CHAPTER ELEVEN

NEW JERSEY: THE LONG LIVED PROPRIETARY

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I. Introduction

New Jersey is one of several English proprietary colonies created in the late 17th century. Along with New York, Carolina, and Pennsylvania, it was a consequence of England’s desire to expand its New World holdings, counter the rival claims of Holland, France, and Spain, and insure that it alone would benefit from the trade and resources of the region. These grants were also a means for the King to repay political and other debts, while establishing settlements at little or no cost to the government.¹

This particular proprietary grant, however, is distinguished in several ways. First, this was not a direct grant from the king, but rather a re or sub grant from his brother the Duke of York. This resulted in a disagreement over whether the proprietors had been given the land, or the land as well as the right to govern it. They assumed both.² Second, the colony’s history quickly became unusually complex when it divided into two provinces, East and West, each with multiple owners (some resident and others not).³ This produced a rather mind boggling array of land disputes, and made land titles uncertain for many who settled in the colony. Third, New Jersey’s proprietorship was, through a process that began in the seventeenth century and accelerated after 1702 when the colonies’ government

¹ See Lurie, “Proprietary Purposes.”
² For the early history of New Jersey see: McCormick, New Jersey from Colony to State; Craven, New Jersey and English Colonization; Pomfret, Colonial New Jersey; Pomfret, The New Jersey Proprietors; Pomfret, The Province of East New Jersey, 1609–1702; Pomfret, The Province of West New Jersey; Tanner, The Province of New Jersey.
³ Carolina was also divided into two colonies, because of geography, but the total number of proprietors always remained eight. West Jersey after 1674 and East Jersey after 1682 set the limit of proprietary shares at 100 and 24 respectively, but because it was possible to hold fractions of a share there were a far larger number of proprietors.
was taken over by the crown, transformed from an essentially feudal enterprise to two land companies that become the equivalent of modern corporations. Fourth, the two New Jersey proprietorships survived down to the present. While the East Jersey Board of Proprietors ceased to exist when it turned its remaining land claims and records over to the state of New Jersey in 1998, the West Jersey Council of Proprietors continues—the sole survivor of a more than 400 year old method of establishing colonies. In the interim what started as a way to establish a colony at little cost to King or Parliament, not surprisingly became something quite different.

The long lived proprietors of New Jersey and their convoluted, complicated tale provide insights into far more than how Europeans created colonies in the New World. Their history is at the center of political and economic confrontation in New Jersey through the American Revolution, their land operations serve as markers for the ways in which the American economy has changed over time, their survival a reminder that chance sometimes trumps logic.

II. Early History

By 1660 the area that became New Jersey had already been occupied for some 12,000 years by Native Americans, then claimed by Sweden and Holland, and settled by Europeans of diverse ethnic backgrounds. In 1664 in rapid succession the Dutch were pushed out of the region, the New York proprietorship was created, and New Jersey split off as a separate entity. Charles II granted his brother James, the Duke of York, lands that ranged from Martha’s Vineyard to Delaware Bay. The Duke gave a portion of his territory to Sir George Carteret and John, Lord Berkeley, who were also involved in the Carolina grant, as repayment for their loyalty to the Stuarts during in the English Civil War and Restoration period. The result was the creation of an additional British proprietary colony, but one whose genesis led to questions of its legitimacy. The fact that New Jersey was a sub grant, rather than one directly from the King, caused later conflict over who actually had the right to the government of the colony. This issue would be used by both the British

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4 Lurie, “New Jersey.”