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CAMDEN COUNTY HISTORICAL SOCIETY

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THE TRUE ORIGIN

OF

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1922  
Old Gloucester County, N. J.

FROM

Some Unpublished Pages of  
Leaming & Spicer's "Concessions 1681-1699," Together  
With an Appendix on

Gloucester Town Township

*by*

DR. CARLOS E. GODFREY

Director Public Record Office  
of New Jersey.

READ BEFORE THE SOCIETY, NOVEMBER 21, 1922.



# Origin of Gloucester County in New Jersey

By DR. CARLOS E. GODFREY  
Director Public Records Office of New Jersey

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*Read before the Society November 21, 1922*

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When and how was Gloucester County organized? In seeking this information I find that the Secretary of State in 1905 officially announced that the counties of Burlington, Gloucester and Salem were "originally constituted" on May 17, 1694, quoting Leaming and Spicer's "Grants and Concessions" as his authority. <sup>(1)</sup> This statement is erroneous, as will appear by reference to pages 507, 513, 514, and 529 of the last mentioned publication, which shows that these particular "counties" lawfully existed at an earlier date.

In continuing my investigation, I was again surprised to find in such standard histories as Mickle's "Reminiscences of Old Gloucester," Mulford's "Civil and Political History of New Jersey," Tanner's "Province of New Jersey," and Cushing and Sheppard's "History of the Counties of Gloucester, Salem and Cumberland," that no legislative sessions were held in the Province of West New Jersey between November 25, 1685, and November 3, 1692; and that by reason of this circumstance and other political disturbances in the provincial government, the People of the third and fourth tenths "seized upon the first opportunity" of organizing the County of Gloucester. This was alleged to have been done in the convention which assembled at Arwames [Gloucester] on the twenty-sixth day of May in 1686. Two days later, after mature deliberation, the convention promulgated an instrument which has become locally famous as the COUNTY CONSTITUTION. This, according to such historians as Mickle, Gordon and Lee, is "the only county in New Jersey that can deduce its existence from a direct and positive compact between her inhabitants," who "deemed themselves a body politic, a democratic commonwealth, with full powers of legislation." <sup>(2)</sup>

This document was immediately recorded in the court minutes of Gloucester County, and is in the following text: <sup>(3)</sup>

Gloucester ye 28th May 1686

By the Proprietors Freeholders and Inhabitants of the Third and fourth Tenths (alias County of Gloucester) then Agreed as followeth

Imprints That a Court be held for the Jurisdiction and Limitts of the aforesaid Tenths or County, one Tyme at Axwamus alias Gloucester and another tyme at Red Bank

Item That there be fouer Courtes for the Jurisdiction aforesaid, held in one year at ye dayes and tymes hereafter mentioned viz upon the first day of the first Month upon ye first day of ye fourth month, on the first day of the Seaventh month, and upon ye first day of the Tenth month.

Item That the first Court shall be held at Gloucester aforesaid, upon the first day of September next

Item That all warrants and summons shall be drawne by the Clarke of the Courte and Signed by a Justice and soe delivered to the Sherriff or his Deputy to Execute.

Item That the bodye of each warrant &c. Shall Contayne or Intimate the nature of Action.

Item That a Copy of the Declaration be given along with ye warrant by the Clerke of the Court, that soe the Defendant may have the longer tyme to Consider the same and prepare his Answer.

Item That all sumons warrants &c. shall be served and Declarclarations given, at least ten dayes before the Court.

Item That the Sherriffe shall give the Jury summons six dayes before the Courte be held on which they are to Appear.

Item That all persons within ye Jurisdiction aforesaid bring into the next Courte, ye mark of their Hoggs and other Cattell, in order to be Approved and Recorded.

On the face of it, this instrument is no more than the ordinary primitive custom followed by the English in the establishment of their "shires," and which system prevailed in the organization of some of our original counties in provincial New Jersey. However, the beautiful theory set up by the historians regarding the making of the County Constitution and its legal importance is purely a myth, which crumbles and disappears under the slightest critical pressure.

The fact is, the West Jersey Assembly was convened regularly on the 12th of May and the 3d of November in every year from 1686 to 1692, inclusive; but, because the proceedings for these various sessions were omitted from Leaming and Spicer's "Grants and Concessions," the historians referred to, without question or investigation, concluded that no legislative sessions were held in these years; hence, the opportunity for presenting to posterity their picturesque representation of conditions that were associated in the formation of Gloucester County.

In comparing Leaming and Spicer's "Grants and Concessions" with the original manuscripts contained in a book entitled "Concessions, 1681-1699"—on file in the office of the Secretary of State at Trenton, I found so many omissions and errors in the publication that they really impair its value for historical reference. The summary of this general examination, so far as the records of the Province of West Jersey is concerned, was published in the Camden Post-Telegram on November 15, 1922.

The most important omission which I discovered in Leaming and Spicer's compilation that directly concerns the County Con-

stitution, was the proceedings of the West Jersey Assembly from the 12th to the 15th of May in 1686, the original of which is to be found in the "Concessions, 1681-1699," just referred to, from pages 97 to 105, inclusive. A literal copy of these proceedings is hereto annexed.

In examining these legislative minutes it will be observed that the first business considered by the General Assembly on May 15, 1686, at six o'clock in the morning, was a resolution presented by the members from the third and fourth tenths. This provided for the establishment of a court within their jurisdiction, to be held alternately at Newton and Red Bank, of which William Warner was to be sheriff and John Reading clerk. The resolution was immediately adopted. At the close of the day's business the resolution was duly assented to, when the General Assembly finally adjourned until the 3d of the following November.

Therefore, we have an abundance of documentary evidence that the County of Gloucester was organized in a regular and in a lawful manner, and that the instrument adopted by the People of Gloucester on the 28th of May, 1686, was a peaceful movement in carrying out the will of the General Assembly by prescribing the *minutiae* of legal procedure in the new county court.

REFERENCES

1. Compendium of Censuses, 1726-1905, pp. 15, 22, 35.
2. Mickle—Reminiscences of Old Gloucester, p. 39.  
Gordon—Gazetteer of New Jersey, App. p. 148.  
Lee—New Jersey as a Colony and as a State, Vol. I, p. 265.
3. Gloucester County Clerk's Office, Vol. A, p. i.

Pages of some unpublished parts of Leaming & Spicer's "Grants and Concessions, 1681-1699." Original manuscript in Secretary of State's Office, Trenton, N. J.

[P. 97] Province west Jersey

The Gennerall Assembly Adjourned to ye twelveth of the third Month 1686 Continued by adjournments to ye fifteenth of ye same Month

THE MEMBERS OF YE HOUSE.

*Decimo secundo Die*

1 <sup>ST</sup> TENTH	2 <sup>D</sup> TENTH	3 <sup>D</sup> TENTH	4 <sup>TH</sup> TENTH
Mahlon Stacy	Tho: ollive	Rob: Turner	And: Robinson
Tho: Lambert	Sam: Jennings	ffran Collins	Israel Holme
Will: Emley	Rob: Dimsdale	Tho: Howell	Wolla Dalboe
Will: Biddle	Tho: Budd	Will: Bates	Anth: nealson
ffran: Davenport	Dan: Wills	Jno: Reading	Benja: Bramma
Joshua wright	Tho: Gardner	Rob: Zanes	Rich: Laurence
Geo: Hutchinson	James: Budd	John: Hugg	John: wood
Elias: ffarre	Jno: Boarton	Tho: Thackrey	Will: Warner
Rob: Stacy	Will: Peachee	John: Key	Don: Tradway
Rich: Guy	Will: Budd	Will: Cooper	Tho: Mathews

## SALEM TENTH

Geo: Deacon	Joseph White	John Worlidge	
Ed: Wade	Ed: Bradway	Rich: Tindall	Will: Brathw [torn]
James neville	Sam: Hedge	Mark Reeve	

The speaker Thomas ollive not appearing ye house Chuses [torn] Budd speaker untill Thomas ollive be present.—

Thomas Sharp by ye ffree Choyce of ye third Tenth being Chosen a Member of ye assembly Instead of Thomas Howell for their Tenth is proposed to ye house, and Thomas Howell in his own person Signifying his Request to be dismiss, the Assembly by voat accept of ye sd Thomas Sharp in his stead And dismiss ye sd Thomas Howell.—

Richard Laurence being seaventy years of age & very deaf, desireing for ye same Reasons after this assembly he may be dismiss & yt another Justice May alsoe be Chosen in his Roome. It is deferrd a while.

[P. 98] The house adjourns till ye thirteenth day of ye month Inst.

Thomas ollive ye speaker appeared & takes his place.

*Decimo tertio Die—*

Thomas ffrench by a Letter directed to ye Governour & Councell haveing since ye Last session of this Assembly Impeached ye house, And therefore bound over to answer for ye same before ye assembly, Is Called and Appears: And ye assembly Comitt him into ye Sherrifs Custody untill he shall be again Called for.—

The Quorum agreed upon are thirty four as formerly.—

The Committee by ye Last session of this house Appoynted desire some time to Refresh their Memories, with Relation to ye Matters they were appoynted to Make Report of to ye house Att this Session, wch Is granted upon ye desire of some of ye Members yt ye new Charter & bills proposed may be Read, The same were Read in ye house—

The Committee aforesd make Report of wht they had In Commission, wch is as followeth.—

## THE NAMES OF YE COMITTEE PRSNT.—

Andrew Robinson	Will: Biddle	Tho: ollive
George Hutchinson	francis Davenport	Sam: Jennings
Robert Turner	Tho. Thackrey	James Nevill
James Budd	Will: Emley	

They Conceive the proxies Present ffitt to be admitted as they are proposed. But yt Each proprietor May have one proxie and noe More on his behalf, to Chuse or be Chosen a Member of ye assembly, provided such proxies be an occupant and Resident of & upon such proprietors Land wthin ye said Province.—

And for ye new Charter and bills sent from Edward Billings haveing viewed and weighed the same, they Conceive It unsafe to

admitt thereof for these Reasons, first If there was noe objection to be Made as to [torn]

[P. 99] The particulars therein; yett they suppose it not soe proper to have ye Governour att soe great a distance to Make Concessions for ye Constitutions of this Province, wch is best understood by such as are present upon ye place.—And further If ye Governr May Make voyd those Concessions att first Made by himself & ye body of Proprietors, he May wth More Ease Make voyd these now sent, If he please.—

It being put to ye house whether they are satisfied wth ye Report of ye Committee Concerning ye premisses, given in as above.—The Assembly pass their voat wth a nemino Contradis cente yt they are satisfied therewth.—

The Query being putt whether ye assembly think fitt to Appoynt some persons In ye name of ye whole assembly to write a Letter to Edward Billings Requesting him to send a Comission to his Deputy, Authorizing him to Confirm such Laws as ye assembly & Deputy Governr shall Judge necessary for ye good of ye province.—The Assembly pass their voat in ye affirmative with a nemino Contradis cente, yt a Letter for yt purpose bee written and sent.—

The persons Appoynted to Indict: ye same and to propose it to ye Assembly are—Andrew Robinson: James nevill: Will. Emley: James Budd: George Hutchinson.

The Letter Read in ye assembly and they declare nemine Contradis cente they are satisfied therewith.—

[P. 100] The house adjourned to ye Eight hour in ye Morning.

*Decimo Quarto die*

The fourth Tenth proposeing John wood for Justice there Instead of Richard Laurence, John wood is Chosen Justice & Richard Laurence According to his Request dismiss, both as Justice & tending ye assembly.—

Thomas french is again sent for, ye Letter & Mittimus Read. Thomas declares It was then his Judgment wht is therein written, And yt he is not yet otherwise satisfied. And att his Request another paper of his was then Read. (And after he being put aside a while) ye house Call for him & there Resolve Read before him viz: That Thomas french shall give security to appeare att ye next Court att Burlington there to be tryed for his affronts offered to this Assembly, or other wise to be Comitted to Custody untill then.—

Whereupon att ye Request of ye assembly ye Governour gives his warrant to ye sheriff for ye secureing ye body of ye abovesd french untill he shall appeare att next Court or give security for his soe doeing.—

The Assembly declare to ye governr yt his Appoynting Rangers to take up strays on ye Governrs Account Is an Intrudeing upon ye

propertyes of ye publick, And therefore they Require him to desist therein.—

The Assembly put ye Query whether Rangers for takeing upp of stray horses be necessary or not.—

It Carrys ye voat in ye affirmative yt they are necessary on ye Account of ye publick.—

[P. 101] Resolved therefore yt six Rangers be Chosen & appoynted for ye four upper tenths who are nominated & Chosen viz: for ye first & second Tenths, freedom Lippincoat John Shinn, Thomas ffolbe Junior; & for ye third & fourth Tenths John Key and Thomas Gardner Junior & Andrew Robinson Junior.—

And ffor Regulation of ye Rates for their pains for ye takeing up of Strays; Resolved yt It be Referred to one, or If ye owners please to two of ye next Justices. If ye partyes ye owners & Rangers Cannot agree between themselves, wch is to be for ye present untill further order.—

And for further Regulation of ye affairs for Instructions ffor Instructions Concerning Ranging; Resolved yt It bee Referred to Governour & Councill.—

Resolved yt all horses & other Cattle yt shall be brought in by ye Rangers ye Marks thereof shall be given Into the Recorders office, yt soe ye same May be there seen.—

The Assembly declare to ye Governour yt officers of state & Trust belong to them to nominate & Appoynt: & Therefore Being dissatisfyed wth Edward Billings Imposing such officers upon them, They nominate, Chuse, & appoynt, Thomas Revell by voat, Clerk, Recorder, & Register, &c. as att Last Session of this assembly he was Chosen both then & now wth a nemino Contradiscete.—

The house adjourne to ye sixth hour in ye Morning.—

*Decimo Quinto Die.*—

The Members of ye assembly for ye third & fourth Tenths on ye behalf of their Tenths Requests they May have power to keep Courts for ye third and fourths Tenths.—

[P. 102] Whereupon ye Query being put to ye house whether they Judge It Convenient or not. The voat Carryes It in the Affirmative yt they may keep Courts.—

Resolved yt there be a Court kept for ye third & fourth Tenths, one time ye same to be held att newton & ye other time at Red bank & William Warner be Chosen Sherriff of that Jurisdiction & John Reading Clerk thereof.—

Resolved yt ye highways from Salem to Burlington shall be proceeded in and Effected; The surveyors whereof Appoynted are —for Salem Samuel Hedge & John Worlidge ffor ye fourth Tenth Andrew Robinson Junr & Wolla Dalboe ffor ye third Tenth ffrancis Collins & Thomas Sharp, ffor ye second Tenth freedom Lippincoat & John Hollinshead.

Resolved alsoe ye highways from Burlington to ye ffalls be proceeded in & Effected; ye surveyors whereof appoynted are George Hutchinson William Biddle & William Emley & Mathew Watson & William Lasswell Assistants.—

And Resolved that Mathew Watson shall & May heve, take up & Enjoy yt small slipp of Land being about twenty Acres, on Consideration yt he Make the way there Convenient for fferying over att high water or Low water & alsoe yt he keep a ferry boat for ferrying over persons there.—

Alsoe Resolved ffurther yt ye way from Salem to Burlington shall be begun & performed as followeth vizt: Salem & ye fourth Tenth to meet ye Last Second Day of this third Month Instant att ye branch of Ratcoones Creek; The third and second Tenth to Meet ye Salem & fourth Tenth att Timber Creek ye day then next following.

[P. 103] The Second & third Tenth to Lay out & perform ye same as Low as ye Lymitts of ye third Tenth; And ye fourth Tenth And Salem Tenth to Lay out and perform from ye sd Lower End of ye Lymitts of ye third Tenth, yt is to say ye fourth tenth to doe & performe two thirds of ye sd fourth Tenth, & Salem Tenth to doe & perform one third of ye same fourth Tenth And alsoe from ye Lymitts of ye sd fourth Tenth down to Salem provided It be not a president for ye future web high way from Salem to Burlington It to be Made passable in the Severall Lymitts thereof According to ye proportion & Rule herein before prescribed for Laying forth ye same, both for Cattle and Travellers, att or before ye Tenth day of october next, under ye pennalty of ye fyne of fifty pounds upon ye surveyors of Each Tenth fayling or neglecting to doe ye same.—

The surveyors of Salem Tenth are alsoe Required to Lay forth & Make passable other ye highwayes needfull wthin their Lymitts.—

Alsoe ye highway from Burlington to ye ffalls to be set forth & Marked at or before ye twenty third day of this third Month Instant, And to be Made passable for Cattle and Travellers on this side or before ye Tenth Day of october next, under the pennalty of ye fyne of fifty pounds upon ye surveyors thereof.—

The surveyors are to have authority under ye hand & seal of ye Governr to cause their Inhabitants wthin their Respective Lymitts to doe their work proportionably, or pay for ye doeing thereof.—

Resolved That ye Treasurers may pay out ye Levy or Tax att such prices & Rates for Money as they can.—

[P. 104] Resolved yt ye Governr & Councill Assertain a table of fees for officers, & yt after ye same is Made known, the officers Shall not take More than is therein prescribed, and ye same Table of ffees to be Layed before ye next assembly att their Sitting down to be there Either amended or Confirmed as they Shall See Meet.—

Resolved yt all Sumons, warrants, & precepts for Conveyning persons to ye Courts, and Attachments, shall Issue forth from ye presidents of ye Same Courts. And yt all sumons, warrants and precepts whereby the Defendant is obliged to appeare att Courts shall be Entred according to Law In ye office of ye Same Court before ye Defendant be served therewith.—

The Deputy Governor haveing noe profitts or prquisitts Appertaining to him by vertue of his office, wherein Many times he is put to Charges & Trouble, The Assembly therefore towards ye defraying ye same as a Gratuity, give & appoynt him ye sune of fifty pounds to be payd forth of ye Treasury of ye tax, Last Layd on ye province.—

The assembly declare their Assent & Concurrence wth ye proposealls aforesd by ye proprietors Concerning ye Running ye division Lyne between East & west Jersey, and alsoe of their sending three or four fitt persons to find out the branch where the Lyne of partition is to begin, and to bring back their Account thereof.—

Resolved yt two ffairs be kept att Salem yearly and Every Yeare, The former ffair thereof to begin The nyne and twentyeth day of ye Seaventh Month next, And ye Latter fair to begin on ye first day of the third Month next, And soe to Continue yearly, and Salem to have ye Like priviledges as Appertayns to ye ffairrs Att Burlington.—

[P. 105] Henry Tradway by ye assembly Appoynted Receiver wthin ye fourth Tenth to Receive the Last tax, of such as will bring in ye same.—

Resolved yt Henry Parker ye Porter shall have twenty Shillings paid him for his Attendance upon ye house This Session of ye assembly.—

The house adjourned to ye third day of ye nynth Month next Ensueing unless other Imergencyes happen for their Conveining sooner.—

The proceedings & Resolves of this Session as above Assented unto ye fifteenth day of ye third Month 1686.—

Testified by Thomas Revell

Clerk to ye Assembly.—

APPENDIX

By CHARLES S. BOYER.

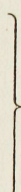
Dr. Carlos E. Godfrey, Director of the Public Record Office of New Jersey, has been doing very efficient service in definitely establishing the dates on which the several townships of the State were formed and the authority therefore. In the course of his investigations he has unearthed much material relating to the founding of Gloucester Town, a subject which has, heretofore, not been accurately established by any of the historians.

Dr. Godfrey has located in the early minutes of the Burlington County Court the following order:

Burlington Court

held ye 4<sup>th</sup>: of the 7<sup>th</sup>: moneth 1685

Order  
for 3d  
tenth  
for  
their  
Towne &  
Towne  
bounds



Ordered by ye Court That ye freeholders within ye third Tenth in ye Province afores<sup>d</sup> shall or may take up & lay forth 2000 Acres of Land for their Towne bounds & 400 Acres for their Towne, And y<sup>t</sup> each person & persons who are already seated in ye s<sup>d</sup>. tenth shall or may take up their respective proportions thereof according to their purchase, And that every such purchaser shall take forth a warr<sup>t</sup>. for the takeing up of his particular proportion thereof, which is to be returnable at ye next Court following ye Survey thereof, & is to be Accompted as part of their share or quantity of Land to them apperteyning w<sup>th</sup>in ye s<sup>d</sup>. Tenth: of which order aboves<sup>d</sup> all persons concerned in ye s<sup>d</sup> third tenth are required to take notice, & to forbear to offer or make any obstructions or disturbance in ye s<sup>d</sup>. premises.

From this it will be seen that a town was contemplated fully four years before Mickle (1st edition p. 35) states it was actually laid out and furthermore that the division of the land as shown by the map in Mickle's "Reminiscences of Old Gloucester" was done in accordance with a regularly constituted court order and not upon the initiative of the local authorities.

Whether this order carried with it any authority to institute a township government is not clear and so far none of the early records have been found which indicate that a township government was actually set up. There is a gap, still to be investigated, between this order and the patent of 1773.

We are, however, certain that a township of Gloucester Town was brought into existence in the latter year, as is evidenced by the following Letters Patent, on file in the Secretary of State's office, Trenton, N. J., for the incorporation of the Township of Gloucester Town:

## PATENT FOR GLOUCESTER TOWN

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c—To all to whom these presents shall come Greeting. Know ye that We of our especial Grace certain knowledge and meer Motion have given & granted and by these Presents do give and grant for us our Heirs and Successors to the Inhabitants of the Town of Gloucester in the County of Gloucester in our province of New Jersey within the following Boundaries vizt. Beginning at the Mouth of Newton Creek Thence down Delaware River to the Mouth of Great Timber Creek Thence up the same to the Mouth of a Branch called the Beaver Branch Thence up the same to the head thereof in the Lands of Jacob Jennings Thence North five degrees East to the line of Newton Township. Thence along the 2<sup>d</sup>. Line to the head of the Southerly Branch of Newton creek in David Horley's Field. Thence down the same to the main Creek Thence down the main Creek to the Place of Beginning to be & remain a perpetual Township & Community in word and in Deed to be called & known by the name of the Town of Gloucester and we further give and grant to the s<sup>d</sup>. Inhabitants of the Town afs<sup>d</sup>. and their Successors to choose annually Overseers of the Poor and all other necessary Officers for the Town afs<sup>d</sup>. and to have and hold & enjoy all other Priviledges Rights Liberties and Immunities that any other Township in our s<sup>d</sup>. Province doth or may of Right Enjoy And the said Inhabitants are hereby constituted and appointed a Township aforesaid To have hold and Enjoy the Priviledges afs<sup>d</sup>. to them and their Successors forever

In Testimony whereof We have here unto Caused the Great Seal of our Province of New Jersey to be affixed Witness our Trusty and welbeloved William Franklin Esquire Captain General Governor & Commander in Chief in & over our Province of New Jersey & Territories thereon depending in America Chancellor & Vice Admiral in the same &c—at Burlington the 8th day of December in the 14th Year of our  
*Reign Anno Domini 1773* Pettit.

In the Act of 1831, creating Union Township, there is a clause referring to the "corporate bounds of Gloucester Town" which has mystified historians. The above court order and patent, however, clears this up. We are now certain that Gloucester Town was a township, at least, as early as 1773, if not earlier.







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