the Moravian Archives in Winston-Salem.

In 1886, nine years after North Carolina townships were stripped of power by constitutional amendment, a mapmaker produced a map of them nonetheless.

Forsyth County currently has 15 townships for the modest purposes stated above.

Union County Townships	Voting places were established at central points in the districts.
After the Civil War and before the formation of regular townships, the affairs of the county were managed by 13 militia districts.	Election returns were made from there in much the same manner as returns are now made from townships.
Each district contained one company of soldiers, commanded by a captain.	
Districts took the captain's name and were called 'captains beats'.	

Union County (North Carolina) Townships. published in the Monroe Journal (1925, October 23).

Found online at <http://freepages.genealogy.rootsweb.ancestry.com/~jganis/unionco/twps.html>

Ganis, Julie Hampton (producer).

Created 2003 (May 2). Last modified 2004 (May 17)

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In 1869, after the new state constitution was framed, surveys were made under the Reconstruction Act.

In addition to Monroe township, the townships of Goose Creek, New Salem, Sandy Ridge, Lane's Creek, Jackson and Buford were laid off and their boundaries defined.

In 1879, the township of Vance was formed from portions of Goose Creek and Sandy Ridge.

Several years later Marshville township was formed from portions of Lane's Creek and New Salem, being the last township division made up to the present time (1925).

The legislature granted charters for municipal organizations within the boundaries of some regular townships.

These municipal organizations are Waxhaw (Jackson township), Wingate (Monroe township), Unionville (Goose Creek township), Indian Trail (Vance township), and Marshville (Marshville township).

YEAR	EVENT
1663	<p>Charles II granted Carolina to the eight Lords Proprietors. From 1663 to 1729, the Carolinas were proprietary colonies. In 1729, seven of the Lords Proprietors sold their shares back to the Crown, and NC became a Royal Colony. Initially, the administrative units were counties, which soon were subdivided into precincts. Precincts were the more important unit. In 1739, all precincts became counties. The older counties (Albemarle and Bath) became extinct.</p>
1664	<p>Albemarle County, Carolina formed. By 1668 Albermarle County was divided into Chowan, Currituck, Pasquotank, and Perquimans precincts for the purposes of local administration. Albermarle County, the superior administrative unit of Carolina, ceased to be recognized as a unit of government in 1689 However, the name Albemarle County continued to be applied to the region as a matter of convenience well into the 1700s. (The Formation of the North Carolina Counties, 1663-1943, p. xxiii).</p>
1664	<p>Clarendon County theoretically established in Carolina. Several failed attempts at colonization were attempted in this area on the Cape Fear River. The county was abandoned in 1667.</p>
1670	<p>Chowan Precinct, Carolina formed as a subdivision of Albemarle County. Bertie was formed in 1722 from Chowan. Tyrrell was formed in 1729 from Chowan, Bertie, Currituck, and Pasquotank. Hertford was formed in 1759 from Chowan, Bertie and Northampton. Gates was formed in 1779 from Chowan, Perquimans, and Hertford. G</p>
1670	<p>Currituck Precinct, Carolina formed as a subdivision of Albemarle County. Tyrrell formed in 1729 from Chowan, Bertie, Currituck, and Pasquotank. Dare formed in 1870 from Currituck, Tyrrell, and Hyde.</p>
1670	<p>Pasquotank Precinct, Carolina was formed as a subdivision of Albemarle County. Camden was formed from Pasquotank in 1777.</p>

Branch, Jo (coordinator) (2011). Sampson County North Carolina Genealogy Web.

I apologize I don't remember where I found this wonderful timeline else I would give credit to the individual(s) who put it together. I hope that you find this helpful in your genealogy hunting and if you happen to notice this elsewhere, please let me know so I can give proper acknowledgement.

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<http://www.ncgenweb.us/sampson/history/nccounty.htm>

YEAR	EVENT
1670	Perquimans Precinct, Carolina was formed as a subdivision of Albemarle County. Gates was formed in 1779 from Chowan, Perquimans and Hertford.
1696	Bath County, Carolina formed, possibly from Albemarle. In 1705, Bath was divided into Archdale, Pamtecough and Wickham precincts. Bath apparently never functioned as a county. These precincts were renamed in 1712, becoming, respectively, Craven, Beaufort and Hyde precincts.
1705	Archdale Precinct, Carolina formed from Bath. Its name was changed to Craven in 1712.
1705	Pamptecough Precinct, Carolina was formed from Bath. Its name was changed to Beaufort in 1712.
1705	Wickham Precinct, Carolina was formed in 1705 from Bath. Its name was changed to Hyde about 1712.
1710	North and South Carolina become separate colonies.
1712	Beaufort is new name for Pamptecough Precinct. Pitt was formed from Beaufort in 1760. Pamlico County formed in 1872 from Beaufort and Craven.
1712	Craven is new name for Archdale Precinct. Carteret formed in 1722 from Craven. New Hanover in 1729 from Craven. Johnston in 1746 from Craven. Jones in 1778 from Craven. Pamlico in 1872 from Craven and Beaufort.
1712	Hyde is new name for Wickham Precinct. Dare was formed in 1870 from Currituck, Hyde, and Tyrrell.

YEAR	EVENT
1722	Bertie Precinct, NC formed from Chowan. Tyrrell formed in 1729 from Chowan, Bertie, Currituck and Pasquotank. Edgecombe and Northhampton were formed in 1741 from Bertie. Hertford was formed in 1759 from Bertie, Chowan and Northhampton.
1722	Carteret Precinct, NC formed from Craven Precinct.
1728	The NC/VA border was surveyed. This placed the border considerably further north than many people had thought.
1729	NC became a Royal Colony. Seven of the eight Lords Proprietors sold their shares back to the Crown. The eighth, Lord Granville, retained his share, leading to the establishment of the Granville District in 1744. In this district, land was granted by Lord Granville but he had no governmental authority.
1729	New Hanover Precinct, NC was formed from Craven. Onslow was formed in 1734 from New Hanover. Bladen was formed in 1734 from New Hanover. Duplin was formed in 1750 from New Hanover. Brunswick was formed in 1764 from New Hanover and Bladen. Pender was formed in 1875 from New Hanover.
1729	Tyrrell Precinct, NC was formed from Chowan, Bertie, Currituck and Pasquotank. Martin was formed in 1774 from Halifax and Tyrrell. Washington was formed in 1799 from Tyrrell. Dare was formed in 1870 from Currituck, Tyrrell, and Hyde.

YEAR	EVENT
1734	<p>Bladen Precinct, NC formed from New Hanover. Anson was formed in 1750 from Bladen. Orange was formed in 1752 from Bladen, Granville and Johnston. Cumberland was formed in 1754 from Bladen. Brunswick was formed in 1764 from Bladen and New Hanover. Robeson was formed in 1787 from Bladen. Columbus was formed in 1808 from Brunswick and Bladen.</p>
1734	Onslow Precinct, NC was formed from New Hanover.
1739	All NC Precincts become Counties.
1741	<p>Edgecombe Co., NC formed from Bertie. Granville formed in 1746 from Edgecombe. Halifax was formed in 1758 from Edgecombe. Nash was formed in 1777 from Edgecombe. Wilson was formed in 1855 from Edgecombe, Nash, Johnston and Wayne.</p>
1741	<p>Northampton Co., NC was formed from Bertie. Hertford was formed in 1759 from Chowan, Bertie and Northampton.</p>
1744	<p>The Granville District was surveyed. This covered the northern portion of NC. A researcher can easily approximate the Granville line by drawing an east-west line across North Carolina using the lower lines of Chatham, Randolph, Davidson, and Rowan counties as a guide." (Hofmann, Margaret M. Land Grants. in North Carolina Research: Genealogy and Local History, p. 301.) From 1744 to 1763 land in this area was granted by Lord Granville. From 1764 to 1777, no land was granted in this area.</p>
1746	<p>Granville Co., NC formed from Edgecombe. Orange formed in 1752 from Johnston, Bladen and Granville. Bute was formed in 1764 from Granville. Vance was formed in 1881 from Granville, Warren and Franklin.</p>

YEAR	EVENT
1746	Johnston Co., NC was formed from Craven Co. Orange Co. was formed in 1752 from Johnston, Bladen, and Granville. Dobbs was formed in 1758 from Johnston. Wake was formed in 1770 from Johnston, Cumberland, and Orange. Wilson was formed in 1855 from Edgecombe, Nash, Johnston and Wayne.
1750	Anson Co., NC formed from Bladen. Rowan formed from Anson in 1753. Mecklenburg was formed from Anson in 1762. Richmond was formed from Anson in 1779. Montgomery was formed from Anson in 1779. Union was formed from Anson and Mecklenburg in 1842.
1750	Duplin Co., NC formed from New Hanover. Sampson formed in 1784 from Duplin.
1752	Orange Co., NC was formed from Johnston, Bladen and Granville. Chatham was formed in 1770 from Orange. Guilford was formed in 1770 from Rowan and Orange. Wake was formed in 1770 from Johnston, Cumberland and Orange. Caswell was formed in 1771 from Orange. Alamance was formed in 1849 from Orange. Durham was formed in 1881 from Orange and Wake.
1753	Rowan Co., NC was formed from Anson. Guilford was formed in 1770 from Rowan and Orange. Surry was formed in 1770 from Rowan. Burke was formed in 1777 from Rowan. Iredell was formed in 1788 from Rowan. Davidson was formed in 1822 from Rowan. Davie was formed in 1836 from Rowan.

YEAR	EVENT
1754	Cumberland Co., NC formed from Bladen. Its name was briefly changed to Fayette County in 1784, but changed back again before the end of the year. Wake was formed in 1770 from Johnston, Cumberland, and Orange. Moore was formed in 1784 from Cumberland. Harnett was formed in 1855 from Cumberland. Hoke was formed in 1911 from Cumberland and Robeson.
1759	Dobbs Co., NC formed from Johnston. Wayne formed in 1779 from Dobbs. Dobbs was divided into Glasgow and Lenoir in 1791. Dobbs County became extinct at that point.
1759	Halifax Co., NC formed from Edgecombe. Martin formed in 1774 from Halifax and Tyrrell.
1760	Hertford Co., NC formed from Chowan, Bertie, and Northampton. Gates formed in 1779 from Chowan, Hertford, and Perquimans.
1760	Pitt Co., NC was formed from Beaufort.
1762	Mecklenburg Co., NC was formed from Anson. Tryon was formed in 1768 from Mecklenburg. Cabarrus was formed in 1792 from Mecklenburg. Union was formed in 1842 from Anson and Mecklenburg.
1764	Brunswick Co., NC formed from New Hanover and Bladen. Columbus formed in 1808 from Brunswick and Bladen.
1764	Bute Co., NC formed from Granville. Bute was abolished in 1779 and was divided into Warren and Franklin counties.
1764	The border of North Carolina and South Carolina border east of the Catawba River surveyed. (See 1772 note.)
1768	Tryon Co., NC was formed from Mecklenburg. Tryon Co. was abolished in 1779 and Lincoln and Rutherford were formed from it.

YEAR	EVENT
1770	<p>Surry Co., NC formed from Rowan. Wilkes was formed in 1777 from Surry and the District of Washington. Stokes was formed in 1789 from Surry. Yadkin was formed in 1850 from Surry.</p>
1770	<p>Wake Co., NC was formed from Johnston, Cumberland, and Orange. Durham was formed in 1881 from Orange and Wake.</p>
1771	<p>Chatham Co., NC formed from Orange. Lee formed in 1907 from Chatham and Moore.</p>
1771	<p>Guilford Co., NC formed from Orange and Rowan. Randolph formed in 1779 from Guilford. Rockingham was formed in 1785 from Guilford.</p>
1772	<p>The North Carolina and South Carolina border west of the Catawba River surveyed. Prior to the surveys (1764 and 1772), much of the territory in the north-central and north-western part of South Carolina was considered to be North Carolina. The South Carolina counties of Marlboro, Chesterfield, Lancaster, York, Chester, Union, Spartanburg, Cherokee, and portions of Greenville, Laurens and Newberry are involved. (Holcomb, Brent. Guide to South Carolina Research and Records, page 37. Columbia, SC, 1991). Much of Tryon County, NC became SC after the 1772 survey; and the Tryon County courthouse had to be moved.</p>
1774	<p>Martin Co., NC was formed from Halifax and Tyrrell.</p>
1776	<p>The District of Washington was officially recognized as a part of the governmental structure of North Carolina. The settlers had originally thought they were in Virginia, but on discovering that they were actually in NC, petitioned to be officially annexed. Wilkes Co., NC was formed in 1777 from Surry and the District of Washington. In 1777 The District of Washington became Washington Co. (now TN) In 1777. (q.v.)</p>

YEAR	EVENT
1777	Burke Co., NC formed from Rowan. Buncombe was formed in 1791 from Burke and Rutherford. Yancey was formed in 1833 from Burke and Buncombe. Caldwell was formed in 1841 from Burke and Wilkes. McDowell was formed in 1842 from Rutherford and Burke. Mitchell was formed in 1861 from Yancey, Watauga, Caldwell, Burke and McDowell.
1777	Camden Co., NC formed from Pasquotank.
1777	Caswell Co., NC formed from Orange. Person formed in 1791 from Caswell.
1777	Nash Co., NC was formed from Edgecombe. Wilson was formed in 1855 from Edgecombe, Nash, Johnston and Wayne.
1777	Washington Co. (now TN) was formed by name change from the District of Washington. Sullivan Co. (now TN) was formed in 1779 from Washington (now TN). Davidson (now TN) was formed in 1783 from Washington (now TN). There is also a Washington Co., NC, formed in 1799.)
1777	Wilkes Co., NC was formed from Surry and the District of Washington. Ashe was formed in 1799 from Wilkes. Caldwell was formed in 1841 from Burke and Wilkes. Alexander was formed in 1847 from Iredell, Caldwell and Wilkes. Watauga was formed in 1849 from Ashe, Wilkes, Caldwell and Yancey.
1779	Franklin Co., NC formed from Bute. Vance formed in 1881 from Granville, Franklin and Warren.
1779	Gates Co., NC formed from Chowan, Hertford and Perquimans.
1779	Jones Co., NC was formed from Craven.

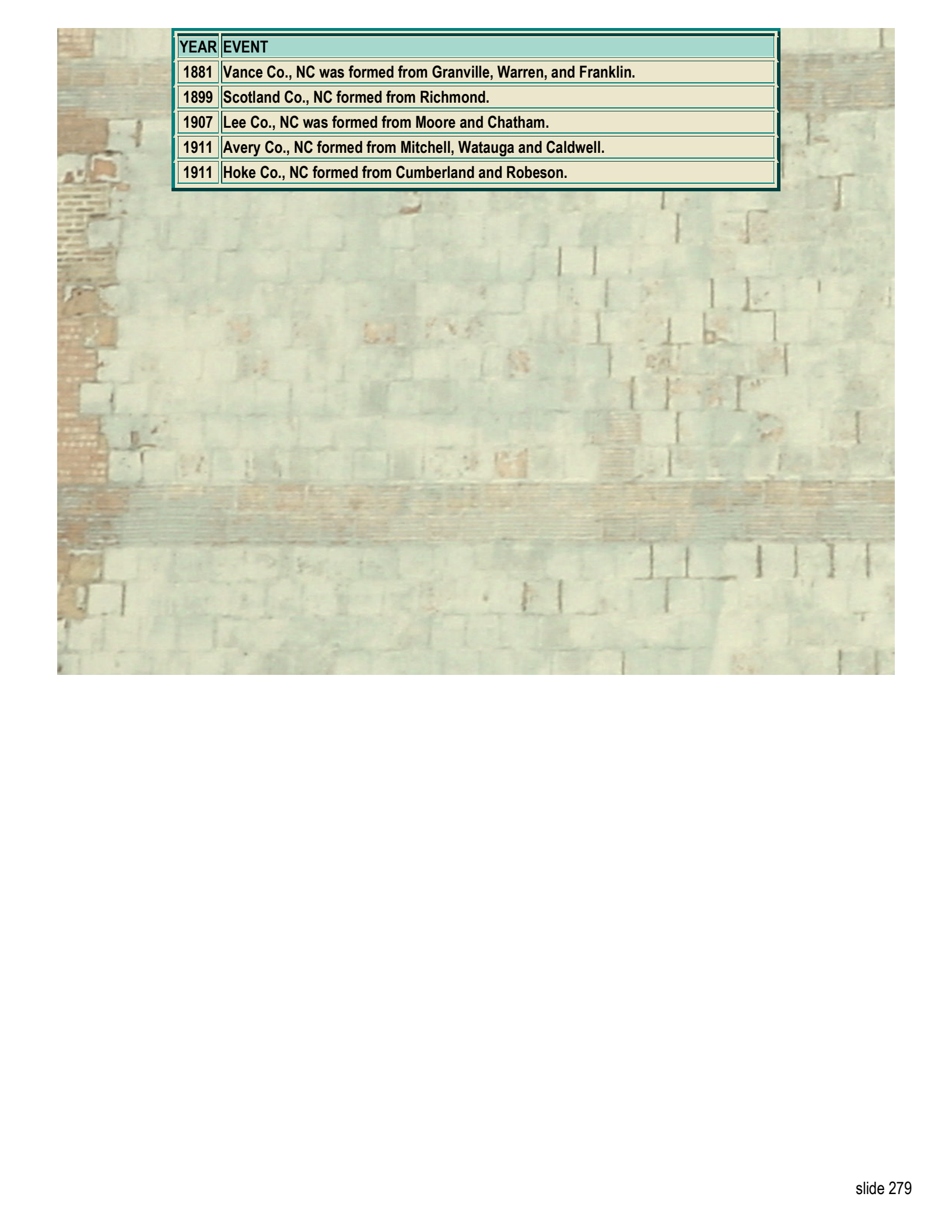
YEAR	EVENT
1779	Lincoln Co., NC was formed from Tryon. Tryon abolished at that time. Cleveland was formed in 1841 from Rutherford and Lincoln. Catawba was formed in 1842 from Lincoln. Gaston was formed in 1846 from Lincoln.
1779	Montgomery Co., NC was formed from Anson. Stanly was formed in 1841 from Montgomery.
1779	Randolph Co., NC was formed from Guilford.
1779	Richmond Co., NC was formed from Anson. Scotland was formed in 1899 from Richmond.
1779	Rutherford Co., NC was formed from Tryon, which ceased to exist at that time. Buncombe was formed in 1791 from Burke and Rutherford. Cleveland was formed in 1841 from Rutherford and Lincoln. McDowell was formed in 1842 from Rutherford and Burke. Polk was formed in 1855 from Rutherford and Henderson.
1779	Sullivan Co. (now TN) formed from Washington (now TN). Hawkins (now TN) formed in 1787 from Sullivan (now TN).
1779	Warren Co., NC was formed from Bute. Bute was abolished at that time. Vance was formed in 1881 from Granville, Warren and Franklin.
1779	Wayne Co., NC was formed in 1779 from Dobbs. Wilson was formed in 1855 from Edgecombe, Nash, Johnston and Wayne.
1783	Davidson Co., now TN, formed from Washington Co., now TN. Sumner (now TN) was formed in 1787 from Davidson; there is also a Davidson Co, NC, formed in 1822. Tennessee County (now TN) was formed in 1788 from Davidson. The territory that became the state of Tennessee was ceded to the U.S 1790 April 2.

YEAR	EVENT
1783	Greene Co., now TN, formed from Washington (now TN). There is also a Greene Co., NC, created in 1799 when Glasgow County was renamed.
1784	Fayette Co., NC existed for only a few months. Cumberland Co. was divided into Moore and Fayette Counties in 1784. Later that year, the act creating Fayette was repealed and the portion left over after Moore was set up retained the name Cumberland.
1784	Moore Co., NC was formed from Cumberland. Lee was formed in 1907 from Moore and Chatham.
1784	Sampson Co., NC formed from Duplin.
1785	Rockingham Co., NC was formed from Guilford.
1787	Hawkins Co., now TN, formed from Sullivan (now TN).
1787	Robeson Co., NC was formed from Bladen. Hoke was formed in 1911 from Cumberland and Robeson.
1787	Sumner Co. (now TN) formed from Davidson (now TN).
1788	Iredell Co., NC formed from Rowan. Alexander formed in 1847 from Iredell, Caldwell and Wilkes.
1788	Tennessee Co. (now TN) was formed in 1788 from Davidson (now TN). When the state of TN was formed in 1796, Tennessee County was divided into Montgomery and Robertson Counties.
1789	Stokes Co., NC formed from Surry. Forsyth was formed in 1849 from Stokes.
1790	NC cedes Tennessee territory to the United States. This included The cession included Washington, Sullivan, Davidson, Greene, Hawkins, Sumner and Tennessee Counties, which no longer were part of NC. The territory was initially known as the Territory South of the Ohio. Tennessee became a state in 1796.

YEAR	EVENT
1791	Buncombe Co., NC formed from Burke and Rutherford. Haywood was formed in 1808 from Buncombe. Yancey was formed in 1833 from Burke and Buncombe. Henderson was formed in 1838 from Buncombe. Madison was formed in 1851 from Buncombe and Yancey.
1791	Glasgow Co., NC formed from Dobbs. The county was named after NC Secretary of State James Glasgow. The Glasgow Land Frauds were also named after James Glasgow, which is why the name of the county was changed to Greene in 1799.
1791	Lenoir Co., NC was formed from Dobbs.
1791	Person Co., NC was formed from Caswell.
1792	Cabarrus Co., NC formed from Mecklenburg.
1799	Ashe Co., NC formed from Wilkes. Watauga was formed from Ashe, Wilkes, Caldwell & Yancey in 1849. Alleghany was formed from Ashe in 1859.
1799	Greene Co., NC, created by renaming Glasgow County.
1799	Washington Co., NC formed from Tyrrell.
1808	Columbus Co., NC formed from Brunswick and Bladen.
1808	Haywood Co., NC formed from Buncombe. Macon formed in 1828 from Haywood. Jackson was formed in 1851 from Haywood and Macon.
1822	Davidson Co., NC formed from Rowan.
1828	Macon Co., NC was formed from Haywood. Cherokee was formed in 1839 from Macon. Jackson was formed in 1851 from Haywood and Macon.

YEAR	EVENT
1833	Yancey Co., NC was formed from Burke and Buncombe. Watauga was formed in 1849 from Ashe, Wilkes, Caldwell and Yancey. Madison was formed in 1851 from Buncombe and Yancey. Mitchell was formed in 1861 from Yancey, Watauga, Caldwell, Burke and McDowell.
1836	Davie Co., NC formed from Rowan.
1838	Henderson Co., NC formed from Buncombe. Polk was formed in 1855 from Rutherford and Henderson. Transylvania was formed in 1861 from Henderson and Jackson.
1839	Cherokee Co., NC formed from Macon. Clay was formed in 1861 from Cherokee. Granham was formed in 1872 from Cherokee.
1841	Caldwell Co., NC formed from Burke and Wilkes. Alexander was formed in 1847 from Iredell, Caldwell, and Wilkes. Watauga was formed in 1849 from Ashe, Wilkes, Caldwell, and Yancey. Mitchell was formed in 1861 from Yancey, Watauga, Caldwell, Burke, and McDowell. Avery was formed in 1911 from Mitchell, Watauga, and Caldwell.
1841	Cleveland Co., NC formed from Rutherford and Lincoln.
1841	Stanly Co., NC formed from Montgomery.
1842	Catawba Co., NC was formed from Lincoln.
1842	McDowell Co., NC was formed from Rutherford and Burke. Mitchell was formed in 1861 from Yancey, Watauga, Caldwell, Burke and McDowell.
1842	Union Co., NC was formed from Anson and Mecklenburg.
1846	Gaston Co., NC formed from Lincoln.
1847	Alexander Co., NC formed from Iredell, Caldwell, and Wilkes.
1849	Alamance Co., NC formed from Orange.

YEAR	EVENT
1849	Forsyth Co., NC formed from Stokes.
1849	Watauga Co., NC formed from Ashe, Wilkes, Caldwell and Yancey. Mitchell was formed in 1861 from Yancey, Watauga, Caldwell, Burke and McDowell. Avery was formed in 1911 from Mitchell, Watauga and Caldwell.
1850	Yadkin Co., NC was formed from Surry.
1851	Jackson Co., NC formed from Haywood and Macon. Transylvania was formed in 1861 from Henderson and Jackson. Swain was formed in 1871 from Jackson and Macon.
1851	Madison Co., NC was formed from Buncombe and Yancey.
1855	Harnett Co., NC formed from Cumberland.
1855	Polk Co., NC was formed from Rutherford.
1855	Wilson Co., NC was formed from Edgecombe, Nash, Johnston and Wayne.
1859	Alleghany Co., NC formed from Ashe.
1861	Clay Co., NC formed from Cherokee.
1861	Mitchell Co., NC was formed from Yancey, Watauga, Caldwell, Burke and McDowell. Avery was formed in 1911 from Mitchell, Watauga, and Caldwell.
1861	Transylvania Co., NC was formed from Henderson and Jackson.
1870	Dare Co., NC formed from Currituck, Tyrrell, and Hyde.
1871	Swain Co., NC was formed from Jackson and Macon.
1872	Graham Co., NC formed from Cherokee.
1872	Pamlico Co., NC was formed from Craven and Beaufort.
1875	Pender Co., NC was formed from New Hanover.
1881	Durham Co., NC formed from Orange and Wake.

The background of the slide is a photograph of a brick wall. The bricks are light-colored, possibly tan or grey, with some darker spots and mortar lines visible. The wall appears to be made of a mix of different brick types, including some with a textured or patterned surface. A table with a light blue header and a light yellow body is overlaid on the top left corner of the image. The table has two columns: 'YEAR' and 'EVENT'.

YEAR	EVENT
1881	Vance Co., NC was formed from Granville, Warren, and Franklin.
1899	Scotland Co., NC formed from Richmond.
1907	Lee Co., NC was formed from Moore and Chatham.
1911	Avery Co., NC formed from Mitchell, Watauga and Caldwell.
1911	Hoke Co., NC formed from Cumberland and Robeson.

North Carolina Parishes	Nonetheless, colonial era North Carolinans created many parishes.
In 1701, the Carolina Assembly passed the Vestry Act.	
The Vestry Act makes the Church of England the official religion of the Carolina colony.	Histories of a few of the parishes are on the following pages.
In 1703, the proprietors revoked the act because Presbyterians, Quakers, and other religious Nonconformists opposed it.	

Sherron, Donna et al. North Carolina Parishes.

found at:<http://ncgenweb.us/ncstate/ncparishes.htm>

includes:
An Act for appointing Parishes and Vestries for the Encouragement of an Orthodox Clergy for the Advancement of the Protestant Religion and for the Direction of the Settlement of Parish Accounts. (enacted 1701; revoked 1703). in Clark, Walter (Chief Justice, North Carolina Supreme Court). The State Records of North Carolina, Under the Supervision of the Trustees of the Public Libraries, By Order of the General Assembly. Volume XXV: Laws 1789-1790 and Supplement of Omitted Laws 1669-1783 with Index to Volumes XXIII - XXV. Goldsboro (NC): Nash Brothers Book and Job Printers (1906).

St John's Parish, of Carteret Precinct and Beaufort, persisted during and after the Revolution.

Vestrymen changed their titles to wardens of the poor; and they met yearly until 1843.

Vestry minutes were rescued in the 1900s, when the fourth courthouse was dismantled and records tossed.

The vestry of Old St. Paul's church in Edenton, Chotaw County, met two weeks before the Continental Congress formally declared independence, and drew up their own Declaration of Independence.

'We, the Subscribers, professing our Allegiance to the King, and acknowledging the constitutional executive power of Government, do solemnly profess, testify and declare, that we do absolutely believe that neither the Parliament of Great Britain nor any member nor any Constituent Branch thereof, have a right to impose taxes upon these Colonies; or to regulate the internal policy thereof ...

'... and that all attempts by fraud or force to establish and exercise such claims and powers are violation of the peace and security of the people, and ought to be resisted to the utmost ...

'... and the people of this Province singly and collectively are bound by the acts and resolutions of the Continental and Provincial Congresses, because in both they are freely represented by persons chosen by themselves ...

'... and we do solemnly and sincerely promise and engage under the sanction of virtue, honor, and the Sacred love of liberty and our country to maintain and support every and all acts, resolutions and regulations of the said Continental and Provincial Congresses to the utmost of our power and ability.'

1776 June 19.

Berkley Parish, in Perquimans County, was created in 1715,

The Lords Proprietors were members of the Church of England, but they were too intent on taking wealth from the Carolinas to give any of it back to colonists as pay for ministers and missionaries.

The Society for the Propagation of the Gospel in Foreign Parts took the matter in hand.

In 1702, they built a church in Edenton, in Chowan County.

In 1709, Rev. Gordon wrote to the Society, 'In Perquimans there is a compact little church, built with care and express, and better than that in Chowan.

'It continues yet unfinished, by reason of the death of Major Swann, 1707, who fostered the building of this church.'

Vestrymen were named Forbes, Moore, Hecklefield, Hardy, Saunderson, Clayton, Jessups, Phelps and Whedbee; and most of them were notable colonists.

Many of their descendents live now in Perquimans County.

Wealthy planters of Albemarle felt responsible for the spiritual welfare of their slaves.

Masters and slaves together attended services held by early Anglican missionaries.

Masters willingly allowed their servants to share in the blessings of church sacraments.

In 1719, Rev. Taylor wrote from Perquimans that he had just 'baptized a young woman, slave of Mr. Duckinfield, to whom I have taught the whole of the church catechism.'

In 1715, Currituck Parish in Currituck County legally appointed a vestry.

Prominent vestrymen were named Saunderson, Reed, Jarvis, Swann, and Williams.

In colonial days, when the water bound county was inaccessible from the rest of the state, the parish took care of education.

The most noted school was Indian Town Academy built by William Ferebee on his plantation in 1761.

The Ferebee family provided six members of the Legislature, three Revolutionary officers, and one Confederate Colonel in the War of Secession.

Indians called the Academy, 'Culong'.

Many Culong students became some of North Carolina's most famous and useful men.

The Indian Town Academy did its good work for 100 years.

In 1863, during the 'Negro Raid', it met the same fate as many cherished southern institutions.

It was burned down and reduced to ashes by an incendiary's torch.

In 1721, William Dukenfield of Salmon Creek gave 52 acres for a church in Bertie Precinct (County).

Anglican ministers didn't want to leave England to suffer the pioneer lifestyle and low salaries.

In 1722, Southwest Parish was created, and the name changed to Society Parish in honor of the Society for the Propagation of the Gospel.

Governor Johnston wrote the Bishop of London, 'we are a most heathenish part of America and have no sect amongst us but Quakers who daily increase.'

Soon after, John Boyd arrived to be the first Anglican minister in Society Parish.

Rev. Boyd was reputed to be a drunk and died in the early 1740s.

The Anglican Church died as an established church during the American Revolution.

Rev. John Holmes served for a brief time; and then the parish relied on ministers from other parishes until 1767.

The Episcopal Church grew from its roots.

In 1767 Rev. Thomas Floyd arrived.

In 1770, Rev. Francis Johnston arrived to replace him.

**An Act for appointing
Parishes and Vestries for the
Encouragement of an Orthodox
Clergy for the Advancement of
the Protestant Religion
and for the Direction of the
Settlement of Parish Accounts**

**I. Whereas the present as well as
the future Happiness of Mankind
essentially depends on the
Knowledge and Practice of true
Religion and a permanent and
certain Provision for Orthodox
Clergy may encourage pious and
learned Ministers of the Gospel
to settle in the several Parishes
in this Province to advance the
Protestant Religion and
Encourage Vertue and Morality.**

II. Be it Enacted that this Government is divided into distinct Parishes.

III. Freeholders of each Parish are to meet at the Court in each County after this Act is ratified, to elect 12 Freeholders to serve as Vestrymen for Three Years; and the Sheriff shall summon them to meet at the church or Court to qualify themselves according to the Act.

IV. Every Sheriff shall give Notice in Writing to the Minister and every Clerk and Reader within the Parish of the Time and Place appointed for such Election; and the Minister is to publish such Notice immediately after Divine Service on every Sunday before the Day so appointed for election of vestrymen.

Penalty established for failure to comply.

V. The County Sheriff shall supervise the election as described by the Act.

VI, VII, IX. To prevent Disputes about who can vote, a Freeholder is a person 21 years or older who confirms by oath that he has an Estate Real for his own Life or the Life of some other Person or an Estate of greater Dignity in Fifty Acres of Land in the Parish. Penalty established.

VIII. Every Person qualified to Vote must vote at the first and all subsequent elections, unless a bodily or legal disability prevents him.

Penalty established.

X. Elected Vestrymen's Oath and Declaration, if not a dissenter.

Penalty established.

XI. Vestrymen will meet and elect two Churchwardens to keep Journals and Financial Records, to serve one year in each Parish. Penalty established for wardens.

XII. More penalties established for Vestrymen.

XIII. Election of replacement wardens as necessary.

XIV. Vestrymen have full power to levy a poll tax to pay for Glebes and other expenses of the Parish.

XV. Vestrymen may appoint a Poll Tax Collector who has power to seize Goods and Chattels from any parishioner who refuses to pay the tax, the property to be sold to satisfy the tax.

XVI. In parishes that don't already have a glebe, vestrymen shall buy 200 acres of good land, for the use of the Minister and his Successors in all Times hereafter.

XVII. Vestrymen will contract for a Mansion house, Kitchen, Barn, Stable, Dairy, and Meeting house and other Conveniences they think fit for the minister, if not already provided.

XVIII. Parish Ministers will maintain the Mansion house and Out houses and Conveniences so they're fit for the Reception. Penalty established.

XIX. Ministers to be paid Eighty Pounds Proclamation Money for their Holy Functions so they can work exclusively as Ministers. Vestrymen to levy, assess, collect and pay the money.

XX. Vestrymen will present new ministers to the parish.

The Governor or Commander in Chief will present the minister if vestrymen don't.

XXI. A minister will lose his pay on Conviction by the Supreme Court of Justice for notorious Immorality in Disgrace of his Function and to the Scandal of Religion.

XXII. The Minister will officiate as the majority of vestrymen direct.

Penalty established.

XXIII. The wardens and/or Vestrymen will entrust church money to Justices of the Peace, upon oath.

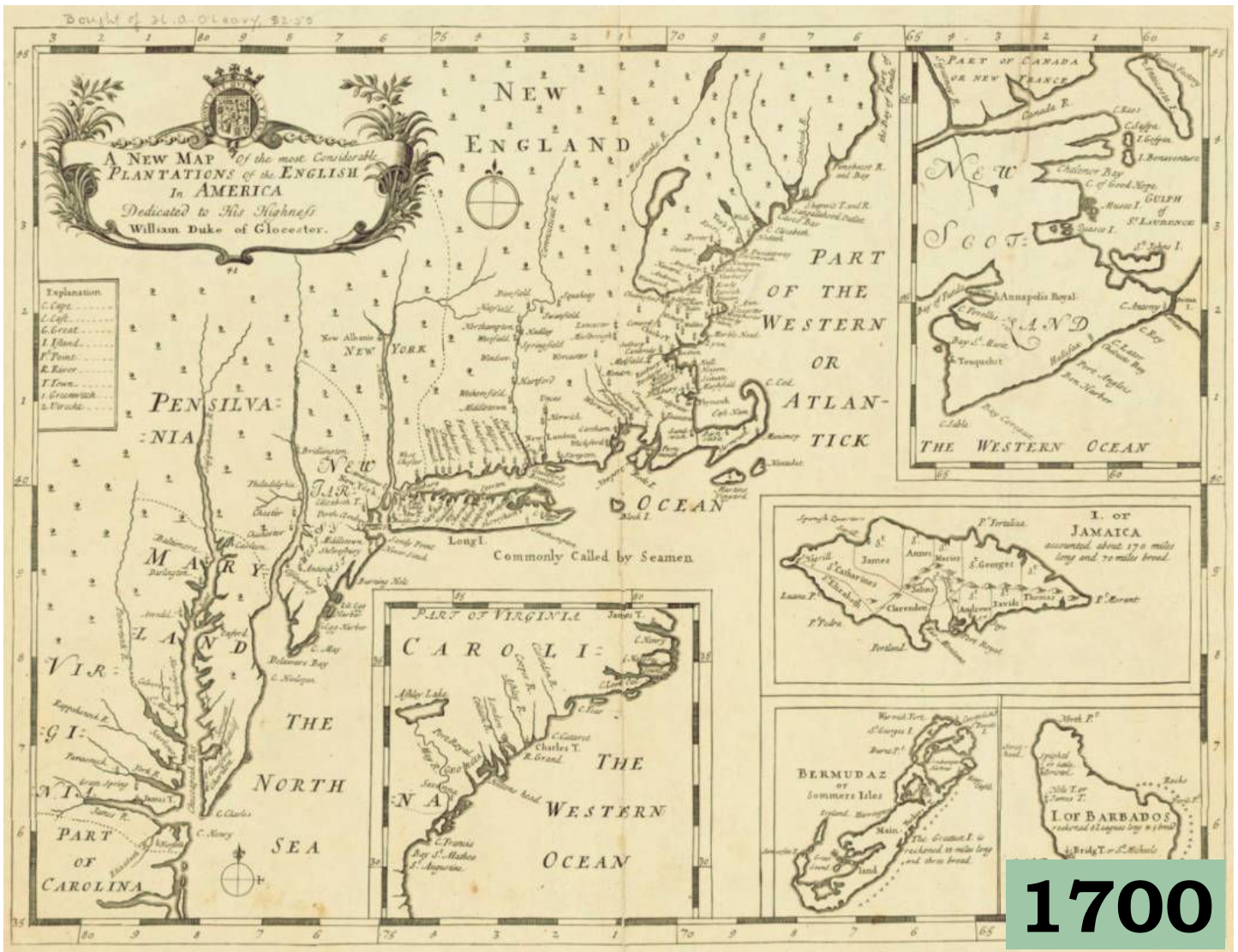
Penalty established.

XXIV. Two Justices of the Peace will issue Warrants of Distress to collect a penalty established by this Act.

XXV. Repeal of every previous Act, Clause and Article relating to the same matters as this Act.

XXVI. The acts of vestrymen done legally before this Act are declared as good and valid as if this Act had never been made.

NORTH CAROLINA		NORTH CAROLINA	
MAPS		TOWNS, CITIES, TOWNSHIPS	
1700	1795		1779
1709	1804		1794
1711	1814		1797
1714	1845		1810
1737	1856		1820
1775	1880		1832
			1844
			1856
			1868
			1871



1700

Nicholls, Sutton (circa 1700). A new map of the most considerable plantations of the English in America: dedicated to his highness William Duke of Gloucester. in A New Sett of maps both antient and present geography. Oxford: Edward Wells, The Theater, publisher.

Covers the Atlantic coast from Maine to Cape Hatteras. Includes 5 insets of various scale: New Scotland -- I. of Jamaica -- I. of Barbados -- Bermudaz or Sommers Isles -- Carolina. Insets continue map coverage north to the Gulf of St. Lawrence and south to St. Augustine.

North Carolina Collection. University of North Carolina Library.

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Lawson, John (1674-1711) (surveyor). Map of North Carolina. London: published 1709.

To His Excellency William Lord Palatine; The most Noble Henry Duke of Beaufort; The Right Honorable. John, Lord Carteret; The Honorable Maurice Ashley, Esq., Sr. John Colleton Baronet; John Danson, Esq; And the rest of the True and Absolute Lords Proprietors of Carolina in America This Map is Humbly Dedicated by Ion. Lawson Surveyor General of North Carolina

Caption At lower right: "John Senex Sculpit."

View of North and South Carolina from the coast to the Piedmont. Relief shown pictorially, depths shown by soundings. The area along the coast shows many details, including iron mines, lakes, rivers, and landowners, while farther inland there are only occasional remarks about the quality of the land, such as "Hilly Land," "Rich Land," and "Stony Land." An "Indian Town" is shown at Hatteras. Many details of earlier maps are omitted. Map has a title cartouche with the great seal of Carolina above it, in the lower right corner.

Reference William P. Cumming, *The Southeast in Early Maps*, Third Edition. Chapel Hill: University of North Carolina Press, 1998. Map 150.
 Related Item Published in John Lawson, "A New Voyage to Carolina" 1709.

North Carolina Collection. University of North Carolina Library.
http://dc.lib.unc.edu/cdm4/item_viewer.php?CISOROOT=/ncmaps&CISOPTR=2641&CISOBX=1&REC=6



1709

Lawson, John (1674-1711) (surveyor). Map of North Carolina. London: published 1709.

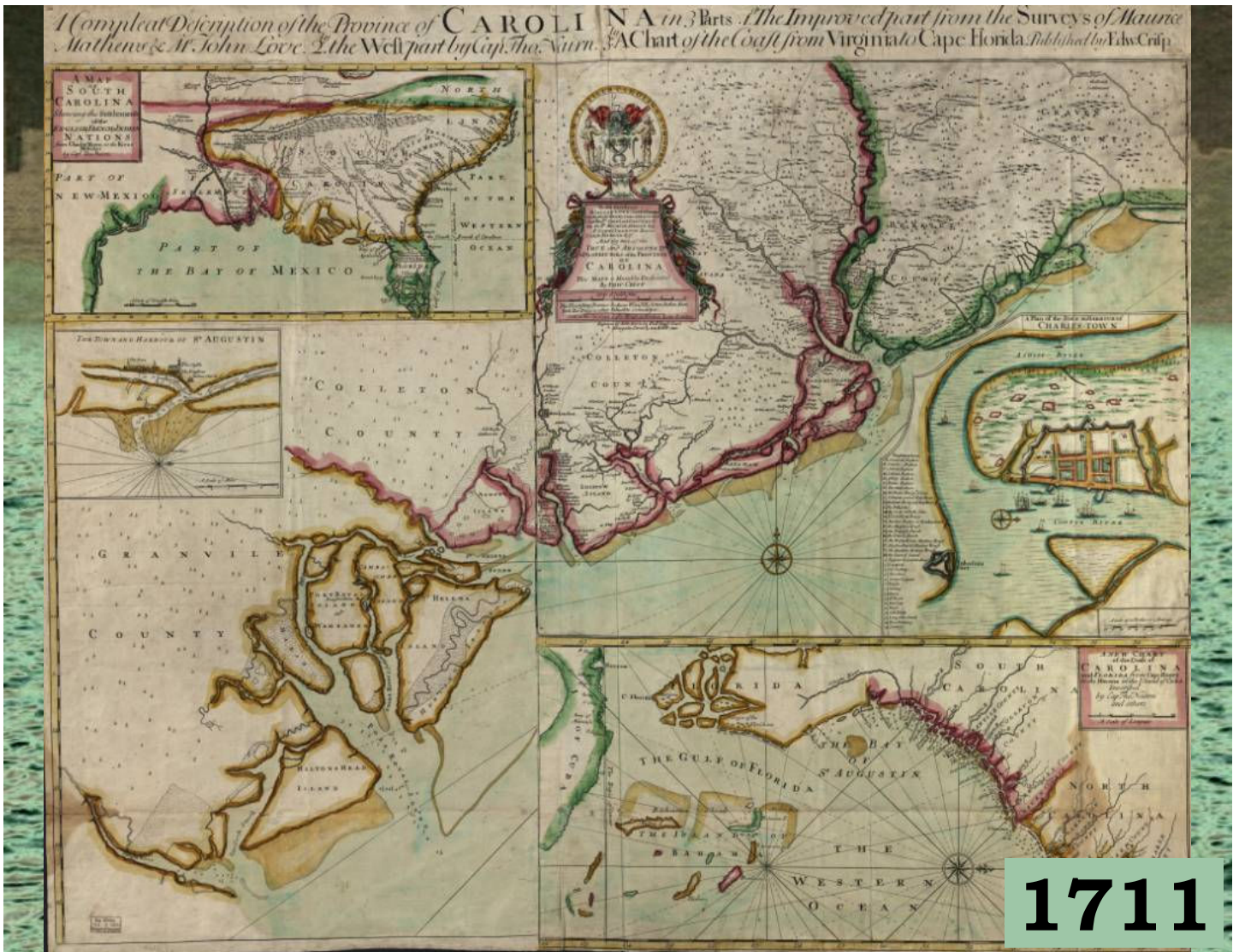
To His Excellency William Lord Palatine; The most Noble Henry Duke of Beaufort; The Right Honoble. John, Lord Carteret; The Honoble Maurice Ashley, Esq., Sr. John Colleton Baronet; John Danson, Esq; And the rest of the True and Absolute Lords Proprietors of Carolina in America This Map is Humbly Dedicated by Ion. Lawson Surveyor General of North Carolina

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http://dc.lib.unc.edu/cdm4/item_viewer.php?CISOROOT=/ncmaps&CISOPTR=2641&CISOBX=1&REC=6



Mathews, Maurice; Love, John, Nairne, Thomas (died 1715) (authors and surveyors). Harris, John (1680-1740) (engraver). A compleat description of the province of Carolina in 3 parts. London: Edward Crisp, publisher (circa 1711).

Coast of South Carolina, from Charles Town to Hiltons Head Island.

A map of South Carolina shewing the settlements of the English, French, & Indian nations from Charles Town to the River Missisipi by Cap. Tho. Nairn. A new chart of the coast of Carolina and Florida from Cape Henry to the Havana in the Island of Cuba described by Cap Tho. Nairn and others.

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Digital ID g3870 ct001123 <http://hdl.loc.gov/loc.gmd/g3870.ct001123>



Johann Baptist Homann. Virginia Marylandia et Carolina. Nuremberg (Germany) (1714).

Detail of Johann Baptist Homann's hand-colored engraved map, Virginia Marylandia et Carolina... The map was first published in numerous atlases beginning in 1714, and depicts Homann's interpretation of the American colonies as they existed in the early part of the 18th century.

This detail shows Carolina, part of Virginia to the north, and part of Florida to the west. Only three counties in Carolina are labeled—Albemarle, Clarendon, and Craven—although a few additional counties existed at the time. A town on the Cape Fear River is marked with a red dot; it is simply labeled "Carolina." The Appalachian mountains and a fictional, yet large, Appalachian lake appear to the west in Florida.

Original image housed by Tryon Palace Historic Sites & Gardens, New Bern, N.C.; Dept. of Cultural Resources, Division of Archives & History

<http://www.learnnc.org/lp/multimedia/6071>



Bernard, Jean Frédéric (died 1752). Le cours du fleuve Mississipi selon les relations les plus modernes. Amsterdam: Chez J. F. Bernard (1737).

Shows territory from Hudson Bay to the Gulf of Mexico, and from headwaters of the Rio Grande to the mouth of the St. Lawrence.

Number 15, Rochambeau collection. Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

Call #G3300 1737 .B4 Vault : Roch 15

Digital ID g3300 ct001248 <http://hdl.loc.gov/loc.gmd/g3300.ct001248>

ct001248[1].jpg



Mitchell, John (1711-1768). *Amerique Septentrionale* 1755. in *Atlas General*. Paris: Georges Louis Le Rouge, publisher (1756).

The title appears in both French and German. Relief shown pictorially. The map portrays the British and French possessions in North America. In addition to political subdivisions, the map shows roads, gives the locations of Indian tribes, and contains extensive notes on the settlement and nature of the country. Shows county names but not boundaries. A map appears as an inset in the upper left corner of the map: "Nouvelle Carte de la Baye D'Hudson et de Labrador selon les dernieres Cartes Levees sur les lieux." Includes text and decorative cartouche. Prime meridian: London.

This map was compiled by John Mitchell with the aid of the maps and geographical reports of the British Board of Trade made available to him through his friendship with George Dunk, Earl of Halifax, president of the board.

Reference:

William Cumming, *The Southeast in Early Maps*, Third Edition. Chapel Hill: University of North Carolina Press, 1998. Map 293

Walter Ristow, Ed. *John Mitchell's Map of the British and French Dominions in North America*. *A la Carte: Selected Papers on Map and Atlases*. Washington: Library of Congress, 1972.

8 of 8 sections at University of Alabama Library

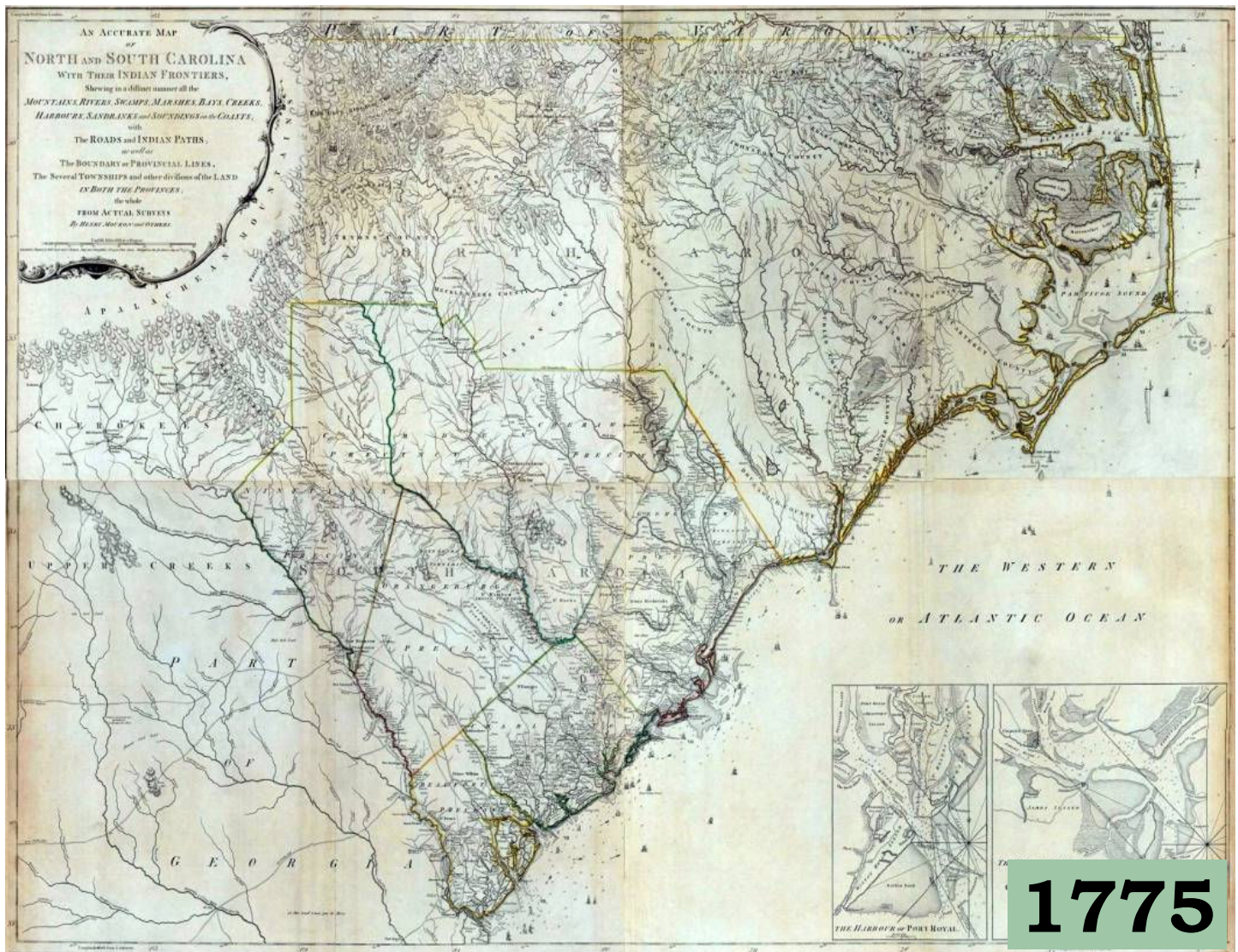
<http://bama.ua.edu/~almaps/historicalmaps/unitedstates/1751-1775.html>

6 of 8 sections at University of North Carolina Library

<http://dc.lib.unc.edu/cdm4/document.php?CISOROOT=/ncmaps&CISOPTR=1230&REC=2>

Full map at David Rumsey Collection

<http://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~1005~50014:Amerique-Septentrionale-avec-les-Ro#>



Mouzon, Henry (1775). An accurate map of North and South Carolina, with their Indian frontier, shewing in a distinct manner all the mountains, rivers, swamps, marshes, bays, creeks, harbours, sandbanks and soundings on the coasts; with the roads and Indian paths; as well as the boundary or provincial lines, the several townships, and other divisions of the land in both the provinces; the whole from actual surveys by Henry Mouzon and others. London, Printed for Robt. Sayer and J. Bennett (1776).

Shows precinct boundaries.

Insets: The harbour of Port Royal [ca. 1:200,000]--The bar and harbour of Charlestown [ca. 1:75,000]

Reference: LC Maps of North America, 1750-1789, 1394

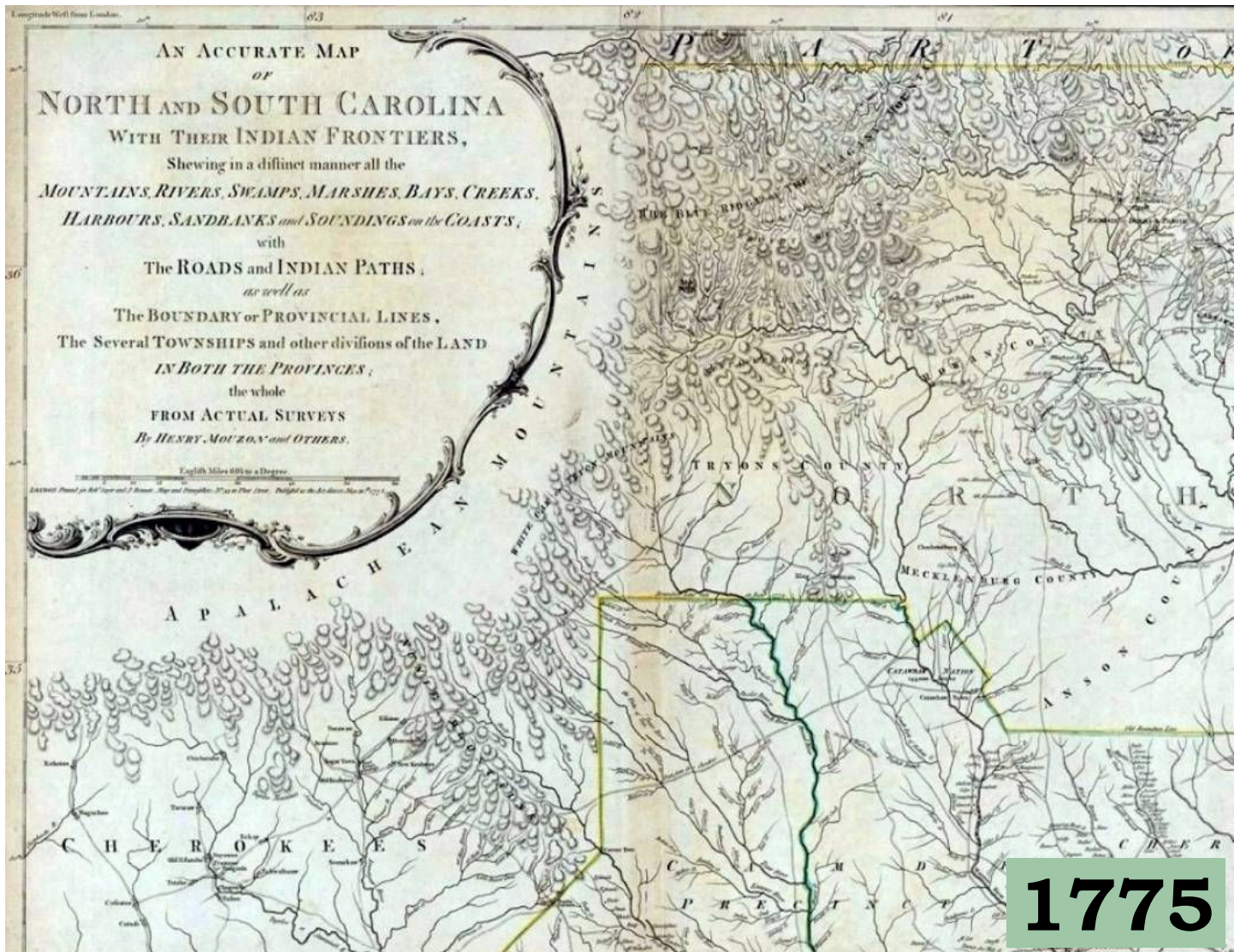
Number 36, Rochambeau collection. Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA.

Call #G3900 1775 .M6 Vault : Roch 36

Digital ID g3900 ar139404 <http://hdl.loc.gov/loc.gmd/g3900.ar139404>

Also:

<http://www.n2genealogy.com/atlasmaps/1776-NC-SC.html>



Mouzon, Henry. An accurate map of North and South Carolina, with their Indian frontier, shewing in a distinct manner all the mountains, rivers, swamps, marshes, bays, creeks, harbours, sandbanks and soundings on the coasts; with the roads and Indian paths; as well as the boundary or provincial lines, the several townships, and other divisions of the land in both the provinces; the whole from actual surveys by Henry Mouzon and others. London, Printed for Robt. Sayer and J: Bennett (1775).

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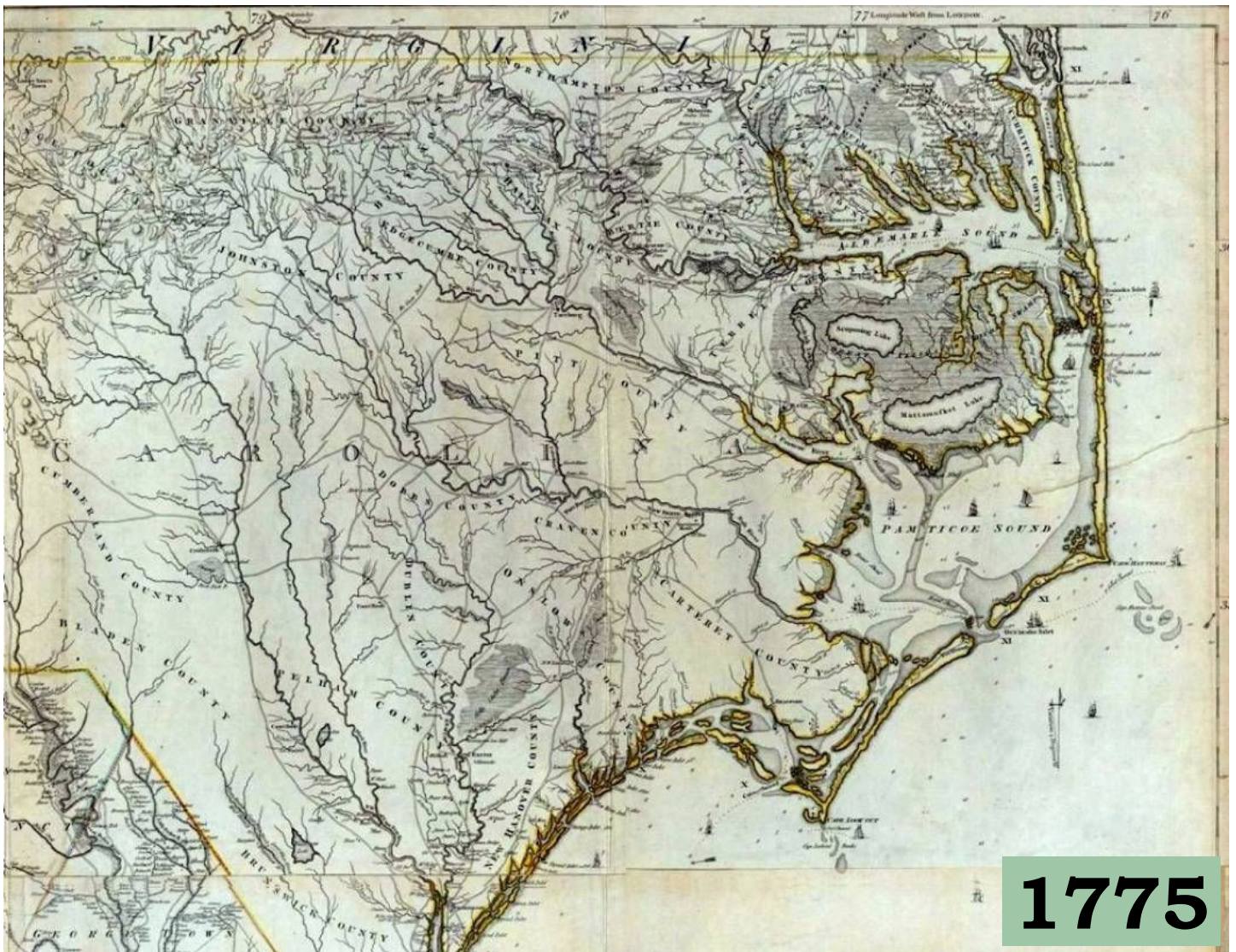
Number 36, Rochambeau collection. Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA.

Call #G3900 1775 .M6 Vault : Roch 36

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Reference: LC Maps of North America, 1750-1789, 1394

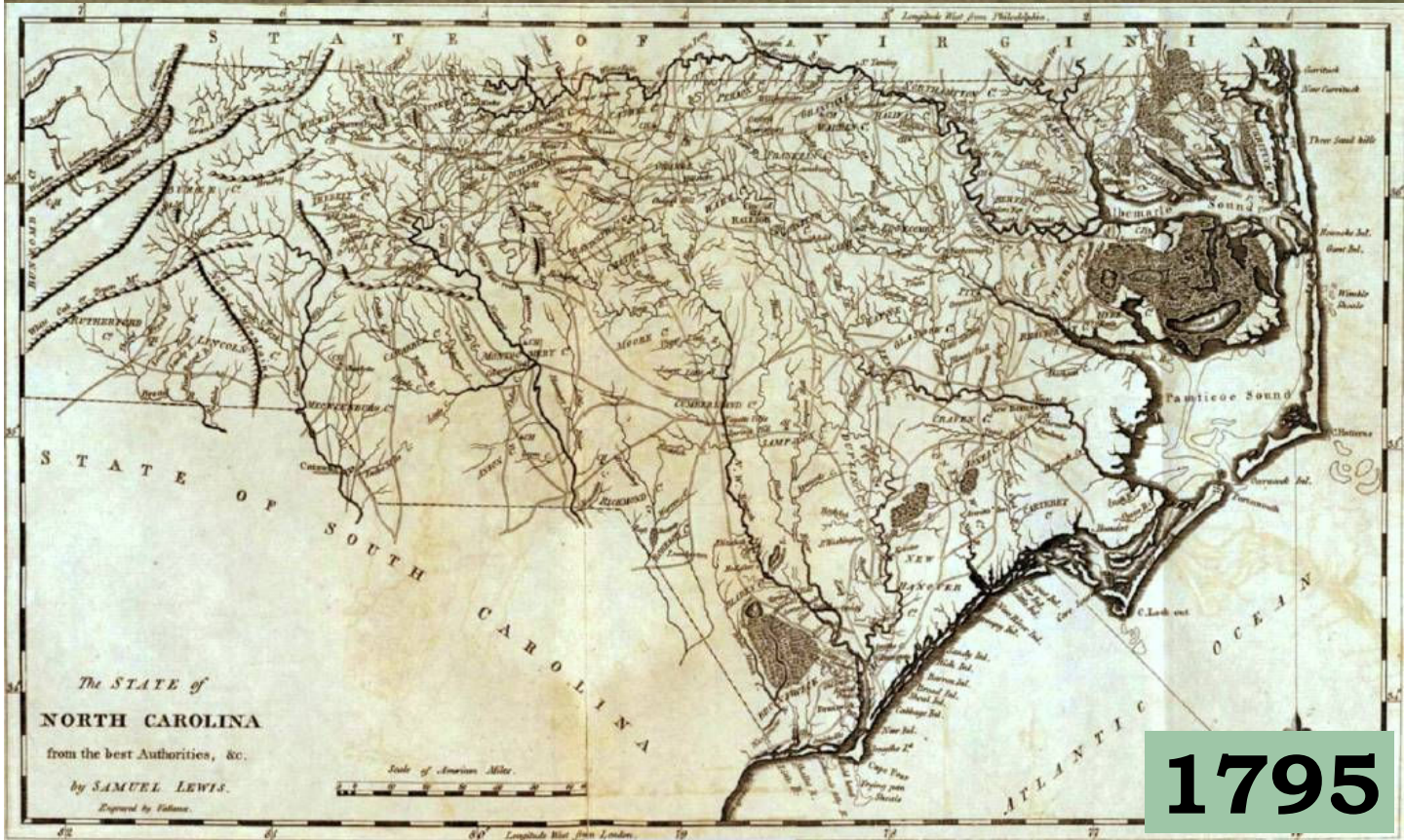
Number 36, Rochambeau collection. Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA.

Call #G3900 1775 .M6 Vault : Roch 36

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<http://www.n2genealogy.com/atlasmaps/1776-NC-SC.html>

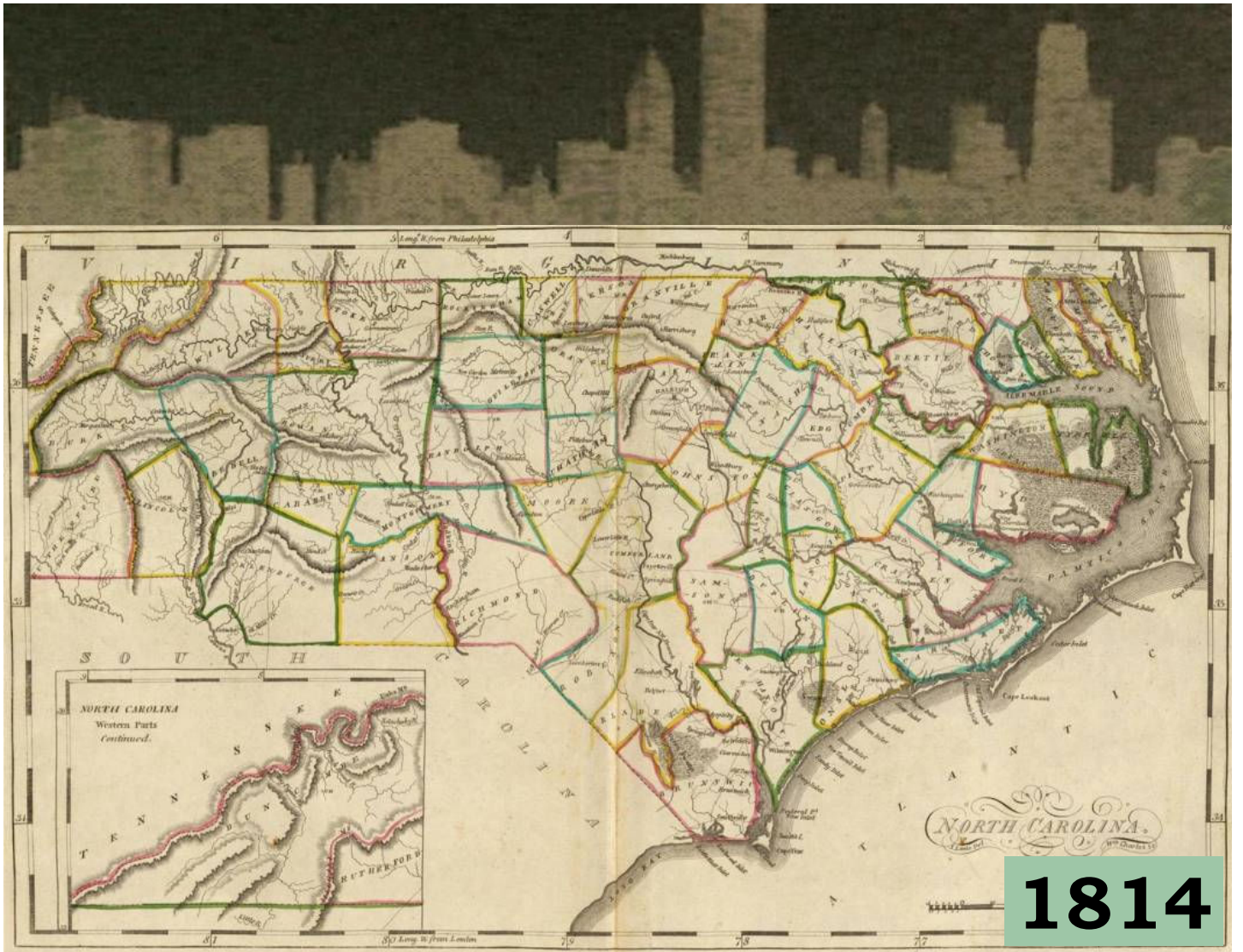


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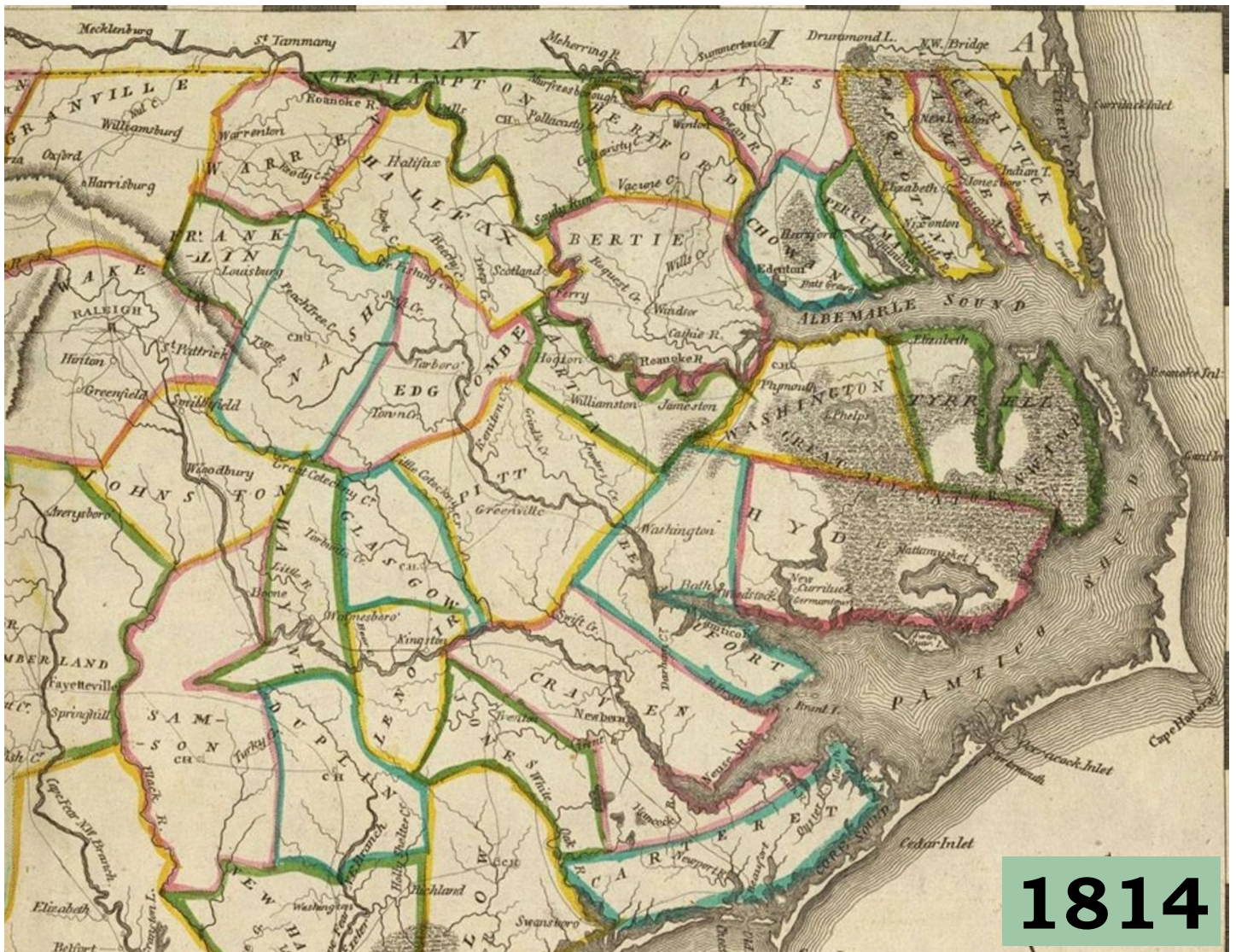


1804

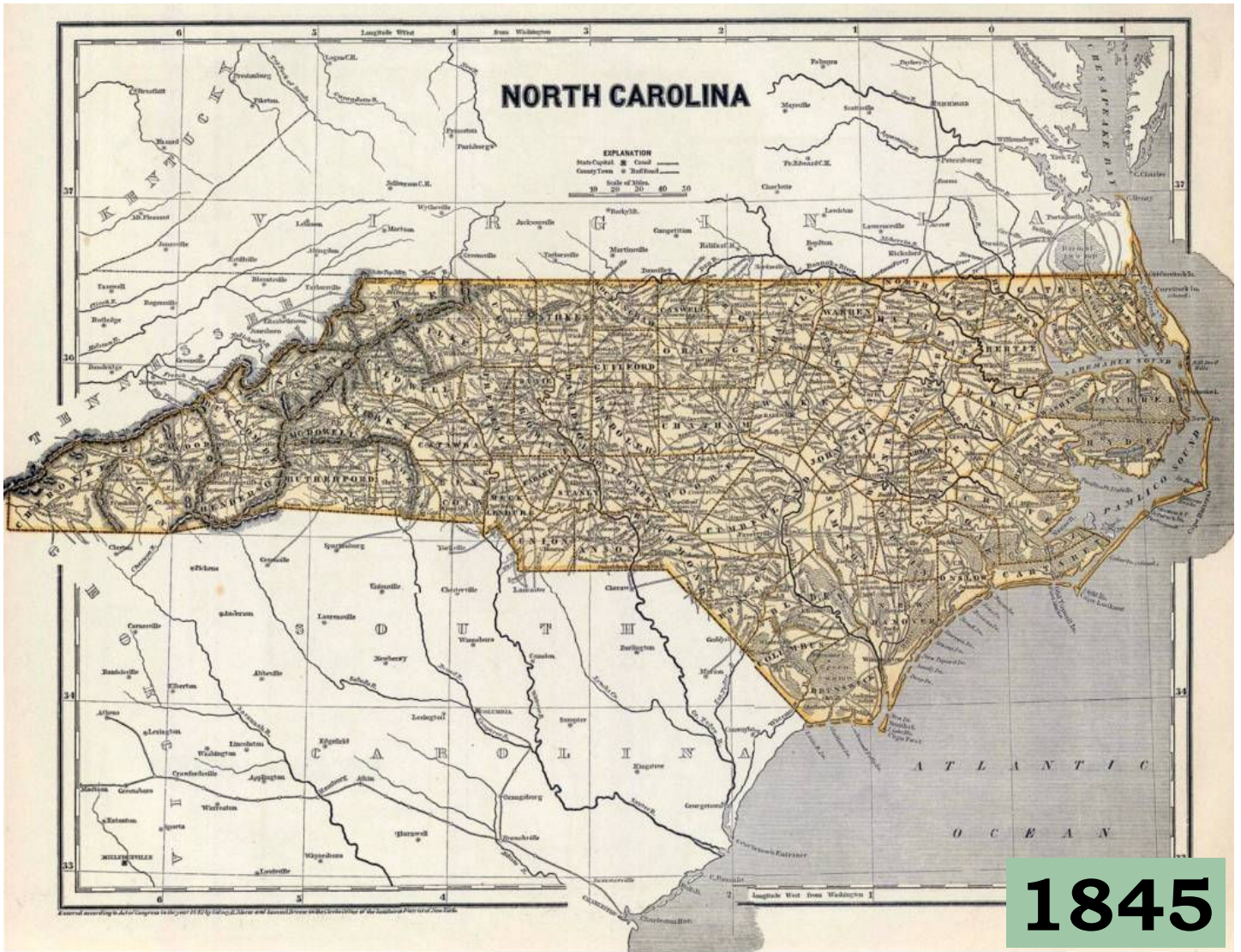
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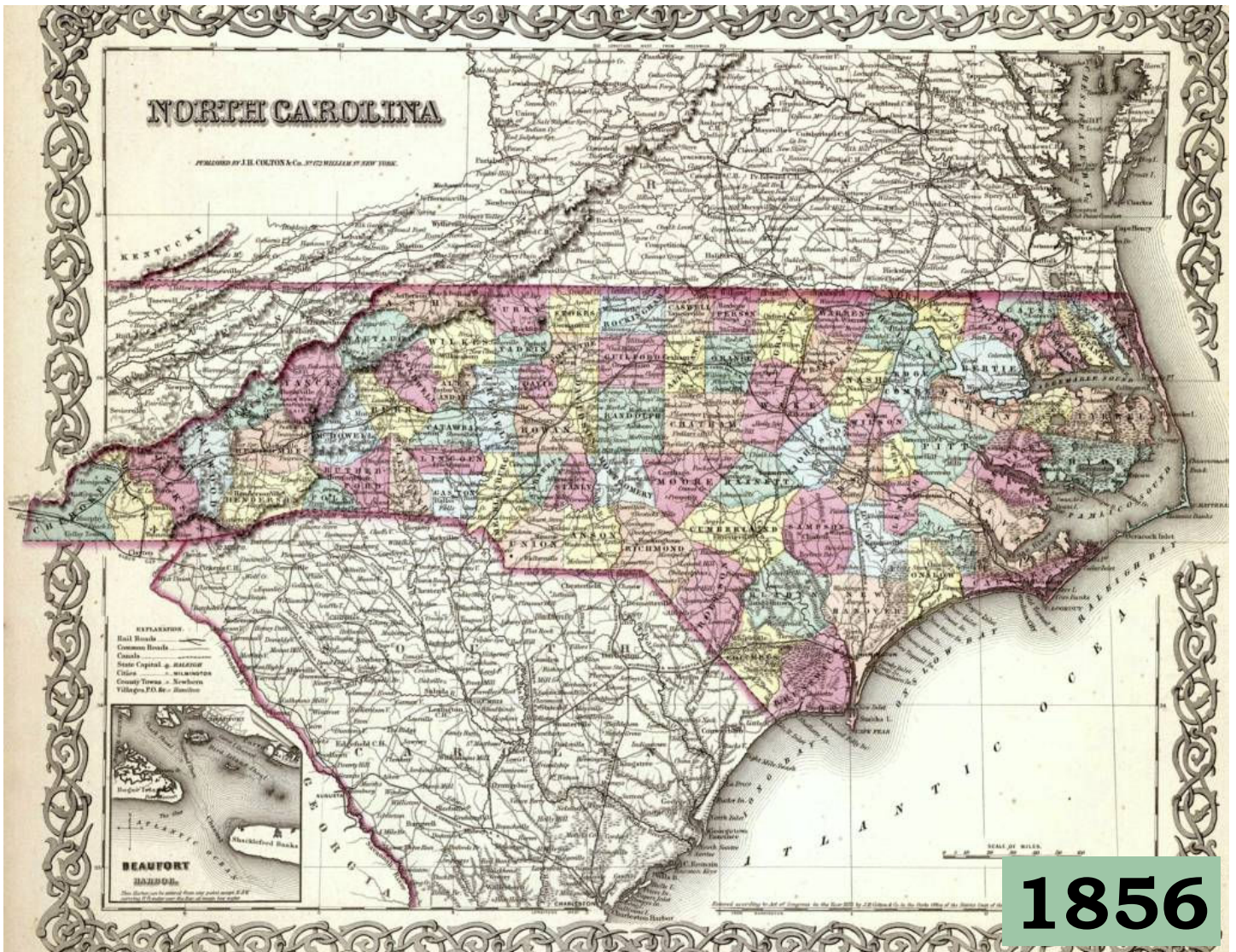
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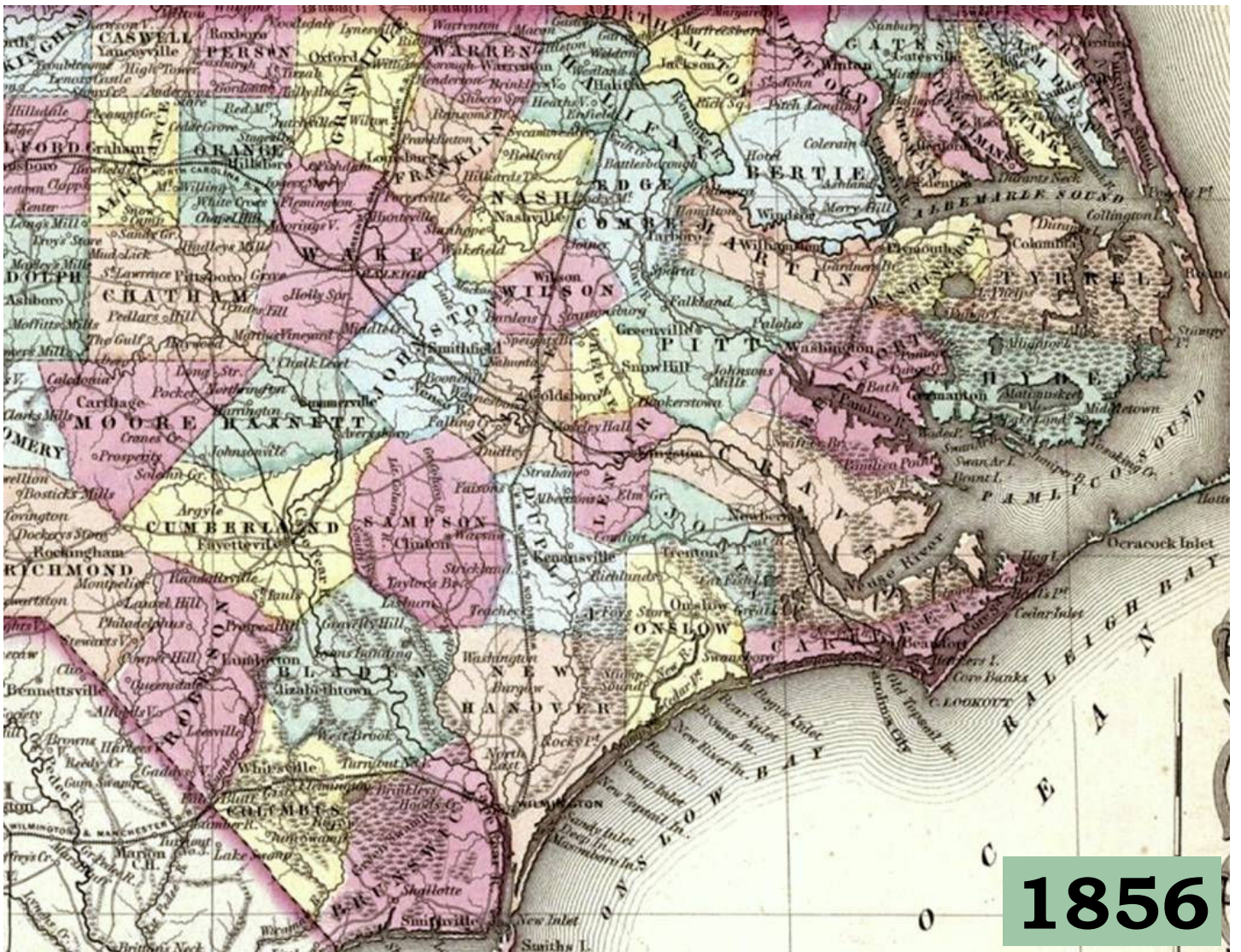
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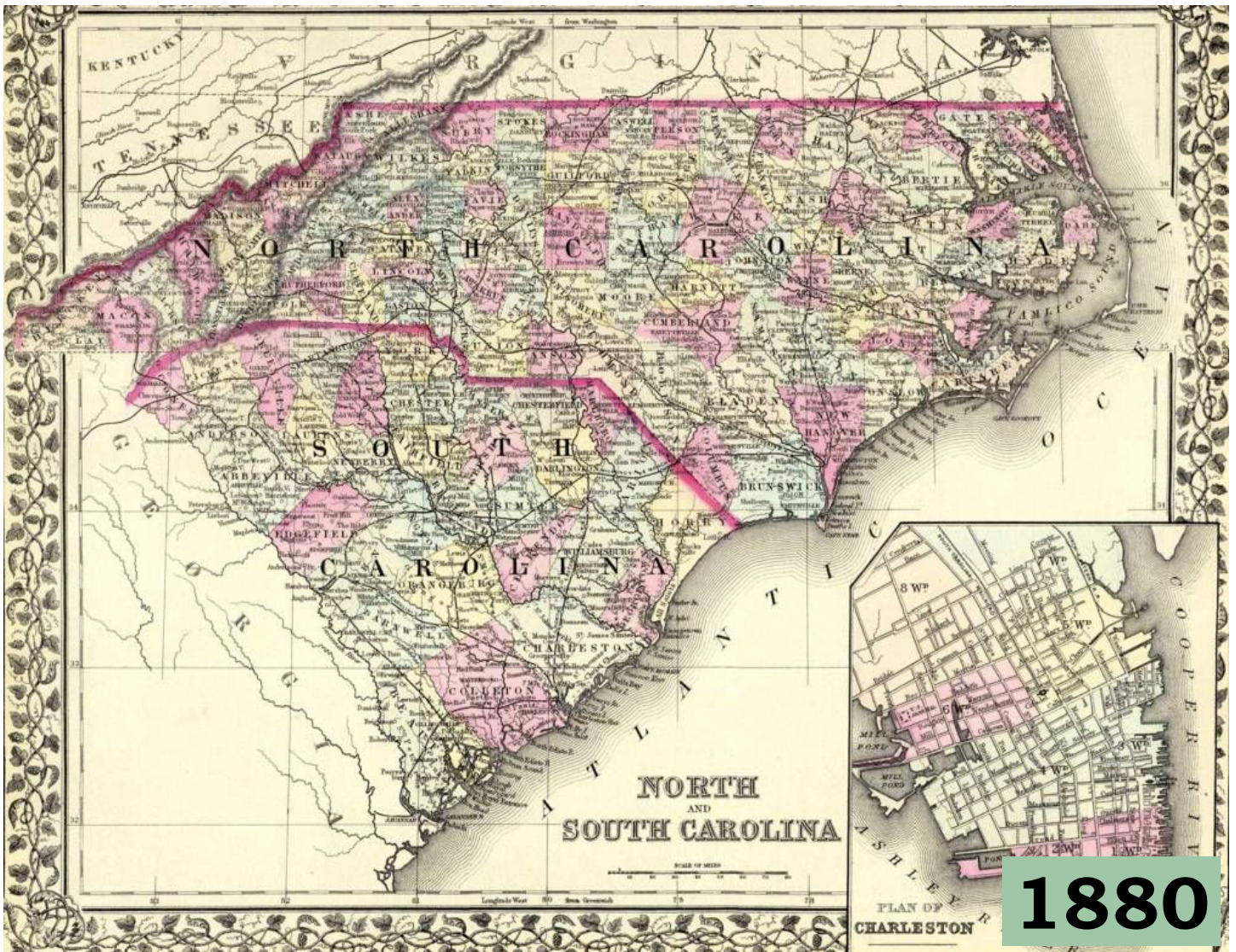
<http://www.n2genealogy.com/atlasmaps/1845-NC.html>



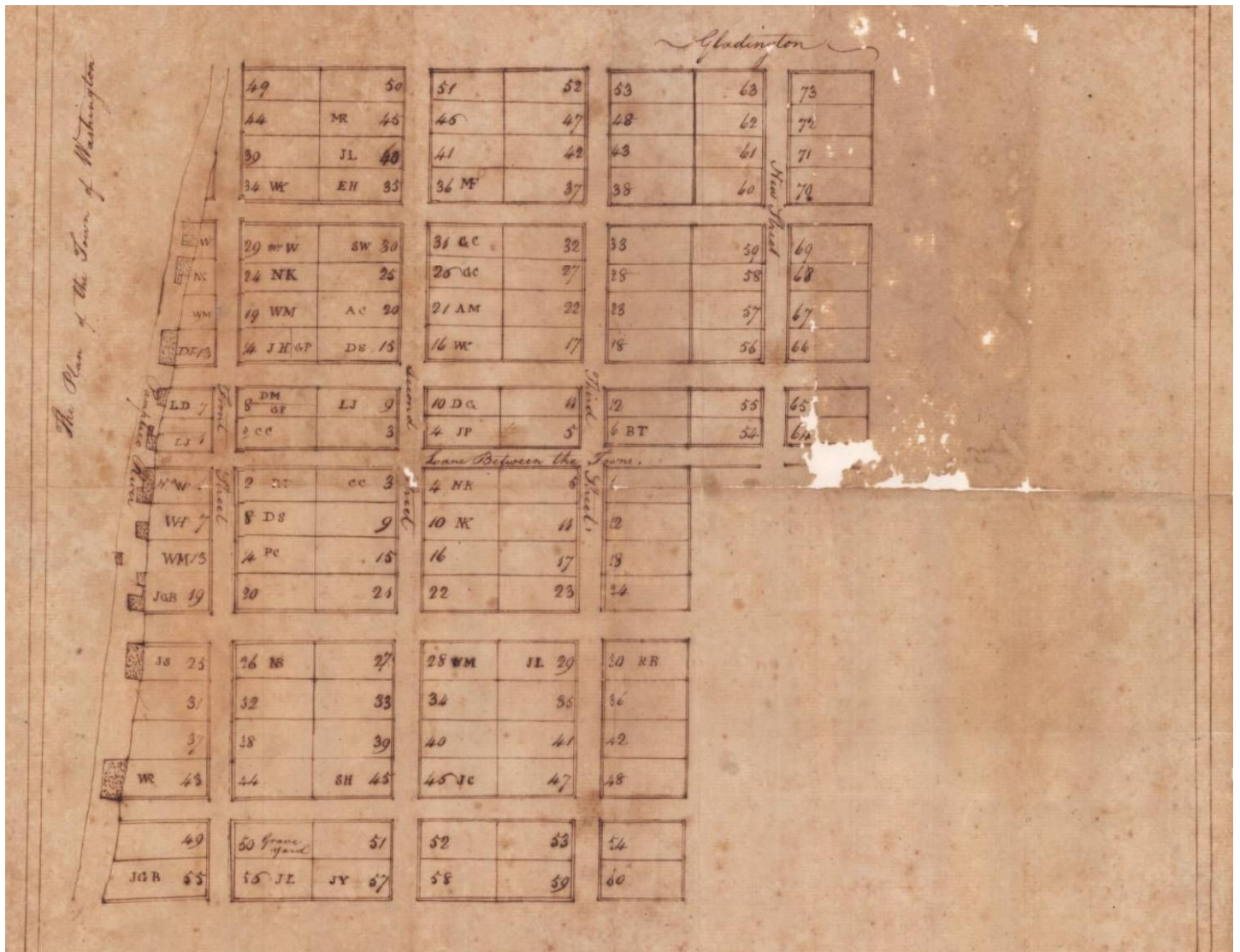
<http://www.n2genealogy.com/atlasmaps/1856-NC.html>



<http://www.n2genealogy.com/atlasmaps/1856-NC.html>



<http://www.n2genealogy.com/atlasmaps/1880-NC-SC.html>



Price, Jonathan (died 1822). The plan of the town of Washington (1794).

Map believed to be drawn by Jonathan Price, d. 1822. Map shows cemetery, town lots by number, and the initials of some of the landowners.

North Carolina State Archives
 University of North Carolina Library

http://dc.lib.unc.edu/cdm4/item_viewer.php?CISOROOT=/ncmaps&CISOPTR=1068&CISOBX=1&REC=11

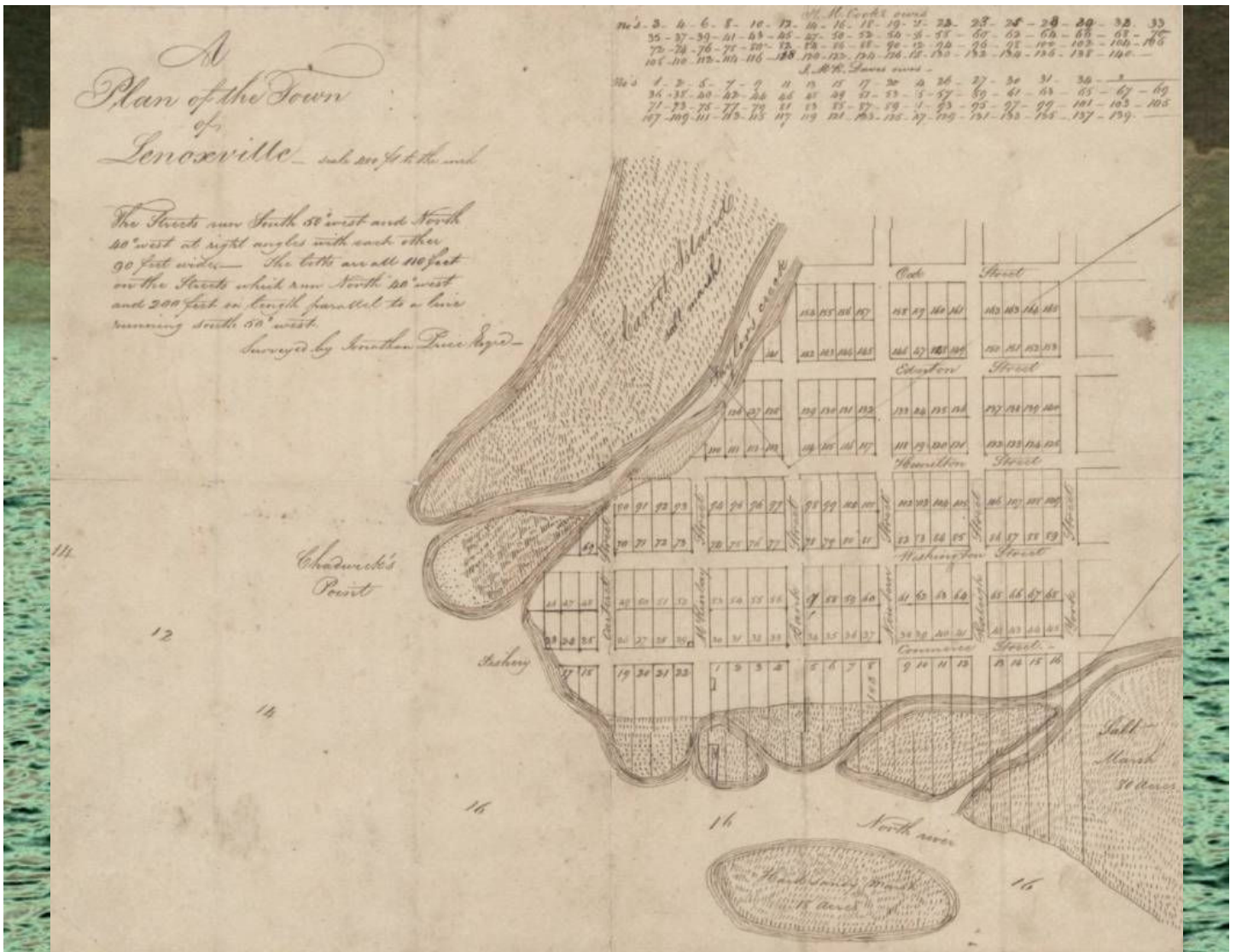


Gentry, Susie. Plan of the City of Raleigh with all the improvements & all the Numbers (1797 July 11).

Southern Historical Collection.

Wilson Library, University of North Carolina at Chapel Hill.

http://dc.lib.unc.edu/cdm4/item_viewer.php?CISOROOT=/ncmaps&CISOPTR=3442&CISOBX=1&REC=22



Price, Jonathan (died 1822). Plan of the town of Lenoxville (circa 1810).

A proposed town chartered in 1816, to be laid out on the lands of James McKinlay in southern Carteret County, east of Beaufort at present-day Lenox Point. William S. Powell's North Carolina gazetteer, page 279 (1968).

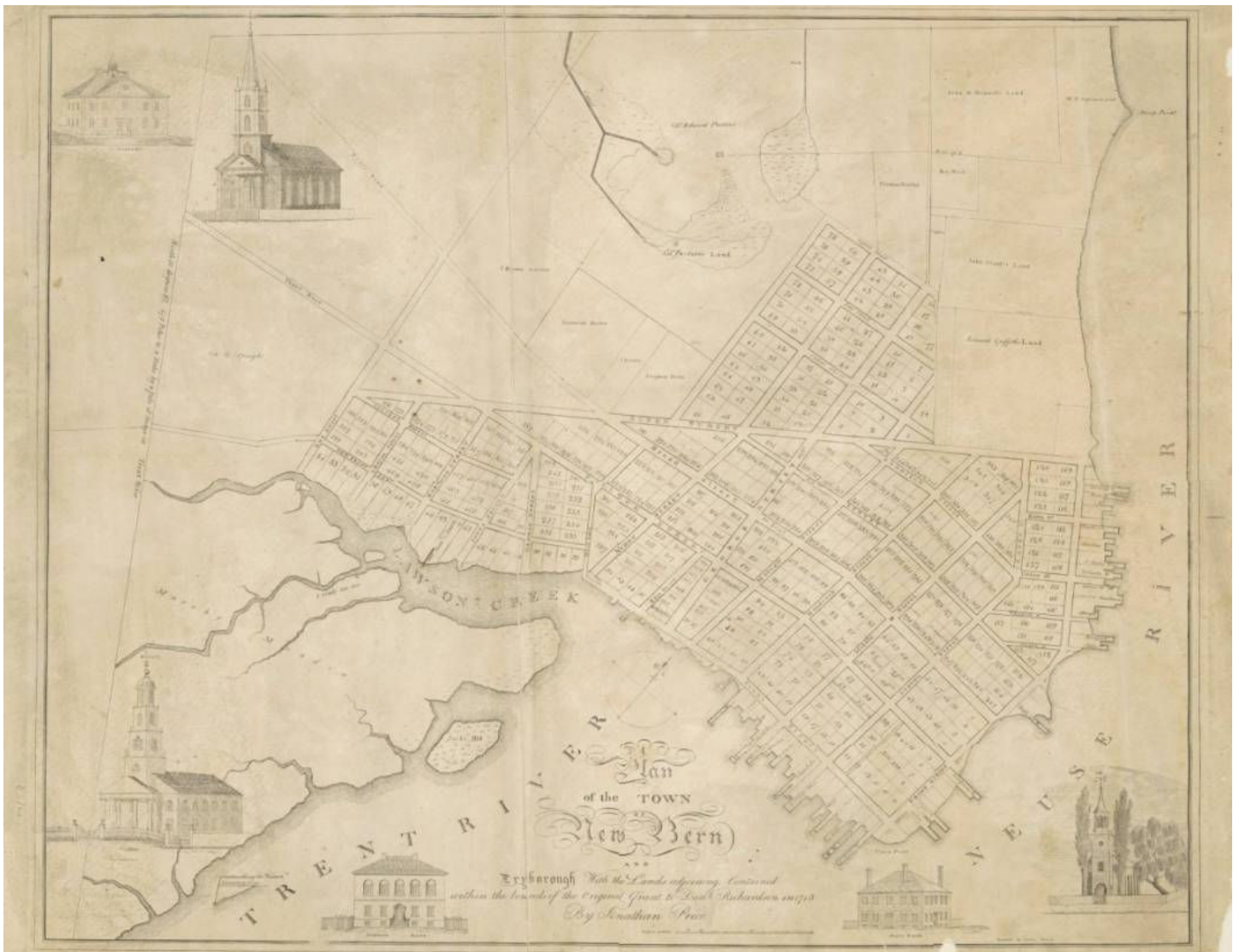
Shows street names, property ownership (owners identified as M.M. Cooke or J. McK. Daves), and natural features.

The streets run South 50 degrees west and North 40 degrees west at right angles with each other 90 feet wide--The lots are all 110 feet on the streets which run North 40 degrees west and 200 feet in length parallel to a line running South 50 degrees west."

North Carolina Collection

University of North Carolina Library

http://dc.lib.unc.edu/cdm4/item_viewer.php?CISOROOT=/ncmaps&CISOPTR=1005&CISOBX=1&REC=21



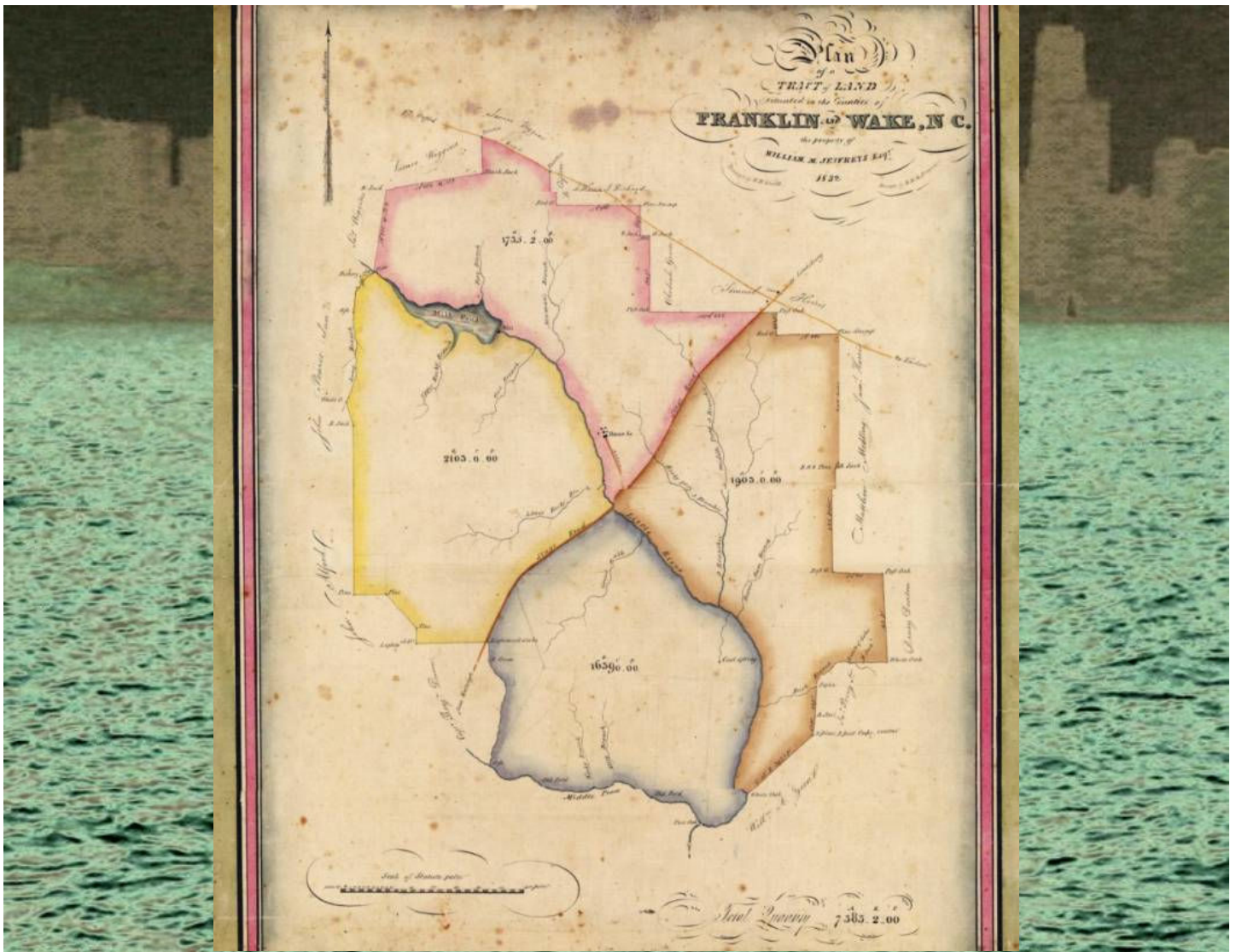
Price, Jonathan (died 1822). A plan of the town of New Bern and Dryborough: with the lands adjoining contained within the bounds of the original grant to Dan'l Richardson in 1713. Published by Allen Fitch (circa 1820).

Includes street names, property boundaries and ownership, natural features, and town boundary line. With engraved views of the Newbern and State banks, old and new Christ Church, Presbyterian Church, and the New Bern Academy.

North Carolina Collection

University of North Carolina Library

http://dc.lib.unc.edu/cdm4/item_viewer.php?CISOROOT=/ncmaps&CISOPTR=876&CISOBX=1&REC=5



Tharp, H.H. (surveyor). Brazier, Robert H.B. (artist). Plan of a tract of land situated in the counties of Franklin and Wake, NC, the property of William M. Jeffreys, Esqr. Published (1832).

Map shows neighboring landowners, creeks, roads, and geographic features.

North Carolina State Archives
University of North Carolina Library

http://dc.lib.unc.edu/cdm4/item_viewer.php?CISOROOT=/ncmaps&CISOPTR=177&CISOBX=1&REC=23

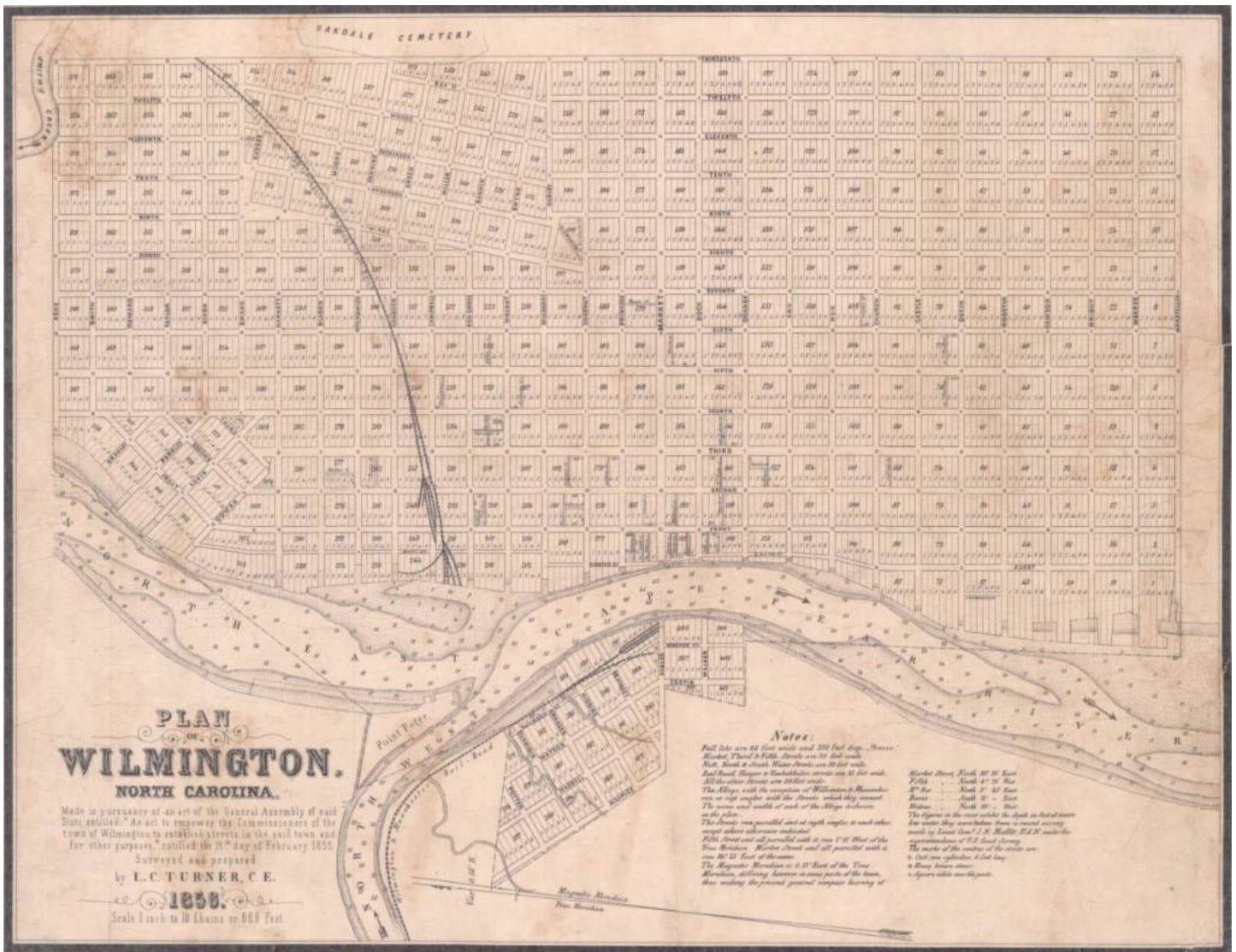


Hayman, Washington W. A Map of the Albemarle Swamp Land Company's Lands, That part of the Lands Claimed by the State lying near Lake Pungo and Pungo River (1844 May).

This map is the manuscript plat of survey by Washington W. Hayman of the land in the vicinity of Lake Pungo and the Pungo River in Beaufort and Washington counties belonging to the Albemarle Swamp Land Company. This land was also being claimed by the state of North Carolina. The original patents for the land in the tract are delineated and grantee names, dates, patent numbers, and number of acres granted are noted.

North Carolina State Archives
University of North Carolina Library

http://dc.lib.unc.edu/cdm4/item_viewer.php?CISOROOT=/ncmaps&CISOPTR=4386&CISOBX=1&REC=17



Turner, L.C. (surveyor). Plan of Wilmington, North Carolina. Philadelphia: P.S. Duval & Son's Lith. (1856).

Made in pursuance of an act of the General Assembly of said State, entitled: 'An act to empower the Commissioners of the town of Wilmington to establish streets in the said town and for other purposes,' ratified the 16th day of February, 1855.

Map shows town lots by number, railroad, roads, a few landowners, and cemetery. Depths in Cape Fear River indicated by stippling and soundings. Map has been trimmed and is missing imprint. Oriented with north to the left.

North Carolina State Archives
 University of North Carolina Library
http://dc.lib.unc.edu/cdm4/item_viewer.php?CISOROOT=/ncmaps&CISOPTR=1246&CISOBX=1&REC=2



Zink, P.E. Map of the townships of Davidson County (circa 1868).

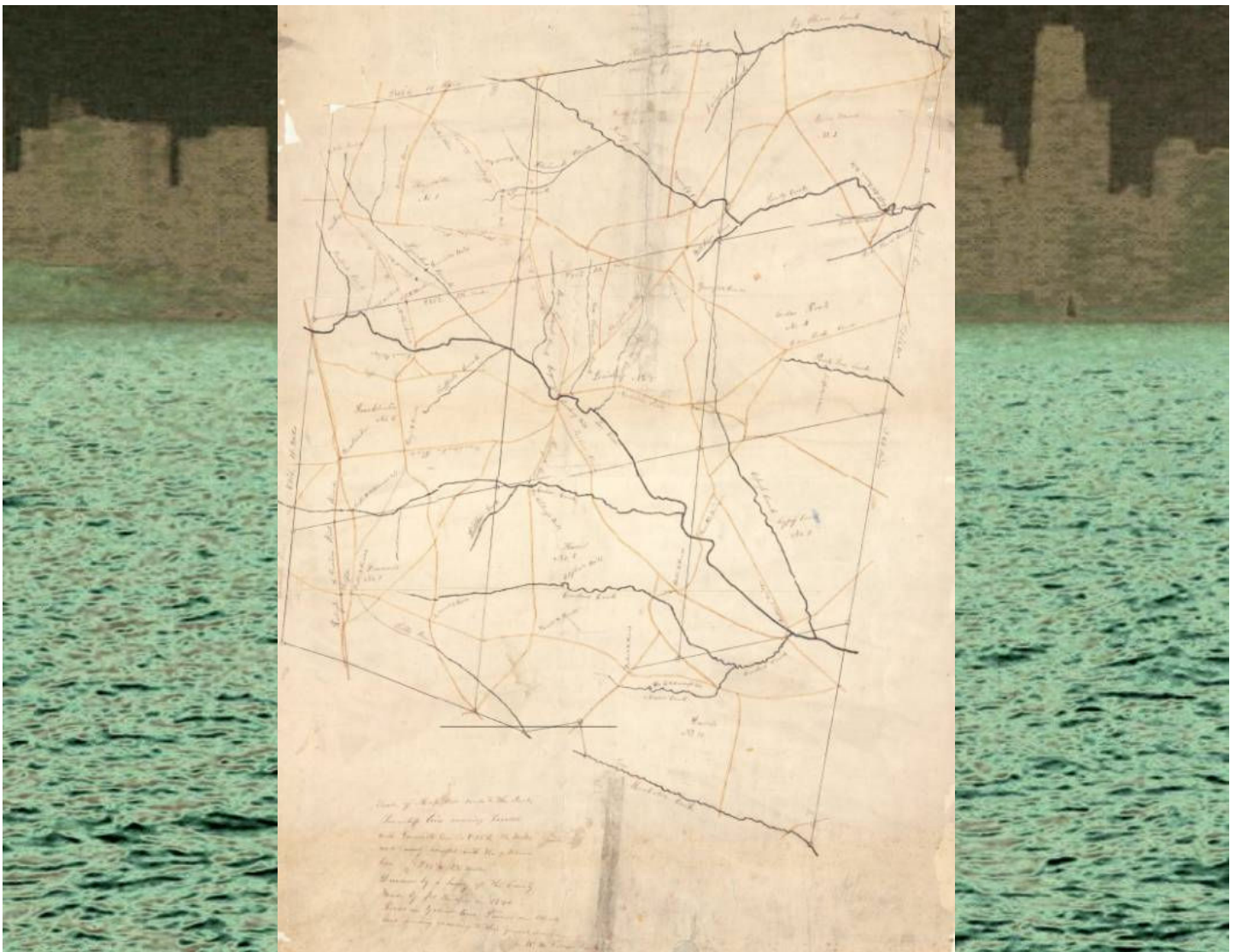
Map shows townships, ferries, landowners, mills, and churches.

The North Carolina Constitution of 1868 required counties to "divide . . . into convenient districts, to determine the boundaries and prescribe the names of the said districts, and report the same to the General Assembly before the first day of January, 1869" (Article VII, Section 3). The Public Laws of 1868 further specified that "a map and survey of said districts, when truly completed, [shall] be filed in the office of the Clerk of the Board of Commissioners of each County and the Secretary of State" (Chapter 20, p. 25).

After the map was made & received The Board of County Commissioners determined to make but one Township of the districts represented as Lexington & Days Township. There are therefore now [one] Township known [as] Lexington Township."

North Carolina State Archives

http://dc.lib.unc.edu/cdm4/item_viewer.php?CISOROOT=/ncmaps&CISOPTR=208&CISOBX=1&REC=28

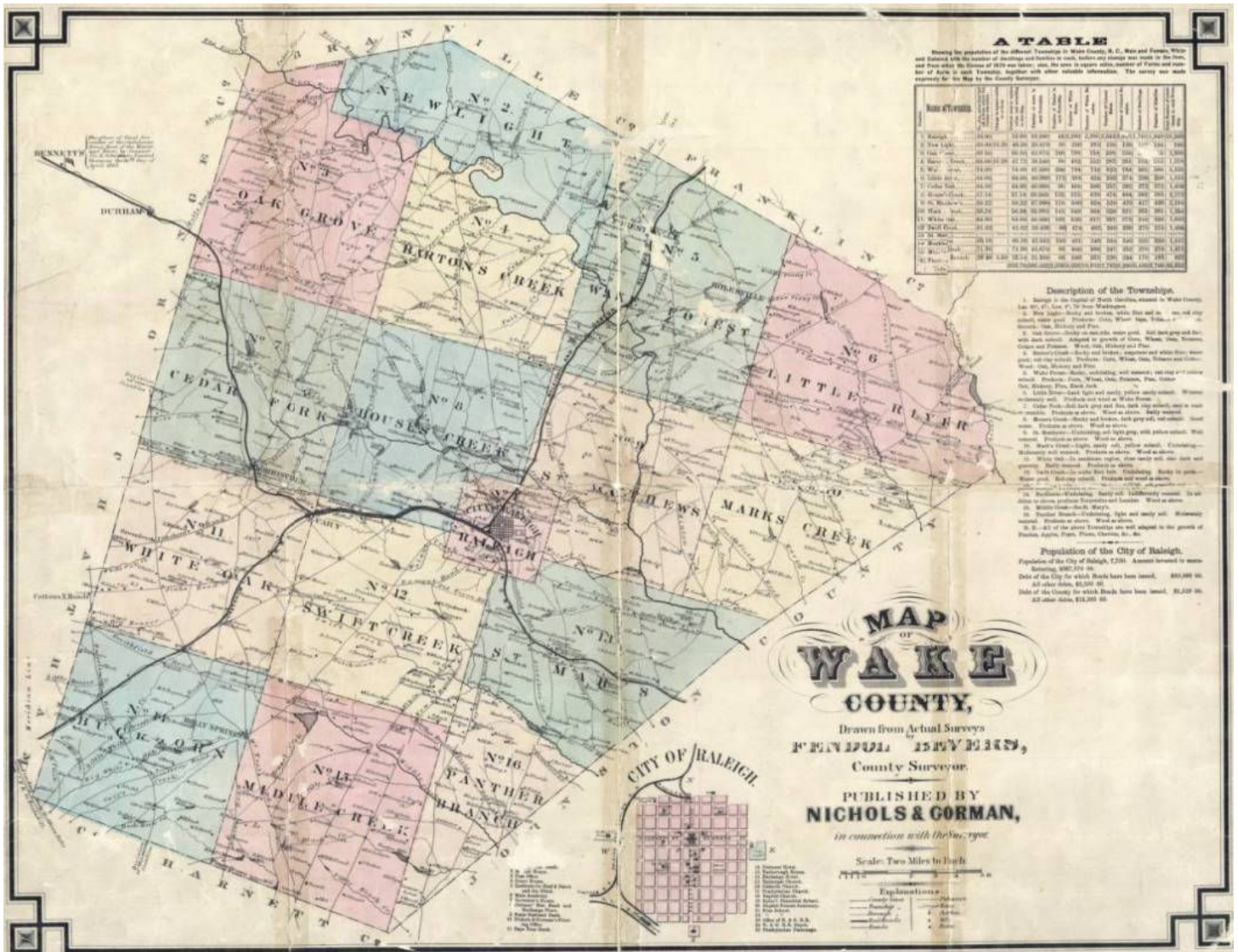


Bridgers, Josiah (surveyor, 1840). Fuller, William N. (surveyor, 1868). Township map of Franklin County, North Carolina (1868).

Map shows townships, landowners, mills, churches. Townships shown include Haysville, Sandy Creek, Gold Mines, Cedar Rock, Louisburg, Franklinton, Freeman's, Harris, Cypress Creek, and Dunn's.

The North Carolina Constitution of 1868 required counties to "divide . . . into convenient districts, to determine the boundaries and prescribe the names of the said districts, and report the same to the General Assembly before the first day of January, 1869" (Article VII, Section 3). The Public Laws of 1868 further specified that "a map and survey of said districts, when truly completed, [shall] be filed in the office of the Clerk of the Board of Commissioners of each County and the Secretary of State" (Chapter 20, p. 25).

North Carolina State Archives
University of North Carolina Library
http://dc.lib.unc.edu/cdm4/item_viewer.php?CISOROOT=/ncmaps&CISOPTR=216&CISOBX=1&REC=3



Beyers, Fendol (surveyor). Map of Wake County. Nichols & Gorman, publishers (1871).

Map shows townships, landowners, churches, retail stores, schools, mills. Townships shown include Raleigh, New Light, Oak Grove, Barton's Creek, Wake Forest, Little River, Cedar Fork, House's Creek, St. Matthew's, Mark's Creek, White Oak, Swift Creek, St. Mary's, Buckhorn, Middle Creek, and Panther Branch. The Raleigh & Gaston Railroad and the North Carolina Rail Road are shown.

Inset table in upper right corner shows "the population of the different Townships in Wake County, N. C., Male and Female, White and Colored, with the number of dwellings and families in each, before any change was made in the lines, and from which the Census of 1870 was taken; also, the area in square miles, number of Farms and number of Acres in each Township, together with other valuable information.

A "Description of the Townships" describes the soil conditions and principal products of each township.

A note at right points to "Bennett's," described as "The place of final Surrender of the Confederate Army, East of the Mississippi River, by General Jos. E. Johnston to General Sherman the 26th day of April 1865."

Inset of City of Raleigh, Table of Population and other information by townships, description of townships reported in margins. Townships designated in color.

North Carolina State Archives
 University of North Carolina Library
http://dc.lib.unc.edu/cdm4/item_viewer.php?CISOROOT=/ncmaps&CISOPTR=241&CISOBX=1&REC=21

A TABLE

Showing the population of the different Townships in Wake County, N. C., Male and Female, White and Colored, with the number of dwellings and families in each, before any change was made in the lines, and from which the Census of 1870 was taken; also, the area in square miles, number of Farms and number of Acres in each Township, together with other valuable information. The survey was made expressly for this Map by the County Surveyor.

Number.	Name of Township.	No. of sq. miles first laid off, & from which the Census was taken.	Change in square miles to or from.	Present area in square miles, and according to the Map.	Number of acres in each Township.	Number of Farms in each Township.	Number of White Males.	Number of White Females.	Number of Colored Males.	Number of Colored Females.	Number of Dwellings.	Number of Families.	Total Number of inhabitants in each Township.
1	Raleigh	16.00		16.00	10,240	45	2,286	2,385	2,544	3,045	1,765	1,949	10,260
2	New Light	30.00	16.28	46.28	29,619	80	250	273	136	139	144	144	798
3	Oak Grove	68.56		68.56	43,878	240	798	754	398	350		35	2,300
4	Barton's Creek	64.00	16.28	47.72	30,540	80	482	552	283	261	315	315	1,578
5	Wake Forest	74.00		74.00	47,360	200	794	734	823	784	561	566	3,135
6	Little River	64.00		64.00	40,960	172	364	424	253	274	250	250	1,315
7	Cedar Fork	64.00		64.00	40,960	96	400	506	257	292	272	272	1,455
8	House's Creek	57.14		57.14	36,569	133	575	639	474	484	383	385	2,172
9	St. Matthew's	59.22		59.22	37,900	110	580	624	520	470	417	420	2,194
10	Mark's Creek	56.24		56.24	35,993	143	349	364	320	321	261	261	1,354
11	White Oak	64.00		64.00	40,960	162	536	617	257	272	316	326	1,682
12	Swift Creek	61.62		61.62	39,436	66	474	482	260	239	275	275	1,455
13	St. Mary's	71.76	4.50	67.26	43,046	213	555	596	447	447	377	379	2,045
14	Buckhorn	66.16		66.16	42,342	150	481	346	344	346	325	320	1,517
15	Middle Creek	71.36		71.36	45,670	86	466	506	247	252	270	270	1,471
16	Panther Branch	28.34	4.50	33.14	21,209	66	246	231	220	224	179	183	921
	Total			916.70	5,863,822	2,036	9,636	10,033	7,783	8,200	6,495	6,700	35,652

Bever, Fendol (surveyor). Map of Wake County. Nichols & Gorman, publishers (1871).

Map shows townships, landowners, churches, retail stores, schools, mills. Townships shown include Raleigh, New Light, Oak Grove, Barton's Creek, Wake Forest, Little River, Cedar Fork, House's Creek, St. Matthew's, Mark's Creek, White Oak, Swift Creek, St. Mary's, Buckhorn, Middle Creek, and Panther Branch. The Raleigh & Gaston Railroad and the North Carolina Rail Road are shown.

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**DELAWARE
TOWNSHIPS
AND
COUNTIES**

Delaware History	In 1610, a storm blew Samuel Argall off course; and he sailed into a strange bay he named for Lord De La Warr, his governor.
Spain and Portugal explored Delaware first.	
In 1609, Henry Hudson explored Delaware under contract to Holland.	De La Warr probably never saw the bay, river and state named Delaware.
	In 1613 and 1614, Cornelius May and then Cornelius Hendricksen arrived at Delaware.

<http://portal.delaware.gov/facts/history/delhist.shtml>

In 1631, 11 years after English pilgrims settled Plymouth, whites made a settlement in Delaware.

The Dutch traders settled near the present town of Lewes on the west bank of Lewes Creek, now the Lewes and Rehoboth Canal.

Dutchmen formed a trading company, with Captain David Pietersen de Vries in charge, to get rich in the New World.

They named their settlement Zwaanendael (Valley of Swans).

Thirty people sailed from the Dutch town of Hoorn in the ship De Walvis (Whale) with Captain Peter Heyes.

In 1632, when Captain de Vries arrived at Zwaanendael, he found that Indians had killed the settlers and burned their buildings.

In 1638, Swedes made their first permanent colony in Delaware.

The settlers built a fort and named both the fort and the river for Queen Christina of Sweden.

The Swedes sailed in the ships Kalmar Nyckel (Key of Kalmar) and Vogel Grip (Griffen) under the leadership of Peter Minuit.

From 1643 to 1653, Colonel Johan Printz ruled the Swedish colony under Swedish law.

The settlement was on the river Christina, near the foot of Seventh Street in present-day Wilmington; and they named it The Rocks.

In 1651, the governor of the next New Netherlands colony built Fort Casmir on the site of present day New Castle.

In 1654, Johan Rising arrived at the Swedish colony to succeed Printz; and he seized Fort Casmir from the Dutch.

Swedish settlers lost the war, but they had a lasting influence on cultural, social and religious life in Delaware and on westward migration for many generations.

In 1655, Peter Stuyvesant led a Dutch fleet from New Amsterdam (New York) to Delaware.

In 1698, Swedes built one of the oldest Protestant churches in America, Holy Trinity (Old Swedes) Church in Wilmington.

Stuyvesant conquered Swedish forts and replaced New Sweden colonial government with New Netherlands colonial rule.

Sweden sent missionaries to it until after the Revolution.

Fort Casmir, formerly Christina, became the principal Dutch settlement of the Zuidt (South) River.

When Fort Casmir couldn't hold the growing population of settlers, the Dutch laid out the town New Amstel (now New Castle) .

In 1681, King Charles II of Great Britain granted Pennsylvania Province to William Penn.

His agents soon arrived on the river Delaware.

Penn's agents reported that Pennsylvania Province would be landlocked if Delaware River colonies were hostile.

Penn petitioned the British crown for land on the west side of Delaware river and bay.

In 1682, by leases and deeds, the Duke of York conveyed land in New Castle, St. Jones and Deale counties to Penn.

Also in 1682, Penn went to New Castle to take possession of the Lower Counties (New Castle, St. Jones and Deale) from the Duke's agents.

Dutch and Swedish colonists swore allegiance to Penn, the new colonial proprietor.

The colony then held its first general assembly.

In 1683, Pennsylvania Province annexed the three Lower Counties as its territory.

The Duke of York's grant to Penn set off a conflict between Lord Baltimore and Penn about the exact boundaries of Penn's territory on the lower Delaware.

St. Jones was renamed Kent county; and Deale was renamed Sussex county.

Both men died; and their heirs continued the dispute.

Delaware colonists obtained full privileges under Penn's famous 'Frame of Government'.

From 1763 to 1768, Charles Mason and Jeremiah Dixon, two noted English scientists, surveyed Delaware boundaries.

**In 1776, Delaware colonists
declared themselves independent
of Pennsylvania and Maryland, as
well as of England.**

<http://portal.delaware.gov/facts/history/delhist.shtml>

Delaware Counties	Delaware is subdivided into three counties: New Castle, Kent, and Sussex.
Delaware concentrates significant power in the state government.	
It has centralized most functions, like courts and law enforcement, that counties handle county by county in other states.	The counties were divided into hundreds, historically.

<http://en.wikipedia.org/wiki/Delaware>

Before the 1960s, the hundreds were used as voting districts and for tax reporting.

Delaware county legislatures deal mostly with development and zoning issues.

Since the 1960s, the hundreds serve no administrative role; and are used only for real estate title descriptions.

New Castle and Sussex call their legislature the County Council.

Kent calls its legislature the Levy Court.

DELAWARE

MAPS

1755

1839



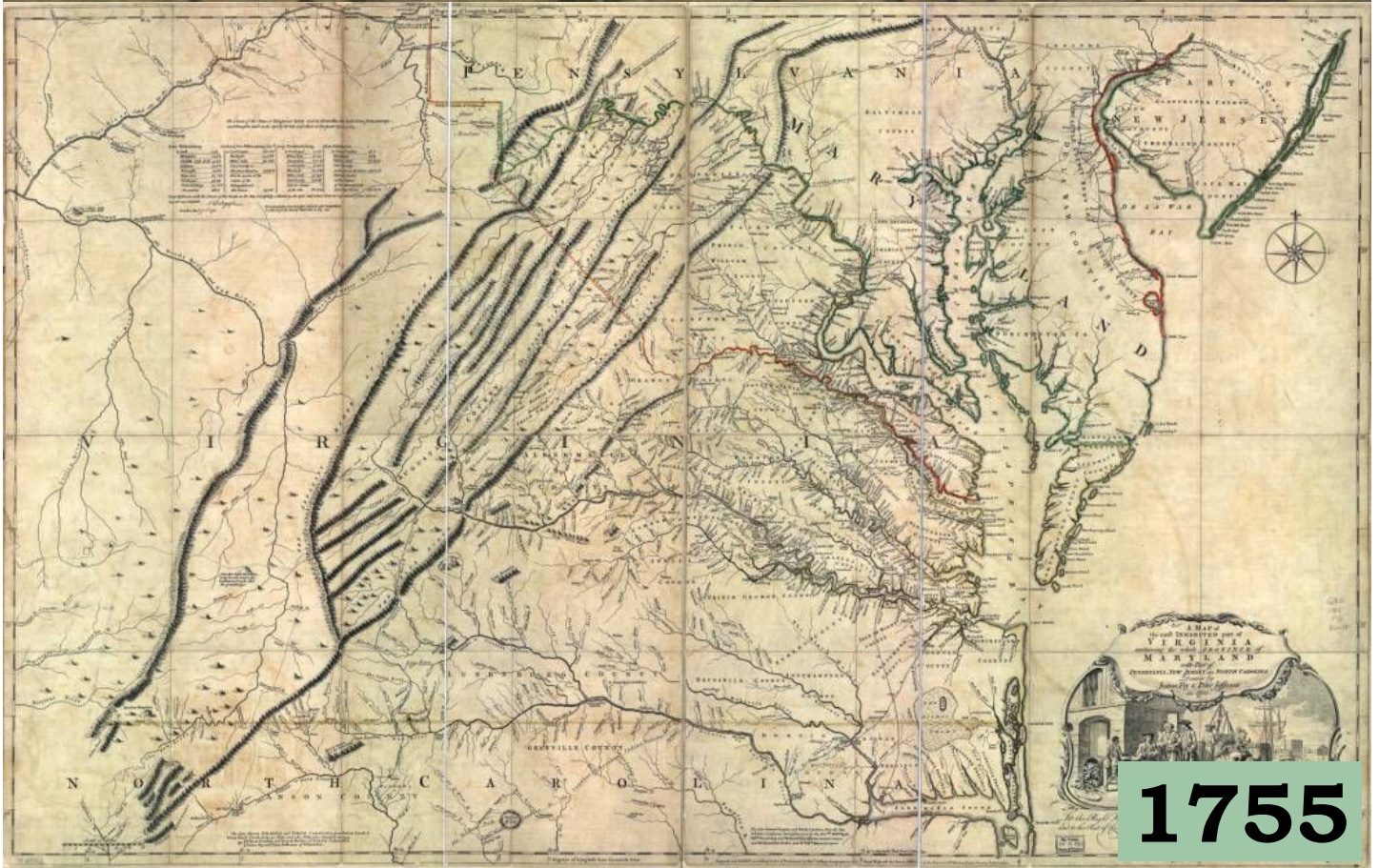
Fry, Joshua (ca.1700-1754) and Jefferson, Peter (artists) (1751). A map of the most inhabited part of Virginia containing the whole province of Maryland with part of Pensilvania, New Jersey and North Carolina. London: Thos. Jefferys (1755).

Includes distance chart added by "J. Dalrymple, London Jany. ye. 1st. 1755."

"To the Right Honourable, George Dunk Earl of Halifax ..."

Reference: LC Maps of North America, 1750-1789, 1428

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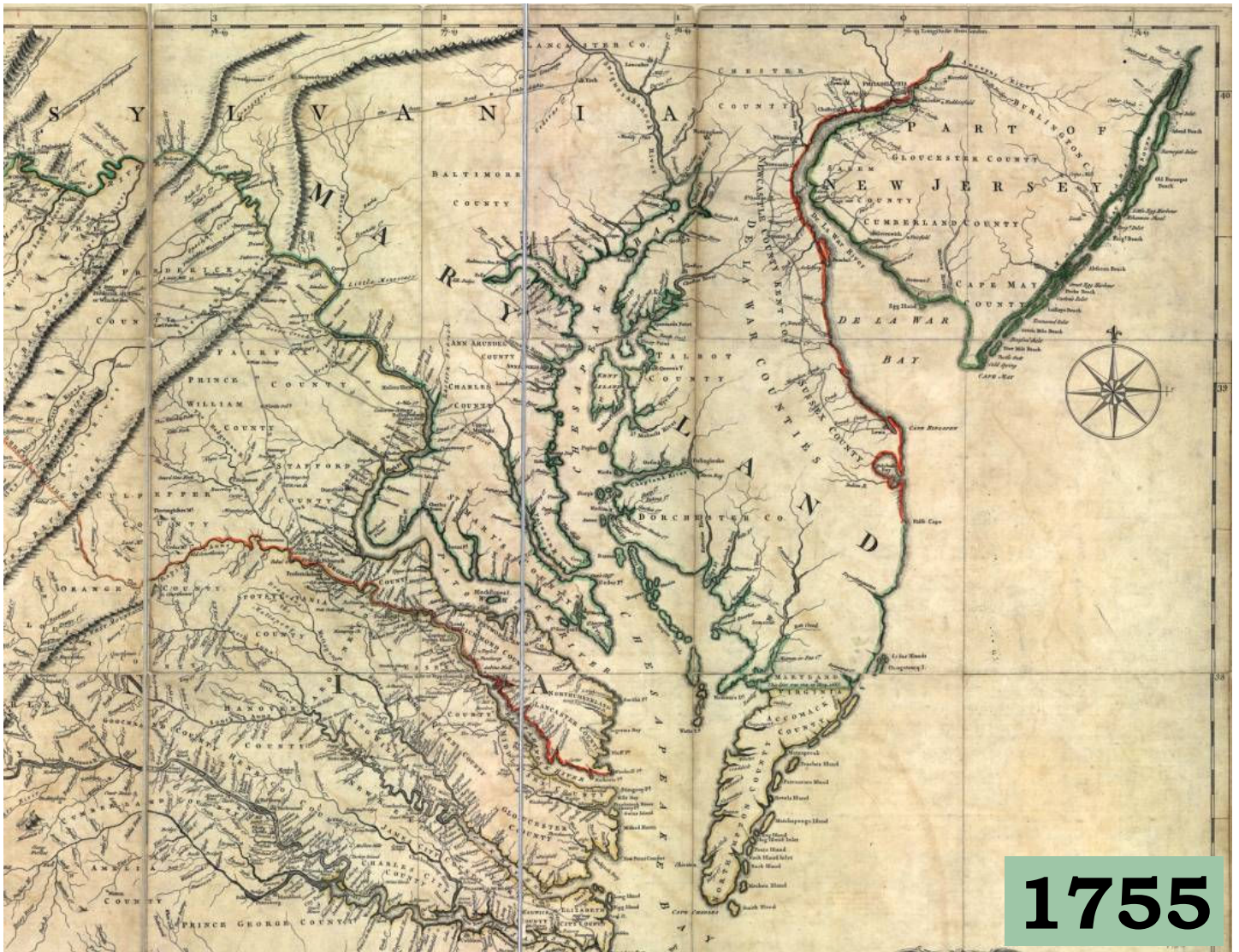
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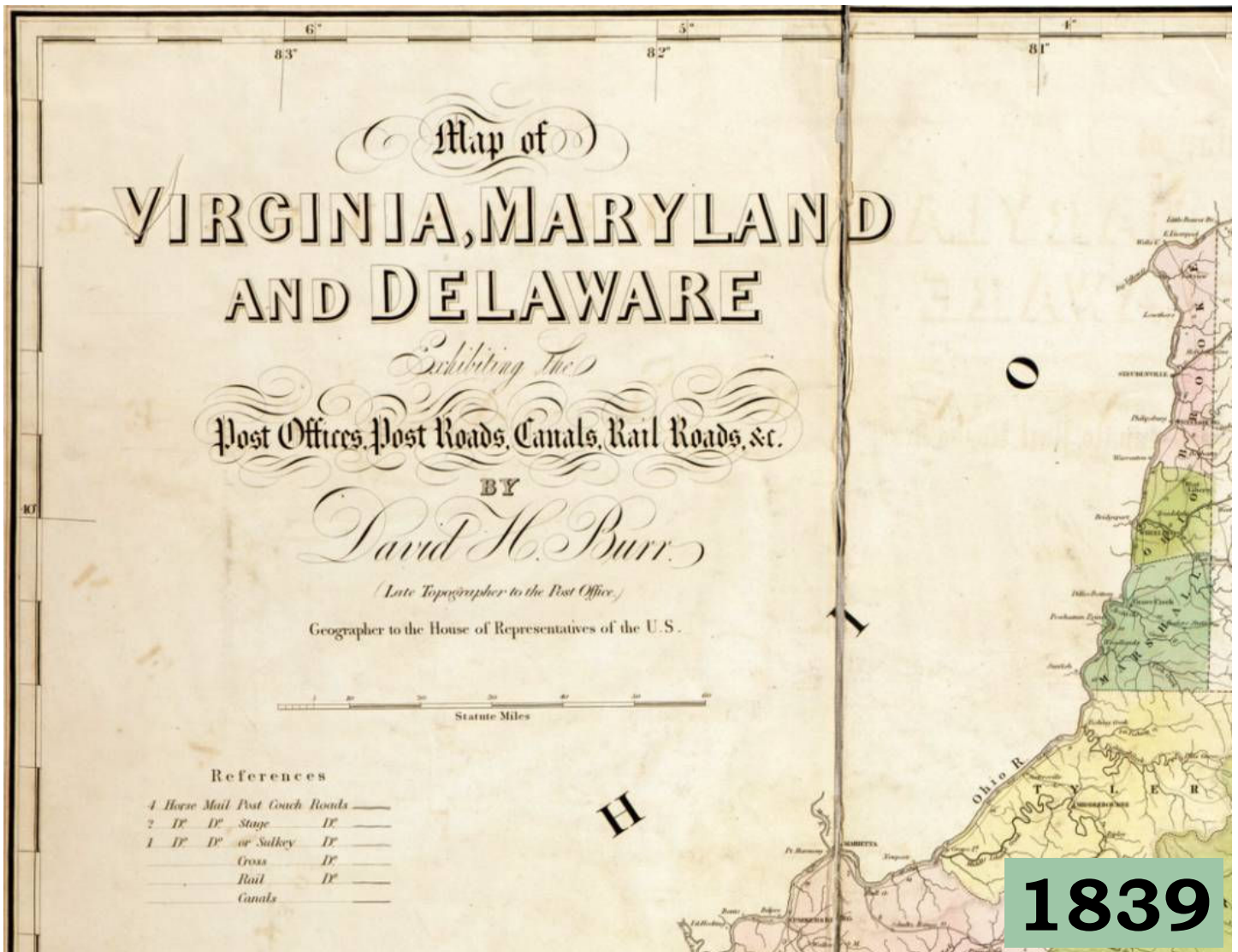
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Map of New Jersey and Pennsylvania LC Railroad maps, 255

Map of New York LC Railroad maps, 259

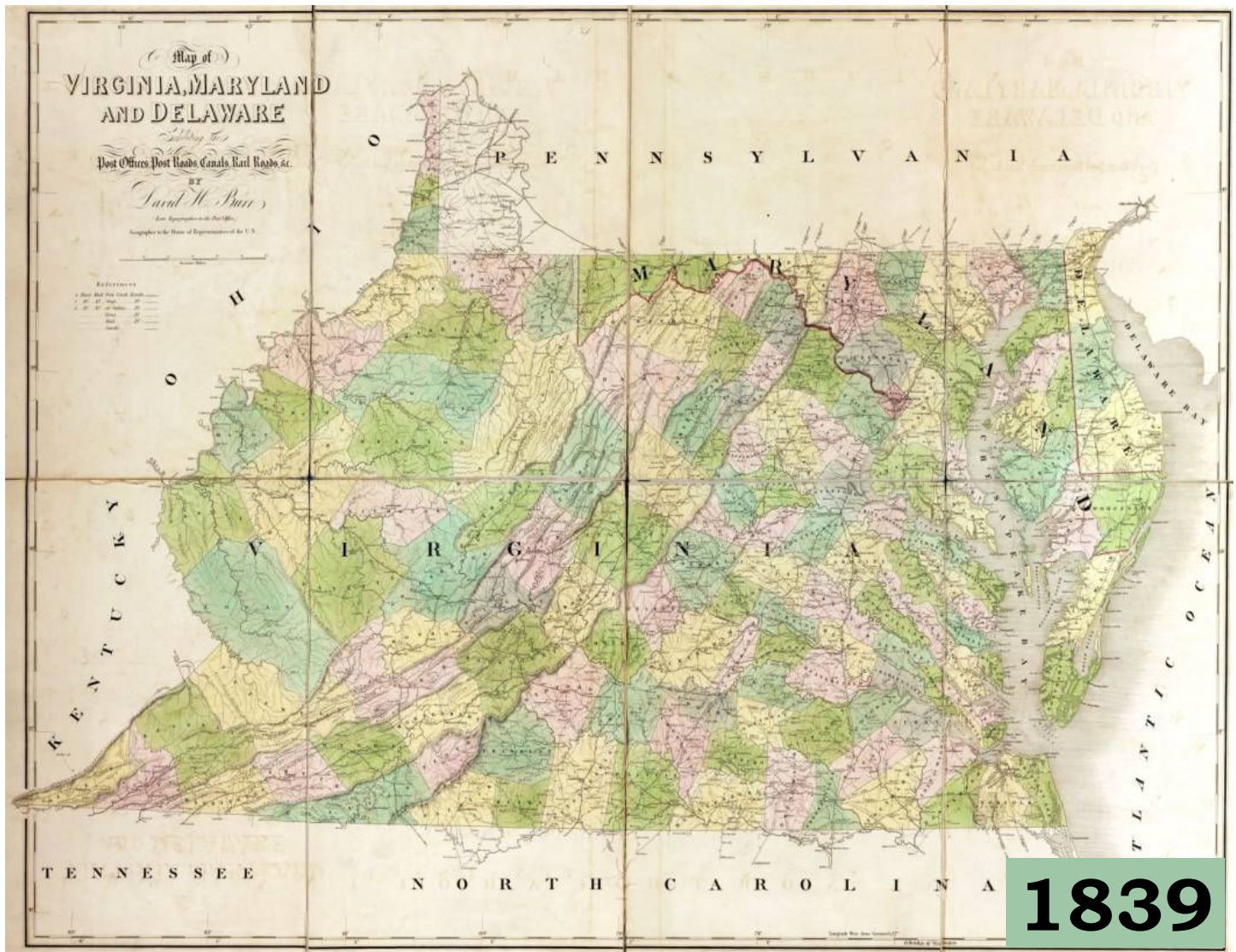
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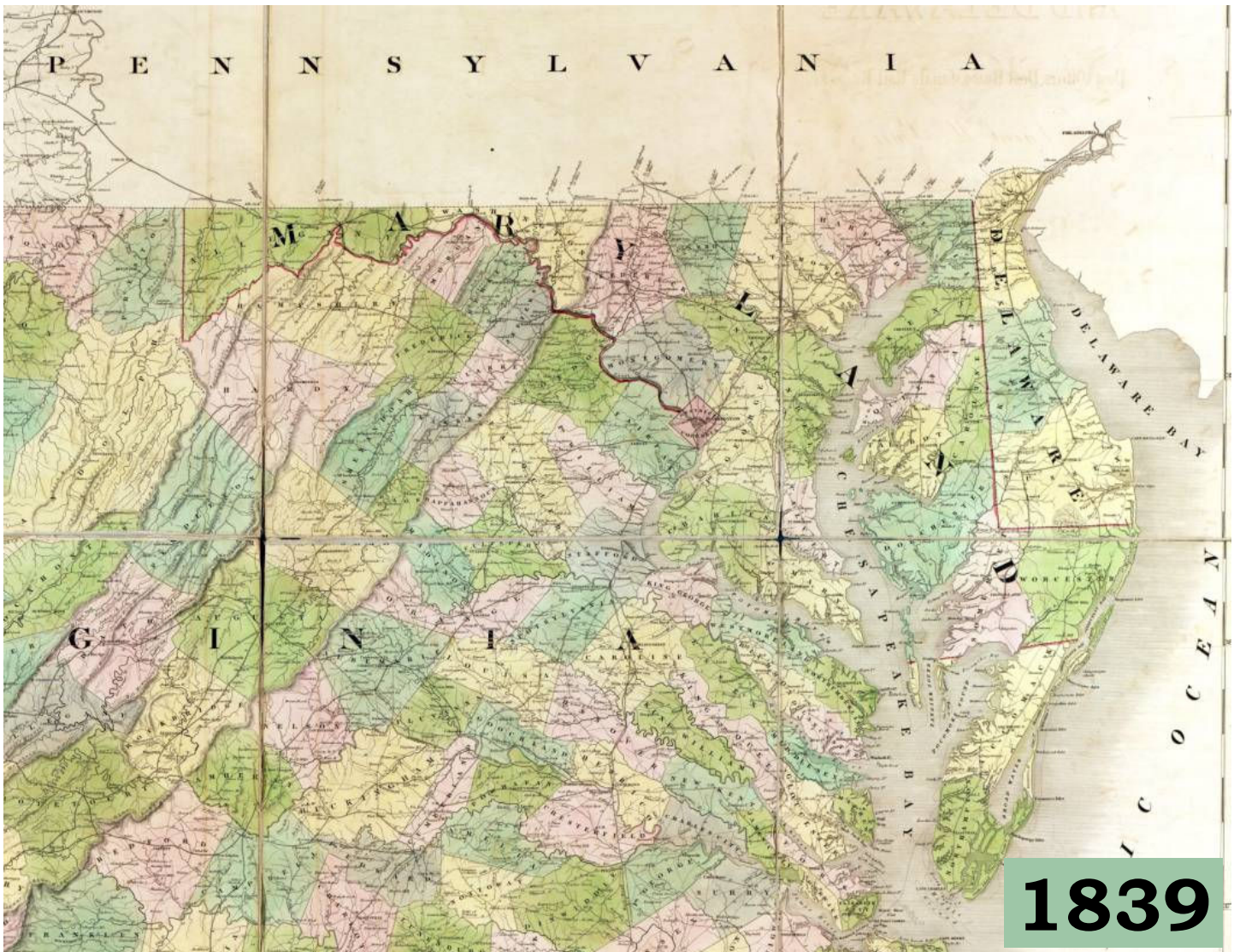
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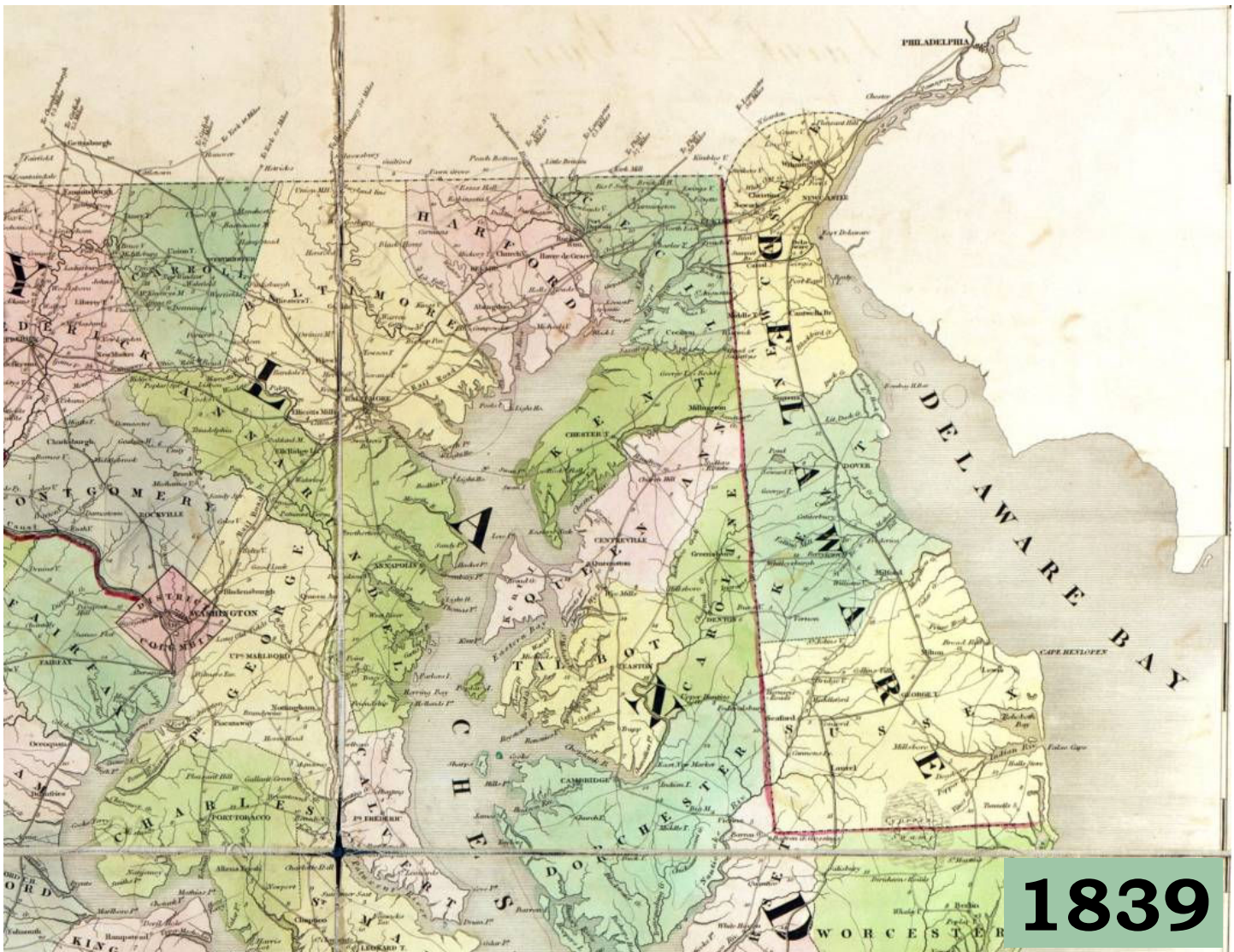
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**NEW JERSEY
TOWNSHIPS
AND
COUNTIES**

New Jersey Municipalities	In 1623, the Dutch West India
	company constituted the New
The concept of municipal	Jersey, New York and Hudson
governments as corporations	River area into the providence of
dates back to the Roman Empire.	New Netherland.
The idea developed to ensure	In 1664 Peter Stuyvesant, the
orderly local government despite	Dutch governor, surrendered New
changes in population or political	Netherland to Great Britain.
association.	
	In 1673, the Dutch recaptured
	New Netherland. They called New
	Jersey 'Achter Kol'.

State of New Jersey Commission on County and Municipal Government (1992 May). Modern Forms of Municipal Government.

http://slic.njstatelib.org/NJ_Information/Digital_Collections/DIGIDOX1.php

Also in 1673, the Dutch set up a government for Achter Kol.

East Jersey local government developed on the New England town meeting model, because of Puritan influence in the area.

In 1674, England regained New Jersey by the Westminster Treaty.

West Jersey local government developed on 'tenths', a system of dividing the land.

In 1676, England divided the province into East Jersey and West Jersey.

In 1702, England merged the colonies of East Jersey and West Jersey to create the royal colony of New Jersey.

After the merger, New Jersey municipalities were incorporated by royal charters rather than by legislative acts.

The municipal corporations were modeled on English traditions and practices.

In 1798, after the end of the American Revolution, the New Jersey state legislature created a general system of government for local units.

The 1798 Township Act created 104 municipal corporations with an annual town meeting form of government.

In 1846, the legislature revised the Township Act, but left the town meeting form of government intact.

In 1875, an amendment to the New Jersey state constitution prohibited special or local legislative acts.

From the 1840s to the 1920s, the legislature incorporated approx. five new municipalities a year when one town annexed another or an area's population grew.

In 1911, 1923, 1947, and 1950, the New Jersey legislature passed acts that allow municipalities to choose one of several different forms of government.

In 1957, the number of municipal corporations peaked at 568.

In 1992, New Jersey had 567 municipal corporations.

The many new incorporations were seen as local declarations of independence.

New Jersey municipalities are formidable entities that have the power to:

By 1992, municipal annexations and incorporations had stopped.

**tax;
enact ordinances;
make contracts;**

The legislature created no new special districts with a power to tax real estate.

**acquire and dispose of property;
sue and be sued.**

New Jersey has no unincorporated areas.

New Jersey municipalities vary in the services they provide.

Though other states grant different powers and authority to different municipalities, New Jersey municipalities all have the same basic duties, rights, and powers.

Police protection is the first priority. Some municipalities police themselves, some use New Jersey state police partly or wholly.

Fire protection is the second priority. Fire protection service areas aren't necessarily the same as municipal boundaries.



State of New Jersey

STATE COMMISSION ON COUNTY AND MUNICIPAL GOVERNMENT
142 WEST STATE STREET, CN 062, TRENTON, NEW JERSEY 08625
AREA CODE 609 292-6226; 292-6299

FRED G. STICKEL III
ACTING CHAIRMAN

DAVID C. MATTEK
EXECUTIVE DIRECTOR

Respectfully submitted by the members of the State Commission on County and Municipal Government:

- /s/ Fred Stickel III, Acting Chairman
/s/ George F. Geist
/s/ Gerald B. Green
/s/ Robert W. Singer
/s/ Robert F. Casey
/s/ Benjamin R. Fitzgerald
/s/ Dennis A. Maycher
/s/ Susan Bass-Levin
/s/ John E. Trafford
/s/ Stephen Capestro
/s/ Carol J. Murphy
/s/ Linda Spalinski

To His Excellency Governor James J. Florio and Honorable Members of the Senate and General Assembly:

The State Commission on County and Municipal Government is pleased to submit its forty-second report, Modern Forms of Municipal Government.

The Commission has reviewed the statutes that govern the modern forms of municipal government - the Optional Municipal Charter Law (Faulkner Act), the 1923 Municipal Manager Form, the Commission Form (Walsh Act), and the special charters. In so doing, it has become clear that there is a need for certain policy and technical changes that will eliminate conflict with general law, clarify provisions in less ambiguous terms, and provide local officials and interested citizens with a more organized and efficient set of statutes. This report also takes into account over 35 interviews with mayors, council members, managers, administrators, and clerks, who have provided valuable information in developing the Commission's recommendations.

One of the most important findings of the Commission is the ever-growing popularity of the Faulkner Act. The experience of the last 42 years indicates overwhelming movement to the forms within that act. Today it has been adopted by 120 municipalities containing 47 per cent of the State's population. The Commission's analysis of the Faulkner Act has revealed certain provisions to be redundant, out-dated, or in conflict with general law. The Commission recommends revising the Faulkner Act in order to clarify and simplify the law.

In addition, the report recommends the merging of the 1923 Municipal Manager form with the identical Faulkner Act Council-Manager form and the revision of the 81 year old Commission Form of government law. The report also includes a first time analysis of the ten special charters in New Jersey.

It is the belief of the Commission that the numerous recommendations for statutory changes contained in the report will strengthen the modern forms of municipal government. The revision of these statutes will maintain and enhance the ability of our municipalities to serve their citizens.

SUPPLEMENTARY VOLUME

NEW JERSEY

BY

R. H. WHITBECK, A.B.

SUPERVISOR IN THE NEW JERSEY STATE MODEL SCHOOL, TRENTON

New York

THE MACMILLAN COMPANY

LONDON: MACMILLAN & CO., LTD.

1906

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GOVERNMENT AND EDUCATION

Government. — New Jersey's form of government is very much the same as that of the other states. The law-making body, called the Legislature, consists of the House of Assembly and the Senate. The Legislature meets each winter at the State House in Trenton (Fig. 38). Bills that are passed by



FIG. 38.

State Capitol at Trenton.

both houses of the legislature and are approved by the Governor become laws. They may also become laws by being passed "over the Governor's veto."

There are many officials whose duty it is to see that the laws are enforced. The chief of these is the Governor, elected for three years at a yearly salary of \$10,000. He cannot hold office two successive terms. Can you think of any reason for this restriction? The government of the state is divided into many departments, each with its head official and his subordinates. Some of these are the departments of Education,

Whitbeck, Ray Hughes (1871-1939). New Jersey. New York/ London: The Macmillan company (1906).

Sponsor: Sloan Foundation

Contributor: The Library of Congress

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<http://www.archive.org/details/newjersey00whit>

ark:/13960/t2988fc07

of Labor, of Agriculture, of the Treasury, of State, of Law, of Public Roads, of Health, and the Geological Survey. Do you know men who occupy positions in any of these departments?

Laws are sometimes disobeyed and disputes arise. These call for courts of different grades. Can you mention any of the different grades of courts? Have you ever attended a lawsuit or a trial? How was it conducted? Judges hold office longer than almost any other class of officials; suggest reasons. What is a jury?

The state is divided into counties and the counties are subdivided into townships. Explain why this is so. Mention some county officials. If



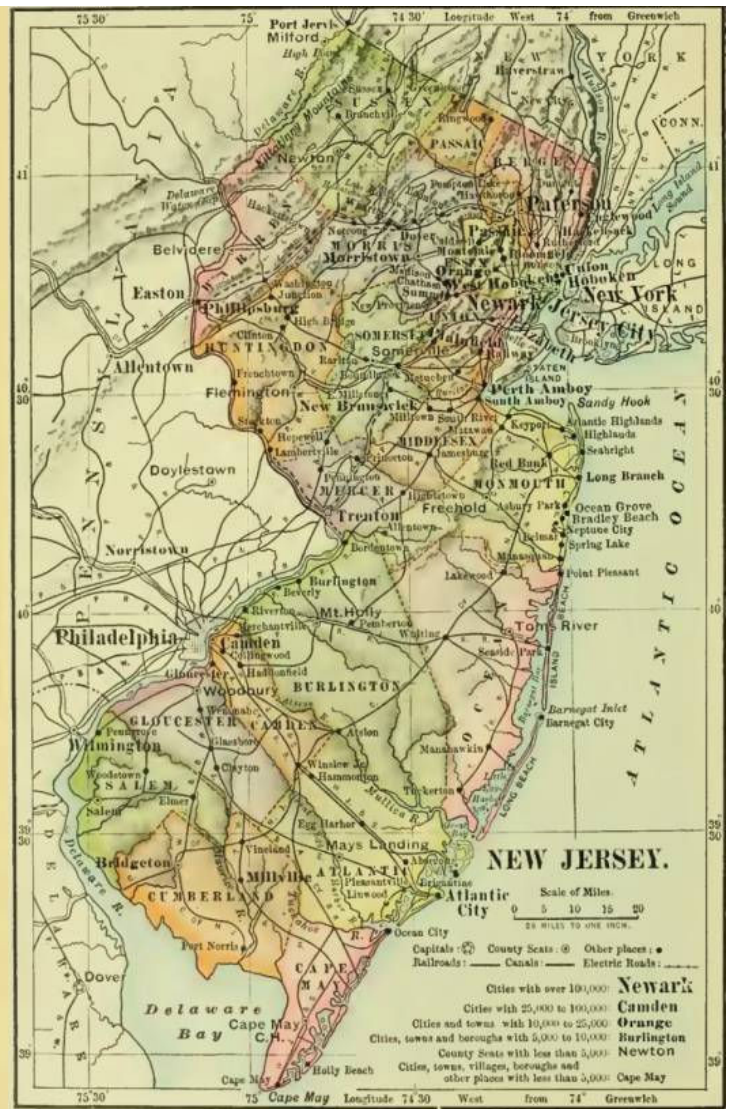
FIG. 39.

State Normal and Model schools at Trenton.

you live in the country, mention some township officials. Larger villages and cities are incorporated and have special officers. Why does a city need a different form of government and different officials from a country township?

Who is the present Governor of New Jersey? Who is sheriff of your county? Mayor of your city (if you live in a city)? Who represents your county in the state Senate? in the House of Assembly? Who are New Jersey's United States Senators?

Education. — Next to the American people's devotion to free popular government is their devotion to free public schools. New Jersey's school system has come about by a gradual growth through more than 200 years. Starting with a single Dutch school in Bergen (now Jersey City) in 1662,



CIVIL AND POLITICAL

HISTORY OF NEW JERSEY.

BY ISAAC S. MULFORD, M. D.

CAMDEN:

PRINTED AND PUBLISHED BY P. KEEN AND E. CHANDLER.

1848.
N. Y.



Mulford, Issac S. Civil and political history of New Jersey. Camden (NJ): P. Keen & E. Chandler (1848).

Sponsor: Google

Contributor: New York Public Library

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Google-id: UUCVAAAAYAAJ

<http://books.google.com/books?id=UUCVAAAAYAAJ&oe=UTF-8>

<http://www.archive.org/details/civilandpolitic00mulfgoog>

Oclc-id: 183195378

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Map of the residence & park grounds, near Bordentown, New Jersey : of the late Joseph Napoleon Bonaparte, ex-king of Spain. New York: Miller's Lith. (1847).

"To be sold at auction by Anthony J. Bleecker, on Friday 25th, June 1847, at 1 o'clock P.M. on the premises"

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Digital ID g3814b ct001113 <http://hdl.loc.gov/loc.gmd/g3814b.ct001113>

MAP OF
the
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near
BORDENTOWN, NEW JERSEY,

of the late
JOSEPH NAPOLEON BONAPARTE,

Ex-King of Spain,

to be sold at auction, by

ANTHONY J. BLEECKER,

on Friday, 25th June, 1847, at 1 o'clock, P.M.

on the Premises.



References.

- Nº 1. *Mansion.*
- 2. *Large Dwelling House.*
- 3. *Kitchen.*
- 4. *Dwelling House & Ice House.*
- 5. *Stable & Coach House.*
- 6. *Belvedere.*
- 7. *Gardener's House.*
- 8. *Garden (4 Acres.)*
- 9. *Farm House & Buildings.*

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7. Gardener's House.
8. Garden (4 Acres).
9. Farm House & Buildings.

Miller's Lith. 107 Broadway NY



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CHAPTER VIII.

NEW JERSEY.

THE ESTABLISHMENT OF GOVERNMENT.

It has been seen that the territory now recovered by the English, had been granted by the King, to his brother, the Duke of York. The right of the King of England to grant out new lands to his subjects, could not be called into question; it was one of the prerogatives of the Crown which the laws of the realm had yet left untouched. The country now granted, was given as Crown lands; as territory held by the Sovereign by right of descent; the possession of the country by the Dutch at the time of the grant, was in no wise regarded, they being considered as mere intruders upon the rights of others. But the grant was a conveyance of the powers of government as well as of the rights of property. The institution of government in new countries under British authority, was effected in different modes. Power was sometimes simply delegated by the King to certain individuals to act as his representatives, and these individuals were entrusted with such an amount of authority, as the Sovereign might choose to entrust to them, only that it could not exceed his own, in kind or degree. In these cases the power of government was entirely unconnected with any thing else, and its duration was determined by the discretion or will of the original grantor. Such were royal governments. In some cases *charters* were granted which gave authority for the institution and perpetuation of government by the acts of the people, according to such forms as were prescribed in the charter, or as they should adopt. In other instances power was given in connexion with property; portions of territory were granted,

and the grantees were invested at the same time with authority to govern within the limits assigned to them, but subject always to allegiance to the Crown, and sometimes to farther limitations. These were proprietary governments. In such governments, unless special agreements were made to the contrary, the duration and transmission of authority were governed by such regulations as applied to the property with which it was connected. No certain period was prescribed for its continuance and it was made transferable like property, to heirs, and also to assigns. The authority granted to the Duke of York may be considered as essentially of the proprietary character. The country was granted to him with all "the rents, revenues, and profits of the premises, and all our estate, right, title, and interest therein, and we do farther grant unto the said James the Duke of York, his *heirs, deputies, agents, commissioners, and assigns*, full and absolute power and authority to correct, punish, pardon, govern, and rule, all such person or persons as shall from time to time adventure themselves into any of the parts or places aforesaid, and to establish such laws, orders, and ordinances as may be thought necessary; so that they be not contrary to, but as near as conveniently may be, agreeable to the laws, statutes, and government, of the realm of England." The grant from the Duke of York to Berkely and Carteret, was of a similar character. In the instrument of transfer to them, the powers of government were not specifically given, but there was a general declaration that the grant was made to them, their heirs, and assigns, "in as full and ample a manner" as it had been received by the Duke himself, and in the absence of any reservation, all the incidents connected with the possession, would be fairly included.

Berkely and Carteret thus became *rulers* as well as owners of the country. They also, from the nature of the case, obtained the privilege of making a transfer to others; they might convey their powers and their interests to any other person, or to any number of persons. By thus placing political authority in connection with property, and making it subject to similar incidents, the allegiance and obedience of subjects were made transferable at the same time, and in the same modes as the titles to land. Government was rendered a thing that might be conveyed by bargain and sale, it might be passed over from hand

to hand, in the ordinary processes used in the management of mercantile affairs. This principle of action was not new, it existed in all the proprietary governments that had been established or projected in America, and was sanctioned by ancient usage. It had been introduced at a time when the rights and privileges of subjects were but little understood, or but slightly regarded, and such was partly the case at the time of the first institution of government in America.

The haughty Elizabeth held the reins of authority with a rigid grasp, and seldom yielded any thing to the wishes or the interests of her people, unless it was unsafe to refuse. James, her successor, though not lacking in general knowledge, was yet so deficient in practical wisdom as to render him unable to determine what he should grant, and what he should refuse. The second Charles was resolved to grant nothing at all, and his troubled reign was but a struggle to retain the powers which his predecessors had exercised, as well as the abuses they had practised, and his efforts terminated in the loss of his crown, and his life.

The second Charles had seen much of adversity, and had come to the throne at a time when the marks of the political convulsions which had occurred, were still visible around him. It was a period abounding in lessons for rulers and kings. But Charles had never been apt in learning the lessons of wisdom, and if any of those around him were more gifted than himself, they may have found it more prudent to conceal, than to exhibit their advantage.

But, although the mode in which the proprietors of New Jersey had become possessed of authority, was not in accordance with liberal and enlightened principles of government, they still, so far as is apparent, had no design or desire to use it improperly. On the contrary, there was exhibited in their measures a degree of liberality as well as sagacity. They manifested an acquaintance with the condition and the opinions of the people, in England and America, and evinced both ability and willingness to adapt their action to the condition of affairs existing at the time. In a severe judgment indeed, a doubt might be started, whether the course of policy pursued by the proprietors, was not adopted from necessity, rather than inclination; but even such a doubt, if it abated somewhat from a claim to liberality, would entitle them to higher praise, for discernment.

The institution of government at that period, required a cautious and a skilful hand. There had been a long period of agitation, during which the civil and political institutions of the realm of England had been shaken to their centre, and although the action had now subsided, the consequences were still apparent. It had been a period too, of eager inquiry as well as of determined action. The minds of men had been excited to a high degree of activity; the true principles of liberty had been brought to light, and been widely disseminated, and had taken a deep and firm hold in the common mind. Their growth might be checked, it had been checked, but still these principles had not been deprived of their vitality or force. If monarchy had been restored as the only apparent means of bringing settlement and quiet to the kingdom, yet the King was no longer acknowledged as a master, to control at his pleasure the destinies of his people. His powers were now to be exercised, and could only be safely exercised, with a view to the rights and liberties of the subject.

In the American province the state of opinion and feeling was even farther advanced than in the parent country. Many of the colonies had been settled by persons whose principal object had been the fuller enjoyment of liberty, civil and religious. The undertaking indeed had not, in all instances, been carried on in the spirit of the original object, exiles for conscience sake had become oppressors and persecutors; the garment of the Puritan, had become stained with the blood of the Quaker. But still, the prevailing tendency, the general movement, on both sides of the Atlantic, was favorable to popular freedom. Under these circumstances the interest of the founders of States became obvious, whatever other inducements they might offer, their object would be most effectually promoted by making provision for securing to the people the full enjoyment of civil and religious privileges and rights. This, the proprietors of New Jersey appeared to perceive, and to understand.

Not long after the reception of their patent, measures were devised for peopling and governing the country. The proprietors published an instrument which may not improperly be termed, a Constitution, being a fundamental law, according to which the government of the province was to be established and conducted.

This instrument was entitled "The Concession and Agreement of the Lords Proprietors of the Province of New Cæsarea, or New Jersey, to, and with all and every of the adventurers, and all such as shall settle or plant there." It was dated February 10th, 1664.¹

This scheme of government is entitled to careful attention, not only on account of its own character, but also from its particular position in the history of New Jersey.

It provided that all persons who are, or should become subjects of the King of England, and swear or subscribe allegiance to the King, and faithfulness to the Lords Proprietors, should be admitted to plant, and to become freemen of the province.

That the people should be secured in the enjoyment of property; no taxes of any description were to be imposed, except such as should be ordered by the General Assembly of the province. Full toleration in religion was also allowed, no person should be in any ways molested, punished, disquieted, or called into question for any difference in opinion or practice in matters of religious concernment, who should not actually disturb the peace of the province, but that all and every of such person or persons, might from time to time, and at all times, freely and fully have and enjoy his and their judgments and consciences, in matters of religion, they behaving themselves peaceably and quietly, and not using their liberty to licentiousness, nor to the civil injury or outward disturbance of others; any law, statute, or clause contained or to be continued, usage or custom of the realm of England, to the contrary thereof, in any wise notwithstanding.²

The government of the province was to be exercised by a Governor and Council and General Assembly.

The Governor was to receive his appointment from the Proprietors. The Council should be selected by the Governor; he

¹ Grants and Concessions compiled by Learning and Spicer, p. 12.

² And that the right of advowson granted in the patent to the proprietors, might not be exercised by their heirs or assigns so as to infringe upon liberty of conscience, the General Assembly of the province was empowered to appoint such, and so many ministers as they might think fit, and establish their maintenance, giving liberty besides to any person or persons, to keep and maintain what preacher or ministers they should choose.

might make choice of six Councillors at least, or twelve at most, or any even number between six and twelve.

The General Assembly formed the legislative authority of the province. It was composed of the Governor and Council and a representative body chosen by the people in manner as follows: So soon as the Proprietor's commission should be received in the province, a writ should be issued by the Governor for the election of deputies; they were to be chosen by such of the inhabitants as were freemen or chief agents of others; the deputies chosen to be twelve in number. But so soon as parishes or other divisions of the province should be made, then the inhabitants or freeholders of the several divisions should, by writ (which it was promised should be issued in time) annually meet on the first day of January and choose freeholders for each respective division, to be deputies or representatives of the same, which body of representatives, or a major part of them, should, with the Governor and Council, form the General Assembly of the province. The Governor or his deputy should be present and preside in the Assembly, unless these officers should refuse, in which case the Assembly might appoint its own president for the time.

The General Assembly were empowered to appoint the times for their own meetings and adjournments, and to determine the number of their quorum, provided that such number should not be less than one-third of the whole number. They were authorized to enact all such laws and acts as should be necessary for the well government of the province, provided that such laws and acts should be consonant to reason, and as near as might be, agreeable to the laws and customs of the realm of England, and not contrary to the interest of the Lords Proprietors, or contrary to the concessions. Laws were to remain in force for one year (unless contradicted by the Lords Proprietors,) within which time they were to be presented to the Proprietors for approval, and when confirmed, were to be in force until repealed, or until they should expire by their own limitation. The General Assembly had power to constitute all courts, and to determine the limits, powers and jurisdictions of the same, and also the offices, and the number of officers belonging to each court, with their respective salaries, fees and perquisites, with their appellations and dignities and the

penalties that should be due for the breach of their several and respective duties, and trusts.

The Assembly might lay equal taxes and assessments upon all lands (excepting the lands of the Lords Proprietors before settling) or upon persons within the several divisions, as necessity might require, and in such manner as should seem most equal and easy to the inhabitants.

Enactments might be made for the defence of the province, providing for the erection of forts, castles, and other places of strength, and defence, and also to create military companies, and to make war with all Indians, strangers and foreigners, as cause should arise.

The Assembly might pass laws for the naturalization of strangers as also for the division of the province into parishes or districts, and for the apportionment of land to settlers, in accordance with the directions given by the Proprietors. Acts were to be passed providing for the maintainance and support of the Governor, and for defraying all the necessary charges of the government.

The Executive department of the government was committed to the Governor and Council. The Governor might appoint a Secretary of the province and also a Surveyor General, in case these officers were not appointed by the Proprietors themselves. By the joint action of the Governor and Council, a Deputy Governor might be appointed, who should continue in office during the absence of the Governor, or in case of his death, or removal, until farther orders should be given.

In case of the death or removal of any member of the Representative body, the Governor and Council were to issue summons by writ to the respective divisions or divisions commanding the freeholders to elect others in their stead. They should see that all courts established by the laws of the General Assembly, and all officers, civil and military, should execute their duties, according to the laws in force. They were to nominate and commissionate the officers belonging to the several courts, (the offices, with the duties appertaining to each, being determined by the laws of the Assembly) but freeholders only were to be appointed to these offices, except with the special assent of the General Assembly. In like manner they were also to nominate and commissionate all military officers.

The Governor, with the advice of his Council, or without, in case of immediate danger, was to collect and command the military forces of the province, and to suppress all rebellions and mutinies, as well by sea, as by land.

The Governor and Council might grant a reprieve to criminals after condemnation, but the power of final pardon was reserved to the Lords Proprietors.

Beside the positive grant allowing to the General Assembly the power of imposing taxes, a prohibitory article forbade the exercise of this power by the Governor and Council; they were not to impose nor suffer to be imposed, any tax, custom, subsidy, tollage, assessment, or any other duty whatsoever, upon any color or pretence, other than what should be imposed by the authority and consent of the General Assembly.

Full provision was made in the concessions in relation to the privileges to be granted to planters; the mode of granting lands, and the proportions to be assigned to settlers, according to the time of their coming, and the number and capacity of the persons, were distinctly set forth.*

By a general provision, it was made lawful for the representatives of the freeholders within the province, to make any address to the Lords Proprietors touching the Governor and Council or any of them, or concerning any grievances whatsoever or any other thing they might desire, without the consent of the Governor and Council or any of them.

Such was the form of government provided in the concessions. It embodied many of the principles which belong to the most liberal institutions. It gave entire exemption to the people from all taxation except such as their representatives should assent to, and as a farther security of property, it gave to the Assembly the full control over all the expenditures of government.

Freedom of conscience and worship was secured to every one who should conduct himself as a peaceable citizen. Justice was to be administered by tribunals erected under popular authority, and an additional security against the arbitrary exercise of power was given by the concession of an unlimited privilege of appeal or petition.

* See Grants and Concessions from p. 12 to 26.

Had the plan of the concessions been fully pursued, the government established thereby would have nearly approached to the popular character, at least in regard to the legislative department. By the increase of numbers in the representative branch of the General Assembly, the popular element would have finally acquired a degree of strength that must have given it a controlling influence.⁴ But, as will presently be seen, the actual working of the plan did not entirely agree with its general theory.

On the same day that the instrument of government was signed, Philip Carteret, a brother of one of the Proprietors, received a commission as Governor of New Jersey. He made immediate preparations for departure, and in company with a number of persons who were disposed to adventure as planters, he sailed from England and arrived in the province in August, 1665. They landed at a place to which they gave the name of Elizabeth, in honor of the lady of Sir George Carteret.⁵

But previous to the arrival of the Governor, circumstances had occurred in the province, which offered an obstruction to the pursuance of the proprietary measures, and which proved in the end a source of serious embarrassment to the government.

As already stated, a commission had been given to Colonel Nicholls, by which he was authorized, on behalf of the Duke of York, to assume the direction of affairs throughout the whole of the country that had been granted to the Duke.

Nicholls had not been informed of the grant which was made to Berkely and Carteret, and therefore supposed himself to be in authority in the portion of country belonging to them, as fully as in other places, and had proceeded to exercise his powers therein. After the conclusion of his military duties, he had turned his attention to civil affairs; for the purpose of promoting the settlement of the country he published "conditions for new plantations,"

⁴ Although the number of deputies was limited at first, yet an increase of numbers must have occurred from the erection of new divisions in the province, and as the Assembly, according to the obvious intent of the scheme, would have formed but a single house, the numerical strength of the popular branch would have given it virtual control in the body.

⁵ Whitehead's History of East Jersey, p. 36.

which conditions were supposed to be applicable to the entire extent of his province.⁶ The terms that were offered were regarded as liberal in their character, and were embraced by a number of persons, some of whom selected lands within the limits of New Jersey. Governor Nicholls held this portion of territory in high estimation, and had conferred upon it the name of "Albania," from one of the titles of the Duke of York. He had expected that much advantage would arise to his master, and perhaps to himself, from the settlement of "Albania," and became much dissatisfied at learning that a full conveyance of the country had been made to others. He expressed his disappointment in decided terms; he represented to the Duke of York the impolicy of dividing the province, and particularly of parting with the most desirable portion, and finally proposed that the grant should be recalled, or a composition be made with the holders by assigning to them a different portion of country.⁷

⁶ The terms proposed by Nicholls for acquiring lands within the territories of the Duke of York, were these. Purchases were to be made from the Indian Sachems, and recorded by the Governor. The purchasers were not to pay the Governor for the liberty of purchasing. The purchasers were to set out a town and inhabit together; no one should at any time contract for himself with any Sachem, without the consent of his associates, or special warrant from the Governor. The settlers were to be free from all manner of assessment or rates for five years after their town plat was set out, and when this time had expired, they were only to be liable to the public rates and payments according to the custom of other inhabitants, both English and Dutch. All lands thus purchased and possessed, were to remain with the purchasers and their heirs, as free lands to dispose of as they pleased. Liberty of conscience was to be allowed, provided such liberty was not converted to licentiousness, or the disturbance of others. The several townships were to have liberty to make their own particular laws, and to decide all small causes within themselves. Every township should be obliged to pay their minister according to such agreement as should be made, and no man to refuse his proportion, the minister being elected by the major part of the householders inhabitants of the town. Every township should have the choice of their officers, civil and military, and all men who should take the oath of allegiance, and were not servants or day laborers, but were admitted to enjoy a town lot, should be esteemed as free men of the jurisdiction, and could not forfeit the same without due process of law. *Grants and Concessions*, p. 667.

⁷ [A portion of a letter from Colonel Nicholls to the Duke of York.]

"I must now descend to the particular occasion of giving your Royal High-

But if the Duke had any disposition to comply with such a proposal, he could not fail to perceive, that the season had passed; Nicholls was obliged to acquiesce in the loss of a portion of

ness this trouble, wherein my Lord Berkely and Sir George Carteret are concerned; who I know also will be so just to me, as to have me excused for manifesting clearly my knowledge to your Royal Highness. About ten days past Captain Bollen shewed me a letter from my Lord Berkely and Sir George Carteret, and therewith a grant from your Royal Highness to them for all the lands on the west of Hudson River, as more fully may appear in the said grant; wherein is comprehended all the improveable part of your Royal Highness' patent, and capable to receive twenty times more people than Long Island, and all the remaining tracts, in respect not only to the quantity of the land, but to the sea coast and Delaware River, and lastly, the fair hopes of rich mines, to the utter discouragement of any that shall desire to live under your Royal Highness' protection. In short, I hold myself obliged to give your Royal Highness this account upon certain knowledge, having exactly considered and preferred the advance of your Royal Highness' reputation in these parts above all considerations or obligations whatsoever; and for my boldness, I can at least beg pardon. Neither can I suppose, that my Lord Berkely or Sir George Carteret knew how prejudicial such a grant would prove to your Royal Highness, but must charge it upon Captain Scot, who was born to work mischief, as far as he is credited or his parts serve him. This Scot, it seems, aimed at the same patent which your Royal Highness hath, and has given out words that he had injury done him by your Royal Highness; whereupon he contrived and betrayed my Lord Berkely and Sir George Carteret into a design (contrary to their knowledge,) of ruining all the hopes of increase in this territory, which he hath fully completed, unless your Royal Highness take farther order therein. Upon this tract of land several new purchases are made from the Indians since my coming, and three towns beginning. I gave it the name of Albania, lying to the west of Hudson's River, and to Long Island the name of Yorkshire, as to this place the name of New York, to comprehend all the titles of your Royal Highness. Far be it from me to aggravate any thing beyond the bounds of a faithful servant; for, when it may conduce most for your Royal Highness' service, I shall as freely surrender up all parts to your Royal Highness' pleasure as it becomes me to do. I presume farther to propose a better and more entire tract of land, worthy of great consideration, to my Lord Berkely and Sir George Carteret, which is that part of Delaware River which is reduced from the Dutch, if it is not already disposed; if so, then that my Lord Berkely and Sir George Carteret may have a hundred thousand acres along the sea coast, which is a most noble tract of land; but this will cost them £20,000 before it will yield them a penny, and their children's children may reap the benefit."

Some time afterwards in a letter to Lord Arlington, Nicholls farther remarks:

authority and to surrender New Jersey into the hands of Carteret. But in the action already taken, the foundation was laid for no little difficulty in future.⁸

Upon the arrival of Governor Carteret, he entered at once upon the discharge of the duties of his place. He adopted measures to invite attention to the province; messengers were sent abroad to publish the "Concessions," and to set forth the advantages that were offered, both in the government, and in the fortunate situation of the country. A rapid accession to the number of settlers rewarded the Governor's efforts; numerous emigrants entered from the neighboring settlements, and the population was farther increased by frequent arrivals from England. At an early period the executive authority of the province was fully established by the appointment of a Council; the Governor selected for this situation Captain Nicholas Verlett, Daniel Pierce, Robert Bond, Samuel Edsall, Robert Vanquellen and William Pardon. James Bollen was appointed Secretary of the province.⁹

One of the first and most important objects requiring the attention of government, was that relating to the apportionment, and the titles of lands. Lands were granted out in accordance with the provisions made in the concessions. These regulations, which were farther confirmed by instructions to the Governor, required

"My humble conception and certain knowledge direct me to inform your Lordship, that by the unskilfulness of the informers, the west side of Delaware River, now seated with Swedes, Finns and Dutch, is crushed between the Lord Baltimore's patent on the west side, and the Lord Berkely's indenture on the east, that the present inhabitants cannot possibly subsist in so narrow a compass." He therefore suggests "that twenty miles on each side of the River Delaware, should be given to Lord Berkely and Sir George Carteret instead of the land granted to them." *Note in Whitehead's East Jer. ey, p. 181.*

⁸ Large grants had already been obtained in accordance with the "Conditions" proposed by Nicholls. On the 30th of September, 1664, John Bailey, Daniel Denton, and Luke Watson, under permission from Governor Nicholls, had obtained from the Indians a deed for land which afterwards came to be known as the Elizabethtown tract. On the 8th of April, 1665, Nicholls confirmed another purchase to several individuals. This grant which is sometimes called the Monmouth patent, was the foundation of the settlement of Middletown and Shrewsbury. *See Grants and Concessions, p. 669.*

⁹ The precise date of the appointment of those officers is not determined.

that the general divisions of land should be made by the Governor and Council and General Assembly, (if any be;) they were to divide all lands into general lots, one seventh part of each to be reserved to the Proprietors, and the remainder to be granted to individuals, or companies. Particular grants were to be made by the Governor or his Deputy; he should give to all applicants a warrant signed and sealed by himself and the major part of the Council, directed to the Surveyor General or his Deputy, commanding him to lay out and limit the grant. The Surveyor General was required by certificate to inform the Chief Secretary or Register of the name of the grantee, the date of the warrant, the number of acres, and the situation of land, which certificate was to be entered by the Register in a book prepared for the purpose. All lands were to be held in free and common socage. But for every acre thus granted there should be reserved a yearly rent of one penny or one-half penny, (according to the value of lands,) to be paid to the Proprietors, their heirs and assigns forever, the payment to be made on the five and twentieth day of March, of each year, to begin in the year 1670.

If lands thus granted should be neglected, and not planted with a sufficient number of persons, within the space of three years, they might be disposed of anew, but lands quietly held, planted and possessed for seven years after being duly surveyed, should not be subject to any review or resurvey.

The lands that were granted prior to the coming of Governor Carteret, comprehending the beginning of "three towns," were held by a title directly adverse to the proprietary provisions.¹⁰ They had been made by different authorities, and upon other terms; they were founded upon a purchase from the Indians, and a confirmation or license from Nicholls. The former of these in itself was of no value as an element of title, it could only remove an obstruction to the perfect establishment and enjoyment of title. The right to the territory was supposed to have been vested in the English King, and only he, or his grantees, could make a valid conveyance to others. The confirmation or permission from Nicholls

¹⁰ The grants that had been confirmed by Nicholls were the foundation of the settlements of Elizabethtown, and Middletown and Shrewsbury.

would probably have stood, had the country at the time been within his jurisdiction, but it had previously been conveyed, and all ownership and all proper authority were in other hands.

No immediate interruption of harmony resulted from the contrariety of interests and of claims, that thus arose in the province; the consequences may not have been fully foreseen. At subsequent periods various expedients were resorted to in order to remove the evil, or prevent the injury. Some of the grantees of Nicholls received new patents from the Proprietary government, and others disposed of their claims.¹¹ But the difficulty continued to exist; many of these claimants insisted that they had already obtained a sufficient title, and resolved to hold to the rights that had thus been acquired, without any regard to the proprietary regulations and demands.

At the same time that they obtained their lands, the settlers in the province received grants authorizing the exercise of particular privileges and powers. Nicholls had required, that settlements should be made in companies, that the planters "should set out a town and inhabit together," and to these "towns" certain corporate privileges were allowed. Similar grants were also made by Governor Carteret. These grants, which may properly be termed charters, formed instruments of government by which the people of the several places were enabled to make such regulations as their particular situation required, and also to supply any lack that might have existed at this early period, from the imperfect organization of the provincial government. The local charters were somewhat different in their conditions. That which was granted by Nicholls to the people of Middletown and Shrewsbury, and which was allowed to continue in force under the proprietary government, and which was finally confirmed, gave to the people important privileges. It gave full authority to dispose of the lands conveyed in their patent as to them should seem meet. To exercise their own

¹¹ Governor Carteret himself became concerned in a purchase from some of the holders of the Elizabethtown tract. He may have designed by the measure to lessen the difficulty from conflicting claims, but it was afterwards used as an argument against him, it being represented as an acknowledgment of the title obtained through Nicholls.

discretion as to the employment and maintenance of ministers. That all cases not criminal in their nature, should first have a hearing within their cognizance, and that no appeal should be taken to a higher court when the sum in issue did not exceed ten pounds. That criminal cases and matters above ten pounds were to be determined in higher courts, and appeals to his Majesty were not to be hindered. That the people should have the liberty to nominate two persons to fill each commissioned office, whether civil, or military, of whom one should be selected and commissioned by the Governor. Finally, they were to be allowed to make such peculiar prudential laws amongst themselves, as might be deemed necessary.¹²

An association which was formed in 1666, received a charter from Governor Carteret, in which they were allowed to choose their own magistrates for the government of the corporation; to select their own minister; to nominate their military officers and justices of the peace for the approval of the Governor, and to have courts to try all causes actionable within their own jurisdiction, from which no appeal should be taken when under the sum of five pounds. Liberty of conscience was guaranteed short of licentiousness, and disturbance of the public peace. No tax or custom to be imposed, save such as should be approved by the provincial government, together with other particulars agreeing with the provisions of the proprietary concessions.¹³

In the same year (1666,) an association was formed by a company of persons in New England, for the purpose of forming a settlement in the province of New Jersey, and previous to their removal they adopted "two fundamental agreements touching their intended design," and these agreements exhibit a new feature of civil polity. The company resolved "that none should be admitted freemen or free burgesses within our town upon Passick River, in the province of New Jersey, but such planters as are members of some or other of the congregational churches; nor

¹² Grants and Concessions, p. 664.

¹³ The settlers under this charter were to settle one or two townships, consisting of from forty to one hundred families, between Rahway and Raritan rivers. See note in *Whitehead's East Jersey*, p. 183.

shall any but such be chosen to magistracy, or to carry on any part of civil judicature, or as deputies or assistants to have power to vote in establishing laws, or making or repealing them, or to any chief military trust or office. Nor shall any but such church members have any vote in any such elections; though all others admitted to be planters shall have the right to their proper inheritances, and do, and shall enjoy all other civil liberties and privileges, according to laws, orders, or grants, which are or hereafter shall be made for this town."

That "we shall with care and diligence provide for the maintenance of the purity of religion professed in the congregational churches."

A portion of this body upon their arrival in the province, held a meeting "near to Elizabethtown and the Town Plots, on Passack River," on the 21st of May, 1666, and resolved that at the arrival of their associates they would endeavor to settle together, and form one township, and be of one heart and consent with God's blessing in endeavoring to carry on their spiritual concerns, as well as their civil and town affairs, according to God and a godly government.¹⁴

The "agreements" entered into by these settlers, manifested a disposition to make the enjoyment of civil privileges dependent upon a certain religious profession and belief; a rule of action which had been generally adopted, and acted upon, in New England. It was fortunate perhaps that no such principle was recognized in the form of government which the Lords Proprietors of New Jersey had devised; had it been otherwise, the religious intolerance and oppression that had been witnessed in New England, might have been revived, to the injury and affliction of this new province.

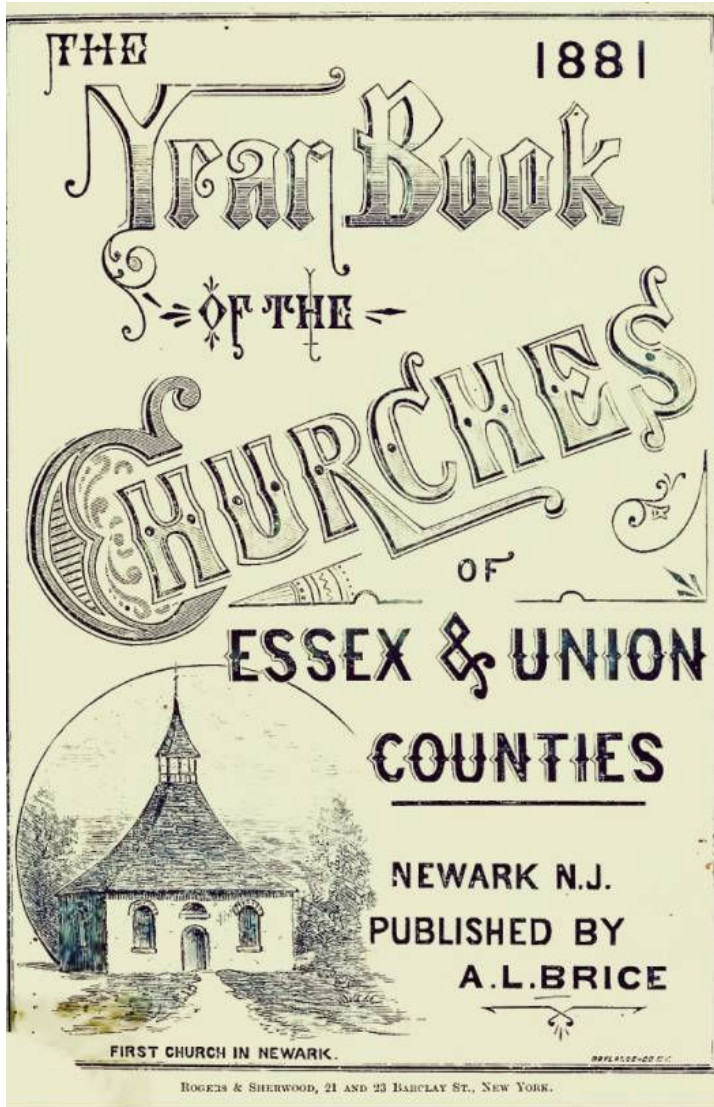
A period of three years elapsed before the government projected by the Proprietors was brought fully into action. Earlier than this, the population and condition of the province were not supposed to be such as to require, that a general representative body should be chosen.

¹⁴ These settlers were from several different towns in Connecticut. They established themselves at Newark. *Whitehead*, p. 45.

But on the 7th of April, 1668, Governor Carteret issued a proclamation requiring the freeholders of each town to make choice of two able men that were freeholders and dwellers within their limits, to be their Burgesses and Representatives in a General Assembly, to be held at Elizabethtown, on the 25th of May.¹⁶ In accordance with the Governor's direction, deputies were elected in the several towns, and met together, and on the 26th of May, 1668, the first Legislative Assembly in the history of New Jersey commenced its proceedings.

¹⁶ Whitehead, p. 52.





THE FIRST CHURCH IN NEWARK.

The first church in Newark, organized at Branford, Ct., twenty-three years before, was transferred to Newark with its pastor and twenty-two male members in 1667. Here it was joined by a company of forty male members from Milford and New Haven, Ct., already on the ground. This was the first fully organized church in New Jersey—the First Reformed Church at Bergen, which was a little older, having had no pastor and hardly an independent organization till many years later.

During the first ten years or thereabouts it included all the legal voters in the town. The town was the parish, and as such, according to the terms of settlement, became entitled to a grant of land. The first church edifice, of which the cut on the front cover is a representation, was planned and agreed upon in September, 1668, but was not ready for use till about two years later. It stood on the west side of Broad Street, nearly opposite the present church edifice, and was thirty-six feet square in the inside. The first pastor was Abraham Pierson, Sr. The town, or parish, assumed the expenses of his transportation and "the digging and finishing of his well," and gave him eighty pounds the first year for the building of his house, and eighty pounds "by the year for his carrying on the work of the ministry," and "yearly a pound of butter for every milch cow in the town in part of his pay." The church has had up to the present time twenty-four pastors, the present pastor having been installed near the close of A. D. 1849. The present house of worship was begun in September, 1787, and opened for public worship January 1, 1791. The age of the church, dating it from its establishment here, is a little over 212 years; dating it from its first organization as a church, 235 years.

It was one of the fundamental agreements on which the settlers would engage in the new settlement "to provide with all care and diligence for the maintenance of the purity of religion."

The year book of the churches of Essex and Union counties. Newark (NJ): A.L. Brice (1881).

Call #: AY246.N6B7 1881

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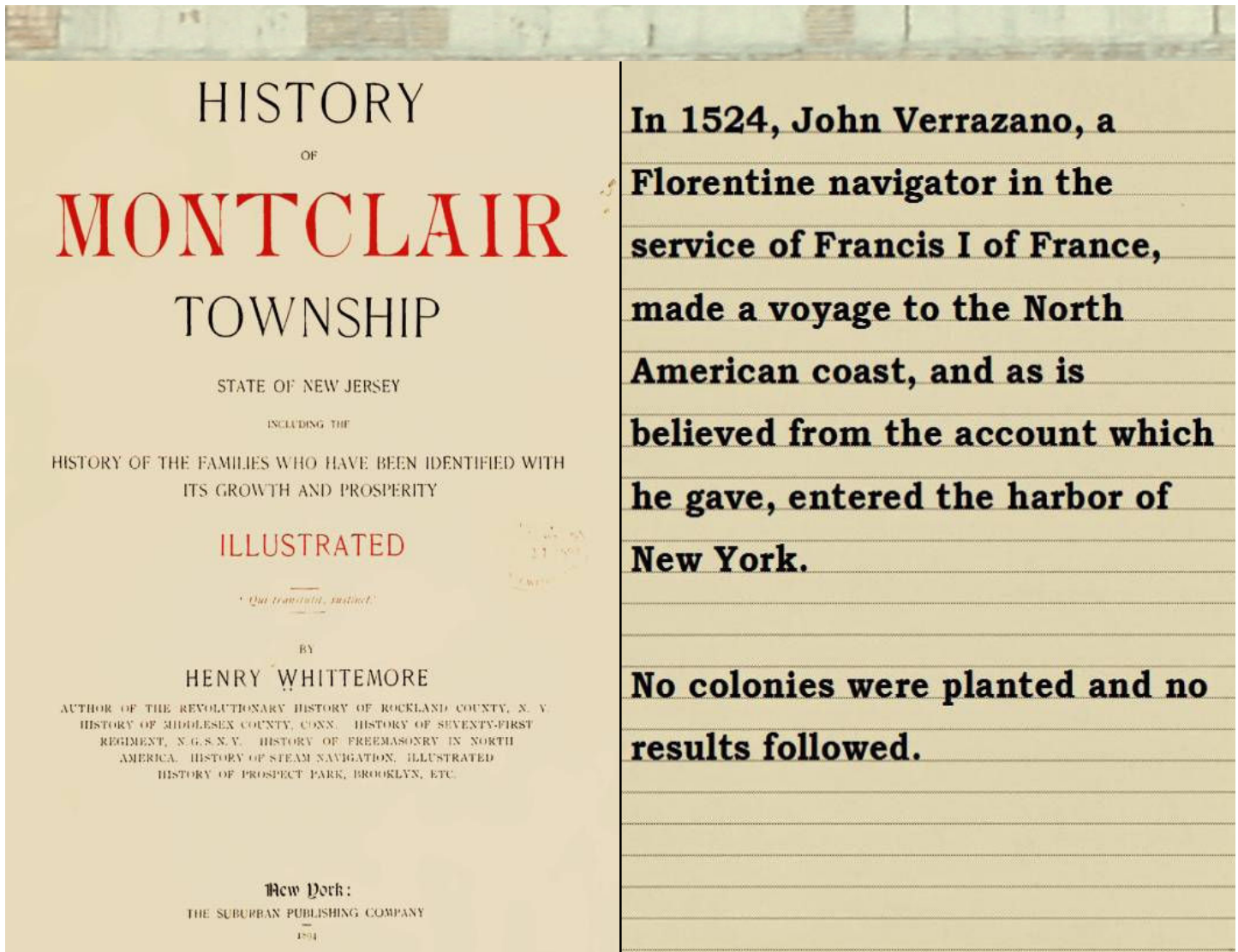
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In 1524, John Verrazano, a Florentine navigator in the service of Francis I of France, made a voyage to the North American coast, and as is believed from the account which he gave, entered the harbor of New York.

No colonies were planted and no results followed.

Whittemore, Henry (born1833). History of Montclair township. New Jersey; including the history of the families who have been identified with its growth and prosperity. New York:The Suburban publishing company (1894). Chapter 1, pages 1-5.

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Though discoveries were made by the French north from this point, and colonies were planted by the English farther to the south, it is not known that New York was again visited by Europeans till 1609 when the Dutch East India Company sent an Englishman, Hendrick Hudson, on a voyage of discovery in a vessel called the 'Half Moon'.

He reached the coast of Maine, sailed thence to Cape Cod, thence southwesterly to the mouth of Chesapeake Bay; then, coasting northward, he entered Delaware Bay on the 28th of August.

From thence he proceeded northward, and on the 3rd of September, 1609, anchored in New York Bay.

On the 12th he entered the river that bears his name, and proceeded slowly up to a point just above the present site of the City of Hudson; thence he sent a boat's crew to explore farther up and they passed above Albany.

September 23rd he set sail down the river and immediately returned to Europe.

In 1607, Samuel Champlain, a French navigator, sailed up the St. Lawrence, explored its tributaries, and on the 4th of July in that year discovered the lake which bears his name.

At the time of the discovery of New York by the whites, the southern and eastern portions were inhabited by the Mohican or Mohegan Indians; while that portion west from the Hudson river was occupied by five confederate tribes, afterward named by the English the Five Nations, and by the French, the Iroquois, and by themselves called Hodenosaunee - people of the Long House.

The long house formed by this confederacy extended east and west through the State, having at its eastern portal the Mohawks, and at its western the Senecas; while between them dwelt the Oneidas, Onondagas, and Cayugas; and, after 1714, a sixth nation, the Tuscaroras, southeast from Oneida Lake.

Of these Indians, Parkman says that at the commencement of the 17th century, 'in the region now forming the State of New York, a power was rising to a ferocious vitality, which, but for the presence of Europeans, would probably have subjected, absorbed, or exterminated every other Indian community east of the Mississippi and north of the Ohio.

'The Iroquois was the Indian of Indians.

'A thorough savage, yet a finished and developed savage, he is, perhaps, an example of the highest elevation which man can reach without emerging from his primitive condition of the hunter.

'A geographical position commanding on the one hand the portal of the great lakes, and on the other, the sources of the streams flowing both to the Atlantic and the Mississippi, gave the ambitious and aggressive confederates advantages which they perfectly understood and by which they profited to the utmost.

'Patient and politic as they were ferocious, they were not only the conquerors of their own race, but the powerful allies and the dreaded foes of the French and English colonies, flattered and caressed by both, yet too sagacious to give themselves without reserve to either.

'Their organization and their history evince their intrinsic superiority.

'Even their traditional love, amid its wild puerilities, shows at times the stamp of an energy and force in striking contrast with the flimsy creations of the Algonquin fancy.

'That the Iroquois, left under their own institutions, would have ever developed a civilization of their own, I do not believe.'

These institutions were not only characteristic and curious, but almost unique.

Without sharing Morgan's almost fanatical admiration for them, or echoing the praises which

Parkman lavishes on them, it may be truly said that their wonderful and cohesive confederation furnished a model worthy to be copied by many civilized nations.

While they were uncontaminated by the vices of civilization, they possessed, with all their savagery, many noble traits of character, which would adorn any people in their public, social, or domestic relations.

They made themselves the dreaded masters of all their neighbors east of the Mississippi and carried their victorious arms far to the north, south and east.

Hudson's journal indicates that the Indians on the east side of the Hudson River held no intercourse with those on the west side, and that the former were a much more fierce and implacable people than the latter.

This probably arose from the fact that those east of the Hudson and along the upper banks were allies of the Iroquois.

On the point where New York is now built, Hudson found the Indians a very hostile people, but those living on the western side from the Kills upward, 'came daily on board the vessel while she lay at anchor in the river, bringing with them to barter, furs, the largest and finest oysters, Indian corn, beans, pumpkins, squashes, grapes, and some apples, all of which they exchanged for trifles.'

Most writers on Indian antiquities have considered the tribes of the lower Hudson, and of East New Jersey, as branches of the general Delaware nation, or Lenni Lenape, which means original people.

This was a title which they had adopted under the claim that they were descended from the most ancient of all Indian ancestors.

This claim was admitted by the Wyandots, Miamis, and more than 20 other aboriginal nations, who accorded to the Lenape the title of grandfathers, or a people whose ancestors antedated their own.

The Rev. John Heckewelder, in his *History of the Manners and Customs of the Indian Nations*, says of the Delaware nation, 'They will not admit that the whites are superior beings.

'They say (of the whites) that the hair of their heads, their features, and the various colors of their eyes, evince that they are not, like the Lenni Lenape, an original people - a race of men that has existed unchanged from the beginning of time, but that they are a mixed race, and therefore a troublesome one.

'Whoever they may be, the Great Spirit, knowing the wickedness of their disposition, found it necessary to give them a Great Book, and taught them how to read it, that they might know and observe what He wished them to do, and what to abstain from.

'But they (the Indians) have no need of any such book to let them know the will of their Maker.

'They find it engraved on their own hearts.

'They have had a sufficient discernment given to them to distinguish good from evil, and by following that they are sure not to err.'

The Delawares, or Lenni Lenape, occupied a domain extending along the seashore from the Chesapeake to the country bordering Long Island Sound.

But from the coast it reached the Susquehanna Valley to the foot of the Allegheny Mountains, and on the north joined the southern frontier of their domineering neighbors - the hated and dreaded Iroquois.

This domain included not only the counties of Bergen, Passaic, Hudson and Essex, but all of the State of New Jersey.

Each nation or tribe - to adopt the names by which these communities are usually known - is subdivided into several clans.

In the organization of the savage communities of the continent, one feature, more or less conspicuous, continually appears.

The clans are not locally separate, but are mingled throughout the nation.

All members of each clan are, or are assumed to be, intimately joined in consanguinity.

Hence it is held an abomination for two persons of the same clan to intermarry; and it follows that every family must contain members of at least two clans.

Each clan has its name, as the clan of the Hawk, or Wolf, or Tortoise; and each has for its emblem the figure of the beast, bird, reptile, plant, or other object, from which its name is derived.

This emblem, called totem, is often tattooed on the clansman's body, or rudely painted over the entrance of his lodge.

The child belongs to the clan, not of the father, but of the mother.

In other words, descent, not of the totem alone, but of all rank, titles and possessions, is through the female.

The chief's son can never be a chief by hereditary title, though he may become so by personal influence or achievement.

Nor can he inherit from his father even a tobacco-pipe.

All possessions pass of right to the chief's brothers or nephews, the sons of his sisters, for these are all sprung from a common mother.

The principal tribes composing the Lenni Lenape or Delaware nation were those of the Unamis or Turtle, the Unalachtgo or Turkey, and the Minsi or Wolf.

The tribes who occupied and roamed over the counties of Bergen, Passaic, Hudson and Essex, were those of the Turkey and Wolf branches, but the possessions and boundaries of each cannot be clearly defined.

There was probably a tribe for every 10 to 20 miles, each taking their names from the streams near which they severally located.

In 1648 they were governed by about 20 kings, which might seem to warrant the belief that their numbers were great; but the insignificance of this regal sway is seen from the fact that in one case 1,200 were under two kings, and some kings had only 40 subjects, so that these rulers might with greater correctness be called chiefs.

The Wolf, commonly called the Minsi (corruptly called Minsey), had chosen to live back of the other two tribes, and formed a kind of bulwark for their protection, watching the nations of the Mungwe, and being at hand to afford aid in case of rupture with them.

The Minsi were considered the most warlike and active branch of the Lenape.

Those most intimately connected with this region were the Minisies and Mohicans - the former being the inhabitants of the range of country from Minisink to Staten Island, and from the Hudson to the Raritan Valley.

The latter inhabited the east side of the lower Hudson to its mouth.

**The Dutch called them
respectively Swannekins and
Manhicans.**

**These were divided into
numerous tribes, and the latter
again into clans.**

**According to Brodhead, the
former were called Wabingi or
Wappinges, the latter name, as
Heckewelder claims, being
derived from the Delaware
word waping, signifying
opossum.**

**In this section of New Jersey
they were called Raritans,
Hackensacks (or Ackinkeshacky),
Pomptons, and Tappaens.**

**On Manhattan Island dwelt the
fierce Manhattans, whom De
Laet calls 'a wicked nation' and
'enemies of the Dutch'.**

These names, together with their chiefs, appear in the treaty between the Dutch and the Indians soon after the war in 1644; the war brought on by Kieft's harsh and unjust treatment of the latter.

'This day, being the 30th of August, 1645, appeared in Fort Amsterdam, before the Director and Council, in the presence of the whole Commonality, the Sachems of the savages as well in their own behalf, as being authorized by the neighboring savages, namely:

'Orataney, Chief of Ackinkes-hacky (meaning low lands), Sessekenick and William, Chiefs of Tappaen and Reckgawawank, Pacham and Pennewink (who were here yesterday and gave their power of attorney to the former, and also took upon themselves to answer for those of Onaney and the vicinity of Majaniwetinnemia of Marechowik, of Nyack and its neighborhood) ...

'... and Aepjen, who personally appeared, speaking in behalf of Wappinx, Wiquiaeskecks, Sintsicks and Kichtawous.'

Whitehead, in his *East New Jersey under the Proprietary Governments*, concludes that there were not more than 2,000 Indians within the province while it was under the domination of the Dutch.

Fifty years later it was stated that the Indians are greatly decreased in numbers; and the Indians themselves say that 'two of them die to every one Christian that comes here.'

Before European explorers had penetrated the territories of the Lenapi, the power and prowess of the Iroquois had reduced the former nation to the condition of vassals.

When, in 1742, the old Iroquois chief, Connosseitigo, at the treaty of council in Philadelphia, commanded them to leave the court house instantly, and prepare to vacate their hunting grounds on the Delaware and its tributaries, the outraged and insulted red men were completely crestfallen and crushed; but they had no alternative, and must obey.

They at once left the presence of the Iroquois, returned to their homes, which were to be their homes no longer, and soon migrated to the country bordering the Susquehanna, and beyond that river.

The Indians of this locality were quiet, peaceable and domestic in their habits, and there existed among them a code of honor, engraven on their hearts by the Great Spirit, which would put to shame their white neighbors, who were kept in restraint only by wholesome laws vigorously enforced.

All attempts by the Dutch to corrupt and demoralize their 'savage' neighbors by the introduction of 'fire water' met with a manly resistance on the part of the Indian Chiefs, as appears by the following Warrant empowering Oratam, Chief of Hackingeshacky, and Mattano, another Chief, to seize any brandy found in their country, and take it, with the persons selling it, to New Amsterdam.

'Whereas, Oratam, Chief of Hackingeshacky, and other savages, have complained several times, that many selfish people dare not only to sell brandy to the savages in this city, but also to carry whole ankers of it into their country, and peddle it out there, from which, if it is not prevented in time, many troubles will arise ...

'... therefore the Director-General and Council of New Netherland, not knowing for the present a better way to stop it, authorize the said chief, together with the Sachem Mattenonck, to seize the brandy brought into their country for sale, and those offering to sell it, and bring them here, that they may be punished as an example to others.'

Local Indian names, and other evidences, clearly indicate that the territory comprised within the present township of Montclair was at one time the habitation of one or more of the several clans of Indians.

Early surveys show that Indian paths led through this region; and the route of various tribes from the seashore to the interior led along this line.

On one of the early maps is shown the Indian path which led to the Minisink.

From the Shrewsbury north-west it crossed the Raritan west of Amboy, and thence northerly to Minisink Island in the Delaware.

This was the great path from the sea to the Minisink, the Indian council seat.

The most direct route from the Hudson to Minisink Island was through the great notch on the first mountain, four miles north of Montclair, which struck the main path near Little Falls.

There were also intersecting paths through the same territory.

The several routes led to the Minisink, about seven miles west of Watchschunk Mountain, through the notch at Eagle Rock and other openings through the mountain.

Nearly, if not quite all the Indian names in this locality indicate their origin from the language of the Delaware Indians, most of them being mis-spelt as well as misinterpreted.

Wachung, referring to the First Mountain, is evidently a corruption of Wachtschunk. meaning 'on the hill'.

The name of Watsessing or Wardsesson as early applied to Bloomfield, is doubtless from the word Waktschieehen, meaning crooked.

Mr. D.G. Brinton, author of *Aboriginal American Authors and their Productions*, writes, 'I would say that you are quite right in supposing Waehung - Waehtsehunk - on the hill or at the mountain, or the hilly spot.

'In this case the traditional rendering you give seems to me well founded.'

'The name Watsessing I take to be a form of Waktsehieehen, it is crooked (i.e., a road, a stream, etc.).

Pachseyink - in the valley - is doubtless the original of Passaic or Pesayic, as spelled in the early records.

Hachkihacanink - in the field;
Sepunk - to or on the river ;
Hatink - in or near the earth;
Meechekachink - at the big rock.

The ordinary form of salutation of the Delawares was, 'I thank the Great Spirit that he has preserved our lives to this time of our happy meeting again.

'I am indeed very glad to see you.'

They don't fight with each other; they say that fighting is only for dogs and beasts.

They are, however, fond of play and passing a joke, yet are very careful that they don't offend.

They have great respect for the aged.

They have a strong innate sense of justice.

**A well-known writer says,
'The Delawares were eminent for
valor and wisdom, and held a
prominent place in Indian
history, but on the rise of the
Iroquois power, they lost their
independence and fell under
suspicion because many of them
applied themselves to
agriculture.**

**'It may justly be a subject of
wonder, how a nation without a
written code of laws, or a system
of jurisprudence, without any
form or constitution of
government, and without even a
single elective or hereditary
magistrate, can subsist together
in peace and happiness, and in
the exercise of the highest
virtues - how a people can be
well and efficiently governed
without any external authority.**

'The secret of it is found in the early education of their children. The first step that parents take toward the education of their children is to prepare them for future happiness by impressing upon their tender minds that they are indebted for their existence to a great, good and benevolent Spirit, who has not only given them life, but has ordained them for certain great purposes.

'That he has given them a fertile, extensive country, well stocked with game of every kind for their subsistence, and that by use of his inferior spirits he has also sent down to them from above coon, pumpkins, squashes, beans, and other vegetables, for their nourishment.

'That this great Spirit looks down upon the Indians to see whether they are grateful to him and make him a due return for the many benefits he has bestowed; and, therefore, that it is their duty to show their thankfulness by worshiping and doing that which is pleasing in his sight.'

'They are taught in everything to please the Great Spirit.'

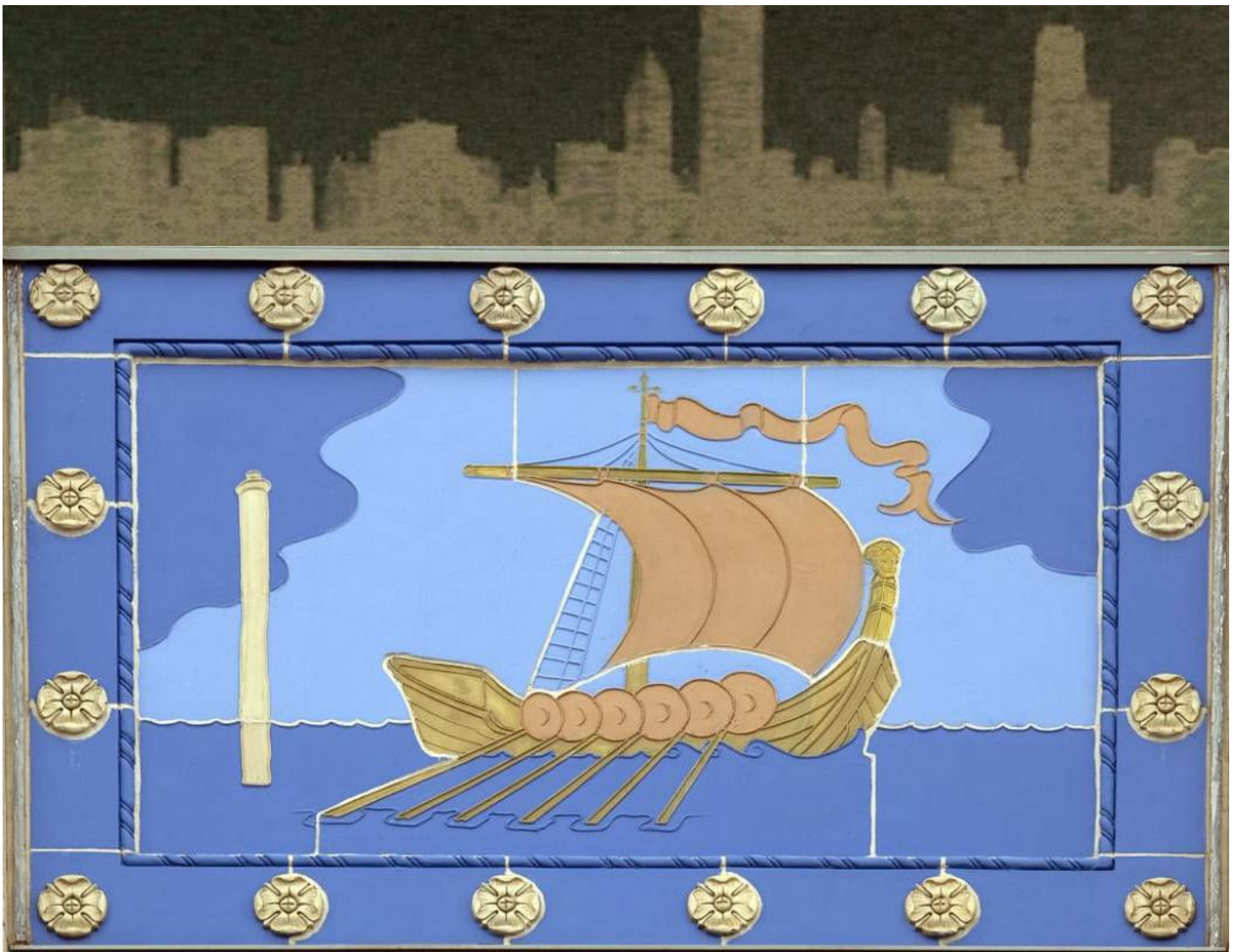
'When the child does a commendable act the father will say, May the Great Spirit who looks upon him grant this child a long life.'

An Indian loves to see his wife well clothed, which is a proof that he is fond of her.

In bartering skins and pelfry with the trader, the wife will never fail to purchase an article which she thinks will suit or please her husband.

She tells him that it is her choice, and he is never dissatisfied.

The more a man does for his wife, the more he is esteemed in the community.



Wetmore, James A. (architect) (1932). Highsmith, Carol M. (born 1946) (photographer). Exterior detail, U.S. Post Office and Courthouse, Camden, New Jersey. photographed for General Services Administration (2009).

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Wetmore, James A. (architect) (1932). Highsmith, Carol M. (born 1946) (photographer). Exterior detail, U.S. Post Office and Courthouse, Camden, New Jersey. photographed for General Services Administration (2009).

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Wetmore, James A. (architect) (1932). Highsmith, Carol M. (born 1946) (photographer). Exterior detail, U.S. Post Office and Courthouse, Camden, New Jersey. photographed for General Services Administration (2009).

No known restrictions on publication.

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

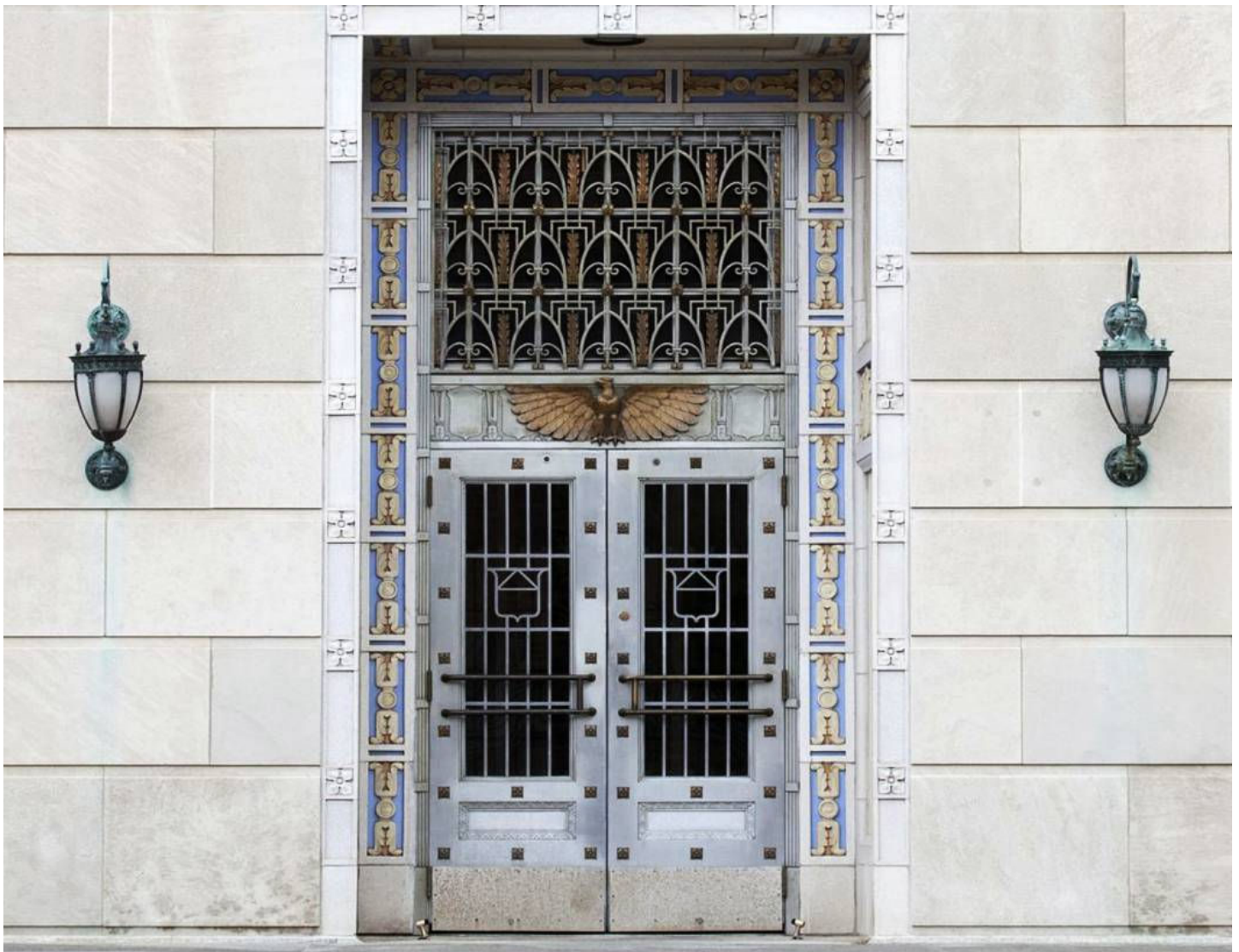
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Wetmore, James A. (architect) (1932). Highsmith, Carol M. (born 1946) (photographer). Door detail, U.S. Post Office and Courthouse, Camden, New Jersey. photographed for General Services Administration (2009).

No known restrictions on publication.

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

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Sandy Hook light-ship number 51. Brooklyn (NY): Charles E. Bolles, copyright D18085 (1900).

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Miscellaneous Items in High Demand. Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

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<http://lcweb2.loc.gov/service/ppp/ppmsca/09000/09009v.jpg>



Life saving station, Cape May, N.J.. Detroit (MI): Detroit Publishing Co. (circa 1900-1915).

Number 039191.

Detroit Publishing Company photograph collection. Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

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Seabright -- Wreck of life saving station. Published by Bain News Service (1914 January 6).

Photo shows storm damage in Sea Bright, New Jersey. (Source: Flickr Commons project, 2010)

No known restrictions on publication.

George Grantham Bain Collection. Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

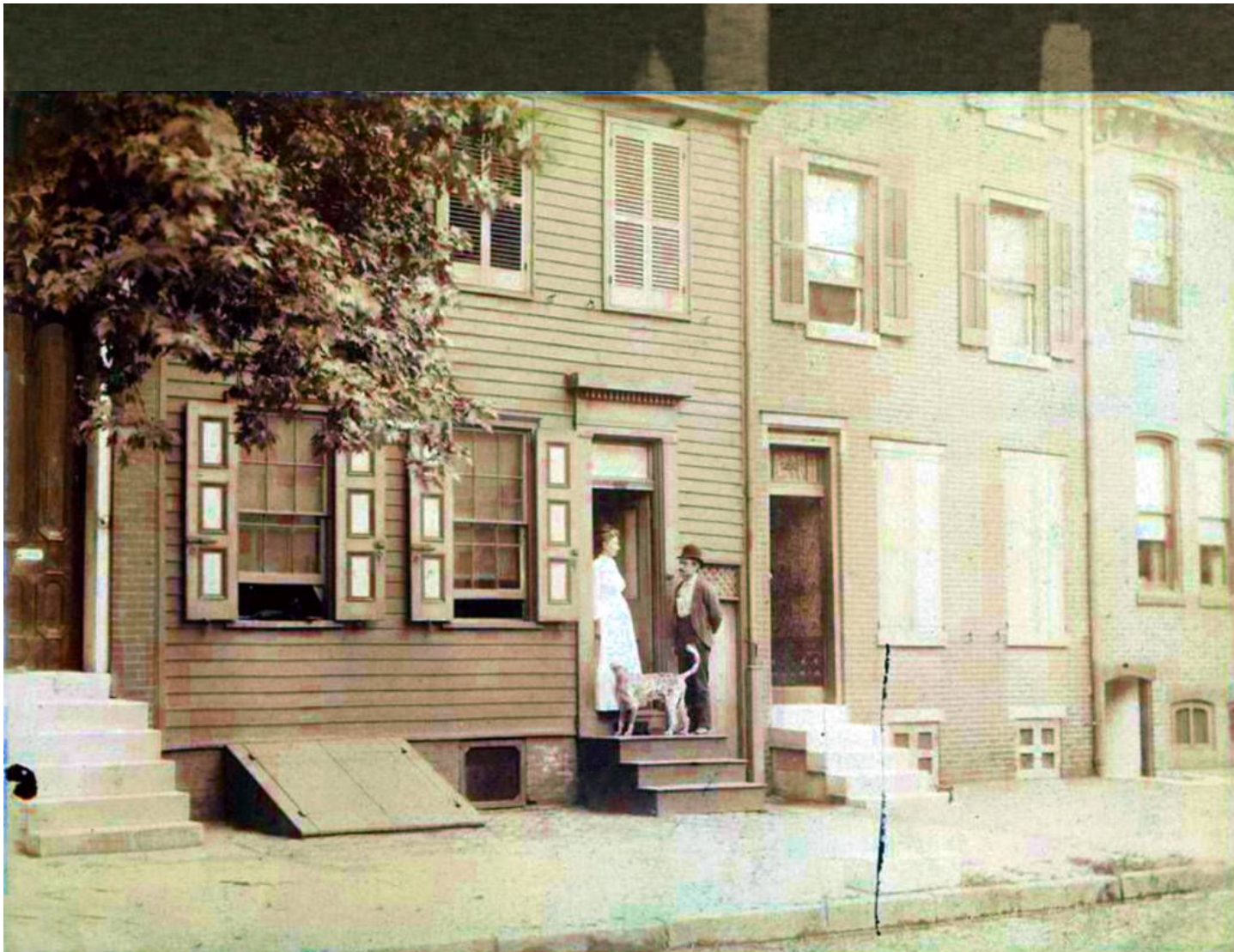
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http://www.flickr.com/photos/library_of_congress/4690136561



Present (1890) residence of Walt Whitman, Mickle St., Camden, New Jersey

Photograph shows a man, woman, and dog on the steps of Walt Whitman's home, Camden, New Jersey.

No known restrictions on publication.

Feinberg-Whitman Collection. Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

Call # LOT 12017, box 4, Mickle St.-2 [item] [P&P]

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Bookmark <http://www.loc.gov/pictures/item/2004675313/>

<http://lcweb2.loc.gov/service/pnp/ppmsca/07500/07541v.jpg>



Collier, John (1913-1992) (photographer). Bean fields, Seabrook Farm, Bridgeton, N.J. (1942 June).

No known restrictions on publication.

11671-23

Farm Security Administration/Office of War Information Color Photographs

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

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<http://lcweb2.loc.gov/service/pnp/fsac/1a33000/1a33700/1a33786v.jpg>



Highsmith, Carol M. (born 1946) (photographer). New Deal WPA art, Clarkson S. Fisher Federal Building & U.S. Courthouse, Trenton, New Jersey. photographed for General Services Administration (2010).

Built in 1932 and designed by architect James Wetmore. The exterior of the Trenton Federal Building is a well executed design with a "Stipped Neo-Classical" form, with both Classical and Art Deco terra cotta detailing. The "New Deal Art" murals are by Charles Wells.

No known restrictions on publication.

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

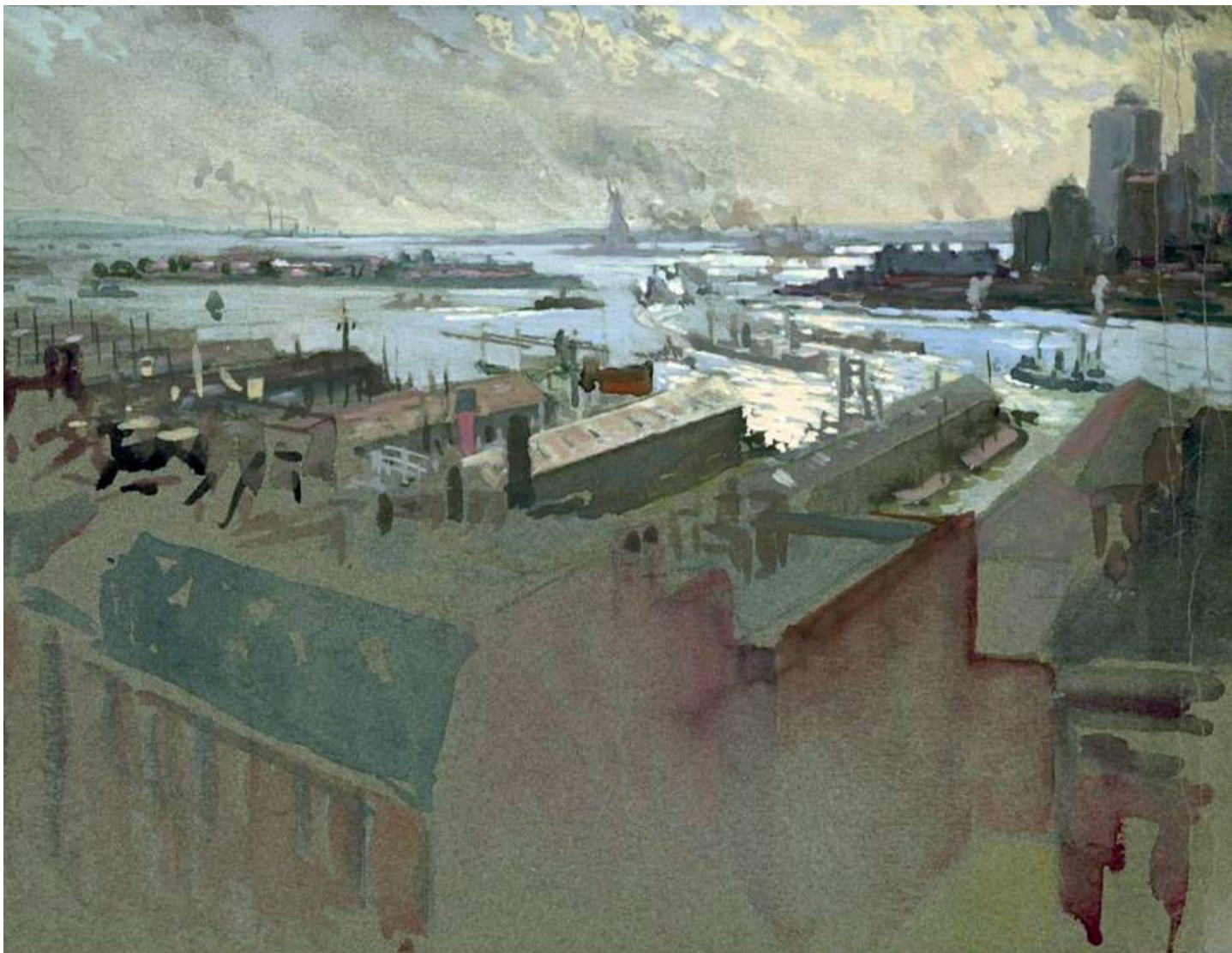
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Carol M. Highsmith; 2009; (DLC/PP-2009:083).

Bookmark <http://www.loc.gov/pictures/item/2010719733/>

<http://lcweb2.loc.gov/service/pp/highsm/10800/10898v.jpg>



Pennell, Joseph (1857-1926) (artist). New York Bay from the Margaret. Created circa 1922-1926.

New York City. As Wuerth described, "In foreground housetops on Columbia Heights, middle distance Brooklyn docks, East River, Governor's Island, lower end of Manhattan, the Statue of Liberty and Jersey shore on the horizon. Colors, cream, blue, gray, rose, brown, black, orange, white and violet, on dark gray paper."

No known restrictions on publication.

Wuerth, L.A. List of original drawings and paintings, no. 395, p. 5.

Access Advisory: Many drawings in this collection are fragile. Drawings made with charcoal or pastel require special arrangements for service.

Call Number: DRWG/MA - Pennell, no. 1051 (B size) [P&P]

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

Reproduction # LC-DIG-ppmsca-12019 (digital file from original drawing)

Bequest; Joseph Pennell Estate; 1926-1937; (PR 06 CN 316.1051).

Bookmark <http://www.loc.gov/pictures/item/2007664682/>

<http://lcweb2.loc.gov/service/ppn/ppmsca/12000/12019v.jpg>



Highsmith, Carol M. (born 1946) (photographer). The Colgate Clock, Colgate-Palmolive factory, Clarksville, Indiana. (2009 May 9).

One of the largest clocks in the world. It has a diameter of 40 feet (12.19 meter). It was first illuminated in Clarksville on November 17, 1924. It is located directly across from Louisville, Kentucky. Designed by Colgate engineer Warren Day and constructed by the Seth Thomas Clock Company for the centennial of the Colgate Company in 1906, the clock served as the original Colgate Clock at Colgate-Palmolive facilities in Jersey City, New Jersey.

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Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

Call Number: LC-DIG-highsm- 04103 (ONLINE) [P&P]

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Gift and purchase; Carol M. Highsmith; 2009; (DLC/PP-2010:031).

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HISTORY
OF
SUSSEX AND WARREN

COUNTIES, NEW JERSEY,

WITH

ILLUSTRATIONS AND BIOGRAPHICAL SKETCHES

OF ITS

PROMINENT MEN AND PIONEERS.

COMPILED BY JAMES P. SNELL,

(Author of "History of Hudson and Somerset Counties, N. J.")

ASSISTED BY PROF. W. W. CLAYTON AND A NUMEROUS CORPS OF WRITERS.

PHILADELPHIA:
EVERTS & PECK.
1881.

PRESS OF J. S. LIPPINCOTT & CO., PHILADELPHIA.



Dally, Joseph W. Woodbridge and vicinity. The story of a New Jersey township. New Brunswick (NJ): A.E. Gordon (1873).

Call #7723074

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<http://lccn.loc.gov/01007871>

Smedley, William Thomas (1858-1920) (artist). A Jersey farmer and his wife. illustration in Ralph, Julian (author), Old Monmouth. Harper's magazine 89:332 (1894 August).

Cabinet of American Illustration. Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

Call # CAI - Smedley, no. 42 (B size) [P&P]

Bookmark <http://www.loc.gov/pictures/item/2010717971/>

<http://lcweb2.loc.gov/service/pnp/cai/2a14000/2a14700/2a14739r.jpg>

BRIEF REVIEW OF THE EARLY HISTORY OF
NEW JERSEY.

I.—DISCOVERY BY HENRY HUDSON.

THE history of Sussex and Warren Counties is so intimately interwoven with the early history of the State of which they are a part that a brief review of the latter seems to be a necessary preliminary step to the local work which is the design of the present volume.

New York and New Jersey were discovered and occupied by Europeans at nearly the same period,—the early part of the seventeenth century. Henry Hudson, the discoverer of the noble river which bears his name, and which forms a portion of the eastern boundary of New Jersey, set sail from Amsterdam, Holland, under the auspices of the Dutch East India Company, on April 4, 1609, with a commission to discover the Northwest Passage or to verify the dream of geographers of that period of a short cut between Europe and China. Hudson did not find the Northwest Passage, but, what is vastly more important to commerce, he discovered the North River, and sailed up its broad and beautiful channel to about the point which is still the head of navigation by those palatial steamers which have taken the place of his "Vlie-boat," the "Half-Moon."

Before this, however, Hudson had anchored in the waters of New Jersey, in that grand old bay, the Delaware, which forms the outlet oceanward of the noble river which courses along the western borders of these counties, and which, cutting through the ancient Pahaqualin Mountain, forms within their limits that marvelous phenomenon of nature the Water Gap. In sailing towards the east coast of America, Hudson encountered the ice-floes on the Banks of Newfoundland and changed his course southward. In consequence of this he entered Chesapeake Bay, and, coasting northward, soon cast anchor in the Delaware. Proceeding along the eastern coast of New

Jersey, he finally anchored inside of Sandy Hook on Sept. 3, 1609. On September 5th he sent his boat ashore southward in the vicinity of the Horseshoe to take the soundings of the depth of the water. "Here the boat's crew landed and penetrated into the woods in the present limits of Monmouth County," N. J. These were probably the first Europeans who set foot upon the soil of the State.

II.—OCCUPATION OF NEW NETHERLANDS.

Passing over the subsequent operations of Hudson and his return to Holland, we bestow a passing notice upon the first settlement of the New Netherlands by the Dutch, which immediately preceded the first colony planted in New Jersey by the Danes or Norwegians. In 1610 it appears that at least one ship was sent hither by the East India Company for the purpose of trading in furs, which it is well known continued for a number of years to be the principal object of commercial attraction to this part of the New World. Five years after Hudson's voyage a company of merchants, who had procured from the States-General of Holland a patent for an exclusive trade on Hudson's River, had built forts and established trading-posts at New Amsterdam (New York), Albany, and the mouth of the Rondout Kill. The latter was a small redoubt on the site of what is now

a part of the city of Kingston, N. Y. It was known as the "Rondout," from whence comes the name of Rondout.* The fort near Albany was upon Castle Island, immediately below the present city, and the one at New York was erected on what is now the Battery.

On the 11th of October, 1614, the "United Company" of merchants, above referred to, received their special grant. This conferred upon Gerrit Jacob Witsen, former burgomaster of the city of Amsterdam, and his twelve associates, ship-owners and merchants of Amsterdam, the exclusive right to "visit

* Broadhead's Hist. of New York, vol. 4 p. 7.

and navigate all the lands situate in America between New France and Virginia, the sea-coasts of which lie between the fortieth and forty-fifth degrees of latitude, which are now named New Netherlands, and to navigate, or cause to be navigated, the same for four voyages within the period of three years, to commence from the 1st day of January, 1615, or sooner." Having thus obtained the exclusive right to trade in the new country, they assumed the name and title of "The United New Netherland Company." This company took possession of the Hudson River, then called by them "De Riviere van den Vorst Mauritius," and carried forward their enterprise with commendable zeal. The Hollanders were a trading people, and their bartering- or trading-posts were established at points which were natural outlets for all the trapping regions tributary to the Hudson. This led in a short time to the settlement of those points. Determined upon the settlement of a colony, the States-General in 1621 granted the country to the West India Company; and in the year 1625, Peter Minuet arrived at "Fort Amsterdam" as the first Governor or director.*

The first emigrants under Minuet appear to have been from the river Waal, in Guelderland, and, under the name of "Waaloons," founded the first permanent settlement beyond the immediate protection of the cannon of Fort Amsterdam. They settled at Brooklyn, opposite New York, and were the first who professionally pursued agriculture.†

III.—SETTLEMENTS AT BERGEN AND ON THE DELAWARE.

Meanwhile, a number of Danes or Norwegians, who accompanied the Dutch colonists to the New Netherlands, had effected a settlement at Bergen,—so called from a city of that name in Norway. This was about the year 1618. In 1623 the West India Company dispatched a ship loaded with settlers, subsistence, and articles of trade. The vessel was commanded by Cornelius Jacobs Mey. He entered Delaware Bay and gave his name to the northern cape, which still retains it,—Cape May. He explored the bay and the

* Hist. and Antiq. of the Northern States (Barber), p. 60.

† At this period the English government seems to have been indifferent concerning the continued occupation of the Dutch. The only measure adopted to effect their removal was the issuing of a grant, June 21, 1634, to Sir Edmund Ployden for the land they occupied. It conferred upon Sir Edmund the country between Cape May and Long Island Sound, for forty leagues inland. This tract was erected into a free county palatine by the name of *New Albion*, and over it, with the title of "Earl Palatine," Ployden was made governor, he having, as it is stated,—although the fact may well be doubted,—"amply and copiously peopled the same with five hundred persons." He, however, visited the province, and resided therein seven years, exercising his office as governor; but, although he may have assumed, on paper, his rights as lord of the soil by granting to various individuals large tracts of land, it is doubted that his authority was ever established over the few inhabitants that then dwelt within the limits of his domain, excepting those who may have come over with him. There was, however, some emigration to "New Albion" as late as 1650.—*Whitehead's East Jersey under the Proprietary Governments*, pp. 8, 9. [The grant here referred to is given at length in "Hazard's Collection of State Papers," vol. i. p. 160.]

river, and at length landed and built a fort upon a stream called by the natives Sassackon (now Thunder Creek), which empties into the Delaware below Camden. The fortification was called "Fort Nassau," and its erection may be regarded as the first attempt to establish a settlement on the eastern shore of the Delaware.‡

In the winter of 1630-31, David Pietersen De Vries, in command of a vessel, arrived in the Delaware, but found that Fort Nassau had fallen into the hands of the Indians. He erected a fort, colonized his immigrants, and returned to Holland. During his absence a feud arose with one of the native tribes, which terminated in the massacre of all the colonists. De Vries returned soon after with a new company, and, while he mourned the loss of his former companions, he narrowly escaped a similar fate. He was saved by the kindness of an Indian woman, who informed him that treachery was intended. But, "disheartened by repeated disasters, the Dutch soon after abandoned the country, and for some years not a single European was left upon the shores of the Delaware."§

IV.—SWEDISH COLONY—NEW SWEDEN.

In 1637 two Swedish ships arrived in the Delaware, bringing a number of settlers. They were soon followed by other companies, and, in 1642, John Printz, a military officer, was sent over as Governor of the colony. He established himself upon the island now known as Tinicum, which was given him by the

Queen of Sweden. Here he built a fort, planted an orchard, and erected a church and several dwellings, including a fine house for himself, which was called "Printz Hall." At the same time with the Governor came also John Campanius Holm, a clergyman and the future historian of the colony; and in the same company was Lindstrom, an engineer, who afterwards published a map of the Delaware and its adjacent parts.||

In the government of New Sweden, as that portion of New Jersey was then called, Printz was succeeded by his son, John Papegoia, who soon returned to Europe and left the control to John Claudius Rising. In 1655 the Dutch sailed from Manhattan with seven ships and six hundred men, under command of Governor Peter Stuyvesant, and fell unawares upon the Swedish settlements. Fort after fort fell into their hands; the officers and principal men were made prisoners and carried to New Amsterdam, while the Dutch retained possession of the country. They held the mastery of it and of the New Netherlands, however, but a short time; for, in 1664, Charles II., King of England, sent over Col. Nichols with a fleet and army; he made a complete conquest of New Amster-

‡ Hist. Coll. New Jersey, 1844, p. 11.

§ Barber's Hist. Coll. of N. J.

|| Chy's "Annals of the Swedes." See also Plantagenet's "New Albion" and Whitehead's "East Jersey under the Proprietors."

dam and the surrounding country, and all the Dutch possessions fell into the hands of the English.

V.—GRANT TO THE DUKE OF YORK—PROPRIETARY GOVERNMENT.

Immediately after the surrender of New Amsterdam by Governor Stuyvesant, Charles II. granted the territory including New York and New Jersey to his brother James, the Duke of York and Albany, who in turn conveyed that portion of it now known as New Jersey to Lord Berkeley and Sir George Carteret. This latter conveyance is said to be the first instrument in which the bounds of New Jersey are regularly defined. Berkeley and Carteret formed a constitution for the colony, and appointed Philip Carteret, a son of Sir George, as its Governor. He came in 1665, fixed the seat of government at Elizabethtown, purchased land of the Indians, and offered such favorable terms to the settlers in New England as inducements to emigrate to Jersey that many came hither and located, principally at Elizabethtown and Newark.

In 1673 the Dutch retook New York, but by the treaty of the following year the territory of both that province and New Jersey reverted to the English, who continued in undisturbed possession until the war which secured the independence of the United States of America. Doubts having arisen as to the validity of the title of the Duke of York, a new patent was issued in 1674, and Edmund Andros was sent over as Governor. Philip Carteret, who had returned to England in 1672, returned in 1675, and was

welcomed by the people, who had been uneasy and disaffected under the arbitrary rule of Andros.

Lord Berkeley, dissatisfied with the pecuniary outlook of his colonization scheme, disposed of his interest to John Fenwicke, in trust for Edward Byllinge, both members of the Society of Friends. He received the sum of one thousand pounds for the tract of land then called "New West Jersey," embracing about one-half of the State as now constituted. The division between East and West Jersey was made by Carteret and the trustees of Byllinge, July 1, 1676. The line of partition was agreed on "from the east side of Little Egg Harbor, straight north, through the country, to the utmost branch of Delaware River." This line was extended from Little Egg Harbor as far as the South Branch of the Raritan, at a point just east of the Old York Road. It was run by Keith, the surveyor-general of East Jersey, but was deemed by the West Jersey proprietors to be too far west, thereby encroaching on their lands, and they objected to its continuance. On the 5th of September, 1668, Governors Coxe and Barclay, representing the respective interests, entered into an agreement, to terminate the dispute. It was that this line, so far as run, should be the bound, and that in its extension it should take the following course: From the point where it touched the South Branch, "along the back of the adjoining plantations, until it touches the North Branch of the

Raritan, at the falls of the Allamitong,* thence running up that stream northward to its rise near Succasunny." From that point a short straight line was to be run to touch the nearest part of the Passaic River. Such a line would pass about five miles north of Morristown. The line was to be continued by the course of the Passaic as far as the Paquanick, and up that branch to forty-one degrees north latitude, and from that point in "a straight line due east to the partition-point on Hudson River between East Jersey and New York." This line gave to the northern part of West Jersey the present counties of Warren and Sussex, and portions of Morris, Passaic, and Bergen. The Coxe-Barelay agreement was not carried into effect, although the division-line constituted the eastern boundary of Hunterdon County until Morris County was erected, in 1738.

Edward Byllinge became so embarrassed in his financial ventures that in 1676 he was compelled to assign his interests to William Penn, Gawen Lowrie, and Nicholas Lucas, all Quakers, "to be used for the benefit of his creditors." Prior to this, however, he had sold a number of shares, and the trustees sold many of them to different purchasers, who thereby became proprietaries in common with them. Fenwicke soon after made a similar assignment. As these trustees were Quakers, the purchasers were mostly members of that body. Two companies were formed, one in Yorkshire, the other in London, both intent on colonization in America, and in the same year some

four hundred persons came over, most of them of considerable means. Daniel Coxe was connected with the London Company, and one of the largest shareholders; subsequently he became the owner of extensive tracts of land in old Hunterdon County.

At that time persecution in England was driving the Quakers to America as to a haven of religious toleration and social equality. Emigration commenced in the spring of 1677, and on the 16th of June in that year the ship "Kent" arrived from London with two hundred and thirty passengers. This was the second ship "to the Western parts." Next arrived the "Willing Mind," John Newcomb commander, with sixty or seventy more. Several settlements were started, and West Jersey became, as early as the year 1680, quite populous. Burlington was founded, and became the principal town. There the land-office for the whole province of West Jersey was located, and there all deeds were recorded.

In 1681, Samuel Jennings, having received a commission from Byllinge as deputy-governor, came to West Jersey, called an assembly, and with them agreed upon a constitution and form of government. From this time on assemblies were held each year, courts were established in several places, and "justice was administered in due course of law." Jennings' successors in the executive department were

* Now the Lanlughton Falls.

Thomas Olive, John Skeine, William Welsh, Daniel Coxe, and Andrew Hamilton. The last named continued as Governor until the proprietary charter was surrendered to the Crown.

VI.—PROPRIETARY GOVERNMENT OF EAST JERSEY.

On the 16th of October, 1680, the Duke of York relinquished all his pretensions to East Jersey in favor of the grandson and heir of Sir George Carteret,* soon after which Andros returned to England. Sir George died in 1680, and by his will, dated Dec. 5, 1678, left his widow, Lady Elizabeth, executrix of his estate and guardian of his grandson and heir, George, a son of Sir Philip, and devised to Edward, Earl of Sandwich, John, Earl of Bath, Hon. Bernard Grenville, brother to the Earl of Bath, Sir Thomas Crewe, Knight, Sir Robert Atkyns, Knight of the Bath, and Edward Atkyns, one of the barons of the Exchequer, and their heirs, among other lands, all his property in East Jersey, in trust for the benefit of his creditors. These trustees, failing to find a purchaser by private application, offered it at public sale to the highest bidder, William Penn with eleven associates, most of whom were Quakers, and some already interested in West Jersey, becoming the purchasers for three thousand four hundred pounds.† Their deeds of lease and release were dated the 1st and 2d of February, 1681-82, and subsequently each of them sold one-half of his respective right to a new associate, making in all twenty-four proprietaries.‡ In the following year the Duke of York confirmed this sale by issuing a new

grant to the proprietors, their names there appearing in the following order: James, Earl of Perth, John Drummond, Robert Barclay, David Barclay, Robert Gordon, Arent Sonmans, *William Penn, Robert West, Thomas Rudyard, Samuel Groom, Thomas Hart, Richard Mew, Ambrose Rigg, John Heywood, Hugh Hurts-horne, Clement Plumstead, Thomas Cooper*, Gawen Lawrie, Edward Byllinge, James Brain, William Gibson, Thomas Barker, Robert Turner, and Thomas Warne, those in *italics* being eleven of the twelve original purchasers; *Thomas Wilcox*, the twelfth, having parted with his interest, Feb. 27, 1682, to David Barclay.§

There was a strange mingling of professions, religions, and characters in these proprietaries, among them being, as an English writer observes, "high-prerogative men (especially those from Scotland), dissenters, papists, and Quakers."|| The first twelve

* Bill in Chancery, p. 8.

† Grahame, ii., p. 289; *New Jersey Laws, 1834-35*, p. 175. Copies of the lease and release to the twelve are in the Secretary of State's office, Trenton, presented by descendants of Clement Plumstead, one of the grantees.

‡ *East Jersey under the Proprietors*, pp. 100-103.

§ *Ibid.*, p. 118. Gordon gives, as the additional twelve, *thirteen* names, among them Sir George Mackenzie, Robert Burnet, Peter Sonmans, Thomas Cox, and William Dockwra, who were all subsequent purchasers. Robert Turner he calls *Gawen* Turner, and Thomas Warne, Thomas *Nairne*,—possibly clerical or typographical errors.

|| Wynne's *British Empire*, i., p. 206.

purchasers, however, were mostly, if not all, Quakers, and, as some of their associates were of the same religious faith, they had a controlling influence in the body, which fact may explain why Robert Barclay, of Urie, a Quaker and a personal friend of William Penn, was selected to be Governor of the province. It was a worthy choice, as he was a man of learning, of religious zeal, and of exemplary character.¶ Such was the esteem and confidence in which he was held by his fellow-proprietaries that they subsequently commissioned him as Governor for life; nor was he required to visit the province in person, but was allowed to exercise his authority by deputy. For this office he selected Thomas Rudyard, an eminent lawyer of London and one of the proprietaries.

Soon after his arrival Rudyard selected as his counselors Col. Lewis Morris, Capt. John Berry, Capt. John Palmer, Capt. William Sandford, Lawrence Andress, and Benjamin Price, before whom he was sworn into office (Dec. 20, 1682) as deputy-governor. The previous "Concessions" were confirmed, and the Assembly called by Rudyard, which held three sessions during the year 1683 at Elizabethtown, "passed several acts of importance tending to the well-being of the province." Among these were acts remodeling the criminal and penal codes, etc., and "An Act dividing the province into four counties, and appointing a high sheriff for each." The county of Bergen included all the settlements between the Hudson and Hackensack Rivers, and extended to the northern

bounds of the province; Essex, all the country north of the dividing-line between Woodbridge and Elizabethtown and west of the Hackensack; Middlesex, all from the Woodbridge line on the north to Cheesapeake Harbor on the southeast, and back southwest and northwest to the province bounds; and Monmouth comprised the residue. A point of variance between the deputy-governor and Groom, the surveyor-general, led to Barclay's supersedure by Gawen Lawrie, a London merchant and a proprietary, who was already deeply interested in West Jersey.

Although most of the proprietaries resided in Great Britain, still emigration and transfers of proprietary rights soon brought to East Jersey many persons who were directly interested in the soil,—resident property-holders,—who Aug. 1, 1684, established a "Board of Proprietors," composed of "all the proprietaries that might be from time to time in the province," and was designed "to act with the deputy-governor in the temporary approval of laws passed by the Assembly, the settlement of all disputes with the planters," etc. This board continued to have prominent control within the province "of those concerns which were connected with the proprietary titles to the government and soil."*** Great pains was taken by the proprietary government to avoid a collision with the

¶ See Allibone's "Dictionary of Authors" for a full sketch of his life and writings.

*** East Jersey under the Proprietors, p. 141.

province of New York, whose Governor, Dongan, refrained from any open act of hostility until 1685, when William Dyre was appointed collector of the customs.

The Duke of York was now (1685), by the death of Charles II., raised to the throne as James II., and, notwithstanding he had thrice conveyed and confirmed to others all the rights, powers, and privileges he had in New Jersey, he resolved to extend his royal prerogative over it in order to increase his revenues. The proprietaries in England were not silent under this arbitrary action of the sovereign. In a petition to the king in council they specified some of the encroachments of Dongan, in relation to the seizure of vessels trading to New Jersey, as calculated to "overthrow one of the most hopeful colonies in America." In a remonstrance subsequently presented to the king they reminded him that they had not received the province as a gratuity, but had expended for it twelve thousand pounds; that under his own confirmation of their title and assurance of protection they had sent thither several hundreds of people from Scotland, but as yet had received no returns; and that, notwithstanding all these guarantees, their rights had been violated by the Governor of New York. They signified their willingness to submit to an imposition of the same customs that were levied in New York, and among other prayers requested that a customs officer might be appointed at Perth Amboy.* The last request was the only one granted, as it promised additional rev-

enue and did not conflict with the designs he then had in view.

On the 6th of April, 1686, the Assembly met for the first time at the new seat of government, Perth Amboy. Lawrie was succeeded by Lord Neill Campbell, in the same year. His council was composed of Gawen Lawrie, Maj. John Barry, of Bergen, Isaac Kingsland, of New Barbadoes, Capt. Andrew Hamilton, of Amboy, Richard Townly, of Elizabethtown, Samuel Winder, of Cheesequake, David Mudie and John Johnson, of Amboy, and Thomas Codrington, of Raritan. In 1687, Lord Campbell returned to Scotland, leaving Andrew Hamilton as his substitute. Under the operations of the writ of *quo warranto*, issued in 1686 against the proprietors by the order of King James, the king's pliant tool, Andros, commissioned as Governor over all New England, proceeded to extend his sway not only over that country, but over New Jersey, and, finding the king immovable in this determination, "the proprietaries of East Jersey considered it advisable to abandon the hopeless contest for their previously-conceded privileges, and by facilitating the king's design obtain his guarantee to respect their right to the soil. They consequently made a formal surrender of their patent on this condition in April, 1688." The *quo warranto* process was stayed so far as affected East Jersey; and, as the pro-

* East Jersey under the Proprietaries, pp. 141-146.

propriaries of West Jersey also entered into the arrangement, a new commission was directed to Andros, annexing both provinces to his government, together with New York,—Governor Dongan being thus superseded,—with Francis Nicholson as his lieutenant. This made but little if any change in the government of East Jersey, as Andros wisely continued all their officers in their places.

In August, 1689, Hamilton left for Europe, and the people of East Jersey were left to the guardianship of their county and town officers from that time until 1692. "These, however, possessed ample powers to meet all common emergencies, and without any pressure from abroad, or attempted exercise of any disputed prerogative within the province by the agents of the proprietaries, the authority of these local magistrates appears to have been respected and the peace of the community preserved."† Bancroft asserts that during this period East Jersey had no government whatever; but this is disputed by Whitehead and others, whose opinions are supported by a reference to the various charters and local regulations.

After the death of Governor Barclay, in 1690, the proprietaries appointed John Latham, and, in 1691, Col. Joseph Dudley, as Governor, but the people "scrupled to obey both," although the reason is not given. Perth Amboy, the new capital, had grown to be an important village, and from thence the new settlers spread westward, entering upon the unbroken interior and establishing themselves on the banks of

the Raritan, soon becoming sufficiently numerous to call for the erection of a new county; hence Somerset was set off from Middlesex in 1688, with a somewhat larger territory than it has at present.

In September, 1692, Andrew Hamilton, who had been appointed Governor, arrived in Jersey, "and was received in a manner that removed every impediment to the re-establishment of the proprietary government."‡ He appointed John Barclay receiver and surveyor-general, and Thomas Gordon resident secretary. On the 14th of the month he selected as his council Capt. Isaac Kingsland, Capt. Andrew Bowne, John Inians, of Raritan River, David Mudie,§ James Dundas, John Royce, of Roycefield, Samuel Dennis, John Bishop, and Lewis Morris. September 28th a General Assembly convened at Perth Amboy, at which the laws passed subsequent to 1682 were, with a few exceptions, re-enacted and others amended. An act was also passed authorizing a special tax of four hundred pounds to lighten the burden of New York in the war between England and France, the frontier settlements being much exposed to expeditions from Canada. This action must have been prompted by a sense of duty, as East Jersey had no danger to apprehend from the French, and certainly at this time had no unusual regard for the interests

† *Ibid.*, p. 184.

‡ *Ibid.*, p. 188.

§ Richard Hartshorne succeeded Mudie in 1695.

of New York. In 1696 similar projects for the relief of New York found little favor.*

From 1692 to 1696 a more quiet condition of affairs prevailed than had existed for years, but dissensions were not yet at an end. Considerable agitation prevailed concerning the payment of quit-rents, but no adjustment of the matter was arrived at. The first judicial decision respecting land titles was obtained in 1695, the judgment being in favor of the party claiming under the proprietary grants. This was rendered of non-effect by the reversal of the king in council on account of a technical informality in the proceedings.

In 1697 the proprietaries in England appointed Jeremiah Basse to succeed Governor Hamilton, and much dissatisfaction was felt and expressed in both Jerseys when it was found he had not received the royal approbation, but only the support of the proprietors. For that reason he postponed calling the Assembly together, but rather sought to make friends from among the opponents of that body. It was not until Feb. 21, 1699, that he convened the Assembly. Basse's first court was held in May, 1698, the record of which bears this entry:

"Lewis Morris, Esq., came in open Court and demanded by what authoritie they kept Court. The Court declared by y^e Kings Authoritie. He denied it & being asked, Who was dissatisfied besides himself, he said, One and all. The court commanding y^e said Morris to be taken in custody, Col. Richard Townley, Andrew Hampton, both of Elizabethtown, & three or four more, cried one and all, and y^e said Lewis Morris said he would fain see who durst lay hold on him—and when a Constable by order of y^e Court laid hold on him, he, in y^e face of y^e Court, resisted."†

Soon after (1699) followed the passage of a bill by the Assembly excluding from that body "any proprietor or representative of one." This was the outcome of the opposition of George Willocks‡ to a bill before the Assembly, which was passed, and a writ issued by the Governor for the election of a member of Assembly in his stead. Thus were the proprietary interests endangered. The unjust action and harassing proceedings of New York in relation to the trade of the province formed another source of trouble. Governor Bellamont, of New York, tried to obstruct the foreign trade of East Jersey, and even forbade the printing in New York of proclamations which Governor Basse was anxious to distribute, making known the establishment of the ports of Perth Amboy and Burlington. Bellamont also published a proclamation, based upon an order he had obtained from the Crown, denying the right of the proprietors of East and West Jersey to the privilege of ports. Governor Basse resisted with much spirit. He put a cargo on board the ship "Hester," lying at Perth Amboy, and it was about to sail, when Bellamont sent down an armed force, seized the vessel and brought her to the

* Whitehead: *East Jersey under the Proprietaries*, p. 191.

† *East Jersey Records*. For this contempt the court fined him fifty pounds, and ordered him "to be committed to prison till paid."—*New Jersey Colonial Documents*.

‡ He was agent for the proprietors to collect quit-rents and arrourages, and also a member of Assembly.

city; and, as Basse refused to have her cleared from New York, she was condemned in the Court of Admiralty. These difficulties continued until 1700, when Basse's claim for damages came before the Court of King's Bench, resulting in an award to Basse and the thorough establishment of the right of East Jersey to the privileges of a port.

If Governor Basse met with opposition from the people at first, he found it greatly increased as months passed. Indeed, there were serious apprehensions of an insurrection under the leadership of Willocks and Morris. Nor were matters improved by the action of the citizens of Perth Amboy in returning Lewis Morris to the seat in the Assembly declared vacant by the dismissal of Willocks. Although both were cited to appear before the court at its October term,—which citation they refused to obey,—and although both the Council and Assembly became involved in this vexatious issue, it does not appear that they were tried, for every month brought greater anarchy, until Basse's government was openly defied. Aug. 19, 1699, Governor Hamilton was reinstated, notwithstanding Basse's efforts to prevent it; but he did not arrive in the province until December, prior to which time Basse had sailed for England. Hamilton's course being one of pacification,[‡] his authority was at first generally submitted to; but this was not to last long, for there was still a numerous party who held a deep-rooted aversion to the proprietary government, no matter by whom represented. The majority of the Assembly

were of this class, and when Hamilton dissolved the Assembly, May 31st, the day after it first convened, "the validity of his commission was for the first time openly called in question. Tumultuous and seditious meetings were subsequently held, the justices appointed by him were assaulted while sitting in open court by bodies of armed men, the sheriffs were attacked and wounded when in the discharge of their duties, and every exertion made to seduce those peaceably disposed from their allegiance to the government; so that this period became known in after-years as 'the Revolution.'"|| Of this critical time Whitehead says,—

"A crisis had evidently arrived in the affairs of the province which the proprietors were not prepared to encounter successfully. As a body they had become so numerous, so scattered,—some in England, some in Scotland, and some in America,—and so divided in interests, that unanimity in council could scarcely be expected; and yet the inhabitants were pursuing such a system of measures as required the utmost wisdom to project, with equal firmness and union to administer, such remedies as could alone lead to the re-establishment of peace and regularity: without these necessary qualities to control their opponents, but one result could be anticipated."[¶]

VII.—SURRENDER OF THE GOVERNMENT TO THE CROWN.

In the years 1701 and 1702 there occurred many dissensions and disturbances in both the east and west

[‡] He wisely restored Morris to the Council.

^{||} Bill in Chancery; East Jersey under the Proprietaries.

[¶] East Jersey under the Proprietaries, p. 218.

provinces, but the proprietors, finally wearied of contending with one another, and with the people, drew up an instrument whereby they surrendered their right of government to the Crown,* which was accepted by Queen Anne, April 17, 1702. This was the end of *proprietary* government in New Jersey; thenceforward, until 1776, it was under royal rule.

The queen consolidated both Jerseys into one province, and commissioned Lord Cornbury as Governor of both New York and New Jersey. In this capacity he acted from 1703 until 1708, when, giving heed to the grievous complaints made against him by the people, the queen revoked his commission. He was succeeded by John, Lord Lovelace, but his death (which occurred May 5, 1709) threw the government into the hands of Lieutenant-Governor Ingoldsby. Governor Hunter's administration commenced in 1710; in 1720 he resigned in favor of William Burnet. Afterwards officiated John Montgomery, 1727 to 1731; William Cosby, 1731 to 1736; John Anderson, also in 1736; John Hamilton, 1736 to 1738. In the summer of the last-named year a commission arrived to Lewis Morris as Governor of New Jersey, separate from New York; he served until his death, in 1746. He was followed successively by President Hamilton, 1746; John Reading, 1746; Jonathan Belcher, 1747; John Reading, 1757; Francis Bernard, 1758; Thomas Boone, 1760; Josiah Hardy, 1761; and William Franklin, son of Benjamin Franklin, in 1763,—the last royal Governor, he being deposed, arrested, and

sent a prisoner to Connecticut in 1776.

* See Smith's "New Jersey," pp. 560-573, and "Grants and Concessions," pp. 508-609, for some of the documents connected with the negotiations, and many others are in the New Jersey Colonial Documents. The proprietaries who signed away the sovereignty of East Jersey were Peter Sonmans, Joseph Ormston, Charles Ormston, Edward Antill, George Willocks, Francis Hancock, Sir Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brookslauk, Edward Richier, Michael Watts, *Clement Plumstead*, Robert Burnet, Miles Foster, John Johnston, Michael Hawdon, John Barclay, David Lyell, Thomas Warne, Thomas Gordon, *Thomas Barker*, *Thomas Cooper*, Gilbert Mollison, Richard Insel, and William Dockwra. Three of these—those in Italics—were of the twenty-four who nineteen years previous had received the grant from the Duke of York. And it was said in 1759 that sixty-four years after the grant to the twenty-four (1746) there was not a male descendant of the whole number enjoying "a foot of land in East Jersey" excepting the right of the Penns and two or three small plantations occupied by the Hartshornes and Warnes,—a reflection which should "abate our ardor in the pursuit of lands and wealth, and make us think ourselves, at best, but tenants in common to the blessings which the earth produces and co-heirs of the gifts of nature."—"A Pocket Commentary of the first settling of New Jersey by the Europeans: and an account or fair detail of the original Indian East Jersey grants, and other rights of a like tenor in East New Jersey. Digested in order. New York, printed by Samuel Parker, 1759." This little work, containing many interesting remarks respecting men and things in New Jersey, is in the Philadelphia Library,—the only copy ever seen or heard of by the writer.—*East Jersey under the Proprietors*, William A. Whitehead, p. 220.

CHAPTER II.

ORIGINAL COUNTIES AND THEIR BOUNDARIES.

I.—COUNTIES UNDER THE PROPRIETORS.

PREVIOUS to the act of the General Assembly of 1709 erecting and defining the boundaries of the old counties of New Jersey, eight had been formed. These were Monmouth, Essex, and Salem, in 1675; Gloucester, in 1677; Middlesex, in 1682; Somerset, in 1688; Cape May, in 1692; and Burlington, in 1694. These may be called the original counties under the proprietary government. In 1702 the proprietors surrendered their charter to Queen Anne, and the royal government was extended over East and West Jersey, united in one province. After the brief and inglorious administration of Lord Cornbury, the provincial government was organized under John, Lord Lovelace, Baron of Hurley, and the Legislature convened first at Bergen and then at Burlington. Nothing, however, was done by the first four Assemblies towards organizing the civil divisions of the province.

II.—COUNTIES DEFINED BY THE ACT OF 1709.

In the eighth year of the reign of Queen Anne, the fifth Assembly, held at Burlington, passed an act dividing and ascertaining the boundaries of all the counties in the province, as follows:

In the eastern division, the county of Bergen should

begin at Constable's Hook, and so run up along the bay and Hudson River to the partition-point between New York, and so to run along the partition-line between the provinces and the division-line of the eastern and western divisions of this province to Pequanoek River; and so to run down the said Pequanoek River and Passaic River to the Sound, and so to follow the Sound to Constable's Hook, where it began.

Essex began at the mouth of the Rahway River where it falls into the Sound, and ran up said river to Robinson's Branch; thence west to the division-line between the eastern and western divisions, and so to follow the said division-line to the Pequanoek River, where it meets the Passaic River; thence down the Passaic River to the bay Sound; thence down the Sound to where it began.

The county of Somerset began where Bound Brook empties itself into the Raritan River; thence down the stream of Raritan to the mouth of a brook known by the name of Lawrence's Brook; thence running up the said Lawrence's Brook to Cranberry Brook; from thence south forty-four degrees, westerly to Saupinck Brook, to the said division-line of the easterly and westerly divisions aforesaid, and so to follow the said division-line to the limits of the aforesaid county of Essex; thence east along the line of Essex County to Green Brook and Bound Brook to where it began.

Middlesex County began at the mouth of the creek that parts the lands of George Willocks and what

were formerly Capt. Andrew Brown's; thence along the said Capt. Andrew's line to the rear of said land; thence upon a direct course to Warne's bridge, on the brook "where Thomas Smith did formerly live;" thence upon a direct course to the southeast corner of Barclay tract of land that lies near Matchaponix; thence to the most southernmost part of said tract of land in Middlesex County; thence upon a direct line to Saupinck bridge on the high-road, including William Jones, William Story, Thomas Buchanan, and John Guyberson, in Monmouth County; thence along the said road to Aaron Robin's land; thence westerly along the said Robin's land and James Lawrence's line to the line of the eastern and western divisions aforesaid, including Robin's and Lawrence's, in Monmouth County; thence northerly along the said line to Saupinck Brook, being part of the bounds of said Somerset County; thence following the lines of the said Somerset and Essex Counties, and so to the Sound; and thence down the Sound to Amboy Point; and from thence down the creek to where it first began.

The partition-line between Burlington and Gloucester Counties began at the mouth of Pensauquin, *alias* Cropwell, Creek; thence up the same to the fork; thence along the southernmost branch thereof—sometimes called Cole's Branch—until it comes to the head thereof, which is the bounds between Samuel Lipincote's and Isaac Sharp's lands; thence upon a straight line to the southernmost bank of Little Egg Harbor's

most southerly inlet; thence along the line of the sea-coast to the partition-line between East and West Jersey; thence along the said line of partition, by Maidenhead and Hopewell, to the northernmost and uttermost bounds of the township of Amwell; thence by the same to the river Delaware; thence by the river Delaware to the first-mentioned station.

The beginning-point of Gloucester County was at the mouth of Pensauquin Creek; thence up the same to the forks thereof; thence along the said bounds of Burlington County to the sea; thence along the sea-coast to Great Egg Harbor River; thence up said river to the forks thereof; thence up the southernmost and greatest branch of the same to the head thereof; thence upon a direct line to the head of Oldman's Creek; thence down the same to the Delaware River; thence up the Delaware River to the place of beginning.

Salem County began at the mouth of a creek on the west side of Stipson's Island, commonly called Tecak's Creek; thence up the same "as far as high tide floweth;" thence upon a direct line to the mouth of a small creek at Tuckahoe, where it comes into the southernmost branch of the fork of Great Egg Harbor River; thence up the said branch to the head thereof; thence along the bounds of Gloucester County to Delaware River; thence down the Delaware River and Bay to the place of beginning.

Cape May County began at the mouth of a small

creek on the west side of Stipson's Island, called Tecak's Creek; thence up the said creek "as far as tide floweth;" thence along the bounds of Salem County to the southernmost main branch of Great Egg Harbor River; thence down the said river to the sea; thence along the sea-coast to the Delaware Bay, and so up the said bay to the place of beginning.

This last section subjected Somerset County to the jurisdiction of the courts and officers of Middlesex, for want of a competent number of inhabitants to hold courts and supply jurors, and enacted that jurors might be taken promiscuously from both to either of the said counties, but was altered on March 11, 1713.

In March, 1714, an act was passed by the General Assembly held at Burlington to alter the bounds between the counties of Somerset, Middlesex, and Monmouth, making the lines as follows :

"That the boundary-line between Somerset and Middlesex Counties shall be and begin where the road crosseth the river Raritan at Inian's Ferry, and run from thence along the said old road to Jedediah Higgins' house, leading towards the Falls of the Delaware, so far as the eastern division of the province extends.

"The boundary-line between Middlesex and Monmouth Counties shall be and begin at the mouth of the creek that parts the land of George Willcocks and the land that was formerly Capt. Andrew Brown's; thence along the said captain's land to the rear of the said land; thence upon a direct course to Warne's bridge, on the brook, where Thomas Smith did formerly live; then upon a direct course to the southeast corner of Barclay's tract of land that lies near Matchaponix; thence to the most southernmost part of said tract of land, including the whole tract of land in Middlesex County; thence upon the direct line to Assanpinck bridge, on the high-road, including William Jones, William Story, Thomas

Buchanan, and John Guyberson, in Monmouth County; thence along the said Aaron Robbins' and James Lawrence's line to the line of the eastern and western divisions, including the said Robbins'* and Lawrence's in Monmouth County."

On Nov. 4, 1741, in the fiftieth year of the reign of George II., an act was passed by the General Assembly, convened at Perth Amboy, to annex part of the county of Essex to the county of Somerset, which made the boundaries of Somerset as follows,—viz. :

"Beginning at the South Branch of the Raritan River, where the reputed division-line between East and West Jersey strikes the same; along the rear of Raritan lots until it meets with the North Branch of said river; thence up the same to a fall of water commonly called Allama-tunk; from thence along the bounds of Morris County to Passaic River; thence down the same to the lower corner of William Dockwra's twentieths, on the same river; thence on a straight line southeasterly to the head of Green Brook, and thence down the said brook to Bound Brook; thence down the said Bound Brook to the place where it empties itself into the Raritan River; thence down the Raritan River to the place where the road crosseth the said river at Inian's Ferry; from thence along the said old road which leads by Jedediah Higgins' house towards the Falls of the Delaware, until it intersects the division-line to the South Branch of the Raritan River, where it first began."

In 1747 an act was passed erecting the southern part of the county of Salem into a separate county, thus altering the bounds of Cumberland County, as follows :

"Beginning in the county of Salem, at the mouth of Stow Creek, and running up the same unto John Bick's mills, within the county hereby erected; then contioning still up Stow Creek Branch to the house where Hugh Dunn now dwells, leaving the said Hugh Dunn's within the new

* *Robins* appears to be the correct spelling, as in the former act.

county; and from the said Hugh Dunn's house upon a straight line to Nathan Shaw's house, within the new county; and then on the northeast course until it intersects the Pilesgrove line, in Salem County; thence along the said line till it intersects the line which divides the counties of Gloucester and Salem; then running southeastward down Gloucester line into the boundary of Cape May County; then bounded by Cape May County to Delaware Bay; and up the Delaware Bay to the place of beginning."

At the time of fixing the original boundary-line between Morris and Somerset Counties, upon the erection of the latter, the division-line between the said counties was to be from the Falls of Allamatunk to the Passaic River, but, not mentioning what course or where to fix upon said river, it remained uncertain, very prejudicial to the inhabitants, and a great obstacle to the officers of the counties in the discharge of their duties. Hence, to obviate the difficulty, an act was passed, March 28, 1849, beginning the division-line between the said Somerset and Morris Counties at a fall of water commonly called Allamatunk Falls, as in the previous act, and from thence on a straight line, before recited, in a "*course east and by north, as the compass now points,*" to the *main branch* of Passaic River; and so down the said river as the above-recited act directs.

III.—COUNTIES IN NORTHWESTERN NEW JERSEY.

Previous to March 11, 1713, the people of the western division of New Jersey attended the several courts held in Burlington. But, it being very inconvenient for most of the inhabitants, on account of the distance and difficulties of traveling at that early day

and the expense necessarily incurred, therefore, to remove these inconveniences, an act was passed by the General Assembly, March 11, 1714, in the thirteenth year of the reign of Queen Anne, erecting the county of Hunterdon, to wit:

"That all and singular of the lands and upper parts of the said western division of the province of New Jersey, lying northward or situate above the brook or rivulet commonly called Assanpluck, be erected into a county named, and from henceforth to be called, the County of Hunterdon; and the said brook or rivulet commonly known and called Assanpluck shall be the boundary-line between the county of Burlington and the said county of Hunterdon."

The county was to have and enjoy all the jurisdictions, rights, liberties, privileges, and immunities whatsoever which any other county or province enjoyed, excepting only the choice of a representative in the General Assembly; which liberty was suspended until Her Majesty's pleasure was further known therein. This suspension lasted until Feb. 10, 1728, when King George, by his instruction to William Burnet, the Governor, was pleased to declare his royal pleasure that the county of Hunterdon should for the future have the choice of two representatives to serve in the General Assembly. The right of Salem township was suspended and given to Hunterdon, which elected two representatives in lieu of those from the former municipality.

Morris County was taken from Hunterdon by act of the General Assembly passed March 15, 1738. The boundaries are thus set forth in the act:

"That all and singular the lands and upper parts of the said Hunterdon County, lying to the northward and eastward, situate and lying to the eastward of a well-known place in the county of Hunterdon, being a fall of water in part of the North Branch of the Raritan River, called in the Indian language, or known by the name of, Allamatunk, to the north-eastward of the northeast end or part of the lands known as the New Jersey Society lands, along the line thereof crossing the South Branch of the aforesaid Raritan River, and extending westerly to a certain tree marked with the letters L. M., standing on the north side of a brook emptying itself into the said South Branch, by an old Indian path to the northward of a line to be run northwest from the said tree to a branch of the Delaware River, called Musconetcong, and so down the said branch to the Delaware River; all which said lands, being to the eastward, northward, and northwestward of the above boundaries, be erected into a county, and it is hereby erected into a county, named, and from henceforth to be called, Morris County; and the said bounds shall part and from henceforth separate and divide the same from Hunterdon County."

Up to this time Trenton had been the place for the transaction of all public business by the people living in what are now Hunterdon, Mercer, Morris, Sussex, and Warren Counties, and the expense and inconvenience of going there to attend courts and for other public purposes led to a petition from the people residing in the upper portion of Hunterdon to have the new county of Morris erected. Upon its organization courts were established at Morristown, which continued to be the seat of justice for the people of Northwestern New Jersey till the county was divided and Sussex County organized.

Sussex County was erected from the upper part of Morris County by an act of the General Assembly passed June 8, 1753, with boundaries as follows:

"That all and singular the lands and upper parts of Morris County, northwest of Musconetcong River, beginning at the mouth of said river where it empties itself into the Delaware River, and running up said Musconetcong River to the head of the Great Pond; from thence northeast to the lines that divide the province of New Jersey; thence along the said line to the Delaware River aforesaid; thence down the same to the mouth of the Musconetcong, the place of beginning, and the said Musconetcong River, so far as the county of Hunterdon bounds it, shall be the boundary-line between that county and the county of Sussex."

Such remained the bounds of Sussex County till it was reduced to its present dimensions by the detachment of Warren County in 1824. After the erection of Sussex County, from June, 1753, to Dec. 9, 1770, Hunterdon, Morris, and Sussex united in sending a representative to the General Assembly. At the last-mentioned date an act (passed by the General Assembly May 10, 1768) received His Majesty's approval, allowing each county to send a representative.

CHAPTER I.

ORGANIZATION OF SUSSEX COUNTY.

I.—ORIGINAL BOUNDARIES.

SUSSEX was the thirteenth county of the State in the order of its erection. It was taken from the upper part of Morris County by an act of the General Assembly passed June 8, 1753. The boundaries were set forth as follows :

"That all and singular the land and upper parts of Morris County northward of Musconetcong River, beginning at the north of said river where it empties into the Delaware River, and running up said Musconetcong River to the head of the Great Bend; from thence northeast to the line that divides the province of New Jersey; thence along the said line to the Delaware River aforesaid; thence down the same to the mouth of the Musconetcong, the place of beginning; and the said Musconetcong River, so far as the County of Hunterdon bounds it, shall be the boundary line between that county and the county of Sussex."*

At the original formation of the county of Sussex, Warren County was included in it. The latter was set off by an act of the Legislature passed Nov. 24, 1824, reducing Sussex to its present limits. It was named by Jonathan Belcher, Esq., Governor of New Jersey, in honor of the Duke of Newcastle, whose family seat was in the county of Sussex, England.

II.—CIVIL DIVISIONS.

The territory comprised in Sussex County, as originally formed, was included, in nearly equal proportions, in East and West Jersey. By the act of 1709, which defined the boundaries of the several counties

of the province, the soil of Sussex was comprehended within the limits of Burlington. When Hunterdon was erected into a county, in 1713, this territory formed a part of the same; and in 1738, when Morris County was set off, it was included in the latter until erected into a separate county called Sussex. While included in Morris County, between 1738 and 1753, something like municipal organization was extended over the scattered population of this northwestern portion of the State. Townships were formed, with metes and bounds very imperfectly defined, yet answering in some sort the wants of the people. These townships were Walpack, New Town, Hardwick, and Greenwich,—the original townships of what are now Sussex and Warren Counties. One of them—Hardwick—was erected by royal patent. Walpack and New Town, at the period of which we speak, comprised all the

* Laws of New Jersey (1821), pp. 21, 22.

territory constituting the present county of Sussex, except so much as is comprehended in Stillwater and Green, which two latter precincts, with all the present county of Warren, were covered by Hardwick and Greenwich. The settlements at this time were principally in Walpack and Greenwich and at certain points on the Wallkill, Papakating, Paulinskill, and Pequest. In 1738 the population of the whole province of New Jersey was only forty-seven thousand three hundred and sixty-nine, of which Sussex probably did not contribute more than five or six hundred.

New divisions were made when the county was set off from Morris, in 1753. During the fifteen years preceding rapid settlements had been made, and a spirit of enterprise and progress was manifest, not only in subduing the forest, building mills, and opening roads, but in the conveniences inaugurated for local municipal regulation. The people, no longer content with the out-of-the-way privileges which they had enjoyed under Morris County, went to work to set in order that portion of the territory which had been assigned to their jurisdiction. In 1753 the anxiety to have the bounds of the old townships defined and new ones set off was so great that the court had to authoritatively direct "That the townships of Walpack, Greenwich, Hardwick, and New Town shall remain and continue in the county of Sussex as they formerly were in the county of Morris until further orders." In the term of May, 1754, Benjamin Smyth, William Schooley, John Depue, Johannes Cornelius

Westbrook, Joseph Hull, Richard Gardiner, and Richard Lundy, Jr., who had been appointed a committee to divide the county into precincts, made a report, which was adopted, and which added three precincts to the original townships,—viz., Wantage, formed from parts of Newton, and Oxford and Mansfield-Woodhouse, from parts of Greenwich, Hardwick and Walpack retaining their original limits. The townships thus defined remained unaltered for a few years, when the increase of population led to further divisions. In 1759, Montague was created from Walpack by royal patent. In 1762 another portion was taken from Walpack and called Sandyston, and in the same year Hardyston was formed from the northern part of Newton. Knowlton was set off from Oxford in 1764, Independence from Hardwick in 1782, Vernon from Hardyston in 1792, Frankford from Newton in 1797, and Byram, also from Newton, in 1798. These divi-

sions multiplied the four original townships to fifteen, and there was no further alteration of the original landmarks until the county of Warren was set off from Sussex, in 1824. Stillwater and Green townships were formed from Hardwick in 1824.

The present civil divisions of the county are fifteen, as follows: Andover, Byram, Frankford, Green, Hampton, Hardyston, Lafayette, Montague, Sandyston, Sparta, Stillwater, Vernon, Walpack, Wantage, borough of Newton.

III.—COUNTY COURTS OF SUSSEX.

Courts were established in this county by a royal ordinance, of which the following is a verbatim copy:

“George the Second by the Grace of God of Great Britain, France and Ireland King, Defender of the Faith, &c. To all whom these presents may in anywise concern, Sendeth Greeting: Whereas by a late Act of our Governor, Council and General Assembly of our Province of New Jersey Made in the Twenty-sixth year of our Reign, the upper parts of our County of Morris were separated from said County of Morris and erected into a distinct County and called the County of Sussex; and whereas the several times for the holding of Court of General Sessions of the Peace and Inferior Court of Common Pleas for our said County of Sussex are not yet fixed, Wherefore, for Ascertaining the same, *Now know ye* that of our special Grace and mere motion, we have Constituted, Ordained and Appointed, and by these presents, Do Constitute, Ordain and Appoint, that our Courts of General Sessions of the Peace and Inferior Court of Common Pleas, for our said County of Sussex, be held on the days and times following, to wit: One of the times for holding said Courts to begin on the third Tuesday in November, another on the third Tuesday in February, another on the fourth Tuesday in May, and the other on the fourth Tuesday in August, in every year; Each of which Courts shall continue and be held for any time not exceeding four days in each Term. We also Will, Ordain and Appoint, that our several Courts for our said County, of Sussex, shall be held and kept at the Dwelling-House of Jonathan Pettit,

Esq., at the place now called Hardwick in said County of Sussex, until there shall be a new Court House built and erected in and for said County, pursuant to the Act of our Governor, Council and General Assembly made in the Twenty-sixth year of our Reign, and no longer; and when said Court House for our said County of Sussex shall be built and erected, then We Will, Ordain and Appoint that our said several Courts of General Sessions of the Peace and Inferior Court of Common Pleas shall hereafter be held at the times hereinbefore appointed at said Court House to be built as aforesaid in and for the County of Sussex. We also Will, Give and Grant that the Justices of the Peace of our said County of Sussex, and the Judges of our said Inferior Court of Common Pleas for our said County of Sussex do exercise, use and have all such Powers and Jurisdictions in the said several Courts at the times herein Appointed as by Law they may and ought to exercise, use and hold. In testimony whereof we have caused the Great Seal of our said Province of New Jersey to be hereunto affixed. Witness our trusty and well Beloved Jonathan Belcher, Esq., our Captain-General and Commander-in-Chief of our said Province of New Jersey and Territories thereunto depending in America, Vice-Admiral and Chaceellor in the same, &c., at our Borough of Elizabeth, the thirteenth day of October, in the Twenty-seventh year of our Reign.

“1753.

“READ.”

“Let the Great Seal of the Province of New Jersey be affixed to the within Communication.

“To the Secretary of State of New Jersey.

“J. BELCHER.”

This ordinance, and those of its class generally, although issued in the name of the king, really emanated from the Governor and council. The king or queen, according to the English constitution, is supposed to be the fountain of justice and general conservator of the peace. In the provinces this prerogative was liberally delegated to the Governor and Council, by virtue of which they granted patents es-

establishing and altering the boundaries of townships, constituting municipal and other corporations, establishing and regulating ferries, constituting courts of justice, defining their powers, appointing the times and places at which they should be held, and regulating the fees of judges and officers. The judicial system, as partially established under Lord Cornbury,—the first of the royal Governors of New Jersey,—gave to justices of the peace cognizance of all cases to the amount of forty shillings. In each county there were established Courts of General Sessions of the Peace, each with quarterly terms, and Inferior Courts of Common Pleas, having power to try all actions at common law; and these courts convened and held their sessions at the same time and place. The Court of General Sessions of the Peace was composed of all the justices of the peace in the county, while the Common Pleas was presided over by judges appointed from among that number. In 1724 the Common Pleas Court was so restricted as to except causes wherein the right or title to lands, tenements, or hereditaments were in any way concerned; otherwise, it remains the same as originally established.

The first Courts of General Sessions of the Peace and of Common Pleas for Sussex County were held on Nov. 20, 1753, at the house of Jonathan Pettit, in the township of Hardwick. The royal ordinance so ordaining and appointing was read, as also the commissions of Jonathan Robeson, Abraham Van Campen, John Anderson, Jonathan Pettit, and Thomas

Woolverton, Esqs., judges of the Common Pleas. These men were likewise empowered to act as justices of the peace, in connection with Richard Gardner, Obadiah Ayres, Japhet Byram, and Peter Decker. Jeremiah Condy Russell was appointed clerk, and Joseph Brackenridge was qualified to act as high sheriff of the county. Joseph Perry, of Newton, was sworn as constable, and the organization of the courts was completed, with the exception of grand and petit jurors, who necessarily had not been summoned for lack of officers duly empowered to discharge that duty. Nothing was done at this term except to grant tavern licenses and affix the rates of entertainment. Licenses were granted to Thomas Woolverton, Joseph Carpenter, Jonathan Pettit, Joseph Bell, Abraham Carman, Henry Hairlocker, and Casper Shafer. In the records of the court for this year we find the following:

“The Court affixed the several rates and prices of all liquors, meats, and entertainment for man and beast, and the several sums to be taken for the same:

For each person, dinner, hot, of three dishes.....	one shilling.
For dinner, cold.....	nine pence.
Wine per pint.....	eighteen pence.
Metheglin per ditto.....	seven pence.
Strong Beer per quart.....	five pence.
Ship ditto.....	three pence.
Rum per gill.....	four pence.
Punch per quart, of loaf sugar.....	one shilling.
Ditto, of brown sugar.....	ten pence.
Flip per quart.....	ten pence.
Lodging each person per night.....	three pence.
Horses, oats per quart.....	penny-half-penny.
Stabling horses.....	one shilling.
Pasturing ditto.....	six pence.”

“The business of tavernkeeping at this time, and for at least fifty years afterwards, was a stepping-stone to public distinction, as well as a source of pecuniary profit. Nearly all the early judges, justices, sheriffs, chosen freeholders, etc., were innkeepers. The number of hostelries continually augmented in consequence of the repute and influence they gained for their proprietors; but what was little to the credit of the fraternity was the fact that some of them, in order to increase their profits, would use diminutive measures in selling their liquors, oats, etc. The court felt itself scandalized by this mode of doing business, and, by way of suppressing it, took the precaution for several years to add to the annual rate bills which it made out an official notification in these words: ‘Liquors and Oats, when called for, to be delivered in *full measures.*’ Great inducements for wholesale lodging were also held out in those days, the charges being for one man in a bed, five pence; for two in a bed, three pence each; and for three in a bed, two pence each. Hence, when two men chose to bundle together instead of sleeping singly, they saved two pence each by the operation,—just enough to buy a gill of New England rum for their respective stimulation, provided they had a partiality for that most pungent and odoriferous of all alcoholic liquids.

“During the brief time the courts were held in Hardwick the business mainly related to the collection of debts; some cases of assault and a few offenses against chastity were reached and punished by indict-

ment, but no crime of special magnitude required to be judicially investigated. The grand jurors appeared to be vigilant,—probably a little too much so; indeed, some of their presentments would be regarded at the present day as trifling and frivolous. In searching out small offenses upon one occasion they pounced upon a luckless wight named Richard Duddy, and formally presented him ‘for damning His Grace the Duke of Cumberland.’ This certainly was manifesting an excess of loyalty. The Duke of Cumberland never set his foot upon American soil; he was merely a leading general in the British army who was defeated at Fontenoy by the French, but who had balanced his misfortune by defeating the forces of the Pretender in Scotland on the field of Culloden, where he infamously signalized himself by inflicting the most savage cruelties upon the poor Scots whom he had vanquished. Duddy was doubtless a Scotchman, and the ebullition was entirely natural. The duke will certainly have escaped well if, after ‘life’s fitful fever,’ he experienced no other damning, in righteous expiation of his crimes at Culloden, than that denounced against him by the irascible Richard Duddy.”

The clerks of the courts were appointed by the Governor, and commissioned to hold during pleasure. There were, besides, one or more clerks of the circuit, who attended the sittings in the counties and kept their own minutes. A book containing such minutes

of the Oyer and Terminer and Circuit Courts held in most of the counties from 1749 to 1762 is preserved in the clerk's office of the county of Middlesex. The Oyer and Terminer, as well as the Circuit, was regarded as a branch of the Supreme Court, and the proceedings therein were subject to its control. The clerks exercised the power of appointing deputies.

The Supreme Court was organized in 1704, and met once a year at Perth Amboy and Burlington. In 1714 it was required to meet twice a year in each place, and courts for the trial of issues were appointed to be held yearly in each county. Circuits were established in 1751, and subsequently the time for holding them was fixed by the Supreme Court. They were held in Sussex County in May and November of each year, the Oyer and Terminer being held at the same time.

IV.—SUSSEX COURT-HOUSE AND JAIL.

The courts of the county were first held at the residence of Jonathan Pettit, Esq., in Hardwick township, in accordance with the ordinance of 1753. The locality is now known as Johnsonsburg, and lies within the present limits of Warren County. No court-house was ever erected there, although an effort was made to secure to that place the permanent seat of justice. On March 21, 1754,* the board of justices and freeholders met at the house of Samuel Green, in the neighborhood, and appointed a meeting of all the qualified voters of Sussex to be held at the house

of the said Samuel Green on the 16th, 17th, and 18th of April, 1754, "to elect a place to build a jail and court-house." The meeting was duly held, but was very thinly attended on account of the difficulty of getting there from the remote parts of the county. The jail was ordered to be built near Pettit's tavern, on lands of Samuel Green, at the expense of the county. Mr. Green gave an obligation,† in the pen-

* The following is a copy of the proceedings of the meeting, taken from the records of the board of justices and freeholders:

"At a meeting of Justices and Freeholders held for the County of Sussex at the Dwelling house of Samuel Green the 21 Day of march Anno Domi 1754, Summoned by Virtue of a Late Act of the Governor, Council and General Assembly, Entitled an Act for the Erecting the upper parts of the County of Morris in New Jersey into a Separate County, &c. In pursuance Where of The said Justices and Freeholders have ordered that Advertisements be Immediately put up in the most public places in the said County, to Assemble all persons Qualified by law to elect a place to build a Goal and Court House,—That the Election be held the Sixteenth, Seventeenth and Eighteenth days of April Next.

"That the Poll shall be Continued from Day at the said Green's and not be moved from place to place; that the said Justices and Freeholders shall Duly Attend the said Election as the Law in the Case further Directs.

" JOSEPH HULL,	ABRAM VAN CAMPEN,
" JOSEPH WILLIAMS,	JONATHAN PETTIT,
" RICHARD LUNDY, JUNR.,	THOS. WOOLVERTON,
" ROBERT WILLSON,	SAM'L WILLSON,
" DEBK WESTBROOK,	Esqs."
" CORNELIUS WESTBROOK,	
" Freeholders,	

† BOND OF SAMUEL GREEN:

" Know All men by these presents that I Samuel Green of the Township of Hardwick Do hereby Obligate myself my Heirs Executors and

alty of five hundred pounds, "to secure to the county of Sussex the liberty and use of the ground where the jail is built by Jonathan Pettit, while the court is continued there." Jonathan Pettit and Richard Lundy were appointed to superintend its erection.*

The jail was built of logs, and soon completed. This gave to early Johnsonsburg the *sobriquet* of "the Log Jail," by which it was familiarly known.† The board of justices and freeholders met in Pahaquarry and examined the bills for materials and labor. They were ascertained to amount to thirty-seven pounds two shillings ten pence.‡ The jail was not considered safe, and "the board appointed Samuel Wilson and

Administrators in the penal sum of Five Hundred Pounds Proclamation Money, conditioned to secure to the County of Sussex an uninterrupted Liberty and Privilege for the Use of the ground where the Goal is built by Jonathan Pettit while the Court is Continued there, and when Removed from thence the Liberty of taking away the Iron in the said Goal whenever the Justices and Freeholders for the time being shall think fit So to Do as Witness my hand and Seal this Eighteenth Day of April 1754.

"SAM'L GREEN. [SEAL]

"Seal^d and Delivered in the presence of

"JAMES ANDERSON,

"MAUR: ROBESON,

"JOHN WRIGHT.

"A True Copy of The Original."

* "At a meeting of the Justices and Freeholders held at Samuel Green's in Hardwick Township the Eighteenth Day of April 1754, Ordered by Unanimous Agreement that the whole Cost of Building the Goal by Jonathan Pettit shall be paid at the Expense of the County of Sussex; That Jonathan Pettit is Appointed to finish the Iron work and Richard Lundy, Junr. to agree with the workmen to finish the Back and Chimney and to be Done before the Next Court.

"DERIK WESTBROOK,
"CORNELIUS WESTBROOK,
"JOSEPH HULL,
"JOSEPH WILTITS,
"RICHARD LUNDY,
"ROBERT WILLSON,
"WILLIAM HENEREE,
"JAMES ANDERSON,
"Freeholders.

ABRAM VAN CAMPEN,
JOHN ANDERSON,
JONATHAN PETTIT,
SAM'L WILLSON,
MAUR: ROBINSON,
Esqrs."

† New Jersey Historical Collections.

‡ "SUSSEX }
COUNTY. }

"At a meeting of the Justices and Freeholders chosen for said County held at Pahaquary the Eighteenth Day of June, 1754, in order to Adjust the accounts of Building the Gaol by Jonathan Pettit and to Raise Money for Defraying the Cost thereof, which now amounts to the Sum of £37 2s. 10d. as per Acc^{ts} of Sundrys, Approved and Allowed, Appears, and for paying the Tax for killing Wolves and Panthers, Unanimously agreed that the sum of One Hundred Pounds Proc: shall be Raised for said Use to be paid to the County Collector on or before the first Day of October Next Ensuing. Also Ordered the said Assessment to be made Agreeable to the Tenor and Direction of a late Act entitled An Act for the Support of Government of this Province. And whereas, the said Gaol is not finished as it ought to be, Ordered that Sam^l Wilson Esqr and Richard Lundy, Junr, agree with workmen to finish it as they shall Judge needful, and charge the County Dr. for it and draw an Order on the Collector to pay said Cost, and also that the Iron remaining unused be sold by said Wilson and Lundy for cash and applyd towards paying the Cost of making two pair of Hand-Cuffs and Shackles and other Necessary Uses.

"JOSEPH WILLITS,
"JOSEPH HULL,
"HENRY KIKENDOL,
"JOHANAS WESTBROOK,
"CORNELIUS WESTBROOK,
"RICHARD LUNDY, JUNR,
"ROBERT WILLSON,
"Freeholders.

ABRAM VAN CAMPEN,
JAPHETH BYRAM,
SAM^l WILLSON,
ABRAM VAN AUKEN,
Esqrs."

of the Oyer and Terminer and Circuit Courts held in most of the counties from 1749 to 1762 is preserved in the clerk's office of the county of Middlesex. The Oyer and Terminer, as well as the Circuit, was regarded as a branch of the Supreme Court, and the proceedings therein were subject to its control. The clerks exercised the power of appointing deputies.

The Supreme Court was organized in 1704, and met once a year at Perth Amboy and Burlington. In 1714 it was required to meet twice a year in each place, and courts for the trial of issues were appointed to be held yearly in each county. Circuits were established in 1751, and subsequently the time for holding them was fixed by the Supreme Court. They were held in Sussex County in May and November of each year, the Oyer and Terminer being held at the same time.

IV.—SUSSEX COURT-HOUSE AND JAIL.

The courts of the county were first held at the residence of Jonathan Pettit, Esq., in Hardwick township, in accordance with the ordinance of 1753. The locality is now known as Johnsonsburg, and lies within the present limits of Warren County. No court-house was ever erected there, although an effort was made to secure to that place the permanent seat of justice. On March 21, 1754,* the board of justices and freeholders met at the house of Samuel Green, in the neighborhood, and appointed a meeting of all the qualified voters of Sussex to be held at the house

land occupied by Hairlocker was Jonathan Hampton, Esq., a citizen of Essex County, and he, in conjunction with the board, took the matter immediately in hand and decided that the course from Hairlocker's dwelling should run south, "which brought the site of the court-house in the meadow below. However, by stretching the chain they managed to crowd the site partly up the hill, and there it remains till this day. Although the fault is invariably attributed to a blunder of the Legislature, it is not true. The Legislature did not require the board and the owner of the land to take any particular course in running out the half-mile from Hairlocker's dwelling, and consequently, if the local authorities so managed as to land it in a ditch, they alone are to blame."

For the purpose of building the court-house a tax of five hundred pounds was at first levied upon the county in 1762, to which other assessments were added during the two following years. "The total cost of the building and furniture was two thousand one hundred pounds proclamation money,—equal to five thousand six hundred dollars." The managers under whose direction the building was erected were Abraham Van Campen, Jacob Starn, and John Hackett.‡ In 1763 the cells, or that portion which

‡ The following is the authority under which this committee acted:

"We, the Justices and Freeholders, convened this day at the house of Henry Hairlocker, have elected and chosen Colonel Abraham Van Cam-

was devoted to the purposes of a jail, were so far completed as to admit of the confinement of prisoners therein.

During the May term of 1765 courts were opened in the building, and the managers delivered it to the board of justices and freeholders as a finished edifice. "Devoted originally to the conservation of royal authority, it became in a few years the agent and exponent of republican equality and justice. For a period of seventy-nine years this solidly-constructed temple of justice, unaltered in its external appearance, firmly resisted the 'corroding tooth of Time,' and retained its identity amidst surrounding change and innovation. In 1844 the old edifice was enlarged. Its steep angular roof disappeared; its gray walls, which had withstood the blasts of eighty winters, received a coating to cover their nakedness, and massive pillars, surmounted by a corresponding entablature, adorned its front, entirely obscuring the familiar outlines of the old building. Thus enlarged and renovated, it stood until Thursday, Jan. 28, 1847, when it was destroyed by fire. Immediate measures were taken for its reconstruction, and the present commodious court-house arose upon its ruins."

L.—DEED OF CONVEYANCE BY JONATHAN HAMPTON.

THE land upon which the court-house stands, with the public green annexed, was conveyed to the board of chosen freeholders of the county of Sussex on Aug. 31, 1764, by Jonathan Hampton, Esq., of Essex County. It was through the exertions of Mr. Hampton that the Legislature was induced to select Newton as the county-seat in place of Stillwater, more centrally located in the county and then pressing its claims as the most formidable competitor. Mr. Hampton also conveyed land for an academy at Newton, and the same now forms a part of the cemetery near the Episcopal church. We give below a verbatim copy of the deed for the court-house lot and public square in Newton, taken from the records:

pen, Jacob Stern, and John Backett to be managers and directors of the Court-House and Goal to be erected southward of the house of Henry Haldicker aforesaid. In witness whereof we have hereunto set our hands this 13th of May, 1762.

"Justices:
"JOSEPH HULL,
"ROBERT McMURTRIE,
"NATH'L PETTIT.

CORNELIUS WESTBROOK,
JOSEPH WESTBROOK,
HENDRIK KUYKENDAL,
ABRAHAM SHIMER,
PETER SCHANCK,
JOHN RICHLEY,
ELIJAH CATCARD,
BENZ. McCULLOUGH,
EPI'M DABBY,
ANDREW WILSON,
ISAAC HULL."

THE DEED.*

"TO ALL CHRISTIAN PEOPLE to whom these Presents may come, Greeting: Know ye that I, Jonathan Hampton, of E-sex and Province of East New Jersey, for divers just and good causes and considerations me thereunto moving, and especially for and in consideration of the sum of five shillings lawful money of said Province to me in hand paid before the ensigning and delivery of these presents by the Chosen Freeholders of the County of Sussex, according to Act of Assembly in such cases made and provided in New Jersey, the receipt whereof I, the said Jonathan Hampton, doth acknowledge and am fully satisfied, contented, and paid, Hath given, granted, Bargained, Sold, Aliened, Conveyed, and Confirmed, and by these Presents do fully, freely, clearly, and absolutely give, grant, bargain, sell, convey, and Confirm to the above freeholders and to their Successors in Office all that Tract or Parcel of Land situate, lying, and being in the Township of Newton, in the County of Sussex and Province aforesaid, Beginning at a Stake and Stone Standing one chain North forty-eight degrees East from Ephraim Darby's beginning Corner, and thence South forty-eight degrees West three chains and Eighty links to a Stone planted in said Darby's Line; thence North forty-two degrees West seven Chains and a half to another Stone then North forty-eight degrees East, two Chains and Seventy-three Links to a Stake four links North from the North-West Corner of the Court-House of said County of Sussex; then North Eighty-Six links; then East eighty-three links, then South Ninety links to the North-East corner of said Court-House; then East Sixty and Six links; then South forty-two degrees East six Chains and forty-five links to the beginning corner containing two Acres and Eight-tenths be the same more or less, together with all the Appurtenances to the same belonging or any wise appertaining thereto, To have and to hold, all and singular, the above-anted premises and every part thereof unto them the said Freeholders and their Successors in Office for the use of the Court-House Yard & Green so long as the Court-House and Courts shall be continued there to the Sole and only purpose use, benefit, and behoof of the said Freeholders and their Successors in Office. And I, the said Jonathan Hampton do for myself, my heirs, Executors, and Administrators, with them the said Freeholders and their Successors farther Covenant to Warrant and Defend them the said Freeholders and their Successors in Office in the Quiet and Peaceable possession of all the above-granted premises and every part thereof for the use above said against the just and lawful claim of all and every person or

persons whatsoever lawfully claiming the same or any part thereof. In testimony whereof, I, the said Jonathan Hampton, have hereunto set my hand and affixed my Seal this thirty-first day of August in the fourth Year of the Reign of our Sovereign Lord, George the third, King of Great Britain, France, and Ireland, &c., and in the Year of Our Lord Christ one thousand seven hundred and sixty-four.

"JONAS HAMPTON. [SEAL]

"Sealed and Delivered in the presence of

"Eph. DABBY,

"ISAAC WINANS,

"True Copy.

"N. B. the above deed acknowledged before Ad'm Van Campen, one of the Judges."

II.—NOTES FROM THE FREEHOLDERS' RECORDS.

The expenditures of the county for 1754 were ninety-six pounds sixteen shillings. This was chiefly for building the "log jail" and to pay the bounty on wolves' scalps.

"At a meeting of the Justices and Freeholders the fourteenth day of May, 1755, the County Collectors accounts being audited it appears that the said Collector received £105, 7 6½ for the use of the County."

The county collector was Thomas Woolverton, Esq., and the treasurer was Samuel Smith.

"May 12, 1756.—Agreed that there shall be paid to Jeremiah Condy Russell for a Record for the County and a Seal for the same, £1 12s. Agreed to pay W. Wagener for making and putting a lock on the gate, according to agreement, £2 10s."

Thomas Woolverton, Esq., served as collector of the county till the summer of 1759. He appears to

* This deed was delivered by Mr. Hampton to Thomas Anderson, Esq., March 31, 1783, to have the same entered on record. It is recorded in Book B, folio 145.

have died about that time, at his residence, in Newton, for on May 9, 1759, "the Justices and Freeholders met at the house of Thomas Woolverton, Esq., in Newton," and on the 20th of September following they met "at the house of Widow Woolverton," in the same village, at a special meeting to choose a county collector in Mr. Woolverton's place. Two candidates were nominated, Samuel Lundy and Ephraim Darby,—as the record says, "to be voted for, and the majority of votes carried it in favor of Samuel Lundy to be County Collector."

Among the items paid by the county in 1760 we find "Cash paid to Ephraim Darby for Judge Nevels expenses the sum of £192 19s. 4d." This sum, we take it, was paid to Judge Neville for holding Oyer and Terminer in Sussex County, which was probably the first instance of that court being held in the county.

In 1761 the board of justices and freeholders met at the house of John Downy, in Hardwick. The usual sum of one hundred pounds was ordered to be assessed upon the taxable property of the county. The collector had been in the habit of being delinquent in small sums in the payment of the taxes to the treasurer, and the board resolved not to tolerate this lax way of doing business, and so ordered "that the County Collector shall pay the said money immediately on demand after he shall receive the same or any part thereof, towards defraying the debt now outstanding for wolves' and panthers' heads and other

necessary expenses, which shall or may be ordered by the Justices and Freeholders of said County."

In 1774 the quotas of assessment for the towns of the county were as follows:

	£	s.	d.
Newton.....	131	2	4
Mansfield.....	77	19	5
Greenwich.....	163	5	5
Oxford.....	112	19	3
Knowlton.....	121	15	0
Walpack.....	43	9	4
Montague.....	40	8	11
Sandyston.....	49	2	0
Wantage.....	62	9	9
Hardwick.....	229	0	9
Hardyston.....	117	8	7

This, with a balance in the treasury of £56 10s. 5d., made the sum-total for the county £1185 11s. 2d.

The taxes increased rapidly during the Revolution. From July, 1777, to Sept. 27, 1778, the amount collected was £5868 4s. 8d. Of this amount, £43 10s. 3d. was from militia fines. From Sept. 27, 1778, to May 8, 1779, the tax collected in the county was £8054 15s. 10d. Peter B. Shaver was duly elected county collector July 8, 1777. The following certificate appears Oct. 22, 1779:

"We have examined and cast the receipts by Mr. Shaver to this time, and find them amount to £17,932 2s. 9d."

Signed by Timothy Symmes, Gabriel Ogden, and Charles Rhodes.

The following, under date of Oct. 7, 1779, shows that all the money collected was not genuine:

"Ordered that the Counterfeit money in the late County Collector's hands paid into him as tax, the loss shall ly on the whole County."

This item follows:

"Ordered that the Laws of this State be brought by Timothy Symmes, Esq., into this County at the expense of the County."*

The following statement is copied from the freeholders' records, folio 77:

"A list of the Quotas of the several Townships in the County of Sussex settled January 13, 1781:

	May Tax.	Aug. and Jan. Tax.
Sandistown.....	£3,059	£7,723
Hardistown.....	10,728	27,086
Knowlton.....	16,227	40,974
Mansfield.....	11,437	28,874
Hardwick.....	26,909	67,944
Greenage.....	15,995	40,381
Oxford.....	12,910	32,592
Wantage.....	6,381	16,109
Newtown.....	12,777	32,256
Walpack.....	4,989	11,838
Monticue.....	3,924	9,906
	£125,336	£315,673

The addition of these totals makes a grand aggregate for the county of £441,009 for 1781. At the bottom of the certificate is written "True Copy." Signed by Guisbert Sutfin, John Cortright, Japheth Byram, Jacob Stoll, Joseph Gaston, and Manuel Hover.

At a meeting of the justices and freeholders of the county, Nov. 10, 1780,

"Timothy Symmes was by a Majority of the votes elected County Collector. Voted that the County pay a fine inflicted on Mr. Ogden by the Treasurer for not Conveying Taxes to him. Voted that three hundred pounds in the hands of the former Collector be paid to Mr. Ker to dis-

charge the Collector's Fine, and cost if sufficient. Voted that Timothy Symmes and Wm. Anderson draw up a petition to the Assembly and put the Names belonging to this Board to it, praying that they will pass an Act to enable the Treasurer of this State to receive £1695: 1: 6 of old Jersey Money from the former Collector—little more in the hands of the Town Collectors of the same Money."

"Voted that the Goal and Court House be repaired by Sheriff Ker at his own discretion and that his account be laid before the board at their next meeting.

"Voted that eight thousand pounds Continental money† be levied by a Tax on the County and Collected with the next tax that is levied on the County."

July 23, 1781, £8000, Continental money, was assessed upon the county, the quotas being divided among the several townships as follows:

	£	s.	d.
Hardyston.....	688	0	2
Newton.....	819	8	0
Wantage.....	409	4	4
Oxford.....	827	19	1
Mansfield.....	734	9	10
Sandyston.....	195	7	8
Knowlton.....	1040	13	9
Walpack.....	319	19	1
Hardwick.....	1726	15	3
Greenwich.....	1025	16	2
Montague.....	251	13	1

"A hard-money tax of £600" was also levied, and proportionally divided among the townships. From Oct. 15, 1781, to April 22, 1782, the tax collections of the county amounted to £18,119 15s. 9d., of which

* These were the laws passed by the new Legislature under the constitution of 1776.

† This is the first notice of Continental money we meet with in the record. It was about this time taking the place of the "old Jersey money" referred to above, and hence the desire to get an act of the Legislature to substitute the former for the latter.

£6316 1s. 8d. was in specie and the balance in "State Money and Certificates." These assessments were made, the record tells us, "by virtue of an act passed at Trenton the 26th of December, 1781, for Raising the sum of One hundred and fifty thousand pounds in Money and Certificates; also an Act passed the 29th December to provide for the defence of the Frontiers and for defraying the expenses of the Government of this State."

The tax of this year was payable quarterly, March 25, June 25, April 1, and July 1, 1782.

"June 18, 1782.—Ordered that the County Collector Call on the Estate of John Hackett, Abram Van Cumpen, and Jacob Starn, deceased, and settle with them for the sum of Two Hundred Pounds, with the interest due thereon, advanced by the Treasurer of the then Province* to purchase Bread Corn for the use of the Inhabitants † Also to call on Nathaniel Pettit, Esq., for their account of the Notes delivered him to be presented for the flour delivered.‡

In pursuance of an order of the justices and freeholders, March 14, 1783, the following letter, addressed to the town collectors of the several townships, was written, and twenty copies of it sent to the said collectors:

"NEWTOWN, 16th May, 1783.

"SIR,—I am ordered by the Justices & Freeholders at their last meeting to Notify all the delinquent Collectors that unless they do Come In and make payment in thirty days from the date hereof to prosecute for the Arreanges due—you will therefore take notice.

"I am your very hble serv't

"EDWARD DUNLAP, *Cy. Coltr.*"

It is but just to say that collecting taxes at this date—the close of the long and exhausting seven

years' war of the Revolution—was no easy task. The strength and resources of a people whose endurance and sacrifice will ever be the wonder of the world had become so depleted, and the currency so depreciated, that collecting and paying the heavy taxes promptly were next to impossible. The list of those to whom the above notice was sent embraced some of the best men of the county,—Peter De Witt, of Newton; George Armstrong and Stephen Shiner, of Hardwick; John Decker and James Cudeback, of Wantage; Edmund Palmer and David Johnson, of Mansfield; John Lundy and Reuben Manning, of Knowlton; William White and Jacob Wyckoff, of Oxford; Thomas Van Kirk, of Hardyston; Peter Kinney and John Schooley, of Greenwich; Guisbert Sutfin and Edward Lodar, of Sandyston; Abraham Van Cumpen and Ezekiel Schoonover, of Walpack; Josephus Westbrook and James Brink, of Montague.

The difficulty about the tax question at this date will be seen by the following extract copied from the records:

"1784, May Term.—The Grand Jury of the County presented§ the Jus-

* The act to provide the inhabitants of Sussex with bread corn was passed in 1756.

† See Allison's "Law," folio 275.

‡ See folio 13 of the freeholders' records: "Ordered that Nathaniel Pettit, Esq., do collect part of the Two Hundred pounds due to the Treasurer of this Province which is outstanding and sue for the same if not paid before the first day of August next." Dated May 11, 1782.

§ Indicted.

tees and Freeholders for raising m o n e y for the County's use, saying by John De Hart, Attorney at Law, in open Court that it was a power they were not invested with.

"At said Court a notification for the Justices and Freeholders to meet on the 18th of June next, advertised and signed by Timothy Symmes (only) by order of the Court; whereas the usual method of advertising is to be signed by three Magistrates. The Board then paying attention to the above notification, met and proceeded to business (a few excepted which would not go contrary to Law) though illegally called, over and over the business which was done agreeably to Law, at their Annual Meeting.

"In the Interim some of the debts were ordered to be paid, which was paid by Edward Dunlap and the same persons, by the last board; (the board] has it in their power to Call for the same sum a second time."

"March 14, 1783.—*Ordered*, That the sum of fourteen pounds fifteen shillings be allowed Capt. James Bonnell for seventeen days in going express from Minisink to Prince Town with a Petition for the Assembly there sitting from the Frontiers Inhabitants (1781) to get a Company of Levies raised for their protection against the savages."

"*Ordered*, That the sum of two hundred pounds be allowed Edward Dunlap County Collector for settling and arranging the accounts of the County previous to his being County Collector."

"July 29, 1783.—*Ordered*, That the sum of eight pounds fifteen shillings and ten pence be allowed Col. Mark Thompson for Collecting the several Assessors Duplicates and for Carrying them to the Assembly at Mount Holly."

The following was the "Quota of Sussex, settled Feb. 22, 1789," of the £100,000 tax:

	£	s.	d.
Newton.....	960	13	4
Hardwick.....	1633	15	0
Wantage.....	502	17	6
Mansfield.....	600	16	0
Knowlton.....	906	17	6
Oxford.....	871	7	0
Harillston.....	806	0	0
Greenwich.....	1060	10	0
Sandiston.....	213	2	0
Wallpack.....	254	5	0
Montlene.....	229	0	0
Total, fees included.....	8138	3	4
Fees subtracted.....	387	10	0
Quota of Sussex.....	7750	13	4
Paid the Treasurer.....	5407	14	0
Balance due,.....	2342	19	4

POTTER'S TAVERN

COUNTY OF CUMBERLAND - BRIDGETON, N.J.

PREPARED BY:

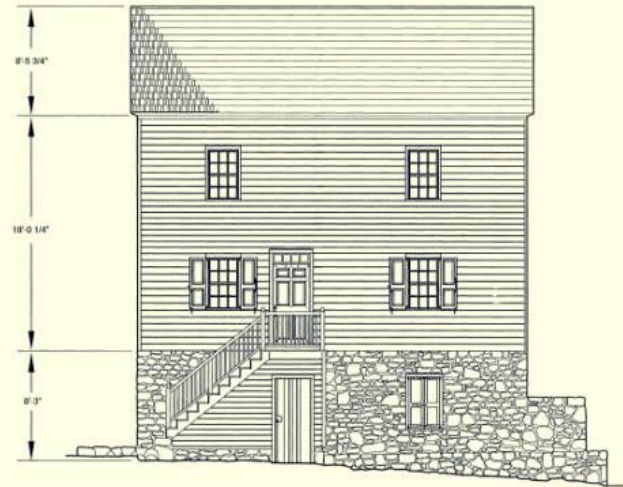
CUMBERLAND COUNTY COLLEGE

HISTORIC PRESERVATION THROUGH COMPUTER-AIDED DOCUMENTATION
SUMMER 2003

POTTER'S TAVERN IS LOCATED IN BRIDGETON, NEW JERSEY ALONG A MAIN THOROUGHFARE, BROAD STREET, DIRECTLY ACROSS FROM THE CUMBERLAND COUNTY COURTHOUSE. THE CURRENT STRUCTURE WAS BUILT IN 1770, FOLLOWING A FIRE, WHICH DESTROYED A PREVIOUS TAVERN LOCATED ON THE SITE KNOWN AS THE BISHOP TAVERN. THE PROPRIETOR, MATTHEW POTTER, ARRIVED IN THE AREA FROM PHILADELPHIA IN 1773, WHERE HE HAD MADE A LIVING AS A BLACKSMITH. POTTER WAS AWARDED A LICENSE TO OPERATE A TAVERN AT THE SITE FROM 1774 TO 1779. POTTER'S TAVERN IS RECOGNIZED AS THE HOME OF THE PLAIN DEALER, WHICH IS CONSIDERED NEW JERSEY'S FIRST REGULAR NEWSPAPER AS IT APPEARED EVERY TUESDAY, BEGINNING IN DECEMBER, 1775. PUBLISHED WITHIN THE TAVERN, IT CALLED IN THE STRONGEST TERMS FOR SEPARATION FROM THE CROWN RULE. MATTHEW POTTER RISKED A CHARGE OF TREASON FOR ALLOWING EBENEZER ELMER, A 23 YEAR-OLD PHYSICIAN TO EDIT THE PLAIN DEALER AND MAKE IT AVAILABLE TO THE PATRONS OF THE TAVERN.



WEST ELEVATION



SOUTH ELEVATION

Historic American Buildings Survey. Potter's Tavern, 51 West Broad Street, Bridgeton, Cumberland, NJ

Initial construction 1770. It is located in Bridgeton, along a main thoroughfare, Broad Street, directly across from the Cumberland County Courthouse. The current structure was built in 1770, following a fire, which destroyed a previous tavern located on the site known as the Bishop Tavern. The proprietor, Matthew Potter, arrived in the area from Philadelphia in 1773, where he had made a living as a blacksmith...

Related Names: Elmer, Ebenezer, The Plain Dealer, newspaper

HAEBSS field team: Bokma, Nicholas, Pisarski, Mathew, Goodnight, Ryan, Kaneshiki, Roy, McCann, Elizabeth

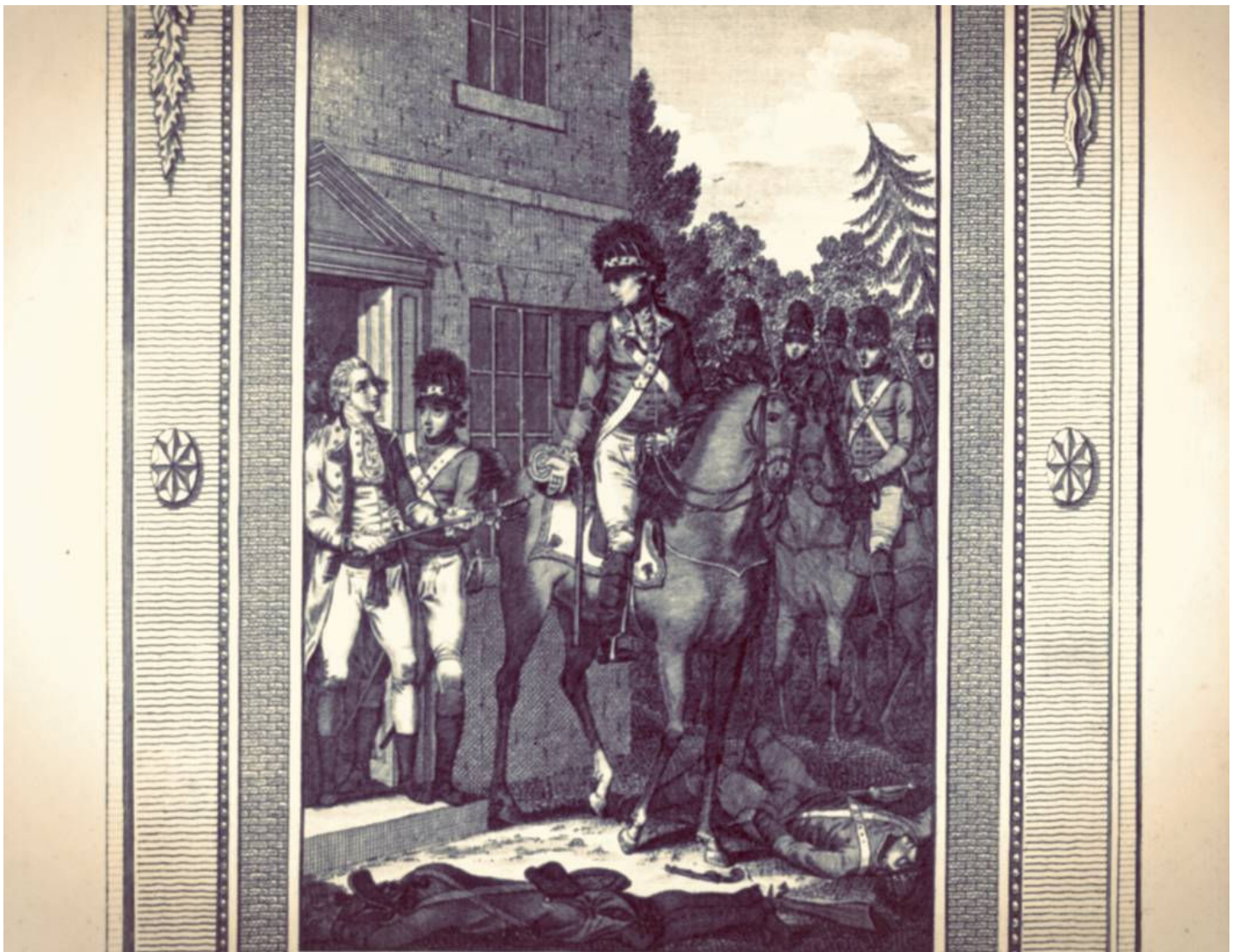
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Hawkins (artist). The American general Lee taken prisoner by lieutenant colonel Harcourt of the English army, in Morris Country, New Jersey, 1776. Illustration page 690. in Barnard, Edward and Millar (Mr.) (authors). The new, comprehensive and complete history of England. London: A. Hogg, printer and publisher (circa 1783).

Charles Lee at his capture by British troops.

No known restrictions on publication.

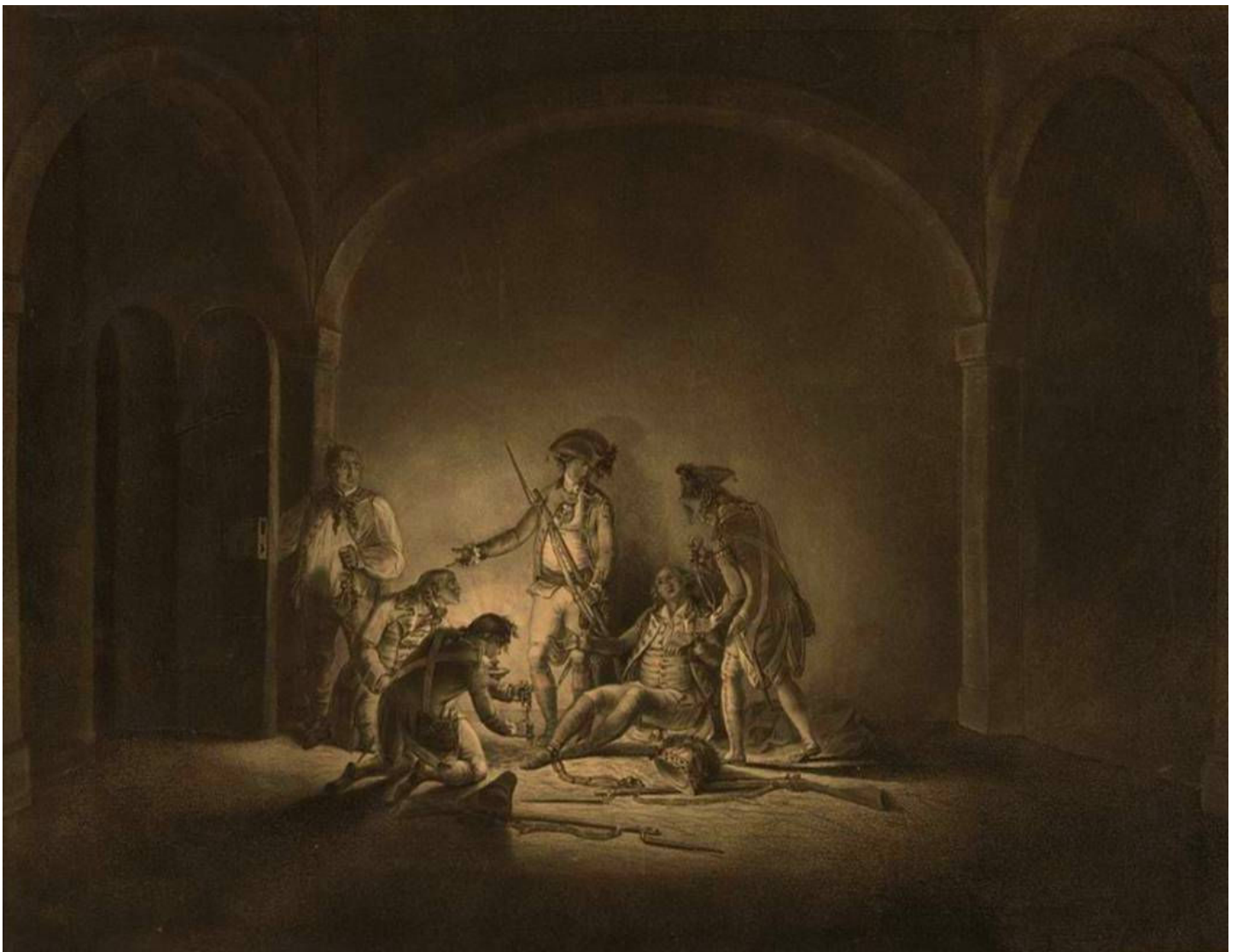
Published in: The American Revolution in drawings and prints; a checklist of 1765-1790 graphics in the Library of Congress / Compiled by Donald H. Cresswell, with a foreword by Sinclair H. Hitchings. Washington : [For sale by the Supt. of Docs., U.S. Govt. Print. Off.], 1975, no. 270.

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Pollard, Robert (1755-1838) (artist & engraver) and Jukes, F. (1745-1812) (aquatinter). Lieutenant Moody - this officer during the American war distinguish'd himself as one of the most gallant partizans in the British service, & ... made himself the terror of the rebels. London: R. Pollard, publisher, No. 7 Braynes Row Spa Fields (1785 February 19).

Lt. James Moody (circa 1744-1809) freeing a British soldier held prisoner by the Americans.

No known restrictions on publication.

Published in: The American Revolution in drawings and prints; a checklist of 1765-1790 graphics in the Library of Congress / Compiled by Donald H. Cresswell, with a foreword by Sinclair H. Hitchings. Washington : [For sale by the Supt. of Docs., U.S. Govt. Print. Off.], 1975, no. 314.

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Historic American Buildings Survey. Old Eight-Square Stone School, Hope vicinity, Warren, NJ

Initial construction 1835

Flumerfelt, George

Library of Congress, Prints and Photographs Division, Washington, D.C. 20540 USA

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Survey # HABS NJ-429

1. Historic American Buildings Survey Nathaniel R. Ewan, Photographer May 28, 1937 EXTERIOR - SOUTH ELEVATION

2. Historic American Buildings Survey Nathaniel R. Ewan, Photographer May 28, 1937 INTERIOR - SHOWING OLD DESKS

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With two horse drawn carriages in front.

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Meredith, Albert Barrett (born 1871) and Hood, Vivian P. Geography and history of New Jersey. Boston/ New York/ etc.: Ginn and company (1921).

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Hine, Lewis Wickes (1874-1940) (photographer). Jersey City, New Jersey. (1912 November).

Teddy and Lester (on right), both 9 yrs. old, at 3 pm; they'll sell until 8 pm.

No known restrictions on publication.

Hine # 3225-A, Street Trades. Photographs from the records of the National Child Labor Committee.

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CIVICS

AN OUTLINE OF THE GOVERNMENT OF NEW JERSEY

LOCAL OR MUNICIPAL GOVERNMENT

Origin. The earliest form of local government used in New Jersey was the New England township form, but the great increase of population and the difficult problems of modern living have caused this form of government to be abandoned in the densely settled portions of the state. Newer types or forms of government, such as the incorporated town, the borough, and the city government, have now taken its place.

Distinguishing features of local governments. The various types of local government best suited to the crowded districts are the incorporated town, the borough, and the city. Under these types of government the people, instead of voting directly on every question of local importance, elect delegates to represent them. As these municipalities are regulated to some extent by state laws, they thus become a part of the state government. These local governments are similar, differing only in the wider range of welfare offices necessary to the greater population of town or city.

The township. The township form of government provides a simple and effective way of caring for the welfare of the district. At the general election the voters elect the various officers to whom they are entitled by law; namely, a township committee of three members, which is the legislative body of the township; a justice of the peace, who is the judicial officer; a constable, who is the executive officer of the justice's court; a town clerk, who acts as secretary of the township committee; a tax collector; an assessor; a surveyor of highways; and a poundkeeper.

The village. A part of a town may become a village by a vote of its inhabitants provided it has at least three hundred inhabitants to every square mile of the territory to be thus set apart. At present there is but one village in the state.

The borough. A borough, which is a popular form of municipal government for a small community, may be formed from a township, a village, a town, a city, or a portion of two or more townships. There is no limit to its size; in fact, the population of a borough ranges from less than one hundred to more than five thousand. This area, having a distinctive name, is incorporated by a separate act of the legislature, which sets forth its boundary lines. The principal officers of a borough are elected by the people. These officers are a mayor, six councilmen, three assessors, and a tax collector. The mayor may appoint a clerk for the borough, an engineer, an overseer of the poor, one or more marshals, a poundkeeper, a superintendent of highways, and a borough recorder subject to approval of the council. The council appoints an attorney. The head of the borough government is the council (comprised of the mayor and the six councilmen), who see that the laws of the state and the ordinances of the borough are enforced. This body, by proper ordinances, provides for the raising of money by taxation for police and fire protection; lighting, sprinkling, and improving the streets; water supply and sewerage; and all general expenses of the borough. The mayor presides at these meetings, but votes only in case of a tie. When he is absent the president of the council presides over the meeting, but, unlike the mayor, the president votes on every motion brought before the council.

The incorporated town. The incorporated town is very similar to the borough, which has largely supplanted it. An incorporated town must have a population of five thousand or more. In its formation, the officers, and their functions it differs very little from the borough. It is organized on the basis of wards, and instead of a mayor it has a councilman at large, who not only presides at its meetings but exercises all the usual powers of a councilman.

The city. Any town, borough, or township exceeding 5000 inhabitants may become a city by a separate act of the legislature. Each city is governed by a charter granted to it by the state legislature. As the legislature may pass general laws or restrictions for the administration of city affairs, it becomes necessary to classify all cities for purposes of legislation. Cities of the first class are those exceeding 150,000 inhabitants; cities of the second class, those having from 12,000 to 150,000 inhabitants; and cities of the third class, those having under 12,000 inhabitants, except the cities of the Atlantic coast which serve as summer resorts. These are classified as fourth-class cities.

The cities of New Jersey as a rule are divided into wards, and each ward has a representative in the common council or in the board of aldermen, as the case may be. In large cities the legislative body is called the board of aldermen and in the smaller cities it is called the common council. Many cities have what is called the departmental system of government. Most of the executive work is done by departments. There are departments of police, fire, parks, water, street cleaning, etc., each having its own chief, who reports directly to the mayor and council, since he has no executive power beyond that delegated by the authorized power at the head of the city government. Besides these, there are a board of water commissioners, a board of public works, a city engineer, and a city treasurer.

Commission government in New Jersey. The newest type of municipal government developed in the past decade has been the commission government, so termed because the government is intrusted to a board or commission. It was first tried in the city of Galveston, Texas, after the flood of 1900 had completely destroyed that city. The remarkable progress made in Galveston under its new charter caused other Western and Southern cities to adopt this modern form of government. One of the first eastern cities to adopt commission government was Trenton, in 1911. Since that time many other New Jersey municipalities have voted favorably for the

commission plan of government. Among these are Atlantic City, Newark, Jersey City, Paterson, Passaic, Vineland, Long Branch, Bordentown, Millville, Ocean City, and Haddonfield. The modern features that are lacking in many cities are embodied in this new form of government; namely, (1) the placing of the municipal governing authority in a small body of men elected at large, not by wards; (2) the power to exercise administrative and legislative functions and the privilege of appointment by the board; (3) the placing of each commissioner in charge of a definite department and making him responsible to the people for its proper and intelligent management; (4) the power given to the people to secure honest and efficient government through the medium of the initiative, referendum, and recall.¹ The intrinsic value of commission government really rests on these cardinal principles.

Under the New Jersey statute the executive, administrative, and legislative authority is vested in the commissioners elected, whether three or five in number. A commissioner on being assigned to any department has absolute control and is also individually responsible to his fellow commissioners and to the people for his own actions and those of his subordinates. The mayor, who is the director of public affairs, is advisory director to every commissioner.

Ordinances as distinguished from laws. A law is an act passed by the legislature and signed by the governor which affects all the inhabitants of the state; an ordinance is an act passed by legislative power of a municipality which affects only the inhabitants in that municipality. In brief, a law is general, while an ordinance is local.

¹The *initiative* allows the legal voters under certain conditions to submit ordinances to the commissioners for consideration; that is, proposes legislation. The *referendum* compels the commissioners under certain conditions to submit ordinances to the legal voters for approval either at a general election or a special election; that is, repeals, rejects, or approves legislation. The *recall* allows the legal voters under certain conditions to recall an elective officer from the position to which he was elected; that is, dismisses or recalls from office.

LOCAL BOARDS OR COMMISSIONS

Board of health. The duty of a municipal board of health is to safeguard the health of the community by making and enforcing laws of sanitation. The board must take especial precautions and measures to prevent the spread of contagious diseases among both men and animals, to safeguard the purity of the food and milk supplies, and to strive to lower the death rate of the municipality. In cities and boroughs the members of the board, who serve three years without compensation, are appointed by the mayor by and with the consent of the council. In townships they are appointed by township committees.

Board of education. Each school district, which may consist of a city, a township, a borough, or an incorporated town, has in most instances a board of education of nine persons, who serve without pay. These members are usually elected by the people at the annual school meeting. By a vote of the people the number of members of a board of education may be reduced to five or even to three. The duty of the board of education is to determine each year the amount of money necessary for school expenses and for building and repairs, to employ teachers, to buy textbooks and supplies, and to provide for the general welfare of the schools. In a city school district this board is appointed by the mayor.

Board of street and water commissioners. The board of street and water commissioners is appointed by the mayor by and with the advice and consent of the council in cities and boroughs. Their duties are to provide a proper water supply for the municipality and to have charge of all street improvements.

Functions of a local, as distinguished from a state, government. A local government is concerned with the immediate needs of a small portion of a state. Its ordinances affect only a limited number of people, while the state government oversees the general welfare of all municipalities in their relation to the state, and its laws are general, affecting all the people of the state.

COUNTY GOVERNMENT

Administrative officers and their duties. The administration of a county is in the hands of six officers and two boards. Most of these are elected by the people, and their duties are, of course, purely local.

The sheriff. The chief executive officer is the sheriff, whose duty is to maintain peace and to subdue riots or violence. He is the jailer of the country and must care for all prisoners in the county jail. He also executes the judgments of the courts or judgment for debt.

Prosecutor of pleas. Each county has a prosecutor of pleas, who is appointed by the governor and who must be a lawyer, since he represents the state in the prosecution of persons charged with crime. Further, he should be a counselor at law, as in New Jersey there is a distinction between an attorney and a counselor at law.

Coroners. Three coroners are elected in each county whose duty it is to hold inquests into sudden or unnatural deaths of persons. The coroners may summon a jury to determine the cause of death and may cause the arrest of anyone whom this jury accuses of murder.

County clerk. The county clerk, elected by the people for a term of five years, is the clerk of all county courts except the orphans' court. He has many duties and must keep the minutes of all the proceedings of the courts and all records of deeds or mortgages on personal property and chattels. In his office are filed the contracts for buildings and the claims for unpaid taxes. He issues marriage certificates to nonresidents of the state and records the articles of incorporation of private companies before filing them with the secretary of state.

The surrogate. The surrogate is elected by the people for five years. Through him all wills are registered, and he may appoint an administrator for an estate or a guardian for a minor or incompetent person.

County collector. A county collector may be elected by the people or by the board of freeholders, depending on the size

of the county. He is the custodian of all county moneys, which he pays out on orders of the board of freeholders. He receives all state and county taxes from the local collectors and pays over to the state treasurer all state tax moneys. He also receives from the state treasurer the state appropriations for the county's local use, including the state school moneys, which he in turn pays to the custodians of the local school districts on the order of the county superintendent of schools.

County board of taxation. In each county there is a county board of taxation which supervises the assessment of property and the collection of taxes. It is composed of three members appointed for three years by the governor by and with the advice and consent of the senate. No more than two members may be of the same political party.

County superintendent of schools. The county superintendent of schools has general supervision over all the schools in the county. He is appointed by the commissioner of education and serves for three years.

Board of freeholders. Counties are governed by boards of freeholders. The larger boards are composed of one member from each township, one from each ward in a city, and one from each borough having a population of three thousand or more. This makes a rather unwieldy board in some of the larger counties. A recent law, however, provides for a board of freeholders of nine, seven, five, or three members, as the people at election may decide. These smaller boards become very efficient. Business is transacted more rapidly, and the general good of the county is taken into consideration rather than the good of special localities. The board appropriates money for maintaining all county offices and institutions, for building and repairing bridges, for county roads, etc. This money is raised annually by taxation, but the board of freeholders has nothing to do with determining the rate of the taxation.

Functions of county as distinguished from municipal and state governments. A county has no power to enact ordinances or laws such as is vested in a state or municipality. It is an agency for carrying out existing legislation, not for enacting new laws.

County institutions. The counties of New Jersey support a number of county institutions. Among these are a county almshouse, county insane asylum, and a county tuberculosis hospital. The money for the support of these institutions is raised by a property tax.



Hine, Lewis Wickes (1874-1940) (photographer). Hoboken New Jersey (1912 December).

10 yr. old girl tending stand at 4th and Garden Streets. On right is entrance to bar room of saloon. Stand is owned by Mr. Rakoff, whose daughters, 11 yrs. and 13 yrs. old take turns tending it. Fanny Rakoff, 11 yrs. old, often tends stand till 7:30 pm.

No known restrictions on publication.

Hine no. 3237. Street trades. Photographs from the records of the National Child Labor Committee.

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CONSTITUTION OF THE STATE OF NEW JERSEY

A CONSTITUTION agreed upon by the delegates of the people of New Jersey, in convention begun at Trenton on the fourteenth day of May, and continued to the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, ratified by the people at an election held on the thirteenth day of August, A. D. 1844, and amended at a special election held on the seventh day of September, A. D. 1875, and at another special election held on the twenty-eighth day of September, A. D. 1897.

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this CONSTITUTION :

ARTICLE I

RIGHTS AND PRIVILEGES

1. All men are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor, under any pretense whatever, to be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect in preference to another; no religious test shall be required as a qualification for any

office or public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.

5. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

6. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized.

7. The right of a trial by jury shall remain inviolate; but the legislature may authorize the trial of civil suits, when a matter in dispute does not exceed fifty dollars, by a jury of six men.

8. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of a counsel in his defense.

9. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy; or in the militia, when in actual service in time of war or public danger.

10. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or presumption great.

11. The privilege of the writ of *habeas corpus* shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

12. The military shall be in strict subordination to the civil power.

13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in a manner prescribed by law.

14. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

16. Private property shall not be taken for public use without just compensation; but land may be taken for public highways as heretofore, until the legislature shall direct compensation to be made.

17. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

18. The people have the right freely to assemble together to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

19. No county, city, borough, town, township or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual association or corporation, or become security for or be directly or indirectly the owner of any stock or bonds of any association or corporation.

20. No donation of land or appropriation of money shall be made by the State or any municipal corporation to or for the use of any society, association or corporation whatever.

21. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

ARTICLE II

RIGHT OF SUFFRAGE

1. Every male¹ citizen of the United States, of the age of twenty-one years, who shall have been a resident of this State one year, and of the country in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be, elective by the people; *provided*, that no person in the military, naval or marine service of the United States shall be considered a resident in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector; *and provided further*, that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

2. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery.

¹This word is superseded by the Nineteenth Amendment to the National Constitution.

ARTICLE III

DISTRIBUTION OF THE POWERS OF GOVERNMENT

1. The powers of the government shall be divided into three distinct departments—the legislative, executive and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

ARTICLE IV

LEGISLATIVE

Section I

1. The legislative power shall be vested in a senate and general assembly.

2. No person shall be a member of the senate who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the State for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the general assembly who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the State for two years, and of the county for which he shall be chosen one year next before his election; *provided*, that no person shall be eligible as a member of either house of the legislature, who shall not be entitled to the right of suffrage.

3. Members of the senate and general assembly shall be elected yearly and every year, on the first Tuesday after the first Monday in November; and the two houses shall meet separately on the second Tuesday in January next after the said day of election, at which time of meeting the legislative year shall commence; but the time of holding such election may be altered by the legislature.

Section II

1. The senate shall be composed of one senator from each county in the State, elected by the legal voters of the counties, respectively, for three years.

2. As soon as the senate shall meet after the first election to be held in pursuance of this constitution, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the

expiration of the third year, so that one class may be elected every year; and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only.

Section III

1. The general assembly shall be composed of members annually elected by the legal voters of the counties, respectively, who shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. The present apportionment shall continue until the next census of the United States shall have been taken, and an apportionment of members of the general assembly shall be made by the legislature at its first session after the next and every subsequent enumeration or census, and when made shall remain unaltered until another enumeration shall have been taken; *provided*, that each county shall at all times be entitled to one member; and the whole number of members shall never exceed sixty.

Section IV

1. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation, or otherwise; but if vacancies occur during the recess of the legislature, the writs may be issued by the governor, under such regulations as may be prescribed by law.

2. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

3. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, may expel a member.

4. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

5. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

6. All bills and joint resolutions shall be read three times in each house, before the final passage thereof; and no bill or joint resolution shall pass unless there be a majority of all the members of each body personally present and agreeing thereto; and the yeas and nays of the members voting on such final passage shall be entered on the journal.

7. Members of the senate and general assembly shall receive annually the sum of five hundred dollars during the time for which they shall have been elected and while they shall hold their office, and no other allowance or emolument, directly or indirectly, for any purpose whatever. The president of the senate and the speaker of the house of assembly shall, in virtue of their offices, receive an additional compensation, equal to one third of their allowance as members.

8. Members of the senate and general assembly shall, in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

Section V

1. No member of the senate or general assembly shall, during the time for which he was elected, be nominated or appointed by the governor, or by the legislature in joint meeting, to any civil office under the authority of this State which shall have been created, or the emoluments whereof shall have been increased, during such time.

2. If any member of the senate or general assembly shall be elected to represent this State in the senate or house of representatives of the United States, and shall accept thereof, or shall accept of any office or appointment under the government of the United States, his seat in the legislature of this State shall thereby be vacated.

3. No justice of the supreme court, nor judge of any other court, sheriff, justice of the peace nor any person or persons possessed of any office of profit under the government of this State, shall be entitled to a seat either in the senate or in the general assembly; but, on being elected and taking his seat, his office shall be considered vacant; and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house.

Section VI

1. All bills for raising revenue shall originate in the house of assembly; but the senate may propose or concur with amendments, as on other bills.

2. No money shall be drawn from the treasury but for appropriations made by law.

3. The credit of the State shall not be directly or indirectly loaned in any case.

4. The legislature shall not, in any manner, create any debt or debts, liability or liabilities, of the State which shall, singly or in the aggregate with any previous debts or liabilities, at any time exceed one hundred

thousand dollars, except for purposes of war, or to repel invasion, or to suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein; which law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrevocable until such debt or liability, and the interest thereon, are fully paid and discharged; and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election; and all money to be raised by the authority of such law shall be applied only to the specific object stated therein, and to the payment of the debt thereby created. This sanction shall not be construed to refer to any money that has been, or may be, deposited with this State by the government of the United States.

Section VII

1. No divorce shall be granted by the legislature.
2. No lottery shall be authorized by the legislature or otherwise in this State, and no ticket in any lottery shall be bought or sold within this State, nor shall pool-selling, book-making or gambling of any kind be authorized or allowed within this State, nor shall any gambling device, practice or game of chance now prohibited by law be legalized, or the remedy, penalty or punishment now provided therefor be in any way diminished.
3. The legislature shall not pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.
4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title. No law shall be revived or amended by reference to its title only; but the act revived, or the section or sections amended shall be inserted at length. No general law shall embrace any provision of a private, special or local character. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of the act, or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.
5. The laws of this State shall begin in the following style: "Be it enacted by the Senate and General Assembly of the State of New Jersey."

6. The fund for the support of free schools, and all money, stock and other property which may hereafter be appropriated for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public free schools, for the equal benefit of all the people of the State; and it shall not be competent for the legislature to borrow, appropriate or use the said fund, or any part thereof, for any other purpose, under any pretense whatever. The legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in this State between the ages of five and eighteen years.

7. No private or special law shall be passed authorizing the sale of any lands belonging in whole or in part to a minor or minors, or other persons who may at the time be under any legal disability to act for themselves.

8. Individuals or private corporations shall not be authorized to take private property for public use, without just compensation first made to the owners.

9. No private, special or local bill shall be passed unless public notice of the intention to apply therefor, and of the general object thereof, shall have been previously given. The legislature, at the next session after the adoption hereof, and from time to time thereafter, shall prescribe the time and mode of giving such notice, the evidence thereof, and how such evidence shall be preserved.

10. The legislature may vest in the circuit courts, or courts of common pleas within the several counties of this State, chancery powers, so far as relates to the foreclosure of mortgages and sale of mortgaged premises.

11. The legislature shall not pass private, local or special laws in any of the following enumerated cases; that is to say:

Laying out, opening, altering and working roads or highways.

Vacating any road, town plot, street, alley or public grounds.

Regulating the internal affairs of towns and counties; appointing local offices or commissions to regulate municipal affairs.

Selecting, drawing, summoning or empaneling grand or petit jurors.

Creating, increasing or decreasing the percentage or allowance of public officers during the term for which said officers were elected or appointed.

Changing the law of descent.

Granting to any corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Granting to any corporation, association or individual the right to lay down railroad tracks.

Providing for changes of venue in civil or criminal cases.

Providing for the management and support of free public schools.

The legislature shall pass general laws providing for the cases enumerated in this paragraph, and for all other cases which, in its judgment, may be provided for by general laws. The legislature shall pass no special act conferring corporate powers, but they shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the legislature.

12. Property shall be assessed for taxes under general laws, and by uniform rules, according to its true value.

Section VIII

1. Members of the legislature shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear [or affirm, as the case may be], that I will support the constitution of the United States and the constitution of the State of New Jersey, and that I will faithfully discharge the duties of senator [or member of the general assembly, as the case may be], according to the best of my ability."

And members-elect of the senate or general assembly are hereby empowered to administer to each other the said oath or affirmation.

2. Every officer of the legislature shall, before he enters upon his duties, take and subscribe the following oath or affirmation: "I do solemnly promise and swear [or affirm] that I will faithfully, impartially and justly perform all the duties of the office of —, to the best of my ability and understanding; that I will carefully preserve all records, papers, writings or property intrusted to me for safe-keeping by virtue of my office, and make such disposition of the same as may be required by law."

ARTICLE V

EXECUTIVE

1. The executive power shall be vested in a governor.

2. The governor shall be elected by the legal voters of this State. The person having the highest number of votes shall be the governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the vote of a majority of the members of both houses in joint meeting. Contested elections for the office of governor shall be determined in such manner as the legislature shall direct by law. When a governor is to be elected by the people, such election

shall be held at the time when and at the places where the people shall respectively vote for members of the legislature.

3. The governor shall hold his office for three years, to commence on the third Tuesday of January next ensuing the election for governor by the people, and to end on the Monday preceding the third Tuesday of January, three years thereafter; and he shall be incapable of holding that office for three years next after his term of service shall have expired; and no appointment or nomination to office shall be made by the governor during the last week of his said term.

4. The governor shall be not less than thirty years of age, and shall have been for twenty years, at least, a citizen of the United States, and a resident of this State seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this State.

5. The governor shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

6. He shall be the commander-in-chief of all the military and naval forces of the State; he shall have power to convene the legislature, or the senate alone, whenever in his opinion public necessity requires it; he shall communicate by message to the legislature at the opening of each session, and at such other times as he may deem necessary, the condition of the State, and recommend such measures as he may deem expedient; he shall take care that the laws be faithfully executed, and grant, under the great seal of the State, commissions to all such officers as shall be required to be commissioned.

7. Every bill which shall have passed both houses shall be presented to the governor; if he approve he shall sign it, but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if, after such reconsideration, a majority of the whole number of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved of by a majority of the whole number of that house, it shall become a law; but in neither house shall the vote be taken on the same day on which the bill shall be returned to it; and in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor, within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature by their adjournment prevent its return, in which case it shall not be a law. If any bill presented to the governor contain several

items of appropriations of money, he may object to one or more of such items while approving of the other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session he shall transmit to the house in which the bill originated, a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by a majority of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the governor. All the provisions of this section in relation to bills not approved by the governor shall apply to cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

8. No member of congress, or person holding an office under the United States, or this State, shall exercise the office of governor; and in case the governor, or person administering the government, shall accept any office under the United States or this State, his office of governor shall thereupon be vacant. Nor shall he be elected by the legislature to any office under the government of this State or of the United States, during the term for which he shall have been elected governor.

9. The governor, or person administering the government, shall have power to suspend the collection of fines and forfeitures, and to grant reprieves, to extend until the expiration of a time not exceeding ninety days after conviction; but this power shall not extend to cases of impeachment.

10. The governor, or person administering the government, the chancellor, and the six judges of the court of errors and appeals, or a major part of them, of whom the governor, or a person administering the government, shall be one, may remit fines and forfeitures, and grant pardons, after conviction, in all cases except impeachment.

11. The governor and all other civil officers under this State shall be liable to impeachment for misdemeanor in office during their continuance in office, and for two years thereafter.

12. In case of the death, resignation or removal from office of the governor, the powers, duties and emoluments of the office shall devolve upon the president of the senate, and in case of his death, resignation or removal, then upon the speaker of the house of assembly, for the time being, until another governor shall be elected and qualified; but in such case another governor shall be chosen at the next election for members of the legislature, unless such death, resignation or removal shall occur within thirty days immediately preceding such next election, in which case a governor shall be chosen at the second succeeding election for members of the legislature. When a vacancy happens, during the recess of the legislature, in any office which is to be filled by the governor

and senate, or by the legislature in joint meeting, the governor shall fill such vacancy and the commission shall expire at the end of the next session of the legislature, unless a successor shall be sooner appointed; when a vacancy happens in the office of clerk or surrogate of any county, the governor shall fill such vacancy, and the commission shall expire when a successor is elected and qualified. No person who shall have been nominated to the senate by the governor for any office of trust or profit under the government of this State, and shall not have been confirmed before the recess of the legislature, shall be eligible for appointment to such office during the continuance of such recess.

13. In case of the impeachment of the governor, his absence from the State or inability to discharge the duties of his office, the powers, duties and emoluments of the office shall devolve upon the president of the senate; and in case of his death, resignation or removal, then upon the speaker of the house of assembly for the time being, until the governor, absent or impeached, shall return or be acquitted, or until the disqualification or inability shall cease, or until a new governor be elected and qualified.

14. In case of a vacancy in the office of governor from any other cause than those herein enumerated, or in case of the death of the governor-elect before he is qualified into office, the powers, duties and emoluments of the office shall devolve upon the president of the senate or speaker of the house of assembly, as above provided for, until a new governor be elected and qualified.

ARTICLE VI

JUDICIARY

Section I

1. The judicial power shall be vested in a court of errors and appeals in the last resort in all causes as heretofore: a court for the trial of impeachments; a court of chancery; a prerogative court; a supreme court; circuit courts, and such inferior courts as now exist, and as may be hereafter ordained and established by law; which inferior courts the legislature may alter or abolish, as the public good shall require.

Section II

1. The court of errors and appeals shall consist of the chancellor, the justices of the supreme court, and six judges, or a major part of them; which judges are to be appointed for six years.

2. Immediately after the court shall first assemble, the six judges shall arrange themselves in such manner that the seat of one of them shall be

vacated every year, in order that thereafter one judge may be annually appointed.

3. Such of the six judges as shall attend the court shall receive, respectively, a *per diem* compensation, to be provided by law.

4. The secretary of state shall be the clerk of this court.

5. When an appeal from an order or decree shall be heard, the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

6. When a writ of error shall be brought, no justice who has given a judicial opinion in the cause in favor of or against any error complained of, shall sit as a member, or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.

Section III

1. The house of assembly shall have the sole power of impeaching, by a vote of a majority of all the members; and all impeachments shall be tried by the senate; the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence;" and no person shall be convicted without the concurrence of two thirds of all the members of the senate.

2. Any judicial officer impeached shall be suspended from exercising his office until his acquittal.

3. Judgment in cases of impeachment shall not extend farther than to removal from office, and to disqualification to hold and enjoy any office of honor, profit or trust under this State; but the party convicted shall, nevertheless, be liable to indictment, trial and punishment according to law.

4. The secretary of state shall be the clerk of this court.

Section IV

1. The court of chancery shall consist of a chancellor.

2. The chancellor shall be the ordinary or surrogate general, and judge of the prerogative court.

3. All persons aggrieved by any order, sentence or decree of the orphans' court, may appeal from the same, or from any part thereof, to the prerogative court; but such order, sentence or decree shall not be removed into the supreme court, or circuit court if the subject-matter thereof be within the jurisdiction of the orphans' court.

4. The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect.

Section V

1. The supreme court shall consist of a chief justice and four associate justices. The number of associate justices may be increased or decreased by law, but shall never be less than two.

2. The circuit courts shall be held in every county of this State, by one or more of the justices of the supreme court, or a judge appointed for that purpose, and shall, in all cases within the county except in those of a criminal nature, have common law jurisdiction, concurrent with the supreme court; and any final judgment of a circuit court may be docketed in the supreme court, and shall operate as a judgment obtained in the supreme court from the time of such docketing.

3. Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals.

Section VI

1. There shall be no more than five judges of the inferior court of common pleas in each of the counties in this State, after the terms of the judges of said court now in office shall terminate. One judge for each county shall be appointed every year, and no more, except to fill vacancies, which shall be for the unexpired term only.

2. The commissions for the first appointments of judges of said court shall bear date and take effect on the first day of April next; and all subsequent commissions for judges of said court shall bear date and take effect on the first day of April in every successive year, except commissions to fill vacancies, which shall bear date and take effect when issued.

Section VII

1. There may be elected under this constitution two, and not more than five, justices of the peace in each of the townships of the several counties of this State, and in each of the wards, in cities that may vote in wards. When a township or ward contains two thousand inhabitants or less, it may have two justices; when it contains more than two thousand inhabitants, and not more than four thousand, it may have four justices; and when it contains more than four thousand inhabitants, it may have five justices; *provided*, that whenever any township not voting in wards contains more than seven thousand inhabitants, such township may have an additional justice for each additional three thousand inhabitants above four thousand.

2. The population of the townships in the several counties of the State and of the several wards shall be ascertained by the last preceding census of the United States, until the legislature shall provide, by law, some other mode of ascertaining it.

ARTICLE VII

APPOINTING POWER AND TENURE OF OFFICE

Section I

MILITIA OFFICERS

1. The legislature shall provide by law for enrolling, organizing and arming the militia.

2. Captains, subalterns and non-commissioned officers shall be elected by the members of their respective companies.

3. Field officers of regiments, independent battalions and squadrons shall be elected by the commissioned officers of their respective regiments, battalions or squadrons.

4. Brigadier-generals shall be elected by the field officers of their respective brigades.

5. Major-generals, the adjutant-general and quartermaster-general shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

6. The legislature shall provide, by law, the time and manner of electing militia officers, and of certifying their elections to the governor, who shall grant their commissions, and determine their rank, when not determined by law; and no commissioned officer shall be removed from office but by the sentence of a court-martial, pursuant to law.

7. In case the electors of subalterns, captains or field officers shall refuse or neglect to make such elections, the governor shall have power to appoint such officers, and to fill all vacancies caused by such refusal or neglect.

8. Brigade inspectors shall be chosen by the field officers of their respective brigades.

9. The governor shall appoint all militia officers whose appointment is not otherwise provided for in this constitution.

10. Major-generals, brigadier-generals and commanding officers of regiments, independent battalions and squadrons shall appoint the staff officers of their divisions, brigades, regiments, independent battalions and squadrons, respectively.

Section II

CIVIL OFFICERS

1. Justices of the supreme court, chancellor, judges of the court of errors and appeals and judges of the inferior court of common pleas shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

The justices of the supreme court and chancellor shall hold their offices for the term of seven years; shall, at stated times, receive for their services a compensation which shall not be diminished during the term of their appointments; and they shall hold no other office under the government of this State or of the United States.

2. Judges of the courts of common pleas shall be appointed by the senate and general assembly, in joint meeting.

They shall hold their offices for five years; but when appointed to fill vacancies, they shall hold for the unexpired term only.

3. The state treasurer and comptroller shall be appointed by the senate and general assembly, in joint meeting.

They shall hold their offices for three years, and until their successors shall be qualified into office.

4. The attorney-general, prosecutors of the pleas, clerk of the supreme court, clerk of the court of chancery, secretary of state and the keeper of the state prison shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

They shall hold their offices for five years.

5. The law reporter shall be appointed by the justices of the supreme court, or a majority of them; and the chancery reporter shall be appointed by the chancellor.

They shall hold their offices for five years.

6. Clerks and surrogates of counties shall be elected by the people of their respective counties, at the annual elections for members of the general assembly.

They shall hold their offices for five years.

7. Sheriffs and coroners shall be elected by the people of their respective counties, at the elections for members of the general assembly, and they shall hold their offices for three years, after which three years must elapse before they can be again capable of serving. Sheriffs shall annually renew their bonds.

8. Justices of the peace shall be elected by ballot at the annual meetings of the townships in the several counties of the State, and of the wards in cities that may vote in wards, in such manner and under such regulations as may be hereafter provided by law.

They shall be commissioned for the county, and their commissions shall bear date and take effect on the first day of May next after their election.

They shall hold their offices for five years; but when elected to fill vacancies, they shall hold for the unexpired term only; *provided*, that the commission of any justice of the peace shall become vacant upon his ceasing to reside in the township in which he was elected.

The first election for justices of the peace shall take place at the next annual town-meetings of the townships in the several counties of the State, and of the wards in cities that may vote in wards.

9. All other officers, whose appointments are not otherwise provided for by law, shall be nominated by the governor, and appointed by him, with the advice and consent of the senate; and shall hold their offices for the time prescribed by law.

10. All civil officers elected or appointed pursuant to the provisions of this constitution, shall be commissioned by the governor.

11. The term of office of all officers elected or appointed, pursuant to the provisions of this constitution, except when herein otherwise directed, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

ARTICLE VIII

GENERAL PROVISIONS

1. The secretary of state shall be *ex officio* an auditor of the accounts of the treasurer, and as such, it shall be his duty to assist the legislature in the annual examination and settlement of said accounts, until otherwise provided by law.

2. The seal of the State shall be kept by the governor, or person administering the government, and used by him officially, and shall be called the great seal of the State of New Jersey.

3. All grants and commissions shall be in the name and by the authority of the State of New Jersey, sealed with the great seal, signed by the governor, or person administering the government, and countersigned by the secretary of state, and it shall run thus: "The State of New Jersey, to —, greeting." All writs shall be in the name of the State; and all indictments shall conclude in the following manner, viz., "against the peace of this State, the government and dignity of the same."

4. This constitution shall take effect and go into operation on the second day of September, in the year of our Lord one thousand eight hundred and forty-four.

ARTICLE IX

AMENDMENTS

Any specific amendment or amendments to the constitution may be proposed in the senate or general assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published for three months previous to making such choice, in at least one newspaper of

each county, if any be published therein; and if in the legislature next chosen as aforesaid, such proposed amendment or amendments, or any of them, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments, or such of them as may have been agreed to as aforesaid by the two legislatures, to the people, in such manner and at such time, at least four months after the adjournment of the legislature, as the legislature shall prescribe; and if the people at a special election to be held for that purpose only, shall approve and ratify such amendment or amendments or any of them, by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments, so approved and ratified shall become part of the constitution; *provided*, that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly; but no amendment or amendments shall be submitted to the people by the legislature oftener than once in five years.

ARTICLE X

SCHEDULE

That no inconvenience may arise from the change in the constitution of this State, and in order to carry the same into complete operation, it is hereby declared and ordained, that—

1. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature; and all writs, actions, causes of action, prosecutions, contracts, claims and rights of individuals and of bodies corporate, and of the State, and all charters of incorporation, shall continue, and all indictments which shall have been found, or which may hereafter be found, for any crime or offense committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts of law and equity, except as herein otherwise provided, shall continue with the like powers and jurisdiction as if this constitution had not been adopted.

2. All officers now filling any office or appointment shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless by this constitution it is otherwise directed.

3. The present governor, chancellor and ordinary or surrogate-general and treasurer shall continue in office until successors elected or appointed under this constitution shall be sworn or affirmed into office.

4. In case of the death, resignation or disability of the present governor, the person who may be vice-president of council at the time of the

adoption of this constitution shall continue in office and administer the government until a governor shall have been elected and sworn or affirmed into office under this constitution.

5. The present governor, or in case of his death or inability to act, the vice-president of council, together with the present members of the legislative council and secretary of state, shall constitute a board of state canvassers, in the manner now provided by law, for the purpose of ascertaining and declaring the result of the next ensuing election for governor, members of the house of representatives, and electors of president and vice-president.

6. The returns of the votes for governor, at the said next ensuing election, shall be transmitted to the secretary of state, the votes counted, and the election declared in the manner now provided by law in the case of the election of electors of president and vice-president.

7. The election of clerks and surrogates, in those counties where the term of office of the present incumbent shall expire previous to the general election of eighteen hundred and forty-five, shall be held at the general election next ensuing the adoption of this constitution; the result of which election shall be ascertained in the manner now provided by law for the election of sheriffs.

8. The elections for the year eighteen hundred and forty-four shall take place as now provided by law.

9. It shall be the duty of the governor to fill all vacancies in office happening between the adoption of this constitution and the first session of the senate, and not otherwise provided for, and the commissions shall expire at the end of the first session of the senate, or when successors shall be elected or appointed and qualified.

10. The restriction of the pay of members of the legislature after forty days from the commencement of the session, shall not be applied to the first legislature convened under this constitution.

11. Clerks of counties shall be clerks of the inferior courts of common pleas and quarter sessions of the several counties, and perform the duties, and be subject to the regulations now required of them by law until otherwise ordained by the legislature.

12. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.





Hine, Lewis Wickes (1874-1940) (photographer). Hoboken New Jersey (1912 December).

10 yr. old girl tending stand at 4th and Garden Streets. On right is entrance to bar room of saloon. Stand is owned by Mr. Rakoff, whose daughters, 11 yrs. and 13 yrs. old take turns tending it. Fanny Rakoff, 11 yrs. old, often tends stand till 7:30 pm.

No known restrictions on publication.

Hine no. 3236. Street trades. Photographs from the records of the National Child Labor Committee.

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

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Hine, Lewis Wickes (1874-1940) (photographer). Hoboken New Jersey (1912 December).

10 yr. old girl tending stand at 4th and Garden Streets. On right is entrance to bar room of saloon. Stand is owned by Mr. Rakoff, whose daughters, 11 yrs. and 13 yrs. old take turns tending it. Fanny Rakoff, 11 yrs. old, often tends stand till 7:30 pm.

No known restrictions on publication.

Hine no. 3238. Street trades. Photographs from the records of the National Child Labor Committee.

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

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Hine, Lewis Wickes (1874-1940) (photographer). Newark, New Jersey (1924, August 1).

Roland, eleven year old negro newsboy

No known restrictions on publication.

Hine no. 4945. Street trades. Photographs from the records of the National Child Labor Committee.

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

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Hine, Lewis Wickes (1874-1940) (photographer). Newark, New Jersey (1924, August 1).

One of the very young shiners.

No known restrictions on publication.

Hine no. 4948. Street trades. Photographs from the records of the National Child Labor Committee.

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

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Newton Township CAMDEN COUNTY.



TO AVOID DRAFT!
Fifty Dollars Bounty
Will be paid by the Township, in addition to all
STATE OR NATIONAL BOUNTIES.

SIX DOLLARS A MONTH
From the State for Married Men and those having Widowed Mothers, and
TWO DOLLARS A MONTH
For Single Men, in addition to the
Government Pay of \$13.

RECRUITING STATION,
At the office of **JAMES HENRY, Esq., EIGHTH and WALNUT Streets,**
Newton Township, and FOURTH and MARKET Sts. North Camden,
COMPANY B, CAPTAIN J. K. BROWN.

JOS. M. KAIGHN, **JOSEPH ELDRIDGE,** **O. I. SEARCH,**
Newton Township, Aug. 27, 1862. COMMITTEE.

S. Chew, Printer, "West Jersey Press" Office, Market St., below Front, Camden, N. J.

Newton Township Camden County. To avoid draft. Fifty dollars bounty will be paid by the Township, in addition to all state or national bounties. Camden (NJ): S. Chew, West Jersey Press Office (1862 August 27).

Eagle wings spread with banner, branch & arrows

Banner reads, "Liberty and Union!"

Regiment: New Jersey Infantry Regiment, 13th (1862-1865)

Other Regiment Identification: NJ Vols., Co. B

Commanding officer: Brown, J.K., Capt.

Also associated: Henry, James, Esq.; Kaighn, Joe M.; Eldridge, Joseph

Civil War Posters. New-York Historical Society

Call # PR-055-3-91

Digital ID nhnycw/ac ac03091

<http://memory.loc.gov/ndlpcoop/nhnycw/ac/ac03/ac03091v.jpg>

NOTICE OF DRAFTING

The quotas of certain of the Townships of the County
of Camden for the

NINE MONTHS SERVICE

Not having been filled by

VOLUNTEERS.

I shall proceed to make a draft to fill such deficiency, at

**THE COURT HOUSE,
IN THE CITY OF CAMDEN,**

At **TEN o'clock** in the forenoon of the following
days; for the Townships of

NEWTON, GLOUCESTER, WASHINGTON and WATERFORD, on

FRIDAY, SEPTEMBER 5.

FOR THE TOWNSHIPS OF

WINSLOW, CENTRE, DELAWARE, and STOCKTON, on

SATURDAY, SEPTEMBER 6

And until the days above designated for draft in each township, VOLUNTEERS will be received, and if the quota of any township shall be filled, no draft will be made in such Townships.

The drafting will be public, and open to all persons who may desire to attend.

The CITY OF CAMDEN, and the Townships of UNION and MONROE, having furnished their quotas, will not be liable to a draft. This is in accordance with instructions from the Governor.

**WILLIAM P. TATEM,
COMMISSIONER.**

September 2, 1862.

S. Chew Printer, "West Jersey Press" Office, Market Street, below Front, Camden, N. J.

Notice of drafting The quotas of certain townships of the County of Camden for the nine months service not having been filled, I shall proceed to make a draft to fill such deficiency at the court house, in the city of Camden. Camden (NJ): S. Chew, West Jersey Press Office (1862 September 2).

Notice for various counties in New Jersey

Also associated: Tatem, William P., Commissioner

Civil War Posters. New-York Historical Society.

Call #PR-055-3-23

Digital ID nhnycw/ac ac03023

<http://memory.loc.gov/ndlpcoop/nhnycw/ac/ac03/ac03023v.jpg>

\$100 BOUNTY
For 9 Months Service.

A few more Men Wanted

TO FILL UP

THE QUOTA OF CENTRE TOWNSHIP,

Rendezvous at Archers's Hotel,

MT. EPHRAIM.

**Muster Roll open night and day until 8 o'clock,
Saturday morning. The above**

BOUNTY
OF 100 DOLLARS

**Will be paid to each recruit after being sworn in.
Now is the last chance to avoid the draft.**

**A MEETING will be held at Archer's Hotel, Mt.
Ephraim, on THURSDAY EVENING, the 4th inst.,
at 7 o'clock, P. M.**

**J. M. Scovel, Esq., and others will address the
meeting.**

SEPT. 3, 1862.

By order of the TOWNSHIP COMMITTEE.

CAMDEN DEMOCRAT PRINT.

\$100 Bounty. For 9 months Service. A few more men wanted to fill up the quota of Centre township, rendezvous at Archers's Hotel, Mt. Ephraim. Camden (NJ): Camden Democrat Print (1862 September 3).

Civil War Posters. New-York Historical Society.

Call #PR-055-3-12

Digital ID nhnycw/ac ac03012

<http://memory.loc.gov/ndlpcoop/nhnycw/ac/ac03/ac03012v.jpg>

VOLUNTEERS WANTED

For New Jersey Regiments,
TO FILL THE QUOTA OF
WATERFORD TOWNSHIP, N.J.
THE BEST BOUNTY OFFERED IN THE STATE.

In addition to the Bounties paid by the U. S. Government,
Camden County - will pay, - \$200
Waterford Township " " - 200
Total 400

ALSO, The Families of Married Men or dependent Widowed Mothers will receive \$6 per month, and single Men receive \$2 per month, on their honorable discharge from Service.

GOVERNMENT BOUNTY & PREMIUM, - \$402
THOSE WHO ARE NOT VETERANS, - 302

And also one month's Pay in Advance.

The recruit is furnished with provisions, clothing, and medical attendance, and is paid in money for such part of his allowance of clothing as he does not draw.
APPLY TO

Capt. JOHN T. SMITH,
 Recruiting Officer
 Long-A-Coming, or Parsons' Hotel, Care

December 14, 1863.

CAMDEN DEMOCRAT PRINT.

Volunteers wanted for the New Jersey regiments, to fill the quota of Waterford Township, N.J. The best bounty in the State. Camden (NJ): Camden Democrat Print. (1863 December 14).

John T. Smith was a second lieutenant in the New Jersey Infantry Regiment, 28th (1862-1863).

Regiment: New Jersey Infantry Regiment, 28th (1862-1863) [?]

Other Regiment Identification: All NJ Regiments

Also associated: Smith, John T., Capt., recruiting officer

Civil War Posters. New-York Historical Society.

Call #PR-055-3-93

Digital ID nhnycw/ac ac030

<http://memory.loc.gov/ndlpcoop/nhnycw/ac/ac03/ac03093v.jpg>




24 MEN WANTED!

Bounty, \$602.

Cash down, 300.

**Besides State Pay per month, of \$6.00
And from the United States, 13.00**

 **COLORED MEN**—Will be mustered into Colored Regiments, and receive the same bounties.

APPLY TO

JOHN W. POTTS,

Chairman of Township Com'e.

Stockton Tp, Camden Co., Dec. 23d, 1863.

CURTZ, BOOK AND BUSINESS PRINTER, CAMDEN PHOENIX OFFICE, 415 FEDERAL ST.

24 men wanted! Bounty, \$602. Cash down, 300. Besides state pay of per month of \$6.00 and from the United States, 13.00. Colored men will be mustered into Colored Regiments and receive the same bounties. Camden (NJ): Curtz, Book and Business Printer (1863 December 23).

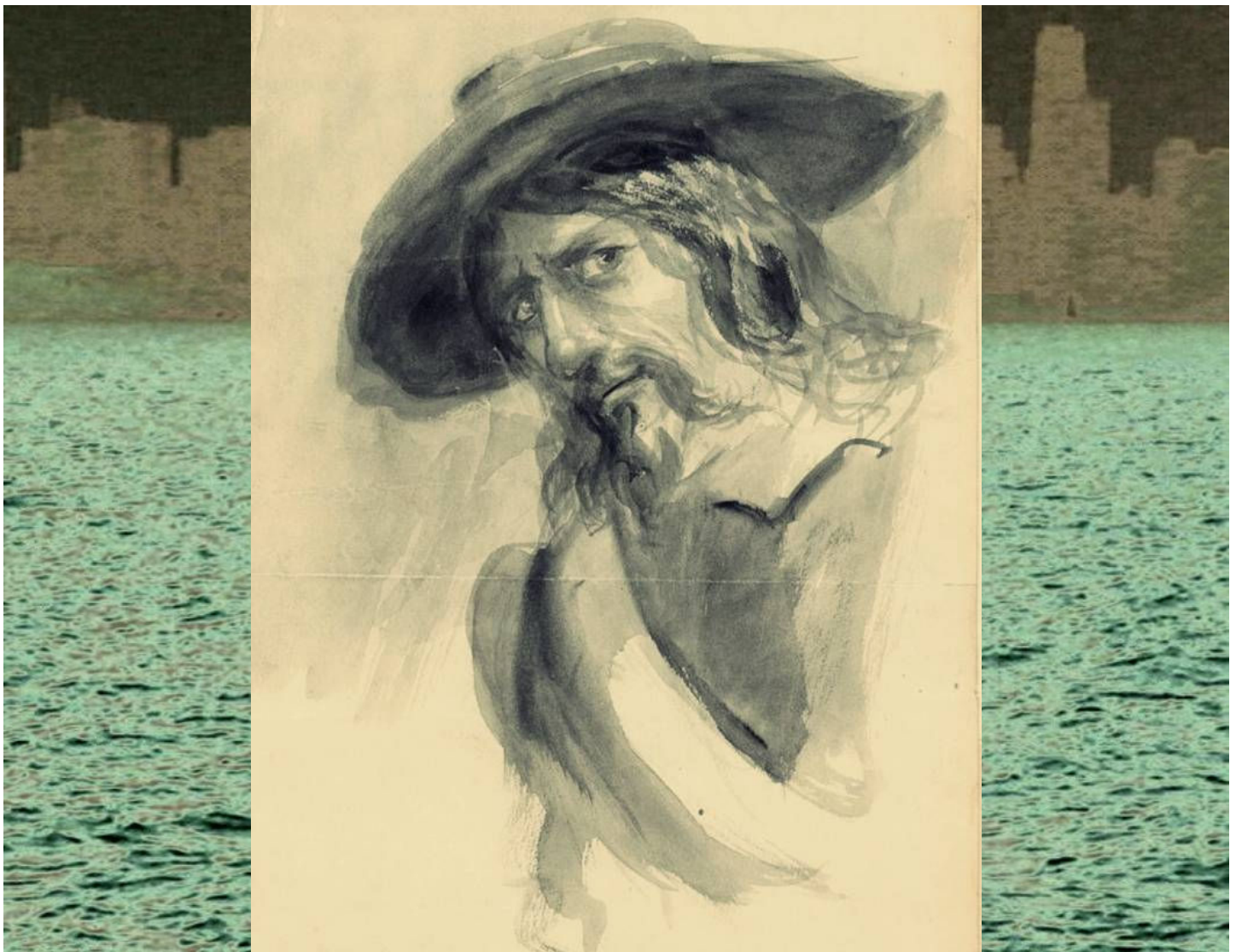
Also associated: Potts, John W., Chairman of Township Comm.

Civil War Posters. New-York Historical Society.

Call #PR-055-3-14

Digital ID nhnycw/ac ac03014

<http://memory.loc.gov/ndlpcoop/nhnycw/ac/ac03/ac03014v.jpg>



Waud, Alfred Rudolph (1828-1891) (artist). Lawrence Killey. Created 1864-1865.

Inscribed on verso: 3 Jersey Cavalry; Broad yellow band on trousers, yellow braid and large buttons on jacket, false hussar jacket lined with yellow; cap without visor-braided with yellow; very few dress coats [?] on jackets in the Western army; blouse-Army of Potomac more dressy with cap reg. compy [?] marks etc.

Rights Advisory: No known restrictions on publication.

Morgan collection of Civil War drawings. Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

Call # DRWG/US - Waud, no. 838 (AA size) [P&P]

Reproduction # LC-DIG-ppmsca-20202 (digital file from original item, recto) LC-DIG-ppmsca-20203 (digital file from original item, verso)

Bookmark <http://www.loc.gov/pictures/item/2004661043/>

<http://lcweb2.loc.gov/service/pnp/ppmsca/20200/20202v.jpg>



Waud, Alfred Rudolph (1828-1891) (artist) (1863 March 18). Marriage (of Captain De Hart and Nellie Lammond) at the camp of the 7th N.J.V. Army of the Potomac, Va published in Harper's Weekly, April 4, 1863, p. 216.

No known restrictions on publication.

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

Call # DRWG/US - Waud, no. 196 (A size) [P&P]

Reproduction #

LC-DIG-ppmsca-21047 (digital file from original item)

LC-USZC4-4089 (color film copy transparency)

LC-USZCN4-277 (color film copy neg.)

LC-USZ62-14897 (b&w film copy neg.)

LC-USZ62-6962 (b&w film copy neg.)

Gift, J.P. Morgan, 1919 (DLC/PP-1919:R1.2.196)

Reference print available in the Civil War Drawings file D.

Reference print available in Ray, Plate 49 (p. 188)

Forms part of: Morgan collection of Civil War drawings.

Bookmark <http://www.loc.gov/pictures/item/2004660284/>

<http://lcweb2.loc.gov/service/pnp/cph/3g00000/3g04000/3g04000/3g04089v.jpg>



New Jersey must fight on that these shall not have died in vain - that these shall not be born in vain. Copyright Department of Health, State of New Jersey (1919).

New Jersey Dept. of Health poster showing soldiers rushing into battle and a woman holding an infant, a child standing next to her, and the faces of infants drawn in the background.

World War I Posters.

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

Call # POS - WWI - US, no. 148 (C size) [P&P]

Reproduction # LC-USZC4-7814 (color film copy transparency) LC-USZCN4-234 (color film copy neg.)

Bookmark <http://www.loc.gov/pictures/item/00652168/>

<http://lcweb2.loc.gov/service/pnp/cph/3g00000/3g07000/3g07800/3g07814v.jpg>



Gibson, Charles Dana (1867-1944) (artist). Help! The Woman's Land Army of America, New Jersey Division, State House, Trenton. Published in LIFE magazine (1918 May 23) (copyright 1918).

Poster showing Uncle Sam shaking hands with a woman holding a hoe. Caption: Until the boys come back.

No known restrictions on publication.

Exhibited: American Treasures of the Library of Congress, 2003.

No 4045. World War I Posters
Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA
Call # POS - US .G52, no. 17 (C size) [P&P]
Reproduction # LC-USZC4-10239 (color film copy transparency)
Bookmark <http://www.loc.gov/pictures/item/2002712339/>
<http://lcweb2.loc.gov/service/pnp/cph/3g10000/3g10000/3g10200/3g10239v.jpg>



Collins, Marjory (1912-1985) (photographer). Near Newark, N.J. (1943 December).

Garage mechanic. Badge denotes member of Office of Defense Transportation

No known restrictions on publication.

Farm Security Administration - Office of War Information Collection 12002-63

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

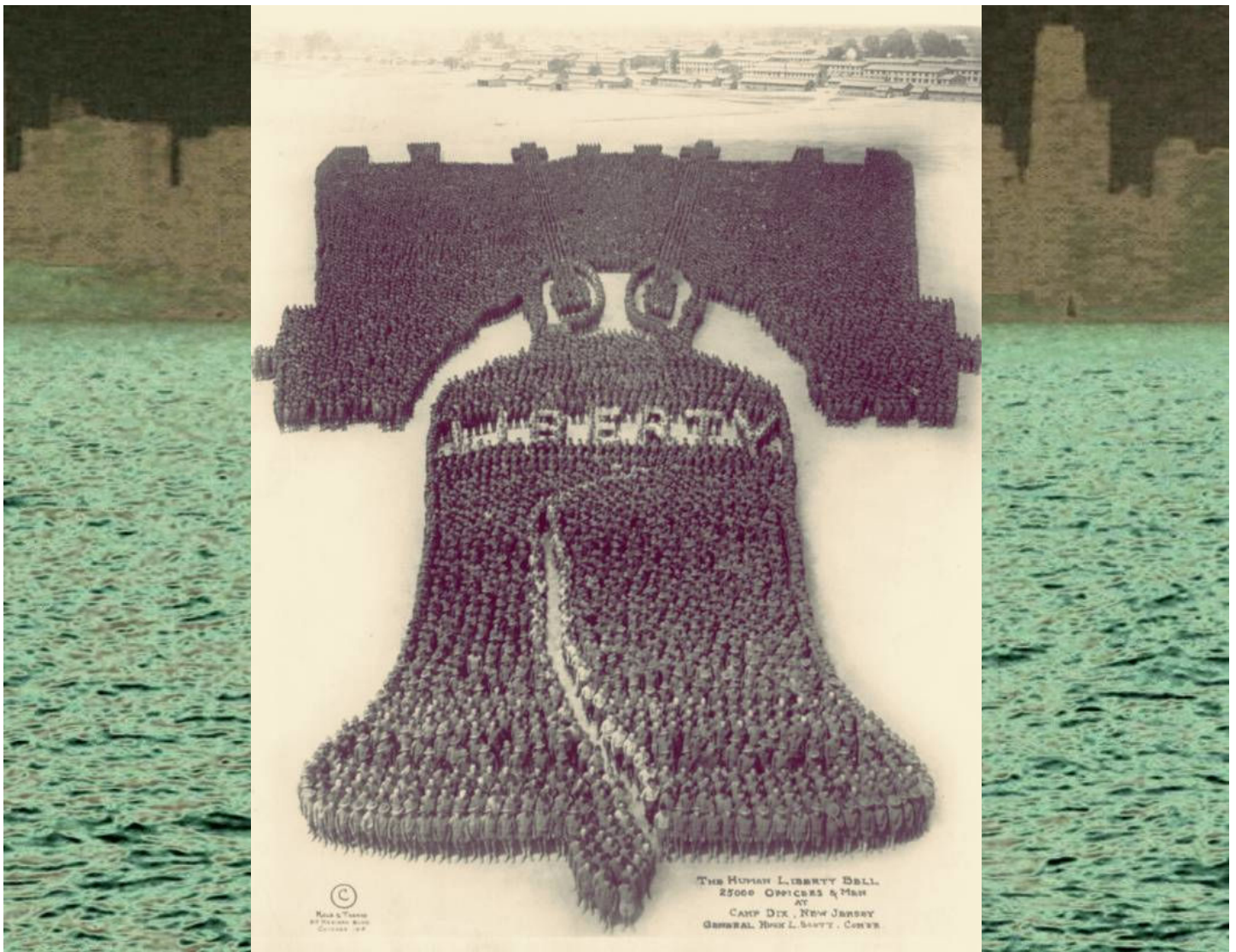
Call # LC-USW36-1064 <P&P> [P&P]

Reproduction # LC-DIG-fsac-1a34582 (digital file from original transparency) LC-USW361-1064 (color film copy slide)

Bookmark <http://www.loc.gov/pictures/item/fsa1992001531/PP/>

<http://lcweb2.loc.gov/service/pnp/fsac/1a34000/1a34500/1a34582v.jpg>

http://www.flickr.com/photos/library_of_congress/2179915182



The Human Liberty Bell. Copyright by Mole & Thomas (1918).

25000 officers and men at Camp Dix, New Jersey; General Hugh L. Scott, commander.

No known restrictions on publication.

Miscellaneous Items in High Demand

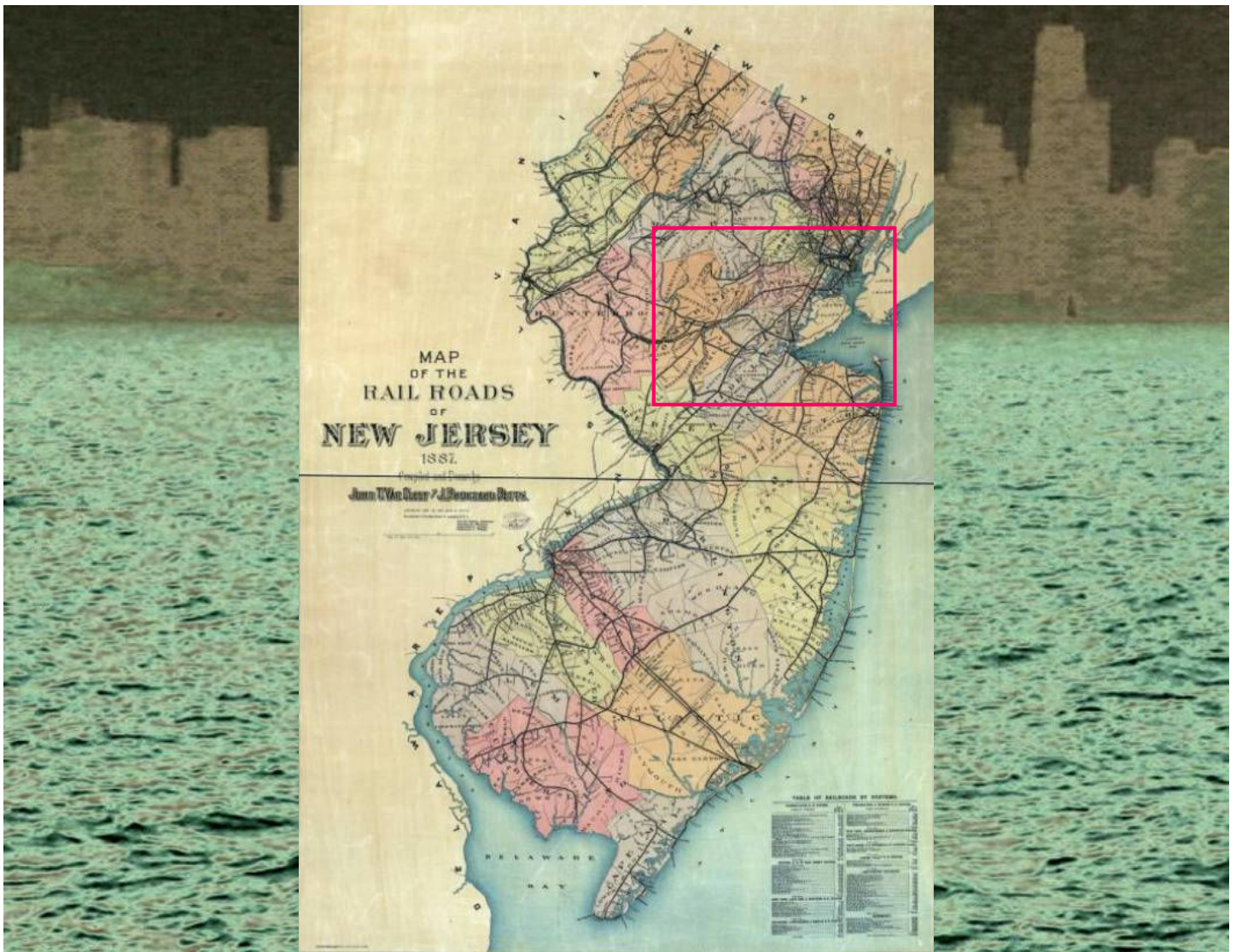
Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

Call # LOT 5357 [item] [P&P]

Reproduction # LC-USZ62-70909 (b&w film copy neg.)

Bookmark <http://www.loc.gov/pictures/item/2003655431/>

<http://lcweb2.loc.gov/service/pnp/cph/3b10000/3b18000/3b18200/3b18299r.jpg>



Van Cleef, John T. Map of the rail roads of New Jersey 1887. New York: Betts, J. Brognard. (1887).

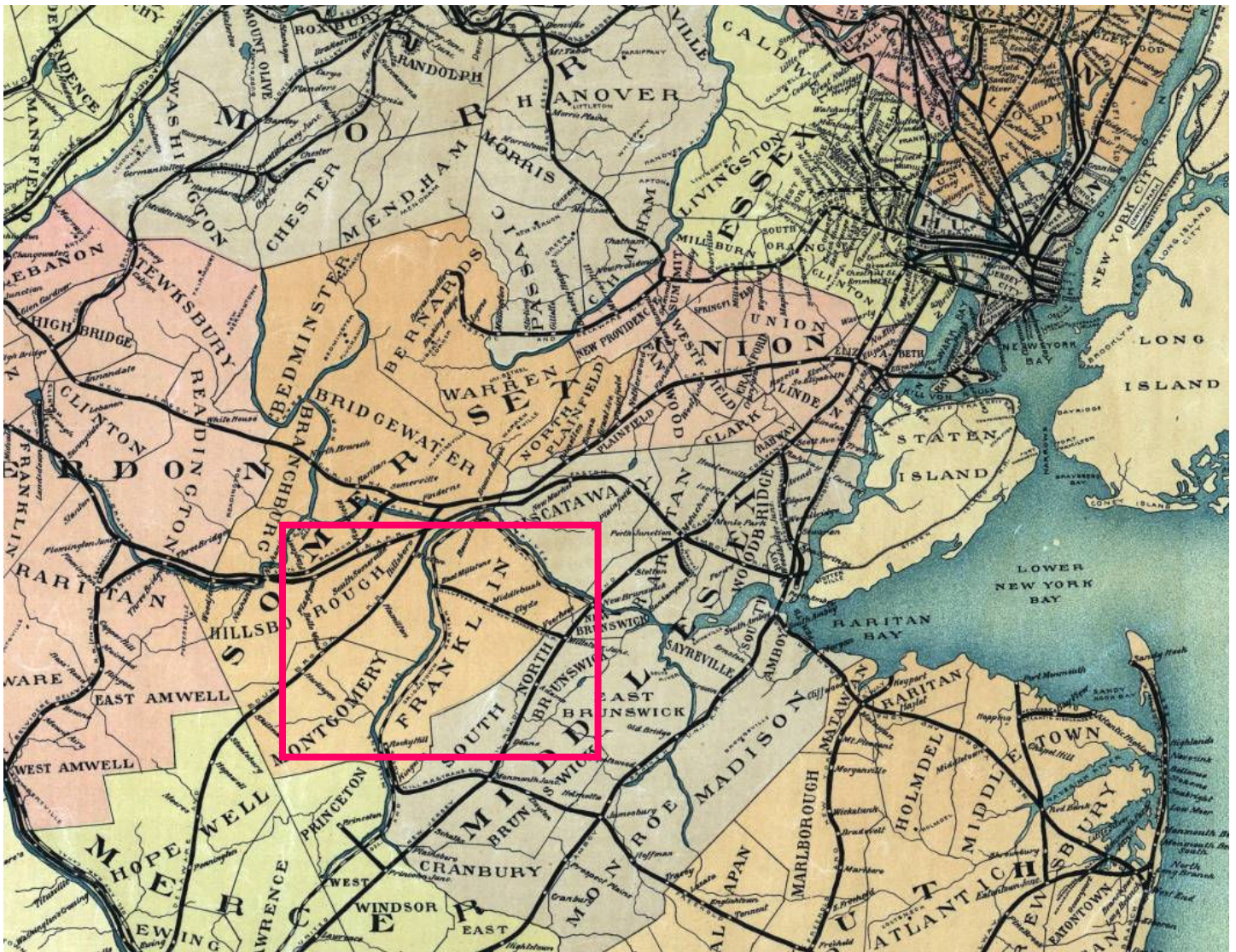
Township and county map showing drainage, cities and towns, and the railroad system with names. A table of railroads by system is in the lower right of map.

Reference: LC Railroad maps, 257

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

Call #G3811.P3 1887 .V3 RR 257

Digital ID g3811p rr002570 <http://hdl.loc.gov/loc/gmd/g3811p.rr002570>



Van Cleef, John T. Map of the rail roads of New Jersey 1887. New York: Betts, J. Brognard. (1887).

Township and county map showing drainage, cities and towns, and the railroad system with names. A table of railroads by system is in the lower right of map.

Reference: LC Railroad maps, 257

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

Call #G3811.P3 1887 .V3 RR 257

Digital ID g3811p rr002570 <http://hdl.loc.gov/loc.gmd/g3811p.rr002570>



Mydans, Carl (photographer). House off Lincoln Highway, Franklin Township (Somerset County), Bound Brook, New Jersey. 1936 February.

No known restrictions.

Number D 41 Lot 1310. United States. Resettlement Administration. Farm Security Administration. United States. Office of War Information. Overseas Picture Division. Washington Division; 1944. Library of Congress Prints and Photographs Division Washington, DC 20540 USA

Call # LC-USF33- 000437-M3 [P&P]

Reproduction # LC-USF33-T01-000437-M3 (b&w film dup. neg.)

Bookmark: <http://www.loc.gov/pictures/item/fsa1997001196/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8a01000/8a01100/8a01198v.jpg>



Mydans, Carl (photographer). South Bound Brook near Edwood Terrace, Franklin Township (Somerset County), New Jersey. 1936 February.

No known restrictions.

Number D 41 Lot 1310. Farm Security Administration photographs. Transfer; United States. Office of War Information. Overseas Picture Division. Washington Division; 1944. Library of Congress Prints and Photographs Division Washington, DC 20540 USA

Call # LC-USF33- 000434-M1 [P&P]

Reproduction # LC-USF33-T01-000434-M1 (b&w film dup. neg.)

Bookmark: <http://www.loc.gov/pictures/item/fsa1997001183/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8a01000/8a01100/8a01185v.jpg>



Mydans, Carl (photographer). House off Lincoln Highway, Franklin Township (Somerset County), Bound Brook, New Jersey. 1936 February.

No known restrictions.

Number D 41 Lot 1310. United States. Resettlement Administration. Farm Security Administration. United States. Office of War Information. Overseas Picture Division. Washington Division; 1944. Library of Congress Prints and Photographs Division Washington, DC 20540 USA

Call # LC-USF33- 000437-M5 [P&P]

Reproduction # LC-USF33-T01-000437-M5 (b&w film dup. neg.)

Bookmark: <http://www.loc.gov/pictures/item/fsa1997001198/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8a01000/8a01200/8a01201v.jpg>



Mydans, Carl (photographer). Grocery store and delicatessen off Lincoln Highway, Franklin Township (Somerset County), Bound Brook, New Jersey. 1936 February.

No known restrictions.

Number D 637 Lot 1310. United States. Resettlement Administration. Farm Security Administration. United States. Office of War Information. Overseas Picture Division. Washington Division; 1944. Library of Congress Prints and Photographs Division Washington, DC 20540 USA

Call # LC-USF33- 000437-M1 [P&P]

Reproduction # LC-USF33-T01-000437-M1 (b&w film dup. neg.)

Bookmark: <http://www.loc.gov/pictures/item/fsa1997001194/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8a01000/8a01100/8a01196v.jpg>



Mydans, Carl (photographer). Typical jerry-built house off Amwell Road near Franklin Township (Somerset County), New Brunswick, New Jersey. 1936 February.

No known restrictions.

Number D 41 Lot 1310. United States. Resettlement Administration. Farm Security Administration. United States. Office of War Information. Overseas Picture Division. Washington Division; 1944. Library of Congress Prints and Photographs Division Washington, DC 20540 USA

Call # LC-USF34- 001181-D [P&P]

Reproduction # LC-USF34-001181-D (b&w film nitrate neg.)

Bookmark: <http://www.loc.gov/pictures/item/fsa1998018016/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8b26000/8b26800/8b26896v.jpg>



Mydans, Carl (photographer). House off Lincoln Highway, Franklin Township (Somerset County), Bound Brook, New Jersey. 1936 February.

No known restrictions.

Number D 4166 Lot 1310. United States. Resettlement Administration. Farm Security Administration. United States. Office of War Information. Overseas Picture Division. Washington Division; 1944. Library of Congress Prints and Photographs Division Washington, DC 20540 USA

Call # LC-USF33- 000437-M4 [P&P]

Reproduction # LC-USF33-T01-000437-M4 (b&w film dup. neg.)

Bookmark: <http://www.loc.gov/pictures/item/fsa1997001197/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8a01000/8a01100/8a01199v.jpg>



Mydans, Carl (photographer). Negro family in subdivision, Franklin Township (Somerset County), near Lincoln Highway, Bound Brook, New Jersey. 1936 February.

No known restrictions.

Number D 3612 Lot 1310. United States. Resettlement Administration. Farm Security Administration. United States. Office of War Information. Overseas Picture Division. Washington Division; 1944. Library of Congress Prints and Photographs Division Washington, DC 20540 USA

Call # LC-USF33- 000433-M3 [P&P]

Reproduction # LC-USF33-T01-000433-M3 (b&w film dup. neg.)

Bookmark: <http://www.loc.gov/pictures/item/fsa1997001180/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8a01000/8a01100/8a01182v.jpg>



Mydans, Carl (photographer). Children in window of their home which was formerly a store, Hamilton Road, Franklin Township (Somerset County), Bound Brook, New Jersey. 1936 February.

No known restrictions.

Number D 3673 Lot 1310. United States. Resettlement Administration. Farm Security Administration. United States. Office of War Information. Overseas Picture Division. Washington Division; 1944. Library of Congress Prints and Photographs Division Washington, DC 20540 USA

Call # LC-USF33- 000446-M1 [P&P]

Reproduction # LC-USF33-T01-000446-M1 (b&w film dup. neg.)

Bookmark: <http://www.loc.gov/pictures/item/fsa1997001221/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8a01000/8a01200/8a01224v.jpg>



Mydans, Carl (photographer). Women and children at farm off Hamilton Road, Franklin Township (Somerset County), Bound Brook, New Jersey. 1936 February.

No known restrictions.

Number D 3612 Lot 1310. United States. Resettlement Administration. Farm Security Administration. United States. Office of War Information. Overseas Picture Division. Washington Division; 1944. Library of Congress Prints and Photographs Division Washington, DC 20540 USA

Call # LC-USF33- 000446-M4 [P&P]

Reproduction # LC-USF33-T01-000446-M4 (b&w film dup. neg.)

Bookmark: <http://www.loc.gov/pictures/item/fsa1997001224/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8a01000/8a01200/8a01227v.jpg>



Mydans, Carl (photographer). Farm off Hamilton Road, Franklin Township (Somerset County), Bound Brook, New Jersey. 1936 February.

No known restrictions.

Number D 4506 Lot 1310. United States. Resettlement Administration. Farm Security Administration. United States. Office of War Information. Overseas Picture Division. Washington Division; 1944. Library of Congress Prints and Photographs Division Washington, DC 20540 USA

Call # LC-USF33- 000451-M2 [P&P]

Reproduction # LC-USF33-T01-000451-M2 (b&w film dup. neg.)

Bookmark: <http://www.loc.gov/pictures/item/fsa1997001242/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8a01000/8a01200/8a01244v.jpg>



Mydans, Carl (photographer). Privy off Amwell Road, West New Brunswick Township, New Jersey. 1936 February.

No known restrictions.

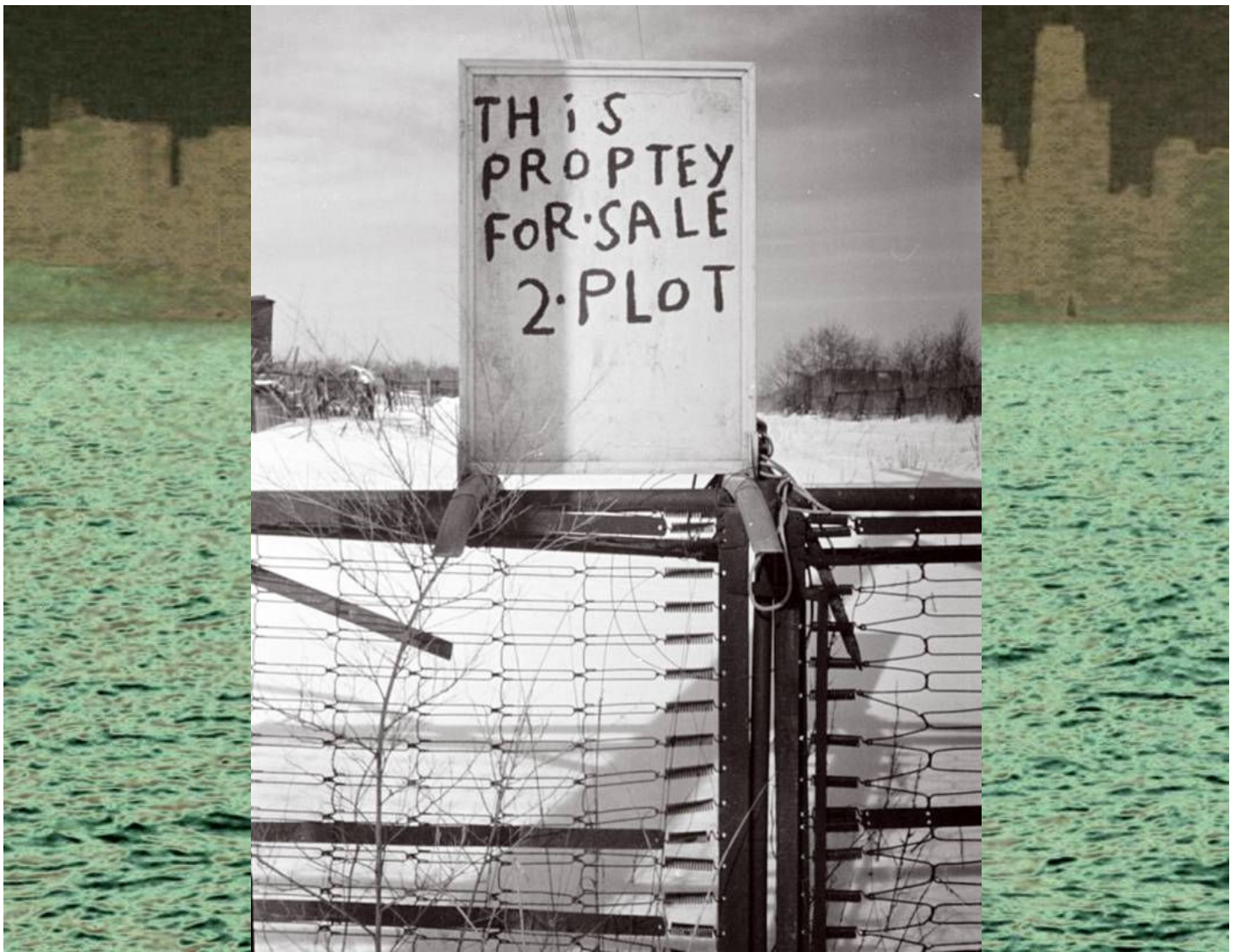
Number D 499 Lot 1310. United States. Resettlement Administration. Farm Security Administration. United States. Office of War Information. Overseas Picture Division. Washington Division; 1944. Library of Congress Prints and Photographs Division Washington, DC 20540 USA

Call # LC-USF33- 000439-M2 [P&P]

Reproduction # LC-USF33-T01-000439-M2 (b&w film dup. neg.)

Bookmark: <http://www.loc.gov/pictures/item/fsa1997001203/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8a01000/8a01200/8a01206v.jpg>



Mydans, Carl (photographer). Sign on farmhouse, bedspring fence, Franklin Township, West New Brunswick, New Jersey. 1936 February.

No known restrictions.

Number D 2576 Lot 1310. United States. Resettlement Administration. Farm Security Administration. United States. Office of War Information. Overseas Picture Division. Washington Division; 1944. Library of Congress Prints and Photographs Division Washington, DC 20540 USA

Call # LC-USF33- 000430-M5 [P&P]

Reproduction # LC-USF33-T01-000430-M5 (b&w film dup. neg.)

Bookmark: <http://www.loc.gov/pictures/item/fsa1997001169/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8a01000/8a01100/8a01171v.jpg>



Mydans, Carl (photographer). South Bound Brook near Edwood Terrace, Franklin Township (Somerset County), New Jersey. 1936 February.

No known restrictions.

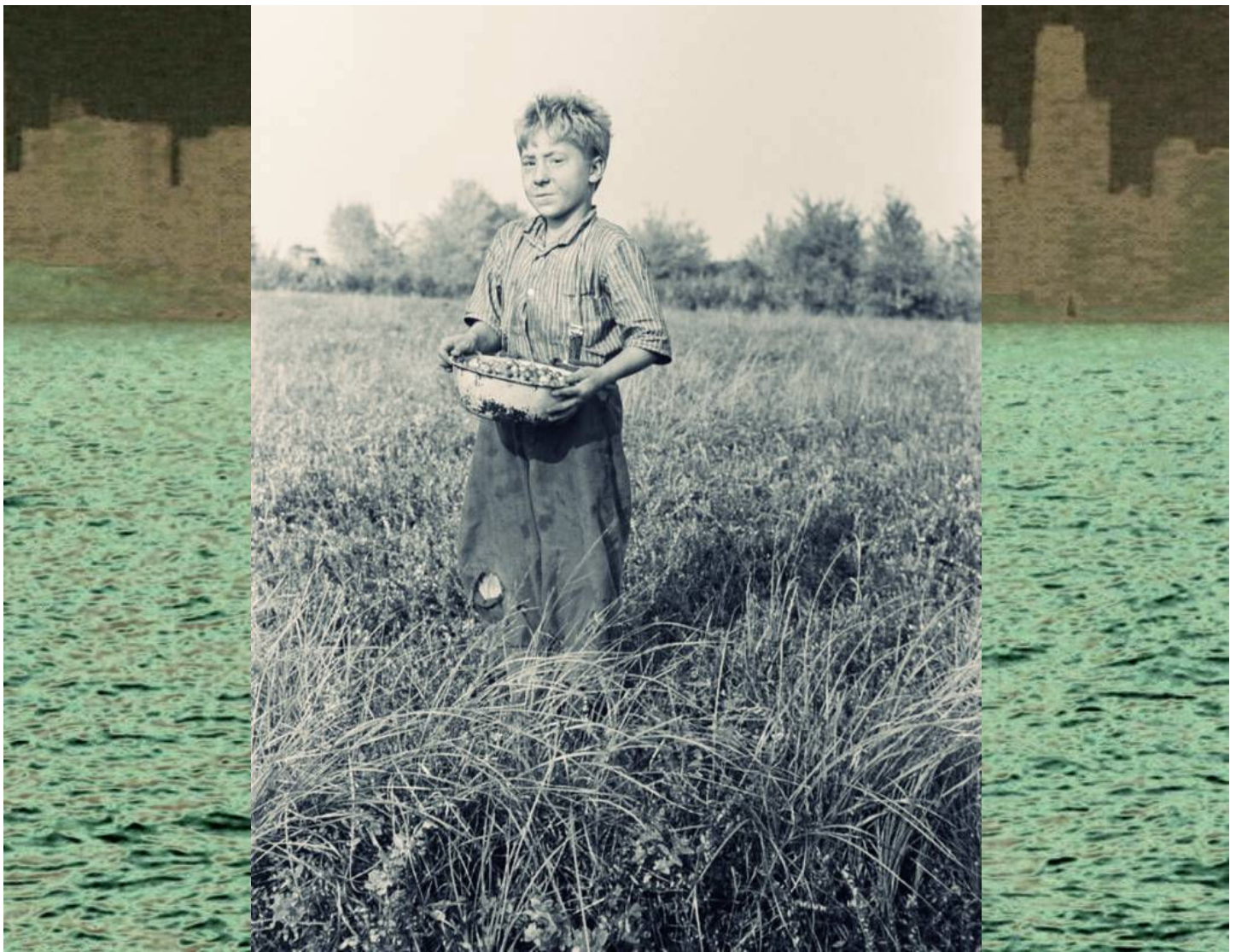
Number D 332 Lot 1310. United States. Resettlement Administration. Farm Security Administration. United States. Office of War Information. Overseas Picture Division. Washington Division; 1944. Library of Congress Prints and Photographs Division Washington, DC 20540 USA

Call # LC-USF33- 000434-M5 [P&P]

Reproduction # LC-USF33-T01-000434-M5 (b&w film dup. neg.)

Bookmark: <http://www.loc.gov/pictures/item/fsa1997001187/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8a01000/8a01100/8a01189v.jpg>



Rothstein, Arthur (1915-1985) (photographer). Cranberry bog, Burlington County, New Jersey. (1938 October).

No known restrictions.

Number D37426, Lot 1317. Transfer; United States. Office of War Information. Overseas Picture Division. Washington Division; 1944.

Library of Congress Prints and Photographs Division Washington, DC 20540 USA <http://hdl.loc.gov/loc.pnp/pp.print>

Call # LC-USF33- 002874-M4 [P&P]

Reproduction # LC-USF33-002874-M4 (b&w film nitrate neg.)

Bookmark <http://www.loc.gov/pictures/item/fsa1997010136/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8a10000/8a10100/8a10161v.jpg>



Mydans, Carl (photographer). Amwell Road, Franklin Township, Bound Brook, New Jersey. A resident. 1936 February.

No known restrictions.

Number D 328 Lot 1310. United States. Resettlement Administration. Farm Security Administration. United States. Office of War Information. Overseas Picture Division. Washington Division; 1944. Library of Congress Prints and Photographs Division Washington, DC 20540 USA

Call # LC-USF33- 000448-M3 [P&P]

Reproduction # LC-USF33-T01-000448-M3 (b&w film dup. neg.)

Bookmark: <http://www.loc.gov/pictures/item/fsa1997001231/PP/>

<http://lcweb2.loc.gov/service/pnp/fsa/8a01000/8a01200/8a01234v.jpg>

NEW JERSEY

MAPS

1685

1706

1762

1769

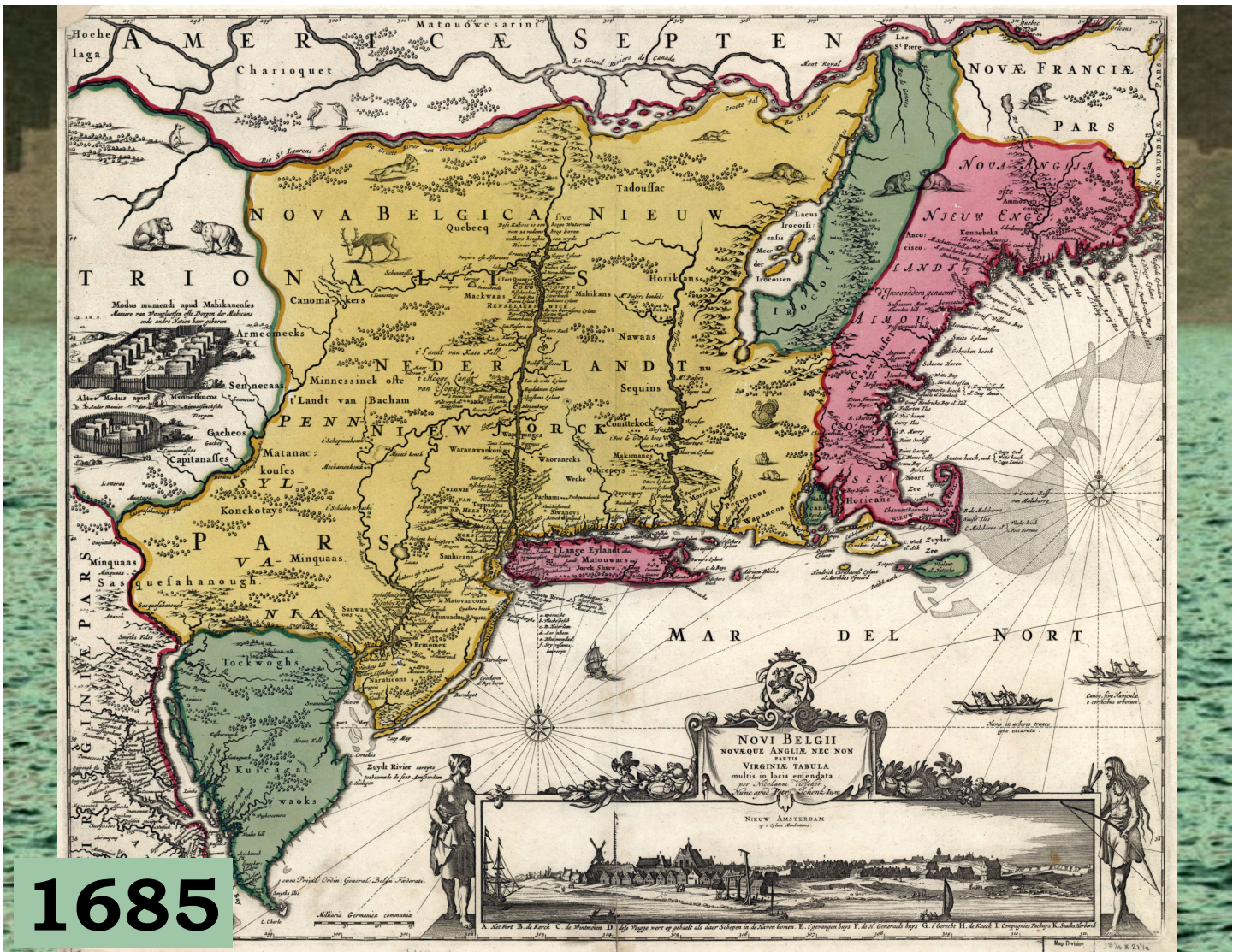
1777

1826

1834

1878

1872



Visscher, Nicolaes (1649-1702) and Schenk, Petr. Jun.. Novi Belgii Novæque Angliæ : nec non partis Virginie tabula multis in locis emendata. Published Amsterdam (1685).

Includes view "Nieuw Amsterdam op t eylandt Manhattans."

Stokes, Iconography, p. 147 (vol. 1), lists dates as 1651-55.

See Map collectors circle, #24.

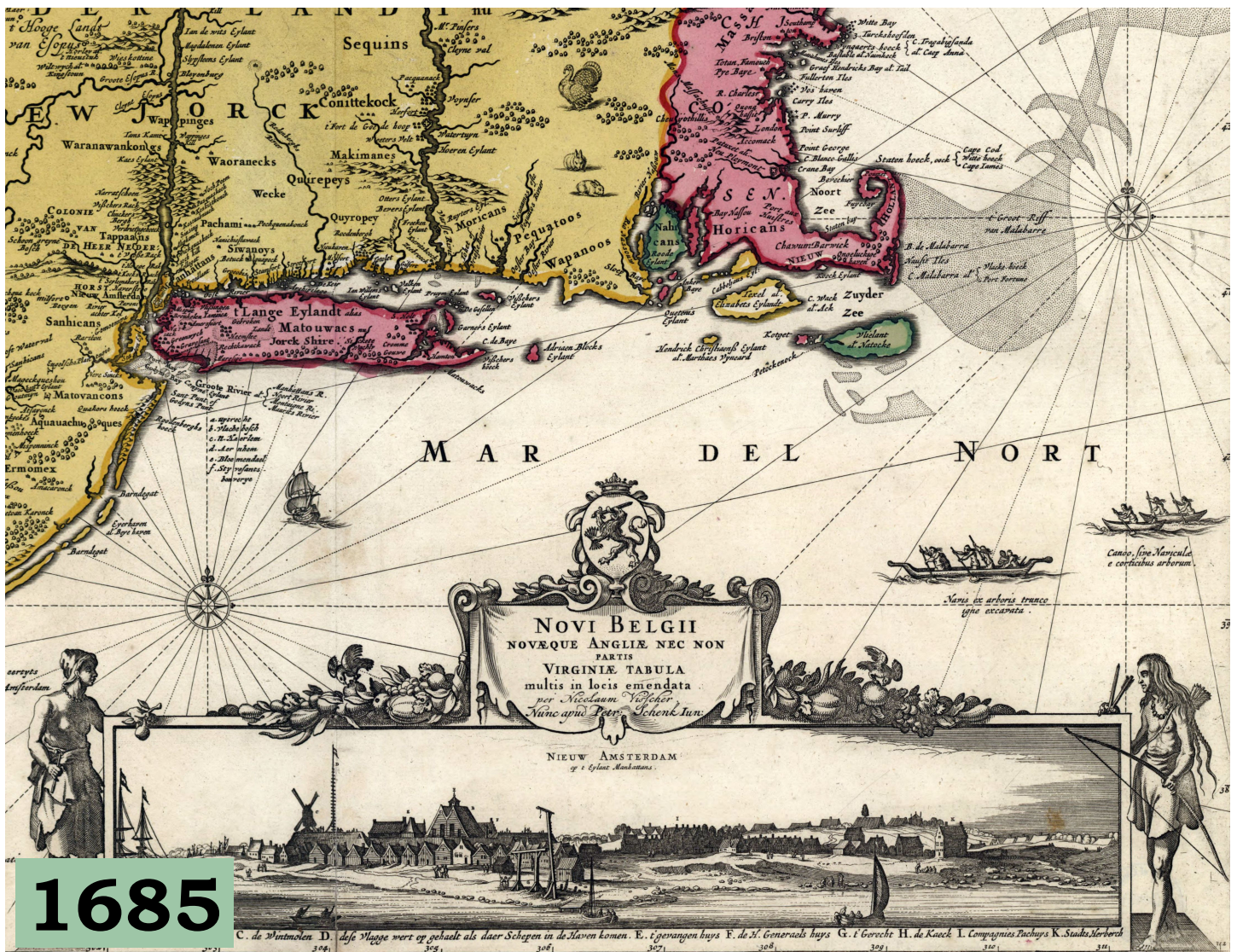
Reference: Phillips, 465

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

Call # G3715 169- .V5 TIL Vault

g3715 ct000001

<http://hdl.loc.gov/loc.gmd/g3715.ct000001>



Visscher, Nicolaes (1649-1702) and Schenk, Petr. Jun.. *Novi Belgii Novæque Angliæ : nec non partis Virginie tabula multis in locis emendata*. Published Amsterdam (1685).

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g3715 ct000001

<http://hdl.loc.gov/loc.gmd/g3715.ct000001>



1685

Visscher, Nicolaes (1649-1702) and Schenk, Petr. Jun.. *Novi Belgii Novæque Angliæ : nec non partis Virginie tabula multis in locis emendata.* Published Amsterdam (1685).

Includes view "Nieuw Amsterdam op t eylandt Manhattans."

Stokes, Iconography, p. 147 (vol. 1), lists dates as 1651-55.

See Map collectors circle, #24.

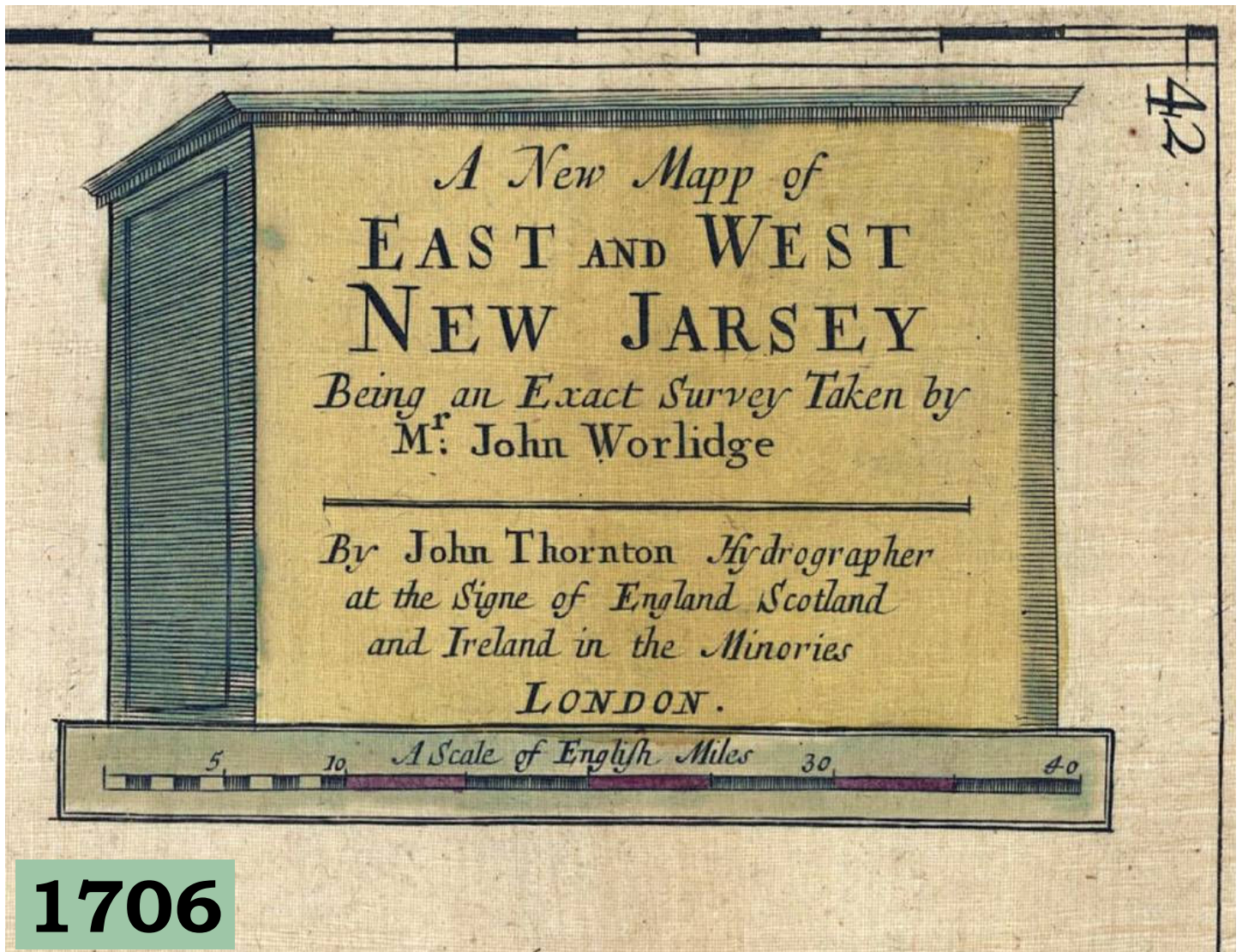
Reference: Phillips, 465

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

Call # G3715 169- .V5 TIL Vault

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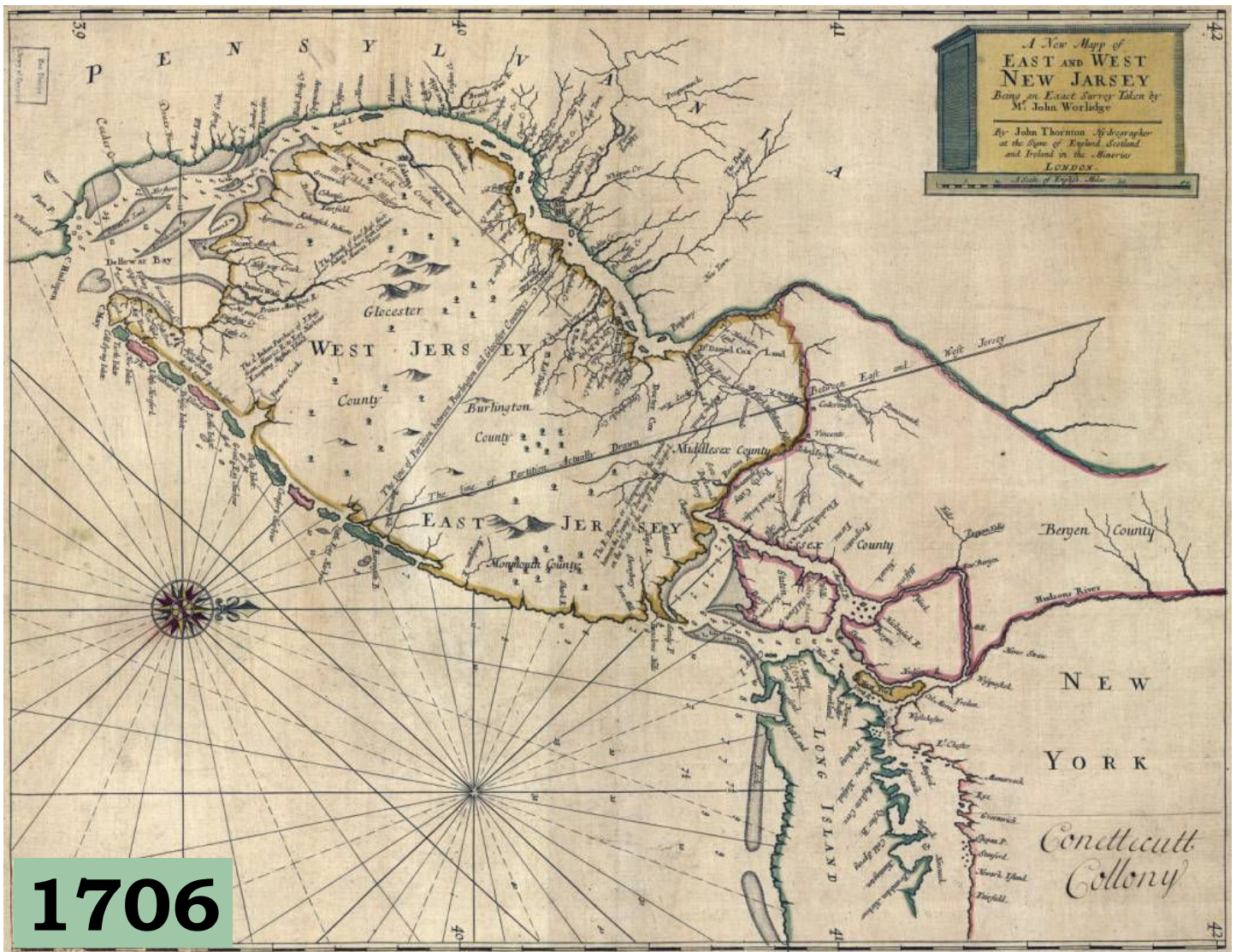


1706

Worlidge, John. A new mapp of East and West New Jarsey: being an exact survey. Published in London (1706). Thornton, John (1641-1708).

See Report of the Library of Congress for 1917, p. 56.

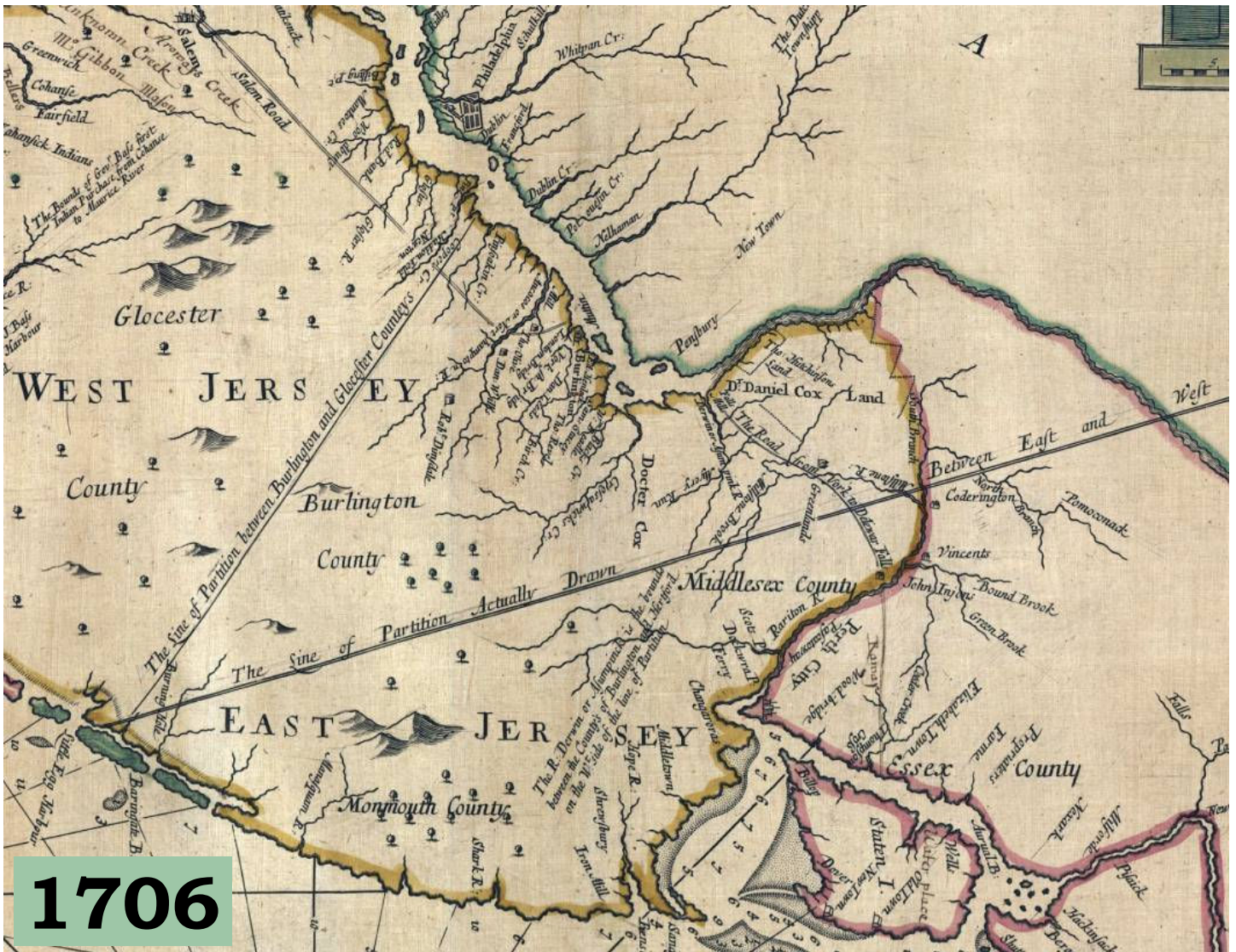
Library of Congress Geography and Map Division Washington, D.C. 20540-4650
Call # G3810 1706 .W6 TIL Vault
g3810 ct000064 <http://hdl.loc.gov/loc.gmd/g3810.ct000064>



Worlidge, John. A new mapp of East and West New Jarsey: being an exact survey. Published in London (1706). Thornton, John (1641-1708).

See Report of the Library of Congress for 1917, p. 56.

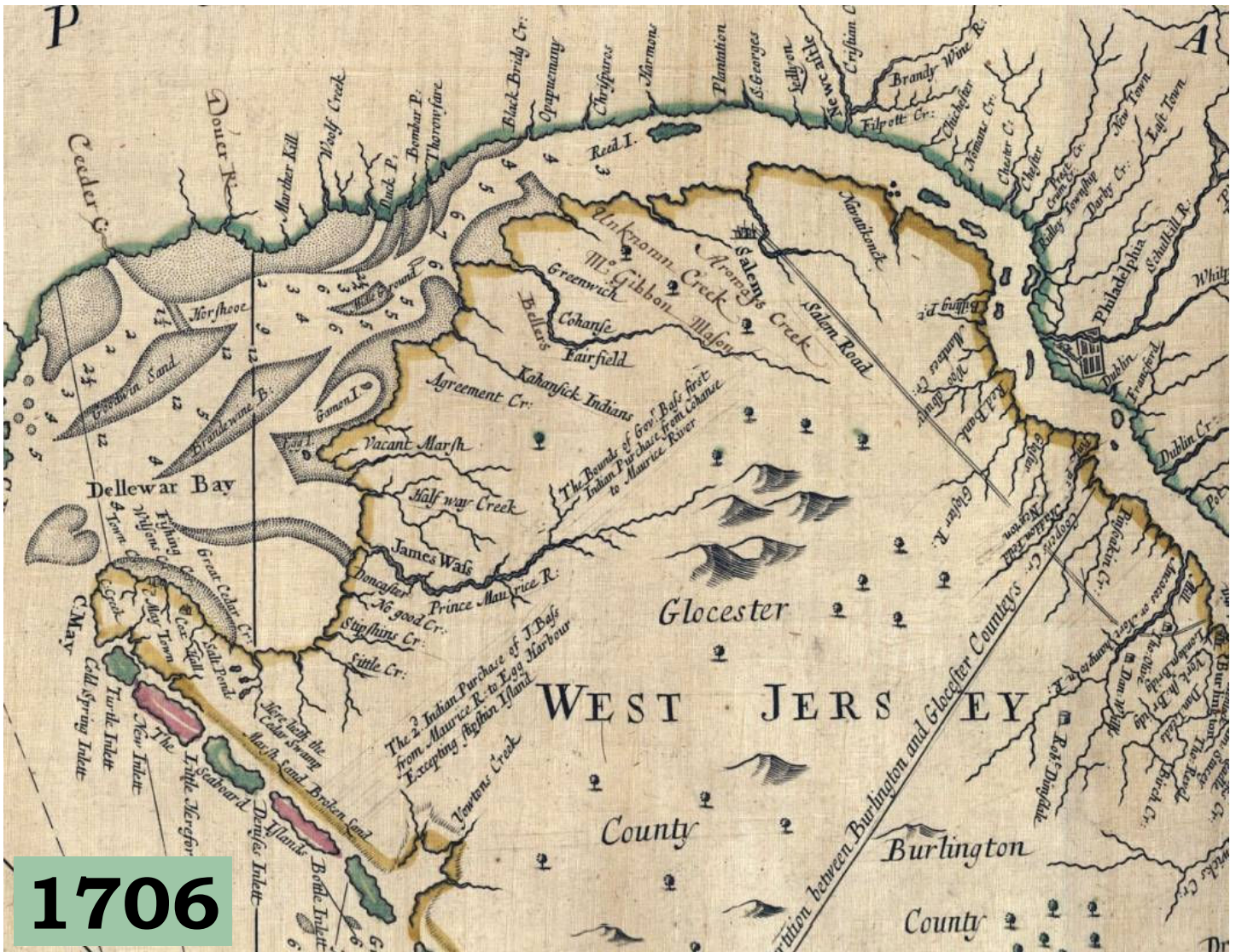
Library of Congress Geography and Map Division Washington, D.C. 20540-4650
 Call # G3810 1706 .W6 TIL Vault
 g3810 ct000064 <http://hdl.loc.gov/loc.gmd/g3810.ct000064>



Worlidge, John. A new map of East and West New Jarsey: being an exact survey. Published in London (1706). Thornton, John (1641-1708).

See Report of the Library of Congress for 1917, p. 56.

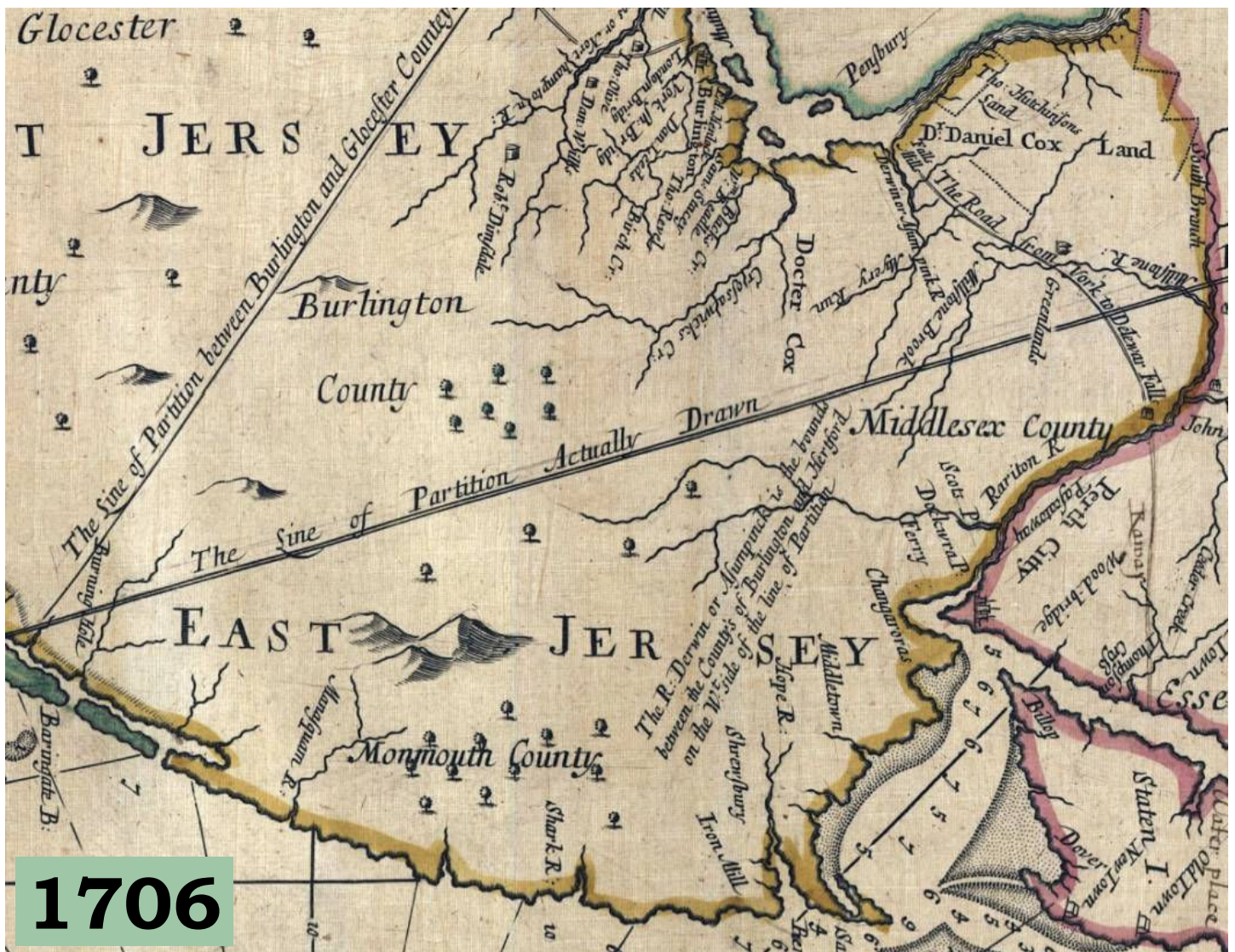
Library of Congress Geography and Map Division Washington, D.C. 20540-4650
Call # G3810 1706 .W6 TIL Vault
g3810 ct000064 <http://hdl.loc.gov/loc.gmd/g3810.ct000064>



Worldidge, John. A new map of East and West New Jarsey: being an exact survey. Published in London (1706). Thornton, John (1641-1708).

See Report of the Library of Congress for 1917, p. 56.

Library of Congress Geography and Map Division Washington, D.C. 20540-4650
 Call # G3810 1706 .W6 TIL Vault
 g3810 ct000064 <http://hdl.loc.gov/loc.gmd/g3810.ct000064>



1706

Worldie, John. A new mapp of East and West New Jarsey: being an exact survey. Published in London (1706). Thornton, John (1641-1708).

See Report of the Library of Congress for 1917, p. 56.

Library of Congress Geography and Map Division Washington, D.C. 20540-4650
Call # G3810 1706 .W6 TIL Vault
g3810 ct000064 <http://hdl.loc.gov/loc.gmd/g3810.ct000064>



Faden, William (engraver) (1749-1836). The Province of New Jersey, divided into East and West, commonly called the Jerseys. in North American Atlas. London: William Faden (1777). Drawn from survey in 1769 by Bernard Ratzer and from another by Gerard Banker.

Includes table of "Astronomical observations."

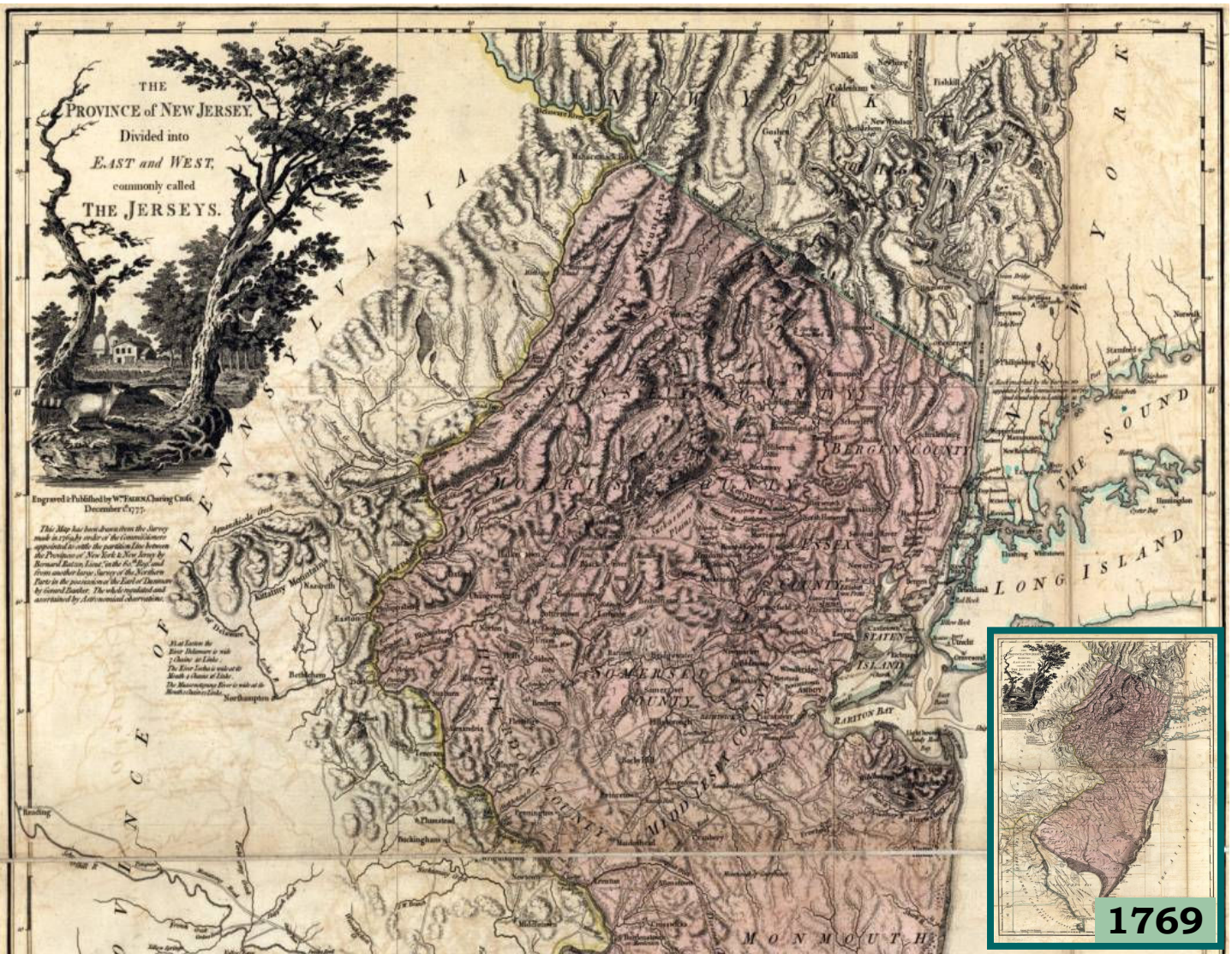
Reference: LC Maps of North America, 1750-1789, 1238

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

Call # G3810 1777 .F3 Am. 6-11

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Faden, William (engraver) (1749-1836). The Province of New Jersey, divided into East and West, commonly called the Jerseys. in North American Atlas. London: William Faden (1777). Drawn from survey in 1769 by Bernard Ratzer and from another by Gerard Banker.

Includes table of "Astronomical observations."

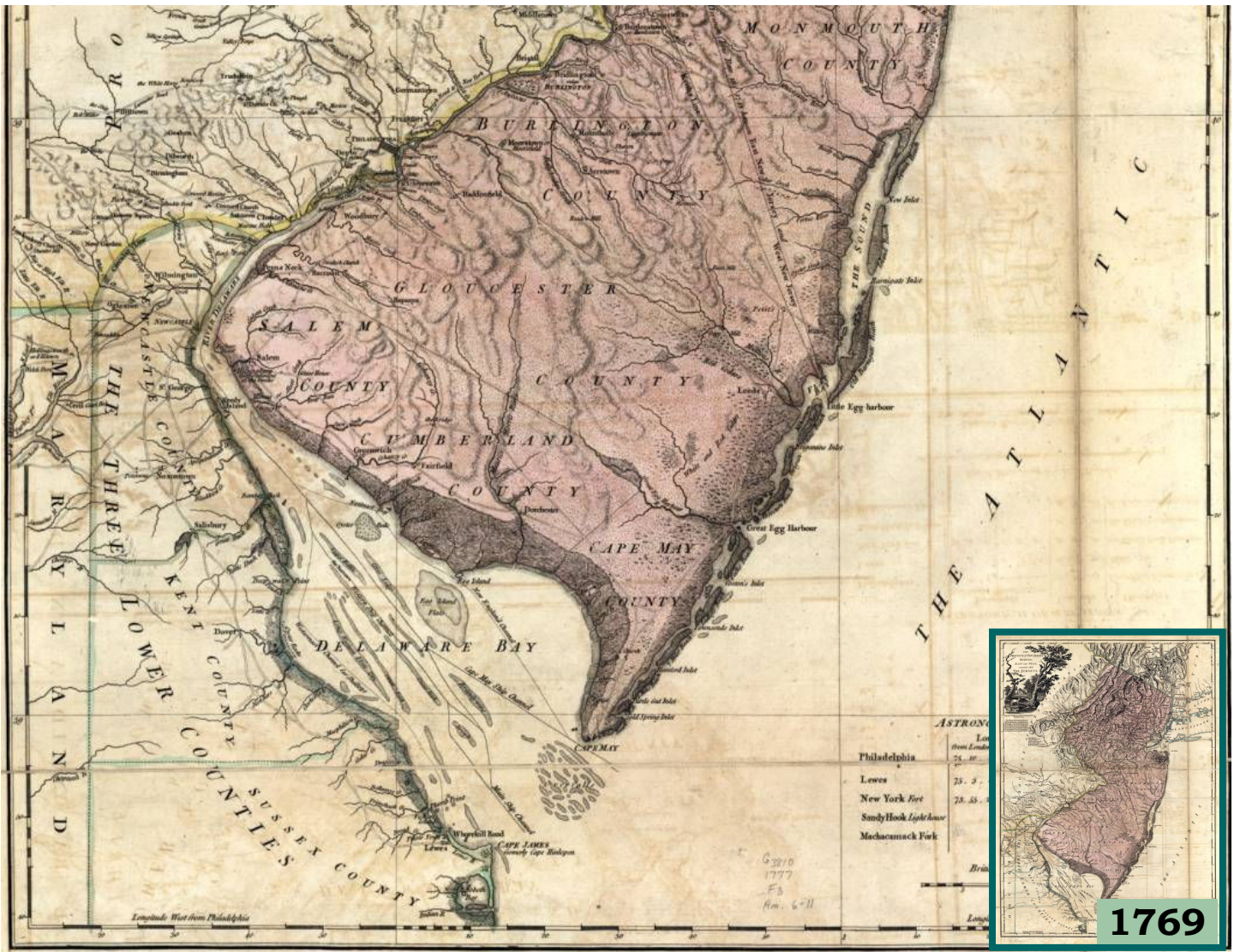
Reference: LC Maps of North America, 1750-1789, 1238

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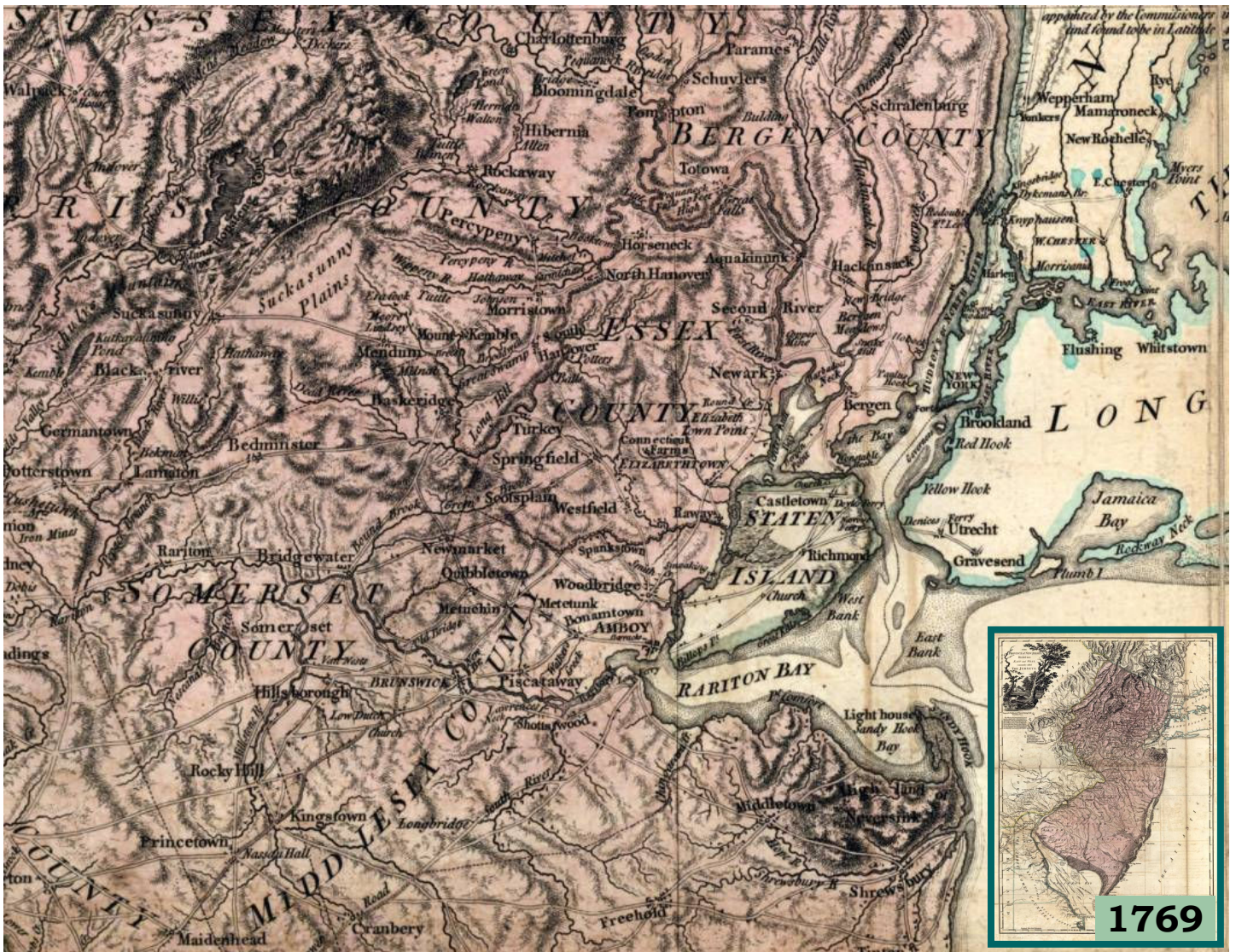
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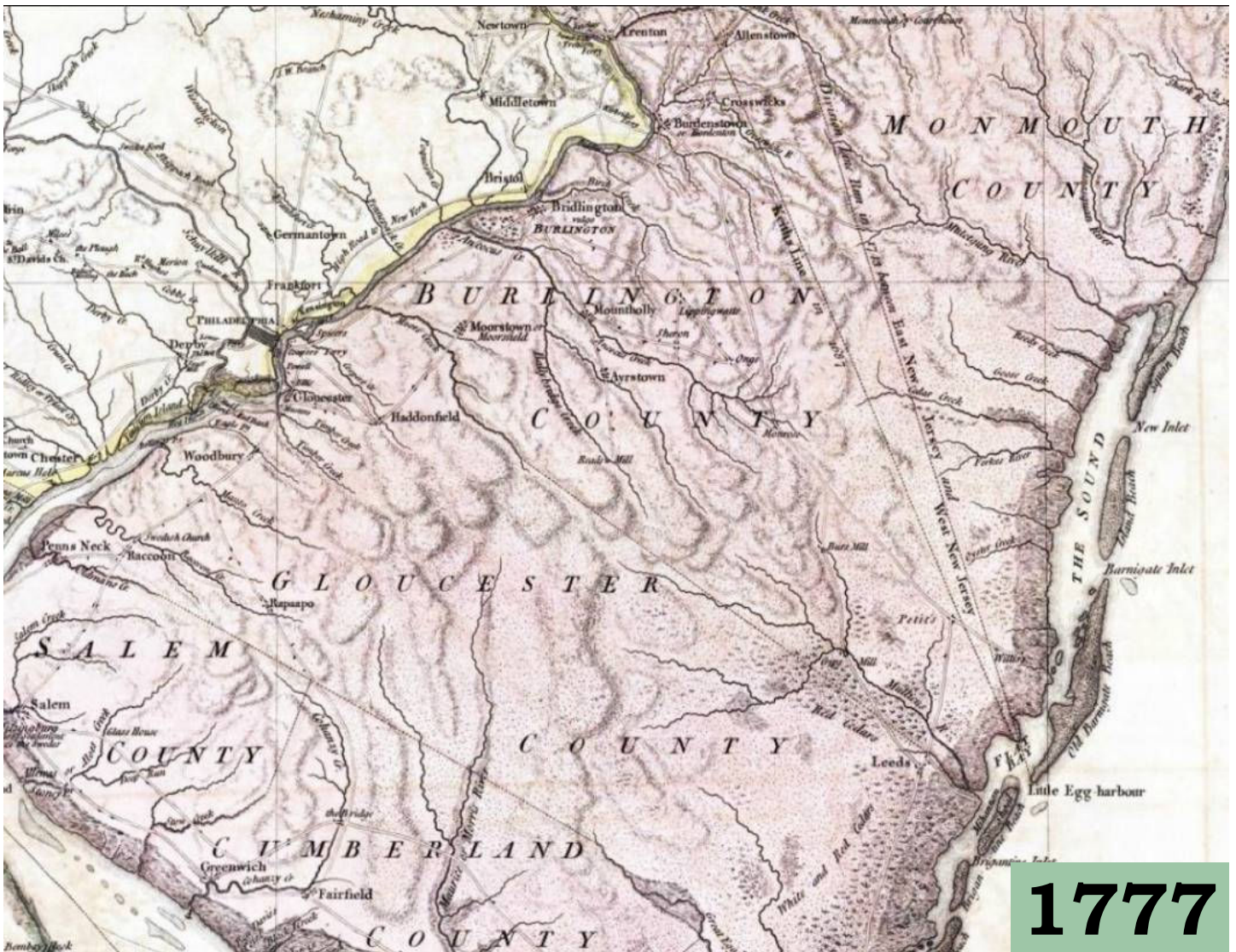
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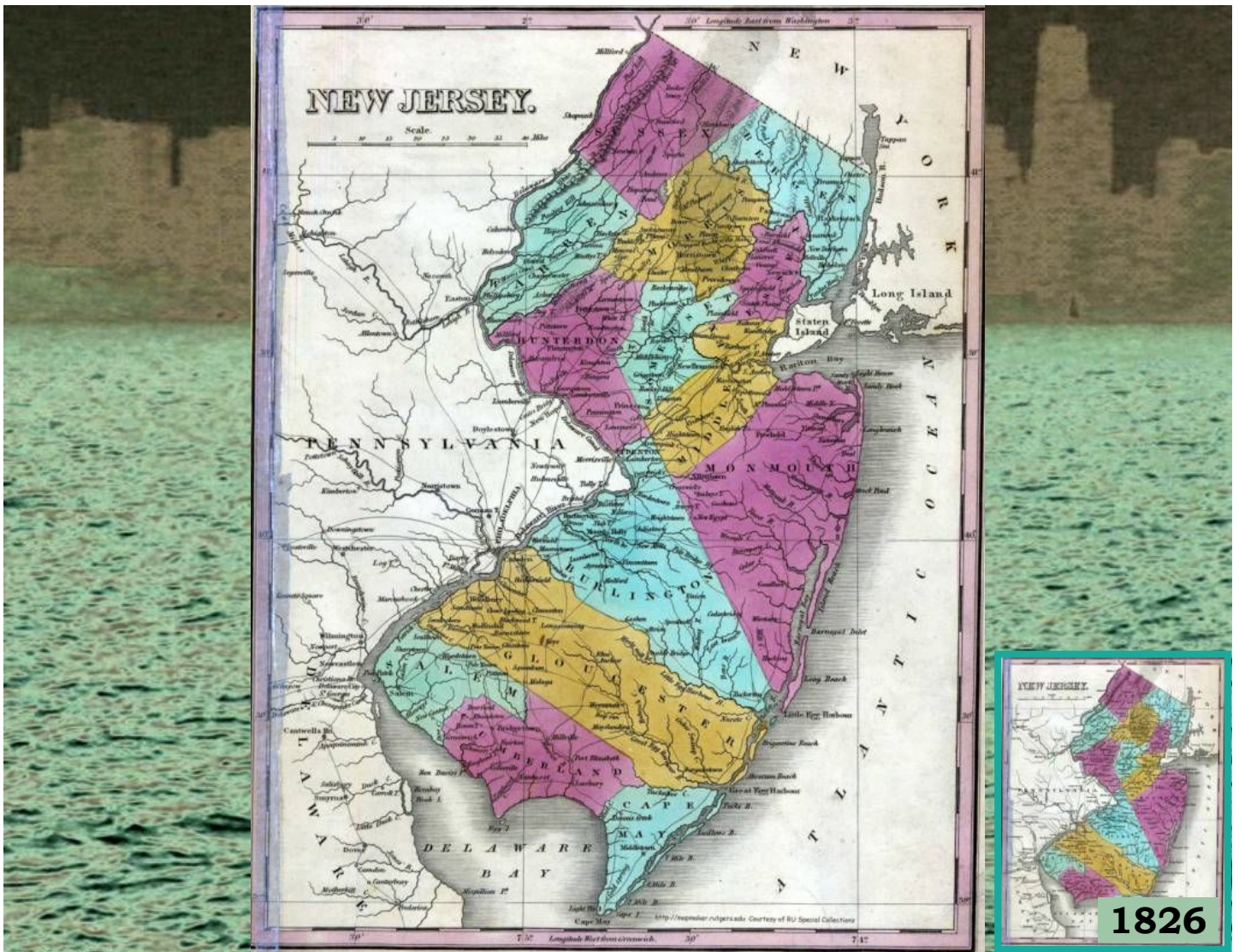
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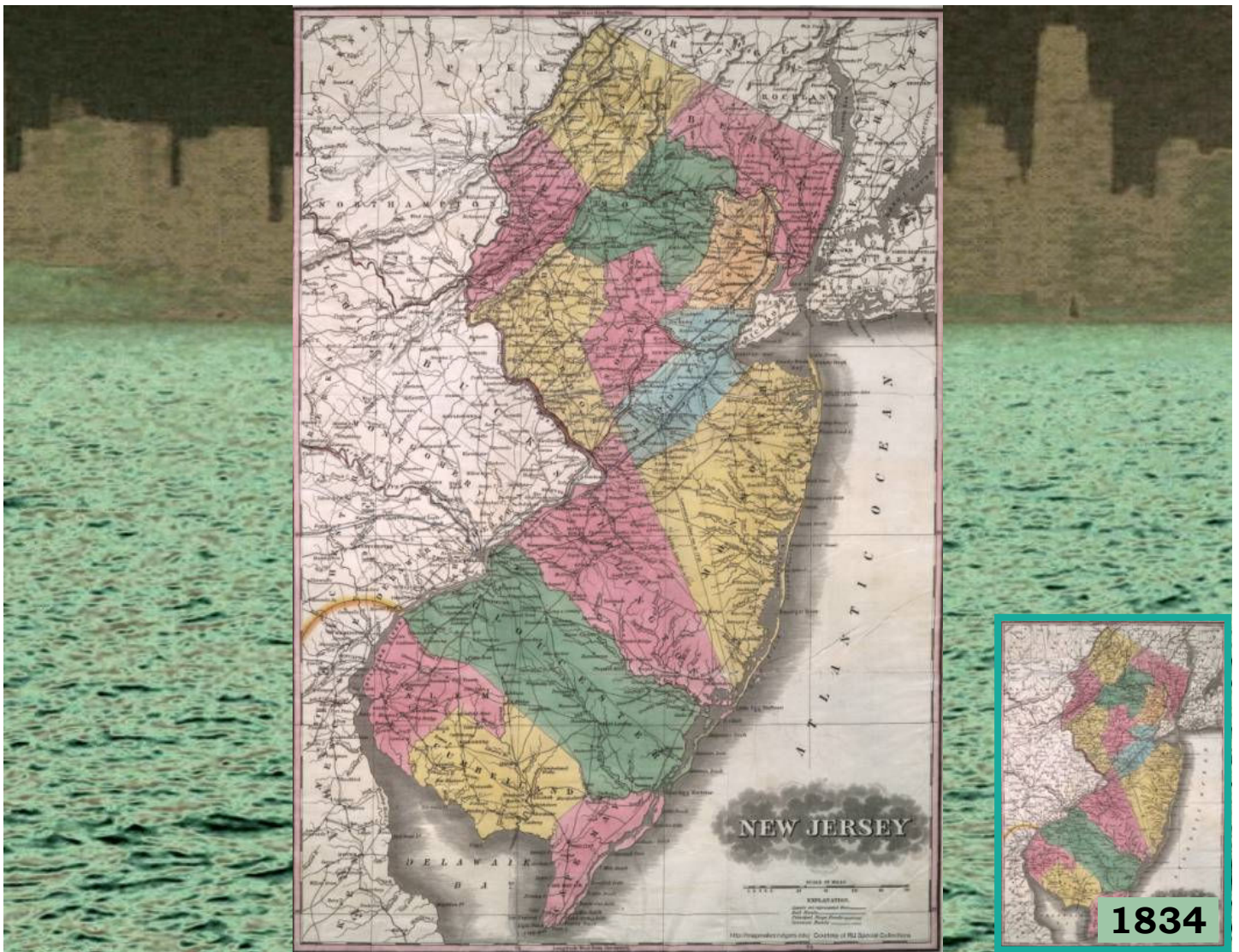
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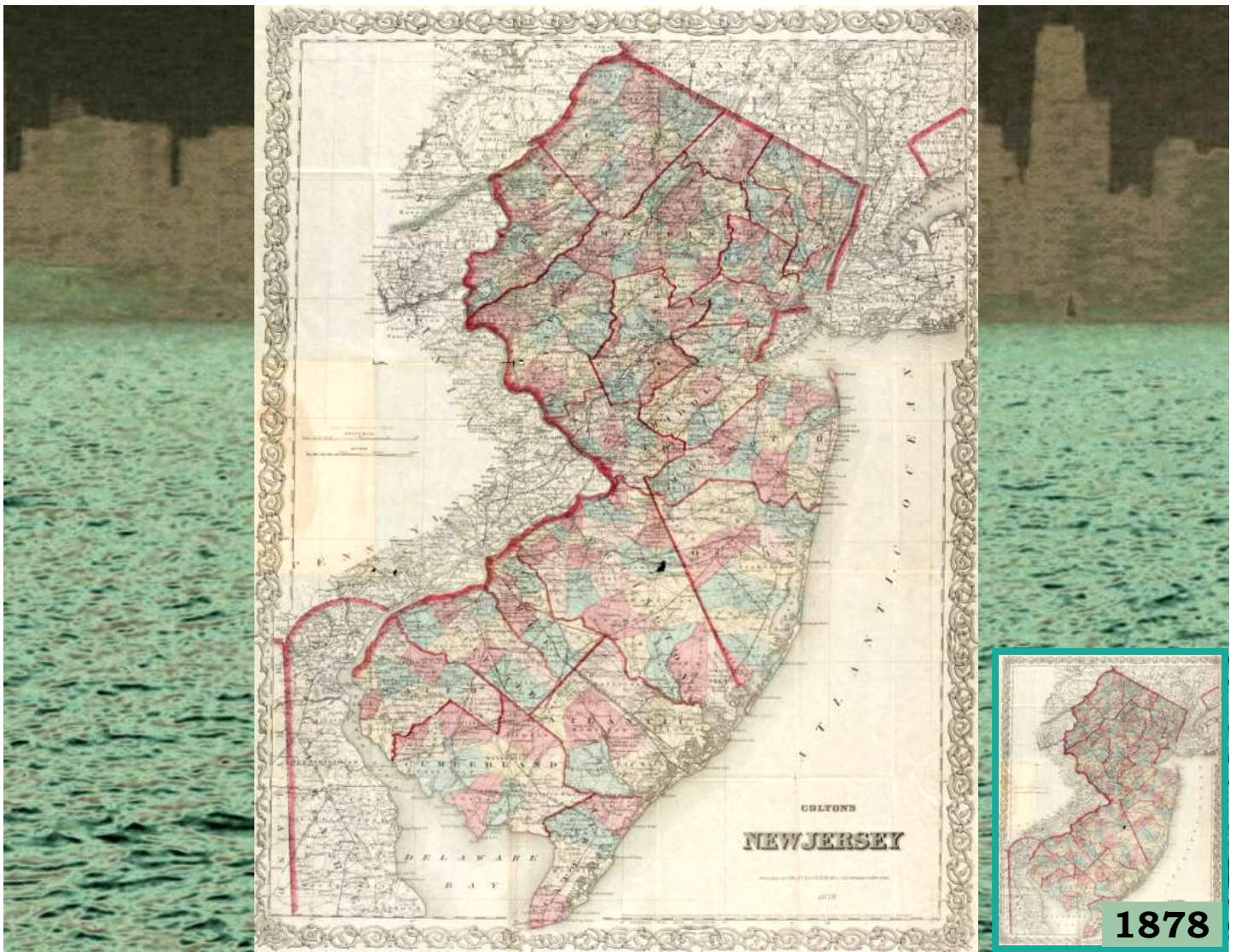
Province of New Jersey (1777) from Library of Congress



http://mapmaker.rutgers.edu/NJ_1826.jpg



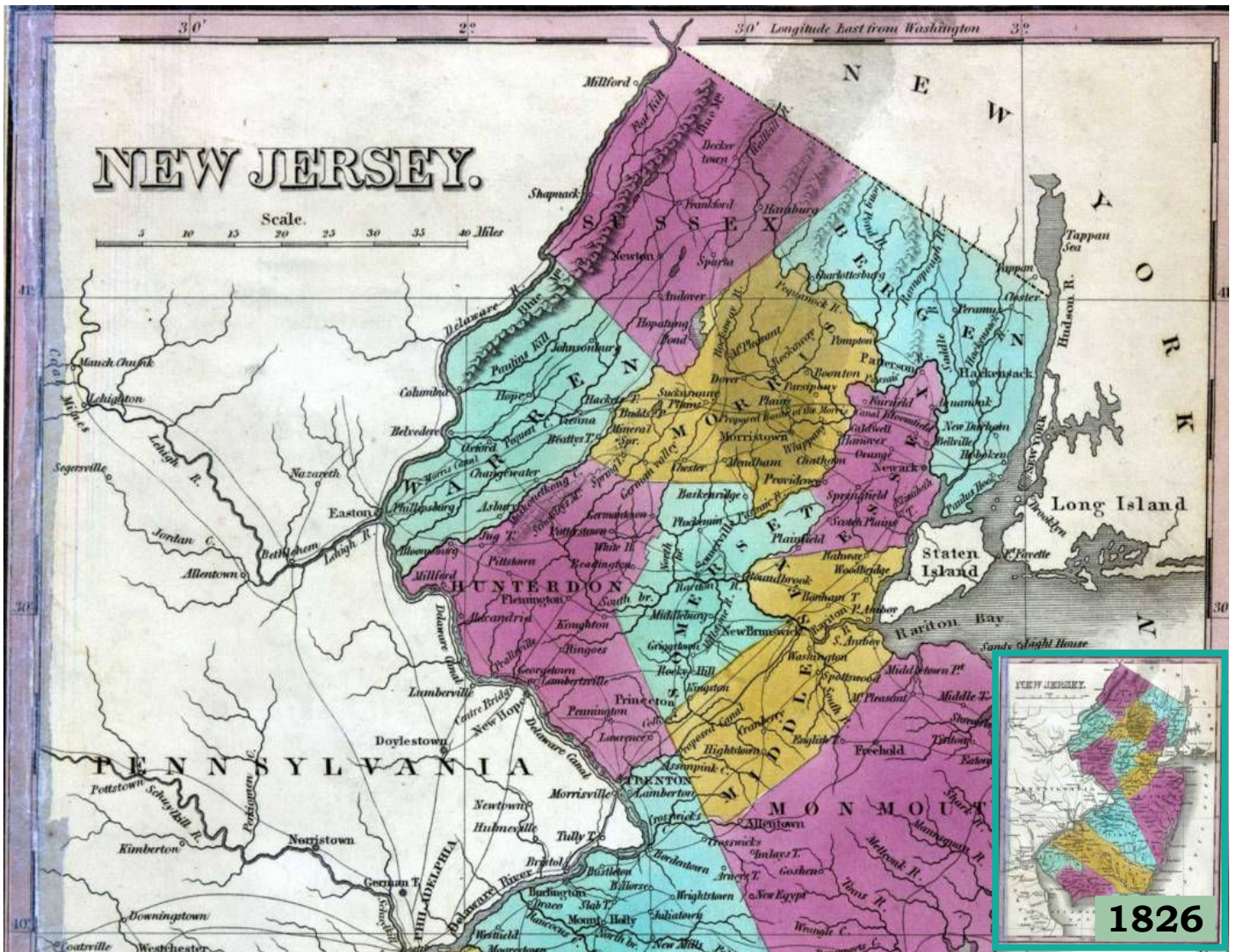
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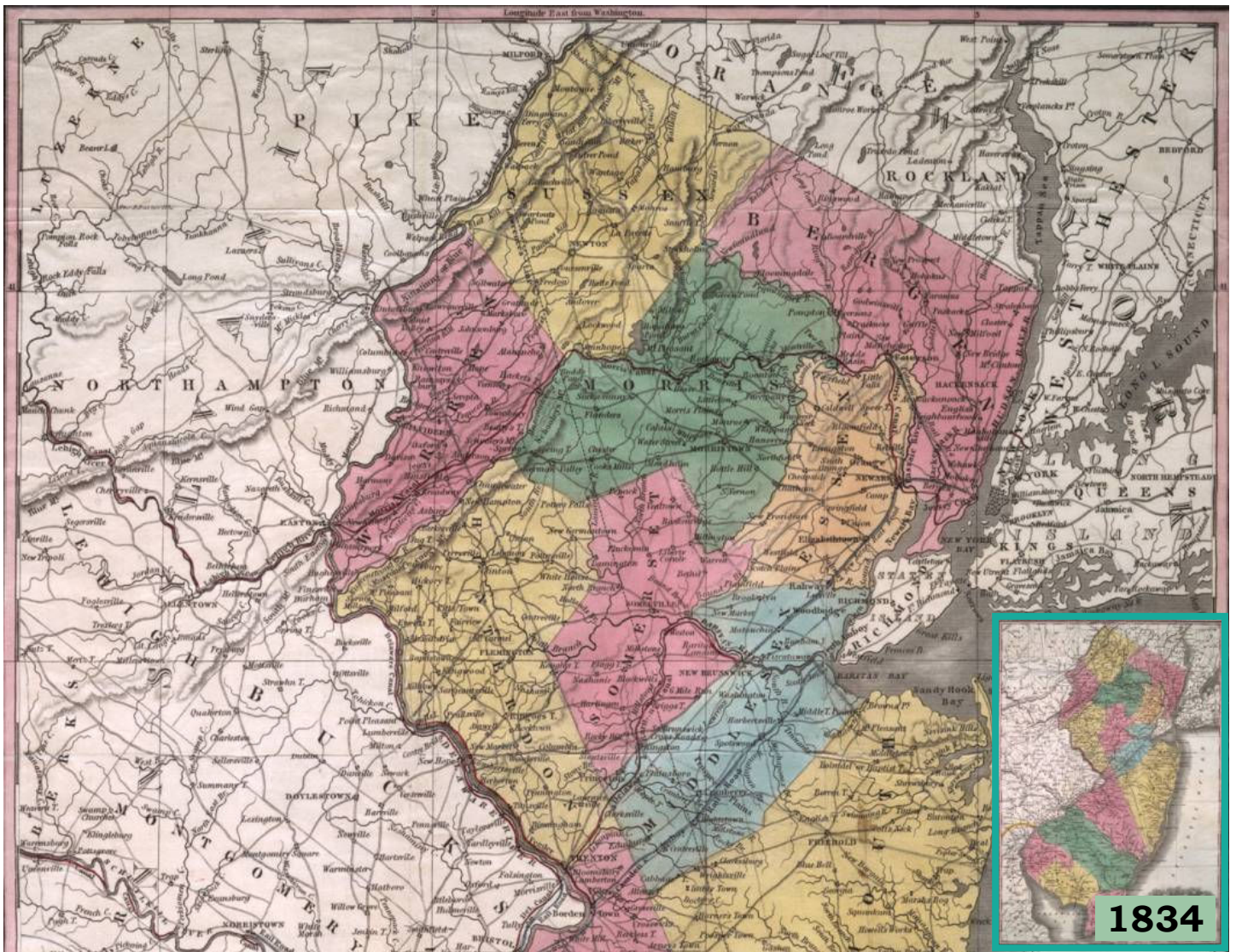
New Jersey. New York: G.B. and C.W. Colton, 172 William Street (1878) (copyright 1868).

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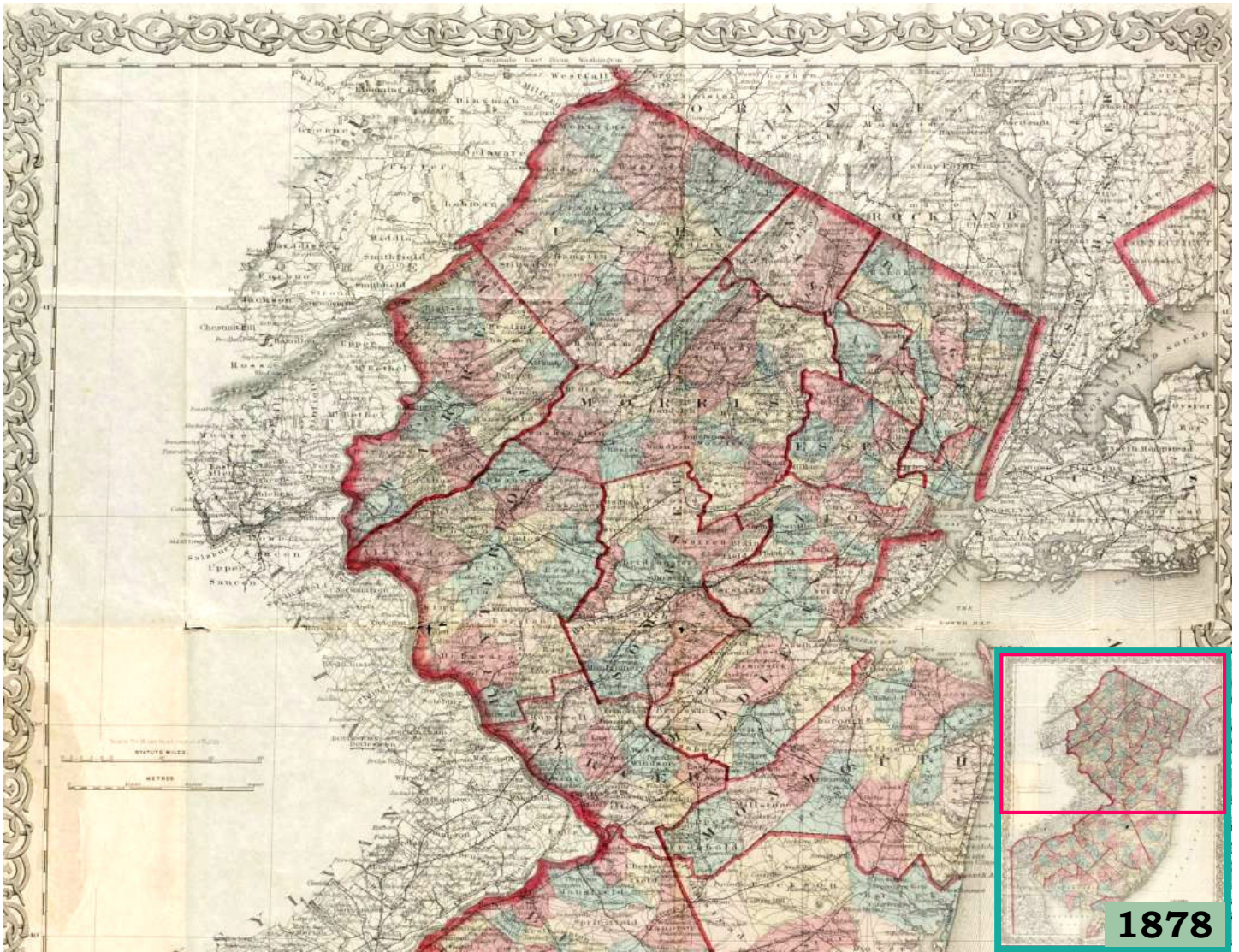
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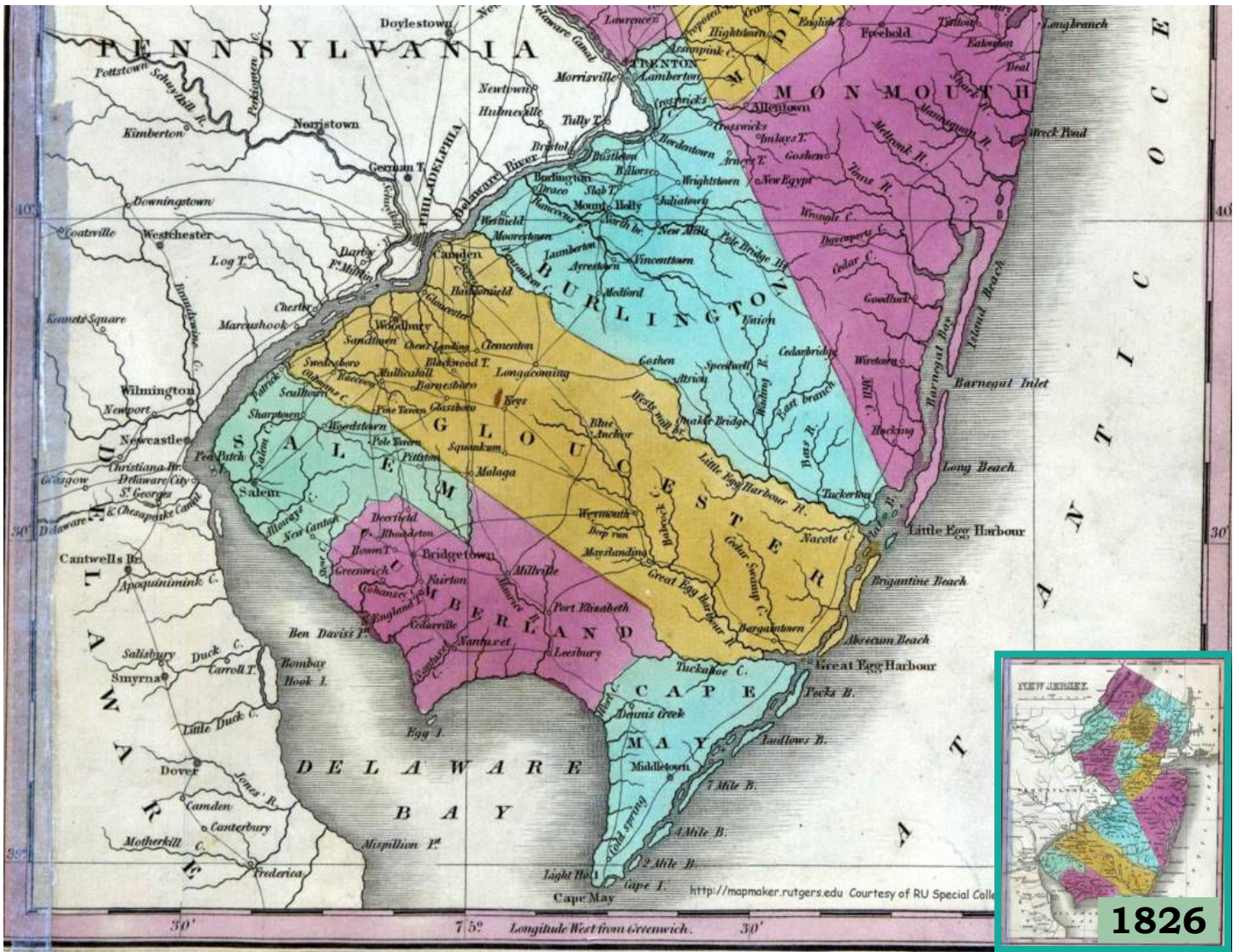
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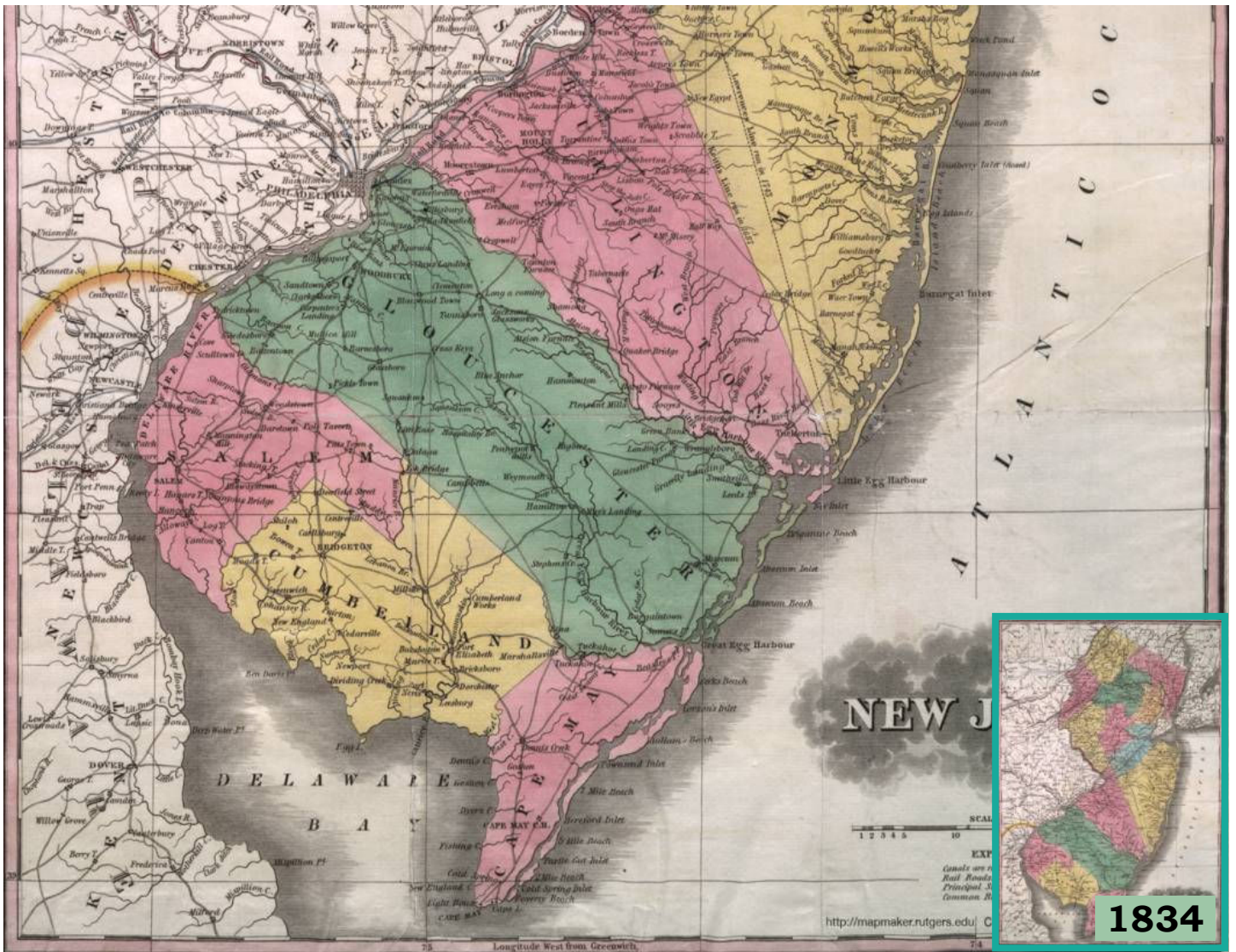
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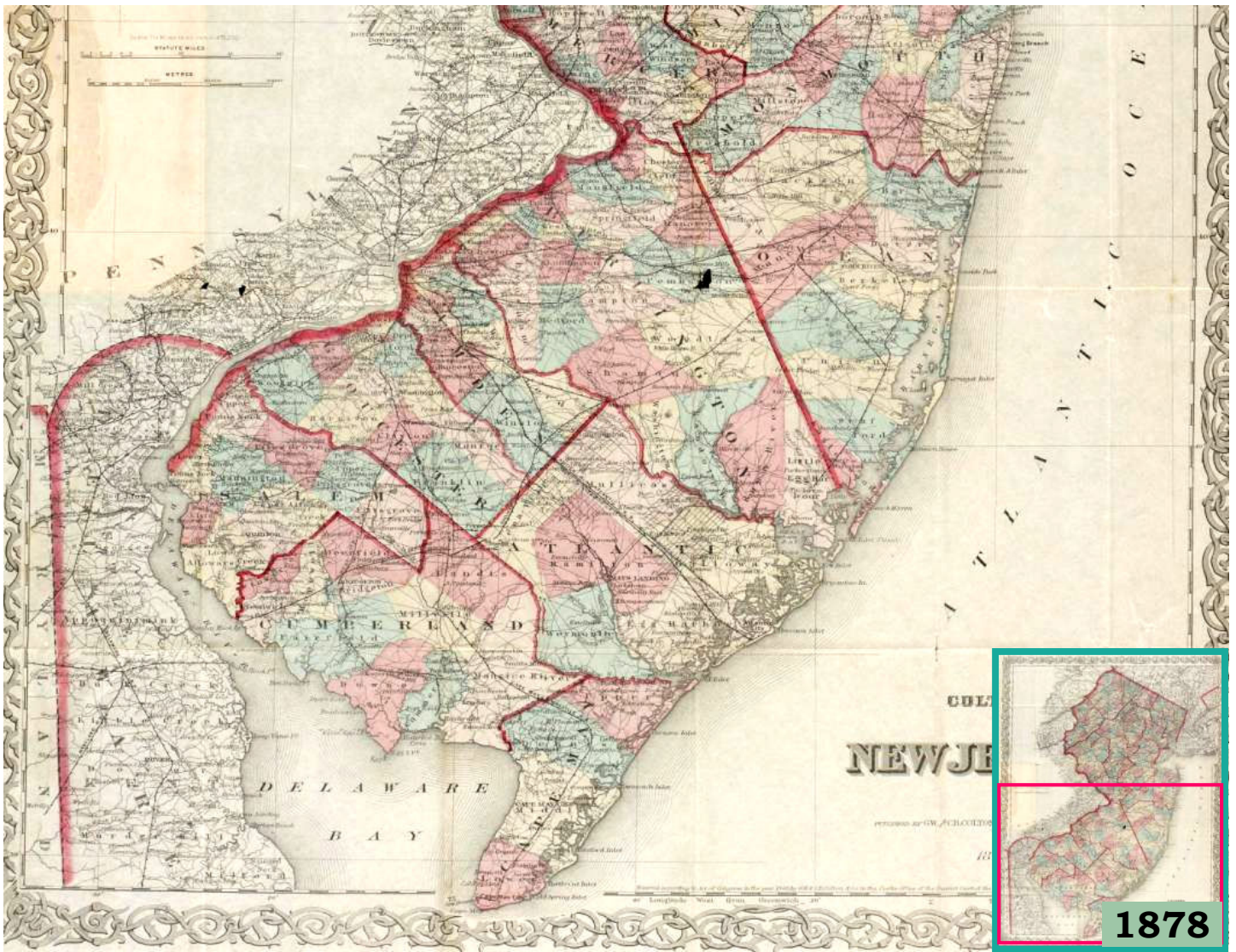
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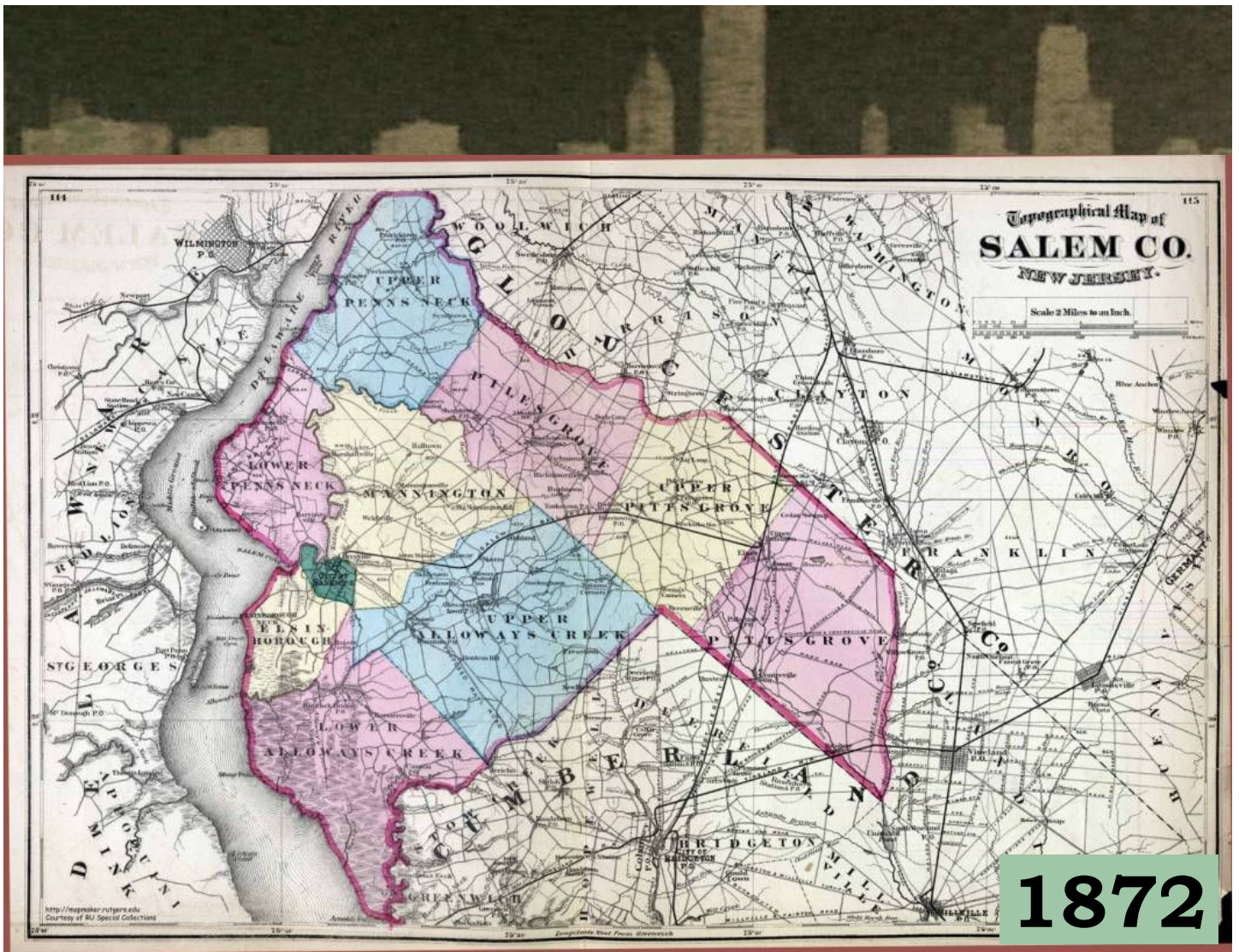
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Townships. Salem County. New Jersey.
http://mapmaker.rutgers.edu/1872Atlas/SalemCounty_1872.jpg

**NEW ENGLAND
TOWNS, TOWNSHIPS
AND COUNTIES**

**A rose by any other name
is still a rose.**

Massachusetts County	The northern limit was in dispute.
Chronologies - Original Counties	
In 1629, King Charles I chartered the Massachusetts Bay Company to establish a colony in the territory stretching from three miles north of the Merrimack River to three miles south of the Charles River and extending westward from the Atlantic coast to the Pacific Ocean.	Massachusetts claimed a line three miles north of the source of the Merrimack River, which would have included part of present New Hampshire and Maine.
	Massachusetts created the four original counties named Essex, Middlesex, Norfolk, and Suffolk; and created non-county Area 1 in western Massachusetts.

Long, John H. (editor) et al. Massachusetts: Individual County Chronologies. in Massachusetts Atlas of Historical County Boundaries. Chicago: Newberry Library (2009).

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http://publications.newberry.org/ahcbp/documents/MA_Individual_County_Chronologies.htm#BARNSTABLE

In 1668, Massachusetts reasserted authority over all of Maine west of the Kennebec River, an area that was put under royal government in June 1665.

The county of York (formerly Yorkshire), Maine, was reinstated.

In 1673, after the Dutch capture of New York, Massachusetts relied on a new survey of its northern limit to claim some of the Duke of York's grant east of the Kennebec River in present Maine (including the Pemaquid settlement) and created an unnamed county that overlapped Cornwall in New York.

The Duke of York didn't recognize the Massachusetts claim.

Long, John H. (editor) et al. Massachusetts: Individual County Chronologies. in Massachusetts Atlas of Historical County Boundaries. Chicago: Newberry Library (2009).

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In 1675, the unnamed county was named Devonshire.

In 1678, Massachusetts purchased the proprietary rights granted in 1635 to Ferdinando Gorges.

The purchase was an attempt to legitimize the extension of its jurisdiction northeastward to the Kennebec River in present New Hampshire and Maine.

In 1680, Massachusetts organized a new government for Maine

between the Piscataqua and

Kennebec Rivers in accordance with terms of Ferdinando Gorges's 1635 grant.

The county of York, Maine, was eliminated.

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In 1691, King William III and Queen Mary II legitimized the Massachusetts claim over Maine when they issued a new charter for the province of Massachusetts Bay.

The new charter included an area of Maine between the Kennebec and Piscataqua Rivers, Acadia (now Nova Scotia), and all territory of present Maine between Acadia and the Kennebec River.

In 1695, Dukes and Nantucket counties were created in the non-county area of Massachusetts Bay Colony.

In 1716, York county (Maine) gained all Massachusetts territory between the Kennebec and St. Croix Rivers in present Maine.

Long, John H. (editor) et al. Massachusetts: Individual County Chronologies. in Massachusetts Atlas of Historical County Boundaries. Chicago: Newberry Library (2009).

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Barnstable County	In 1707, Barnstable lost the town of Rochester to Plymouth.
In 1685, Barnstable was created as one of three original counties in New Plymouth Colony.	In 1897, the boundary between Barnstable and Plymouth was clarified in part when the line between towns of Wareham and Bourne was clarified.
In 1691, Massachusetts Bay absorbed New Plymouth Colony; and Barnstable continued under the new Massachusetts Bay provincial charter issued by King William III and Queen Mary II.	

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Bristol County	In 1712, the 'Old Colony Line' that divided Massachusetts and New Plymouth when they were separate colonies was declared the boundary that separated Suffolk from Bristol and Plymouth.
In 1685, Bristol was created as one of 3 original counties in New Plymouth Colony and included part of present Rhode Island.	
In 1691, Massachusetts Bay absorbed new Plymouth Colony; and Bristol continued under the new Massachusetts Bay provincial charter issued by King William III and Queen Mary II.	In 1747, Bristol became part of Newport, Rhode Island, when Rhode Island implemented the 1746 royal settlement of the boundary with Massachusetts.

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Local Government	In many other states, a town is a compact incorporated area; and
All Massachusetts land is within the bounds of a municipality.	large unincorporated areas spread between the towns that do not belong to any town.
Only the southeastern one-third of Massachusetts has functioning county governments.	Such states are completely apportioned into counties.
In the 1990s, the state eliminated traditional county government in the west, central, and northeast parts of the state.	

http://en.wikipedia.org/wiki/Administrative_divisions_of_Massachusetts#Local_government

In other states, county governments are important and perform many functions.

Massachusetts has no unincorporated areas or population centers.

Counties are especially important to people who live outside towns in other states, because counties often provide major services such as police, fire protection and airports.

The same is true of most New England States.

Many New England residents also identify with neighborhoods, villages, or other districts of their towns.

Massachusetts has a government structure known as the New England town.

Other New England states plus New York and New Jersey also have New England towns.

The U.S. Census Bureau considers Massachusetts cities and towns to be minor civil divisions, equivalent to townships in other states.

However, townships in non-New England states usually have much weaker forms of government than New England towns.

Comparisons of municipal governments between the states are complicated.

Many Massachusetts towns were established during the British colonial period, long before the the United States was formed and became independent.

The Massachusetts Constitution was written in 1780, before the end of the American Revolution.

The 1780 Massachusetts constitution re-established a relationship between state government and the towns described in the charter King Charles granted to Massachusetts Bay Company in 1629.

In 1966, the Home Rule Amendment to the Massachusetts Constitution granted limited home rule powers to cities and towns.

The Home Rule Amendment says that municipalities may adopt charters without approval from the state.

However, municipalities may not regulate elections, collect taxes, borrow money, define civil laws, regulations, or felonies or set imprisonment as a punishment for any offense, or dispose of park land, except as provided by the legislature of the state.

If the state legislature has a power, it can delegate that power to municipalities.

If the state has a power and doesn't delegate it, a municipality may exercise the power.

A municipality can act on an undelegated power even when it hasn't adopted a charter.

The Zoning Act grants substantial zoning powers to municipalities.

The Massachusetts Subdivision Control Law also concerns land use regulation.

Municipalities can act on an undelegated power unless the state itself has already acted on the power, explicitly or implicitly.

The state legislature has acted on a large number of matters.

Therefore, the actual powers of municipalities are quite limited in practice, and are sometimes uncertain until tested in court.

The legislature is prohibited from passing special laws that affect only one municipality, except under special circumstances:

... or municipal boundaries have to be adjusted when municipalities are merged, dissolved, or created.

a municipal government approved a home rule petition; the governor consented to the law after a 2/3 majority vote in the legislature; the legislature created a regional agency with different borders than existing municipalities;

Many municipalities lobby for special legislation that grants them powers that the Home Rule blanket grant might not give them because of potential conflicts with other state laws.

The distinction between city and town as defined in Massachusetts law is primarily related to the form of government the municipality has chosen.

A town is governed under the selectmen and Town Meeting or Representative Town Meeting form of government.

A city has a council or board of aldermen and may or may not have a mayor, a city manager, or both.

The distinction dates to 1821, when an amendment to the state constitution was approved that permitted a non-town meeting form of municipal government.

Before 1821, municipalities could have only the Town Meeting type of government.

In 1822, the Massachusetts governor approved an act to establish the City of Boston.

Lemuel Shaw drafted the charter and later became a justice of the Massachusetts Supreme Judicial Court.

Also in 1822, Boston voters agreed to adopt the proposed city charter.

Massachusetts law creates certain operational differences between cities and towns.

Cities have a clearly structured annual budget process set out in statute.

State law prohibits the state legislature from increasing city appropriations above the mayor or manager's recommendation.

Massachusetts law requires that the Massachusetts Attorney General approve changes to town by-laws but not to city ordinances.

The state constitution says:

municipalities of less than 12,000

**inhabitants can't adopt a city
charter and government;**

municipalities of less than 6,000

**inhabitants can't adopt a
Representative Town Meeting
charter and government;**

**... whether or not the municipality
has adopted a Home Rule Charter.**

**Massachusetts law defines six
options for city governments:**

**Strong mayor and city council;
councilors elected at large; party
primaries prohibited. (A)**

**Weak mayor and city council;
councilors elected partly at large
and partly from districts or wards;
party primaries prohibited. (B)**

Mayor and commissioners; party primaries prohibited. (C)

Council of 7 to 9 councilors (one is mayor) and a manager; party primaries prohibited. (D)

Council of 7 to 9 councilors (one is mayor) and a manager; council and school committee members elected at large by plurality after 1951 repeal of proportional representation. (E)

Partisan mayor and council; councilors elected partly at large and partly from wards; party primaries allowed. (F)

In 1960, the Massachusetts constitution was amended to create a home rule charter mechanism.

Municipalities that want to exercise jurisdiction beyond the limits of the home rule charter process must petition the General Court for special legislation.

By 2000:

71 municipalities had adopted home-rule charters by the Home Rule amendment process;

13 municipalities had charters granted by pre-amendment special legislative acts;

19 municipalities had powers granted by post-amendment special legislative acts.

Eleven of 53 Massachusetts cities call themselves towns, though legally they're cities.

In 1918, the Massachusetts Supreme Judicial Court ruled that a municipality may call itself what it pleases.

'It is the substance of the thing done, and not the name given to it, which controls.'

Rhode Island Townships	The town (or township) is the unit of local government.
Rhode Island has five counties and 38 towns.	The municipal governments of Newport and Providence present interesting features.
Counties are recognized only for judicial purposes and to a certain extent in the appointment by central administrative boards.	

Classic Encyclopedia, based on the 11th edition of the Encyclopedia Britannica (1911).
http://www.1911encyclopedia.org/Rhode_Island

**NEW ENGLAND
MAPS**

1766

1774

1775

1780

1784



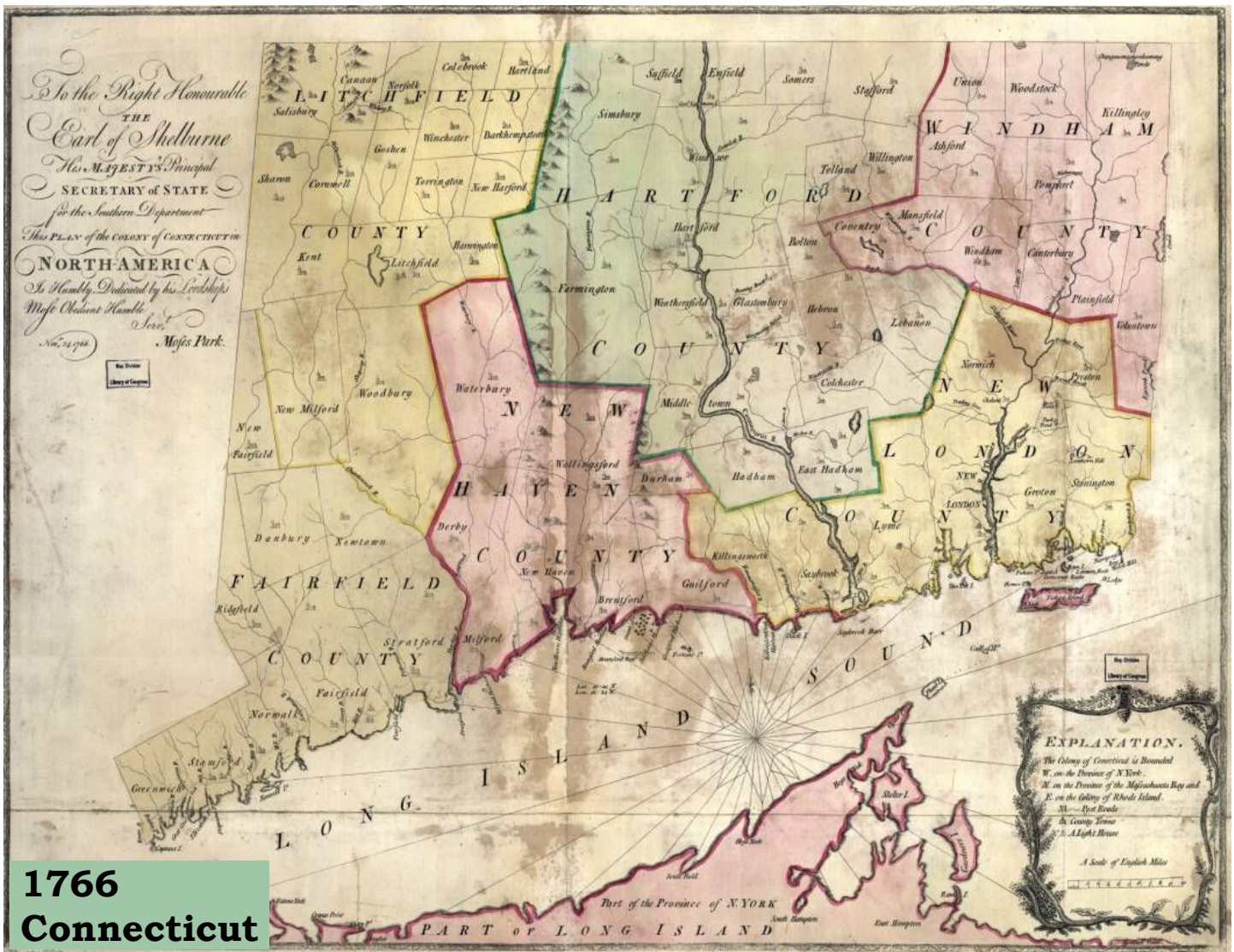
Park, Moses (1766 November 24). To the right honourable, the Earl of Shelbourne, His Majesty's principal Secretary of State for the Southern Department. This plan of the colony of Connecticut in North-America.

Humbly dedicated by his lordships most obedient humble servt. Moses Park.
Lansdowne, William Petty, Marquis of, 1737-1805.

Shows counties, towns, rivers, and post roads.

Reference: LC Maps of North America, 1750-1789, 1022

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**1766
Connecticut**

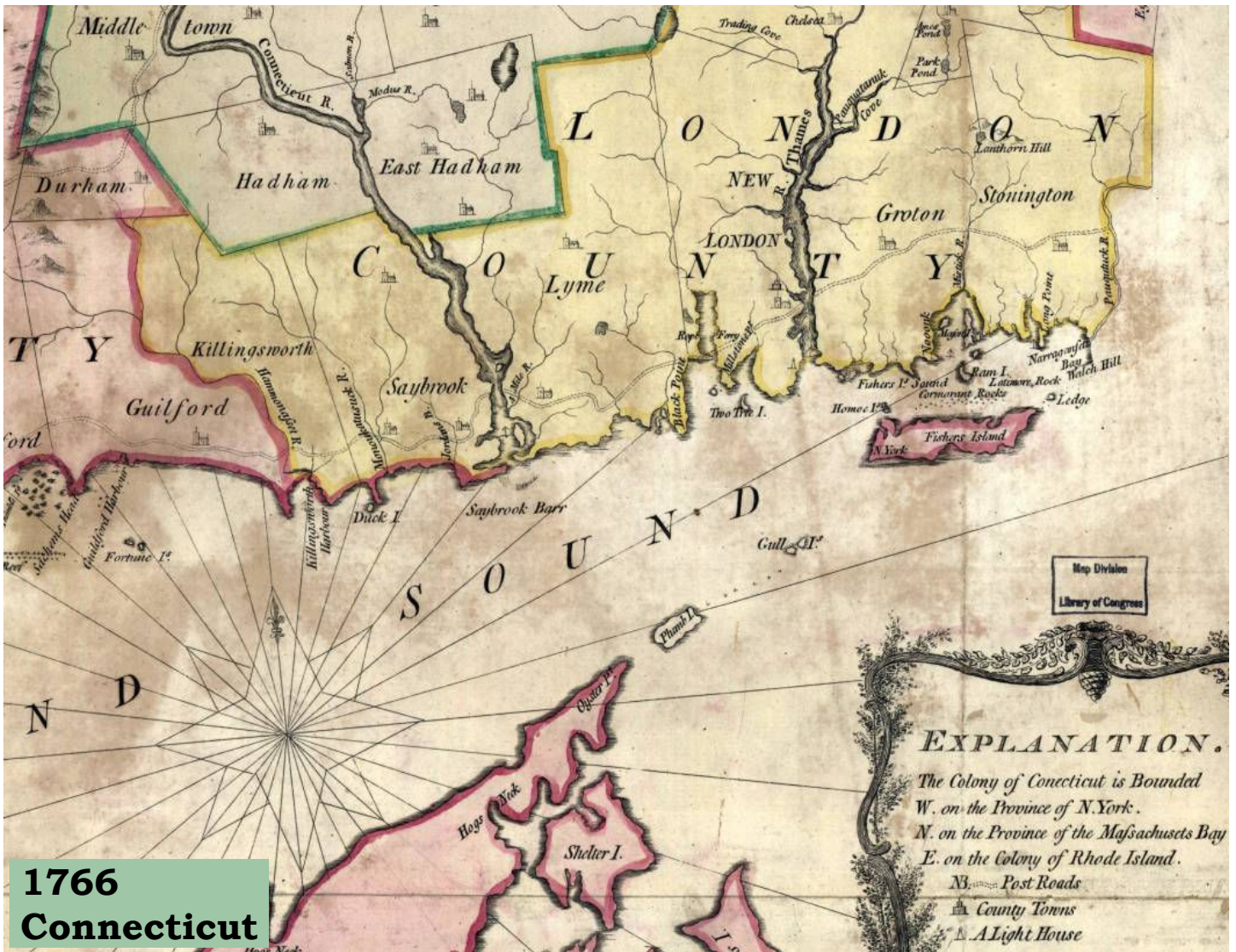
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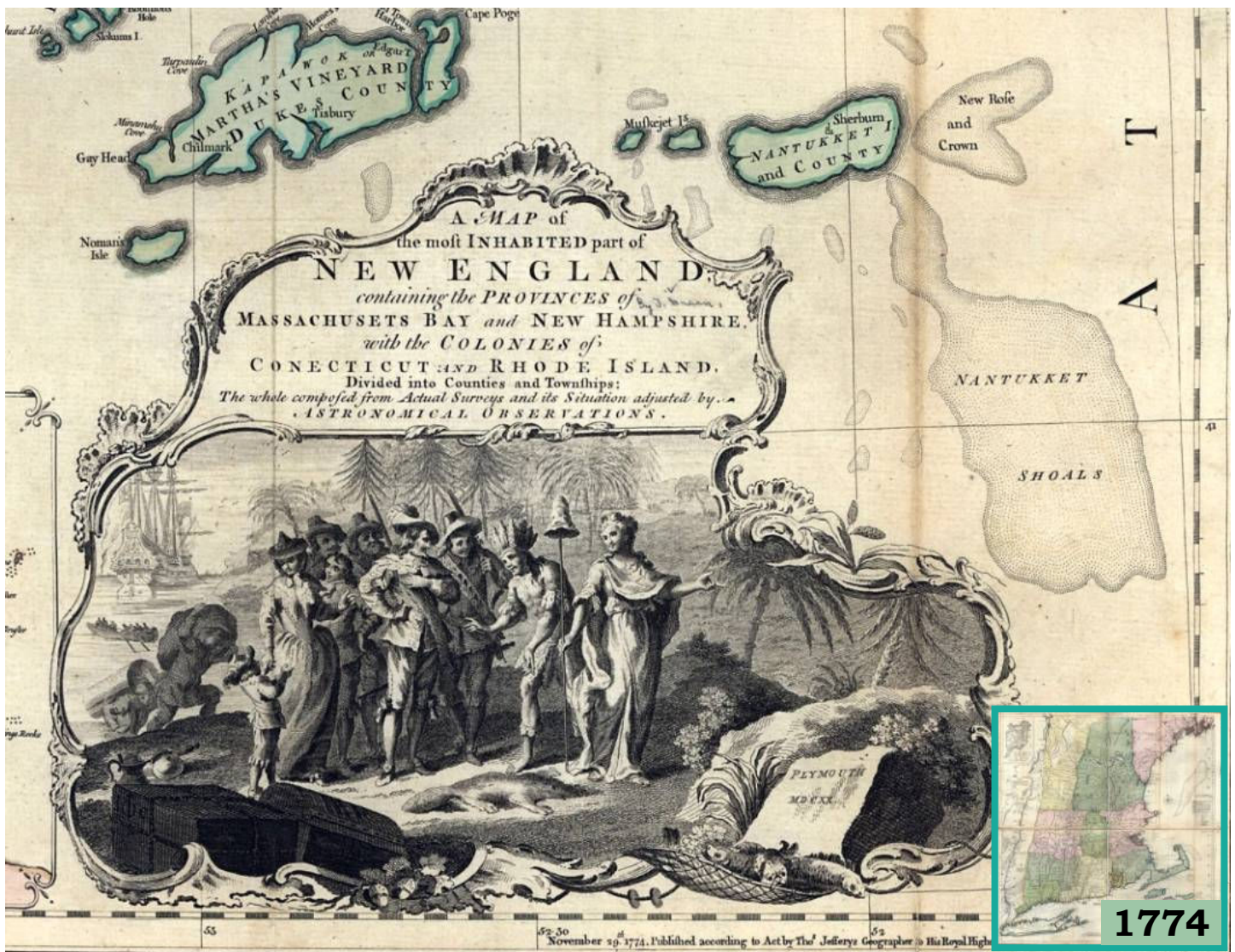
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Includes compilation data and insets of "A plan of the town of Boston" and "A plan of Boston Harbor from an accurate survey," ca. 1:150,000.

No. "14" on verso, upper left corner of top sheet. No. "15" on verso, upper left corner of bottom sheet.

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Konektikut is taken chiefly from the Survey of Gardner and Kellock, made in 1757.

The Massachusetts and Rhode Island divisions, from particular Surveys, Plans and Charts.

New Hampshire from the Surveys of Mitchell and Hazzen in 1750, especially this last.

The Coast from Cape Elizabeth Eastward and the River Kennebek from the Survey made by order of Governor Shirley in 1754.

Long Island, New York Harbor, and Course of Hudson's River, to Lydius or Nicholsons Fort, are laid down from very large and particular Surveys with that of Hazzen and others.

Wood Creek with St. Sacrament and part of Champlain Lake, from a French Survey.

The Lands granted by Massachusetts Bay Province but are since determined to be within the Province of New Hampshire are distinguished by Purple.

EXPLANATION

<i>B. or Br.</i>	<i>Brook or Branch</i>
<i>C. or Cr.</i>	<i>Creek</i>
<i>Car.</i>	<i>Carrying Place</i>
<i>P.</i>	<i>Pond</i>
<i>pt.</i>	<i>Point</i>
<i>R.</i>	<i>River or Run</i>
<i>I.</i>	<i>Island</i>
<i>I^s</i>	<i>Islands</i>
	<i>Forts and Fortified Places</i>
	<i>Local Mark for the Meeting-house of the Town or Township</i>
<i>a.</i>	<i>English Habitations</i>
<i>A</i>	<i>Indian Habitations</i>
	<i>Two Strokes Lat. & Long. observed</i>
	<i>The Setting of the Tide</i>



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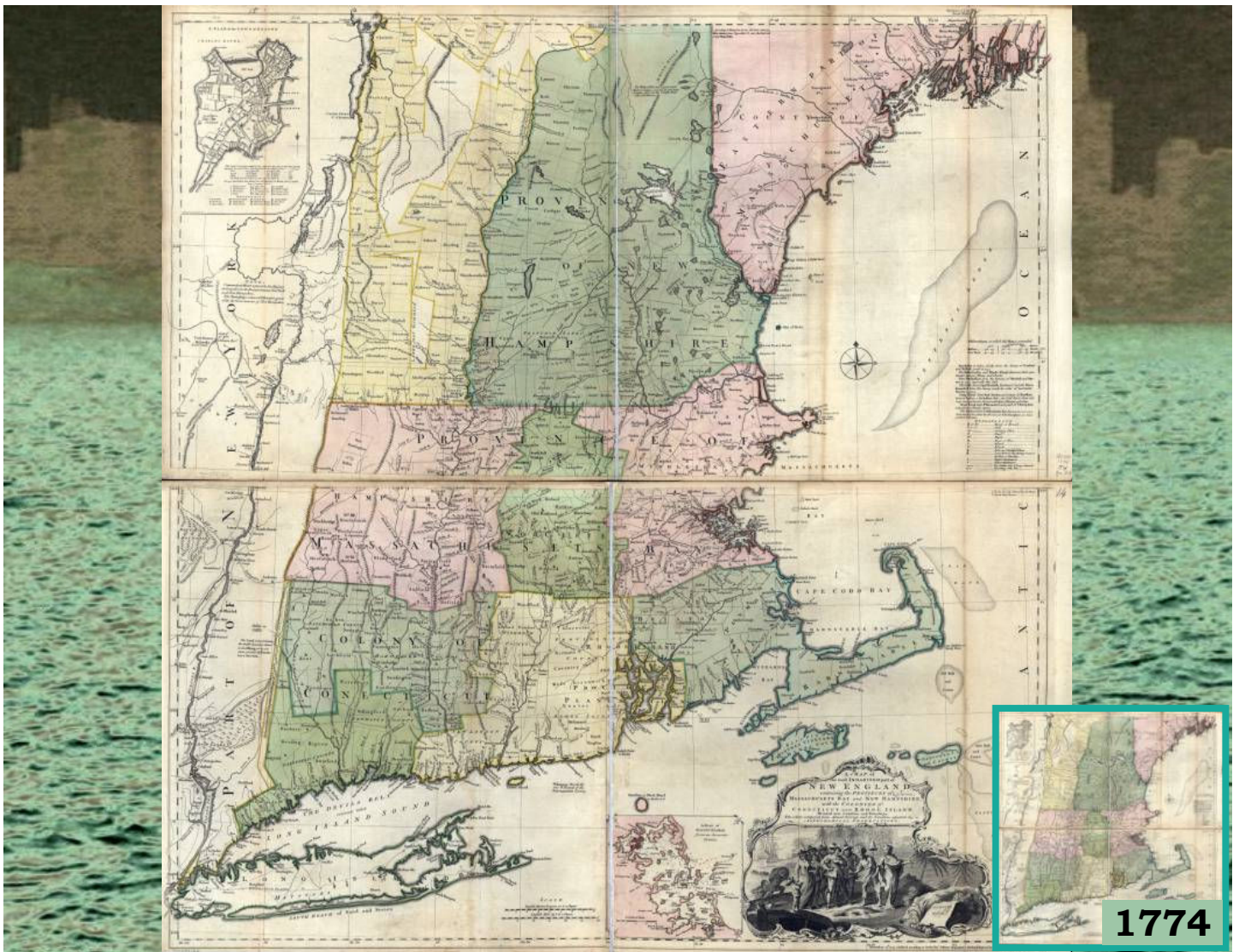
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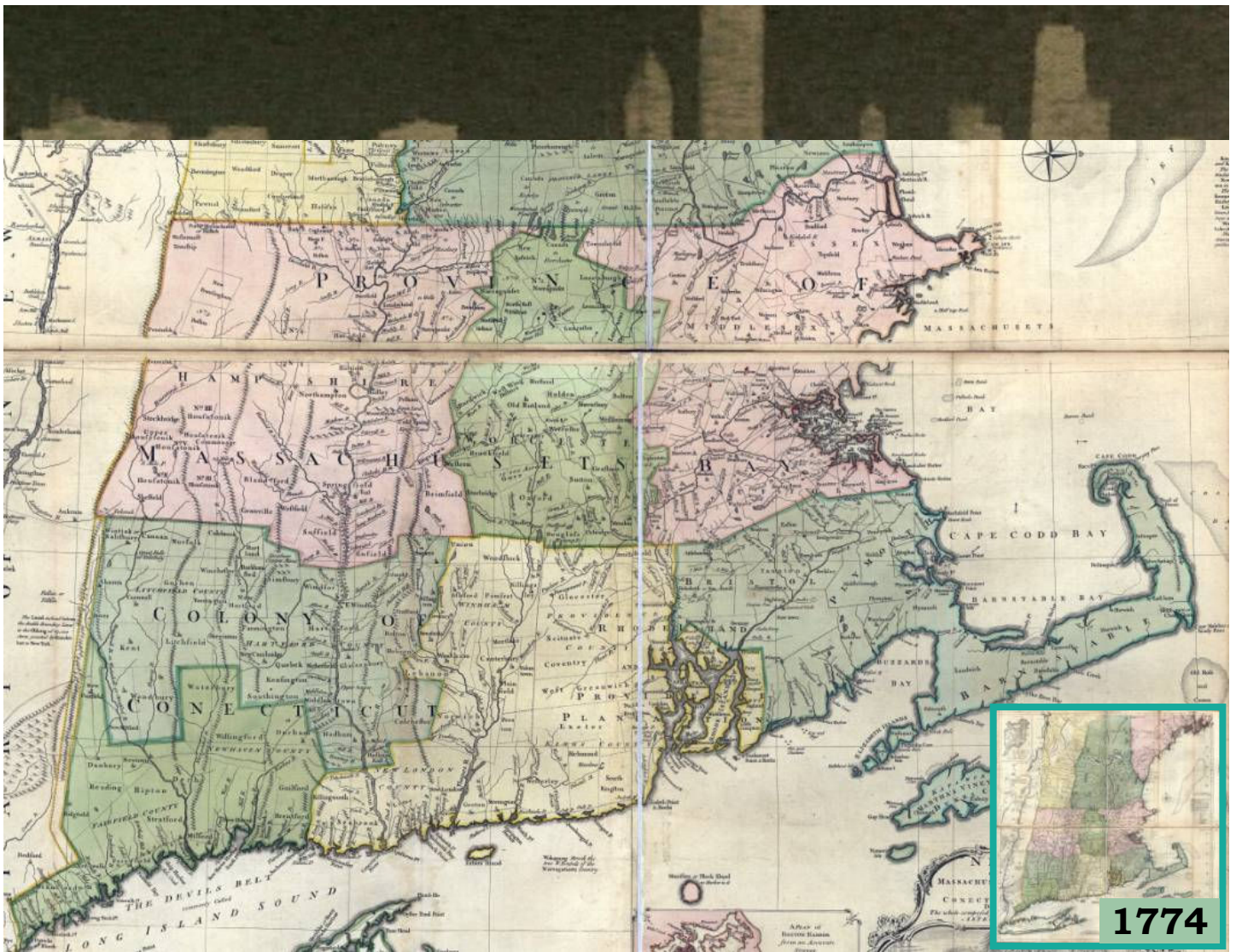
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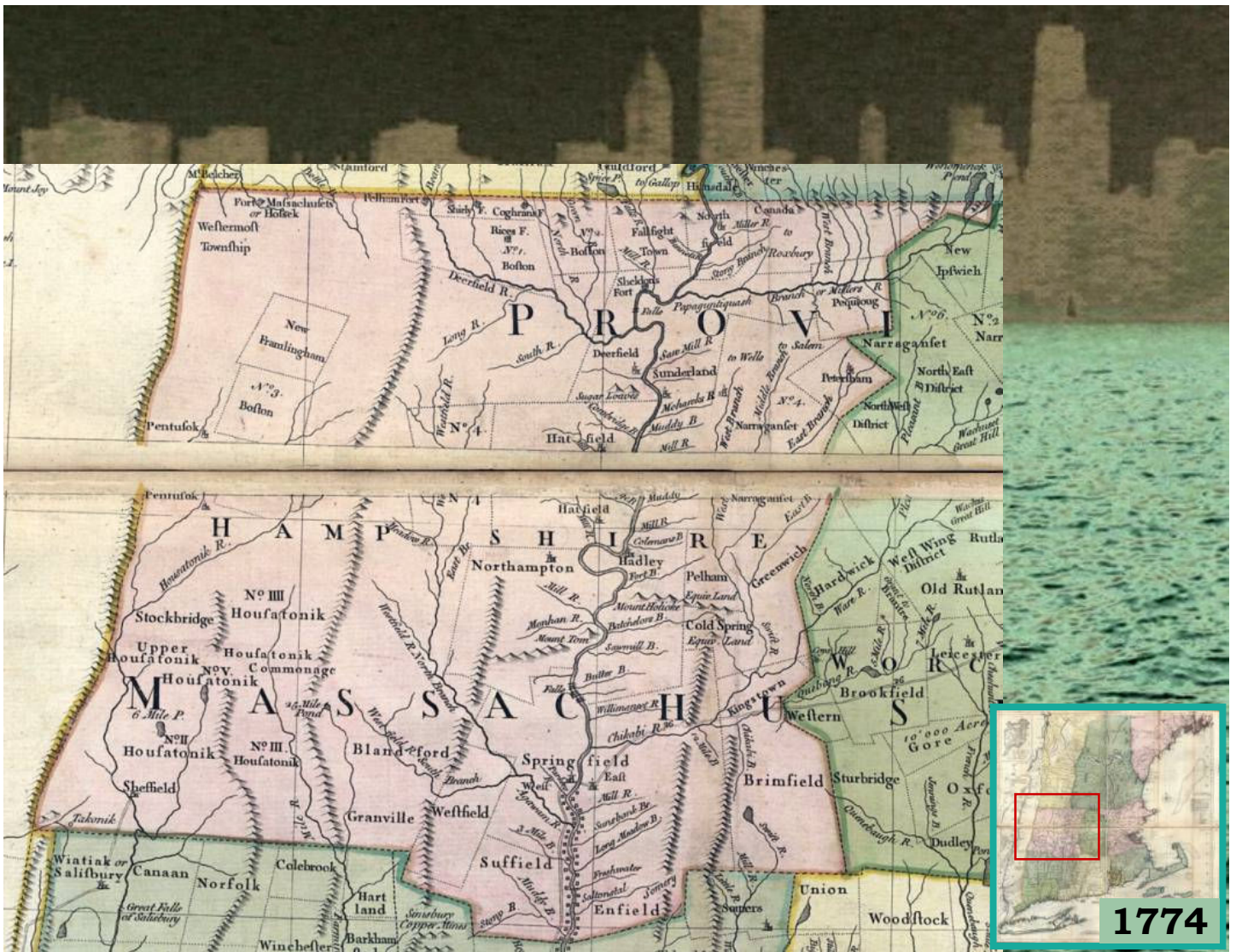
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Jefferys, Thomas (died 1771). A map of the most inhabited part of New England, containing the provinces of Massachusetts Bay and New Hampshire, with the colonies of Connecticut and Rhode Island, divided into counties and townships: The whole composed from actual surveys and its situation adjusted by astronomical observations. London: Thomas Jefferys (1774).

Includes compilation data and insets of "A plan of the town of Boston" and "A plan of Boston Harbor from an accurate survey," ca. 1:150,000.

No. "14" on verso, upper left corner of top sheet. No. "15" on verso, upper left corner of bottom sheet.

Reference: LC Maps of North America, 1750-1789, 800

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

Call #G3720 1774 .J41 Am. 5-14

g3720 ar080001 <http://hdl.loc.gov/loc.gmd/g3720.ar080001>



Jefferys, Thomas (died 1771). A map of the most inhabited part of New England, containing the provinces of Massachusetts Bay and New Hampshire, with the colonies of Connecticut and Rhode Island, divided into counties and townships: The whole composed from actual surveys and its situation adjusted by astronomical observations. London: Thomas Jefferys (1774).

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Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

Call #G3720 1774 .J41 Am. 5-14

g3720 ar080001 <http://hdl.loc.gov/loc.gmd/g3720.ar080001>

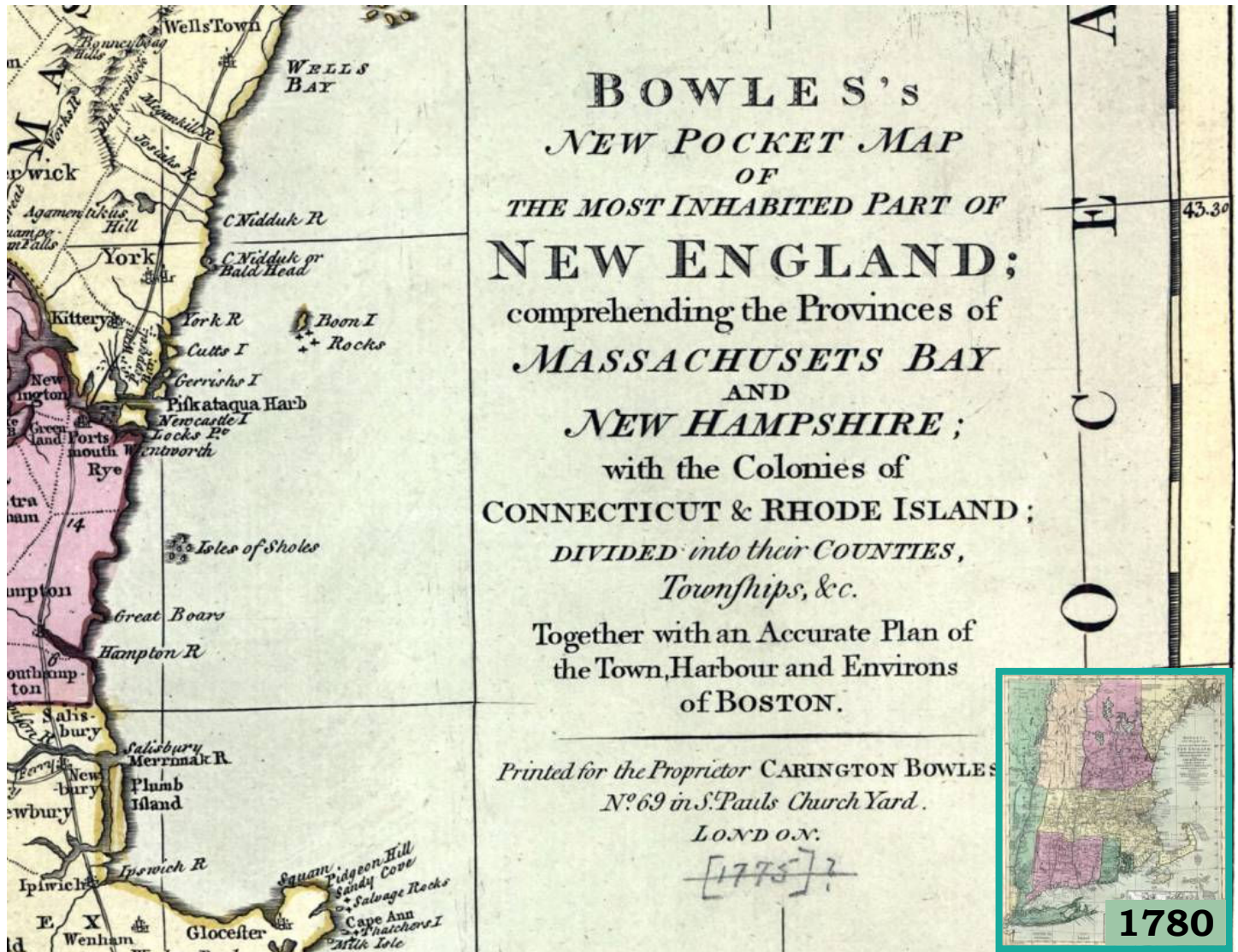


A Map of 100 miles round Boston. London: Gentlemen's Magazine (1775 June).

Shows area from Cape Ann to the Connecticut River and from northern Connecticut River and from northern Connecticut and Rhode Island to Kittery and York in Maine.

Reference: LC Maps of North America, 1750-1789, 891

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA
 Call #G3764.B6A1 1775 .M3 Vault
 g3764b ar089100 <http://hdl.loc.gov/loc.gmd/g3764b.ar089100>



Bowles, Carington (1724-1793). Bowles's new pocket map of the most inhabited part of New England; comprehending the provinces of Massachusetts Bay and New Hampshire; with the colonies of Connecticut & Rhode Island; divided into their counties, townships, &c. together with an accurate plan of the town, harbour and environs of Boston. Published in London (circa 1780).

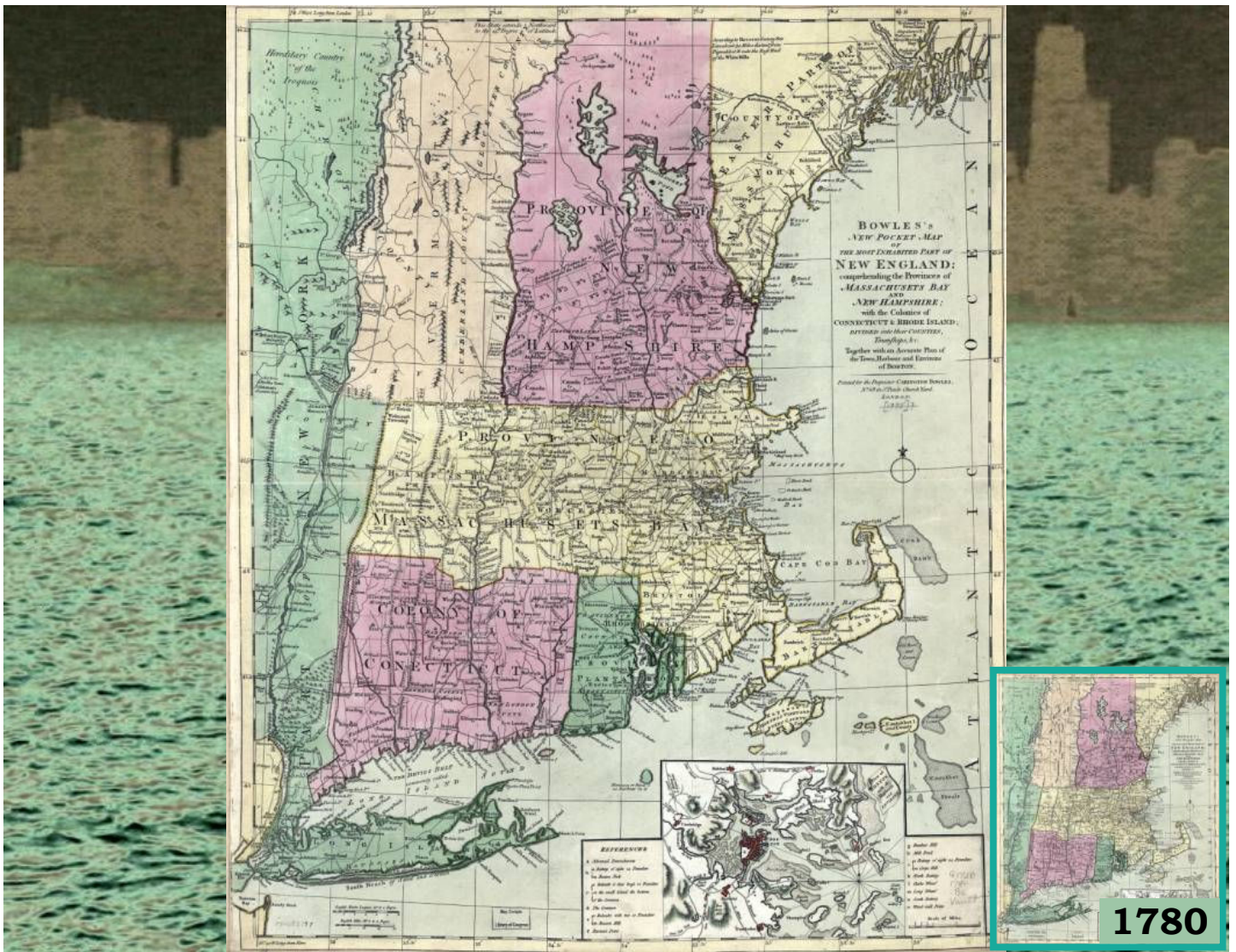
Reference: LC Trails, 28

Reference: LC Maps of North America, 1750-1789, 812

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

Call # G3720 178- .B6 Vault

(Copy 1) g3720 ar081200 <http://hdl.loc.gov/loc.gmd/g3720.ar081200>



Bowles, Carington (1724-1793). Bowles's new pocket map of the most inhabited part of New England; comprehending the provinces of Massachusetts Bay and New Hampshire; with the colonies of Connecticut & Rhode Island; divided into their counties, townships, &c. together with an accurate plan of the town, harbour and environs of Boston. Published in London (circa 1780).

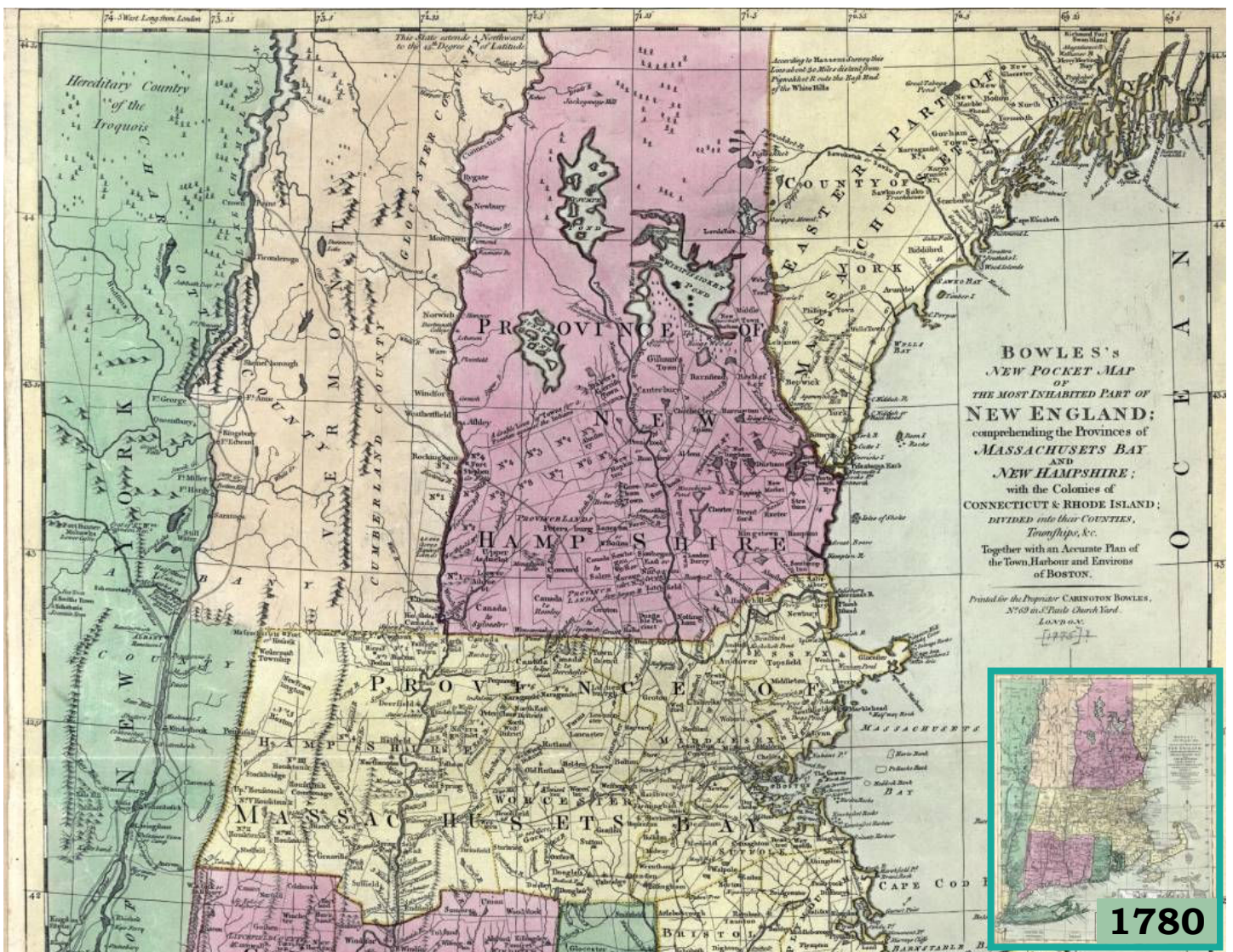
Reference: LC Trails, 28

Reference: LC Maps of North America, 1750-1789, 812

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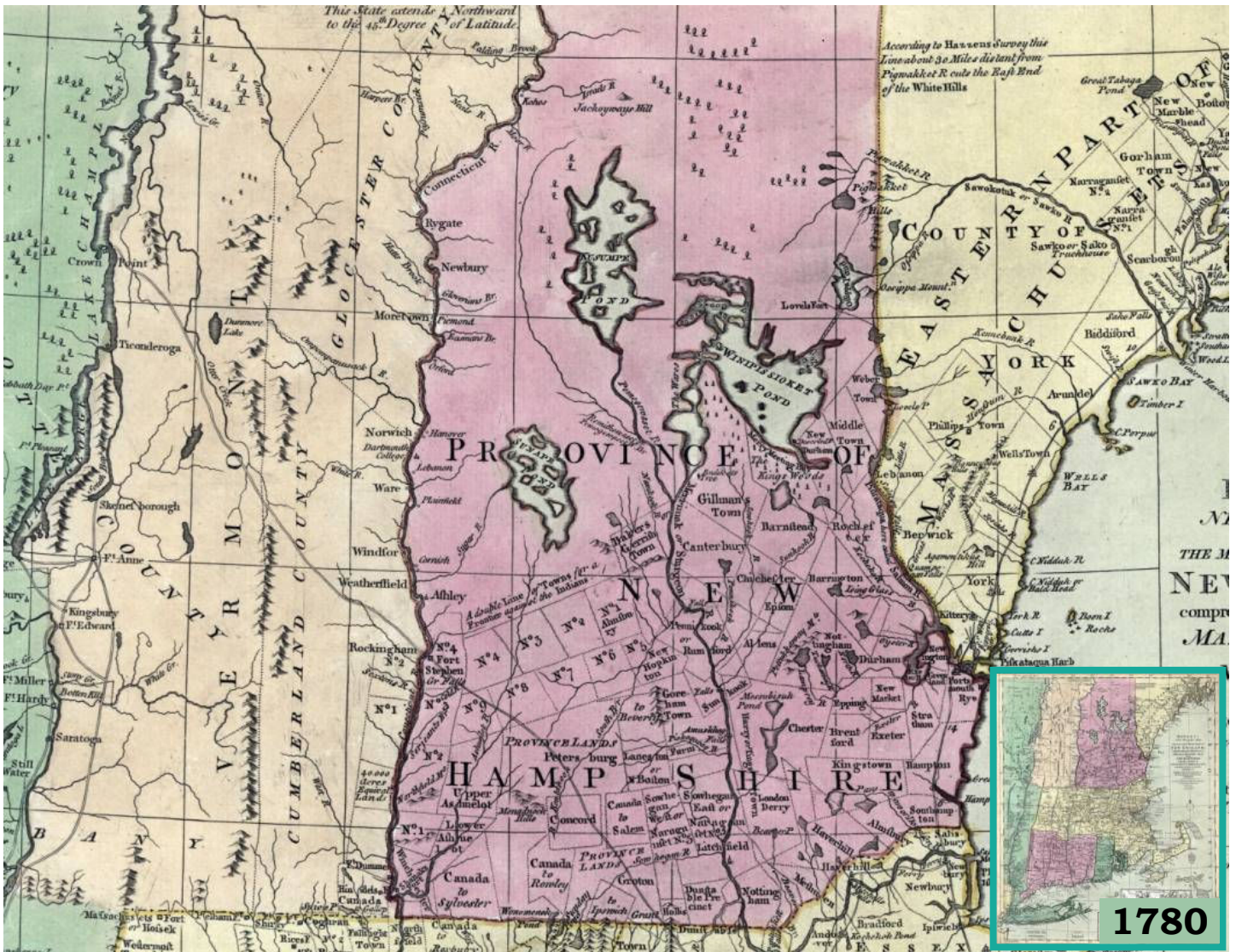
Reference: LC Trails, 28

Reference: LC Maps of North America, 1750-1789, 812

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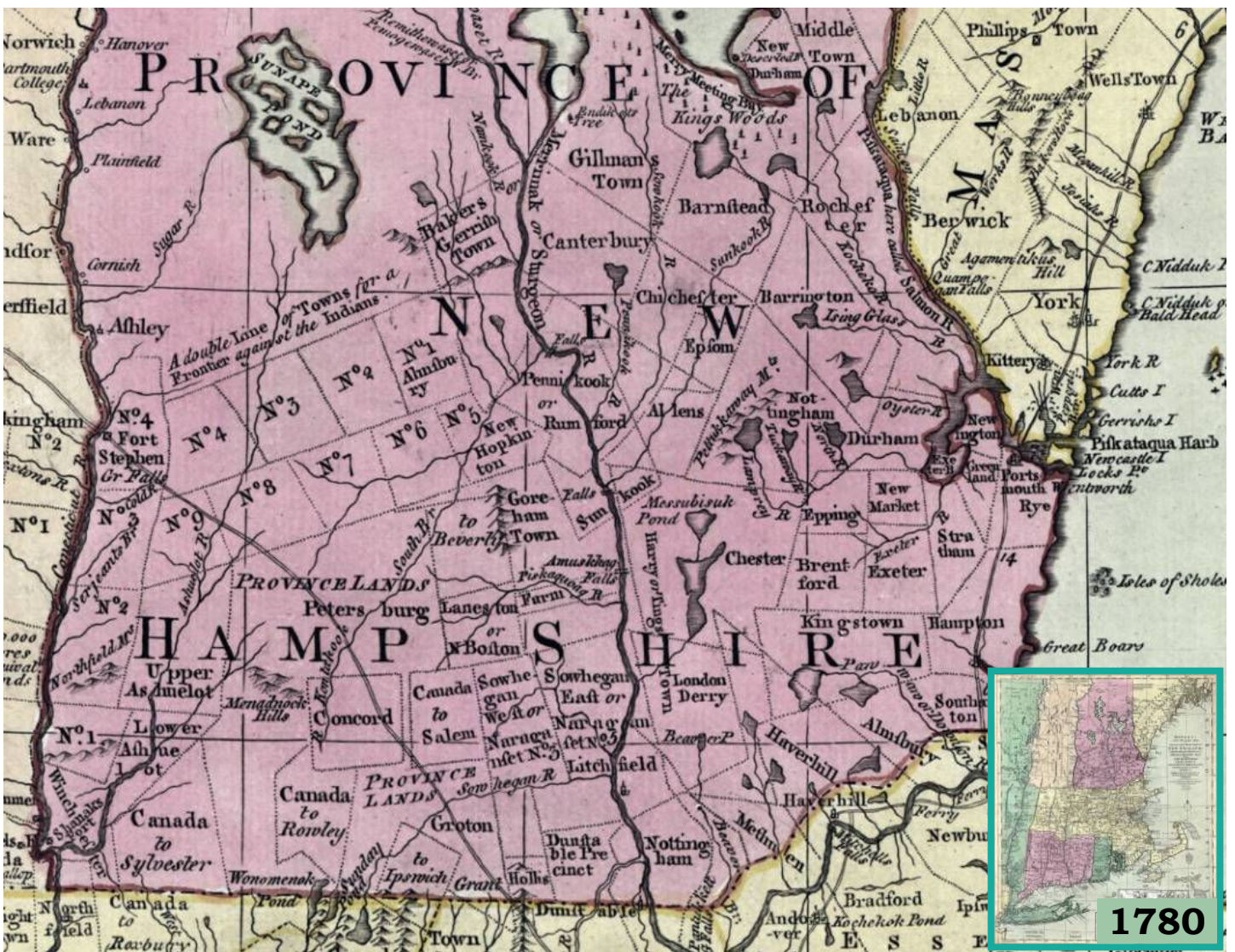
Reference: LC Trails, 28

Reference: LC Maps of North America, 1750-1789, 812

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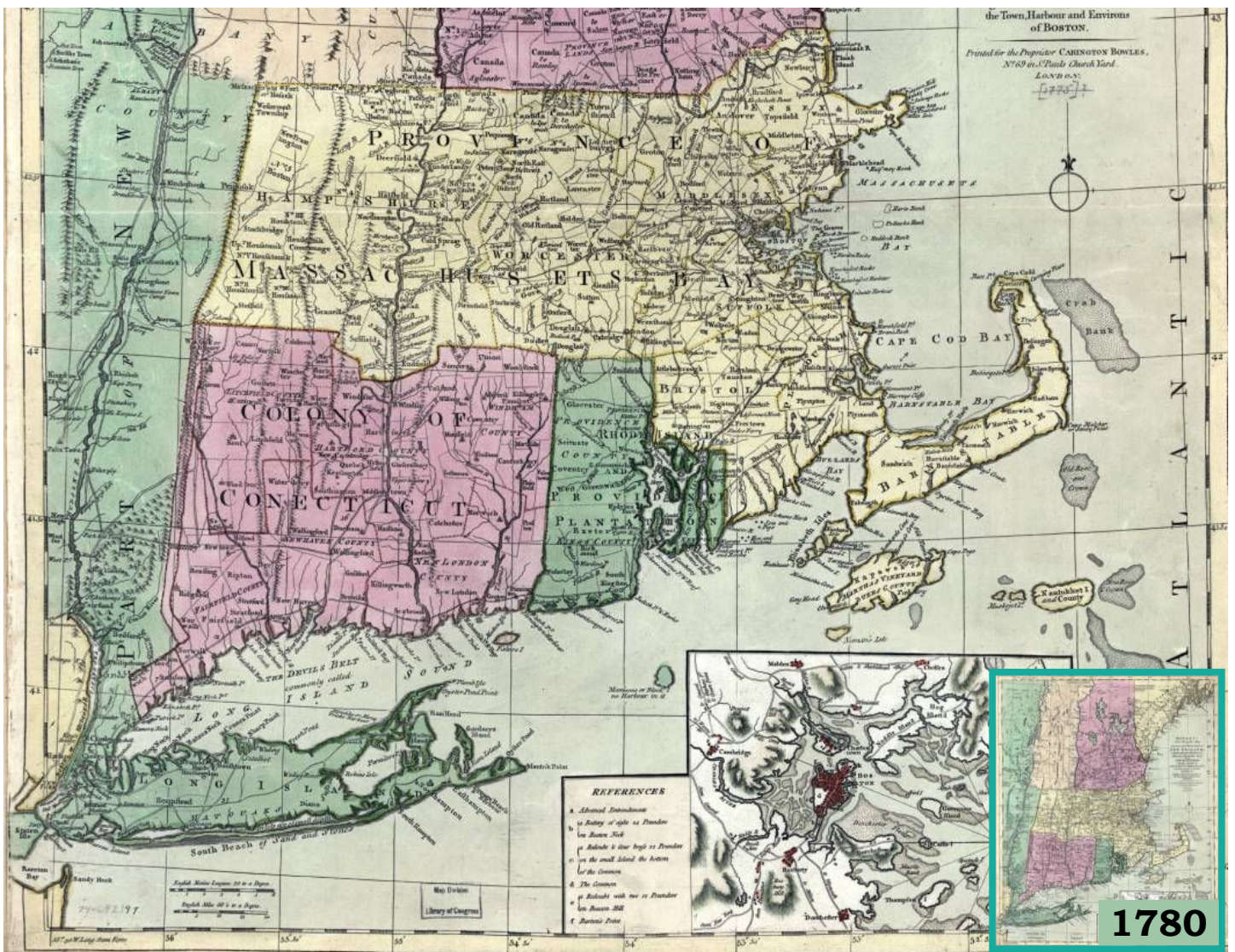
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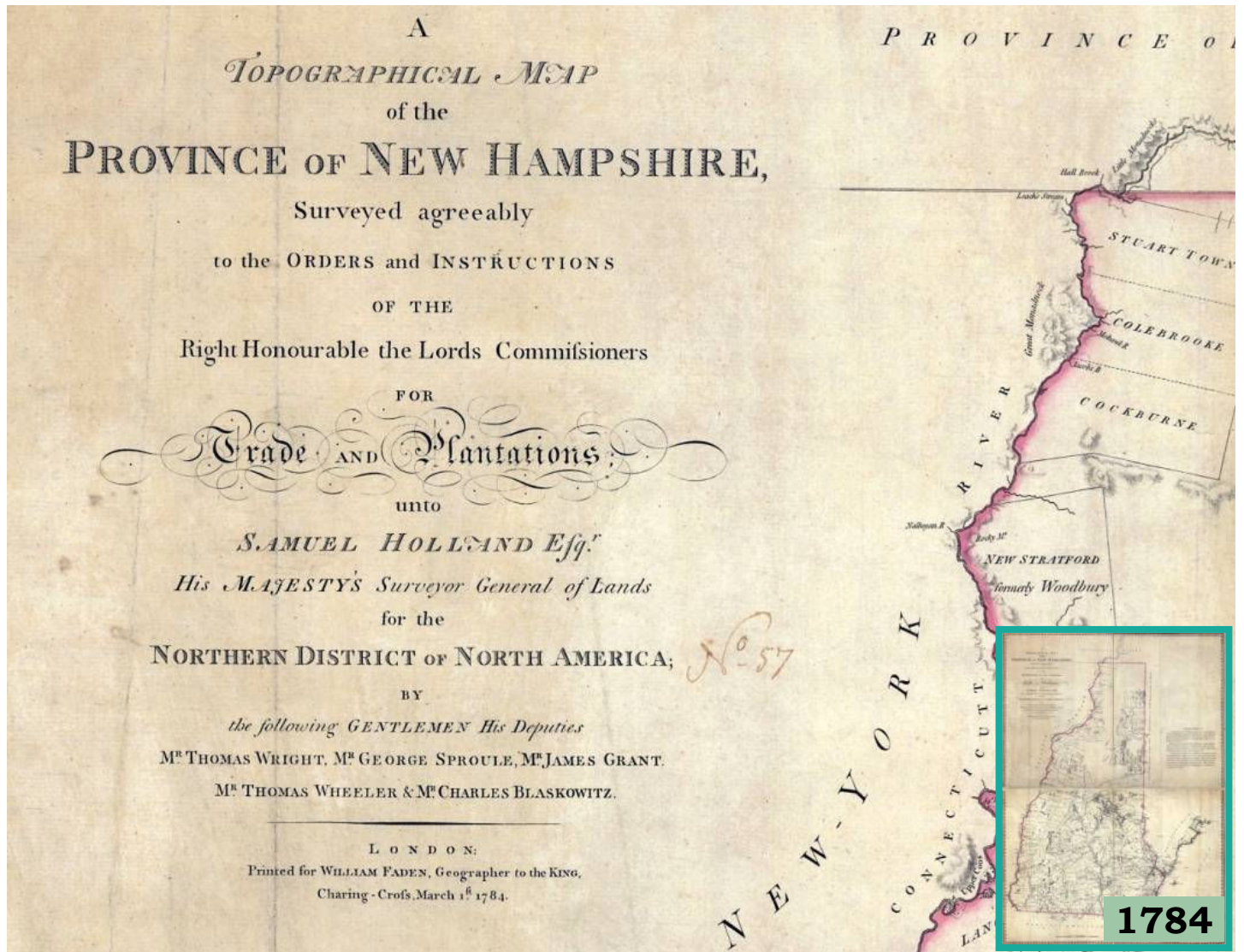
Reference: LC Trails, 28

Reference: LC Maps of North America, 1750-1789, 812

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

Call # G3720 178- .B6 Vault

(Copy 1) g3720 ar081200 <http://hdl.loc.gov/loc.gmd/g3720.ar081200>



Holland, Samuel (1728-1801). A topographical map of the Province of New Hampshire. London: Printed for William Faden (1749-1836) (1784).

Surveyed agreeably to the orders and instructions of the Right Honourable the Lords Commissioners for Trade and Plantations; unto Samuel Holland, Esqr., His Majesty's Surveyor General of Lands for the Northern District of North America; by the following gentlemen his deputies: Thomas Wright [and others]. "The respective parts of this plan were survey'd by the several gentlemen concerned with all possible accuracy, and afterwards rectified by Samuel Holland ..."

Shows township and patent boundaries.

LC copy annotated in upper left beside title, "No. 57" and in lower right margin "Holland's New Hampshire, 1784. No. 42."

Copy 3 LC copy sectioned and mounted on cloth backing

Copy 3 LC copy annotated on verso at the top of attached cover: New Hampshire. 1784

Reference: LC Maps of North America, 1750-1789, 873

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

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ADVERTISEMENT.

The respective parts of this Plan were survey'd by the several Gentlemen concerned with all possible accuracy, and afterwards rectified by Samuel Holland Esq. from the Astronomical Observations made by him at Portsmouth, Wentworth House, Newbury Port and Cape Anne and those made by M^r Wright at Hensdale and the Pine Tree at Dracutt.

By these Surveys thus adjusted the Form of the Province is exactly determined except as to its Eastern Boundary Line, which is laid down with the several Parts dependent thereon, from such materials as were given in: Whatever relates therefore to that Line, must depend on their authenticity and goodnefs.

The Bounds of the several Townships and Patents were delineated from Descriptions in the Public Offices, or Surveys made for the use of Government and the Parties concern'd: It is possible some Tracts which were granted or patented at the execution of this Plan are omitted, should there be any such it must be attributed to the necessary materials for describing them not having been sent in: Which is also the reason that some Townships appear more compleatly laid down than others that are perhaps as well settled.

1784

Holland, Samuel (1728-1801). A topographical map of the Province of New Hampshire. London: Printed for William Faden (1749-1836) (1784).

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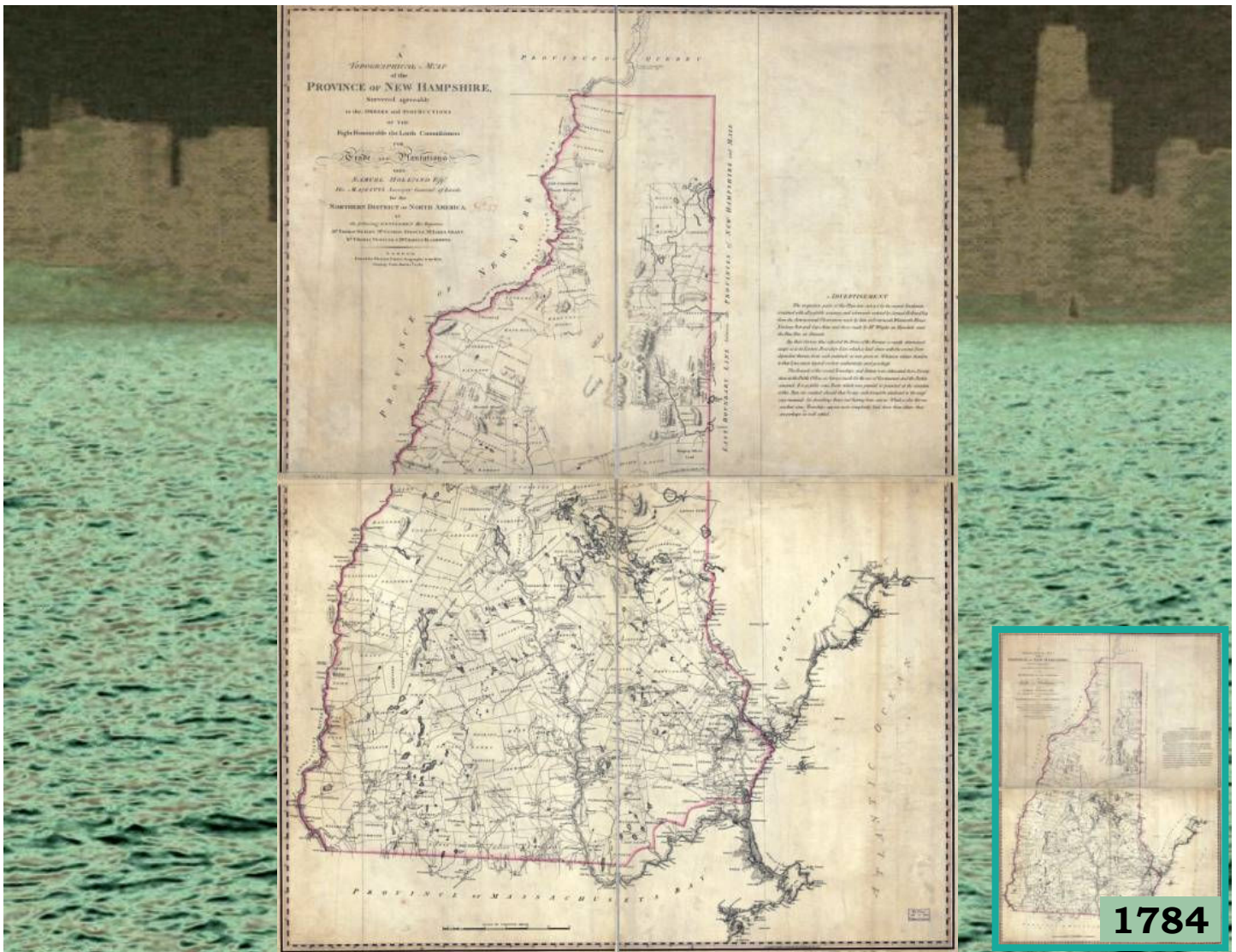
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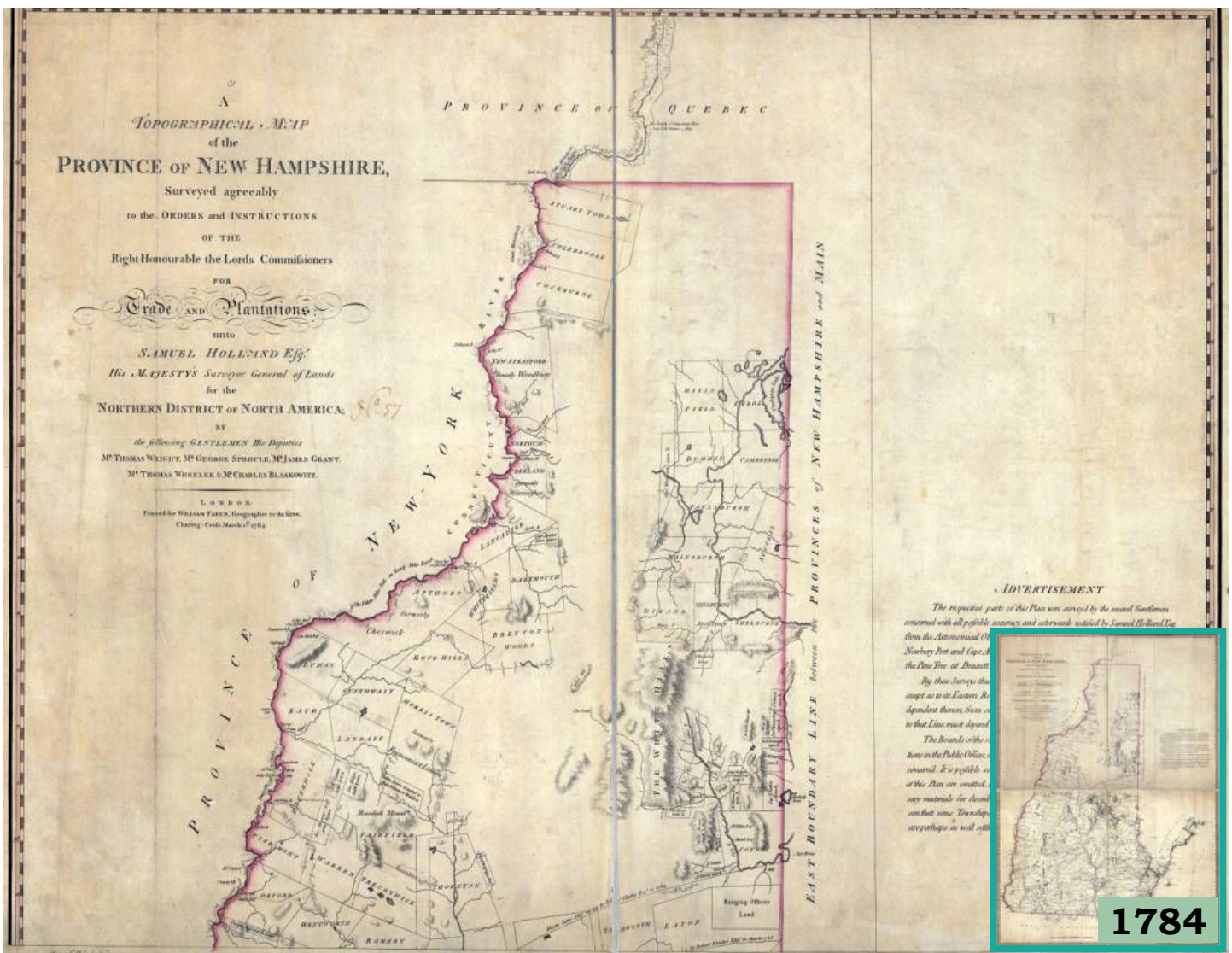
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ILLINOIS MAPS

Old French Claims

**Progress of Surveys
of Congressional Townships**

Counties

Towns in Townships

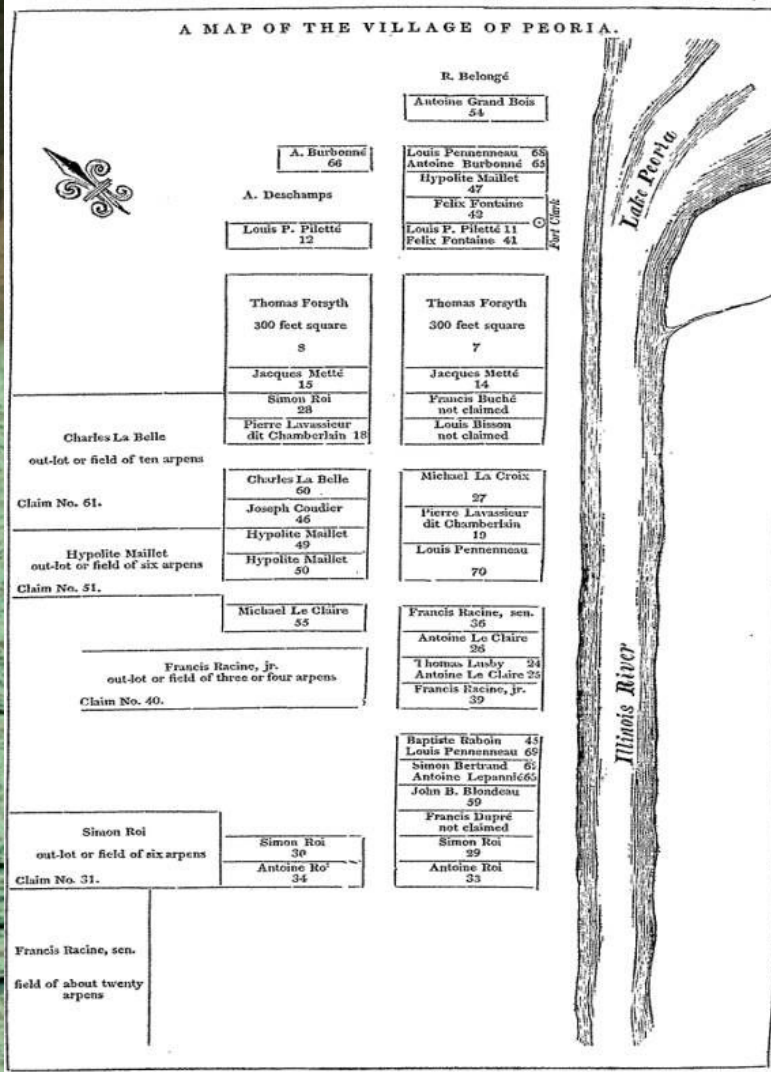


Hutchins, Thomas. A Plan of the several Villages in the Illinois Country, with Part of the River Mississippi &c. in A Topographical Description Of Virginia, Pennsylvania, Maryland, And North Carolina, Comprehending The Rivers Ohio, Kenhawa, Sioto, Cherokee, Wabash, Illinois, Mississippi, &c With A Plan of the Rapids of the Ohio, A Plan of the several Villages in the Illinois Country, A table of the Distances between Fort Pitt and the Mouth of the Ohio. London: J. Almon, publishers & sellers (opposite Burlington House, in Piccadilly) (1778).

An uncolored map showing the local roads, sprints, and topography of the land. First edition, second issue.

Reference: Streeter 1299; Howes H846. Streeter: "Hutchins' work is one of the most valuable sources on the West during the British period."

David Rumsey Collection
List #5045.002
Series #3
Image #5045002
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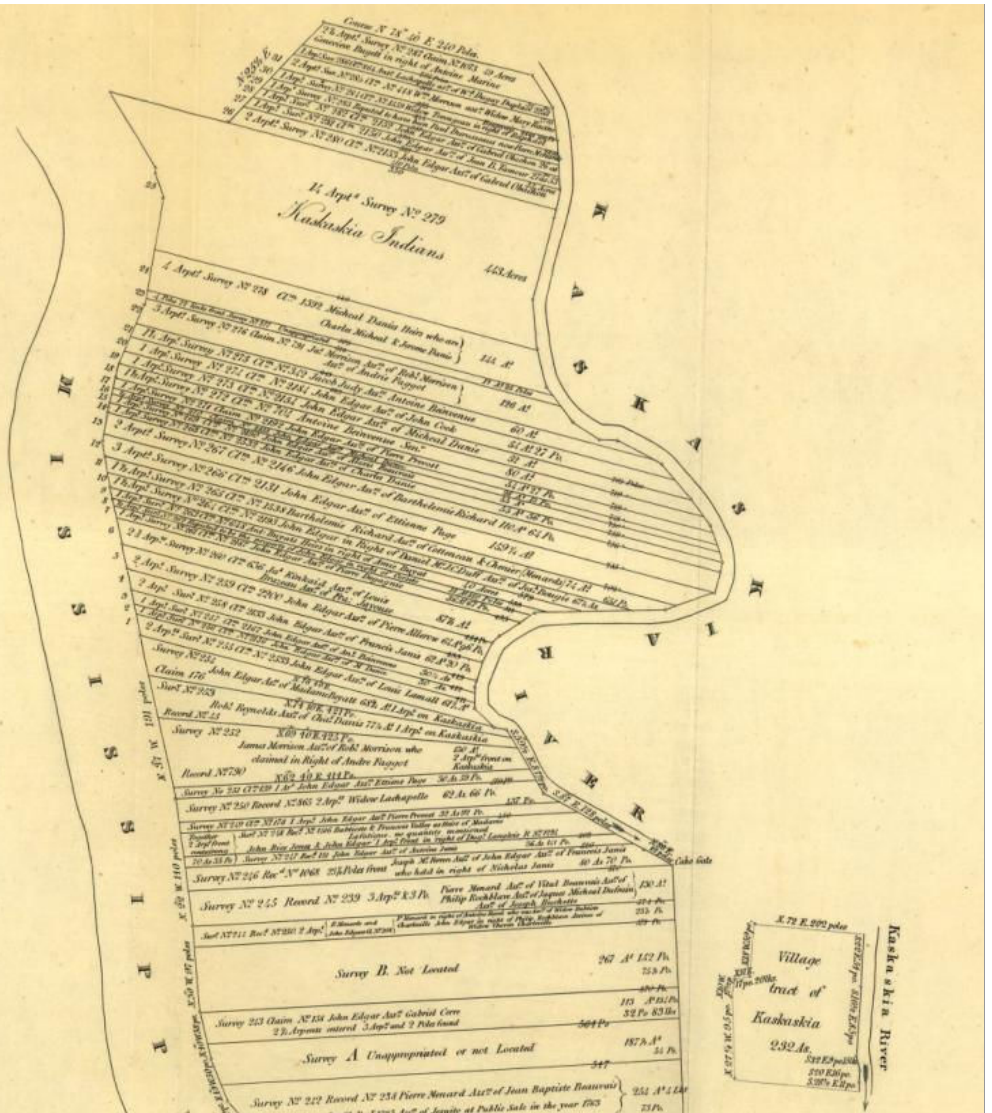


A map of the village of Peoria.
 American State Papers, Senate, 16th Congress, 2nd Session
 Public Lands: Volume 3, Pages 423 through 430, 1821 January 10.

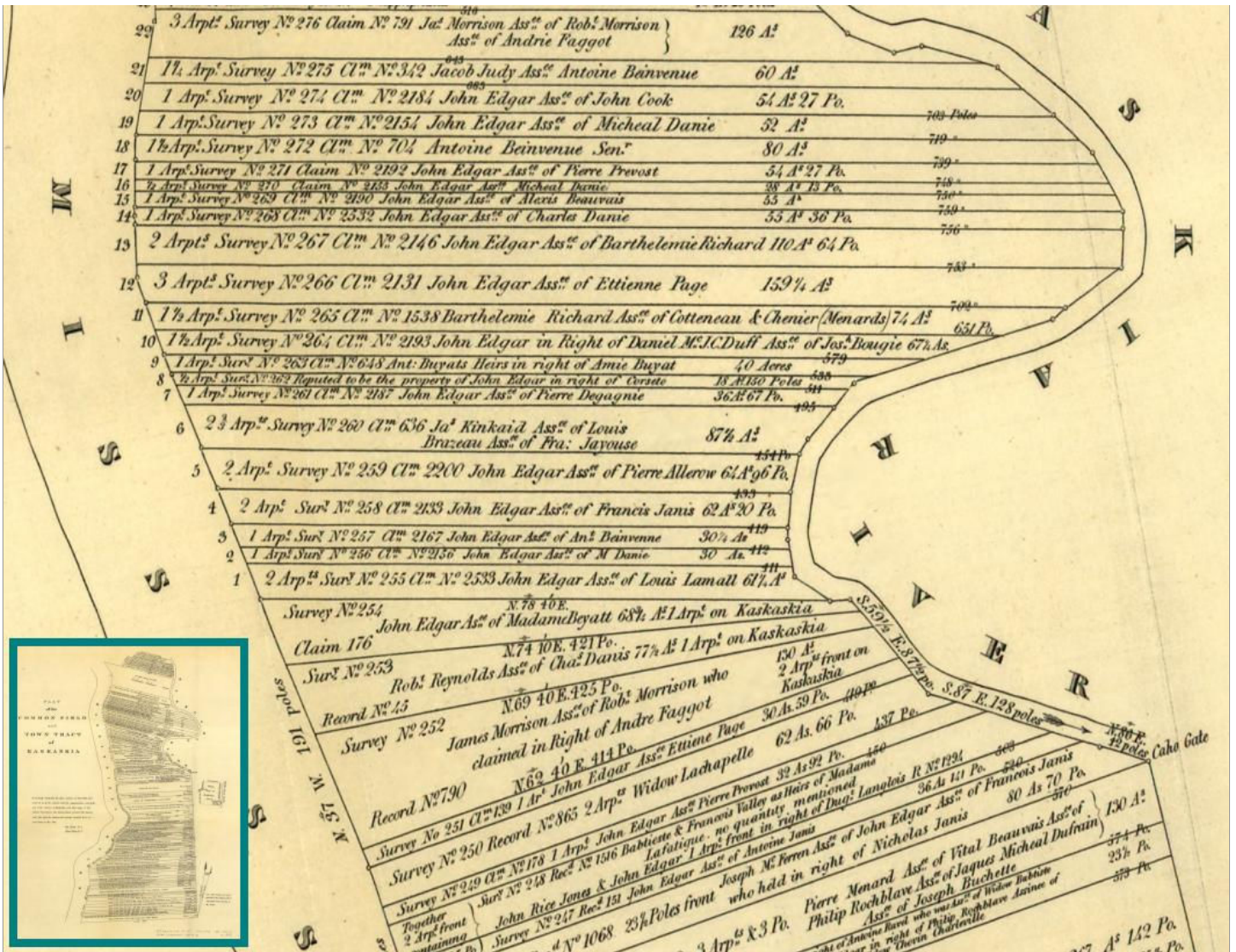
R. Belongé~Antoine Grand Bois~A. Burbonné~Louis Pennenneau~Antoine Burbonné~Hypolite Maillet~Felix Fontaine~A. Deschamps~Louis P. Pilette~Thomas Forsyth~Jacques Mette~Simon Roi~Francis Buche~Pierre Lavassieur dit Chamberlain~Louis Bisson not claimed~Charles La Belle out-lot or field of ten arpens~Michael La Croix~Joseph Coudier~Pierre Lavassieur~Hypolite Maillet~Louis Pennenneau~Michael Le Claire~Francis Racine, sen.~Antoine Le Claire~Thomas Lusby~Baptiste Raboin~Simon Bertrand~Antoine Lepannie~John B. Blondeau~Francis Dupre~Simon Roi~Illinois River~Lake Peoria

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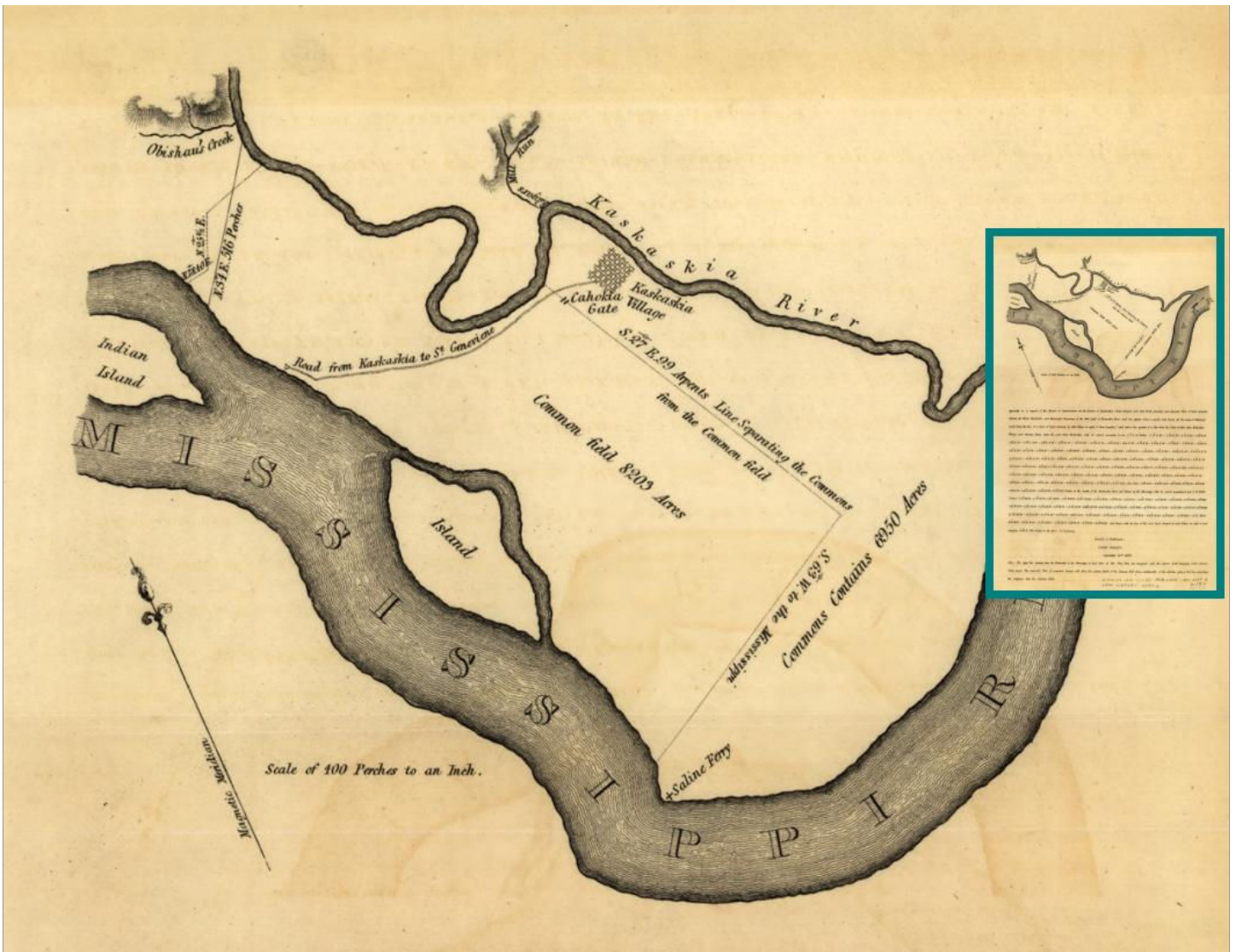
PLAT
of the
COMMON FIELD
and
TOWN TRACT
of
KASKASKIA



plat of Kaskaskia, Illinois.
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/asp0203.jp2>

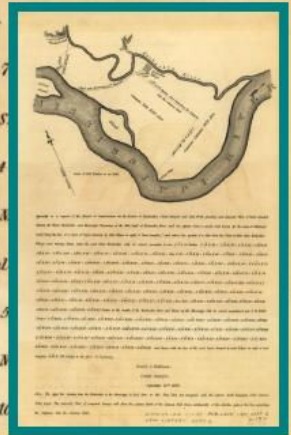


plat of Kaskaskia, Illinois.
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/asp10203.jp2>



survey between Kaskaskia and Mississippi rivers, 1807
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/aspl0202.jp2>

Agreeably to a request of the Board of Commissioners for the District of Kaskaskia, I have Surveyed and laid off the preceding and annexed Plat of land situated between the Rivers Kaskaskia and Mississippi. Beginning on the West bank of Kaskaskia River and Six arpents below a small creek known by the name of Obishau's Creek (being the line of a tract of land claimed by John Edgar in right of Pierre Langlois) and about One quarter of a Mile below the Point of hills above Kaskaskia Village, and running thence down the said River Kaskaskia with its several meanders, to wit. S. 5 E. 36 Perches S. 19 E. 80 - S. 19 E. 78 - S. 51 E. 22 - S. 39 E. 56 S. 21 E. 50 - S. 16 1/2 E. 12 - S. 12 1/2 E. 20 - S. 8 1/2 E. 34 - S. 17 E. 104 - S. 19 1/2 E. 75 - S. 84 E. 20 - Due E. 30 - S. 72 E. 24 - S. 73 1/2 E. 68 - S. 77 E. 18 - S. 70 E. 26 - S. 64 E. 30 S. 47 E. 36 - S. 4 E. 34 - S. 31 W. 46 - S. 39 1/2 W. 66 - S. 70 1/2 W. 90 - S. 44 1/2 W. 38 - S. 24 W. 45 - S. 1 1/2 W. 48 - S. 41 1/2 E. 74 - S. 59 E. 80 - S. 88 E. 120 - N. 59 E. 34 - N. 29 E. 70 - N. 23 E. 44 - N. 24 E. 18 - N. 29 1/2 E. 12 - N. 31 E. 18 - S. 88 E. 15 - S. 41 1/2 E. 96 - S. 34 1/2 E. 64 - S. 22 E. 80 - S. 17 1/2 E. 7 S. 62 E. 25 - S. 54 1/2 E. 32 - S. 83 E. 8 - S. 79 1/2 E. 18 - S. 63 E. 32 - S. 50 E. 14 - S. 35 E. 22 - S. 25 E. 14 - S. 42 E. 38 - S. 56 E. 74 - S. 52 E. 50 - S. 64 E. 14 - S. 61 1/2 E. 18 - S. 49 1/2 E. 16 - S. 36 1/2 E. 12 - S. 26 E. 22 - S. 4 1/2 E. 26 - S. 19 W. 22 - S. 32 W. 18 - S. 42 W. 28 - S. 45 1/2 W. 34 - S. 23 W. 24 S. 30 E. 15 - S. 32 E. 24 - S. 70 E. 29 - N. 84 E. 36 - N. 61 E. 72 - N. 66 E. 20 - N. 79 E. 24 - N. 87 E. 15 - Due E. 14 - S. 84 E. 62 - N. 88 1/2 E. 63 - S. 75 E. 24 - S. 62 1/2 E. 20 - S. 56 1/2 E. 30 - S. 52 E. 42 Perches to the mouth of the Kaskaskia River, and thence up the Mississippi with its several Perches - S. 75 W. 62 - S. 59 W. 60 - S. 46 W. 150 - S. 37 W. 200 - S. 35 1/2 W. 100 - S. 36 1/2 W. 80 - S. 39 W. 32 - S. 42 W. 63 - S. 44 1/2 W. 100 - S. 52 W. 90 - S. 81 W. 234 - S. 77 1/2 W. 56 - S. 79 1/2 W. 86 - N. 85 W. 74 - N. 76 W. 32 - N. 68 1/2 W. 220 - N. 64 W. 160 - N. 57 1/2 W. 30 - N. 60 W. 10 - N. 70 W. 22 - N. 5 E. 12 - N. 25 1/2 W. 194 - N. 5 1/2 E. 30 - N. 25 E. 46 - N. 32 E. 90 - N. 18 1/2 E. 65 - N. 15 1/2 W. 110 - N. 31 1/2 E. 106 - N. 9 E. 86 - N. 22 W. 51 - N. 63 1/2 W. 114 - N. 39 W. 10 N. 36 W. 30 - N. 33 1/2 W. 80 - N. 34 1/2 W. 86 - N. 33 W. 52 - N. 18 W. 42 - N. 5 W. 28 - N. 10 W. 146 and thence with the line of the said land claimed by said Edgar in right of said Langlois. N. 34 E. 516 Perches to the place of beginning.



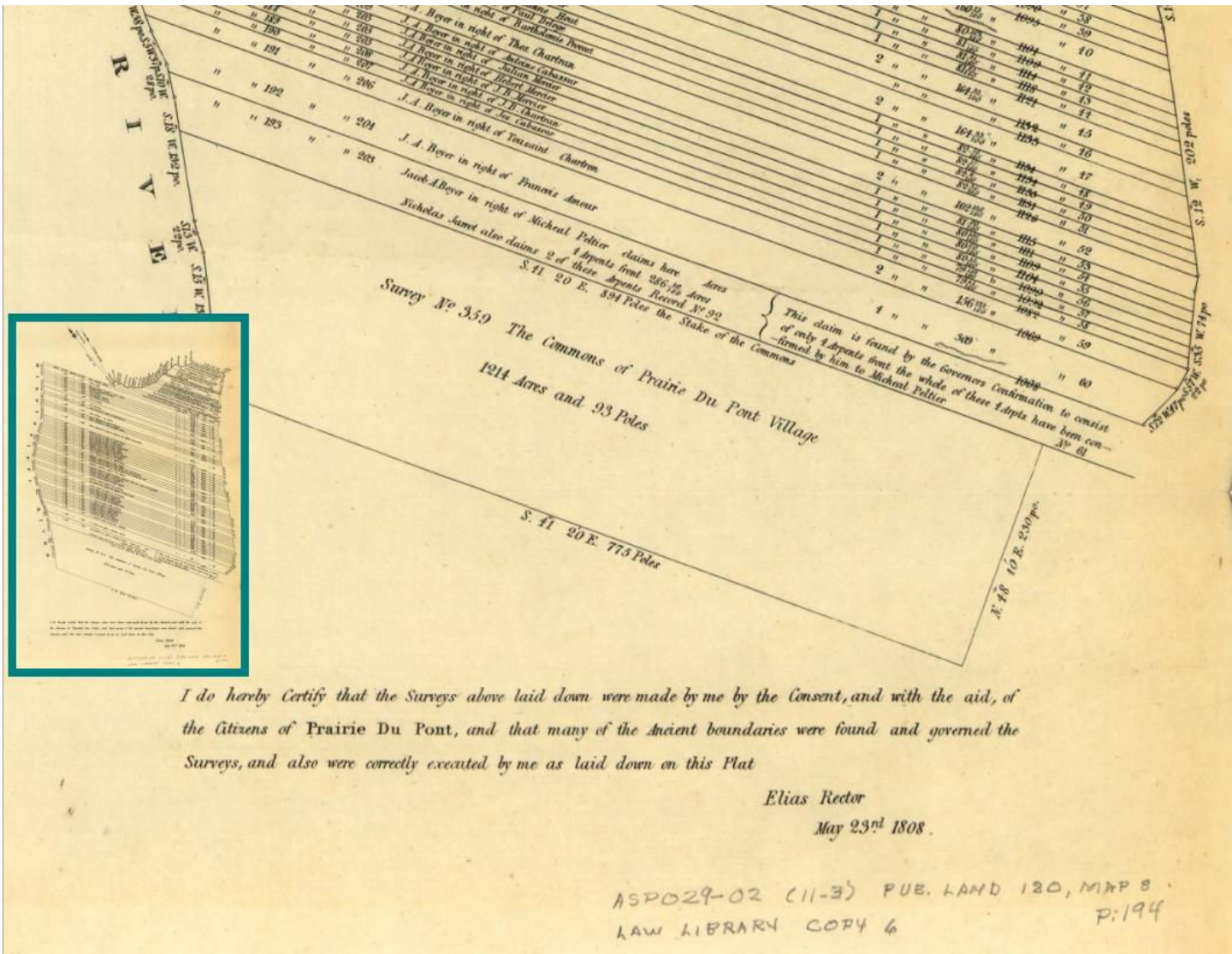
David C. Robinson,

County Surveyor,

September 21st 1807.

Note—The upper line running from the Kaskaskia to the Mississippi (as laid down in this Plat) does not correspond with the exterior North boundary of the Common field tract. The annexed Plat of connected Surveys will show the exterior limits of the Common field tract, northwardly of the Cahokia gate, or the line separating the Commons from the Common field.

ASPO29-02 (11-3) PUB. LAND 180, MAP 2
LAW LIBRARY COPY 6
P. 182



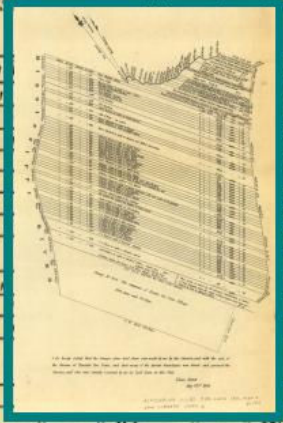
I do hereby Certify that the Surveys above laid down were made by me by the Consent, and with the aid, of the Citizens of Prairie Du Pont, and that many of the Ancient boundaries were found and governed the Surveys, and also were correctly executed by me as laid down on this Plat

Elias Rector
 May 23rd 1808.

ASPO29-02 (11-3) PUB. LAND 120, MAP 8
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plat of Prairie Dupont, Illinois, 1808
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/asp10208.jp2>

" 1097				1	"	"	72 ¹⁵ / ₁₀₀	"	997	"	17
" 1098	The Hairs of Francois Gendrine			1	"	"	72 ¹⁵ / ₁₀₀	"	998	"	18
" 1130	Clement Allery			1	"	"	72 ¹⁵ / ₁₀₀	"	1000	"	19
" 1154	Jean Baptiste Chartran			1	"	"	72 ¹⁵ / ₁₀₀	"	1002	"	20
" 1390	J.B. Gendron not on list			1	"	"	73 ¹⁰ / ₁₀₀	"	1002	"	21
" 1439	Louis Gendron			2	"	"	146 ⁵⁰ / ₁₀₀	"	1008	"	22
" 1453	J.B. Chartran			2	"	"	147 ³⁰ / ₁₀₀	"	1011	"	23
" 1180	Louis Jarvais in right of Joseph Poyard			1	"	"	73 ¹⁰ / ₁₀₀	"	1011	"	24
" 750	John F. Perry See entries			3	"	"	222 ¹ / ₁₀₀	"	1016	"	25
" 891	Isaac Darnele in right of Prevost			1	"	"	73 ¹⁰ / ₁₀₀	"	1018	"	26
" 891	Isaac Darnele in right of Ralph Debyen			1	"	"	73 ¹⁰ / ₁₀₀	"	1020	"	27
	Darnele in right of Antoine and Michel Garrardine			5	"	"	373 ⁵⁰ / ₁₀₀	"	1029	"	28
	Nicholas Jarret in right of Joseph Parier			1	"	"	75 ¹⁰ / ₁₀₀	"	1032	"	29
	Darnele in right of John Dehay			1	"	"	75	"	1035	"	30
	Darnele in right of Louis Delongchampe			1	"	"	75 ¹⁰ / ₁₀₀	"	1036	"	31
	Isaac Darnele in right of Jaque Metel			1	"	"	75 ¹⁰ / ₁₀₀	"	1041	"	32
	Isaac Darnele in right of Julian Mercier			1	"	"	76 ³⁰ / ₁₀₀	"	1047	"	33
	Nicholas Jarret in right of Micheal Chartier			1	"	"	76 ³⁰ / ₁₀₀	"	1052	"	34
	Nicholas Jarret in right of Susan Allery			1	"	"	76 ³⁰ / ₁₀₀	"	1050	"	35
	Isaac Darnele in right of J.B. Allery			2	"	"	155 ⁵⁰ / ₁₀₀	"	1082	"	36
	Isaac Darnele in right of Joseph Lepage			1	"	"	79 ¹⁰ / ₁₀₀	"	1086	"	37
	Nicholas Jarret in right of Pierre Chatier			1	"	"	79 ¹⁰ / ₁₀₀	"	1090	"	38
	Nicholas Jarret in right of Susan Allery and Jean Besonet			1	"	"	79 ¹⁰ / ₁₀₀	"	1095	"	39
	Nicholas Jarret in right of Jean B. Allery and Loevolett his wife			2	"	"	160 ¹⁵ / ₁₀₀	"	1101	"	40
	Nicholas Jarret in right of J.B. Mercier			1	"	"	80 ²⁵ / ₁₀₀	"	1109	"	41
	Nicholas Jarret in right of Joseph Breneaux who was assee. of Jo Lambert			1	"	"	81 ¹⁰ / ₁₀₀	"	1114	"	42
" 175	" " 127	Nicholas Jarret in right of T Chartin		1	"	"	81 ¹⁰ / ₁₀₀	"	1118	"	43
" 176	" " 127	Nicholas Jarret in right of Jacque Mayat		1	"	"	81 ¹⁰ / ₁₀₀	"	1121	"	44
" 177	" " 127	Nicholas Jarret in right of Jos. Laberner		2	"	"	164 ²⁵ / ₁₀₀	"	1152	"	45
" 178	" " "	Not entered but requied the property of Louis Gervais		"	"	"	"	"	1155	"	46
" 179	" " 214	Jacob A. Beyer in right of J.B. Gendron		2	"	"	164 ²⁵ / ₁₀₀	"	1154	"	47
" 180	" " 207	Jacob A. Beyer in right of J. Cabassar		1	"	"	82 ¹⁰ / ₁₀₀	"	1158	"	48
" 181	" " 213	Jacob A. Beyer in right of Antoine Heut		1	"	"	82 ¹⁰ / ₁₀₀	"	1159	"	49
" 182	" " 212	Jacob A. Beyer in right of Paul Deloge		1	"	"	82 ¹⁰ / ₁₀₀	"	1159	"	50
" 183	" " 211	J. A. Beyer in right of Bartholemie Prevost		1	"	"	82 ¹⁰ / ₁₀₀	"	1162	"	51
" 184	" " 210	J. A. Beyer in right of Thos. Chartran		2	"	"	162 ¹⁵ / ₁₀₀	"	1162	"	52
" 185	" " 209	J. A. Beyer in right of Antoine Cabassar		1	"	"	81 ¹⁰ / ₁₀₀	"	1162	"	53
" 186	" " 205	J. A. Beyer in right of Julian Merner		1	"	"	80 ¹⁰ / ₁₀₀	"	1162	"	54



plat of Prairie Dupont, Illinois, 1808
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/asp0208.jp2>

"	"	58	"	"	1248	1	"	"	Felice Trotier adminx. of Francois Trotier in right of Francois Lapene	"	90 ¹¹ / ₁₆
"	"	57	"	"	1887	1	"	"	Josh. Trotier in right of Josh. Poupard and Jean B. Chartrand	"	93 ¹¹ / ₁₆
"	"	56	"	"	1917	1	"	"	Jos. Poupard alias Dameur in right of J. B. Chartrand	"	85 ¹¹ / ₁₆
"	"	55	"	"	1907	1	"	"	Jean Dehay in right of Antoine Harmand	"	89 ¹¹ / ₁₆
"	"	54	"	"	1113	1	"	"	Francois Bouthellier in right of Paul Poupard	"	85 ¹¹ / ₁₆
"	"	53	"	"	131	2	"	"	Nicholas Jarrot in right of Pierre Gebault (L'albe)	"	176
"	"	52	"	"		1	"	"	Aimed by Nicholas Jarrot & also by Jos. Desmaret in right of Gebault (L'albe)	Confirmed by the board of Commissioners to Jarrot	85
"	"	51	"	"	1219	1 ¹ / ₂	"	"	Nicholas Boismenu in right of Jos Pepin	"	131 ¹¹ / ₁₆
"	"	50	"	"	1928	3 ¹ / ₄	"	"	Nicholas Boismenu in right of Laflannue	"	65 ¹¹ / ₁₆
"	"	49	"	"	165	1	"	"	William Morrison in right of Andre Bequet	"	88 ¹¹ / ₁₆
"	"	48	"	"	1234	1	"	"	Pascal in right of Lapage	"	87 ¹¹ / ₁₆
"	"	47	"	"	1134	1	"	"	Louis in right of Francois	"	86 ¹¹ / ₁₆
"	"	46	"	"	1090	1	"	"	in right of Louis Delongchamp	"	84 ¹¹ / ₁₆
"	"	45	"	"	1047	1 ¹ / ₂	"	"	Susan Cecire adminx. of Jean B. Dubuque in right of Antoine Cecire	"	123 ¹¹ / ₁₆
"	"	44	"	"	1095	1 ¹ / ₂	"	"	Francois Trotier in right of Lachance alias Jos Pepin who was the assignee of Pierre Dubas	"	118 ¹¹ / ₁₆
"	"	43	"	"	131	1	"	"	Nicholas Jarrot in right of Auguste Gotier	"	76 ¹¹ / ₁₆
"	"	42	"	"	131	1	"	"	Nicholas Jarrot in right of Clement Trotier	52 ¹¹ / ₁₆ 729	16
"	"	41	"	"	131	1	"	"	Nicholas Jarrot in right of Louis Pellet	51 ¹¹ / ₁₆ 715	24
"	"	40	"	"	131	2	"	"	Nicholas Jarrot in right of Pierre Gibault	102 ¹¹ / ₁₆ 708	
"	"	39	"	"	131	2	"	"	Nicholas Jarrot in right of Jos. Mendore	101 ¹¹ / ₁₆ 699	

S. 52 10E. 688 Poles

The above is a correct Map of the Village tract Common field lands and part of the Commons of the Village of Cahokia as Surveyed by me

Wm. Rector D. S.

May 12th 1808

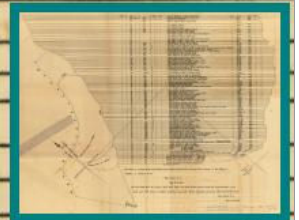
I do also Certify that the Surveys above laid down were made by the Consent under the Superintendence and by the aid of the Citizens of Cahokia and that many of the Ancient boundaries were found which governed the Surveys

Wm. Rector D. S.

May 23^d 1808

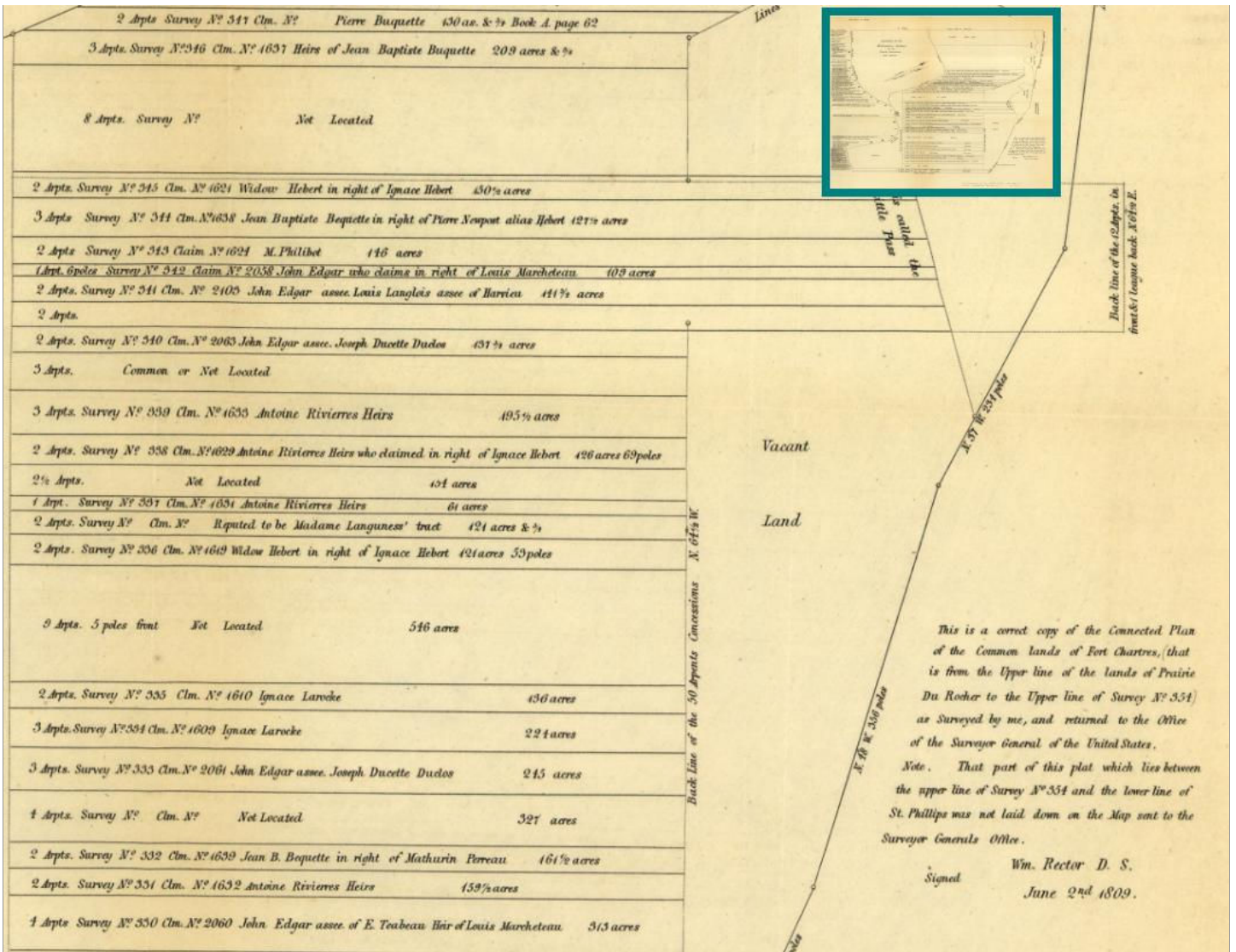


<i>Louis Pincenneau in right of Louis Pelot</i>	"
<i>Michel St. Ange in right of Francois Guidor</i>	"
<i>Louis Lecompt in right of Antoine Cadien</i>	"
<i>Michel Gamlin in right of Josh. Manaegle assignee of Francois Pancrass alias Morin</i>	"
<i>Jean Beautien in right of Jean B. Chauvin</i>	"
<i>Nicholas Jarrott in right of Jos. Butteau</i>	"
<i>Antoine Bellecour in right of Charles Butteau</i>	"
<i>Francois Chatillon alias Goden in right of Jos Pepin alias La Chance</i>	"
<i>Josh. Lepage in right of Francois Lepensie</i>	"
<i>Pierre Lepenche in right of Francois Crequin decd</i>	"
<i>Louis Pincenneau in right of Louis Lecompte</i>	"
<i>Josh. Touchette in right of Francois Crequin</i>	"
<i>Jean Meunier in right of Louis Godolphe</i>	"
<i>Jos. Saller in right of Pierre Lafleur</i>	"
<i>Louis Labrun in right of Allary</i>	"
<i>Antoine Laquiana in right of Nicholas Targen</i>	"
<i>Josh. Manaegle in right of Pierre Iajunesse</i>	"
<i>Francois Berthellier in right of Paul Poupard</i>	"
<i>Widow Beautien in right of Paul Poupard</i>	"
<i>Widow Beautien in right of Pierre Mercier</i>	"
<i>Nicholas Boismenuie in right of Neolle decd.</i>	"
<i>Felicet Trotier adminx of Francois Trotier in right of Francois Lapeine</i>	"
<i>Josh. Trotier in right of Josh. Poupard and Jean B. Chartrand</i>	"
<i>Jos. Poupard alias Damour in right of J. B. Chartrand</i>	"
<i>Jean Dehay in right of Antoine Harmand</i>	"
<i>Francois Berthellier in right of Paul Poupard</i>	"
<i>Nicholas Jarrot in right of Pierre Gebault (L'albe)</i>	"
<i>Claimed by Nicholas Jarrot & also by Jos. Desmaret in right of Gebault (L'albe)</i>	<i>Confirmed by the board of Commissioners to Jarrot</i>
<i>Nicholas Boismenuie in right of Jos Pepin</i>	"

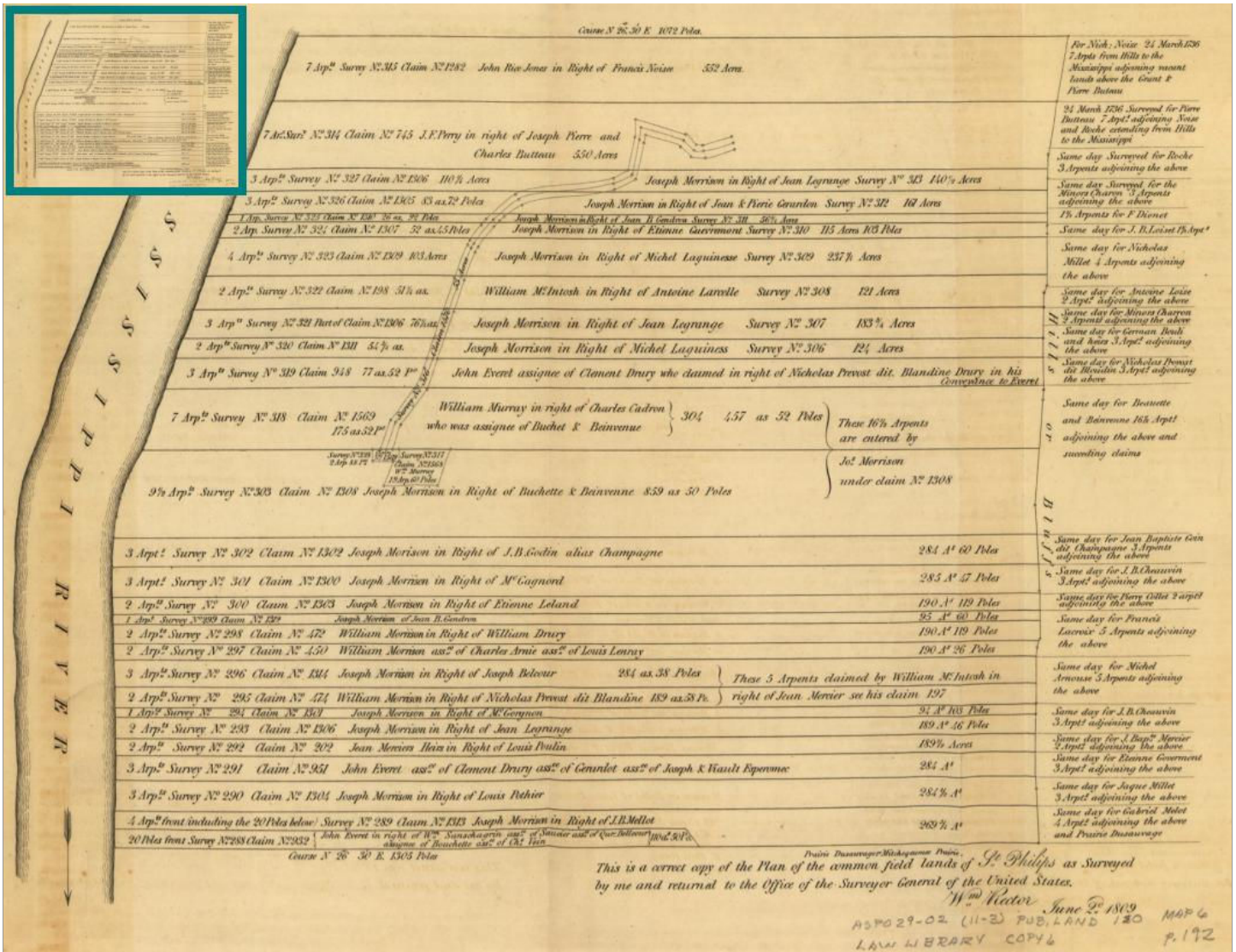


village of Cahokia, Illinois, 1808

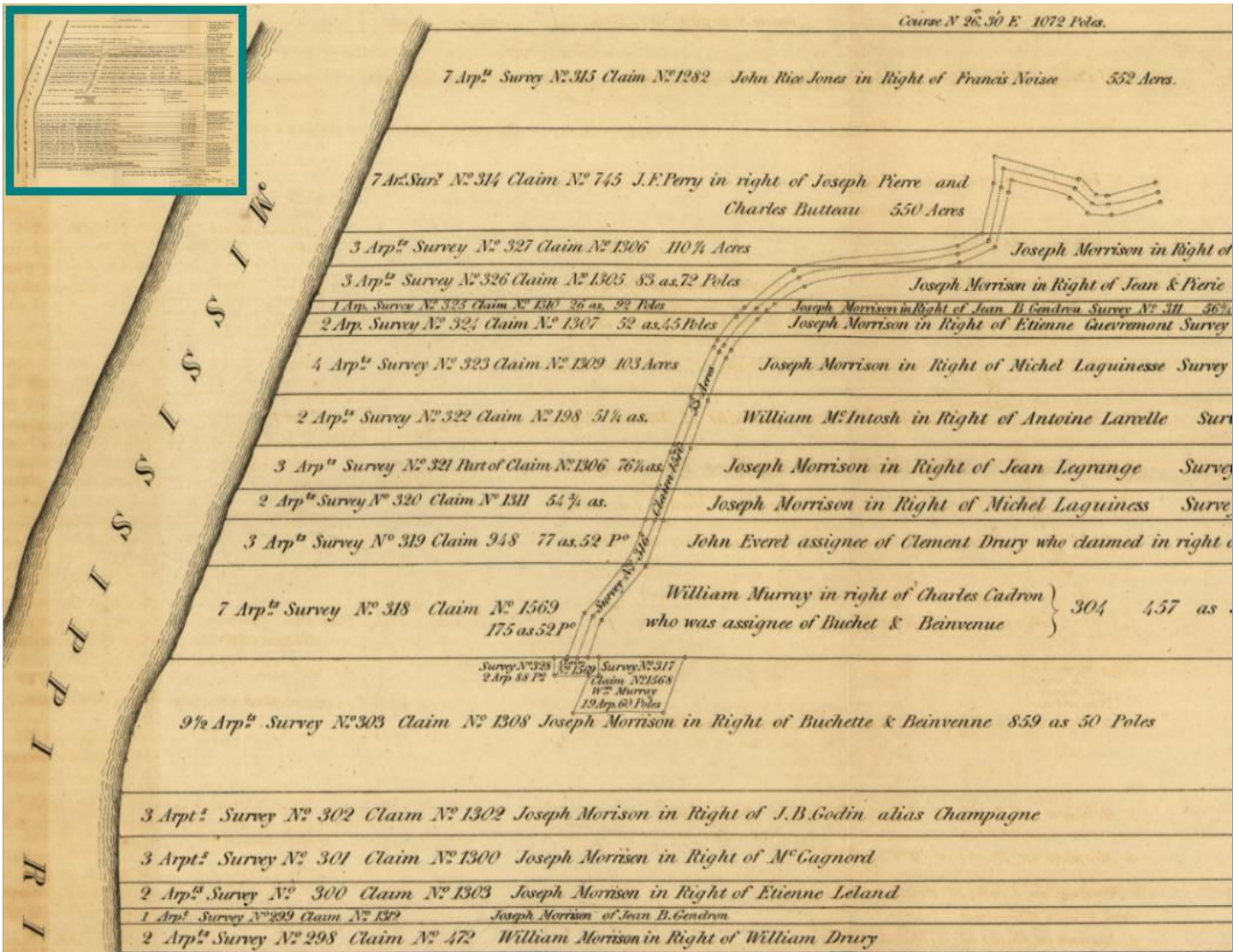
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common lands of Fort Chartres, Illinois, 1809
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/aspl0205.jp2>

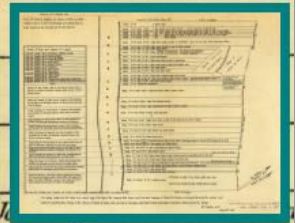


common lands of Fort Phillips, Illinois, 1809
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/asp10206.jp2>



common lands of Fort Phillips, Illinois, 1809
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/aspl0206.jp2>

M I S S I S I P P I	Survey N ^o 23 Recd. N ^o 973 2 Arpts Pierre Lecompt in right of Amie Compte
	Survey N ^o 22 Book E. Page 24 1 Arpt. Jacque Boutilet in right of Antoine Longlois <small>Also claimed by Jean L. Gendron and wife as the a</small>
	Survey N ^o 21 Recd. N ^o 630 1 Arpt 3 poles Sanctier Louvier
	Survey N ^o 20 23 poles front unappropriated
	Survey N ^o 19 Record N ^o 625 6 Arpts and 3 poles Antoine Damoure Louvier
	Survey N ^o 18 Recd. N ^o 694 4 Arpts Pierre Damoure Louvier
	Survey N ^o 17 Recd. N ^o none 1 Arpt. Jacque Boutilet in right of Antoine Langlois
	Survey N ^o 16 Recd. N ^o 1041 5 1/2 Arpts. Andre Roys Heirs
	Survey N ^o 15 Recd. N ^o 587 2 Arpts Louis Periau in right of John Edgar who was Assce of Tongue
	Survey N ^o 14 Recd. N ^o 692 3 Arpts Joseph Lamare
	Survey N ^o 13 Recd. N ^o 695 3 Arpts Ambrose and Joseph Vassieur
	Survey N ^o 12 Recd. N ^o 631 3 Arpts Sanctier Louvier
	Survey N ^o 11 Recd. N ^o { ²¹⁹⁶ 2203} 2 Arpts (John Edgar in right of Pierre Allard J
	Survey N ^o 10 Book E. Page 62 1 Arpt. Ambrose and Joseph Vassieur
	Survey N ^o 9 Recd. N ^o 778 2 1/2 Arpts Joseph Bellecour in right of Teabeau
Survey N ^o 8 Recd. N ^o 629 2 Arpts. Sanctier Louvier	
Survey N ^o 7 Recd. N ^o 629 2 Arpts. Clement Drury in right of Sanctier Louvier who entered this and the	
Survey N ^o 6 Recd. N ^o 2540 2 Arpts Clement Drury in right of Louis Pellet deed.	
Survey N ^o 5 Book F. Page 68 2 Arpts Louis Pellet Junr. in right of his father Louis Pellet deed. This wa	



plat map of Prairie du Rocher, Illinois, 1810
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/aspl0204.jp2>

8 July 1737 Surveyed for Charles Heneau 5 $\frac{1}{4}$ Arpents in front extending from the Hills to the Mississippi adjoining Antoine Revierre and Urbain Garvais

8 July 1737 Surveyed for Antoine Revierre 3 Arpents in front extending from the Hills to the Mississippi adjoining Francois Bastien and Chl. Heneau

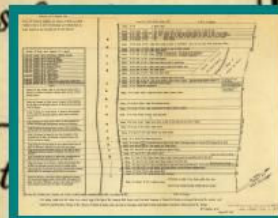
8 July 1737 Surveyed for Francois Bastien 3 Arpents in front extending from the Hills to the Mississippi adjoining Jean Le Gras and Ant. Reviere

8 July 1737 Surveyed for Legras Dit Groce Jean Sixarpents in front extending from the Hills to the Mississippi adjoining Francois dit Coco and Francois Bastien

2 May Surveyed for Francois Corset dit Coco 3 Arpents in front Hillsto the Mississippi adjoining Rene Grude and Jean Legrass

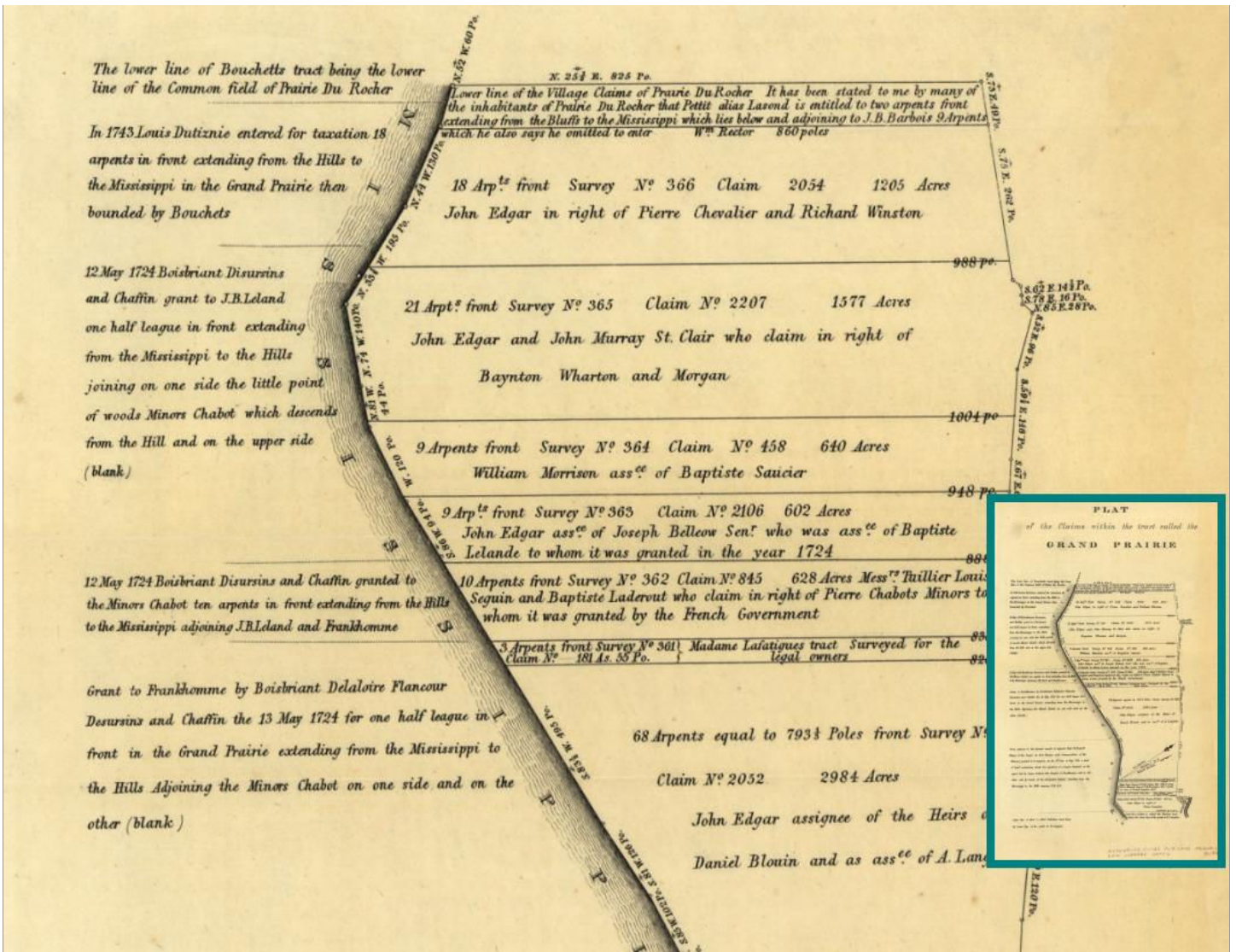
2 May 1737 Surveyed for Rene' Grude 3 Arpents in front from the Hills to the Mississippi adjoining A. Moreau dit Sansregret and Francois Corset dit Coco

2 May 1737 Surveyed for Amb. Moreau 2 $\frac{1}{4}$ Arpents front extending from the Hills to the Mississippi adjoining Bienvenue and Rene Grude



plat map of Prairie du Rocher, Illinois, 1810

<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/aspl0204.jp2>



plat of claims, Grand Prairie, 1811
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/asp0201.jp2>

Grant to Frankhomme by Boisbriant Delaloire Flancour Desursins and Chaffin the 13 May 1724 for one half league in front in the Grand Prairie extending from the Mississippi to the Hills Adjoining the Minors Chabot on one side and on the other (blank)

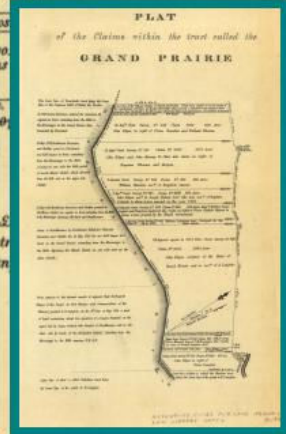
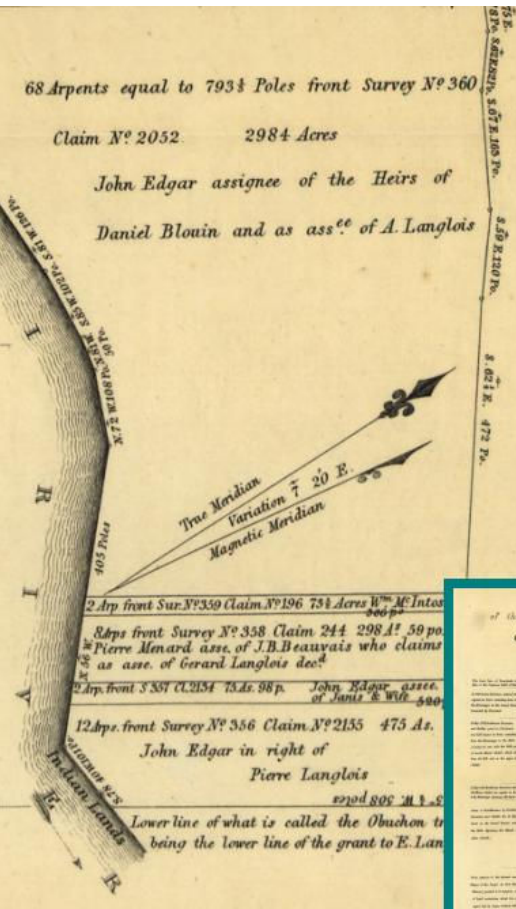
From extracts of the Ancient records it appears that Dartiquett (Major of the troops at New Orleans and Commandant of the Illinois) granted to E.Langlois on the 8th day of May 1734 a tract of land containing about five quarters of a league bounded on the upper side by Jacque Lelande (who bought of Frankhomme and on the other side by lands of the Kaskaskia Indians extending from the Mississippi to the Hills running N.E. $\frac{1}{4}$ N.

Lower line of what is called Obuchon tract being the lower line of the grant to E.Langlois

68 Arpents equal to 793 $\frac{1}{2}$ Poles front Survey N^o 360

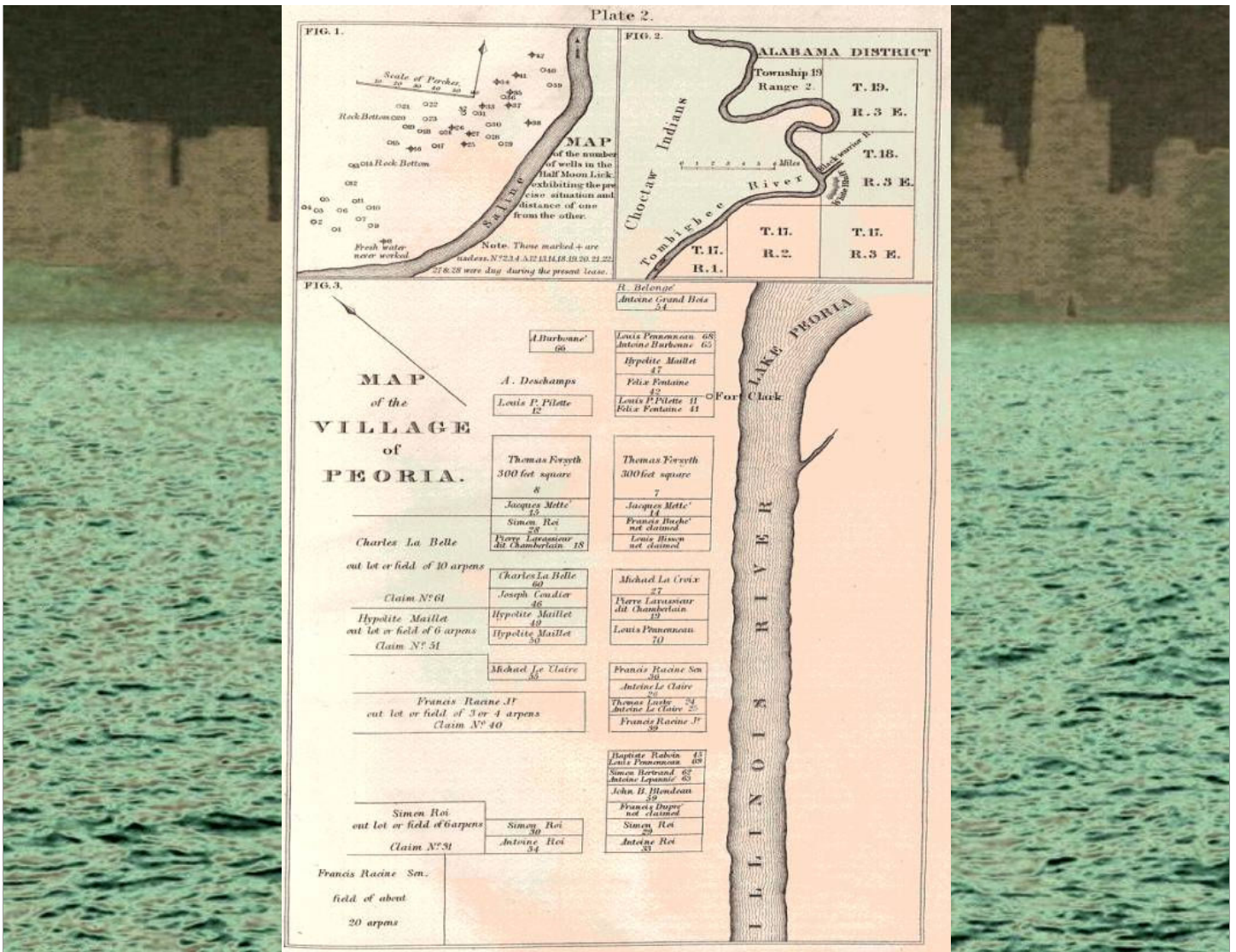
Claim N^o 2052 2984 Acres

John Edgar assignee of the Heirs of Daniel Blouin and as ass^{ee} of A. Langlois



ASPO29-03 (11-3) PUB. LAND 189, MAP 1
LAW LIBRARY COPY 6 P. 182

plat of claims, Grand Prairie, 1811
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/asp0201.jp2>



A map of the village of Peoria. Public Lands, Volume 3 (1824 May 26). American State Papers, House of Representatives, 18th Congress, 1st Session.

located in Township 19 Range 2

R. Belonge~Antoine Grand Bois~A. Bourbonne~Louis Pennenneau~Antoine Bourbonne~Hypolite Maillet~Felix Fontaine~A. Deschamps~Louis P. Pilette~Thomas Forsyth~Jacques Mette~Simon Roi~Francis Buche~Pierre Lavassieur dit Chamberlain~Louis Bisson not claimed~Charles La Belle out-lot or field of ten arpens~Michael La Croix~Joseph Coudier~Pierre Lavassieur~Hypolite Maillet~Louis Pennenneau~Michael Le Claire~Francis Racine, sen.~Antoine Le Claire~Thomas Lusby~Baptiste Raboin~Simon Bertrand~Antoine Lepannie~John B. Blondeau~Francis Dupre~Simon Roi~Illinois River~Lake Peoria~Fort Clark~Map of the number of wells in the Half Moon Lick~Saline~Alabama District~Choctaw Indians~Tombigbee River~White Bluff~Black Warrior River.

www.loc.gov/ american memory/



Melish, John (1771-1822). Map of Illinois constructed from the surveys in the General Land Office and other documents. Philadelphia: John Melish (1818).

Includes references to the township and range rectangular survey system.

Library of Congress Geography and Map Division Washington, D.C. 20540-4650

Call #G4100 1818 .M4 Vault

Digital ID g4100 ct000892 <http://hdl.loc.gov/loc.gmd/g4100.ct000892>



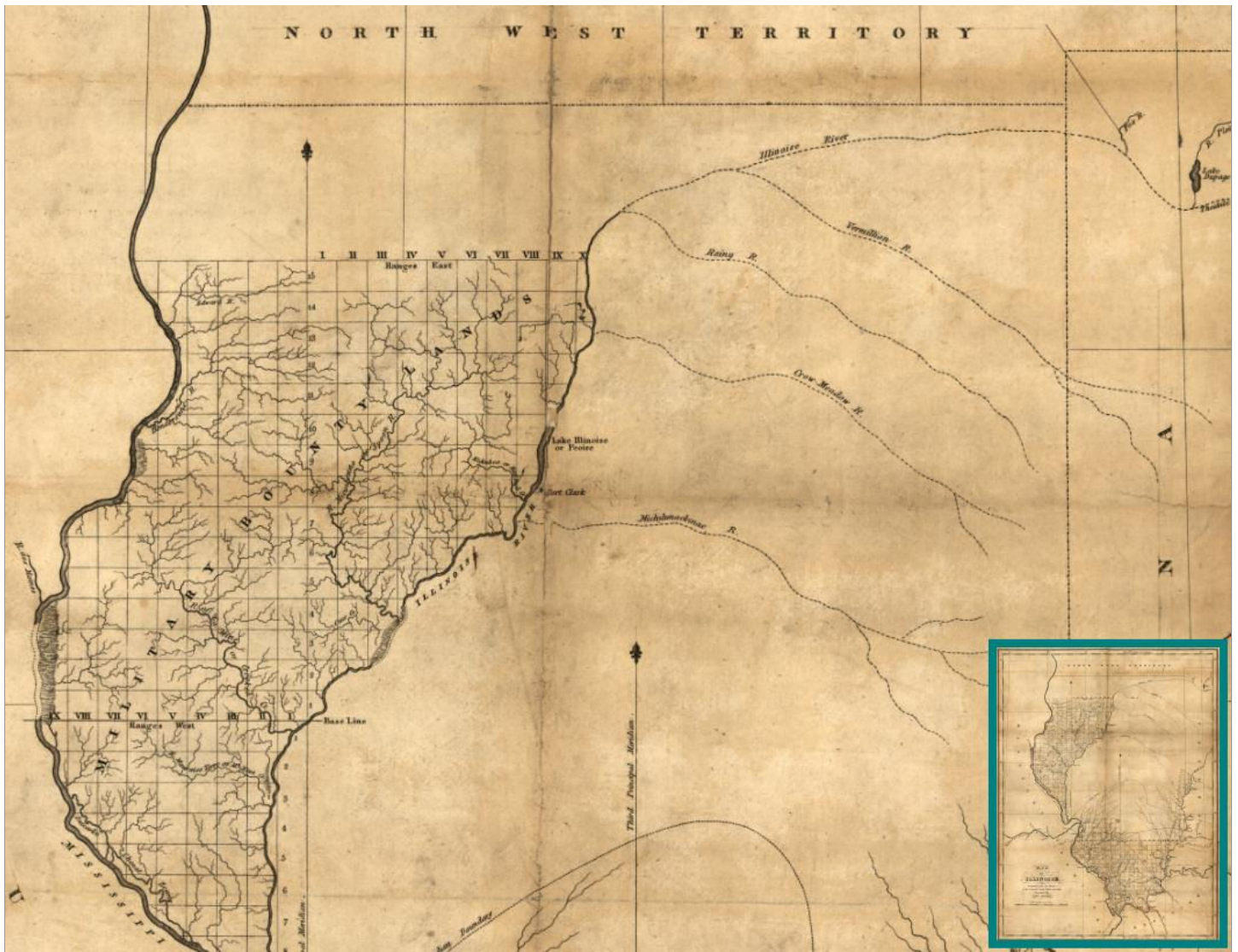
Melish, John (1771-1822). Map of Illinois constructed from the surveys in the General Land Office and other documents. Philadelphia: John Melish (1818).

Includes references to the township and range rectangular survey system.

Library of Congress Geography and Map Division Washington, D.C. 20540-4650

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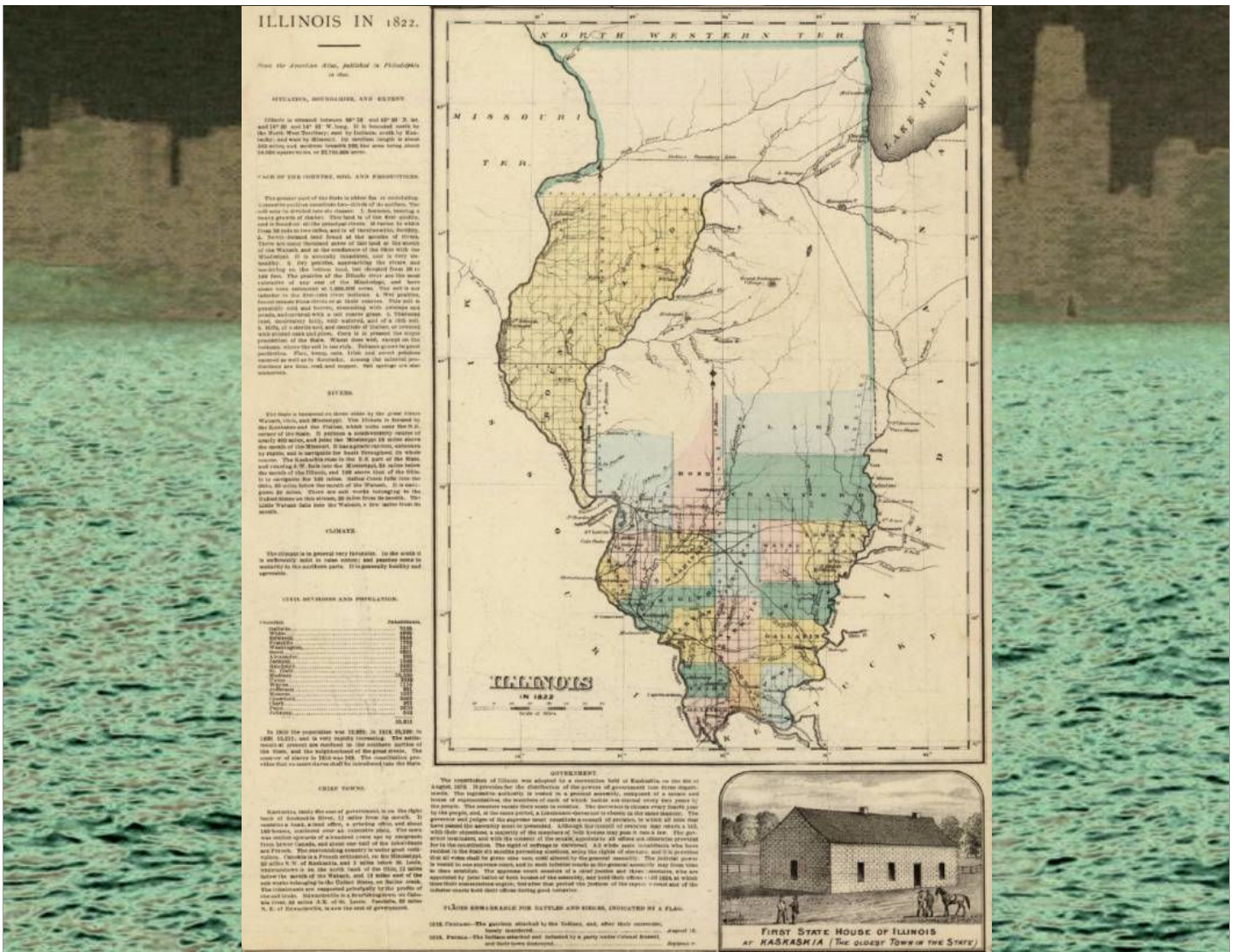
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Melish, John (1771-1822). Map of Illinois constructed from the surveys in the General Land Office and other documents. Philadelphia: John Melish (1818).

Includes references to the township and range rectangular survey system.

Library of Congress Geography and Map Division Washington, D.C. 20540-4650
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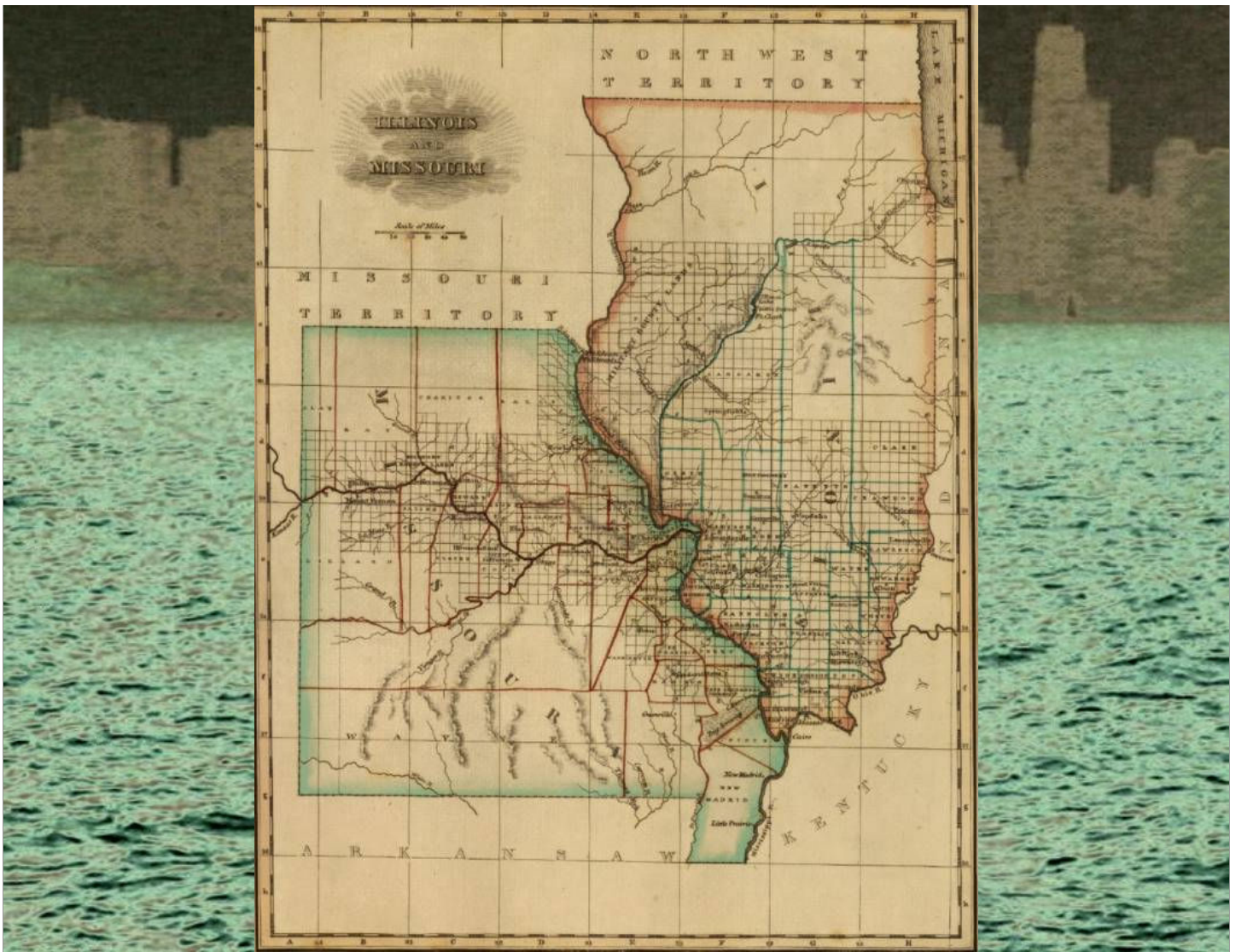
Carey, H.C. and Lea, I. (authors). Illinois in 1822 with view of First State House at Kaskaskia, the oldest town in the state. page 6 in Atlas of the State of Illinois to which are added various general maps, history, statistics and illustrations. Chicago: Union Atlas Co. (Lakeside Building, corner Clark & Adams) (Warner & Beers, proprietors) (1876).

Hand col. lithograph. Shows townships, roads, "Indian boundary line," etc. Includes text and tables. A re-engraved and differently laid out version of the map and text "From the American Atlas, published in Philadelphia in 1822," that is, "A complete historical, chronological, and geographical American Atlas ..." published by H.C. Carey and I. Lea. The original map by "J. Yeager, sculp." The Kaskaskia view, not on the map in the 1822 atlas.

This is very much in the Andreas Minnesota Atlas style - Warner and Beers in fact collaborated with Andreas and did the coloring on the Minnesota Atlas. This 1876 edition bears little resemblance to the earlier 1871 edition by Warner, Higgins & Beers (see our #3749) which used entirely different maps and had no views. Bound in half leather dark brown cloth covered boards with "Atlas of Illinois 1876 illustrated" stamped in gold on the front and blind stamped on the back.

Pub Reference: Phillips, 1513; LeGear Atlas of the United States, L4062; Phillips Maps of America, p. 330.

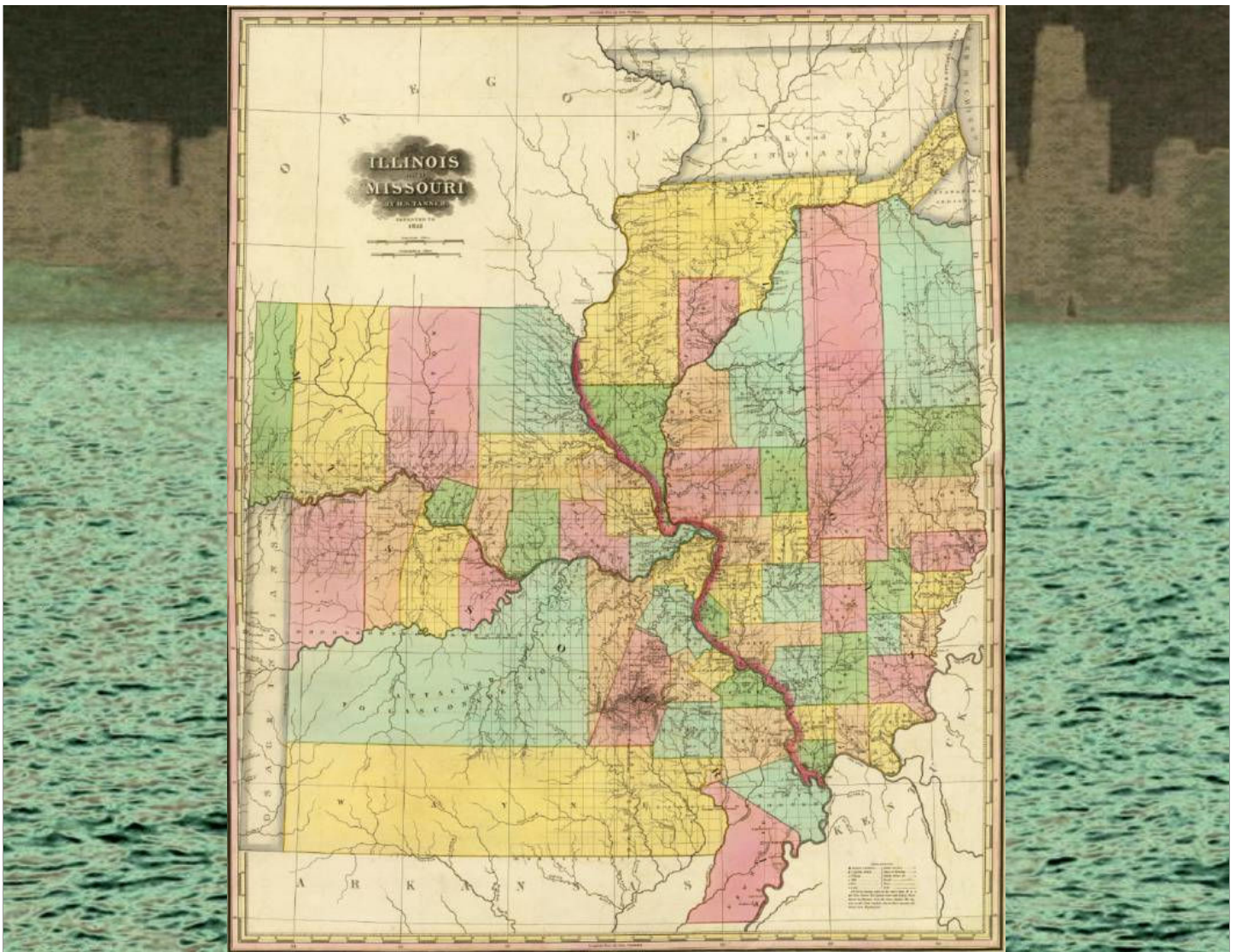
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 Series #6
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 File Name 1159002.sid



Morse, Sidney Edwards (1794-1871). Illinois and Missouri. in An atlas of the United States, on an improved plan; consisting of ten maps, with a complete index to each, and a general map of the whole country. New Haven (CT): N. & S.S. Jocelyn (1823).

Reference: Karrow, 4-1416.

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Series #15
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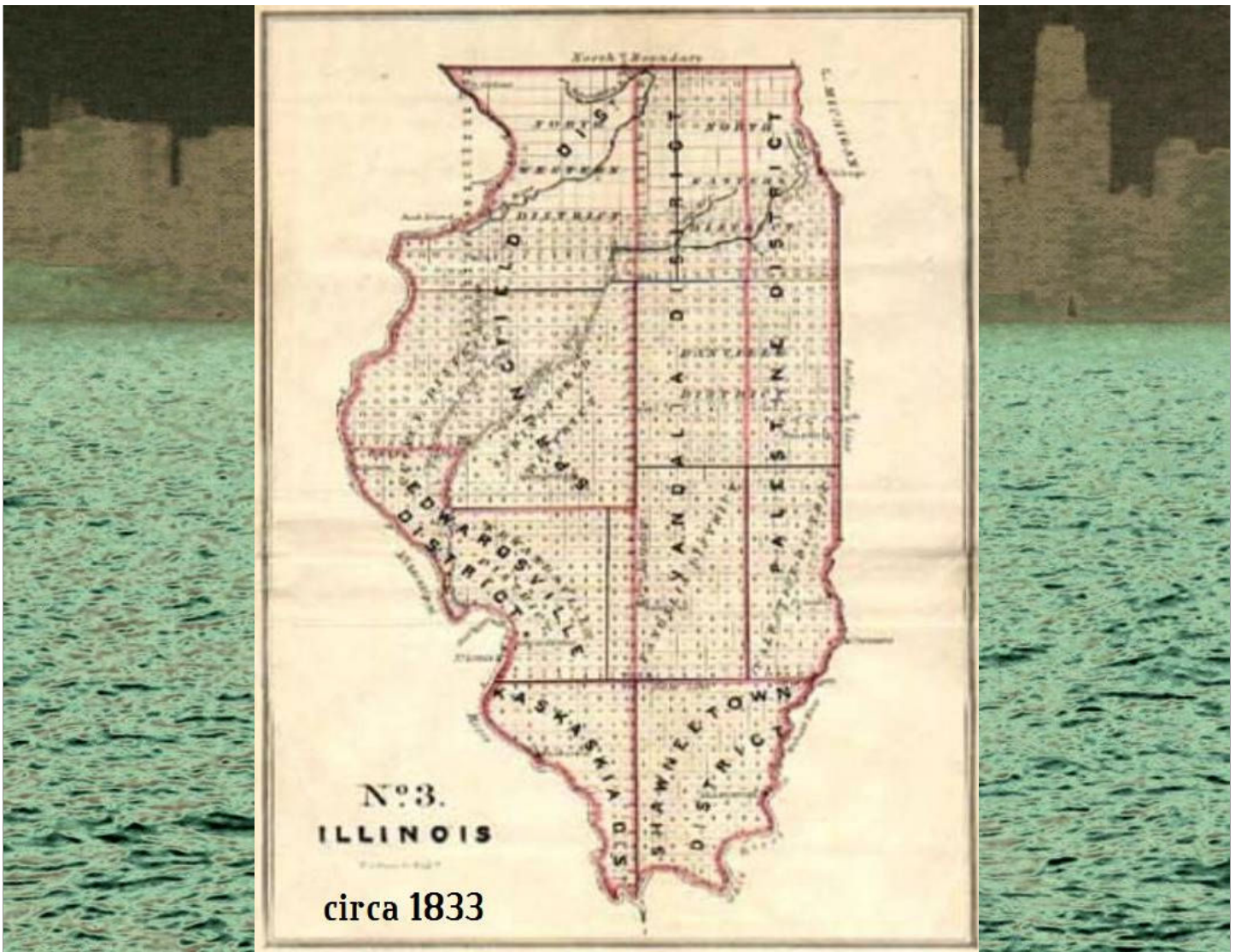


Tanner, Henry S. and assistants (engravers). Illinois And Missouri Improved To 1825. in A New American Atlas Containing Maps Of The Several States of the North American Union, Projected and drawn on a Uniform Scale from Documents found in the public Offices of the United States and State Governments, and other Original and Authentic Information. Philadelphia: Henry S. Tanner (c1823 August 20).

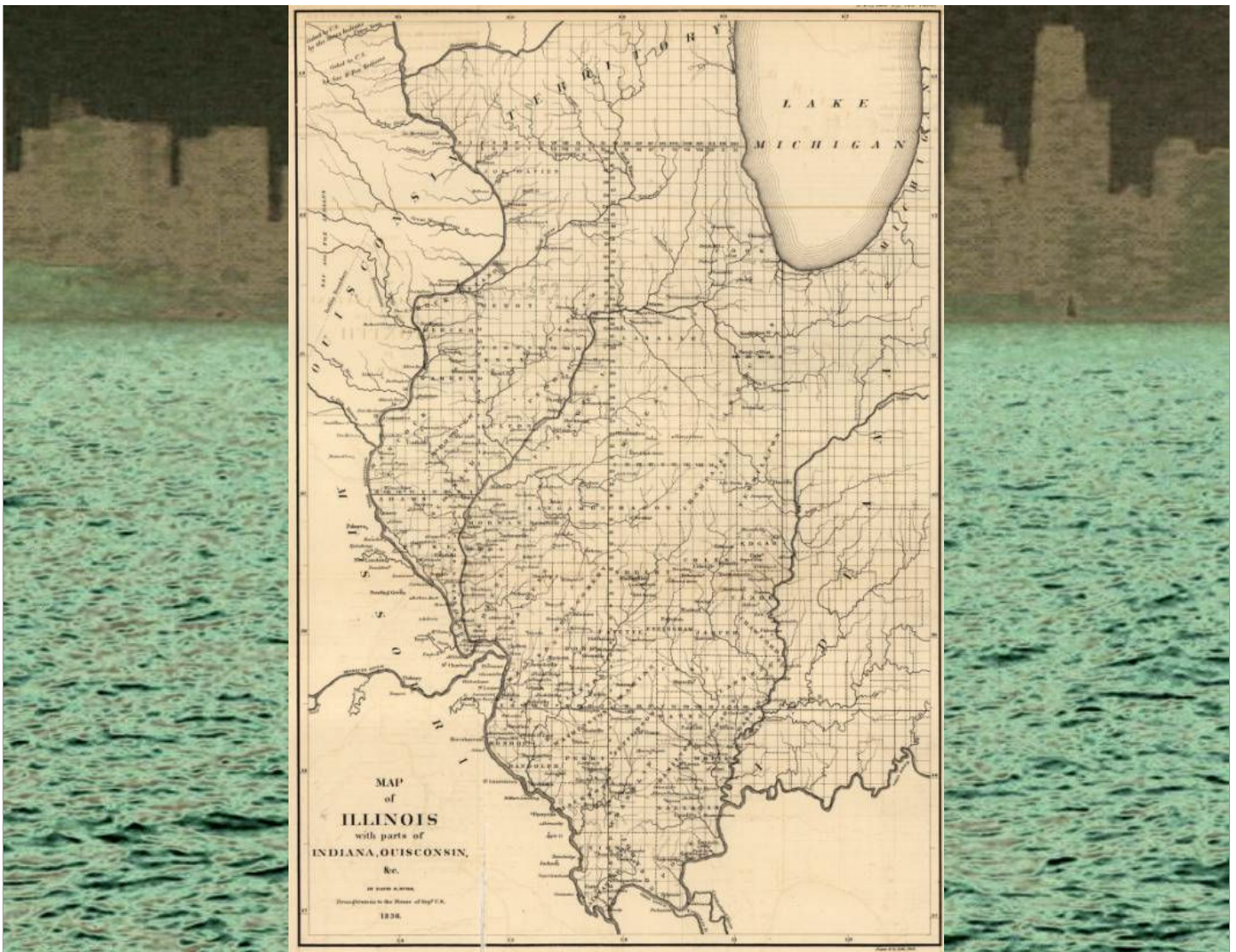
2nd edition, maps and title page dated 1825, except S.A. 1823. Like P3669, except S.A. dated 1823 and N.A. dated 1825. Fine copy with extra large sheets bound in full tree calf edged in gilt - the most beautiful and elegant binding we have seen of an American Atlas, stamped "Davis, Binder - Philada." The spine is titled "American Atlas" on a red leather label in gilt. Memoir dated 1825, with slight changes from the 1823 memoir. The index sheet is numbered 1-22 in two columns, vs in one column in the 1823 edition and in two columns numbered 1-17 in the 1833 editions. The maps of the World and America have Arctic discoveries not shown in earlier editions, as does the N.A. map which also shows the Russian Alaska boundary of 1824. The state maps have various updates from the earlier issues (mostly adding counties) although three (Maine etc., Penn., N. & S. Carolina) have 1825 dates with no obvious changes from the earlier issues. See our table comparing all five editions map by map. According to Wolter (Mountains & Rivers article) the 1825 S.A. map has a more elaborate mountains and rivers diagram than any earlier issues. This issue of the atlas can be truly called an edition - all the maps have 1825 dates and the geography is current; the 1823 parts issue is also an edition. Later editions were compilations - some maps were updated, others were not or were taken from out of date issues. Full color.

Reference of P3669-17.

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List #2755.017
Series #31
Image #2755017
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Image ID 1100434
File Name 2755017.sid



(1833). US GLO Survey Map. Illinois Townships and extent of US survey.



Burr, David H. Map of Illinois with parts of Indiana, Ouisconsin &c. (1836).
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/aspl0812.jp2>

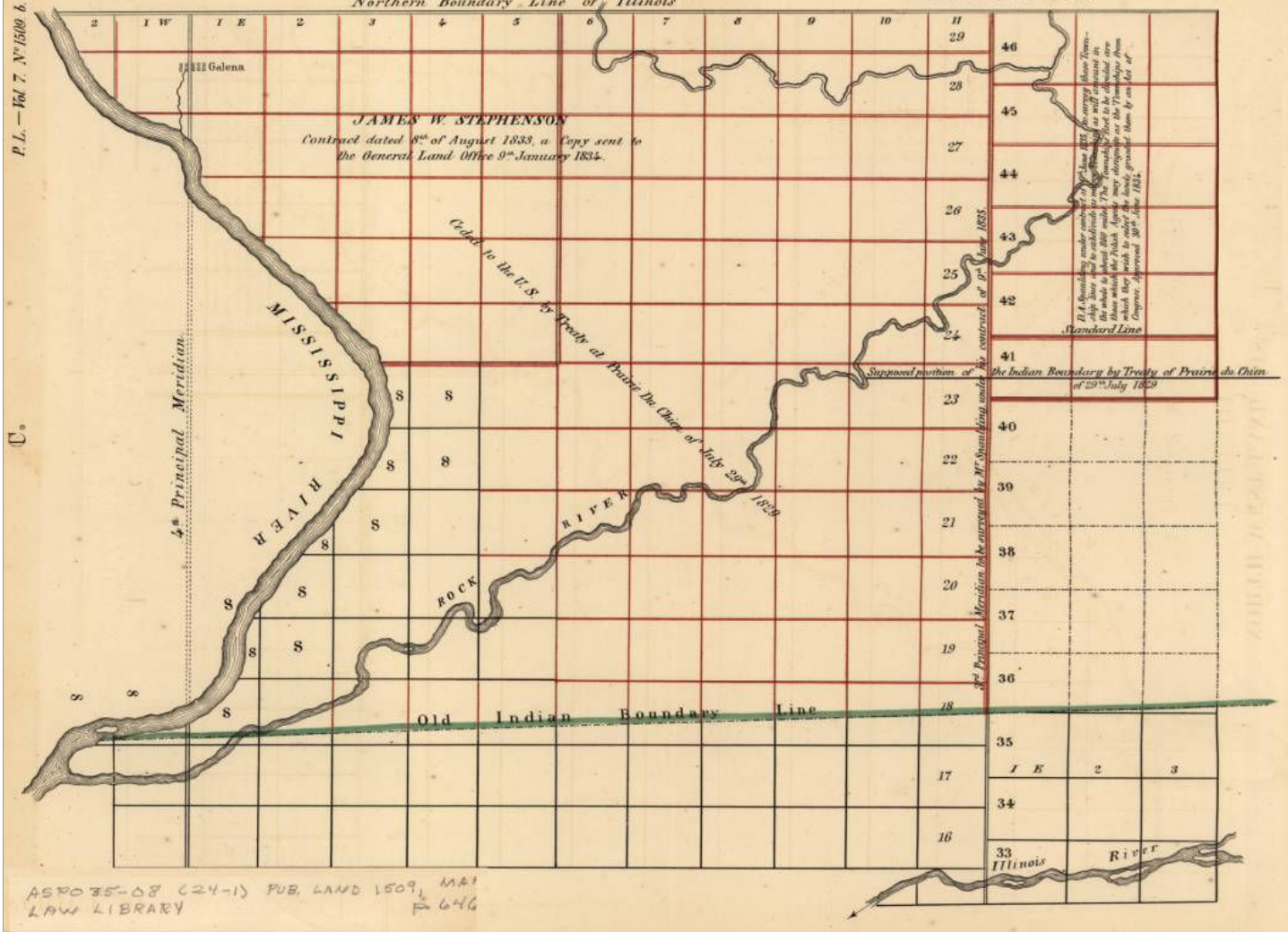


Burr, David H. Map of Illinois with parts of Indiana, Ouisconsin &c. (1836).
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/aspl0812.jp2>

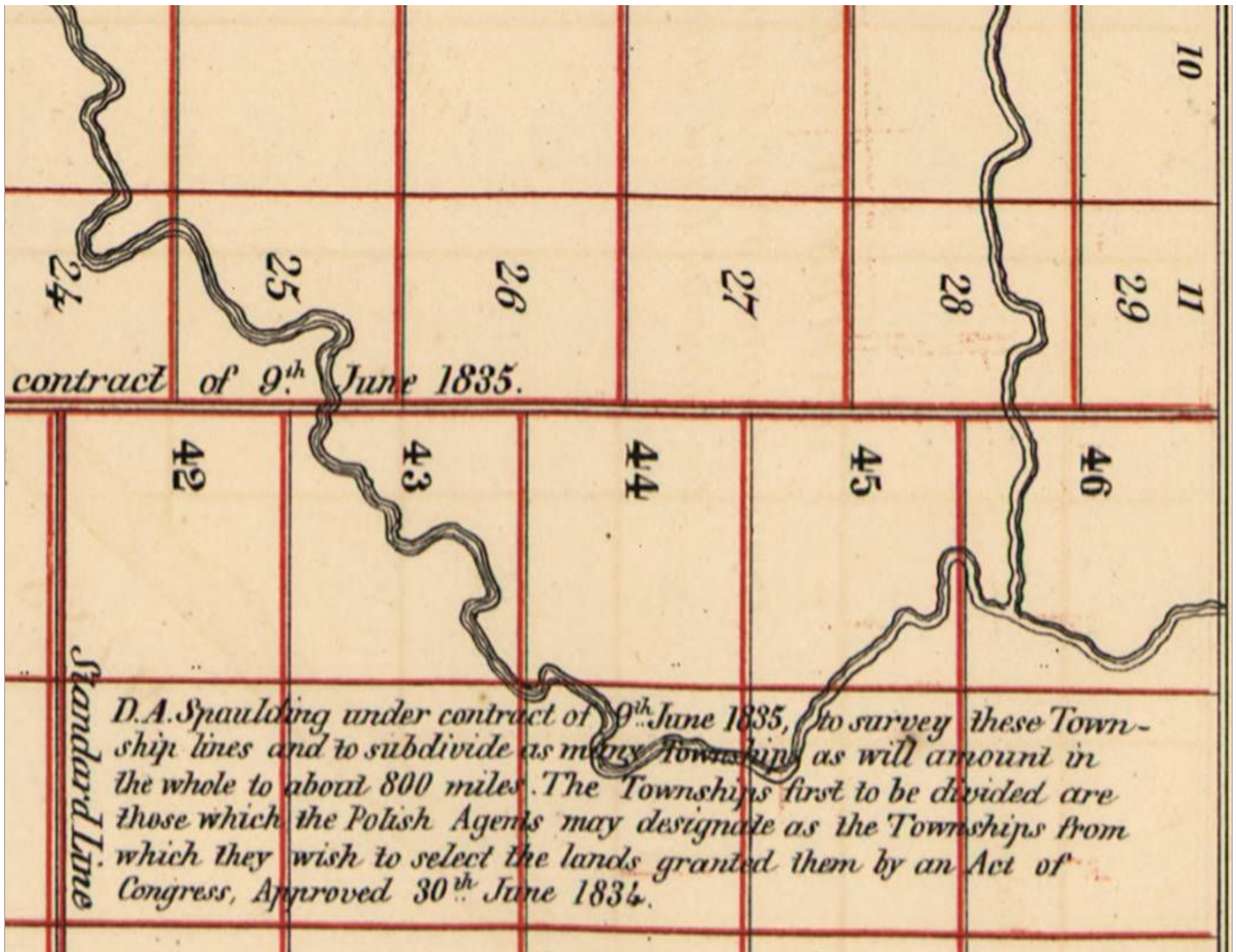


Burr, David H. Map of Illinois with parts of Indiana, Ouisconsin &c. (1836).
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/asp10812.jp2>

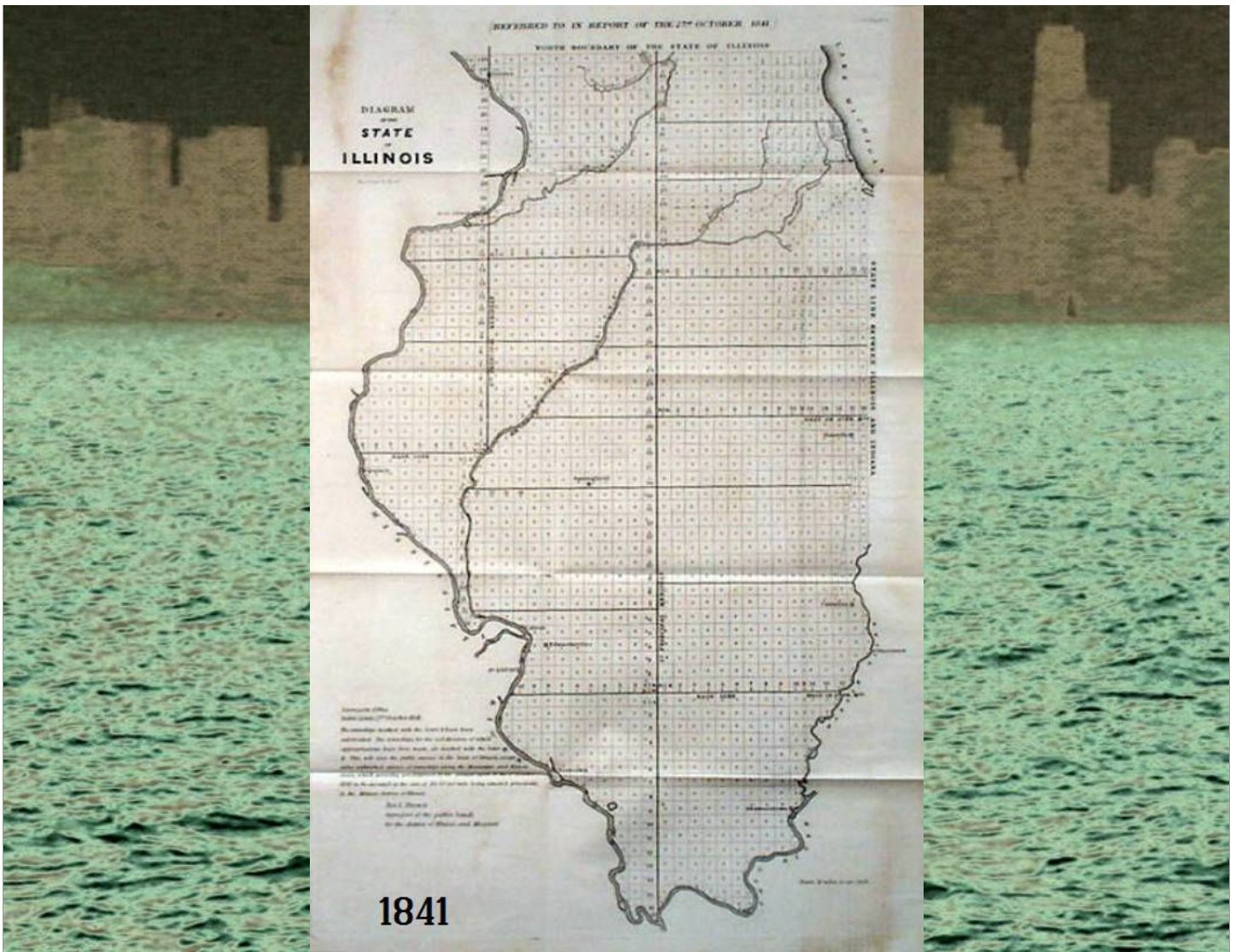
NORTH-WEST LAND DISTRICT OF ILLINOIS.



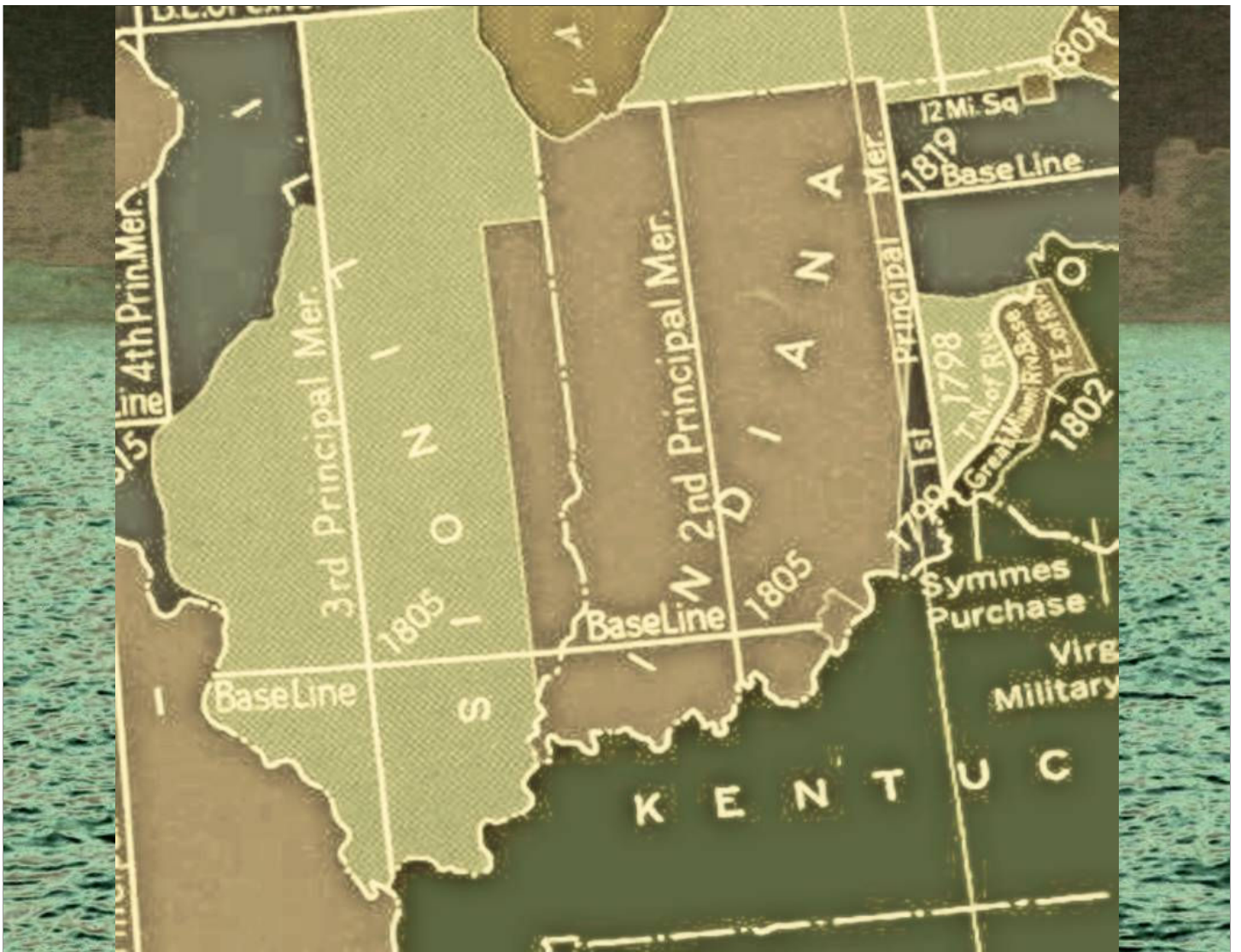
Stephenson, James W. (surveyor). Northwest Land District, Illinois (1836).
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/aspl0814.jp2>



Stephenson, James W. (surveyor). Northwest Land District, Illinois (1836).
<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/aspl0814.jp2>



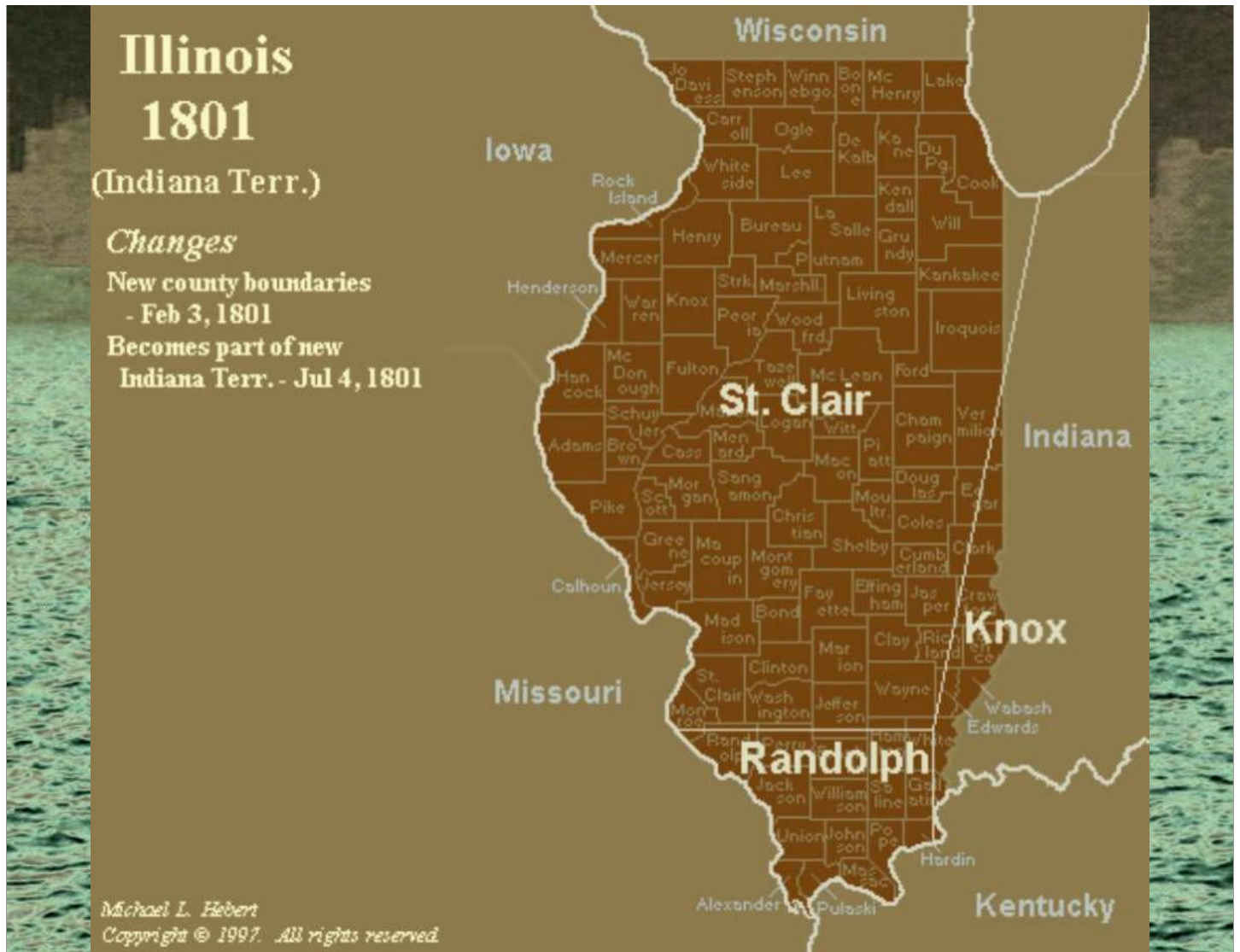
(1841). US GLO Survey Map. Illinois Townships and extent of US survey.



US GLO survey baselines and meridians in Northwest Territory.



(1790). Illinois counties. published on-line by Hebert, Michael L. (1997).



(1801). Illinois counties. published on-line by Hebert, Michael L. (1997).

Illinois 1819

New Counties

Alexander - Mar 4, 1819

Clark - Mar 22, 1819

Jefferson - Mar 26, 1819

Wayne - Mar 26, 1819



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(1819). Illinois counties. published on-line by Hebert, Michael L. (1997).

Illinois 1821

New Counties

Lawrence - Jan 16, 1821

Greene - Jan 20, 1821

Sangamon - Jan 20, 1821

Pike - Jan 31, 1821

Hamilton - Feb 8, 1821

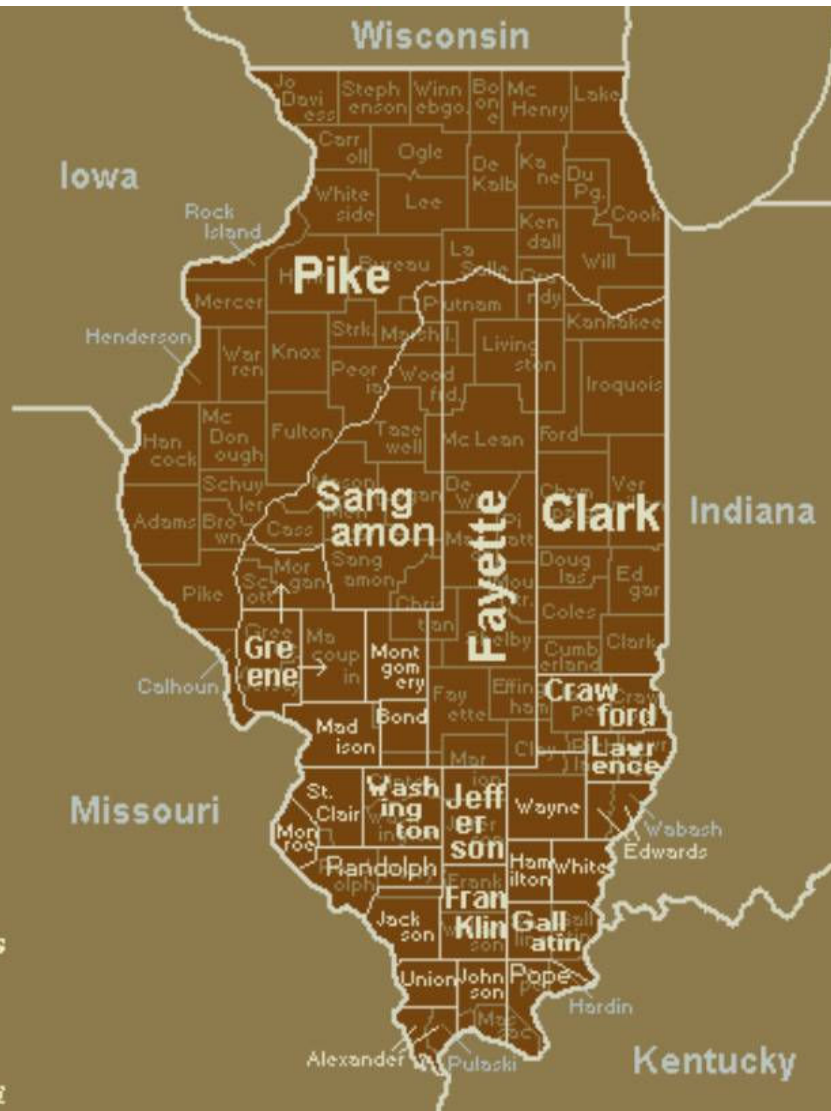
Montgomery - Feb 12, 1821

Fayette - Feb 14 1821

Arrows on map point to lands
attached to a county.

Michael L. Hebert

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(1821). Illinois counties. published on-line by Hebert, Michael L. (1997).

Illinois 1825

New Counties

Calhoun - Jan 10, 1825
Adams - Jan 13, 1825
Hancock - Jan 13, 1825
Henry - Jan 13, 1825
Knox - Jan 13, 1825
Mercer - Jan 13, 1825
Peoria - Jan 13, 1825
Putnam - Jan 13, 1825
Schuyler - Jan 13, 1825
Warren - Jan 13, 1825

Changes

Territory added to
Monroe - Jan 3, 1825
Madison - Jan 15, 1825

Arrows on map point to lands
attached to a county.

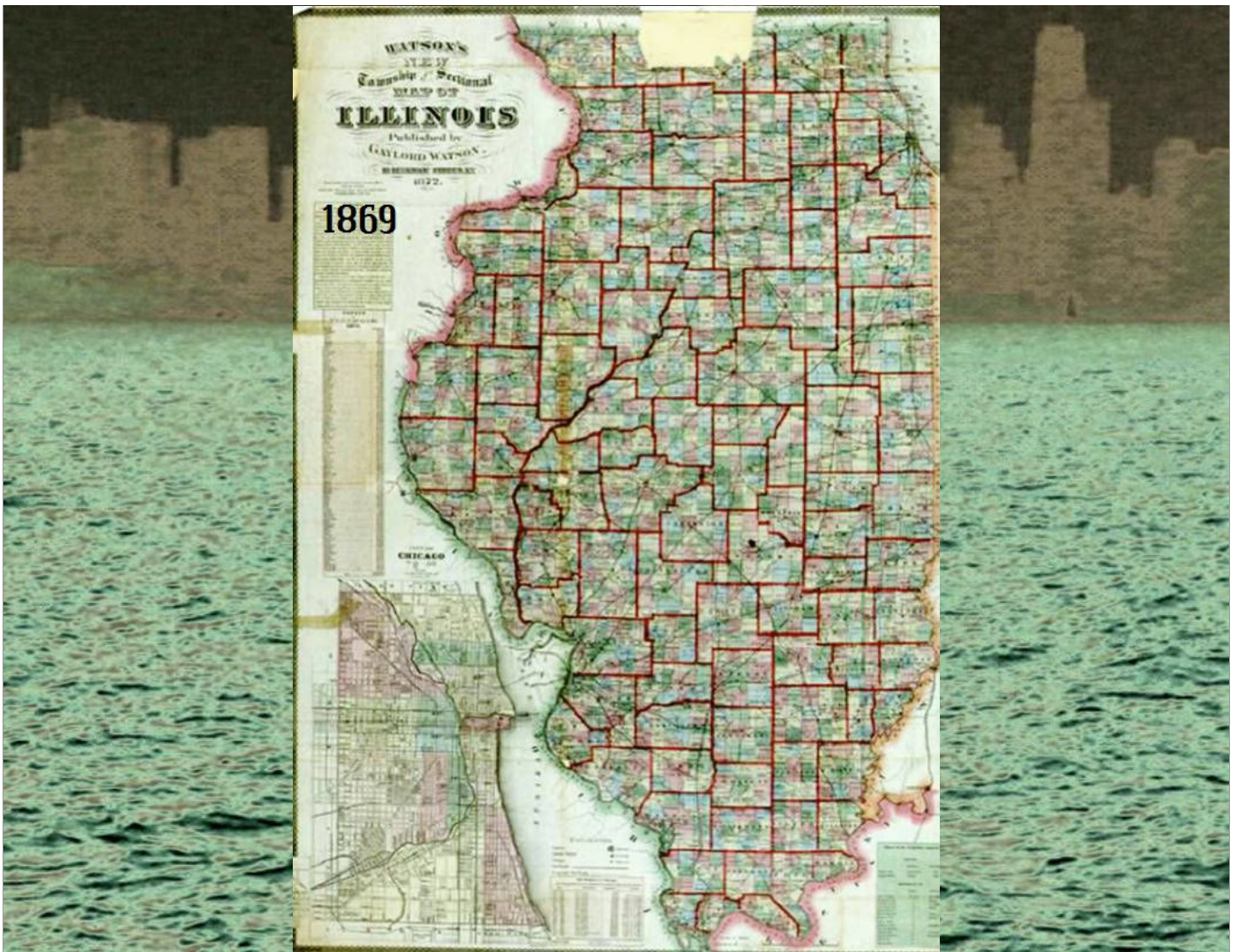
*Michael L. Hebert
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(1825). Illinois counties. published on-line by Hebert, Michael L. (1997).



(1829). Illinois counties. published on-line by Hebert, Michael L. (1997).



Watson, Gaylord (1869). Watson's new township and sectional map of Illinois. Published 1872.

Includes notes on "History", 1870 census table, "Progress of Chicago" showing population figures from 1837 and "Illinois in the Forty-first Congress."

Map & Geography Library, University of Illinois at Urbana-Champaign-Champaign. Call #G4100 1872 .W3
Found at media.library.uiuc.edu/cgi/sid/bin/show_gif.plx?client=maps&image=G41001872.



Illinois state capitol moves north on heels of public land surveyors.
Found on-line.



Illinois State Legislature, Kaskaskia, 1818

First State House. Kaskaskia, Illinois.



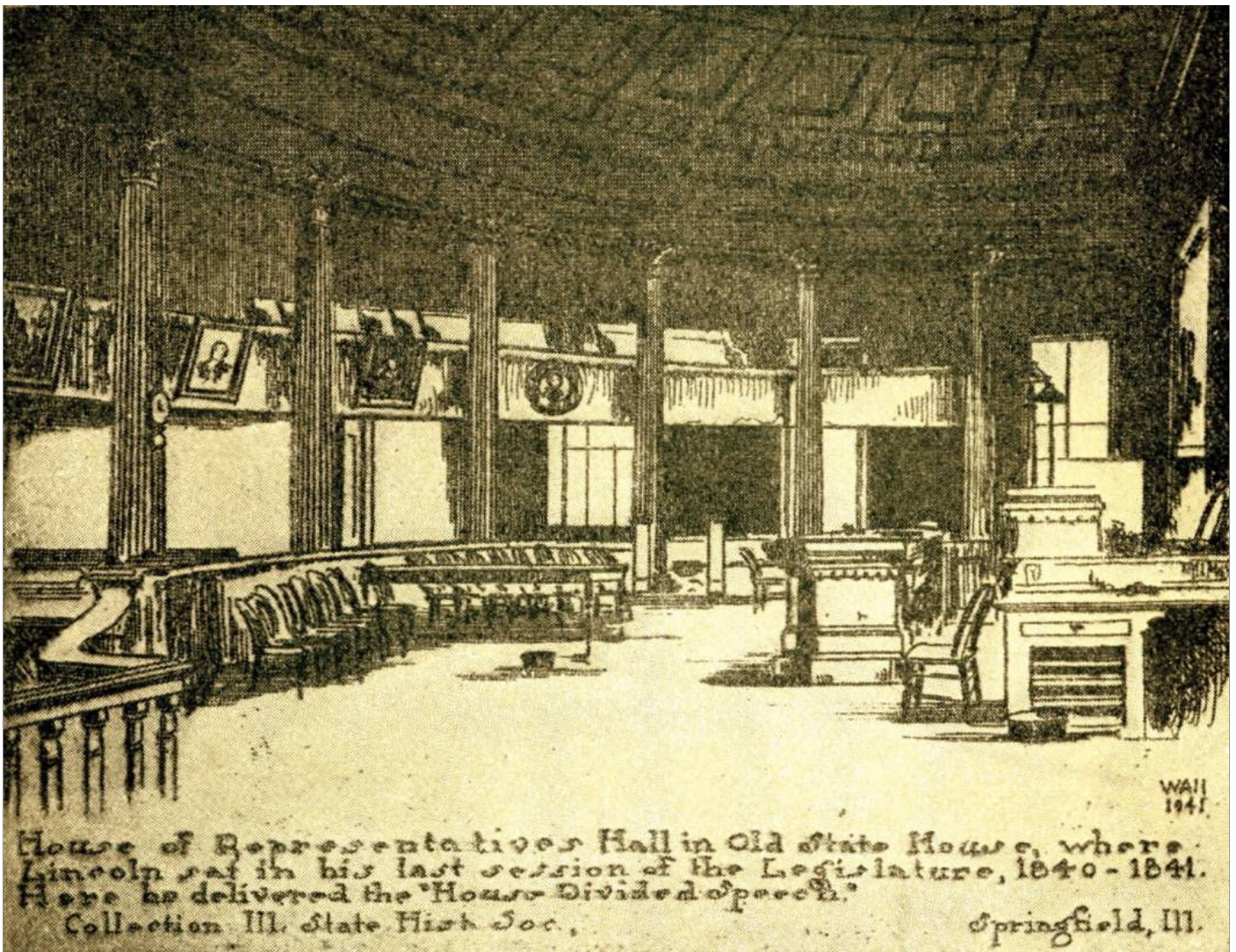
Carey, H.C. and Lea, I. (authors). First State House at Kaskaskia, the oldest town in the state. page 6 in Atlas of the State of Illinois to which are added various general maps, history, statistics and illustrations. Chicago: Union Atlas Co. (Lakeside Building, corner Clark & Adams) (Warner & Beers, proprietors) (1876).

Hand col. lithograph. Shows townships, roads, "Indian boundary line," etc. Includes text and tables. A re-engraved and differently layed out version of the map and text "From the American Atlas, published in Philadelphia in 1822," that is, "A complete historical, chronological, and geographical American Atlas ..." published by H.C. Carey and I. Lea. The original map by "J. Yeager, sculp." The Kaskaskia view, not on the map in the 1822 atlas.

This is very much in the Andreas Minnesota Atlas style - Warner and Beers in fact collaborated with Andreas and did the coloring on the Minnesota Atlas. This 1876 edition bears little resemblance to the earlier 1871 edition by Warner, Higgins & Beers (see our #3749) which used entirely different maps and had no views. Bound in half leather dark brown cloth covered boards with "Atlas of Illinois 1876 illustrated" stamped in gold on the front and blind stamped on the back.

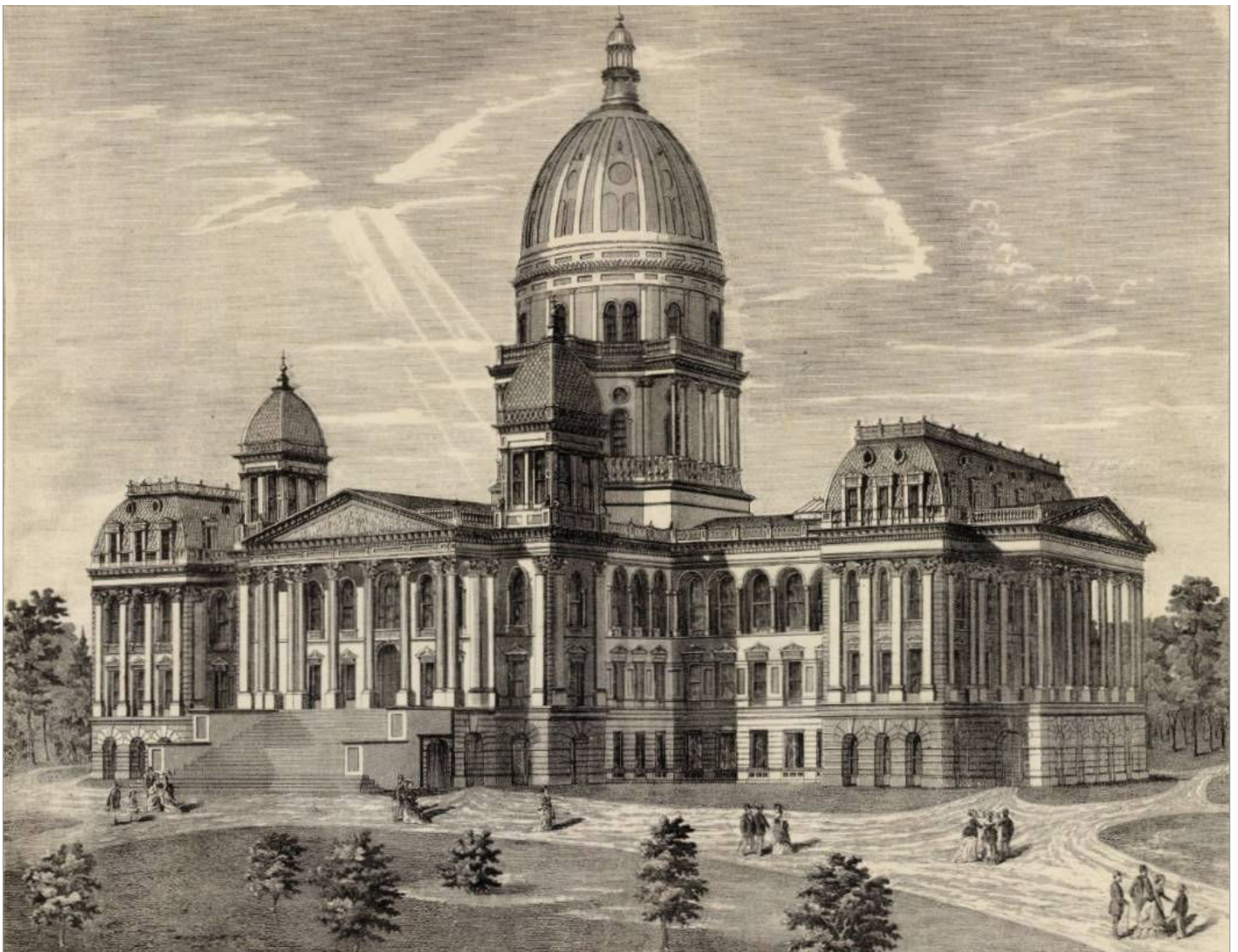
Pub Reference: Phillips, 1513; LeGear Atlas of the United States, L4062; Phillips Maps of America, p. 330.

David Rumsey Collection
List #1159.002
Series #6
Image #1159002
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Image ID 460002
File Name 1159002.sid



Wall, Bernhardt (of Lime Rock, Conn) (1943). House of Representatives Hall in Old State House (p.91). in Following Abraham Lincoln 1809-1865. New York: The Wise-Parslow Company Publishers.. Copyright 1943 by Bernhardt Wall.

Where Lincoln sat in his last session of the Legislature, 1840-1841. Here he delivered the "House Divided Speech." Collection Ill. State Hist. Soc. Springfield Ill.



Illinois Capitol Building, Springfield, Illinois. page 1 in Atlas of the State of Illinois to which are added various general maps, history, statistics and illustrations. Chicago: Union Atlas Co. (Warner & Beers, Proprietors) (Lakeside Building Cor: of Clark & Adams Sts) (c. 1876)

Pub Reference: Phillips, 1513; LeGear Atlas of the United States, L4062; Phillips Maps of America, p. 330.

David Rumsey Historical Map Collection

List #1159.001

Series #2

Image #1159001

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image 78232

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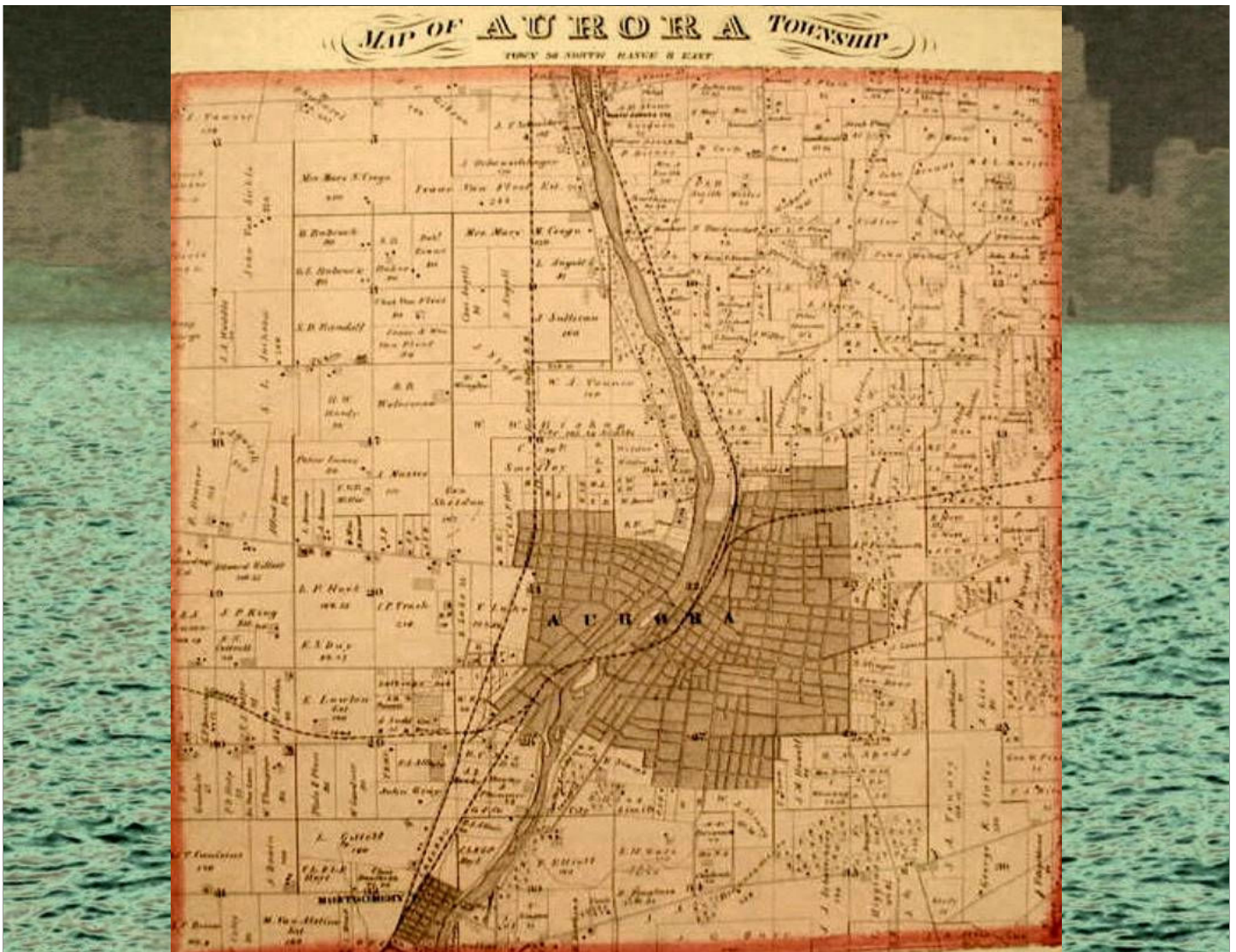


Settler, Emil (sculptor) (1924). Detail, south facade. Old Second National Bank. 37 South River Street. Aurora, Illinois. photo taken 2005 March 30.

For information:
[http://en.wikipedia.org/wiki/Old_Second_National_Bank_\(Aurora,_Illinois\)](http://en.wikipedia.org/wiki/Old_Second_National_Bank_(Aurora,_Illinois))



(1840). Aurora Township and town. Map owned by the Aurora Historical Society.



(1870). Aurora Township and town. Map owned by the Aurora Historical Society.

The map identifies farms and their owners.

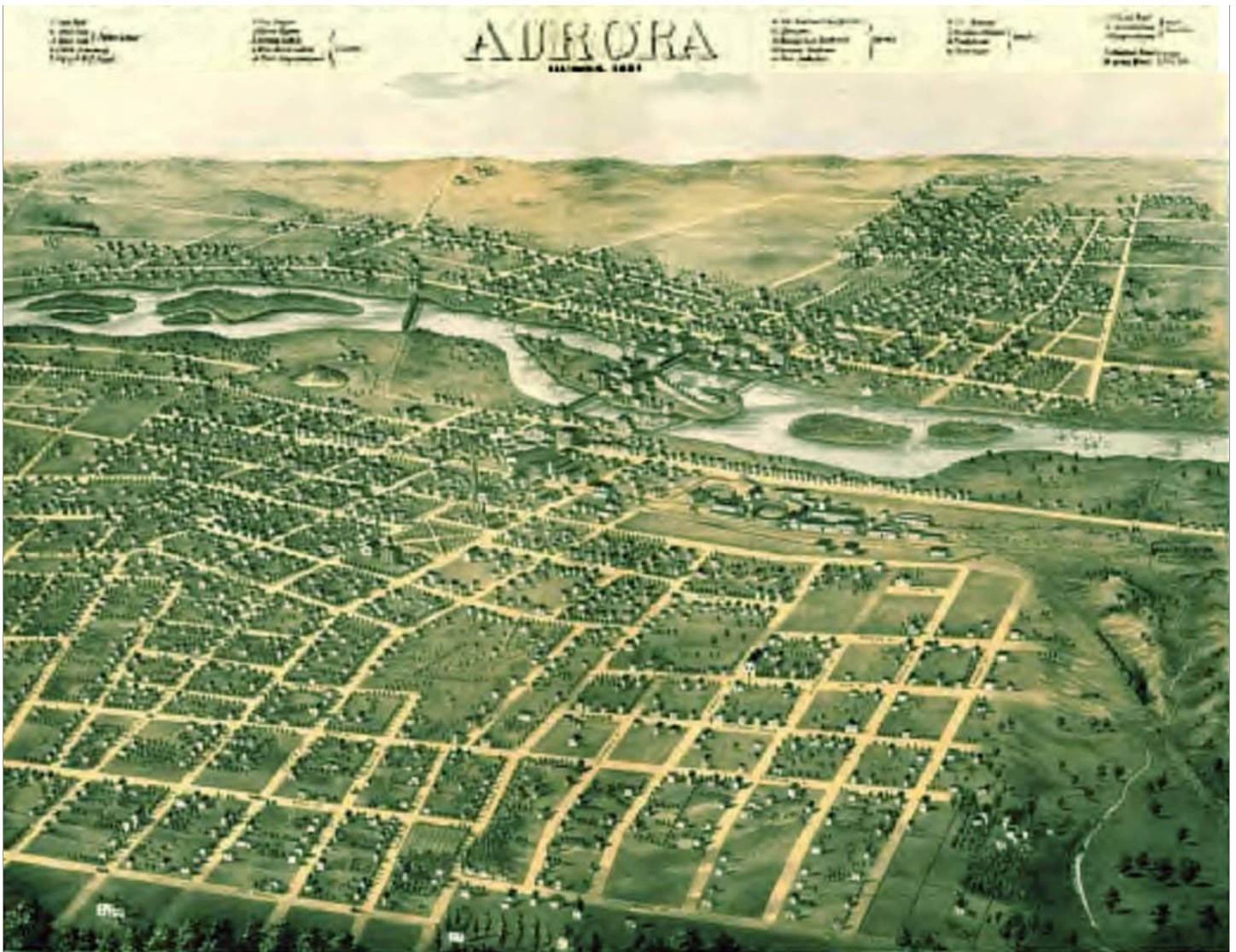
Found at www.idaillinois.org/u/?aur,1



(1892). Aurora Township and town. Map owned by Aurora Historical Society.

The map identifies farms and farm owners.

Found at www.idaillinois.org/u/?/aur,9



Ruger, A. (1867). Aurora, Illinois. Chicago (IL): Chicago Lithographing Co. (1867).

Reference: LC Panoramic maps (2nd ed.), 136

No. 5 Library of Congress. Ruger map collection Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA. g4104a pm001360
<http://hdl.loc.gov/loc.gmd/g4104a.pm001360>. G4104.A9A3 1867 .R8 Rug 5



Ruger, A. (1867). Aurora, Illinois. Chicago (IL): Chicago Lithographing Co. (1867).

Reference: LC Panoramic maps (2nd ed.), 136

No. 5 Library of Congress. Ruger map collection Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA. g4104a pm001360
<http://hdl.loc.gov/loc.gmd/g4104a.pm001360>. G4104.A9A3 1867 .R8 Rug 5



Ruger, A. (1867). Aurora, Illinois. Chicago (IL): Chicago Lithographing Co. (1867).

Reference: LC Panoramic maps (2nd ed.), 136

No. 5 Library of Congress. Ruger map collection Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA. g4104a pm001360
<http://hdl.loc.gov/loc.gmd/g4104a.pm001360>. G4104.A9A3 1867 .R8 Rug 5

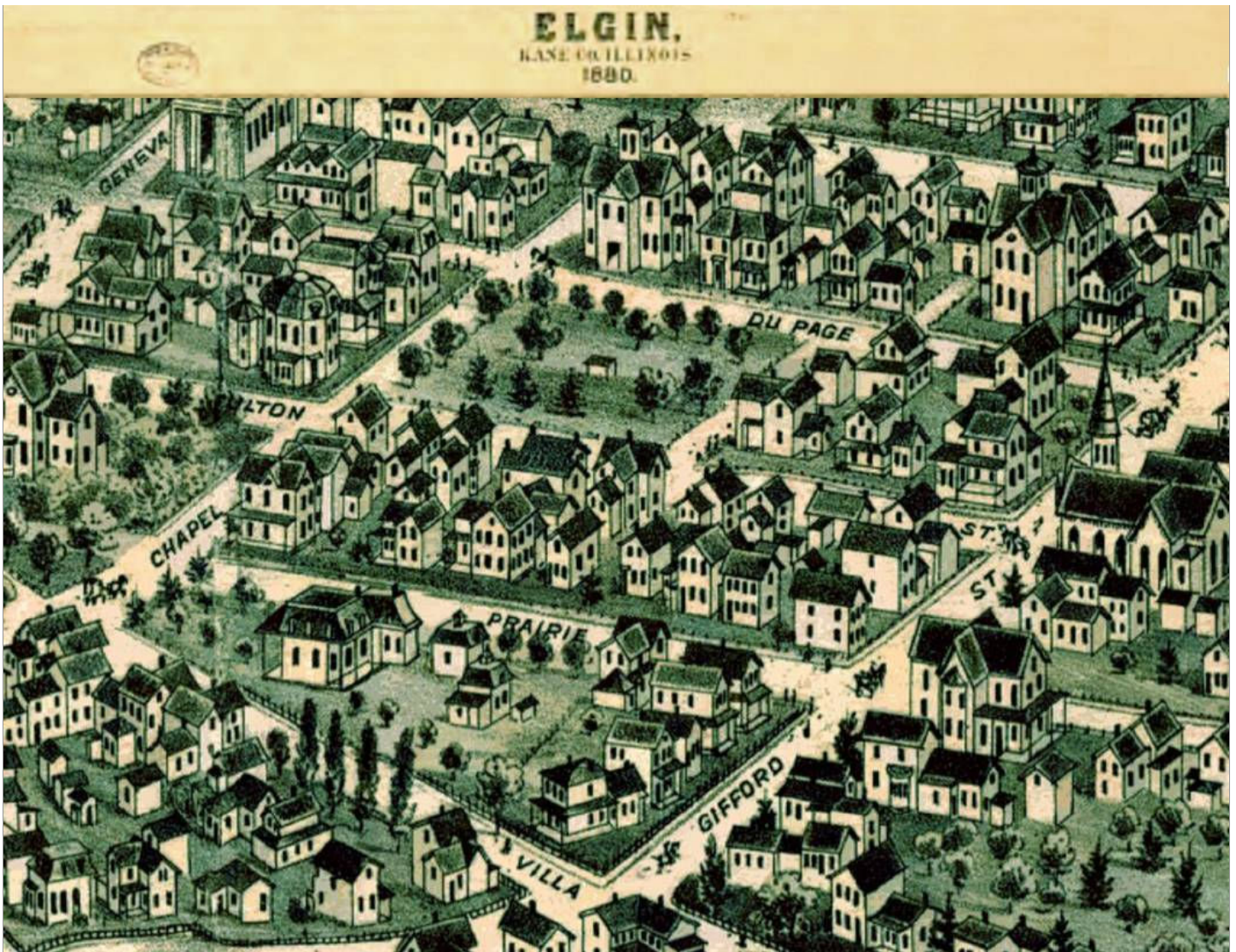


(1880). town of Elgin in Kane County, Illinois.

Upham, A.B. Elgin, Kane Co., Illinois. Chicago (IL): Shober & Carqueville (1880).

Reference: LC Panoramic maps (2nd ed.), 159

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(1880). town of Elgin in Kane County, Illinois.

Upham, A.B. Elgin, Kane Co., Illinois. Chicago (IL): Shober & Carqueville (1880).

Reference: LC Panoramic maps (2nd ed.), 159

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA. g4104e pm001590 <http://hdl.loc.gov/loc.gmd/g4104e.pm001590>. G4104.E5A3 1880 .U6



(1880). town of Elgin in Kane County, Illinois.

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Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA. g4104e pm001590 <http://hdl.loc.gov/loc.gmd/g4104e.pm001590>. G4104.E5A3 1880 .U6



Illinois townships in Kendall, Will, Grundy, and south Cook Counties, Illinois.