

minutes are recorded of a "special Court," September 13 1680, Nevill, Penton, Guy, Bradway, and Wade, commissioners.⁸⁷ They ordered a warrant to Hancock to survey a tract of land, which he did,⁸⁸ and accepted an acknowledgement of some unnamed "fault" from John Adams, of New Salem, planter, and his wife (a daughter of Fenwick's), with promises of future good behavior. An award of the Salem court of October 11, in an action about land in "Cohansey Creeke," was appealed to the Court of Assizes at New York.⁸⁹ The Salem court was also entrusted with the responsibility of keeping the peace, and while its duties along that line were probably not onerous in a Quaker community, Nevill, as first commissioner, seems to have been a vigilant defender of law and order. In 1680 he wrote Andros of several runaway servants from Virginia who had landed in West Jersey in a stolen shallop. He said he had apprehended the runaways and also recovered some tackle taken from the boat by ex-Commissioner William Malster and several other men, and asked the Governor for further instructions.⁹⁰ Besides these duties, the services of the commissioners were also required occasionally in settling the estate of a decedent, usually in connection with the New Castle court.⁹¹ All in all, it appears, from the fragmentary information we have about it, that the court operated successfully under the New York-New Castle jurisdiction. With the prestige and power of the Duke's government behind them the magistrates may have found it difficult to be strictly impartial toward Fenwick's adherents; the hotter the fight, the less discrimination in the choice of weapons. But even Fenwick in his bitter quarrel with Edridge and Warner once forgot himself so far as to swear out a warrant in New York for the arrest of Edridge in New Jersey, in spite of his insistence that the Duke's government had no jurisdiction there.⁹²

THE BURLINGTON SETTLEMENT, 1677-1680

Thus Fenwick succeeded no better in his contest with Andros over government than with the Quaker proprietors over division of the land.

⁸⁷ *NJA*, xxi, 549, 550.

⁸⁸ After this defection he was dismissed by Fenwick, who charged that Guy, Nevill, and "his followers" threatened to send Richard Tindall, Fenwick's Surveyor General, to prison, "unless he would engage to act no more for me" (Johnson, p. 45).

⁸⁹ *N. C. Recs.*, p. 430. The land in controversy had been sold first, June 8 1675, by two Delaware men, acting as agents for Fenwick before his arrival in West Jersey; and afterwards, apparently, sold again by Fenwick to others.

⁹⁰ *N. Y. Col. Docs.*, xii, 650.

⁹¹ See a little volume entitled *Salem Wills, 1679*, in Sec. of State's office, Trenton, pp. 1-29. Nevill and Penton, commissioners, and Henry Jennings, "Counstable," took the inventory of the estate of Henry Salter, who died intestate in 1679. The Salem commissioners also recorded Richard Hunter's will. In both cases the proceedings were approved and recorded at New Castle (*N. C. Recs.*, pp. 346, 360). But in the death of William Hancock, 1680, the commissioners appointed an executrix and granted probate themselves.

⁹² O'Callaghan, *Calendar*, ii, 66: March 22 1678, "Warrant to Ed. Cantwell, sheriff of Delaware, to arrest John Edridge of West Jersey, for debt, at the suit of John Fenwyck."

Meanwhile the latter had established the second and major focus of Quaker infiltration into New Jersey at Burlington, some sixty miles up the river from Salem. Fenwick was so close to New Castle that, had he been the most tactful of men, he would have had difficulty in avoiding friction with his Delaware neighbors; whereas Burlington was well to the north of the old Swedish-Dutch limits of settlement.⁹³

The Burlington colony was planned on a more liberal basis both as to land and to government than Fenwick's colony at Salem. It will be recalled that by the tripartite indenture of February 10 1674/5 Fenwick accepted as his share one-tenth of West Jersey—ten "equal and undivided hundred parts" of the whole territory. These were assigned by lot; he drew numbers for his ten parts and the trustees took the other ninety.⁹⁴ This agreement formed the basis for the colonizing enterprises of both Salem and Burlington, but they have little else in common. Fenwick sold definite parcels of land, some 150,000 acres, in blocks of from 500 to 10,000 acres (one was 20,000), before he left England; after he arrived he disposed of a few thousand acres more in much smaller lots.⁹⁵ All this activity was repudiated by the other proprietors, who, as noted above, contended that his interest had passed to Edridge and Warner, and they had joined forces with the Penn-Byllynge group, who had a quite different scheme for the exploitation of West Jersey. By their plan it was "to be divided by Lot into one hundred Shares, or Proprieties," as in the currently-popular joint-stock company. Purchasers of shares, "several" of which, the prospectus said, were "to be sold," would receive dividends of land as the territory was bought from the Indians and surveyed. The promoters encouraged people to club together, six, eight, twelve, or more, to buy a share, since the total amount of land was thought to be very large.⁹⁶ Thus, the expectation was, a large number of small investor-settlers would be recruited. For those who wished to settle without becoming shareholders, small amounts of land (twenty to seventy acres) were offered to each person coming or transporting a servant, subject to a quitrent.⁹⁷

Having perfected their arrangements the Quaker proprietors in Eng-

⁹³ "Takany, a village of Swedes and Finns" (Tacony, now part of Philadelphia) was the northernmost white settlement on the west side in 1679 (*Danckaerts' Journal*, p. 100). The Upland court's census of 1677 lists only ten tithables in their jurisdiction on the Jersey side (*Upland Rec.*, p. 80).

⁹⁴ Sickler, pp. 19-21; *NJA*, xxi, 559. For the whole subject of land title and distribution see Tanner, chs. 1 and 6.

⁹⁵ See the deeds calendared in *NJA*, xxi, 559-565, and a list in *Pa. Arch.*, i, 57.

⁹⁶ *The Description of the Province of West-Jersey in America; as also, Proposals to such as desire to have any Propriety therein* (July 1676), in N. J. H. S., *Proceedings*, liv, 8-11; Leaming and Spicer, pp. 382-383; Smith, pp. 82-87.

⁹⁷ Leaming and Spicer, pp. 386-387. Or masters of servants might give them land. Thus two sisters, binding themselves to go as servants for four years in 1681, were promised 40 acres each by their respective masters; Anthony Woodhouse got 40 acres for his services from his English employer, and so did William Lee and Nathaniel Sykes (*NJA*, xxi, 414, 417, 401; below, p. 7).

land offered their lands for sale, and between January and April 1676/7 disposed of twenty-four shares.⁹⁸ A block of ten, a whole tenth of the province, was taken by five Yorkshiresmen, Byllynge's principal creditors, in settlement of debts amounting to £3500.⁹⁹ The rest went singly. John Kinsey, Thomas Budd, John Penford, and Andrew Robinson each bought a whole share; Thomas Ollive, Daniel Wills, and William Biddle, two shares among the three of them.¹⁰⁰ Two shares went to twelve Irishmen, who located in the so-called "Irish tenth," later Gloucester County.¹ The remaining five were bought by groups totalling twenty-one individuals.² Many of these original purchasers quickly subdivided their holdings into fractions as small as $\frac{1}{64}$ of a share. Within a year the Yorkshire proprietors had sold at least half of their ten shares, mostly in fractions, to some twenty-six persons, all but six of whom emigrated.³ Shares were similarly split by other purchasers, even by Ollive, Kinsey, and others who were emigrating themselves, thus adding eighteen more small proprietors, thirteen of whom came to West Jersey.⁴ In short, within a year or two under the trustees' plan of colonization a quarter of the province had been parceled out to perhaps a hundred small proprietors. Absenteeism was discouraged by requiring land taken up to be settled within three years, and on conditions more favorable to emigrating proprietors than to absentee owners.⁵ In 1680 about a third of the "Freeholders and Inhabitants" within the jurisdiction of the Burlington court were proprietors.⁶ In its earliest stage West Jersey as Penn and his

⁹⁸ Or more. This many are recorded in the West Jersey deed books (*NJA*, xxi, 394-441).

⁹⁹ *Ibid.*, p. 418; Smith, p. 92. Of the five men, Mahlon Stacy and George Hutcheson are familiar names in the Burlington Court Book; Thomas Hutchinson emigrated but in 1687 was living in Maryland; Joseph Helmsley came on the first ship to Burlington (Smith, 92) but probably returned soon; while Thomas Pearson remained in England (*NJA*, xxi, 454). The last, it was charged, fraudulently tried to sell the land (*ibid.*), but apparently was stopped by court action (see below, p. 59).

¹⁰⁰ *NJA*, xxi, 394, 396, 397, 400, 405, 441. All emigrated, though Penford soon returned to England. He was present at the laying out of the town of Burlington (see Smith, p. 98; Clement, *Proprietary Towns*) and he bought land along with the other commissioners from the Indians in September 1677; but a trust deed he executed in October suggests that he was about to leave then; deeds of 1681 and 1682 place him in England, where he died, 1692 or before (*NJA*, xxi, see index).

¹ *Ibid.*, pp. 400, 405; Tanner, p. 102. Among them were Richard Hunter, who died at Salem in 1679, and William Clarke, who moved to Sussex County, Delaware (*NJA*, xxi, 401).

² *Ibid.*, pp. 394, 398, 408, 414. Of these William Peachee, John Cripps, Henry Stacy, William Roydon, Samuel Coles, Francis Collins, and Percival Towle are found in the Burlington colony.

³ Samuel Barker, Thomas Farnsworth, Elias Farr, Thomas Folke, Godfrey Hancock, James Harrison, Samuel Jennings, John and Thomas Lambert, Robert Murfin, Michael Newbold, George Nicholson, Joseph Pope, George Porter, Edward Taylor (gentleman in London, merchant in Burlington), Samuel Taylor, William Warner, John Wood, and Joshua and Thomas Wright. See indexes to *ibid.* & *id.* to this volume.

⁴ Bernard Devonish, Anthony Elton, Thomas Eves, Thomas Harding, John and Thomas Hooton, William Hewlings, Thomas Howell, Robert Powell, Benjamin Scott, John Stokes, William Snowden, and John Woolman.

⁵ Leaming and Spicer, 387-388. On headright land there were to be two "able men servants" or three "weaker" ones per 100 acres, but for proprietors who emigrated, only one person per 200 acres.

⁶ I count 22 on the list on p. 1, below.

associates planned it was a colony of small proprietors, who were not merely *freeholders* but *shareholders* in the enterprise. This was in the best democratic tradition of the Quakers, and more liberal than Penn's future colony of Pennsylvania, in which, although he shared the government with the people, he reserved the land to himself.⁷

The "Concessions and Agreements"⁸ issued by the proprietors in London for the projected colony, March 3 1676/7, provided for a "general free and supream assembly" of a hundred members (one for each propriety) to be elected as soon as divisions of the territory should be made. This body, as its description indicates, was to have absolute control of the province.⁹ Members were required to be proprietors or freeholders, but were to be chosen by all the inhabitants. Elections were to be annual, and voting by ballot. Pending the establishment of this legislature, the affairs of the new colony were to be managed by ten commissioners appointed by the proprietors, until 1680, when they were to be chosen by a general meeting of the inhabitants—unless, presumably, the assembly had been instituted in the meantime. In either event, as the Quakers planned it, the people were to rule in West Jersey without any restrictions or reservations whatever. That their expectations were not entirely realized was due to the interference of the Duke's government and to a change of heart on part of Byllynge himself.

* * *

The first shipload of colonists under the Concessions reached the Delaware in August 1677,¹⁰ in charge of nine commissioners appointed by the proprietors (and all but two of them proprietors themselves),¹¹ with power "to order and manage the estate and affairs" of the province according to the Concessions. The commissioners, no doubt aware of the difficulties Fenwick had been encountering with New York, took the precaution on reaching this side of the Atlantic of calling first on Andros, "to acquaint him with their design; for [as Samuel Smith puts it] tho' they had concluded the powers they had from the proprietors, were sufficient to their purpose; they thought it a proper respect to the duke of York's commission, to wait on his governor upon the occasion." It was well they did. When they started to

⁷ Penn had no proprietary or financial interest in West Jersey at this time. He was "every way unconcerned" when Byllynge asked him to be a trustee (Smith, p. 89).

⁸ Leaming and Spicer, pp. 382-411.

⁹ Subject to the provisions of the Concessions. There was no governor, but instead ten commissioners, to be elected by the assembly, as a sort of executive committee between sessions of the legislature.

¹⁰ See Smith, pp. 92 ff.

¹¹ Thomas Ollive and Daniel Wills of Northampton, John Kinsey of Hertford, John Penford of Leicester, Thomas Folke of Derby, Joseph Helmsley and Robert Stacy, York, Benjamin Scott, Essex, and Richard Guy, Middlesex County. Guy was already here and had bought 10,000 acres from Fenwick. Stacy, though perhaps not a proprietor himself, must have represented the family interest.

argue with him Andros, "clapping his hand on his sword, told them, that [he] should defend the government from them, till he received orders from the duke, his master, to surrender it; he however softened, and told them, he would do what was in his power, to make them easy, till they could send home to get redress; and in order thereto, would commissionate the same persons mentioned in the commission they produced. This they accepted, and undertook to act as magistrates under him, till further orders came from England, and proceed in relation to their land affairs, according to the methods prescribed by the proprietors." Thus the Burlington commissioners made a discreet detour around the "unexpected and disagreeable" problem of sovereignty.¹² Thereby they saved themselves the years of bickering and confusion that had frustrated Fenwick, and they could proceed at once to their more immediate business, the distribution and settlement of the land, while the other matter was being negotiated in England.

The commissioners¹³ were probably all Quakers. Thomas Ollive, who headed the list, seems to have been the leader of the first group of emigrants, and was an outstanding figure in the early years of the Burlington colony. His name and that of Daniel Wills, second on the list, appear constantly in the records printed in this volume, as do, to a lesser extent, most of the others.¹⁴ We do not know how far they considered themselves morally obligated to act in the name of the Duke. They failed to pass on to posterity any record of their magisterial proceedings during what we may call the "Andros period"—an omission which it is difficult to believe was purely accidental.¹⁵ It is clear, however, that others, if not the Burlington Quakers themselves, looked upon them as being definitely under the judicial jurisdiction of New York. A traveller through the Delaware River region in 1679 mentions three "minor courts," at Salem, Upland (on the west side), and Burlington, as subordinate to the "high court of the South River" at New Castle, the "capital of justice." Nor did the Burlingtonians deny this subordination. In the same year a suit involving the ownership of Lessa Point, which had come before "the magistrates of Burlington" without their making an "End of itt," was with their consent removed to the court at Upland.¹⁶

The Burlington people were indeed disappointed to find themselves under another jurisdiction. As one proprietor wrote, "The place I like very well . . . But if it be not made free, I mean as to the customs and govern-

¹² Smith, pp. 92-94, 105.

¹³ Andros named only eight, omitting Thomas Folke (*N. Y. Col. Docs.*, xii, 579, 635).

¹⁴ Of the others, Guy was already on the Salem court. He moved to Burlington about 1690. Kinsey died soon after coming (Smith, p. 93). Penford is the only commissioner who does not figure later in the Burlington Court Book, and he, as noted, returned soon to England.

¹⁵ No court minute book has been found antedating the records printed in this volume, nor are there even occasional minutes of court actions entered among the Burlington land records, like those cited above from Salem.

¹⁶ *Danckaerts' Journal*, pp. 143, 156; *Upland Rec.*, p. 142.

ment, then it will not be so well." ¹⁷ But the policy of the commissioners was to maintain amicable relations with Andros while Penn and his friends in England used their influence with the Duke to perfect their title. The commissioners succeeded so well that there is only one instance of friction to record. It was specified in the proprietors' Concessions that the commissioners appointed by them were to govern the province until March 25 1680, when the resident "Proprietors, freeholders, and inhabitants" were to meet and elect ten men to be commissioners for the ensuing year, and so annually until a "general free Assembly" should be instituted.¹⁸ Free elections had no place in the Duke's authoritarian regime on the Delaware, but this election nevertheless took place at the appointed time. This is known not from any mention of it in the West Jersey records, but from the unfavorable notice taken of it by the New York government, whose Council minutes of May 21 1680 record:

Thomas Budd committed yesterday to the sheriff for writing and signing and sending abroad writings at Burlington and meeting together according to appointment March 25 and the signing to a paper.

A special warrant to the sheriff to keepe the above Bud in Custody, untill he shall produce those papers signed and disperst, etc.*

*—by summoning the Kings subjects and disturbing them in their peaceable Enjoyment.

To bee of the good behavior.

Samuel Cole did not signe though present. Every one else did.

Hee was committed by another [].

At Burlington they refuse to shew any authority or produce Copys. . . .

The Commissioners at Burlingtons returne being 8:—5 of them to bee in Commission.

The Clause for land to bee left out—and to act according to Law.

An order against selling strong liquors to the Indyans to [] for [].¹⁹

It appears therefore that popular government began in West Jersey on schedule—government by a compact or agreement to which all concerned "voluntarily and freely set our hands." ²⁰ We may reasonably infer that at

¹⁷ Thomas Hooten to his wife, 1677 (Smith, p. 105). Andros was collecting duties on imports and exports in the River (*ibid.*, 116).

¹⁸ Leaming and Spicer, p. 385.

¹⁹ New York Colonial MSS. (State Library, Albany), xxix, 99, printed in part in *N. Y. Col. Docs.*, xii, 650. Brackets indicate illegible words.

²⁰ Leaming and Spicer, p. 409. That the signing of the Concessions was deemed important is evident from an order of the Burlington court (below, p. 8) requiring all within its jurisdiction to sign or "shew their reasons for their refusall." It is possible that the "signing to a paper" referred to by the New York Council was of the Concessions; Samuel Coles said he did not sign, and his name is not among the 200-odd appended to the document, either as printed in Leaming and Spicer or the copy in the MS. volume, *Concessions Etc. 1681-1699* (Sec. of State's office, Trenton), which contains some additional names. It is curious to find, sandwiched in among some Salem signers, the names of three Delaware officials, New Castle court justices Fopp Outhout and Casparus Herman, and Sheriff Edmund Cantwell. Two of them had land in West Jersey bought from the Indians in the pre-Quaker period and perhaps signed in order to protect these interests. See, on these purchases, F. H. Stewart, *Indians of Southern New Jersey* (Woodbury, 1932), 71, 73.

the meeting which Thomas Budd promoted commissioners were elected in conformity with the requirements of the Concessions, and that the old commissioners then sent the names to New York as nominations for a new commission. That Andros was not too seriously offended by these proceedings is evident from his willingness to name five of the eight recommended to a new commission for the Burlington court. These five were, beyond any reasonable doubt, the five listed in the court proceedings of June 1680, on page one of this book. That court therefore was held by the authority of the Duke, although the record carefully refrains from saying so. Neither is any mention made of the Concessions. Instead, to indicate the popular basis of the proceedings, the names were recorded of all the inhabitants who were to "doe their sute"—that is, to be in attendance, as the ancient custom of English local courts required.²¹ In this way the Burlington Quakers took a step forward toward self-government without repudiating the authority of the Duke. The absence of Salem names from this list indicates that Fenwick's colony was not included within the Burlington jurisdiction, and the Salem court continued to function under the ducal authority.²² The continued deference of the Burlington immigrants to New York is illustrated by "the inhabitants of the new seated Towne nere the falls of Delaware (called Crewcorne)," who, April 12 1680, petitioned Andros to suppress the sale of strong liquor to the Indians. In September, when the official he appointed would not enforce the Council's order, the Crewcorne people suggested that the "Elected Commissioner"—that is, Mahlon Stacy, one of those elected at Burlington and commissioned by the New York government—be allowed to do so.²³ There was no response to this suggestion, but news was already on its way across the Atlantic which put an end of New York authority in New Jersey. The claims of the Quakers were finally confirmed by the Duke of York.²⁴

GOVERNMENT IN WEST JERSEY, 1680-1708

Through the efforts of Penn and others the Duke of York was finally persuaded to relinquish his claim to customs duties in West Jersey,²⁵ and with it all his rights to the territory, in a deed of confirmation or release dated August 6 1680.²⁶ Most of the Quakers' troubles were over, but not all. A new but smaller fly was introduced into the ointment. By this deed James

²¹ See S. and B. Webb, *English Local Government . . . The Manor and the Borough*, i (London, 1908), chs. 1, 2; . . . *The Parish and the County* (London, 1906), p. 296.

²² See above, pp. xxiv-xxv.

²³ See *N. Y. Col. Docs.*, xii, 645-660. Quakers Richard Ridgway and Robert and Thomas Scholey were among the petitioners. The person complained against, Gilbert Wheeler, was fined for liquor selling by the Upland court June 1681 (*Upland Rec.*, p. 194), and again at Burlington in 1682.

²⁴ Smith, p. 124.

²⁵ Smith, pp. 116-124.

²⁶ *NJA*, i, 323-333.

eliminated himself from the scene, and by his granting West Jersey to the three trustees and Byllynge, Edridge, and Warner, Fenwick was eliminated too; but the government unexpectedly was settled upon Byllynge in person, not upon the group, and thus the Quakers in West Jersey found that they had merely exchanged one master for another. True, they could cope with Byllynge on a more equal footing, as they proceeded to do, but in the end he won out, retaining his right of proprietorial sovereignty over the province. The fact is important not because Byllynge or his successors tyrannized over West Jersey people but because it was a contributing cause of the subsequent surrender of the proprietorial government to the Crown.

Byllynge, living up to his contemporary reputation for shrewdness,²⁷ seems to have engineered this startling innovation himself, by tendering James a deed already drawn up for him to sign. To the objection that the Duke's legal counsel had neither drawn nor signed the document, Byllynge "urged the necessity of it now," as a ship with emigrants was ready to sail to West Jersey with it; and so the Duke signed.²⁸ Byllynge's master stroke was in the nature of a *fait accompli*, and there was not much the Quaker leaders could do about it except to urge moderation upon both sides—that is, upon the new lord proprietor in England and his angry subjects on this side of the ocean—and in this they were, on the whole, successful. The West Jersey people were persuaded to choose Byllynge as governor; and he designated as his deputy Samuel Jenings, who had been sent over with a new commission from the whole group of trustees and owners shortly before the issuing of James' grant.²⁹

There was nothing in the Concessions about a governor of any sort; but legally speaking self-government under the Concessions ended August 6 1680—that is, before it could get under way—with the bestowal of the government upon Byllynge. Jenings called an assembly which met November 1681, drew up some "fundamentals" protecting its constituents against possible tyranny by governors, and then upon his acceptance of these provisions "accepted and received" Jenings as "Deputy Governor," after which they enacted a mass of legislation.³⁰ During its session of May 1683 the assembly elected Jenings governor, and sponsored a meeting of all the freeholders of the province, which resolved "that the purchase at first made, was of land and government together;" that Byllynge and the trustees were bound "to make good the former contract of the land and government to the purchasers;" that the assembly would stand by the Concessions; and that an

²⁷ "A close suttle witte man" (Stewart, *Fenwick*, p. 53). See Pepys' comment, above.

²⁸ *NJA*, i, 323.

²⁹ Strictly speaking, this appointment of new commissioners was not in accordance with the Concessions, for in 1680 the people were to begin choosing their own commissioners, and they did so, March 25, as noted above. Possibly word of this election did not reach England before the departure of Jenings, who reached West Jersey about Sept. 1 1680.

³⁰ Leaming and Spicer, pp. 423-437.

instrument should be drawn up and sent to "some trusty friends in London" (including George Fox) for Byllynge to sign, "whereby to confirm his first bargain and sale he made to the freeholders of this Province, of land and government together."³¹ In 1684 they sent Jenings and Thomas Budd to England to press their case, electing Thomas Ollive governor after Jenings' departure.³² The matter was thoroughly discussed among the English Quaker leaders, George Fox himself attending a dozen conferences on the "New Jarcey business."³³ The result was a defeat for the West Jersey people: Byllynge, they decided, was entitled to the government by the grant of 1680 and could not legally divide it; but he should confirm the Concessions.³⁴

It is a tribute to the Quaker spirit of discipline that they acquiesced in this award, even though Byllynge did not confirm the Concessions.³⁵ The assembly continued Ollive as governor, rejecting a Byllynge appointee named William Welch.³⁶ In 1685 Byllynge appointed a new deputy governor in the person of John Skene, a resident of some prominence in the colony, having been elected to the Council in 1683.³⁷ His new dignity weighing heavily upon him, Skene made a dramatic entrance into the Burlington court, November 1685, read his commission, shooed Governor Ollive and the magistrates off the bench, and adjourned the court till next morning. He may have intended to appoint new justices, but if so he was disappointed. The court met not next day but six weeks later. In the meantime the assembly had met, bowed to the new commission (but "reserving their just rights and privileges"), appointed a committee to inspect Byllynge's new charter, and elected a new slate of justices, as was their annual custom. However, at the ensuing session of court (December 15 1685) it was definitely declared that the court was held by Byllynge's "power and Authority."³⁸ Skene continued as governor, the court minutes show, until August 1688—in November he is merely a justice. In April of that year James, now king, had annexed the Jerseys to New England and New York in a new "Dominion of New England,"³⁹ with their old nemesis, Andros, as governor. He did not bother the Jerseys much, appearing in West Jersey August 18 only to take over the province officially. Skene was authorized to distribute new

³¹ Leaming and Spicer, pp. 468-472; cf. *NJA*, I, 421.

³² Leaming and Spicer, pp. 483-490.

³³ Sept. 1684 to July 1685 (see *The Short Journal and Itinerary Journals of George Fox*, ed. N. Penny (Cambridge, 1925), index, Byllynge).

³⁴ Tanner, p. 119.

³⁵ *Ibid.*, p. 120.

³⁶ Smith, p. 190. In 1683 he was chosen register of immigrants, and a member of the Governor's Council (Leaming and Spicer, pp. 480, 481).

³⁷ *Ibid.*, p. 472.

³⁸ *Ibid.*, p. 503; below, p. 48.

³⁹ On this see C. E. Godfrey, "When Boston was New Jersey's Capital," reprinted from *N. J. H. S., Proceedings*, Jan. 1933.

commissions (with accompanying charges) for all incumbent officers and to have them deliver their records to him to be sent to Andros; but he seems to have collected neither fees nor records.

James' "Dominion" eliminated West Jersey's Assembly for the time being. But the Glorious Revolution of 1688 soon drove James from the throne in England and Andros from his post in America. From the departure of Andros' lieutenant in June 1689 until 1692 West Jersey seems to have been without either legislature or governor.⁴⁰ The only local government during this period was exercised through the courts, whose mill of justice ground on unperturbed, governor or no governor, assembly or no assembly, as the court minutes show. The lineup of justices on the Burlington bench during this interregnum remains unchanged. The local head of government, so far as there could be said to be any, was still John Skene, who though no longer governor continued to preside over the court.⁴¹ But his colleagues were not overawed, judging from the alacrity with which they slapped him down whenever his name was called from the other side of the bench.⁴²

Meanwhile the death of Byllynge had changed the proprietorial picture. Future governor-proprietors were destined to be non-Quakers. In 1687 Byllynge's heirs sold their inheritance to Dr. Daniel Coxe, court physician and dabbler in colonial enterprises.⁴³ The question of sovereignty was no longer debatable, he told West Jersey people, but he would abide by their "fundamentals," unless contrary to the laws of England, which, in his opinion, "extend to our colony." But Coxe's enthusiasm waned and in 1691 he conveyed most of his twenty-two proprietries and the government to a group of forty-eight men, mostly London merchants, who were not prospective immigrants but merely land speculators.⁴⁴ This "West Jersey Society" in 1692 appointed as their "Commissioner and Deputy Governor" Andrew Hamilton, a Scotch merchant of East Jersey, who was already governor of that province, and a man of prudence and tact, the best-liked governor, perhaps, that colonial New Jersey ever had.⁴⁵ Under Hamilton the legislature was revived, but on a bicameral basis with a council and a house of representatives.⁴⁶ Hamilton, who spent most of his time in East Jersey and seldom found time to preside over West Jersey court sessions, was authorized by his commission to appoint a deputy of his own in the western province. This he did, in the person of Edward Hunloke, a prominent Burlington merchant. During Skene's regime Hunloke had been second on the

⁴⁰ Godfrey, p. 14.

⁴¹ His name heads the list of justices in sessions, and he is judge of common pleas.

⁴² See below, pp. 98, 102.

⁴³ Tanner, p. 121; Smith, pp. 190-194.

⁴⁴ *NJA*, ii, 41, 64.

⁴⁵ Tanner, pp. 92, 122. His commission, dated April 11, is in *NJA*, ii, 87.

⁴⁶ Leaming and Spicer, pp. 507 ff.

list of justices, and when the ex-Governor died in 1690 Hunloke moved up to first place. At first he was designated as "Deputy Governor," and as such he presided over the Gloucester court also;⁴⁸ and though this title was soon dropped in the court minutes, he continued to head the bench as long as he remained on it.⁴⁹

In 1697 the West Jersey Society in an ill-advised moment decided to replace Hamilton with Jeremiah Basse, an Anabaptist preacher turned adventurer, who had been acting as their land agent. Basse arrived in Burlington in his gubernatorial capacity April 1698. Hamilton and the Quaker assembly refused to recognize him as governor, but he appointed a council (including John Tatham, Thomas Revell, John Jewell, and Edward Randolph, none of them Quakers) and magistrates.⁵⁰ The latter were at first prevented by violence from holding court, but at length, with the governor at their head, effected an entrance into the court house and began their duties.⁵¹ The sessions recorded in the Burlington minutes between August 1698 and November 1699 were held under Basse's authority, he being present at three. Fourteen justices appeared on the bench at various times during this period, most of them non-Quakers or ex-Quakers.⁵² The court

⁴⁸ Stewart, *Gloucester County under the Proprietors*, pp. 26, 27.

⁴⁹ Hunloke is one of the few local non-Quakers prominent in Burlington affairs during the proprietary period. That he was not a Quaker may be inferred from the absence of any reference to him as such in the Quaker meeting records. He was not among the earliest settlers and may have come to West Jersey through the Langfords, John and Ebenezer, who were merchants and landowners in Burlington County, the latter as early as 1684. Hunloke was a brother-in-law of John (*NJA*, xxi, 356, 419, 425). He is first noted in 1686/7, as an attorney in a suit and a member (probably foreman) of the Burlington grand jury. Soon afterwards he was indicted for selling rum to the Indians, for which, despite his plea of ignorance of the law, he was fined the full amount, £3 (Leaming and Spicer, p. 435). From this we gather that he was a newcomer and at the time interested in the Indian trade. Under such inauspicious circumstances Hunloke entered West Jersey public life. But the very next session of court (July) he was on the bench, where he remained till 1696—the first non-Quaker, with negligible exceptions, to sit there. He was plaintiff in 35 suits, mostly for debt. In one of them he was accused of keeping false books; in another the jury intervened to protect the defendant; in a third a witness declared she would give two servants their time before Hunloke should have them (below, pp. 81, 83, 180, 111). Hunloke prospered and in spite of local unpopularity enjoyed the confidence of the non-Quaker ruling element. He acted as land agent for Dr. Cole, 1691–2 (*NJA*, xxi, 432; below, pp. 134–143). When Hamilton became governor of both the Jerseys Hunloke became his deputy for the western province. His commission as such was read in the court in Nov. 1692 and the last time he was noted under that title was in Oct. 1693. He was commissioned Collector of the Port of Burlington in 1695 (*NJA*, xxi, 499, and see below, pp. 183, 200). Unlike Thomas Revell (see below, p. xxxix), during the Basse controversy Hunloke supported the Hamilton-Quaker party, on the return of which to power he became clerk and recorder for the Burlington jurisdiction, 1699, and so remained until his death in 1702. He was also clerk of the council, 1700, 1701 (Leaming and Spicer, pp. 566, 569, 577, 579, 587; below, p. 265). He was named on Cornbury's provincial council upon the surrender in 1702 but died before that body convened (*NJA*, iii, 1). Between 1691 and 1694 he married (doubtless a second wife) Mary daughter of the Quaker Richard Basnett (*NJA*, xxi, 489). His widow and Margaret Hunloke his executrix were early benefactors of St. Mary's Anglican church in Burlington (G. B. Hills, *History of the Church in Burlington* (Trenton, 1876), pp. 215, 218).

⁵⁰ Tanner, p. 122; *NJA*, ii, 208, 401–402.

⁵¹ *Ibid.*, pp. 381–382.

⁵² Tatham, Revell, and Jewell, who as noted above were members of Basse's council, and