

# The Colony

PHILIP CARTERET (1639-83), a native of the Isle of Jersey and a distant cousin of the proprietor Sir George Carteret, was appointed New Jersey's first governor in August 1665, at the age of twenty-five. His father was attorney general of the island. Until then Richard Nicolls, under the proprietor James, duke of York, had governed New Jersey as a part of New York. In June 1665 the duke presented New Jersey to two Stuart followers, Sir George Carteret and John, Lord Berkeley. Having no interest in colonization, in March 1674 Berkeley sold his portion to two Quakers, John Fenwick and Edward Byllynge.

Sir George, however, sent Philip out at the head of an expedition of thirty colonists from the Isle of Jersey who spoke English and French. In August 1665 they arrived at Elizabethtown, in the northeast corner of New Jersey, where several hundred Puritans from Long Island and New England had settled at the invitation of Governor Nicolls. From 1664 to 1669 they founded six towns, the largest of which were Elizabethtown and Newark. The Dutch town of Bergen, incorporated in 1661, antedated all of them. In addition to incorporating several of

these settlements, Governor Carteret granted large patents to a half-dozen wealthy men, several of them Quaker exiles from Barbados.

Hoping to attract additional settlers from New England, in February 1665 the proprietor, Sir George, issued the Concessions and Agreement, which set forth a frame of government and a land system. Its terms were liberal. All taking the oath of allegiance would be freemen, and the guarantee of religious liberty was so generous that no New England Puritan could take offense. The Concessions provided for an elected lower house with law-making powers and a council appointed by the governor. The assembly would constitute the courts, incorporate towns, impose taxes except on unimproved proprietary lands, and provide for the collection of quitrents due the proprietors. The stipulated quitrent was 1/2d. per acre for individuals and a fixed sum, usually £15 per annum, on public township lands. Under the prevailing headright system, the Concessions also provided for grants of land to families and their indentured servants. Quitrents were not due until March 25, 1670. Since the settlers resented paying them, collecting them

turned out to be a bane for Governor Carteret and his successors. By 1673 about four hundred seventy males had taken the oath of allegiance, indicating a population of twenty-five hundred. The migration from New England and Long Island gradually diminished, while few settlers emigrated from Great Britain.

Carteret's troubles began at Elizabethtown in May 1668. The first assembly met, but broke up when the governor refused to permit the council to sit with the representatives. By creating additional associates through skillful repurchase, Carteret took over the control of hostile Elizabethtown. The associates were first purchasers, who alone voted in town meeting. When Carteret insisted on the payment of quitrents there, the unrest spread to other towns. Middletown and Shrewsbury had actually refused to send deputies to the assembly, fearing that they would jeopardize their rights under their Nicolls patents. They insisted that participation in the assembly would constitute the recognition of absolute authority in the proprietor. Newark adopted the specious argument that it would not pay quitrents because it had purchased its lands from the Indians.

In the summer of 1671, the chance arrival of Captain James Carteret, son of the proprietor, afforded the settlers an opportunity to stage a rebellion. A "rump" assembly proceeded to elect this naive young man "president of the country" in May 1672. Governor Carteret, alarmed, left for England to consult Sir George. The "Rebellion of 1672" was crushed. Several "Declarations" supported by the crown repudiated the settlers' claims under the old Nicolls patents and required all settlers to take out proprietary patents and pay up their quitrents. The "Declarations" also stripped the assembly of its principal powers: land distribution, charter incorporation, and appointive powers. It gave the governor and council veto power and ordered the assembly to finance the cost of government. When Carteret returned from England in March 1674 he

reigned supreme in East New Jersey. For years the lower house strove bitterly for the restoration of its powers, and despite a period of tranquility from 1674 to 1679 old wounds festered. Alienation from proprietary government was complete.

During Carteret's absence several external events changed the complexion of the province. In July 1673, the Dutch reconquered New York and New Jersey, and they remained until Britain regained the two colonies in November 1674. With the sale of Lord Berkeley's interest to Fenwick and Byllynge, in March 1674 Sir George agreed to a partition of the province into East and West New Jersey. The diagonal boundary gave Sir George all the inhabited lands. The two "divisions" remained separate until 1702, when New Jersey became a royal province.

From 1668 to 1681 the East Jersey assembly held seven meetings. Indian trade and relations became stable. The Concessions gave the inhabitants certain guarantees: no freeholder could be arrested for debt; no man could be deprived of the benefits of the common law, and no one could interfere with the course of justice. But the proprietor's prohibitions of 1672 remained. The governor's power to appoint justices, a violation of the Concessions, flawed the judicial system. The "prerogative courts," appointed by the governor and dominated by a clique of rich land holders, were hated by the people.

In July 1674 the duke of York commissioned Edmund Andros governor of New York. Andros assumed that he had jurisdiction over the Jerseys; however, disturbed by the opposition there, he returned to England in 1678 for clarifying instructions. He returned with the duke's mandate to impose his authority on both divisions. When he insisted that all vessels bound for East Jersey put in at New York to pay the duke's customs, Governor Carteret rejected his claim. Andros then ordered all in East Jersey "to desist distinct governance" within the duke's jurisdictions "to their utmost peril." In March 1679 Carteret wrote to An-

dros that "it was by His Majesty's command that this government was established" and that he would not surrender East Jersey. Carteret was taken into custody in spring 1680, and tried by a special court of assize. He argued courageously that "his prisoner and accuser" was also his judge, and in May the jury, to Andros's chagrin, brought in a verdict of not guilty. The court, however, under pressure from Andros, ruled that should Carteret return to East Jersey he could not assume any jurisdiction. Andros journeyed to Elizabethtown and guaranteed the inhabitants their rights as "free-born Englishmen." The assembly demanded that he recognize the privileges granted them under their Concessions, but Andros, then and later, rejected their claims.

Unfortunately for Governor Carteret, Sir George, the influential and "testy" proprietor, died in January 1680. The governor expected little assistance from the duke of York, whose advisers steadily admonished him about his error in giving away the Jerseys. Indeed, Carteret's appeals were ignored. In August, however, through William Penn's efforts in behalf of Quaker West Jersey, James accepted Sir William Jones's dictum that he had no right to withhold the right of government bestowed on Berkeley and Carteret in 1664. James, at that time an exile in Scotland, had no desire to add the Quakers to his list of enemies on the sensitive succession question. A new indenture, signed in October 1680, recognized young Sir George, a minor, as proprietor. Governor Andros was recalled, and in March 1681 Governor Carteret issued a proclamation that he was resuming his post. He ordered the inhabitants not to heed the authority of any officers appointed by Andros.

Philip Carteret's last days as governor were inconsequential. He had learned little since 1665. In October 1681 the assembly demanded that he recognize the rights of the people under the Concessions and especially repudiate the noxious "Declarations" of 1672. A prolonged

wrangle ensued, growing more bitter day by day, with Carteret refusing to yield one iota. Finally, on November 2, Carteret dissolved the assembly, and government came to a standstill. Meanwhile Sir George's widow resolved to sell East Jersey at a figure of £5,000. Since no bidders appeared she put it up for auction and sold it for £3,400 in February 1682 to a group of twelve men, principally Quakers, headed by William Penn. In August the group added twelve more partners, thus inaugurating the regime of the twenty-four proprietors. Carteret died scarcely a year after quitting his post. His widow was the thrice-married daughter of Richard Smith of Long Island.

New Jersey's first governor held office longer than any of his successors—for more than sixteen years. Though he lacked neither courage nor industry, he had not been able to cope with the all-but-insoluble problems that confronted him. He was caught between an arbitrary proprietor and an equally uncompromising populace. Most of his successors, proprietary and royal governors and their deputies, shared his dilemma.

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