

LAWS OF THE ROYAL COLONY OF NEW JERSEY, 1703-1775

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NEW JERSEY ARCHIVES - THIRD SERIES

5 volumes, published 1974-1986

- ❖ Laws of the Royal Colony of New Jersey, 1703-1775
 - ❖ Laws enacted by the provincial legislature of New Jersey
 - ❖ Passed by Assembly, approved by Governor and Council
 - ❖ Crown may have later disallowed some
- ❖ Privy Council Meeting Minutes – 1777-1789

(NJ Archives Series One and Two – 47 volumes published 1880-1949 – Governmental records, newspaper abstracts, will abstracts; land transactions, etc.)

WHY 1703–1775? – MILESTONES

- ❖ 1664 – New Jersey under control of East and West Jersey Proprietors – laws passed subject to Proprietors' approval and Crown's approval
- ❖ 1702 – East and West Jersey Proprietors surrendered government (but not land) to Queen Anne and New Jersey became a single colony
- ❖ May 1775 – Provincial Congress formed / met in Trenton; to protect interests of New Jersey
- ❖ Dec 1775 – Last meeting of Assembly
- ❖ June 1776 – Gov. William Franklin ordered confined

SUBJECTS OF CONCERN

- ❖ Land
 - ❖ Transactions
 - ❖ Protection
 - ❖ Borders
- ❖ Public civility
- ❖ Native American Relations
- ❖ Natural Resources
- ❖ Religion / support of Monarch
- ❖ Taxes

IN THE BEGINNING – 1703-1704

- ❖ 1703 – First piece of legislation – Regulating Land Purchases from Native Americans
 - ❖ Unauthorized persons buying land from Native Americans
 - ❖ As of December 1, 1703 – no one is to purchase, take a mortgage on or lease land from Native Americans without a certificate from the Proprietors.
 - ❖ Prior transactions where parties were not entitled to do so are null, void and illegal.
- ❖ 1704 – Second piece of legislation – Raising Revenue (Taxes!) to Support the Queen's Government
 - ❖ To help defray considerable expenses in keeping the colony
 - ❖ Set forth regulations, collection method, penalties, etc.
 - ❖ Burlington (inc. current Hunterdon) assessors: Thomas Lambert, John Wills; collector: Nathaniel Westland
- ❖ Other 1704 Legislation
 - ❖ Settling the provincial militia
 - ❖ Act for suppressing immorality
 - ❖ Regulating, clearing, preserving public common highways
 - ❖ Altering present Constitution and regulating Assembly elections
 - ❖ Act for uniting and quieting the minds of Queen's subjects
 - ❖ Regulating Negro, Indian and Mulatto slaves
 - ❖ Reviving and continuing courts in Bergen, Middlesex and Monmouth

Unclear if some of this early legislation was disallowed.

DELAWARE RIVER – CRITICAL TO HUNTERDON

- ❖ 1765 – Fishing and Navigation
 - ❖ Fishing methods – no nets, no obstruction of migration, no destruction of spawn
 - ❖ Constables of towns on river to inspect at least once per 14 days for violations (March 1 to Dec 1)
- ❖ 1768 – Fishing
 - ❖ Hunterdon and Burlington - 1765 law detrimental to herring fisheries
 - ❖ Certain seine nets allowed from April 1 to June 15
- ❖ 1775 – Navigation
 - ❖ River declared a common highway – trade and commerce
 - ❖ Commission of 12 formed to improve navigation, including John Emley of Kingwood; had broad authority
- ❖ Other – Regulation of marshes, dams; slaves arriving by river; fortification against Indians

DELAWARE RIVER – BOUNDARY W/ NEW YORK

- ❖ 1769 – Commission by King George III determined boundary between NJ/NY:
 - ❖ On Delaware side: $41^{\circ} 21' 31''$ N (Tristate Monument - $41^{\circ} 21' 26.18''$ N – 1 second latitude is 101')
 - ❖ On Hudson side: Rock on west side of river at 41° ; measured also from Sneyden's house
- ❖ 1770 – Assembly confirmed the border
 - ❖ Named individual properties and owners along the border who would be affected
 - ❖ Provided for lands north and south of border to become part of proper colony
 - ❖ Set a commission to mark border: Blaze both sides of trees along the border; install monuments every one mile labeled "New Jersey" and "New York" and miles from rock
 - ❖ Effective when New York passes corresponding law and Crown approves
- ❖ 1772 – As above; New York passed the law, awaiting Crown approval

NOT QUITE FREEDOM OF RELIGION

Background: As head of Church of England, the King wanted to secure his place by encouraging subjects to be, if not Anglican, at least Protestant. Concern was that a Catholic would seek the throne (King James II – 1685-1688 was Catholic).

- ❖ 1722 – An Act for the Security of His Majesty’s Government of New Jersey
 - ❖ If someone is judged to be dangerous or not supportive of the King or his Government, he must take an oath which included denunciation of the Pope, and other Catholic religious tenets
- ❖ 1740 – Person on naturalization record is Protestant and supports the Protestant line of succession to the throne; refers to 1722 law
- ❖ 1747/48 – Naturalization record of four people states goal is to encourage Protestants and these four people are Protestant
- ❖ 1762 – Naturalization record of fourteen people states they are Protestant and support the Protestant line of succession.

These are not isolated examples, but the norm.

POOR RELIEF – A UNIVERSAL ISSUE

- ❖ 1709 – Overseers and Assessors to collect funds and provide poor relief – town and precinct level
- ❖ 1758 – Comprehensive legislation on settlement and relief of the Poor
 - ❖ Main point – Limiting responsibility for outside people coming to get relief
 - ❖ Be settled more than one year in the town
 - ❖ Vagabonds, rogues, etc. not taken into a dwelling without reporting it
 - ❖ Those seeking employment need a certificate from where they came; if become poor, that place is charged
- ❖ 1769 – Slaves
 - ❖ Manumitted – if unable to support themselves, former owner is to post a bond for their support; non-manumitted – if owner is insolvent and slave cannot self-support, slave is entitled to same support as that given to a white servant
- ❖ 1774 – Comprehensive legislation to address ineffective areas of current laws
 - ❖ Single women with children, servants, runaways

It was common that fines or goods confiscated for various infractions went to support the poor. Example – 1775 – Anyone selling oysters from May 1 thru September 1 (spawning season) would have to give the oysters to the Poor.

INSIGHT INTO PROBLEMS OF THE DAY

- ❖ 1709 – Issue - Swine running loose are “prejudicial” to the public.
 - ❖ Swine to be kept enclosed on owner’s property
 - ❖ Swine on another’s property can be killed and used as desired
 - ❖ 1710 – Can’t be used as desired – notice to owner for his own use, if can’t locate inform Overseer of the Poor for poor use

- ❖ 1710 – Issues – Repair of fences, neighbor differences; cattle trespassing
 - ❖ Initial legislation on fences
 - ❖ 4’ 4” high – sufficient for cattle and horses
 - ❖ Penalties for animals breaking out and for fence disrepair
 - ❖ Rules for how fences are handled on property lines
 - ❖ 1714 – New height 4’ 6”, modifications to neighbor interactions, repairs, livestock trespassing, apparently address problems with 1710 law
 - ❖ 1723 – Now sheep involved
 - ❖ 1730 – Two allowed heights, more rules and bureaucracy - setting rules by date, etc.
 - ❖ 1774 – Fences in marshes, brooks, salt meadows, etc.

INSIGHT INTO PROBLEMS OF THE DAY

- ❖ 1722 – Prevention of killing deer outside of season and against unqualified persons carrying guns
 - ❖ Forbidden – January – June (except in January in one’s own cornfield)
 - ❖ Excluded Native Americans (w some provisions)
 - ❖ Regulations against carrying guns or hunting on other people’s land without permission
 - ❖ Slaves needed approval of master to carry a gun or hunt
 - ❖ 1751 – Prior legislation did not prevent “Mischiefs and Inconveniences” caused by steel traps – hurting cattle and people
 - ❖ Traps only to be used for wolves, bears, panthers, and other beasts of prey – not for deer
 - ❖ No dogs to “drive” deer on another person’s land
 - ❖ Several other provisions, including small adjustment of season
 - ❖ 1763 – Limit size of traps, hunting deer only September 1 to January 1
 - ❖ Exceptions for Native Americans and military
 - ❖ More revisions before 1776
- ❖ 1739 – Issue -Too far for Hunterdon folks to go to Trenton for county recording, court, etc.
 - ❖ Morris County formed from Northern Hunterdon

INSIGHT INTO PROBLEMS OF THE DAY

- ❖ 1757 – Issue – Legislation to address the Crosswicks Treaty with Native Americans (signed due to hostilities in Pennsylvania; also – French and Indian War – 1754-1763)
- ❖ 1769 – Issue – Punishment (death penalty) for horse theft preventing enforcement because no one would turn in a person
 - ❖ Lowered penalty for horse theft from to corporal or other punishment (first offense)
 - ❖ 1774 – Lowered the level of court that could hear first offense horse theft cases because justice was taking too long – expensive to keep in jail
- ❖ 1770 – Issue – Dogs killing sheep and other animals – Hunterdon, Somerset, Burlington, Gloucester
 - ❖ Fee/tax for keeping dogs; funds used to reimburse those suffering losses
 - ❖ List kept of owners, dogs, fees – “licensing”
 - ❖ Trespassing dogs could be killed

REFERENCES

New Jersey Archives, Third Series:

Vol I - Bernstein, David A., ed. *Minutes of the Governor's Privy Council, 1777-1789*. Trenton: New Jersey State Library, Archives and History Bureau, 1974.

Vol II – Bush, Bernard, comp. *Laws of the Royal Colony of New Jersey, 1703-1745*. Trenton: New Jersey State Library, Archives and History Bureau, 1977.

Vol III – Bush, Bernard, comp. *Laws of the Royal Colony of New Jersey, 1746-1760*. Trenton: New Jersey State Library, Archives and History Bureau, 1980.

Vol IV – Bush, Bernard, comp. *Laws of the Royal Colony of New Jersey, 1760-1769*. Trenton: New Jersey State Library, Archives and History Bureau, 1982.

Vol V – Bush, Bernard, comp. *Laws of the Royal Colony of New Jersey, 1770-1775: With Addenda and Index*. Trenton: New Jersey State Library, Archives and History Bureau, 1982.

Lee, Francis Bazley. *New Jersey as a Colony and as a State: One of the Original Thirteen*. 4 vol. New York: The Publishing Society of New Jersey, 1902.