

Instructions for Governor Dongan.

[New-York Entries, CLI. 41.]

Instructions for Coll Thomas Dongan L^t and Gov^r of New Yorke and its Dependencies in America.

With these Instruccôns you will receive a Cômmission und^r my hand and seale constituteing you my L^t and Gov^r of New Yorke & it's Dependencies in America.

And you are thereupon to fitt yo^r selfe wth all convenient speed and to repaire thither to New Yorke, and being arrived there you are to take upon you the execucôn of the place and trust I have reposed in you, and forthwith to call together Fredericke Phillipps, Stephen Courtland and soe many more of the most eminent inhabitants of New Yorke, not exceeding tenn, to be of my Councill, and wth due and usuall solemnity to cause my said comission constituteing you my p^rsent L^t and Gov^r as aforesaid, to be then and there read and published; w^{ch} being done, you are to administer to each of the members of the s^d Councill as well the Oaths of Allegiance to the King and Fealty to me as Lord and Proprietor of the place, & an Oath for y^e due execucôn of their places and trusts, and forthwth to communicate such and soe many of these my instructions to the s^d Councill wherein their advice and consent are menconed to be requisite, as likewise all such others from time to time as you shall find convenient for my service to be imparted unto y^m and the Members of the s^d Councill respectively shall and may have and enjoy freedom of debates and vote in all affaires of publike concerne. And in case any of y^e p^rsons who are or shalbe of my Councill shall misbehave themselves to that degree y^t you shall judge him unfitt to continue any longer of the Council, I doe hereby authorize and empower you to suspend him from assisting or attending the said Councill, and to transmitt to me y^e grounds and reasons of such suspension & such evidence as you have agst him, y^t I may be able to judge whether he be fitt to be restored or absolutely excluded & discharged from y^e Councill

You are also wth advice of my Councill wth all convenient speed after yo^r arrivall there, in my name to issue out Writts or warr^{ts} of Sumôns to y^e sev^rall Sheriffes or other proper Offic^{rs} in every part of yo^r said governem^t wherein you shall expresse that I have thought fitt that there shall be a Gen^l Assembly of all the Freeholders, by the p^rsons who they shall choose to rep^rsent y^m in ord^r to consulting wth yo^rselfe and the said Councill what laws are fitt and necessary to be made and established for the good weale and governem^t of the said Colony and its Dependencies, and of all the inhabitants thereof, & you shall issue out the said Writt or Sumôns at least thirty dayes before the time appointed for y^e meeting of the said Assembly, w^{ch} time and alsoe the place of their meeting (w^{ch} I intend shalbe in New Yorke) shall alsoe be menconed & expressed in the said Writt or Sumôns, and you wth advice of my said Councill are to take care to issue out soe many writts or sumôns and to such officers, in every part, not exceeding eighteene, soe y^t the planters or Inhabitants of every part of y^e s^d governem^t may have convenient notice thereof and attend at such ellection, if they shall thinke fitt. And wⁿ the said Assembly soe elected shalbe mett at y^e time and place directed, you shall lett y^m know that for the future it is my resolucôn that y^e said Gen^l Assembly shall have free liberty to consult and debate among themselves all matt^{rs} as shall be apprehended proper to be established for laws for the good governem^t of the said Colony of New Yorke and its Dependencies, and

y^t if such laws shalbe propounded as shall appeare to mee to be for the manifest good of the Country in generall and not p^rjudiciall to me, I will assent unto and confirme y^m In the passing and enacting of all such laws as shalbe agreed unto by the said Assembly, w^{ch} I will have called by the name of the Generall Assembly of my Colony of New Yorke and its Dependencies wherein the same shalbe (as I doe hereby ordaine they shalbe) p^rsented to you for yo^r assent thereunto.

You are to consider whether y^e same be for the gen^l good and not prejudiciall to me; and if you find them soe to be, then you are to give yo^r assent thereunto. But if you shall judge them inconvenient or p^rjudiciall, you are to refuse yo^r assent thereunto, and in all cases you are to have a negative voice to refuse all Laws y^t are presented to you; and wⁿ you shall have given yo^r consent to such laws as shalbe soe agreed, you shall by the first opportunity transmitt the same to me und^r y^e hands of yo^r selfe and Councill, and und^r the seale of the Colony, (w^{ch} you are to use in passing of grants) to y^e end that I may ratifye and confirme y^e same, if I shall approve^r or reject y^m if I doe not thinke them reasonable. But the said laws soe assented unto by you, shalbe good and binding untill such time as I shall cause my dislike of & refusall to passe y^m to be signified unto you, and from thenceforth y^e same shall cease and be null and voyd to all intents. And I doe alsoe give you power from time to time to cause y^e said Gen^l Assembly to be sum^oned w^{ch} I also authorize you to adjourne or dissolve as you shall see reason and cause. And I doe further direct you not to passe any law upon any occasion whatsoever for rayseing any publique revenue, unlesse expresse meⁿcon be made therein y^t the same is leyed and granted unto me, or unto me for y^e support of y^e Governem^t or to such uses as the said law shall appoint. And you are as much as in you lyeth to take effectuall care y^t there may be a constant Establishment for raiseing of money sufficient to support and maintaine y^e charge of the governem^t of those parts both Civill & Military; and alsoe that there may be money raised for paying and dischargeing the arreares now due to y^e Officers & soldiers and other expenses of the governm^t. And are not to suffer any publique money w^{so}ever to be issued or disposed of otherwise then by a warr^t under your hand.

And it is my expresse will and pleasure y^t all laws w^{so}ever for the good governem^t and support of my said Colony of New Yorke with its Dependencies be made indefinite and without limitac^on of time, except the same be for a temporary end, & w^{ch} shall expire and have its full effect wthin a certaine time. And you are not to passe any laws or doe any act by Graunt, Settlement or otherwise whereby my revenue may be remitted, lessened or impaired, wthout my especiall leave or commands therein. You shall not displace any of y^e Judges Justices Sheriffes or other Offic^{rs} or Ministers wthin New Yorke or its Dependencies under yo^r governem^t without good cause, nor execute yo^rselfe or by a Deputy any of y^e said offices nor suffer any person to execute more offices yⁿ one by a Deputy.

And I doe hereby require and comand you y^t noe mans life, member, freehold, or goods, be taken away or harmed in any of the places und^r yo^r governem^t but by established and knowne laws not repugnant to but as nigh as may be agreable to the laws of the kingdome of England.

You are to take care that drunkennesse and debauchery sweareing and blasphemy be discountenanced & punished, and y^t none be admitted to publique trust and employm^t whose ill fame and conversac^on may bring scandall thereupon. You are to give all due encouragem^t and invitac^on to merch^{ts} and others who shall bring trade unto yo^r governem^t & inhabitants or any way contribute to their advantage.

And if any thing shall happen w^{ch} may be of advantage or security to any of the places under yo^r governem^t w^{ch} is not herein or by yo^r cômmission provided for; I doe hereby allow unto you, wth advice and consent of my Councill to take ord^r for the p^rsent therein, giving me speedy notice thereof, y^t soe you may receive my ratificacôn if I shall approve y^e same. Provided alwayes that you doe not by colour of any power or authority given you, cômence or declare warr wthout my knowledge & particular comands therein.

You are, for the better administracôn of justice to endeavour to gett a law passed in the Assembly wherein shalbe sett the value of the mens estates either in goods or lands und^r w^{ch} they shall not be capable of serving as jurors.

I doe also hereby authorize you wth advice of my s^d Councill to elect and settle such and soe many Courts of Justice & in such places as you shall wth advice of my said Councill judge to be necessary for the good governem^t of the said place & for adjudgeing and determineing all matt^{rs} Civill and Criminall wherein you are to take care that y^e same be as nere answerable to y^e laws and Courts of Justice in England as may be, and to give me an acc^t of such Courts as you shall thinke fitt soe to erect, to y^e end I might confirme or reject the same as I shall see cause, but the said Courts may proceed and hold Recognizance of such matters as you and yo^r Councill shall appoint, untill my pleasure be signified to y^e contrary.

And I doe further hereby authorize and empower you, wth advice of my said Councill, to make contracts & agreem^{ts} wth such persons as shall desire to take any part of the lands within my said governem^t, to plant and improve, and to grant such estates as shalbe soe contracted for und^r y^e seale of my governem^t at and und^r some certaine yearely rent and service to be reserved to me and my heires; w^{ch} rent and service I doe referr to be settled by you & my said Councill according to your best discrecôn.

And I doe alsoe authorize and impower you to pardon and remitt any fine or fines w^{ch} by any of the said Courts shall be sett or imposed upon any person or bodys politique or corporate, and alsoe to pardon and remitt all manner of crimes before or after conviction (unless the heynous crimes of high Treason and wilfull murther) and in those cases if you shall find the Criminall capable of mercy and pardon, you may then reprieve the execution of the judgm^t agst them who shalbe convicted of High Treason or murther and transmitt to me the true state of the matter and the grounds & reasons w^{ch} incline you to judge the persons objects of mercy.

And you are alsoe wth advice of my said Councill to erect and appoint convenient houses and other necessaryes, for Custome-houses and matters relating thereunto, in such ports and places as you shall judge convenient, either for shipping or unladeing any goods or merchandize.

And I doe alsoe impower and authorize you wth advice of my said Councill to settle and establish a Militia of the inhabitants, to be mustered & disciplined und^r such offic^{rs} as you shall nominate and appoint, and that they may be ready in case of any invasion or suddaine insurreccôn, to oppose the enemy; and in y^t case you are to leavy arme and employ the inhabitants agst such forreigne and other enemyes, repress, fight wth kill and destroy them; And for the better strengthening of the said places, you may wth advice of my said Councill erect such forts & castles and other fortificacôns as shalbe necessary for the defence thereof.

You are also wth all convenient speed after yo^r arrivall at New Yorke to endeavour to ascertain and agree y^e Boundaries of my territoryes towards Connecticut wth the Govern^{rs} and inhabitants of Connectecut, and you are to send over to me true and exact Mapps of all my said Territoryes.

You are to permitt and suffer all such Planters as are now upon any part of my said countreys and have begun to improve their plantacóns, quietly to hold and enjoy their said lands without disturbance, and the laws now in force and use in the said countreys are to be continued and put in use untill y^e same shalbe abrogated or changed, in such manner as is above directed. But you are not upon any pretence or colour of law or other establishm^t to leavy raise or take or suffer any person to demand, leavy, raise or take any money or other things for or by way of Custome or impost, for any goods wares or merchandizes imported or exported by any merch^t or other person whatsoever, untill the same shalbe enacted and established by law to be made and enacted in such manner as is above mencóned and directed.

You are alsoe to take all oportunityes to gaine and procure from the Indians upon reasonable rates and termes such tracts and quantityes of ground as are contiguous to my other lands or convenient for my territoryes in trade, either sea ports or others, thereby to enlarge and secure my territoryes.

You are alsoe to consider and advise wth my Councill whether it wilbe for the good^r or prejudice of those Countreys in gen^l and also what particular advantage it may prove to the City of New Yorke if I should grant unto that City immunities and priviledges beyond w^t other parts of my territoryes doe enjoy; and wⁿ you have fully instructed and informed yo^r selfe therein, you are to send over yo^r opinion in writeing to mee, and yo^r reasons for w^t you shall advise to be done, y^t I may alsoe consider upon w^t you ground yo^r judgement, and thereupon take my resolucón what to doe therein.

And you shall, by every ship y^t sailes from yo^r parts for England, give advice to me of the condicón of y^e s^d Countreys and of all other things y^t shalbe necessary. You shall also endeavour effectually to adjust and settle a due regulacón of y^e trade to and at Pemaquid, and betweene the inhabitants of New Yorke and those of Pemaquid, wherein you are to advise and consult wth y^e principall Inhabitants and trader of and in New Yorke to the end the trade thereof may be secure and improved to y^e best advantage.

And lastly I do hereby ord^r and direct y^t in case you shall happen to depart y^a life in y^e time of yo^r governem^t in the places aforesaid, that then y^e Deputy Govern^r or hee who shalbe the Cheife Offic^r und^r you at y^e time of yo^r decease shall take upon him the governem^t of y^e said places & colony in such manner as you are to doe, and observe y^e instruccóns and direccóns above mencóned & shall continue Gov^r to all intents & purposes untill such time as I shall appoint another person to be Govern^r thereof. Given under my hand at St James's the 27th day of January 1683³.