

JOHN KAY.

AMONG the leading men of the times, the name of John Kay occurs as often as that of any other person. He was a son of Garvis Kay, and came to New Jersey about the year 1680. The history of this family in England is worthy of notice in this connection, and may not prove uninteresting to those of the name in this region of country, Lower, in his Dictionary of Family Names, says: "The family of Kaye is of great antiquity in the county of York, being descended from Sir Kaye, an ancient Britton, and one of the Knights of the warlike table of that noble Prince Arthur, flower of chivalry! The truth seems to be that, at Woodsome in Yorkshire, there resided in very early times a family of Kaye, the head of which, some centuries later, was created Baronet by Charles I. The patent expired in 1810, but was revived shortly afterwards in favor of the reputed son of the fifth Baronet."

Some of the family may be found in Durham and Berkshire, but it is more numerous in Yorkshire than in any other county in England. Many of them were Friends, and consequently suffered persecution at the hands of those in authority, in the shape of fines and imprisonments. At the court of quarter sessions, held at Wakefield in Yorkshire, in 1661, John Kay, Baronet, was the presiding judge, and committed sixty Quakers to prison. Ten years after, John Kay was fined for attending meeting at York in the same shire. It is possible that the latter was the same person as the former; and that, while

the committing magistrate, he became convinced of the truth of the doctrines preached by George Fox, laid aside his titles, and suffered with the Friends in person and estate.¹

In 1675, Garvis Kay of Holmfirth, in the Parish of Kirk-Burton, Yorkshire, was persecuted for tithes, committed to prison for contempt, and there kept for two years. He was released for some flaw in the indictment, but again committed by proceedings against him in the ecclesiastical courts.

Although it would be a venture to say that the two Kays here named were the same that came to New Jersey, yet the dates and incidents may be reconciled, and such suggestion really may be a fact. This, however, must be left for some one in the blood, and curious to trace the family beyond the ocean.

The first of the name hereabout was John Kay, who purchased one hundred acres of Francis Collins, in 1684, situated on the north side of the north branch of Cooper's creek, adjoining a tract of land which he (Francis Collins) afterwards sold to Simeon Ellis.^{2,3} These one hundred acres are now part of the farm lately owned by Joseph W. Cooper, deceased, and lie about one mile east of Ellisburg, in Delaware township. In 1696, Jarvis Kay located one hundred acres of land situated on the southerly side of the south branch of Cooper's creek; but, from the vague and uncertain description, its exact position could be discovered.⁴ This tract is probably now included in the landed estate of John Gill, and lies about one mile south of Haddonfield in Centre township, bounded by the stream aforesaid. Whether the Jarvis Kay here mentioned was the father of John, or whether he lived on the survey before mentioned, is unknown at this late day, and without much trouble and bootless research, may always so remain.

There is a tradition in the family that the first habitation of John Kay on the tract of one hundred acres was a cave in the hillside near the creek, and that there he and his family resided. This is probable, as many of the first settlers adopted this mode of shelter, until time could be had to clear a portion

¹ Besse's Sufferings, Vol. 1, 14.

² Lib. A, 01, Gloucester Deeds.

³ Besse's Book, 236.

⁴ Lib. A, 32, O. S. G.

of their land and erect log cabins, which were universal in the first settlement of the country. Were the dwelling a cave or a cabin, there is much of interest surrounding the place where it stood; and it deserves a faithful search in order to discover its true locality.

In 1685, a religious meeting was established by consent of Burlington Friends, at the house of John Kay, in connection with one of the same character to be held at the house of Timothy Hancock, at Penisaukin, on alternate first-days, for the accommodation of Friends in Evesham, and about Penisaukin and Cooper's creek.⁵ These meetings were continued until 1707, at least, as the records show marriages to have taken place there as late as that time. William Clark and Mary Heritage were married there in 1696. Benjamin Wood and Elizabeth Kay, and Benjamin Thackara and Mary Cooper, were married there in 1707, as were doubtless many others, the record of whose marriages has been lost.

At that date (1685), the settlers in Evesham, or the Vale of Evesham, as the neighborhood is called in some of the old titles, were but few, and wide apart.⁶ Among them were William and Elizabeth Evans, who lived in a cave near Mt. Laurel, on a tract of land which William had located in 1682; and here were born their children. Noel Mew and his Indian wife had settled on part of a large tract of land located by his father, Richard Mew. His habitation was on the farm lately owned by James Wills, and near a stream of water called Noel's run, which doubtless received its name from him. Thomas Evans, a brother of William, also settled in that neighborhood; his family was small, however, he having but a wife and one daughter.

John Inskoop resided east of Marlton, in a small cabin surrounded by Indians, with whom he lived on excellent terms. Thomas Eves lived near by, as well as Henry Ballinger, Francis Austin, and others, who were known in those days as the "Evesham Friends," and attended the meeting at John Kay's house. Elizabeth Evans, the wife of William, was a public

⁵ Asa Matlack's Mem.

⁶ Revel's Book, 72.

Friend, and doubtless followed closely in the footsteps of the founder of her profession, and, in their meetings at this place, frequently exhorted those around her to do likewise.

John Kay's house was several miles from where these people lived, but it proved how much they were attached to their religious principles, and what difficulties they were willing to overcome in order to observe the requirements of the society.

In this connection it may be proper to notice another meeting of Friends, held at the house of Thomas Shackle, from the year 1695 to 1721. Some one who has had access to the minute book of the Friends' Meetings in this section, has made the following extract therefrom:

"The Monthly Meeting of Gloucester from the year 1695, was held alternately at Newton and at the house of Thomas Shackle, until the twelfth month, 1721, at which time it was held at the meeting house at Haddonfield, which was built in the fore part of that year, on ground given by John Estaugh, for the accommodation of the Monthly and Quarterly Meetings. After some time, two meetings a week for worship, were constantly kept there, which are still continued, excepting when that on the first-day is held at Newton.⁷ The Monthly Meeting is now constantly held at Haddonfield, and the Quarterly Meeting alternately there and at Salem. The Quarterly Meeting was first set up by order of the Yearly Meeting at Burlington, to be held alternately at Salem and Newton."

The house of Thomas Shackle stood upon the farm now owned by Amos Kaighn, in Delaware township, a short distance northwest of the Haddonfield and Moorestown road, and about one mile from Ellisburg.⁸ The land Thomas Shackle purchased of Francis Collins in 1689, and, in 1735, it became the property of John Burrough.⁹

This extract fixes the year in which the meeting house at Haddonfield was built, the erection of which centred all the meetings at one point, much to the comfort and convenience of the people.

⁷ "The Friend," Vol. 4, 206.

⁸ Lib. G₁, 97.

⁹ Lib. X, 14.

Proud, in a foot note to his History of Pennsylvania, says "that John Key was the first child born of English parents in Philadelphia, and that William Penn gave him a square of ground. He was born in a cave long afterwards known by the name of Penny Pot, near Sassafras street." He remembers him to have been in the city about six years before his death, which occurred in 1767. He was buried at Kennett, in Chester county, Pennsylvania, where he had previously resided.

The subject of this sketch and the person named by Proud cannot be the same, although the name is frequently spelled differently, which sometimes leads to doubt.

John Kay became the owner of many tracts of land near his first purchase, some of which he located, and some of which he bought of the settlers. One of the old deeds calls him a clothier, which implies he was a manufacturer of, or a dealer in cloth. Whether this had reference to his calling before or after his settlement here, does not appear.

The coloring matter for his goods was not one of the troubles in manufacturing, for our Quaker ancestors were careful to avoid anything in dress that pertained to style or pretension. Of the few changes that have made any inroads upon the practices of primitive Friends, this is the most radical. In England, the members of this sect cannot be distinguished by their dress, and such may soon be the case in America.

In 1710, John Kay purchased the Lovejoy survey, partly covered by the village of Haddonfield, which purchase included the mansion house and corn mill built by Thomas Kendall in 1697, now part of the estate of Josiah B. Evans, deceased; both of which buildings stood on the south side of the creek, and within the bounds of Newton township. To this place John Kay removed, and he there resided until his death.¹⁰

This "corn mill," in the days of our ancestors known as the "Free Lodge mill," as then constructed, would be a curiosity to the mechanics of the present time.¹¹ The driving of one run of stone was, perhaps, all that was desired, the machinery being so heavily and clumsily made that it would contrast

¹⁰ Basse's Book, 237.

¹¹ Basse's Book, 62.

strangely with the perfect application of power, the avoidance of friction, and the nice adjustment secured by experience and ingenuity to the same uses at the present day.

The mill stood some distance below the dam, at the end of the race-way cut in the bank, which secured additional head and fall without increasing the expense. The remains of this race-way may yet be seen, but the site of the mill is entirely obliterated. That it literally was a corn mill there can be no question, as no other kind of grain was raised here for many years after its erection, nor was bolting apparatus introduced after other cereals were cultivated, but our forefathers ate their bread made of the dark flour, taken up with the bran still remaining therein; which, although it detracted from the appearance, yet aided materially in the digestion.

A story is still extant, much to the scandal of our worthy ancestors, that, in going with a "grist" to the mill, they always put a stone in one end of the sack, the better to balance the grain in the other, when hung across the horse or ox that carried it, not understanding that, with grain in place of the stone, a double portion could be thus transported. If this be true, then the improvement in the mode of getting a grist to and from the mill is quite as discoverable as the advantage derived from modern well adjusted machinery. This was probably the first grain mill in Gloucester county, and, if it stood now as in the days of its usefulness, many would be the visitors to examine its arrangement and inspect its odd construction.

In 1685, John Kay was elected a member of the Assembly of the province of West New Jersey, and, in 1703 and 1704, again filled the same position.¹² During this time he was also appointed one of the justices of Gloucester county, which, under the laws of the State, then existing, made him one of the judges of the several courts of the same. He held several local offices, and discharged their duties to the satisfaction of the community.

In 1710, he was again elected one of the members of the Provincial Assembly from Gloucester county, which was part of the fourth session of the Legislature after the surrender

¹² Minutes of Assembly, State Library, Trenton.

made to Queen Anne, and in the ninth year of her reign. Upon the meeting of this body at Burlington, he was chosen speaker, which appointment at that time was sufficient to mark him as a man of more than ordinary ability. Robert Hunter was governor, holding his commission from the Queen, and, by her instructions and authority, striving to settle the difficulties then existing between the colonies, but now united under his administration. Much depended on the discretion and good judgment of the Legislature in making the surrender acceptable to the people, and John Kay was a prominent man during all these difficulties. He was continued speaker through the sessions of 1711-12 and 1713.

Upon the meeting of the Legislature in 1716, Daniel Coxe was returned as a member of the Assembly in place of John Kay, and was chosen speaker. The proceedings of that body, however, show in what way this occurred; for William Harrison, sheriff of Gloucester county, was arrested and brought to the bar of the House by the serjeant-at-arms, and reprimanded "for adjourning the election poll from the "great field" near John Kay's house, to William Cooper's, several miles distant, without the consent of the candidates, which was contrary to law."¹³ By this transaction, the defeat of John Kay was brought about, which led to the censure of the principal executive officer of the county. What sheriff Harrison's explanation or apology was, does not appear upon the record, yet it is evident that he was in sympathy with Dr. Coxe, and enlarged his authority to carry out his wishes. John Kay at that time resided at the corn mill, and the "great field" was part of John Haddon's estate, bounded by the King's road and part of the village of Haddonfield.

Although several years had passed away since the assumption of the government by Queen Anne, yet the participants in the political troubles previous to that had not forgotten their animosities, as was evidenced in the foregoing transaction. Daniel Coxe made himself obnoxious to Governor Hunter, and, at the next session, absented himself from the Assembly, at which time John Kinsey was elected speaker in his stead. Coxe was afterward reprimanded and expelled from that body.

¹³ Minutes of Assembly, State Library, Trenton.

Another peculiarity about this election was the returning of Daniel Coxe for the counties of Salem and Gloucester; so, upon the organization of the Assembly, he was called upon to decide which of the two counties he would represent. After much controversy, in which he manifested considerable ill feeling, as well as his ignorance of the laws, he concluded to serve for Gloucester, considering doubtless that the influence of John Kay would hinder the consummation of his plans, if sitting as a member at that time. This made it necessary that a warrant should issue for a new election in Salem; upon its return it was found that William Clews was elected; but delay was caused in his taking his seat by reason of his scruples in regard to the necessary oath. After considerable explanation, this trouble was overcome, and the hindrance caused by a factious and unprincipled man removed.

Among the colonial records in the state paper office in London, England, notice of his election is entered; it is there imputed to the "inundation of the Swedes," reference being had to such of that nationality as were inhabitants of Salem and Gloucester counties.

Daniel Coxe was the son of Dr. Daniel Coxe of London, who became the owner of twenty-two whole shares of propriety in West New Jersey, and was governor of the province from 1687 to 1690. In 1691, a number of persons, residents of London, formed themselves into what they called the "West New Jersey Society," and purchased of him the above named shares, he reserving, however, surveys already made, being large tracts in Salem county, then including both Cumberland and Cape May. This deed also contained grants for two hundred thousand acres, called the "Merrisinbes Province," contiguous to West Jersey; two shares of propriety in East Jersey; three whole shares in Merrimack, New England; ten thousand acres in Pennsylvania; a dwelling house and pottery house with all the tools, in Burlington; town-lots at Perth Amboy, and Town-lots at Gloucester and Egg Harbor. The society consisted of forty-eight persons having a common seal, with, perhaps, a charter from the King. Many large surveys

¹⁴ Publications of the New Jersey Historical Society, Vol. 5, 93.

were made and sold, realizing considerable money to the association; but the troubles with their agents here, and the dissensions among themselves at home, finally reduced the number of persons to but few, who eventually sold the entire estate to Benjamin B. Cooper, of Gloucester county, N. J. Even at this date large sums of money are held by the treasurer, waiting the lawful owners; who may have some trouble in making the legal connection, after such a lapse of time, with those who constituted the original society.

Daniel Coxe (the son) was bred to the law, and was a man of good education and many redeeming traits of character, but of an erratic and impetuous temperament, which was continually getting him into difficulty with those in authority. He was a member of Lord Cornbury's council, and sympathized with him in many of his arbitrary and illegal acts done under the color of law; this rendered him especially unpopular with the Quakers of the province.

In the year 1734, he was appointed one of the associate justices of the Supreme Court of New Jersey, and discharged his duties with much satisfaction to the people; age and experience having tempered his composition and made him a valuable and exemplary member of society. He remained on the bench until his death, which occurred in 1739. Judge Field, in his *History of the Provincial Courts of New Jersey*, says of him:

"His early career in New Jersey was clouded by his connection with Lord Cornbury, and his difference with Governor Hunter, but he lived to enjoy the confidence and respect of the community, and his judicial duties appear to have been discharged with ability and integrity."

At the election which occurred in November, 1716, John Kay was again returned as a member of the Assembly and, although not elected speaker, he took a prominent part in all the proceedings of that branch of the government. Among other matters of importance, he was chairman of the committee to procure the settlement of the boundary line between New York and New Jersey, then a subject of much controversy and ill feeling.

He was also chairman of the committee to prepare a law to fix the partition line between East and West Jersey,—a matter that interested the council of proprietors of each division; that has found its way into every tribunal in the State, and that remains to this day a subject of trouble and litigation. At this session he also procured the passage of an act to make perpetual an act entitled, "An act that the solemn affirmation of the people called Quakers shall be accepted instead of an oath in the usual form, and for qualifying and enabling the said people to serve as jurors and to execute any place of trust in the province." From this may be dated the law that relieved Friends from the many difficulties that grew out of a legal formality, and which had been a source of annoyance to them since the surrender of the government to Queen Anne, and, particularly, since the arrival of Lord Cornbury, her first executive officer. He was in advance of his times in discerning the necessities of the people and the interests of the province. He grew up with the emigrants, had knowledge of all the political difficulties through which they passed, shared all their privations, was participant and assisted in the settlement of all the leading questions of the day in which he lived, and enjoyed the confidence of his constituency until the last. He was a member of the Society of Friends, and one of the trustees of the Newton meeting from 1708 until his death.

As one of the members of the Council of Proprietors of West New Jersey, he was also a prominent man, sought out many abuses incident to the location of land, and had the same corrected during his continuance in that office. It does not appear that he was a practical surveyor, yet his thorough business qualifications placed him on an even footing with the deputies; by which means he understood the whole manner of procedure in the laying on of rights according to the rules, and, sometimes, to the discomfiture of that class of men.

John Kay died in 1742, a wealthy man, leaving a widow (Sarah), who survived him several years. Their children were John, who married Sarah Langstone in 1707; Sarah, who married James Norris; Mary, who married Benjamin Wood in 1707; Isaac, who married Mary Ann Gregory in 1738; Josiah,

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who married Rebecca Davenport in 1713, a daughter of Francis, one of the first settlers at Burlington, N. J., who came from Whittington, Derbyshire, England; Benjamin who deceased, single, in 1732; and Joseph, who died in 1721, leaving a widow, Elizabeth, and children.

At the time of his death, John Kay owned all the land on the east side of the main street in Haddonfield, extending from Cooper's creek to Ellis street (excepting a few lots which he had sold); also land lying between the two branches of Cooper's creek, extending some two miles up each branch, and a large tract on the north side of the north branch, beside surveys in other parts of Gloucester county. In 1727, he conveyed to his son Josiah, the one hundred acres which he purchased of Francis Collins, upon which Josiah settled, who, in 1745, conveyed the same to his son Francis.¹⁵ It is probable that this tract of land remained in the family and name for many years after the last conveyance, but, at this writing, it has lost its identity therewith.

In the same year (1727), John Kay conveyed to his son Isaac several tracts of land, the whole containing seven hundred and thirty-four acres, situated on both branches of Cooper's creek.¹⁶ In this deed, the grantor is called "John Kay of the Grist Mill, at the head of Cooper's creek, in Newton township, Gloucester county, New Jersey," his residence and occupation at that time thus being proved beyond a question. The only part of the original landed estate that has remained in the family and name from the location to the present time, is the farm now owned by Joseph Kay, of Haddonfield, and situated on the south side of the north branch of Cooper's creek in Delaware township. This tract has descended continuously through the blood and name for nearly two hundred years, never having passed by a deed from one owner to another in that time. Excepting a small portion of the land occupied by Sarah Norris, the son John possessed all the land owned by the father on the east side of the main street in Haddonfield, extending nearly to Ellis street. His children were Isaac, who married Hope French; John, who married Rebecca Hartley; Mathias; William, who married

¹⁵ Lib. S6, 338, O. S. G.

¹⁶ Lib. DD, 175.

Barbary Smith; Rebecca; Hope, who died before her father, single; Ann, who married Joshua Evans; and Mary, who married Abraham Heulings.

James Norris, a shipwright, who married Sarah, built one of the first houses in Haddonfield, on land then owned by her father, where he, during his life, and his widow, after his death, kept a store. James Norris deceased in 1742 intestate, leaving one child, Elizabeth, who married Isaac Smith in 1739, and John Hinchman in 1747.¹⁷

Sarah Norris died in 1755, leaving a will.¹⁸ She gave Jonathan Axford two horses and the use of her house, set her slaves free, and bequeathed a sum of money to the Newton Meeting.¹⁹ The inventory of her personal property amounted to nearly four hundred pounds. She continued her store until her death, dealing in all the various commodities incident to the trade of a country merchant. Of such of her customers who were slow to pay, she would hand over the accounts to the officers of the law, to secure the debt already in danger, and as a terror to all others in like manner offending. Her property accumulated under her management, showing that she had good business qualifications. Her daughter Elizabeth had two children by her first husband (daughters), but none by the last. She died about the year 1804, surviving John Hinchman several years. Her children were Sarah, who married Joseph Hugg in 1761, and Mary, who married Jacob Jennings in the same year.

Mary (the wife of Benjamin Wood), deceased before her father, leaving four children, namely: Abigail, who married Robert Hunt; Mary, who married Joseph Cole and Richard Matlack; Elizabeth, who married Elias Toy; and Hannah, who married Joseph Heulings.²⁰

Isaac (to whom his father had conveyed land in 1727) had his residence on what is generally known as the "Fotteral Farm," now owned by Hannah, the widow of Josiah B. Evans, deceased. In the year 1791, most of the land owned by Isaac was re-surveyed by his son Joseph, and the boundaries settled.²¹

¹⁷ Lib. No. 4, 376.

¹⁸ Gloucester Files, 1758.

¹⁹ Lib. No. 7, 390.

²⁰ Lib. S, 61.

²¹ Lib W, 190, O. S. G.

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Isaac Kay died in 1757, leaving the following children: Isaac; Joseph; Sarah, who married Abraham Bryant; Elizabeth, who married Isaac Horner; and one child not born at the time of his decease.²² This part of the estate has not been in the name for many years.

As before stated, Josiah lived on the old homestead, where he died in 1771. His children were Francis, who married Jemima French; Joseph, who married Ann Thompson (and who, dying before his father, left children); Isaac; and Elizabeth, who married ——— Parker. This family increased rapidly. There is some doubt as to the correctness of its genealogy as here given.

Although the sons of the first settlers remained on the paternal estate, yet the second generation soon spread far beyond the limits of New Jersey, and the name may now be found in all sections of the Union.

The descendants of Mary have multiplied largely; they would find some trouble in tracing their line of blood to its source, so tortuous and so diluted has it now become.

At this day, it is probable that the family of Sarah Norris has no existence. The second generation from her was limited to two females, and, if from them it has been enlarged, no knowledge of the fact is possessed in this region of country.

²² Lib. No. 8, 350.