New Jersey at 350 — A Short History of NJ Land Records

By Michelle D. Novak

On 24 June 1664, New Jersey was “born” when James, Duke of York (brother of the English King Charles II, and later crowned James II) granted the land between the Hudson and Delaware Rivers, and between New England and Maryland, to two English noblemen, Sir George Carteret and Lord John Berkeley. 2014 marks the 350th anniversary of the document which established New Jersey as a Royal Province after the takeover of the New Netherland colony from the Dutch. The original document, colloquially known as the “birth certificate for New Jersey,” is currently on display in the Rotunda of the NJ State Capitol building in Trenton.

What follows is a summary of these events, and how New Jersey was defined, and redefined, prior to the Revolutionary War. For genealogists, these early land records are a largely untapped resource that can give insight into the times, communities, and people who settled in the “wild frontier” of New Jersey. (The definitive guide on early land records for genealogists, A Guide to Using the Records of the East and West Jersey Proprietors by Joseph R. Klett, is available from the NJ State Archives’ website. Please see the sources at the end of this document for a direct link to this publication. This article only attempts to summarize the broad strokes of this fascinating, and complex, evolution.)

NEW JERSEY IN PRE-EUROPEAN HISTORY

The earliest settlements in New Jersey date from 11,000 to 10,500 BC, with evidence of settlements forming from South to North in line with the movements of retreating glaciers.

From roughly 1000 BC to 1000 AD, the native population along the interior rivers of the American continent thrived. This period, called the Hopewell Tradition, formed the basis of the common native American traditions found among all groups.

Much of modern New Jersey was settled by the Lenni-Lenape around 1000 AD. The Lenape, also known as the “Delaware Indians,” were loosely organized bands of emigrants from the Mississippi Valley, and significant developments in hunting, trapping, fishing, and agriculture allowed them to form permanent and semi-permanent settlements. They, like the European explorers that followed, found great bounty in the land, forests, and rivers and many of the Algonquin names they used to describe these places survive today.

EARLY EUROPEAN EXPLORERS

In 1524, Giovanni da Verrazzano explored the Eastern coastline, including Sandy Hook and the straits that now bear his name, on behalf of France. Eighty-five years later, in 1609, English explorer Sir Henry Hudson explored the Delaware and Raritan Rivers, the Newark and New York Bays, and the Hudson Valley on behalf of the Dutch East India Company.

Between 1611 and 1614, three Dutchmen, Captains Adrian Block, Hendrick Christiaensen, and Cornelius Jacobsen Mey (for whom Cape May is named), further surveyed the area, naming the land between the 40th, and 45th parallels “New Netherland” — and claimed the eastern seaboard from the base of Cape Cod to Delaware for the Dutch.

The Dutch established settlements in the modern-day states of Connecticut, Delaware, New Jersey, and New York and with small outposts in Pennsylvania and Rhode Island. With encroachment from the British from New England in the north-east and from
In 1638, along the southern stretch of the Delaware River, Swedish and Finnish settlers founded New Sweden and built Fort Christina (Wilmington, DE). Later, they constructed Fort Nya Elfborg (Salem) to protect the colony from the English and Dutch encroachment. New Sweden grew rapidly along both sides of the Delaware River into what is now Salem, Gloucester, and Camden Counties, New Jersey, and the small but robust colony was flourishing by 1643.

In 1655, New Netherland annexed New Sweden. Both colonies fell to British rule in 1664.

In 1664, King Charles II of England, newly restored to the throne after the English Civil War, acted swiftly to secure British trade routes and territory from the Dutch — their long-standing enemy and trade rival. The Anglo-Dutch War flared throughout the seventeenth and eighteenth centuries, most notably in 1652–54, 1665–67, 1672–74, and 1781–84. Located between the English settlements of New England and Maryland, New Netherland was an impediment to British expansion and the Dutch worked to disrupt life in the Dutch colony. (The wall for which Wall Street in lower-Manhattan is named, was built to protect the New Amsterdam colony from the English hostilities — more so than from the Native Americans.)

In 1664, with Dutch forces geographically over-extended, under-supplied, weakened by constant skirmishes and challenges, and with other colonies beckoning, the Dutch colony of New Netherland found itself out facing superior firepower — and surrendered to British forces. In exchange for a peaceful transition to British rule, the Articles of Transition allowed Dutch East India Company settlers and New Sweden (which the Dutch asserted control over in 1655) to retain their land, property, and offices. (In the communities along the Delaware River, the Articles were violated by English Colonel Carr who pillaged, looted, and burnt many settlements, enslaving the settlers and selling them in Virginia.)

Although the New Netherland colony would briefly change hands once more to Dutch rule, and back again to British, this 1664 transition is generally viewed to have been completed with business-like efficiency the majority of the citizens continued to freely and openly identify with their (various) ethnic heritage, customs, language, faith, inheritance, and legal standing.

ENGLISH RULE AND THE “BIRTH” OF NEW JERSEY
After the transition to English rule, King Charles II gifted his younger brother, James, Duke of York, all the land between New England and Maryland.

James (later crowned James II) in turn subdivided his lands and granted to Sir George Carteret and Lord John Berkeley — two British noblemen who supported the monarchy during the English Civil War — the area between the Hudson and Delaware Rivers, notably in 1652–54, 1665–67, 1672–74, and 1781–84. Located between the English settlements of New England and Maryland, the Anglo-Dutch War flared throughout the seventeenth and eighteenth centuries, most notably in 1652–54, 1665–67, 1672–74, and 1781–84. Located between the English settlements of New England and Maryland, New Netherland was an impediment to British expansion and the Dutch worked to disrupt life in the Dutch colony. (The wall for which Wall Street in lower-Manhattan is named, was built to protect the New Amsterdam colony from the English hostilities — more so than from the Native Americans.)

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(Note: Berkeley was co-proprietor of New Jersey from 1664 to 1674. He divided and sold his Proprietor shares, selling half his shares to the Quakers in March of 1673, eventually divesting of all shares. For brevity in this article, the use of “Berkeley” will represent all the West Jersey owners.)

In August 1673, the Dutch recaptured New Netherland from the English, holding it for approximately six months before losing it again to the British in February 1674. (An official, final agreement ceding New Netherland to the British would come about in November of that year.)

After the second British takeover, a series of new agreements and patents began to apportion New Jersey among stakeholders.
In 1676, the colony was divided into two parts, with the “West” (what we think of generally as South Jersey, today) to Berkeley and the “East” (North Jersey) to Carteret. Burlington served as the capital of West Jersey and Perth Amboy as the capital of East Jersey.

This division was finalized in the Quintipartite (five-party) Deed which authorized Berkeley and Carteret (and their appointees and successors) as “Proprietors,” which allowed them to distribute land and govern their territories.

In 1677, the Proprietors enticed settlers to New Jersey by enacting “Concessions and Agreement” — which promised religious freedom to all who settled there. This was especially important to the Quakers (who were viewed with suspicion and open hostility by Director-General Stuyvesant in New Amsterdam) and Huguenots (who objected to paying the mandatory taxes to the Dutch Church), as well as Baptist, Catholic, Jewish, Lutheran, and Puritan settlers — as these rights were not available to them even in Britain or any other English settlements.

The document also allowed Carteret and Berkeley to designate provincial governors for the colony, the first of which was Philip Carteret (a cousin of George Carteret).

The primary goal of Concessions and Agreement was to entice more farmers to work and improve the land, and, in turn, pay annual quit-rents (an early form of taxation, based on the value of the land) back to the Proprietors.

Neither Carteret nor Berkeley personally visited their new lands, leaving the day-to-day operations to their appointed governors and successors. Carteret, and his appointed representatives, and Berkeley, and the Quakers who purchased his interests, would set in motion their own rules for deeding land to settlers — and did so in very different ways.

**The West (South) Jersey Proprietors**

Berkeley and his Quaker successors divided West Jersey into small fractions of voting shares — with 3,200 shares in all. This allowed individuals to purchase titles from the Proprietors on a small scale, for smaller pieces of property, and own the titles outright. This distribution of a large number of shares allowed for greater, redistribution of land tracts to correct earlier survey errors and assumptions.

1. Full title: The Concession and Agreement of the Lords Proprietors of the Province of New Caesarea, or New Jersey, to and With All and Every the Adventurers and All Such as Shall Settle or Plant There. The full transcript of this document is made available by Yale School of Law at http://avalon.law.yale.edu/17th_century/nj02.asp

2. The Quintipartite Deed (1676)

Original division of land between the East and West Jersey proprietors.

3. The Keith Line (1687) and Upper Boundary (1688)

Redistribution of land tracts to correct earlier survey errors and assumptions.

After the English reclaimed the area of New Netherlands (once again) from the Dutch, the growing colony of New Jersey was geographically apportioned between Berkeley (his successor trustees and governors) and Carteret. The Quintipartite (five party) Deed (1676) set the boundaries between East and West Jersey and projecting a line from Little Egg Harbor through to 40º 41’ latitude on the upper Delaware.

A subsequent survey, The Keith Line (1687), found this original survey to be flawed, and re-set the boundaries between East and West Jersey on a line adjusted to the west, greatly reducing West Jersey’s claim. In response, vast areas of East Jersey were transferred to West Jersey. Further disputes on the northern boundary with the colony of New York continued through to 1769. As such, those with claims in the disputed areas may have records and documents in the records in both East and West Jersey and possibly in New Jersey and New York (see map 5, Conflicting Boundaries).
more egalitarian, opportunity among settlers to “own” a piece of the colony — creating thousands of Proprietors and dividing the voting power across all social and economic classes.

These proprietary shareholders recorded these initial transactions, as well as many subsequent ones, with the West Jersey Proprietors in Burlington. The records of the purchases, deeds, transfers, gifts, rents, and quit-rents make for an especially robust, and underused, collection of genealogical records. Independent farmers, family members, emigrants all had equal access to owning in West Jersey and researchers can sometimes trace family narratives across multiple generations through these records.

THE EAST (NORTH) JERSEY PROPRIETORS

Carteret took a very different approach to the distribution of lands under his dominion, allowing East Jersey to be apportioned into only 96 voting shares. These shares were distributed to a handful of wealthy Proprietors, 24 in total, called the General Proprietors.

In turn, the General Proprietors asserted their right to collect annual quit-rents on those settlers they had deeded property to — similar to the system of landed-gentry and tenant-farmers in England. In turn, deeded land would continue to generate income to the Proprietor and the Proprietor would benefit from any improvements settlers made to the land.

Under this system, the power of the East Jersey General Proprietors was concentrated among a few wealthy individuals who concerned themselves primarily with the broad “macro” strokes of deeding, collecting quit-rents, and retaining the best land for themselves, and left further “micro” land agreements between others. In addition, the General Proprietors of East Jersey allowed a handful of other administrators to enter into contracts on their behalf. This fragmentation of records and responsibilities set the stage for confusion on who owned what, and to whom quit-rents should be paid, that would be felt for decades to come.

Further down the chain, transactions and leases between settlers, past the original agreement with the General Proprietors, were primarily conducted in private. Official records of these transactions were not mandatory and were filed on a voluntarily basis at the County level (if filed at all).

Possessing the original indenture was the official record of sale, and record copies were usually filed with the county as insurance against loss of original. (The word “indenture” originally referred to the intentionally-jagged edge of the contract or agreement. The agreement was copied on two parts of a sheet of vellum or rag paper and an irregular cut was made between the two halves. When the two documents were reunited, the irregular cut and patterning of the vellum or rag paper would ensure that they could be identified as being from the original document — and would help serve as a protection against forgery.)

The General Proprietors of East Jersey and their appointed representatives, soon discovered that annual quit-rents were notoriously difficult to collect. Many of the private agreements between settlers were murky at best and, without centralized mandatory records, often impossible to enforce.

Even though the number of General Proprietors was far fewer than in West Jersey, the hands-off management style of the General Proprietors, poor records management, private transactions, and rapid population growth left the surviving records far more fragmented and dispersed.

Additionally, challenges on the Northern border with the New York colony threw uncertainty into many transactions, leaving many of the General Proprietors unsure of their claim to the quit-rents or from whom they were owned.

REALIGNDED BOUNDARIES (KEITH LINE) AND REUNIFICATION OF GOVERNANCE

Although the East-West division was set forth in 1664, it was not until twelve years later that, based on an additional deed between Carteret’s and Berkeley’s successors, the line was officially plotted.

In 1687, a complication arose when a new survey discovered that the original boundary was drawn incorrectly. The new map (the Keith Line) shifted the East-West divide further west, reducing the north-west part of West Jersey significantly. In compensation, a significant portion of colonial-era Essex County (the modern equivalent of the whole of Northern NJ, from the Hackensack to the Delaware Rivers) was annexed to West Jersey (equivalent to modern Sussex and Morris Counties).

Additional boundary disputes, which sometimes sparked violent riots (see next chapter), continued between East and West Jersey. The riots of 1699-1701 and the bankruptcy of the West Jersey colony caught the attention of the Crown and the Colony of New Jersey was reunified in 1702 under the reign of Queen Anne.

Under this agreement, the Proprietors of East and West Jersey retained lands rights but surrendered all issues of governance to the crown, “reserving to themselves the rents and soil and all things aforesaid, the government only excepted.”

Land disputes between East and West Jersey and the colonies of New Jersey and New York continued throughout the 1700s. A 1719 treaty set forth a new boundary — which was finalized only in 1743 with a new survey, the Lawrence Line. The 1743 survey shifted the boundary once again between East and West Jersey, affecting residents of Monmouth, Middlesex, Somerset, Essex, Morris, and Sussex Counties. (West Jersey never officially conceded to this new line.) It also redefined the boundary between New Jersey and New York, bringing it in line with the boundaries we know today.

The East and West Proprietors continued to maintain their independent Proprietor records — and it is possible that land holders in the disputed areas of 1743 may have records in the archives of both East and West Jersey. It is also possible for records in the disputed areas between New Jersey and New York to also have duplicate or conflicting documentation.

NEW JERSEY LAND RIOTS

The evolution of land boundaries in New Jersey — from “frontier” (already inhabited by native peoples, some of whom deeded land directly to settlers and which pre-date colonial governance), to Royal Colony, to American state — was a long and complex one, and issues on boundaries continued well into the 1800s. But for the common farmers, miners, and families the issues about who owned what, who could use the land, who had the right to assess and collect quit-rents were deeply contested.

building dams, constructing wells, improving fields, adding buildings, and sometimes even livestock) were calculated into the total value to be taxed.

In a time where production land was essential to survival, hunting, fishing, mining, or collecting wood or stone from another’s property was considered trespass (theft) — a very serious offense. Some even went as far to equate the land and its bounty as an extension of the Crown, making the taking of resources from land that was not yours potentially treasonous.

Making matters worse for the settlers, many of the Proprietors kept the largest and best tracts of lands for themselves, selling only the less-productive, rocky, or marshy parcels. Some settlers countered by arguing that un-worked land belonged only to God or that only those who worked the land had the right to claim it.

Additionally, a complex system of sales and quit-rents that evolved in the years between 1664 and mid-1700s left many questioning if they really owned the land they stood on and to whom they owned quit-rent taxes.

All this confusion was magnified in East Jersey where the General Proprietors, who owned the largest tracts of lands, allowed numerous other parties to deed land on their behalf. One could buy land privately, through an intermediary administrator, or from the General Proprietor, and in some cases the same land had more than one deed upon it. Many of the founding families of Bergen purchased their tracts of lands multiple times from different parties — all with valid contracts. (Kevin Wright of the Bergen County Historical Society has discovered documentation that suggests the Demarest family purchased the same tract of land near New Bridge at least four times, from four different parties.) Court records of the time record frequent cases of trespass and challenges to the official boundaries.

Violent rebellions against the Proprietary Government first flared in 1667-1674 and again in 1699-1701. The second rebellion spurred intervention by the Crown, and the reunification of East and West Jersey — which unified governance with the Crown but did little to clarify outstanding disagreements. By the mid 1740s, an estimated 600,000 acres within nine major tracts in Northern New Jersey were in one kind of dispute or another3 and disruptions

4. Reunification of Governance (1702)
Unified governance, land continued to be controlled by East and West Jersey administrations.

5. Conflicting Boundaries The Quintipartite Deed (1676) compared with The Keith Line (1687) / Upper Boundary (1688) and Lawrence Line (1743)

The land riots of 1699-1701 caught the attention of the Crown and governance of the Colony was reunified in 1702. The Proprietors of East and West Jersey retained the rights to apportion and deed lands but surrendered all issues of governance to the crown. This, and other stricter law enforcement helped quell the immediate unrest but did little to clarify the underlying confusion and dissatisfaction.

The ever-shifting boundaries of the colony set the stage for numerous land disputes between settlers in East and West Jersey as well as those in the north part against the colony of New York. Researchers may find that those with land grants within the shaded areas above may have records in multiple jurisdictions, depending on the time frame.
stretched from Trenton to the Ramapo tract near the border with the New York colony. Notable riots erupted in Newark, home of the Provincial Court, and throughout the Passaic Valley.

A number of rebellions began with arrests made due to trespass or for a refusal to pay the quit-rents owed. As the word of the arrest spread, neighbors gathered and forced the release of those arrested. The leaders of the riot would in turn be arrested, the protest would grow, and the cycle would repeat. The riots in Newark began with the arrest of a timber cutter trespassing on another’s land. A group of 150 stormed the jail, wounding several officers and vowing violence against others that acted against trespassers. The unrest usually caused collectors and land owners to temporarily back down but did little to solve the underlying problems an confusion.

Unrest over land and quit-rents lasted for ten years, with some historians estimating the unrest for more than twenty. The riots against may have been fueled in part by the disdain that settlers felt towards the General Proprietors in trying to shape the colony towards a feudal European model, where workers toiled primarily to enrich their landed overlords.


Between 1714 and 1775, the boundaries of New Jersey’s counties continued to evolve. The shaded areas at left show the county boundaries in the early part of the 1700s. The solid lines on the map show the boundaries at about 1775. County boundaries would continue to evolve post-revolution and many counties, Bergen County included, would undergo rapid evolution during the industrial revolution and subsequent immigration and population growth.

For many looking for early New Jersey records (the author included), you will find that the names of the towns and counties were constantly changing around those you are looking for. Town boundaries jump from one side of a road and back again, towns change names, and river courses change — challenges that are all par for the course. Those looking for early records need to be constantly vigilant of these shifts and border realignments, as many records are organized by town and county. Pinpointing the location of the individual you are researching, and then correlating this location to a map of the time, will give you greater success in finding the records and documents you are looking for. (A follow-up article on the changes within Bergen County will follow this publication in late-2014.)
including details on family relationships and neighbors, diagrams of land parcels, and insight into the personal values and beliefs of those who entered into contracts.

The West Jersey Proprietors still exist as an official entity operating in Burlington, NJ. In 2005, the Proprietors sent their archival holdings to the State Archives in Trenton.

The East Jersey Proprietors was dissolved as an entity in 1998, ceding all remaining “Green Acre” properties to the State of New Jersey and their records to the NJ State Archives.

As such, the NJ State Archives now holds all the archival materials from both the East and West Proprietors under one roof. A monumental effort is underway to preserve and fully index these holdings — the foundation of an unbroken chain of New Jersey land records from 1664 through to present day.

Most of the documents in the Proprietary Deeds collection are in the form of “loose surveys,” individual documents of the official agreement and, sometimes, illustrations of the parcel(s) conveyed. Some have been conserved while others are still in their original, sometimes very fragile, state. The original deeds and documents are available for viewing at the NJ Archives’ Manuscript Room.

**KEY DATES TO REMEMBER**

1664 — British takeover of New Netherland; New Jersey granted by Charles II to James, Duke of York.

1664-1667 — East Jersey purchases are patented and seven towns are established: Bergen, Elizabeth-Town, Middletown, Shrewsbury, Woodbridge, Piscataway and Newark.

1675-1680s — West Jersey areas settled, including Salem, Burlington, and present-day Camden County.

1676 — Quintipartite (five-party) Deed is executed between Sir George Carteret (East Jersey) and the trustees of West Jersey; division line is projected.

1687-1688 — The Keith Line, between East and West Jersey, and the Upper Boundary, between New Jersey and New York Colonies, are established.

1702 — The Proprietors of East and West Jersey surrender governance rights to the crown but retain land rights.

1719 — Theoretical northern point of division between East and West Jersey and boundary between New Jersey with New York are agreed to.

1743 — Lawrence Line establishes legal (and final) boundary between the New Your and New Jersey.

1790 — New Jersey designates a new, single capital, Trenton.


**SOURCES, RESOURCES, AND FURTHER READING**

Special thanks to Joseph Klett of the NJ Archives and to Genealogical Society of New Jersey for sponsoring Joseph’s talk on NJ Proprietary Records — which inspired this article. (Additions and edits will be made periodically to this article to correct errors.)

Mr. Klett’s highly-detailed guide (PDF link below) is an invaluable resource to anyone researching families or land transactions in this era and contains a comprehensive timeline, glossary of terms, and a list of indexes, abstracts, transcripts, and databases for the collection.

*A Guide to Using the Records of the East and West Jersey Proprietors, Joseph R. Klett, NJ State Archives (PDF):*


**NJ Archives / Online Finding Aids and Guides:**

http://www.state.nj.us/state/archives/catproprie.html

**Information on the West Jersey Records deposits and Inventory:**

http://www.state.nj.us/state/archives/eventwp.html

http://www.state.nj.us/state/archives/pdf/wjpinventory.pdf

**Indexes of NJ Proprietary Deeds,** by Richard Hutchinson (Heritage Books)

http://www.richardshutchinson.com

**NEW JERSEY MAPS**

Map 1 in this article is based on various sources, with major settlements added for geographic scale. For a list of New Netherland settlements, consult the Wikipedia list below.

Maps 2–6 in this article are based upon those published by John P. Snyder, *The Story of New Jersey’s Civil Boundaries, 1606–1968* (Trenton, 1969), p. 31. Where information and dates conflicted with these maps (i.e., Wikipedia), we relied on the Snyder maps as our primary source. The original maps from this book are held by the NJ State Archives.

A number of deeds have been abstracted by Richard Hutchinson and published by Heritage Books. (Note that these abstractions may list only the grantor and grantee, and are generally not a good record of all the names, properties, and details of the transactions in the original contracts. NJ State Archivist, Joseph Klett, recommends always checking the originals.)

The complete name and place indexes are not online and require a visit to the NJ Archives to use the card index catalog and/or microfilm collection. (Some records can be ordered through the online form, but only if the full citation is provided.) The Reference and Microfilm room is open Monday-Friday, 8:30am-4:15pm, except holidays.

Once located in the card catalog or microfilm records, the original deed packet can viewed at the manuscripts room. The Manuscripts Room is open Monday-Friday, 1:00 pm–4:15 pm, except holidays.

**NEW JERSEY HISTORY**

Wikipedia — History of New Jersey


Wikipedia — New Netherland

http://en.wikipedia.org/wiki/New_Netherland

http://en.wikipedia.org/wiki/New_Netherland_settlements

Digital Images of the 1664 New Jersey Deeds (Lease and Release); Indentures; and Survey Book at the NJ State Archives

http://www.state.nj.us/state/archives/projectWJPconservation.html

New Jersey 350

http://officialnj350.com

Bergen 350

http://www.bergen350.com


**LAND RIOTS OF THE LATE-1740s**


New Jersey Land Riots, 1745-1755, Gary S. Horowitz, The Ohio State University Press (Columbus, OH, 1966)