

Democracy and Governance in Colonial New Jersey



Proprietary House, Perth Amboy, official residence for NJ's Royal Governor, 1764-1776

Lesson Creator: New Jersey Center for Civic Education, Rutgers University, Piscataway, NJ

Grade Level: 9-12

Objectives:

Student will be able to:

- Analyze several historical documents and identify and compare beliefs presented in them about equality, liberty and consent of the governed and how they relate to the historical foundation of New Jersey and the United States
- Draw conclusions about the extent and nature of religious and political liberties that were guaranteed by colonial governments to their citizens.

New Jersey Student Learning Standards for Social Studies:

- 6.1.12.CivicsPI.1.a: Explain how British North American colonies adapted the British government structure to fit their ideas of individual rights, economic growth, and participatory government.
- 6.1.12.CivicsPD.1.a: Use multiple sources to analyze the factors that led to an increase in the political rights and participation in government.
- 6.1.12.CivicsPI.2.a: Prepare and articulate a point of view about the importance of individual rights, separation of powers, and governmental structure in New Jersey's 1776 constitution and the United States Constitution.

Focus Questions:

- How did the British American colonies govern themselves?
- How and why are American ideals, such as equality, liberty and consent of the governed, embodied in key historic documents?
- What was the extent and nature of religious and political liberties that were guaranteed by colonial governments to their citizens?
- How do primary sources help us to understand what happened in the past?

Background:

1. How did New Jersey become a British colony?

- For a 90-second video about the Founding of New Jersey in 1664 go to <https://youtu.be/F8Riyul1G8?t=49>
- New Jersey did not start as a British colony. Dutch, Swedes and Finns lived scattered in the area of New Jersey since the 1630s.
- After Britain won the Anglo-Dutch war in 1664, New Amsterdam came under British control as New York.
- The British Duke of York gave the land of New Caesarea or New Jersey to two of his friends: Lord John Berkeley and Sir George Carteret. They were co-proprietors from 1664 to 1674.
- After the second Anglo-Dutch war 1672-78, the Delaware Valley came under English control and Lord Berkeley had political differences with the Governor of New York.

2. How were the Provinces of East and West Jersey established?

- In 1674 Lord Berkeley sold his share of the colony to a religious group known as the Quakers or Society of Friends, splitting New Jersey into two colonies: East Jersey belonging to Carteret and West Jersey, now belonging to the Quakers.
- Examine the map of East and West Jersey attached as Handout 1. Why are there three different lines showing the boundary? The boundary was based on a poorly drawn map and the colonists argued about it for more than 140 years. Province Line Road which divided the two colonies can still be found running near Princeton in Mercer County, where a plaque commemorates the boundary and its history.

3. How did New Jersey become one unite colony?

- The division of East and West Jersey remained until 1702 when the proprietors asked the British Crown (Queen Anne) to take back and unite the two sections of the proprietary colony into one united royal colony of New Jersey.
- However, from 1702 to 1738 the royal colony of New Jersey shared a governor with New York, making it difficult for New Jersey to establish its own political identity. Conflicting land claims led to a series of land riots, raising the issue of how one proves ownership of land. New Jersey witnessed a series of land riots. The proprietors argued that ownership of land came from royal authority by way of the grant from the Duke of York to John, Lord Berkeley, and Sir George Carteret. Some of the rioters argued that ownership of land should come from settling on it and improving it.
- There was a question about whether the land grant that established New Jersey included the right to govern and be governed separately from New York.
- In 1738, after years of efforts to get its own governor, Lewis Morris became the governor of New Jersey.

Activities:

1. How did the British American colonies govern themselves? What ideas and beliefs influenced the development of colonial governments?

- Discuss the vocabulary (Handout 2)
- Students read and discuss the Mayflower Compact (excerpt attached as Handout 3) and discuss the political ideas of the first colonists

- If students need help understanding the documents, review handouts 4, 5, 6 and 7 with the class. Then divide the class into four groups. The members of each of the four groups read and discuss one of the following four founding documents:
 - 1) Agreement of the Lords Proprietors of the Province of New Jersey, 1664 (excerpt attached as Handout 4)
 - 2) Charter for the Province of West Jersey, 1676 (excerpt attached as Handout 5)
 - 3) Fundamental Constitutions for the Province of East Jersey, 1683 (excerpt attached as Handout 6)
 - 4) New Jersey Constitution, 1776 (simplified constitution attached as Handout 7)
- Those assigned the same document meet to determine the key ideas that they will share about their document.
- Jigsaw so that there is at least one “expert” student familiar with each document in a new grouping. Experts share the key ideas with other members of the new groups.
- Students use a graphic organizer (Handout 8) to take notes about each document.

Completed graphic organizer:

Document and date	Purpose of government	Structure of Government	Source of Authority	Religious Freedoms
Mayflower Compact, 1620	For our better Ordering and Preservation	N/A	Consent to enact, constitute and frame just and equal laws, ordinance, acts, constitutions and officers	N/A
Agreement of Proprietors of Province of New Jersey, 1664	Peace and welfare	Governor appointed by the Proprietors	From Lords Berkeley and Carteret, Proprietors of the colony by grant from the British Crown	General Assembly may appoint preachers and ministers as necessary. But every person may freely enjoy his judgments and consciences in matters of religion and no person shall be punished for any difference in opinion or practice in matters of religious concerns.
Charter for Province of West New Jersey, 1676	For the prevention of invasion and oppression and for the preservation peace and tranquility	Legislature chosen by the Proprietors and freeholders	By mutual consent of the Proprietors. Legislature to make such laws as agree with and maintain the Fundamental Charter.	No person shall be called into question, punished or hurt for the sake of his opinion, judgment, faith or worship. Every person may freely have and enjoy his judgment and the exercise of conscience in matters of religious worship.
Constitution for Province of East	For the well ordering and governing of the	A great Council of 24 proprietors or their	Proprietors of the colony by grant from	No one shall be molested or

New Jersey, 1683	Province	proxies and 144 to be chosen by the freemen of the Province.	the British King	prejudged for their religious persuasions and exercise in matters of faith and worship nor compelled to maintain any religious worship. But no man may be on the Council or hold other public trust who does profess belief in Jesus Christ.
1701-				
New Jersey Constitution, 1776	To unite people and preserve order	Inhabitants over 21 worth 50 pounds and reside in the county vote for one representative to the Legislative Council three representatives to the General Assembly. A person must have lived and owned property in the country for at least a year and be worth at least 1000 pounds to be a member of the Legislative Council. A person must have lived in the country for at least one year and be worth 500 pounds to be a member of the Assembly. The Council and Assembly elect the Governor for one year. The Governor is also president of the Council. The Governor and Council form the Court of Appeals of last resort.	Government vested in a Governor, Legislative Council and General Assembly	Inhabitants may practice whatever religion they please and no one will be compelled to attend a place of worship contrary to his beliefs or be required to pay taxes for the building or repairing of a place of workshop or for the maintenance of a religious minister. There is no established church. The civil rights of Protestants are protected and Protestants may be elected to any office.

- Once students have notes about the key ideas from each document, then the small groups draw conclusions about what ideas and beliefs were viewed as important in setting up the colonial government of New Jersey and how these ideas and beliefs would influence the liberties of the people. Students respond to the following questions regarding religious and political liberties guaranteed in the three New Jersey historical documents:

- Why was religious freedom important to the 17th century European settlers in New Jersey?

- Why did the proprietors of New Jersey think it was necessary to grant a degree of religious freedom to the settlers in the colony?
- Do you think that the English conquest of the Dutch in what is now New York and East New Jersey influenced the extent of freedom in the colony?
- Do you think that the Quaker views influenced the scope of religious freedom in West New Jersey?
- Did the laws, charters, agreements, and constitutions discriminate against anyone?
- Did religious freedom in New Jersey increase or decrease from 1664 to 1683? To 1776?

3. Discuss and draw conclusions:

There was more than a century of constitutional government in New Jersey before the adoption of the Constitution in 1776.

3. Compare the New Jersey Constitution of July 2, 1776 (excerpts attached as Handout 7) with [Pennsylvania Constitution of Sept. 28, 1776](#) and [Virginia Constitution of June 29, 1776](#)
 - What similarities do you see? They all establish three branches of government with election for the legislature.
 - What differences do you see? The 1776 NJ Constitution did not set forth a declaration of liberties or a bill of rights as was done in the other states. Why do you think this was the case? Unlike Virginia and Pennsylvania, the British were at New Jersey's coast in June 1776. To avoid them, the New Jersey delegates moved inland from Elizabeth to Burlington. With the British at Sandy Hook, New Jersey's state constitution was written very quickly--in a matter of days and adopted on July 2 by a vote of 26 to 9.

Assessment:

Students write an essay responding to one or more of the following critical thinking questions, providing support for their conclusions:

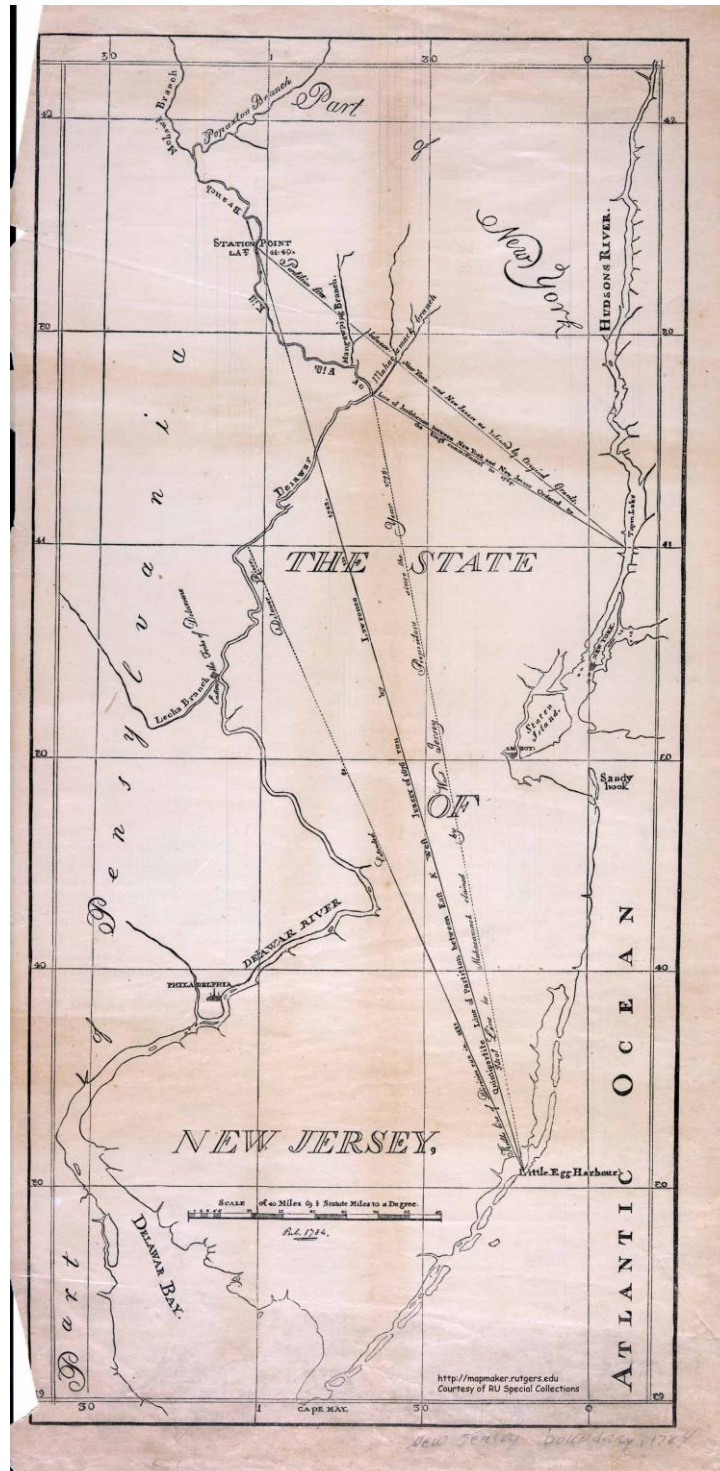
1. Do you think the laws and government established in the founding constitutions were fair?
2. How and why are American ideals, such as equality, liberty and consent of the governed, embodied in key historic documents?
3. Take a position about the importance of individual rights, separation of powers and governmental structure in New Jersey's 1776 constitution and the United States Constitution.

Extension activities:

- Students write a short essay: How much religious freedom should people have?
- How did the decisions of individuals and groups reflected in the foundational documents influence the creation of New Jersey and the United States?
- Consider and explain: Why are primary sources valuable records of the past? How do primary sources help us to understand what happened in the past?
- Visit the Proprietary House in Perth Amboy, NJ. Built 1762-1764, the Proprietary House was commissioned by the Board of Proprietors of East Jersey to serve as the official residence for then-Royal Governor William Franklin, son of Benjamin Franklin. In addition to the Royal Mansion, the house later served as a private residence, a hotel, a Civil War hospital for Union officers after the battle of Gettysburg, an orphanage, a retirement home, and an apartment building as late as the 1950's, before it was turned into an historic museum. Go to www.proprietaryhouse.org/ or call 732-826-5527 to make an appointment to visit.

Handout 1

East and West Jersey



East and West Jersey boundary line(s), 1784

http://mapmaker.rutgers.edu/BoundaryLines_1784.jpg

Handout 2

VOCABULARY

Compact	An agreement between two or more people
Conscience	Sense of moral goodness or wrongfulness of one's own conduct or character
Consent	To approve or agree
Constitution	The basic principles and laws of a nation, state or social group that determines the powers and duties of the government and guarantees certain rights to the people in it (often the written document that embodies these principles and laws)
Civil body politic	The state or its citizens
Civil society	Voluntary, non-governmental organizations
Freemen	Men given citizenship of a place; the owner of property; not a slave
Freeholder	Landowner
Office	A duty or position of authority to exercise a public function
Order	Stability, harmony, peace, tranquility
Ordinances	Decrees, rules or laws (usually by a local governmental authority)
Proprietor	Owner of land
Province	A unit, region or area within a country (The North American Colonies were provinces)
Preservation	Protection, safeguarding, maintenance, continuation
Quaker	Members of a Protestant religious group begun in England in the 1640s that recognized all people as equal and each person's ability to communicate directly with God, who refused to take oaths or to fight. Many immigrated to colonial North American (especially Pennsylvania and Western New Jersey)(also called "Friends")
Religious Liberty	Freedom of an individual or community to follow its religious beliefs
Representatives	Individuals chosen (usually through elections) to act on behalf of others (usually in a legislative body)
Subjects	Individuals who owe allegiance to the power of another, e.g. a king (as opposed to citizens of a nation with an elected government)

Excerpt from the Mayflower Compact, 1620

(Full document may be found at https://avalon.law.yale.edu/17th_century/mayflower.asp)

In the name of God, Amen. We, whose names are underwritten, the loyal subjects of our dread Sovereign Lord King James, by the Grace of God, of Great Britain, France, and Ireland, King, defender of the Faith, etc.

Having undertaken, for the Glory of God, and advancements of the Christian faith and honor of our King and Country, a voyage to plant the first colony in the Northern parts of Virginia, do by these presents, solemnly and mutually, in the presence of God, and one another, covenant and combine ourselves together into a civil body politic; for our better ordering, and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute, and frame, such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience.

In witness whereof we have hereunto subscribed our names at Cape Cod the 11th of November, in the year of the reign of our Sovereign Lord King James, of England, France, and Ireland, the eighteenth, and of Scotland the fifty-fourth, 1620.

Excerpt from Agreement of the Lords Proprietors of the Province of New Jersey, 1664

(Full document may be found at [The Avalon Project : The Duke of York's Release to John Ford Berkeley, and Sir George Carteret, 24th of June, 1664 \(yale.edu\)](http://www.theavalonproject.com/newjersey/1664.htm)

Lords John Berkeley and George Carteret (the Proprietors) appoint a Governor who chooses 6-12 “councillors” or advisors

...the Governor, Councillors, Assembly Men, Secretary, Surveyor, and all other officers of trust, shall swear or subscribe that they will bear true allegiance to the King of England, his heirs and successors; and that they will be faithful to the interests of the Lords Proprietors of the said Province and their heirs, executors and assigns; and endeavour the peace and welfare of the said Province; and that they will truly and faithfully discharge their respective trust in their respective offices, and do equal justice to all men, according to their best skill and judgment, without corruption, favour or affection...

That all persons that are or shall become subjects of the King of England, and swear, or subscribe allegiance to the King, and faithfulness to the lords, shall be admitted to plant and become freemen of the said Province, and enjoy the freedoms and immunities hereafter express'd,

...no person qualified as aforesaid within the said Province, at any time shall be any ways molested, punished, disquieted or called in question for any difference in opinion or practice in matter of religious concerns, who do not actually disturb the civil peace of the said Province; but that all and every such person and persons may from time to time, and at all times, freely and fully have and enjoy his and their judgments and consciences in matters of religion throughout the said Province they behaving themselves peaceably and quietly, and not using this liberty to licentiousness, nor to the civil injury or outward disturbance of others; any law, statute or clause contained, or to be contained, usage or custom of this realm of England, to the contrary thereof in any wise notwithstanding.

...we do hereby grant unto the General Assembly of the said Province, power by act to constitute and appoint such and so many ministers or preachers as they shall think fit, and to establish their maintenance, giving liberty beside to any person or persons to keep and maintain what preachers or ministers they please.

The Assembly shall have power to enact and make all such laws, acts and constitutions as shall be necessary for the well government of the said Province, to constitute all courts, to tax

The Governor shall have the power to see that all courts establish'd by the laws of the General Assembly, and all ministers and officers, civil and military, do and execute their several duties and offices respectively, ...to place officers and soldiers for the safety, strength and defence of the forts, castles, cities &c. according to the number appointed by the General Assembly...

The Governor with the advice of his Council shall muster and train all forces within the said Province, to prosecute war, pursue an enemy, suppress all rebellions, and mutinies, as well by sea as land; and to exercise the whole militia...

Excerpts from Charter or Fundamental Laws of West New Jersey, 1676

(Full document may be found at https://avalon.law.yale.edu/17th_century/nj05.asp)

“That the common law or fundamental rights and privileges of West New Jersey, are individually agreed upon by the Proprietors and freeholders thereof, to be the foundation of the government, which is not to be altered by the Legislative authority, or free Assembly hereafter mentioned and constituted, but that the said Legislative authority is constituted according to these fundamentals, to make such laws as agree with, and maintain the said fundamentals, and to make no laws that in the least contradict, differ or vary from the said fundamentals,...

“...no men, nor number of men upon earth, hath power or authority to rule over men's consciences in religious matters, therefore it is consented, agreed and ordained, that no person or persons whatsoever within the said Province, at any time or times hereafter, shall be any ways upon any presence whatsoever, called in question, or in the least punished or hurt, either in person, estate, or privilege, for the sake of his opinion, judgment, faith or worship towards God in matters of religion. But that all and every such person, and persons may from time to time, and at all times, freely and fully have, and enjoy his and their judgments, and the exercises of their consciences in matters of religious worship throughout all the said Province.”

Excerpts from the Fundamental Constitutions for the Province of East New Jersey, 1683

(Full document may be found at https://avalon.law.yale.edu/17th_century/nj10.asp)

“Since the right of government, as well as soil, is in the four and twenty Proprietors, and that the same is confirmed to them a new by a late patent from James Duke of York pursuant to patent granted to Him from the King; the Proprietors **for the well ordering and governing of the said Province**, according to the powers conveyed to them, do grant and declare, that the government thereof shall be as followeth, VIZ. ...for the government of the Province, there shall be a great Council, to consist of the four and twenty proprietors, or their proxies in their absence, and one hundred forty-four **to be chosen by the freemen of the Province.**”

- I. The 24 Proprietors formerly chose Robert Barclay as Governor during his life. After his decease the Proprietors shall choose a Governor for three years
- II. A great Council shall consist of 24 Proprietors or their proxies and 144 chosen by the freemen of the Province.
- III. Freemen include planters and inhabitants residing in the Province who possess 50 acres of ground and have cultivated 10 acres of it; who owns a house and three acres; or leases a house and land but 50 pounds.
- V. For the constant government of the Province there shall be a Governor and common Council consisting of 24 Proprietors and 12 freemen to be chosen by ballot out of the freemen of the great Council.
 - i. The Governor and Common Council shall choose Secretary, Register, Treasurer, Surveyor General and Marshal.
- XVI. All persons living in the Province who confess and acknowledge the one Almighty and Eternal God, and holds themselves obliged in conscience to live peaceably and quietly in a civil society, shall in no way be molested or prejudged for their religious persuasions and exercise in matters of faith and worship; nor shall they be compelled to frequent and maintain any religious worship, place or ministry whatsoever: Yet it is also hereby provided, that no man shall be admitted a member of the great or common Council, or any other place of publick trust, who shall not profaith in Christ Jesus, and solemnly declare that he doth no ways hold himself obliged in conscience to endeavour alteration in the government, or seeks the turning out of any in it or their ruin or prejudice, either in person or estate, because they are in his opinion hereticks, or differ in their judgment from him: Nor by this article is it intended, that any under the notion of this liberty shall allow themselves to avow atheism, irreligiousness, or to practice cursing, swearing, drunkenness, . . . murdering or any kind of violence, or indulging themselves in stage plays, masks, revells or such like abuses; for restraining such and preserving of the people in deligence and in good order, the great Council is to make more particular laws, which are punctually to be put in execution.

New Jersey State Constitution
July 2, 1776

Preamble

WHEREAS all the constitutional authority ever possessed by the kings of Great Britain over these colonies, or their other dominions, was, by compact, derived from the people, and held of them, for the common interest of the whole society; allegiance and protection are, in the nature of things, reciprocal ties; each equally depending upon the other, and liable to be dissolved by the others being refused or withdrawn. And whereas George the Third, king of Great Britain, has refused protection to the good people of these colonies; and, by assenting to sundry acts of the British parliament, attempted to subject them to the absolute dominion of that body; and has also made war upon them, in the most cruel and unnatural manner, for no other cause, than asserting their just rights-all civil authority under him is necessarily at an end, and a dissolution of government in each colony has consequently taken place.

And whereas, In the present deplorable situation of these colonies, exposed to the fury of a cruel and relentless enemy, some form of government is absolutely necessary, not only for the preservation of good order, but also the more effectually to unite the people, and enable them to exert their whole force in their own necessary defence: and as the honorable the continental congress, the supreme council of the American colonies, has advised such of the colonies as have not yet gone into measures, to adopt for themselves, respectively, such government as shall best conduce to their own happiness and safety, and the well-being of America in general:-We, the representatives of the colony of New Jersey, having been elected by all the counties, in the freest manner, and in congress assembled, have, after mature deliberations, agreed upon a set of charter rights and the form of a Constitution, in manner following, viz.
New Jersey Constitution

Three Branches of Government

I. That the government of this Province shall be vested in a Governor, Legislative Council, and General Assembly.

VII. That the Council and Assembly jointly, at their first meeting after each annual election, shall, by a majority of votes, elect some fit person within the Colony, to be Governor for one year, who shall be constant President of the Council, and have a casting vote in their proceedings; and that the Council themselves shall choose a Vice-President who shall act as such in the absence of the Governor.

IX. That the Governor and Council, (seven whereof shall be a quorum) be the Court of Appeals, in the last resort, in all clauses of law, as heretofore; and that they possess the power of granting pardons to criminals, after condemnation, in all cases of treason, felony, or other offences.

The Electorate

IV. That all inhabitants of this Colony, of full age, who are worth fifty pounds proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for twelve months immediately preceding the election, shall be entitled to vote for Representatives in Council and Assembly; and also for all other public officers, that shall be elected by the people of the county at large.

Religious Freedom and Rights

XIX. That there shall be no establishment of any one religious sect in this Province, in preference to another; and that no Protestant inhabitant of this Colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; but that all persons, professing a belief in the faith of any Protestant sect, who shall demean themselves peaceably under the government, as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the Legislature, and shall fully and freely enjoy every privilege and immunity, enjoyed by others their fellow subjects.

(Full document may be found at <https://www.nj.gov/state/archives/docconst76.html>)

Alternative Handout 7
New Jersey Constitution (simplified version)
July 2, 1776
Burlington, NJ

Since the authority that the kings of Great Britain had over the colonies came from the people and King George III has not protected the colonies, his authority is ended.

However, since some form of government is necessary to unite people and preserve order, the Continental Congress has advised the colonies to adopt a constitution for their government.

We, the representatives of the colony of New Jersey have been elected by the counties, assembled and agreed upon the following Constitution:

- I. The government shall be vested in a Governor, Legislative Council (Senate) and General Assembly.
- III. Each year the counties shall each choose one person to be a member of the Legislative Council and three to be members of the Assembly. To be a member of the Legislative Council, a person must have lived and owned property in the county for at least one year and must be worth at least 1000 pounds. To be a member of the Assembly, a person must have lived in the country at least one year and must be worth at least 500 pounds. (These were significant amounts of money in 1776.)
- IV. Inhabitants of this Colony, age 21 or more, who are worth 50 pounds and have resided in the county in which they want to vote for one year, may vote for representatives to the Council and Assembly and for all other public officers. (Unmarried or widowed women and African Americans with 50 pounds of money or property could vote in NJ until the Legislature took away this right in a 1807 statute.)
- VII. The Council and Assembly by majority vote elect a person to be Governor for one year, who shall also be President of the Council and cast a vote in the Council.
- VIII. The Governor shall have supreme executive power, be Chancellor of the Colony, and commander in chief of the militia.
- IX. The Governor and Council shall form the Court of Appeals of last resort (Supreme Court).
- XVIII. Inhabitants may practice whatever religion they please and no one will be compelled to attend a place of worship contrary to his beliefs or be required to pay taxes for the building or repairing of a place of worship or for the maintenance of a religious minister.
- XIX. There is no established church; the civil rights of Protestants are protected and Protestants may be elected to any office.
- XXII. The common law of England shall remain in force until altered by a future law of the Legislature.

If Great Britain and the colonies reconcile, this Charter shall be null and void—otherwise to remain firm and inviolable.

Handout 8

Comparing Documents

Document and date	Purpose of government	Structure	Authority	Religious Freedom
Mayflower Compact, 1620	For Order and Preservation	N/A	Consent to enact just and equal laws, ordinance, acts, constitutions and officers	N/A
Agreement of Proprietors of Province of New Jersey, 1664				
Charter for Province of West New Jersey, 1676				
Constitution for Province of East New Jersey, 1683				
New Jersey Constitution 1776				