

THE

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CASE

OF THE

SCOTCH PRESBYTERIANS,

OF THE

CITY OF NEW-YORK.

11

NEW-YORK:
PRINTED IN THE YEAR
M. DCC. LXXIII.



T H E

C A S E

O F T H E

SCOTCH PRESBYTERIANS,

O F T H E

C I T Y O F N E W - Y O R K.

THE Province of New-York, when surrendered to the English in 1664, consisted of Low Dutch Calvinists, and certain New-England Presbyterians, or Congregationalists; who had seized upon the easterly parts of Long-Island.

The Dutch stipulated for their religious liberty, in one of the capitulatory articles, and claim under it, though it is a maxim supported by incontestible authorities, and fundamental to the tranquillity of the empire, that all Protestant denominations in the colonies, are, in the eye of the law, upon a level; and equally entitled to the free worship of God, according to their consciences. This is the necessary consequence of removing to a distant country, where no religious establishment is set up; and to which the ecclesiastical laws of the parent state do not extend. This principle was never disputed at the time of the original emigrations; and if such a doubt had been started, these immense possessions, on the Continent of America, would not have been as they now are, wholly subject to the British Crown. Interested as England was in extending her dominions, which could only be secured by encouraging her subjects to go out, people and cultivate this wilderness, before it was seized upon by other powers; sound policy, as well as law and justice, favoured the supposition, that the new Colonists were to enjoy the most perfect liberty in all points respecting their religion. And hence it is, that the Duke of York, who had a grant of this country, *with the powers of government*, from his brother King Charles II. caused a proclamation to be issued upon the surrender, stating the conditions under which his lands were to be settled; and among others, declared, "That

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“ in all territories of his Royal Highness, liberty of conscience is allowed ; provided such liberty is not converted to licentious uses, or the disturbance of others in the exercise of the Protestant religion.” And, again, “ Every township is obliged to pay their Minister, according to such agreement as they shall make with him ; and no man to refuse his proportion, the Minister being elected by the major part of the freeholders, inhabitants of the town.”

Thus encouraged, the colony became peopled not only from England, Scotland and Ireland, but by Lutherans from Germany ; and persecuted French refugees : And, in a short time the metropolis was adorned with a Dutch Calvinist Church, an English Episcopal Church, a French Wallcon Church, a Lutheran Church, and another erected by the English, Scotch and Irish Presbyterians. All these, entitled as they were to the free enjoyment of their religion, seemed to have equal claims ; not only to the common protection, *but the aid of the Crown* : And, as no Civil or Ecclesiastical Society can well subsist without a fund, and a charter of incorporation, the Patents granted for this purpose, in the last century, to the Dutch and Episcopal congregations, may therefore be considered, rather as acts of *justice* than of *grace*. What shall we say then of the denial of similar Charters to the dispersions of the Church of Scotland ? Societies of faithful and natural-born subjects, and sons of one of our own National Establishments ; who have the same merit with their brethren from South-Britain, in extending the bounds of the empire.

The history of their various attempts and disappointments to procure a Charter, is succinctly as follows :

Having purchased ground for the purpose of building a Presbyterian Church, and without the least suspicion that any odious line of discrimination would be drawn to disparage them, as unworthy of the common bounty of the Crown ; and, unwilling to trust the estate, which they had dedicated to God, to private trustees ; who, as not answerable by law for their conduct, might pervert it to secular uses ; they presented a petition to Mr. President Schuyler, on the 3d of March, 1720, for a Charter to incorporate them. It was instantly referred to a Committee of Council, who, the very next day, reported in favour of it. But the Board, to gratify the unexpected and illiberal jealousy of the Episcopalians, at first recommitted the petition, on the 31st of the same month, and then desisted from all further proceedings.

See the Appendix, Number I.

Governor Burnet arriving soon after, the Presbyterians renewed their application ; and the Episcopalians their unreasonable opposition. The artifice of the Council was, to procure a reference of the request, to the Plantation Board, and thus to screen themselves from the odium of a disappointment ; which was to be brought about by certain powerful Agents in England. They reported accordingly on the 19th of September, 1720, advising such a reference ; and the petition was sent home in 1724. Their Lordships consulted the famous Counsellor West upon the subject ; (the same who was afterwards Lord Chancellor in Ireland)

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whose report was in these words : “ Upon consideration of the several Acts of Uniformity that have passed in Great-Britain, I am of opinion, that they do not extend to New-York ; and consequently, an Act of Toleration is of no use in that Province ; and therefore, as there is no Provincial Act for Uniformity, according to the Church of England ; I am of opinion, that by law such Patent of Incorporation may be granted as by the petition is desired.

RICH. WEST. August 20, 1724.

See the Report of the Council, and Governor Burnet's Letter, Appendix, Number II.

No Charter could however be obtained ; and, discouraged by successful solicitations, the Congregation, for the preservation of their estate, vested it, in March, 1730, in the General Assembly of the Church of Scotland, who still hold the fee ; but have issued a declaration, continuing the application of it to the pious uses for which it was originally purchased. Notwithstanding all opposition, the Scotch Church flourished under the long and laborious Ministry of the Revd. Mr. Pemberton, who settled here in 1727.

And when the Lutherans applied for a Charter to Lieutenant Governor Delancey in 1759, the Presbyterians made a third application. The Lutherans were encouraged by Gentlemen then in the Council, who promised to befriend them ; and the Presbyterians by favourable expressions from the Lieutenant Governor, who had frequently declared his abhorrence of the former opposition, as illiberal and unreasonable ; and when the petition was presented, he received Mr. Bostwick, the then Minister, and his Elders and Deacons, politely ; and professed his readiness to grant their request if the Council would concur. Mr. Smith, since one of the Judges, was of the Board when the petition of the Presbyterians was read, and referred to a Committee ; but no opportunity was given for a trial of Mr. Delancey's sincerity ; for, Mr. Smith, the only Non-Episcopal Member, was chosen Chairman of the Committee and was unable to prevail upon the rest of the Council to meet ; and, if he could, he would have lost his vote by being in the chair. Obliging the Lutherans at that time, if any such intention there was, would have discovered a partiality too barefaced ; and therefore while the Presbyterian petition was neglected, that of the Lutherans was slyly pretended to be put in a way for obtaining the Royal order from home ; and thus the Council here were to be behind the curtain, and avoid popular censure. It so happened, however, that the Lords of Trade, and perhaps by intrigues from this quarter, could not see it expedient to advise the gratification of their request ; and, accordingly, a letter came from their Lordships to Mr. Colden, which cut off the reasonable expectation of that Society of loyal Protestants. It was dated the 15th of July, 1764, and runs thus : “ We have attentively considered the Petition of the Minister, Elders, and Deacons of the Lutheran Church, praying for a Charter of Incorporation ; and, though we shall be at all times desirous of concurring in any measure that may contribute to the satisfaction of every pious community, the principles of which are not adverse to the religious constitution of these kingdoms ; yet, it does not
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“ appear to us, from any thing set forth in their petition, that such an incorporation is at present necessary or expedient.”

The Presbyterians had experienced many inconveniences for want of a Charter; and, though the just and generous administration of Sir Henry More, prompted them to make a fourth attempt in America, yet, upon a doubt now started, whether his commission authorized him to grant incorporating patents, and from a want of confidence in his Council, it was thought most prudent to lay the case of this distant dispersion of the Church of Scotland, before his Majesty. A petition was accordingly prepared and transmitted, with a draught of the Charter desired, in March, 1766.

See Number IV. and V. of the Appendix, which are copies.

The negociation of this business was trusted to the late Dr. Samuel Chandler and Mr. Debert; but it fell only upon the latter; Dr. Chandler dying about the time of its arrival in London. The Earl of Dartmouth, so renown'd for his catholicism and readiness to promote the interest of our common Christianity, then presided at the Board of Trade; and entered fully into an opinion of the reasonableness of the request, and advised Mr. Debert, to put it into the King's hands, before the cooperation of certain friends, whose aid was asked, could be obtained. His Majesty was pleased to lay the petition before the Lords of the Privy-Council; and to refer it to the Board of Trade. The Lords Commissioners for Plantation affairs suspended, a report till they had an answer from Sir Henry More, to the letter they wrote to him of the 24th July, 1766; which is Number VI. of the Appendix. This letter was accompanied with a copy of the petition; and the draught of the Charter. They were all communicated by the Governor to his Council; and, on the 17th of February, 1767, the Petitioners offered to attend the call of the Board for the support of their allegations; by a petition, which was that day read in Council, and left with the Clerk for the use of the Committee. See Number VII. of the Appendix.

A few days after, Mr. Horsmanden, as the oldest member of the Board, was waited upon; to appoint a time to receive a request for this purpose, but declined it. No report was delivered till the 15th of April, though the letter from the Lords of Trade arrived here on the 4th of November preceding; and there were many intermediate meetings of the Council. (I believe, the minutes will prove that the members met every week.) At one of these meetings, in the latter end of March, the Chief Justice was called out; and in answer to an intreaty for a speedy report to the Governor, said, with some tartness, “ *That the matter need not be so pushed; and that he wished the Government had not troubled them with the petition.*” A Gentleman took the liberty to say, That all the Lords of Trade required, was to be informed, “ *Whether the allegations were true.*” To which he replied, “ *Of that there is no doubt.*”

The report appears, however, by its date, to have been finished about that time. We do not learn that the Committee was waited upon now by the Vestry of Trinity Church; nor was it necessary, as their Church Wardens were of the Council; Mr. Chief Justice was one, and Mr. Read the other; and as Chairman of the Committee, had the honour to make

make their report. That it was not earlier delivered, can only be imputed to a desire to render it abortive; or to the then ticklish state of things. A dissolution of the Assembly, in pursuance of a Septennial Act, being at hand; and James Delancey named as a candidate for the city of New-York, who had two Uncles in Council, zealous for the public confidence, and interested in retarding a report which would naturally give offence; but the Governor's importunity forced them to speak out. It does not appear that there was a single member dissenting to the report. Number VIII. of the Appendix is a copy of it, and of the minute of Council of the day it was produced. The Petitioners asked for a copy on the 20th April, 1767, according to the Appendix, Number IX. but this was denied; and by this means their adversaries had frequent opportunities for *ex parte* representations against the measure, in a course of private correspondence, which was doubtless improved by the Clergy, and the draftsman, who fabricated the report. Sir Henry Moreloft no time in transmitting it. The Petitioners, who, one would imagine, had a right to be heard, were ignorant of its contents; and under all possible disadvantages: nor could give any suitable directions to their Agent. Whether the Council kept the secret from the Episcopalians without doors, judge you? The Bishop of London, notwithstanding the boasted moderation of the order; appeared twice in opposition to the petition before the Commissioners for Trade and Plantations; as though the grant of the privilege of securing a house set apart by Protestants, worshipping according to the usage of North-Britain, was repugnant to the benevolence enjoined by the Gospel of Christ. Lord Clare, whose zeal for liberty and the rights of private judgment, might be predicted from a well known event in the history of his life and education, was then Premier of the Board of Trade; and a report was made to his Majesty, which soon after issued in a final rejection of the petition. The Royal answer is contained in Number X.

Whatever liberties the people of England may think fit to take at this day in remarking upon the Acts of their Sovereign, the Americans conceive themselves bound to speak on such occasions, with the most profound deference. The light, however, in which his servants have thought fit to hold up the request of the Scotch Church of New-York; every man may never the less consider, and animadvert upon with some freedom. Jealous of his honour, it was natural for his Majesty to dismiss a petition, supported by nobody; and by the Board of Trade represented as inexpedient at most; if not inconsistent with his oath. Virtuous himself he was the more apt to confide in his Ministers. But as to Lord Clare, and the rest of the Plantation Lords of *that evil hour*, they are answerable to the whole world, for their conduct; and have proceeded upon a principle, that deserves the consideration of all the Colonies.---Nothing has contributed more to the acquisition and cultivation of those essential parts of the empire, than the seasonable and well policed assurances we have had for free indulgence in matters of religion; and a repugnant spirit will be as ruinous to our peace and prosperity, as it is disgraceful to a Gentleman, and inconsistent with religion and philosophy, freedom of enquiry, and human felicity.---It is
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material to add, that although there have been petitions preferred here some years ago by the French Protestants, and the Low Dutch Churches of Orange Town, New-Hempsted, Marblertown, Rochester and Wawarsing, nothing final is determined upon them; notwithstanding the seeming distinction artfully suggested by the Council between them and the Scotch Churches; while it is their usual practice to grant Charters to the Episcopal Churches, without the least hesitation. 'Tis not long since the *little* Episcopal Congregation at Albany was incorporated with power to hold an immense revenue. Another patent is issued to provide for Clergymen's widows by an income of many thousands *per annum*. And at this very juncture, the Society for propagating the Gospel, though restrained from taking real estates at home, are asking for grants of the Crown Lands in America in mortmain; for themselves and the Episcopal Churches, in the amount of many hundred thousands of acres. In some instances they have been gratified already; and in one, with circumstances too singular to be unnoticed. All the world knows the Episcopal Church of the city of New-York, to be one of the most opulent Ecclesiastical Corporations in the King's dominions. They own a very large proportion of the very metropolis. Sixty odd acres divided into small lots, when the present leases expire, will produce, (thanks to the zeal of our Governors, and their own artifice) a revenue fit for a Popish Abbey. They had first a lease of it from the Crown, which was vacated by a law procured in consequence of orders from home: Impatient under this loss, a project was devised to repeal the vacating Act, and regrant it in fee, before the repealing Act could be known on the other side of the water. My Lord Cornbury risked the Royal displeasure, and sacrificed the Crown to the Church. Queen Anne repealed the repealing, and confirmed the vacating Act; but the Church was already possessed of the Patent. And, as a proof that they have abated neither in their avarice, nor their cunning, they have lately added to their wealth, a township of no less than 25,000 acres, out of the Crown Lands in the county of Gloucester: And to elude the King's instructions, and screen Mr. Colden the Governor, who was in the plot, it appears on the minutes of the Council to be applied for by, and granted to Nathaniel Marston and others as private Planters; though they took the estate not for themselves, but the incorporated Churches of which they were Officers and Members. Chargeable with such practices, is not their opposing the naked incorporation of the Scotch Churches (who ask for no estate or lands) the most matchless effrontery? And yet they find means to dupe the very Government which they have thus cheated and abused. What marvel then that the project of erecting Episcopacy in America, excites such general apprehensions in the rest of the American Churches! Which of the provinces has not cause to complain of the intrigues of the inferior Clergy and Missionaries; to lead Administration unto measures unfriendly to Christians of other denominations? Endless would be the history of the arts, which the Missionaries and Bishops, by prompting and imposing upon Governors, Ministers and the Society for propagating the Gospel, have improved to purposes both partial and cruel, and perhaps as repugnant to the true interest of *the Church of England*

land, as to the spirit of our common Christianity. The day is approaching, and the faster for the late machinations of the See of London; and its dependent auxiliaries; when the Non-Episcopal Churches of this Continent, will no longer leave their concerns at the Court of Great Britain, without an Agent or Procorator, to detect and refute the insidious whispers, which the *General at London* of the American Clergy, to the disgrace of his elevated station, is ever dropping into the ears of the King's Ministers. 'Tis a proof of our simplicity, and not of our wisdom, that they have remained so long unrepresented; considering the abundant cause we have for complaint and for jealousy. The malice and insolence of the stratagem to defeat the petition of the Presbyterian Church of New-York, may stand in the place of a thousand arguments, for the immediate appointment of such an Agent. Would the proudest Prelate have dared to come forward, and openly maintain the point, Whether the Sovereign would violate his Coronation Oath, merely for enabling any religious Society of loyal Protestants to hold a house for the worship of God; and secure a dormitory for the ashes of their dead? The Acts previous to the Union, 'tis true, bind the King to maintain Episcopacy in England, and Presbyterianism in Scotland; but, will the Bishops admit, that the incorporating of a congregation of Episcopal Dissenters in Scotland, would be a breach of the Union and the Coronation Oath? Surely not*. Nor, for the same reason, is his Majesty restrained from

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* The Scotch Act of Parliament, in the 5th of Queen Anne, after establishing Presbyterian Church Government in that kingdom, runs thus:

“ That after the decease of her present Majesty, (whom God long preserve) the Sovereign succeeding to her in the Royal Government of the kingdom of Great-Britain, shall, in all time coming, at his or her accession to the Crown, swear and subscribe, that they shall inviolably maintain and preserve the aforesaid settlement of *the true Protestant religion*, with the government, worship, discipline, rights and privileges of this Church; as above established by the laws of this kingdom, in prosecution of the claim of right.”

The English Act of Parliament, prescribing the King's oath for South-Britain, runs thus:

“ That after the demise of her Majesty, (whom God long preserve) the Sovereign next succeeding to her Majesty, in the Royal Government of the kingdom of Great-Britain; and so for ever hereafter, every King or Queen succeeding and coming to the Royal government of the kingdom of Great-Britain, at his or her Coronation, shall, in the presence of all persons who shall be attending, assisting; or otherways, then and there present, take and subscribe an oath, to maintain and preserve inviolably, the said government of the Church of England, and the doctrine, worship, discipline and government thereof, as by law established; within the kingdoms of England, and Ireland, the dominions of Wales, and the Town of Berwick upon Tweed, and the territories thereunto belonging.”

shewing the like favour to the Presbyterian Dissenters on the south side of the Tweed. And more especially, to such as go out unto Provinces which are subject to no establishment, nor can be subjugated to any; without violence to the principles to which they owe their origin and their growth, their utility and their safety.

APPENDIX.

A P P E N D I X.

N U M B E R I.

To the Honourable Colonel **PETER SCHUYLER**, President of his Majesty's Council for the Colony of **NEW-YORK**, in Council;

The humble **PETITION** of the Reverend **JAMES ANDERSON**, Presbyterian Minister, **PATRICK MACNIGHT**, **JOHN NICOLLS**, **JOSEPH LEDDEL**, **JOHN BLAKE**, and **THOMAS INGLIS**, in Behalf of themselves, and the Rest of the Presbyterian Congregation, in the City of **NEW-YORK**;

SHEWETH,

UNTO your Honour, that by the countenance and encouragement of the Government of the Province, they are so far advanced in the carrying on of the service and worship of Almighty God within this city; by a voluntary contribution, and assistance given by and expected from well-disposed persons, that they have adventured to purchase a piece of ground for a Church and cemitry, and have erected thereon a convenient Meeting-house, to worship in after the manner of the Presbyterian Church of North-Britain; and, that some particular persons, for want of their being incorporated, for that and the like purposes, have obliged themselves, their heirs, executors, and administrators, for the payment of the consideration-money, for the said ground and the materials and workmanship of building thereupon; and, in consideration thereof, for their private security, have taken the grant of the same land, to them, their heirs, and assigns, for ever; but have entered into bond, in the penal sum of two thousand pounds, unto certain trustees, in the same bond mentioned, upon condition, that whensoever it shall please God, the said grantees and obligees, and their heirs, executors, and administrators, shall be fully reimbursed all their just and reasonable charges, engagements and disbursements, made and contracted by the purchase of the said ground, and by the building of the said Church, cemitry, pulpit, pews, and other necessaries and conveniences; That the

same grantees, of the same ground, shall, at the special instance and request of the aforesaid trustees, and at the costs and charges in the law, of the same trustees, for, and on the behalf of the said congregation; and of the executors and administrators of the same trustees, sign, seal, deliver, present, and execute such deed or deeds, declaration of trust, or other conveyance or conveyances, for the same ground and appurtenances, Church, and cemetery, to such person or persons, body politic or corporate, for the use of the same Presbyterian congregation, as the same trustees shall think fit to nominate and appoint; and in case the same congregation shall be incorporated, then to, and for the use of the same corporation, and their successors for ever, being Presbyterians; to the end and purpose, that the same congregation may be incorporated, and made one body politic, in fact and name, for the carrying on of their said pious intentions, and the free use and exercise of their said religion, in its true doctrine, discipline and worship, according to the rules and method of the established Presbyterian Church of North Britain, to them and their successors for ever, by a free and voluntary contribution, and not compulsory, or otherwise, in derogation to the rights and privileges of the national Church of England, by law established; they therefore humbly pray,

May it please your Honour,

By Letters Patent, under the Great Seal of this Province, to incorporate them, by the name of the Minister, Elders, and Deacons of the Presbyterian Church in the City of New-York; to make them one body politic and corporate, in fact and name, capable and able, in the law, of suing and being sued, answering and being answered unto, defending and being defended, in all courts of law and equity, in all matters and causes whatsoever; of taking and receiving, holding and enjoying, to them and their successors for ever, their said Church, and ground, and cemetery, where the same now standeth, and with such other necessary powers and authorities, for the preservation and continuation of their successors, the management of their affairs, and the free use and exercise of their said religion, in the said city of New-York, as to your Honour, with the advice of his Majesty's Council, shall seem meet and reasonable; and the petitioners, as in duty bound, shall ever pray, &c.

JAMES HENDERSON,
PATRICK MACNIGHT,
JOHN NICOLLS,
JOS. LEDDEL,
JOHN BLAKE,
THOMAS INGLIS.

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May it please your Honour,

IN obedience to your Honour's order in council, of yesterday, referring to us the within petition: We have considered of the same, and are of opinion, your Honour may grant the prayer of the petitioners; all which is nevertheless most humbly submitted by

Your Honour's

NEW-YORK, *March*
4th, 1719-20.

Most obedient, humble servants,

A. D. PEYSTER,
GERARD. BEEKMAN,
RIP. VAN DAM,
JOHN BARBERIE.
T. BYERLEY.
JOHN JOHNSTON.

N U M B E R II.

PETITION preferred to Governor BURNET, in Council, by the Rev. JAMES ANDERSON, PATRICK MACNIGHT, JOHN NICOLLS, JOSEPH LEDDEL, JOHN BLAKE, and THOMAS INGLIS. *New-York, Sept. 19, 1720.* Same day, referred to five of the Council, who immediately reported in the words following:

May it please your Excellency,

IN obedience to your Excellency's order in Council, of this day, referring to us the petition of the Rev. James Anderson, Presbyterian Minister, &c. in behalf of themselves, and the rest of the Presbyterian congregation, in the city of New-York, praying to be incorporated by Letters Patent, under the Broad Seal of this Province. We have heard Council in the behalf of the Petitioners, and Council in behalf of the Rector and Church-Wardens of Trinity Church, of New-York, against the Petition; and the matter appearing to us to be of very great moment, and no instance given us of any such Patent of Incorporation hitherto granted, either in Great-Britain or the Plantations, we humbly crave leave to refer our advice to your Excellency; and we do accordingly advise and desire your Excellency, to transmit to the Right Honourable the Lords of Trade and Plantation, a copy of the said Petition, and the proceedings thereupon, desiring their Lordships to obtain the
opinion

opinion of his Majesty's learned Council, on the subject matter of the said Petition, and to transmit the same to your Excellency; which is, nevertheless, humbly submitted by

Your Excellency's

Most obedient, humble servants,

A. D. PHILIPSE,
GEO. CLARKE,
FRAN. HARRISON,
ROB. WALTER,
CALEB HEATHCOTE,
JOHN BARBERIE.

NEW-YORK, *May 10th*, 1724.

MY LORDS,

AT the desire of the Petitioners, and according to the advice of his Majesty's Council, I now transmit to your Lordships, the annexed Petition and proceedings; and shall be glad to receive your Lordships directions for my conduct therein.

I am,

My Lords,

Your Lordships,

Most dutiful and most humble servant,

W M. BURNET.

LORDS of TRADE.

N U M B E R

N U M B E R I V.

T O T H E

KING'S MOST EXCELLENT MAJESTY,

The PETITION of JOHN RODGERS, and JOSEPH TREAT, the present Ministers of the Presbyterian Church of the City of New-York, according to the Westminster Confession of Faith, Catechism and Directory, agreeable to the Established Church of Scotland; *William Smith, Peter Van Brugh Livingston, John Smith, Garret Noel, Thomas Jackson, and Nathaniel Mackinly*, the present Elders of the said Church; *John Stephens, and Peter Ryker*, the present Deacons of the said Church; and *Thomas Smith, Whitehead Hicks, William Smith, jun. John Lasher, Joseph Hallet, John Dunlap, Peter R. Livingston, and John Morin Scott*, the present Trustees of the said Church, for assisting the Ministers, Elders, and Deacons, in the temporal Affairs of the same Church.

Most humbly sheweth,

THAT sundry Protestants of their persuasion, who came over into this Province from Great-Britain and Ireland; together with others, inhabitants of the said city of New-York, many years ago entered into the design of settling a Church and congregation in the said city, for the public worship of God, according to the usage of the Reformed Protestant Presbyterian Churches; and that, for that purpose, John Nicoll, Patrick M^cNight, Gilbert Livingston, Thomas Smith, and divers other well-disposed persons, with the assistance of the charitable contributions, obtained from the inhabitants of the said city, the colony of Connecticut, and the Church of Scotland; purchased the ground herein after-mentioned, and on part thereof erected an edifice or church, for the public worship of God.

That the fee simple of the said ground, being, by sundry mesne conveyances, vested in James Anderson, the first Minister of the said Church, the said John Nicolls, and in Joseph Leddle, and Thomas Inglis; the same, on or about the sixteenth day of May, in the year of our Lord,

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One thousand seven hundred and thirty, was, by indenture under their hands and seals, conveyed in due form of law, to the Moderator of the General Assembly of the Church of Scotland, and the Commission thereof; the Moderator of the Presbytery of Edinburgh, the Principal of the College of Edinburgh, the Professor of Divinity therein, the Procurator and Agent for the Church of Scotland, for the time being; and their successors in office, as a Committee of the General Assembly of the said Church of Scotland. That, by an instrument, dated the fifteenth day of August, in the year of our Lord, One thousand seven hundred and thirty-two, under the seal of the General Assembly of the Church of Scotland, and signed by Niel Campbell, Principal of the University of Glasgow, and Moderator of the General Assembly of the Church of Scotland, and Commission thereof; James Nesbit, one of the Ministers of the Gospel at Edinburgh, Moderator of the Presbytery of Edinburgh; William Hamilton, Principal of the University of Edinburgh; James Smith, Professor of Divinity therein, and William Grant, Advocate, Procurator for the Church of Scotland, for the time being; they then did, pursuant to an Act of the General Assembly of the Church of Scotland, dated the eighth day of May, in the year of our Lord, One thousand seven hundred and thirty-one, empowering and appointing them to grant those presents, declare, That notwithstanding the aforesaid right, made to them and their successors in office; they were desirous that the aforesaid building and edifice, and appurtenances thereof, be preserved for the pious and religious purposes for which the same were designed; and that it should be free and lawful to the Presbyterians, then residing, or that should at any time thereafter be resident in or near the aforesaid city of New-York, in America, or others joining with them, to convene in the aforesaid Church, for the worship of God, in all the parts thereof, and for the dispensation of all Gospel ordinances; and generally, to use and occupy the said Church, and its appurtenances, fully and freely, in all times coming, they supporting and maintaining the edifice and appurtenances, at their own charge.

That the said church and congregation greatly increasing under the pastoral charge of Mr. Ebenezer Pemberton, the second Minister thereof; the Petitioners, and others, with the help of further charitable contributions, were obliged, for the greater convenience of the members of the said congregation, to enlarge the old Church; and did accordingly, in the year of our Lord, One thousand seven hundred and forty-eight, erect and complete their present Church; being an edifice built of stone, in length eighty feet, and about sixty feet in breadth. That the ground whereon the said Church is built, is situated in the North Ward of the said city of New-York, on the north-easterly side of Wall-Street, and is in breadth, fronting the said street, and also in the rear, eighty-eight feet; and, in length, on each side, about one hundred and twenty feet, all English measure.

That the said congregation is since become still more numerous; and that they are very desirous to preserve their said Church, and their cemetery thereunto adjoining, and to acquire a further estate for the better support

support of the Gospel, and to enlarge their cemetery for the more decent interment of their dead; and to enjoy such other powers and privileges as may be necessary for the better maintenance of the worship of Almighty God among them, according to the Westminster Confession of Faith, Catechisms and Directory.

That your Majesty's subjects of the Province of New-York, Dutch and English, of the Presbyterian persuasion, are a great majority of the whole number of its inhabitants; and boast the most undivided loyalty and attachment to your Majesty's person, family and government, and most sincerely and ardently pray for the succession of the Crown in your Royal house.

That there is no general establishment of rates for the building and repairing of Churches, and the support of the Ministers of the Gospel in this Colony; and the whole charges of supporting the worship of God is therefore defrayed by, and depends upon voluntary contributions: And though a freedom from compulsory laws, among Protestants of such various denominations, will render any attempts to force a uniformity detrimental to the public peace, and obstruct the settlement and growth of the country; yet, since every congregation stands in need of some estate for pious uses, and the suspicious confidence in private trustees, inevitably exposes them to numberless inconveniences and discouragements, the Governors of this and the neighbouring province of New-Jersey, have wisely thought fit to grant charters of incorporation to sundry Churches both of the Episcopal and Presbyterian denominations, incorporating them, and enabling them to receive benefactions, maintain a succession, make by-laws for the government of their own members; and by this means a sufficient encouragement of religious worship has been given, without the Legislative aid.

Humbly presuming, that the Church to which your Majesty's Petitioners belong, would have the same countenance, a petition was some time ago preferred for a Charter, to Mr. Delancey, late Lieutenant-Governor of this province; but, as the Lutheran congregation of this city have been disappointed in a like application, and your Petitioners are advised, that for want of an express power in the Governor's commission, there may be some doubt, whether a Charter of Incorporation granted now will be valid, unless your Majesty will be graciously pleased to give an instruction for that purpose; and, as the old English Statutes of Uniformity, do not extend to America; and the growth and prosperity of your important dominions abroad, depend not only upon their enjoyment of the liberty of conscience, but the equal eye of the Sovereign, upon faithful and loyal Protestants of every denomination, and especially those of the two communions established in Great-Britain.

Your Majesty's Petitioners most humbly pray, that your Majesty would be graciously pleased to issue your Royal command, under the Privy Signet and Sign Manual, to the Governor or Commander in Chief of the said Province, and his Council for the time being; and all other officers therein concerned, under them, immediately after the receipt thereof, to grant and confirm the pre-

mises to your Petitioners; and to erect them a body politic and corporate, in deed and in name, by the name and stile, of *The Ministers, Elders, Deacons and Trustees of the Presbyterian Church of the city of New-York, according to the Westminster Confession of Faith, Catechisms and Directory, agreeable to the present established Church of Scotland*; and that they and their successors may be thereby enabled, under the Great Seal of the said Province, to hold and enjoy the premises, and to acquire and hold a further estate, and enjoy such other powers and privileges, as may be necessary, for the pious uses aforesaid, expressed in the form of a Charter, which, that your Majesty may be more fully apprized of, the whole aim of your Petitioners is hereunto annexed; or, that your Majesty, in whose grace and clemency your people have the fullest confidence, would be pleased to grant them such other aid, protection, and countenance, as to your Royal wisdom shall seem meet; and your Majesty's Petitioners, as in duty bound, will ever pray, &c.

NEW-YORK, 18th March, 1766.

N U M B E R V.

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: WHEREAS, we have been informed by the humble Petition of our loving subjects, John Rodgers, Joseph Treat, William Smith, Peter Van Brugh Livingston, John Smith, Garret Noel, Thomas Jackson, Nathaniel M'Kinly, John Stephens, Peter Ryker, Thomas Smith, Whitehead Hicks, William Smith, jun. John Lasher, Joseph Hallet, John Dunlap, Peter R. Livingston, and John Morin Scott, the present Ministers, Elders, Deacons, and Trustees of the Presbyterian Church of the city of New-York, according to the Westminster Confession of Faith, Catechisms and Directory; that sundry Protestants, of their persuasion, who came over into this Province, from Great-Britain and Ireland, together with others, inhabitants of our said city of New-York, many years ago entered into the design of settling a church and congregation in the said city, for the public worship of God, according to the usage of the reformed Protestant Presbyterian Churches; and that, for that purpose, John Nicoll, Patrick M'Night, Gilbert Livingston, Thomas Smith, and divers other well-disposed persons, with the assistance of the charitable contributions obtained from the inhabitants of our said city, the colony of Connecticut, and the Church of Scotland, purchased

purchased the ground herein aftermentioned, and on part thereof erected an edifice or church, for the stated public worship of God.

That the fee simple of the said ground, being, by sundry mesne conveyances, vested in James Anderson, the first Minister of the said Church, the said John Nicolls, and in Joseph Leddle, and Thomas Inglis; the same, on or about the sixteenth day of May, in the year of our Lord, One thousand seven hundred and thirty, was, by indenture under their hands and seals, conveyed in due form of law, to the Moderator of the General Assembly of the Church of Scotland, and the Commission thereof; the Moderator of the Presbytery of Edinburgh, the Principal of the College of Edinburgh, the Professor of Divinity therein, the Procurator and Agent for the Church of Scotland, for the time being; and their successors in office, as a Committee of the General Assembly of the said Church of Scotland. That, by an instrument, dated the fifteenth day of August, in the year of our Lord, One thousand seven hundred and thirty-two, under the seal of the General Assembly of the Church of Scotland, and signed by Niel Campbell, Principal of the University of Glasgow, and Moderator of the General Assembly of the Church of Scotland, and Commission thereof; James Nesbit, one of the Ministers of the Gospel at Edinburgh, Moderator of the Presbytery of Edinburgh; William Hamilton, Principal of the University of Edinburgh; James Smith, Professor of Divinity therein, and William Grant, Advocate, Procurator for the Church of Scotland, for the time being; they then did, pursuant to an Act of the General Assembly of the Church of Scotland, dated the eighth day of May, in the year of our Lord, One thousand seven hundred and thirty-one, empowering and appointing them to grant those presents, declare, That notwithstanding the aforesaid right, made to them and their successors in office; they were desirous that the aforesaid building and edifice, and appurtenances thereof, be preserved for the pious and religious purposes for which the same were designed; and that it should be free and lawful to the Presbyterians, then residing, or that should at any time thereafter be resident in or near the aforesaid city of New-York, in America, or others joining with them, to convene in the aforesaid Church, for the worship of God, in all the parts thereof, and for the dispensation of all Gospel ordinances; and generally, to use and occupy the said Church, and its appurtenances, fully and freely, in all times coming, they supporting and maintaining the edifice and appurtenances, at their own charge. That the said church and congregation greatly increasing under the pastoral charge of Mr. Ebenezer Pemberton, the second Minister thereof; the Petitioners, and others, with the help of further charitable contributions, were obliged, for the greater convenience of the members of the said congregation, to enlarge the old Church; and did accordingly, in the year of our Lord, One thousand seven hundred and forty-eight, erect and complete their present Church; being an edifice built of stone, in length eighty feet, and about sixty feet in breadth. That the ground whereon the said Church is built, is situated in the North Ward of our said city of New-York, on the north-easterly side of the Wall-Street, and in breadth, fronting the said street, and also in the rear, eighty-eight feet;

feet ; and, in length, on each side, about one hundred and twenty feet, all English measure. AND WHEREAS, We are also informed by the said Petitioners, that the said congregation is likely to become numerous ; and that they are very desirous to secure their said Church, and their cemetery thereunto adjoining, and to acquire a further estate for the better support of the Gospel, and to enlarge their cemetery for the more decent interment of their dead ; and to enjoy such other powers and privileges as may be necessary for the better maintenance of the worship of Almighty God among them, according to the Westminster Confession of Faith, Catechisms and Directory : AND WHEREAS, the said Petitioners did, therefore, by their said Petition, most humbly pray, our grant and confirmation of the premises ; and that they and their successors might be made capable to hold and enjoy the same by our Royal Charter, creating them a body politic and corporate, in deed and in name, by the name and stile of *The Minister, Elders, Deacons and Trustees of the Presbyterian Church of the city of New-York, according to the Westminster Confession of Faith, Catechisms and Directory* ; and that they and their successors might thereby be enabled to acquire and hold a further estate, and to enjoy such other powers and privileges as might be necessary for the pious purposes aforesaid, or which to us might seem meet ; and whereas the said John Rodgers and Joseph Treat, the present Ministers ; and William Smith, Peter Van Brugh Livingston, John Smith, Garret Noel, Thomas Jackson, and Nathaniel M-Kinly, the present Elders ; and John Stephens, and Peter Ryker, the present Deacons ; and Thomas Smith, Whitehead Hicks, William Smith, jun. John Lasher, Joseph Hallet, John Dunlap, Peter R. Livingston, and John Morin Scott, the present Trustees, of the said Church ; have also prayed our Royal Charter, for the uses and purposes in the said petition mentioned. NOW, THEREFORE, KNOW YE, that we, considering the said Petitions, and that the people of the said Presbyterian persuasion, are very numerous in our said Province ; and being willing to encourage other Protestants, of the same denomination to come and settle within our said Province, for the better peopling the same, and increasing its strength, and for the more effectual cultivation thereof ; and being, above all, desirous to promote virtue, true religion, and the service of Almighty God, we have thought fit to favour the pious purposes of our said loving subjects, and to secure them and their successors, and others joining with them, of the same religious persuasion, in the free exercise and enjoyment of all their civil and religious rights ; and to preserve to them and their successors, the liberty of worshipping God according to their consciences, and the usages of those Presbyterian Churches, which have adopted, and do regulate themselves by, and conform to the Westminster Confession of Faith, Catechisms and Directory. THEREFORE, that they may be the more effectually enabled to hold and enjoy the premises, We have thought fit, and are graciously pleased to ordain and declare, That the Church so as aforesaid built, enlarged and completed, and the ground thereunto adjoining and enclosed, and used or intended to be used, for a cemetery or church-yard, shall be the Church and church-yard of the Ministers, Elders,

ders, Deacons and Trustees of the said Presbyterian Church and congregation; and the same are hereby declared to be for ever separated and dedicated to the service of God; and to be applied therein only to the use of the members of the said Presbyterian Church and congregation, inhabitants of our said city of New-York, and others joining with them; and that there shall be one or more Ministers to have the care of the souls of the members thereof, and a perpetual succession of Ministers there. AND WE DO, by these presents constitute our trusty and loving subjects, the said John Rodgers and Joseph Treat, to be the present Ministers of the said Church and congregation, for the dispensation of divine ordinances amongst them; and we are further, at the humble request of the said petitioners, graciously pleased to create and make them a body politic and corporate, with the powers and privileges herein after-mentioned. AND ACCORDINGLY, Our will and pleasure is, and of our special grace, certain knowledge and mere motion, we have ordained, constituted and declared, and by these presents do, for us, our heirs and successors, ordain, constitute and declare, That they the said John Rodgers, Joseph Treat, William Smith, Peter Van Brugh Livingston, John Smith, Garret Noel, Thomas Jackson, Nathaniel Mackinly, John Stephens, Peter Ryker, Thomas Smith, Whitehead Hicks, William Smith, *jun.* John Lasher, Joseph Hallet, John Dunlap, Peter R. Livingston, and John Moria Scott, the present Ministers, Elders, Deacons and Trustees of the said Presbyterian Church, and their successors, shall be, from time to time, and at all times for ever hereafter, a body politic and corporate, in fact and in name, by the name of "*The Minister, Elders, Deacons and Trustees of the Presbyterian Church of the city of New-York; according to the Westminster Confession of Faith, Catechisms and Directory, in communion with the Church of Scotland.*" And that by the same name, they and their successors, shall and may have perpetual succession, and shall and may be persons able and capable in the law, to sue and be sued, to plead and be impleaded, to answer and be answered unto, to defend and be defended, in all and singular suits, causes, quarrels, matters, actions and things of what kind or nature soever; and also, to have, take, possess, acquire and purchase lands, tenements and hereditaments, or any goods or chattels, and the same to grant, bargain, sell, alien, release, demise and dispose of, in fee simple, or for term of life, or years, or otherwise, at their own will and pleasure; as fully, freely and effectually, as any other our liege people, or any corporation or body politic, within our kingdoms of Great-Britain or Ireland, or within any of our plantations and dominions in America, may lawfully do, provided the said lands, tenements and hereditaments, do not exceed the yearly value or income of five hundred pounds lawful money of Great-Britain, over and above the rents, issues and profits of the ground, church and cemetery above-mentioned. And further, that the said Ministers, Elders, Deacons and Trustees, and their successors, shall and may, for ever hereafter, have a common seal, with such device and devices, as they shall think proper to serve and use, for all matters, causes, things and affairs whatsoever, of them and their successors; and the same seal, may alter, change,

change, break and make new, from time to time, at their will and pleasure. AND FURTHER, We do also will, grant and ordain by these presents, and for us, our heirs and successors, do declare, grant and appoint, that for the better ordering, regulating and managing the business and affairs of the said Corporation, and their successors, there shall be at least four Elders and two Deacons, from time to time, constituted, elected and appointed out of the members of the said church, in full communion therewith; and at least eight Trustees out of the members of the said church or congregation, they the said Trustees being tenants of pews or seats, in such manner and form as is herein after expressed; which said Ministers and Elders, and their successors, shall form a Church Consistory and have the sole direction, government and disposition of all the spiritual affairs of the said Church; according to the usages of Presbyterian Churches, and according to the forms prescribed in and by the said Directory, exclusive of the said Trustees; and that the said Elders, Deacons and Trustees, shall have the direction, disposition and regulation of the temporal business and affairs of the said Corporation, exclusive of the Ministers; but that the said Ministers, Elders and Deacons, together with the said Trustees, shall join in all affairs of what kind soever, relating to the purchase or acquirement of any rights, titles, estates, or tenements whatsoever; or in the sale or other disposition of the same; and the same shall be directed by plurality of the voices of them, the said Ministers, Elders, Deacons and Trustees. AND, for the better execution of our Royal pleasure herein, We do, for us, our heirs and successors, assign, name, constitute and appoint, the said William Smith, Peter Van Brugh Livingston, John Smith, Garret Noel, Thomas Jackson, and Nathaniel M'Kinly, to be the present Elders of the said Church; and the said John Stephens, and Peter Ryker, to be the present Deacons of the said Church; and that the said Elders and Deacons shall continue in their present respective offices, until he or they shall severally be removed from his or their respective offices, in any or either of the manners herein after-mentioned; and we do also, for us, our heirs and successors, name, constitute and appoint the said Thomas Smith, Whitehead Hicks, William Smith, *jun.* John Lasher, Joseph Hallet, John Dunlap, Peter R. Livingston, and John Morin Scott, to be the present Trustees of the said Church and congregation; and that the said Trustees shall continue in their several offices for four years, to be computed from the first Sunday in January, and until other fit persons be elected and qualified in their rooms and steads. And farther, we will, and by these presents, for us, our heirs and successors, do grant and ordain, that the Ministers of the said Church for the time being, or either of them, or in their absence by sickness or otherwise, that the Elder oldest in office, for the time being, shall and may, from time to time, upon all occasions, give order for the assembling or calling together the said Elders, to form a Church Consistory, to advise about, transact and direct the spiritual business, government and affairs of the said Church; and we do also, will, grant and ordain, that the said Minister, or Ministers, and Elders, together with the members of the said Church, in full communion therewith, upon any and every vacancy and vacancies, that shall or may, at any time or times happen, in the

the said offices of Elder and Deacon, respectively, by the voluntary resignation, death, or removal from our said city, of any or either of the said Elders or Deacons, or removal of any or either of the said Elders or Deacons from their said respective offices, by act of discipline or church censure, according to the said Directory, shall, by plurality of voices at the said Church, elect, nominate and appoint such one or more of the members of the said Church, in full communion therewith, as shall succeed in the said office of Elders and Deacons, respectively; and that such new elected person and persons, may enter into the same offices respectively, on the third Sunday next following their said respective elections, and continue in the exercise and enjoyment of the same, until others are chosen in their stead, or till other sooner determination thereof, by virtue of the powers granted and established by these presents. And we do also hereby, for us, our heirs and successors, declare and grant, that the patronage, advowson, donation and presentation of and to the said Church, after the decease of the said John Rodgers and Joseph Treat, or the next avoidance thereof, shall appertain and belong to and be hereby for ever hereafter, vested in all the members of the said Church, and such members of the said congregation, as shall have been tenants of pews or seats in the said Church, for three months next before such avoidance, by plurality of voices; and that the said John Rodgers and Joseph Treat, and every succeeding Minister and Ministers of the said Church, shall and may have, take and enjoy such and the like stipends, contributions, offerings free and voluntary, gifts, and other ecclesiastical dues, arising or accustomed to arise from the members of the said Church and congregation. And our further will and pleasure is, and we do hereby declare, that the Ministers, Elders, Trustees, communicants and members of the said congregation, being tenants of pews or seats, as aforesaid, as need shall require, may, by plurality of voices, nominate and elect one or more able Minister and Ministers, lawfully ordained, according to the constitution of those Presbyterian Churches which adopt and regulate themselves by, and conform to the Westminster Confession of Faith, Catechisms and Directory, to be Preachers in the said church, and Colleagues to and with the said present Ministers, and their successors, in the performance and celebration of all divine offices and ordinances, and the duties of a Minister of the Gospel; and that the Elders, Trustees, communicants and members of the said congregation, the said members being tenants of pews or seats, shall and may, from time to time, and at all times, when, and as often as the same shall and may be requisite, by plurality of voices, fix, settle, and augment the respective yearly salaries of the said John Rodgers and Joseph Treat, and their successors, and such other Minister and Ministers, as shall be lawfully nominated and elected in manner aforesaid, to be Preachers in the said Church, or other buildings, edifices or churches hereafter to be built, in the manner herein after-mentioned, and Colleagues to the said John Rodgers and Joseph Treat, and their successors, to be paid to him and them respectively, in quarterly payments, by the Trustees for the time being, out of the temporalities of the said Church or congregation; and in case of neglect or refusal of payment of the said respective salaries,

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in quarterly proportions, as aforesaid, by the space of six months, next after any such quarterly portion shall have become due, or any other misconduct of the said Trustees, in the judgment of the major part of all the members of the Consistory; that then, and in such case, the said Elders, Trustees, Communicants and other members of the said Church and Congregation, such members being tenants of pews or seats in manner aforesaid, shall and may elect some other person or persons, in the room and stead of such Trustee or Trustees, as shall respectively so neglect, or refuse, or misbehave, which person or persons so to be elected, shall continue in the office of Trustee until the expiration of the term, for which such person or persons, in whose room and stead, he, or they shall be so elected, shall have been originally elected: And that the said Trustees or the major part of them, may nominate, and appoint one or more Secretaries, Treasurers, Schoolmasters, Bell-ringers and Sextons, during pleasure, and such other subordinate and inferior officers, as they in their discretion shall think necessary: And we do also hereby give and grant unto the Ministers, Elders and Deacons of the said Presbyterian Church, and the major part of them, and their successors, full power from time to time, and at all times hereafter, to assemble and meet together, and by plurality of voices to appoint, alter, and change such days and times of meeting, as they or the major part of them shall think fit, and to chuse any other and greater number of Church officers, as they shall conceive to be requisite for ordering and managing the spiritual affairs of the said Church in their Sessions, or Consistorial Assemblies; and that they, and their successors, and the major part of them, by plurality of voices, may, from time to time, make, ordain, constitute, and repeal, such rules, orders and ordinances for the maintenance of discipline and purity in faith, and worship in the said Church and Congregation, so that the same relate only to the spiritual affairs of the said Church and Congregation, and be not repugnant to the laws of our Kingdom of Great-Britain, and of this province, nor repugnant to the principles of the Protestant religion, but as near as may be conformable to the same, and to the Articles of Faith, worship, and discipline, declared in the said Westminster Confession of Faith, Catechism, and Directory. And we do also, for us, our heirs and successors, grant and ordain, that the seniority in office of the said Trustees shall be computed and reckoned according to the order in which they are above-named; the first named of the said Trustees being deemed and esteemed the eldest in office, and that the seniority in office of all future Trustees, shall be settled by the times of their respective elections, except such as shall be elected in manner above said, to succeed on the misbehaviour of any, or either of the Trustees, now or for the time being, which person and persons so elected, shall always be esteemed of the same age in office, as the person or persons in whose stead he or they shall be so elected; and that the said Trustees above-named, or such of them as shall be in office, and such others as shall succeed any or either of them, who shall or may misbehave or, the major part of them, shall, within eight days next after the first Sunday, which will be in the year of our Lord,

; and the Trustees for the time being, or the major part of them
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within eight days next after the first Sunday, which will be in every other year for ever thereafter; shall assemble, and meet together at some convenient place, and then, and there shall elect, and chuse by plurality of voices, from, and out of the members of the said Church, or from and out of the tenants of pews or seats of the said Church; two persons of orderly lives and conversations, to be of the number of the Trustees; and to succeed the two Trustees, who at the times of such elections, respectively, shall be the seniors in office; which said two persons, so to be elected, shall not take upon them their said office, until eight days after public notice of such elections, respectively, shall have been given in the Church, on the Sunday next succeeding the same; and in case, within the said space of eight days any objections shall be made, and offered by any, or either of the members of the said Corporation, against the moral character of the persons so elected, or either of them, the said objections shall be determined by plurality of voices of the Minister or Ministers, Elders, Deacons, and Trustees of the said Church, for the time being, or the major part of them, who shall, within eight days after such objections made, assemble and meet together for that purpose; and in case they shall determine such objection to be valid, and that the election of the person or persons against whom such objection shall be made, shall be set aside; that then, and in every such case, the said Trustees, for the time being, or the major part of them, shall within eight days next after such determination, proceed to the election of another, or others, qualified as aforesaid, in the stead of him or them so objected against, in the manner above directed; and that every person or persons, to be elected into the said office of Trustee, shall continue in the same until another or other fit person or persons be elected, and chosen in his and their stead, in the manner above directed. And, if any person or persons above appointed, or so to be chosen as Trustee or Trustees, shall die, remove out of our said city, or refuse to serve, the rest of the Trustees for the time being, or the major part of them, may immediately elect others in their stead; who shall exercise the said vacant offices for the same term, which the person or persons so dying, removing or refusing, would have possessed and exercised the same.

AND we do also ordain, that any two of the Trustees for the time being, shall have power to call together the said Trustees, as often as they shall think needful, and at such time and place as they shall think proper, to consult and advise about the temporalities of the said Church; and that the said Trustees, and the major part of them, and their successors so convened, may, from time to time, by plurality of voices, order, manage and direct the temporal affairs of the said Church and Congregation; and make, ordain, constitute, and repeal such rules, orders, and ordinances, as they may think fit and necessary relating to the appointment of the temporal affairs above-mentioned; the demising or letting out of seats and pews, appointing and removing the tenants, and fixing the rates thereof, securing and receiving the same, collecting the ordinary and usual offerings and contributions, and other gifts, legacies and devises, establishing the fees for funerals and burials, and in general relating to the management of all the temporal affairs of the said Church;

Church; and disposing of all monies (except such offerings and benevolences as shall be given at the communion table, or occasional collections for the poor, or other charitable uses, which shall be solely at the disposition of the said Consistory) and except also the conditional or absolute sales or demises, for a longer term than three years, of any part of the real estate of the said Church and Corporation; in the making of which said rules, orders and ordinances, in the conventions of the Trustees for these purposes, the said Minister or Ministers, Elders and Deacons, are not to interfere, but the same shall be binding upon the members of the said Church and Congregation, so, that the same do not immediately concern the spiritual affairs of the said Church, as aforesaid, committed to the Consistory thereof, consisting of the Ministers and Elders for the time being, exclusive of the said Trustees and their successors; provided, nevertheless, that the Minister or Ministers, for the time being, or, in case of his or their absence, the Elder, oldest in office, shall have power to call together the said Consistory and Trustees, at any general convention, and shall preside therein. AND FURTHER know ye, that we of our special grace, certain knowledge and mere motion, have given, granted, ratified and confirmed, and for us, our heirs and successors, do give, grant, ratify and confirm unto the said Ministers, Elders, Deacons and Trustees, and their successors, all, and every the above-mentioned lands, tenants, lots of ground, rents and issues thereof, royalties, jurisdictions, franchises, preeminences, liberties, privileges, benefits, profits, hereditaments and appurtenances, whatsoever to the same belonging; to have and to hold the premises and their appurtenances, unto them, the said Ministers, Elders, Deacons and Trustees of the Presbyterian Church of the city of New-York, according to the Westminster Confession of Faith, Catechisms and Directory, *in trust*, to the sole and only benefit and behoof of them and their successors, forever, *to be holden* of us, our heirs and successors, in free and common socage, as of our Manor of East Greenwich, in the county of Kent, within our realm of England, *yielding, rendering and paying* therefore yearly, and every year forever, unto us, our heirs and successors, on the feast of St. Michael the Archangel, at our city of New-York, the annual rent of

lawful money of New-York, if the same shall be lawfully demanded, in lieu and stead of all other rents, dues, duties, services, claims and demands whatsoever, for the premises; AND WE DO also, for us, our heirs and successors, will, grant and ordain, that the Minister or Ministers, Elders, Deacons and Trustees of the said Church and Congregation, and their successors, may, at any time hereafter, build and erect one or more edifices and churches, within our said city of New-York, and provide for the Minister and Ministers and officers thereof, and have full power and authority, for the due and regular ordering and managing the affairs of the said Church and Churches, on the days and times of election herein before appointed, and to elect such a further or greater number of Elders, Deacons and Trustees, and other officers, as shall be necessary and convenient for the said Church and Churches; and that they shall have all the powers and privileges herein before granted, and may act and conduct themselves in the manner
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hercin before directed and allowed; and that it shall and may be lawful for them and their successors, to enlarge, amend, adorn and alter the Church already built, and the said Church and Churches, that may be hereafter built, and to enlarge the cemitry and cemitries thereof, and to purchase and build houses and gardens for their Minister and Ministers, and other officers, for the time being, and to amend and repair the same as occasion may require: AND LASTLY, we do also for us, our heirs and successors, ordain, and grant unto the said Ministers, Elders, Deacons and Trustees of the Presbyterian Church of the city of New-York, according to the Westminster Confession of Faith, Catechisms and Directory, in communion with the Church of Scotland, and their successors for ever, by these presents, that this our grant shall be firm, good, effectual and available in all things in the law, to all intents, constructions and purposes whatsoever; according to our intent and meaning herein before declared, and shall be construed, reputed and adjudged in all cases, most to the honour of our Royal bounty, and most favourable to the benefit and advantage of the said Ministers, Elders, Deacons and Trustees of the Presbyterian Church of the city of New-York, and their successors for ever, according to the Westminster Confession of Faith, Catechisms and Directory, in communion with the Church of Scotland; altho' express mention of the true limits of the lot of ground, Church, Church-yard, and premises above-mentioned, is not hercin made, or any statute, acts, ordinances, provision, proclamation, or restriction heretofore had, made, enacted, ordained or provided, or any false recital, mis-recital, defect, default, imperfection, or any other matter, cause or thing, whatsoever to the contrary hereof notwithstanding. IN TESTIMONY whereof, we have caused these our Letters to be made patent; and the great Seal of our said Province to be hereunto affixed, and the same to be entered of record in our Secretary's office of our said Province, in one of the books of patents there remaining: Witness our trusty and wellbeloved, &c. &c. &c.

N U M B E R VI.

WHITEHALL, *July 29th, 1766.*

S I R,

HIS Majesty having been pleased, by an order in Council, to refer to us, for our consideration and report, a Petition of the present Ministers of the Presbyterian Church in the city of New-York, praying to be incorporated by a Charter, under the seal of the Province of New-York, for the purposes set forth in the said Petition; we think it necessary, (not only from a consideration of the nature of this Petition in general, but also, as it refers to a like application, formerly made by the said Ministers, to Lieutenant-Governor Delancey; and to proceedings had thereupon) to send you the enclosed copy of the said Petition, desiring that you will, after having communicated it to the Council, for
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such advice and information, as they may be able to give you upon it, report to us, in the fullest manner, the present state and condition of this Protestant establishment; and also, all the proceedings upon the Petition, alledged to have been presented in the administration of Mr. Delancey; and the reasons, why such Petition did not succeed at that time; with your opinion, whether, from any particular circumstance in the present state of the Province of New-York, there are any objections to complying with a request, which, in the general and abstracted view of it, appears to us to be noways improper or unreasonable.

We are, Sir,

Your most obedient servants,

DARTMOUTH.
JOHN ROBERTS.
W. M. FITZHERBERT.
PALMERSTON.

A true copy, examined this 2d of February, 1768, by
GOL. BANYAR, D. CL. COUN.

N U M B E R VII.

To his Excellency Sir HENRY MOORE, Baronet, Captain-General and Governor in Chief of the Province of NEW-YORK, and the Territories thereon depending, in AMERICA, Vice-Admiral of the same, &c. in Council;

The PETITION of the Ministers, Elders, Deacons, and Trustees of the Presbyterian Church of the City of New-York, according to the Westminster Confession of Faith, Catechisms and Directory, agreeable to the Established Church of Scotland;

Most humbly sheweth,

THAT your Petitioners are informed, that your Excellency was pleased, on the fourth day of February, instant, to lay a Petition lately preferred by your Petitioners to the King's most Excellent Majesty,

fy, for a Charter, and a draft of the Charter, they prayed for, before the Honourable the Board of Council, for their report thereon to your Excellency, in pursuance of a letter of reference, sent to your Excellency from the Lords Commissioners for Trade and Plantations.

And, as your Excellency and the Honourable Board may justly expect to be waited upon by your Petitioners, to be ascertained of the truth of such of the facts in the said Petition suggested, as may, perhaps, be thought to require proof; and your Petitioners are extremely desirous to give full satisfaction, and to enable your Excellency to report on this subject to their Lordships, by the return of the Packet which arrived yesterday.

Your Petitioners, therefore, beg leave, in this way, to signify their readiness to attend the commands of your Excellency, and the Honourable Board; and most humbly pray, if there are any facts not so notorious as to require proof, that a note of them may be signified by the Clerk of the Council, and a short day appointed for your Petitioners to exhibit the evidences that may be desired; and your Petitioners, as in duty bound, will ever pray, &c.

JOHN RODGERS,) In behalf of themselves and the
JOSEPH TREAT,) rest of the Petitioners.

NEW-YORK, 17th Feb. 1767.

N U M B E R V I I I .

AT a Council held at Fort George, in the City of New-York, on Wednesday the 15th Day of April, 1767;

P R E S E N T,

His Excellency Sir HENRY MOORE, Bart. Captain-General, &c.

Mr. Horsmanden,		Mr. Delancey,
Mr. Smith,		Mr. Apthorpe,
Mr. Watts,		Mr. Reade,
Mr. Walton,		Mr. Morris.

MR. READE, from the Committee, to whom, by order of the 4th day of February last, was referred the letter of the 29th of July, 1766, from the Lords Commissioners for Trade and Plantations; and the Petition therein enclosed, of the Ministers of the Presbyterian Church in the city of New-York, praying a Charter of Incorporation, presented

presented to his Excellency; the Committee's report thereupon, which being read, was, on the question being put, agreed to and approved of.

Mr. Smith, who is named in the Petition, on which the report is grounded, as one of the Petitioners, was not of the Committee; nor gave any opinion on the question, whether the Council agreed to the report.

The Council humbly advised his Excellency, to transmit a copy of the report to the Right Honourable the Lords Commissioners for Trade and Plantations; and that as the Petition in question, was referred by their Lordships to his Excellency for his opinion, after having communicated the same to the Council, no other copy of the report be delivered, until their Lordships shall have acknowledged the receipt of the copy so to be transmitted by his Excellency; which is ordered accordingly: And the report being ordered to be entered in the minutes, is as follows, *viz.*

May it please your Excellency,

IN obedience to your Excellency's order in Council, of the 4th ultimo, referring to us a letter of the 29th July last, from the Lords Commissioners for Trade and Plantations; and requiring our advice and information on the Petition therein enclosed, lately presented to his Majesty, by the "present Ministers of the Presbyterian Church in the city of New-York, praying to be incorporated by a Charter, under the seal of the Province of New-York, for the purposes set forth in the said Petition." The Committee have duly considered the same, and beg leave to represent to your Excellency,

That, on the 8th of February, 1759, a Petition was preferred to Lieutenant Governor Delancey, by the "Minister, Elders, and Deacons of the Lutheran Church of the city of New-York," praying to be incorporated; and afterwards, on the 14th March following, reported by the Committee to whom it was referred, and a Charter advised to be granted to the Petitioners. That on the 30th March, 1759, a like Petition was presented to Mr. Delancey by the "Minister, Elders, Deacons and Trustees of the Presbyterian Church of the city of New-York," and referred to a Committee. That on the 9th of February, 1763, an application of the same nature was made by the "Minister, Elders and Deacons of the reformed Protestant Dutch Church of the township of Orange," and referred to a Committee. That on the 16th of March, 1763, a Petition of the "Minister, Elders and Deacons of the French Protestant Church of the city of New-York," praying to be incorporated, was read in Council, and likewise referred to a Committee. And, that on the 9th of September, 1763, the Lutherans, by a second Petition, prayed a warrant might issue to the Attorney-General, to prepare a draft of the Charter, ordered on their former Petition; both which Petitions, the Council advised Mr. Colden to transmit to the Right Honourable the Lords Commissioners for Trade and Plantations. That Mr. Colden, whose reasons will appear by his letters on this subject, did transmit the said two petitions; and receive their Lordships answer, by their letter of the 15th of July, 1764, wherein is the following paragraph. "We have

have attentively considered the petition of the Minister, Elders and Deacons of the Lutheran Church, praying for a Charter of Incorporation; and though we shall be at all times desirous of concurring in any measure, that may contribute to the satisfaction of every pious community, the principles of which are not adverse to the religious constitution of these kingdoms; yet it does not appear to us, from any thing set forth in their petition, that such an Incorporation is at present necessary or expedient."

Except the Charters granted to the Church of England, all the instances of such Incorporations within this province (four only in number) are confined to the Dutch, whose claims to this distinction, are, the Committee apprehend, grounded on one of the articles of Capitulation, on the surrender of the colony in the year 1664; by which it is declared, that the Dutch here, shall enjoy the liberty of their consciences in divine worship, and Church discipline."

In the petition now under consideration, it is asserted as an inducement to the Royal grant: "That his Majesty's subjects of the province of New-York, Dutch and English of the Presbyterian persuasion, are a great majority of the whole number of its inhabitants." This suggestion, though it should be allowed in respect to numbers, cannot be admitted, as to the connection it supposes between the people of those two denominations: The Dutch were originally part of the Church of Holland, and conform themselves to the doctrine, worship and discipline approved by the national Synod at Dordrecht. Whereas, the prayer of the petitioners, is to be incorporated by the "name and stile of the Ministers, Elders, Deacons and Trustees of the Presbyterian Church of the city of New-York, according to the Westminster Confession of Faith, Catechisms and Directory, agreeable to the present established Church of Scotland"---In regard to the other alligations in the petition, the Committee discover no essential or material difference in the circumstances of the petitioners, and the other Protestant congregations, not of the communion of the Church of England, whereon to ground any preference.---But, it is asserted by the petitioners, that the old English statutes of uniformity, do not extend to America; Whether these statutes, or that of the 5th Anne, cap. 5, which is made an assential part of the Act of Union, do or do not extend to the Plantations, is a question of which the Committee do not conceive themselves competent judges; and which appears necessary to be determined on the highest authority, previous to any final resolution on the petition, lest such Incorporations might be considered as repugnant to the provisions in those statutes. All which is humbly submitted,

By Order of the Committee,

JOS. READE, CHAIRMAN.

City of NEW-YORK, 24th March, 1767.

N U M B E R

N U M B E R IX.

To his Excellency Sir HENRY MOORE, Baronet, Captain-General and Governor in Chief of the Province of NEW-YORK, and the Territories thereon depending, in America, and Vice-Admiral of the same, &c.

The PETITION of JOHN RODGERS, and JOSEPH TREAT, the present Ministers of the Presbyterian Church of the City of New-York, according to the Westminster Confession of Faith, Catechisms and Directory, agreeable to the established Church of Scotland; and of others, the present Elders, Deacons, and Trustees of the said Church;

Most humbly sheweth,

THAT your Petitioners had lately the honour to prefer a Petition to the King's most Excellent Majesty, for a Charter; the only means to enable them to hold a small estate, for the pious use of maintaining the worship of God; and absolutely necessary to that end, in a country, where, on account of the variety of Protestant denominations, there is no general Legislative aid for the support of the Gospel; and sufficiently evinced by the grant of many such Charters, some to congregations of the communion of the Church of England, and some to Low Dutch Protestant Presbyterians, of the communion of the national reformed Churches of the United Provinces.

That this Petition was referred to the Lords Commissioners for Trade and Plantations, and by their Lordships to your Excellency, in the course of the last year; and your Petitioners understand, that the design of their Lordships reference was, that your Excellency, with the help of his Majesty's Council here, might be enabled to give satisfactory information concerning the facts suggested by the Petitioners to the Crown, as motives for this mark of his Majesty's favour to them, and others, his natural born subjects, of their persuasion.

That

That your Excellency was pleased to lay their Lordships letter, with a copy of the said Petition, and the draft of the Charter desired, before the Board of Council, on the fourth day of February last; whose report thereon was delivered in writing to your Excellency, as your Petitioners are informed, on Wednesday the 15th instant.

Your Petitioners proceeding upon the intimations of their Agent in London, that information concerning facts, was the main ground of the reference of the Lords of Trade to your Excellency; thought it their duty, to declare their readiness to attend, at the command of your Excellency, and the Honourable the Board of Council; to exhibit proofs, if any were necessary, at any short day, after notice of the points that might be thought to require them. This was done by a Petition they took the liberty to prefer to your Excellency, on the seventeenth of February last; but your Petitioners have never been informed that any such attendance was required.

That the necessity of a Charter is lately increased by an additional grant to your Petitioners, or some of them, of a piece of ground for pious uses; from the Mayor, Aldermen and Commonalty of this city, on which a new Church is now building: That the want of an opportunity to know the contents of the report of the Gentlemen of the Council, before it is transmitted, may not only retard your Petitioners most humble suit to his Majesty, and the report of the Lords of Trade; but give their Lordships the trouble of a second reference, and your Excellency and the Council of a second report; if there should be thought to be a seeming repugnancy between the suggestions in the petition and those in the report.

Your Petitioners, therefore, most humbly pray, that your Excellency will be pleased to order them, either a copy of the report, or of such paragraphs as may be thought unfavourable to their petition; or at least, an abstract or note of their contents, that after a hearing before your Excellency, their Lordships may be acquainted with the true meaning of the report of the Committee of the Council; and though your Petitioners humbly conceive, that applications to the Crown for lands and offices, and especially for public franchises, are not secrets of state; yet your Petitioners beg leave to assure your Excellency, that the copy of the report requested, if delivered, shall not be published before its arrival in England; and that they are willing to submit to such guards, for that end, as your Excellency shall think fit to prescribe; and your Petitioners, as in duty bound, will ever pray,
&c.

JOHN RODGERS,) On behalf of themselves and
JOSEPH TREAT,) the rest of the Petitioners.

NEW-YORK, 20th April, 1767.

E

N U M B E R

N U M B E R X.

At a Council held at Fort George, in the City of New-York, on Wednesday the Twenty-seventh Day of January, 1768 ;

P R E S E N T,

His Excellency Sir HENRY MOORE, Bart. Captain General, &c.

Mr. Horsmanden,
Mr. Watts,
Mr. Walton,
Mr. Delancey,
Mr. Apthorpe,



Mr. Reade,
Mr. Morris,
Mr. Smith, *jun.*
Mr. Cruger.

HIS Excellency laid before the Board, his Majesty's order in Council, of the 26th day of August last ; which was read, and ordered to be entered into the minutes, and is as follows---that is to say ;

At the Court of St. JAMES'S,

The Twenty-sixth Day of August, 1767,

P R E S E N T,

The KING'S most EXCELLENT MAJESTY,

Archbishop of Canterbury,
Lord President,
Duke of Grafton,
Earl of Shelburne,
Viscount Townshend,



Viscount Falmouth,
Viscount Barrington,
Lord Le Despencer,
Mr. Secretary Conway.

WHEREAS, there was this day read at the Board, a report from the Right Honourable the Lords of the Committee of Council for Plantation affairs, dated the 24th of this instant ; in the words following, *viz.*

“ YOUR Majesty having been pleased, by your order in Council, of the 28th of May, 1766, to direct the Lords Commissioners for Trade and Plantations, to consider and report their opinion, to this Committee,

“ Committee, upon a petition of the present Ministers, Elders, Deacons and Trustees of the Presbyterian Church of New-York; humbly praying, for the reasons therein contained, that your Majesty would be graciously pleased, to create them a body politic and corporate, by the name and stile of the Ministers, Elders, Deacons, and Trustees of the Presbyterian Church of the city of New-York, according to the Westminster Confession of Faith, Catechisms and Directory, agreeable to the present Church of Scotland; and that they, and their successors, may be thereby enabled, under the great Seal of the Province, to hold, and enjoy the said Church and ground belonging to the same; and to acquire and hold a farther estate, and enjoy such other powers and privileges, as may be necessary for the encouragement of religious worship; and that your Majesty would be graciously pleased, to grant them such other aid, protection and countenance, as to your Royal wisdom should seem meet. And the said Lords Commissioners having, in obedience to your Majesty’s said order of reference, reported to this Committee, that it appearing, as well upon the face of the said petition itself, as from other papers in possession of that Board, that many proceedings had been had before the Council of New-York, touching an application of the Presbyterian Church there, for a Charter of Incorporation; it was thought adviseable to transmit a copy of the said petition to the Governor there, with directions to communicate the same to the Council, for their advice and information thereupon, and to report in the fullest manner, the present state and condition of this Protestant establishment; and also all the proceedings upon a petition to the same effect presented to them, during the administration of Lieutenant Governor Colden, and the reasons why such application did not succeed at that time? That, in return to this reference to the Governor of New-York, he had lately transmitted to the said Lords Commissioners, a report made to him thereupon, by a Committee of your Majesty’s Council there; wherein is set forth not only a true account of the proceedings and precedents, to which the petition to your Majesty refers, but a doubt is likewise stated of great weight and importance in this question, *viz.* Whether your Majesty, consistent with the obligation you are under by your Coronation Oath, founded on the Act of the 5th of Queen Anne, cap. 5, intituled, “An Act for securing the Church of England, as by Law established,” can create such an establishment in favour of the Presbyterian Church, as is now requested. Which question, the said Lords Commissioners, conceive to be of too great importance for them to decide upon; but, upon the fullest consideration, of what is stated in the report of the Council of New-York, they are of opinion, that independant of the objection arising out of this question, it is not expedient upon principles of general policy, to comply with the prayer of this petition, or to give the Presbyterian Church of New-York, any other privileges and immunities, than it is entitled to by the laws of toleration. The Lords of the Committee, having maturely considered the whole of this matter, do agree in opinion with the said

“ Lords

“ Lords Commissioners ; and therefore humbly report to your Majesty,
 “ that the said petition ought to be dismissed.”

His Majesty taking the said report into consideration, was pleased, with the advice of his Privy Council, to approve thereof ; and to order, as it is hereby ordered, that the said petition of the Ministers, Elders, Deacons and Trustees, of the Presbyterian Church of New-York, be dismissed this Board. Whereof the Governor, Lieutenant Governor, or Commander in Chief of his Majesty's Province of New-York, for the time being, and all others whom it may concern, are to take notice, and govern themselves accordingly.

W. B L A I R.

Ordered, that the Clerk of the Council, be at liberty to deliver copies of the said report, and of the proceedings of this Board, in relation to the petition referred to in the said report, to any persons who shall make application for the same.

The preceding are true copies of the original minutes, examined this 29th day of January, 1768, by me,

G O L. B A N Y A R, D. C L. C O U N.

