

# EDITORIAL & COMMENTARY



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IT'S YOUR TURN

## Commentary

### New Jersey Land Business Predates America

By Michele S. Byers

Once a year, America's oldest continuously operating corporation meets in a tiny building in Burlington City. Instead of business suits, shareholders dress in Quaker costumes.

There's not much business to conduct, because the Council of West Jersey Proprietors is from another era. Established in 1688 as a land-grant corporation, the council no longer has vast lands to sell, but still owns some property and settles minor boundary issues.

With New Jersey celebrating 350 years, it's worth remembering the critical role once held by this historic corporation and its defunct twin, the East Jersey Board of Proprietors.

The two land-grant corporations stem from a royal gift from a British monarch. In 1664, King Charles II granted his brother James, the Duke of York, extensive territory in the New World, including the lands that would become New Jersey.

The Duke gifted the land to two loyal friends, Lord John Berkeley and Sir George Carteret, marking the official beginning of New Jersey. The state was carved in half diagonally, beginning at a point along the Atlantic Ocean in Little Egg Harbor and extending in a northwesterly direction to the Delaware River. Berkeley got the west side and Carteret got the east.

Berkeley quickly sold his interests to a group of Quakers, including William Penn, and Carteret's family also sold his share after his death. Berkeley and Carteret's legal successors were investors whose main business was to sell acreage to settlers and collect annual rents; they formed the East and West Jersey boards of proprietors.

"If someone in the colony wanted to buy land, they would have to go to one of the proprietors," explained Maxine Lurie, a retired professor of history at Seton Hall University and the author of an upcoming book on New Jersey history.

The East Jersey Board of Proprietors was established in 1682 in Perth Amboy. But it dissolved in 1998, largely because shareholders feared potential legal liability for environmental problems on land the corporation held. Its real estate, including the rights to any remaining lands, was sold to the state for \$300,000.

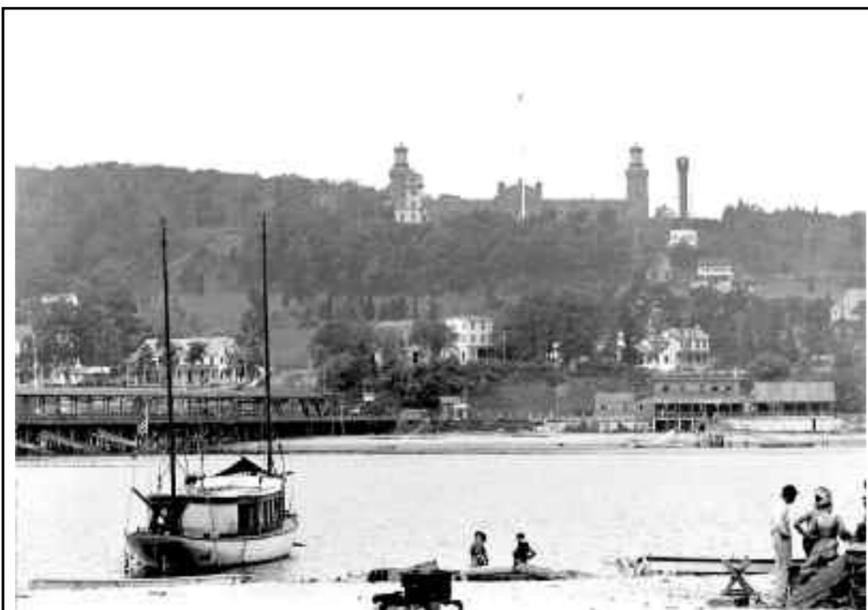
But the Council of West Jersey Proprietors survives and has been running for 336 years – although with a largely ceremonial role in the past century.

"Technically, if there's a piece of land in West Jersey that nobody has ever purchased in 300-plus years, it would belong to the corporation," Lurie said. "But it's a default. If you do a title search and there's no clear title that you can trace, the presumption is that the proprietors still own it."

Given New Jersey's status as the nation's most densely populated state, discovering lands without title is rare and exciting. More common are thin overlaps or gaps between titled properties, and it falls to the West Jersey Proprietors to resolve these "gores."

Perhaps the greatest modern-day contribution of the East and West Jersey Proprietors is their historical records. When the East Jersey Proprietors dissolved, its extensive collection of colonial-era maps and land records went to the State Archives in Trenton.

In 2005, the West Jersey Proprietors deposited its records with the State Archives, consolidating all of New Jersey's colonial land records under the same roof for the first time – a huge benefit for historians, genealogists and those interested in land.



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### Two River Moment

The Twin Lights in Highlands have been guiding seafarers since 1828. This 1895 photo shows the lighthouses and people relaxing on the banks of the Sandy Hook Bay.

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While you're celebrating our state's 350th anniversary, raise a glass to the Proprietors, who launched these centuries of land subdivision in this state we're in!

To learn more about our state's history and how it's being celebrated this year, go to [officialnj350.com/](http://officialnj350.com/). For a full Council of West Jersey Proprietors history, go to [westjersey.org/wjh\\_copowj.htm](http://westjersey.org/wjh_copowj.htm).

And to learn more about preserving New Jersey's land and natural resources, visit the New Jersey Conservation Foundation website at [www.njconservation.org](http://www.njconservation.org) or contact me at [info@njconservation.org](mailto:info@njconservation.org).

*Michele S. Byers is the executive director of the New Jersey Conservation Foundation.*

### Get Ready for More of the Same

By Lee H. Hamilton

I felt a brief surge of hope about Congress a few weeks ago. It was returning from Easter recess, and Capitol Hill was filled with talk about immigration reform, a minimum-wage bill, a spending bill to keep the government operating and maybe even funding for transportation infrastructure. But, as I said, it was brief.

That's because the talk turned out to be just that. Immigration reform appears headed nowhere. Likewise, tax reform and budgetary discipline. The minimum-wage increase died in the Senate. Shoring up the Highway Trust Fund, which could go bankrupt at the end of the summer, requires either massive new spending or a hefty rise in the gasoline tax – and Congress, of course, is inclined to do neither. The one step it appears ready to take is to approve a short-term spending bill, and that's only because no one in either party wants to risk the public outrage that would attend a government shutdown right before an election.

Which is part of the problem. With this year's congressional elections fast approaching, neither party wants to force its members into tough votes. In fact, neither party even wants to appear to be working with the other one. Republicans in the House talk about Benghazi, boosting charter schools, and Obamacare, and pass bills that have no chance of becoming law. In the Senate, Democrats push an extension of jobless benefits, try to make political hay out of the Republicans' rejection of the minimum wage and show little interest in moving bills through to enactment. Listening to them separately, it's hard to imagine that they inhabit the same country.

This doesn't seem likely to change as a result of the midterm elections. Congress will remain evenly divided. Which means that for the next two years at least, the stalemate between Capitol Hill and the White House will probably continue.

As a nation, we face a lot of challenges, yet we're not addressing them. Comprehensive immigration reform may be "very difficult to achieve," in the words of one leading Republican senator, but it's still vitally important. Housing reform, tax reform, trade liberalization, reforming the International Monetary Fund – all need congressional action. So do the nation's armed services and the Defense Department, which face serious cuts because of sequestration. Climate change isn't even on the congressional agenda.

Which is why we have the curious sight of local governments trying to deal with a global issue by passing zoning laws and ordinances, in the belief that at least they can do a little bit to address climate change's impact. Indeed, congressional inaction is spurring states to cancel planned summer bridge- and road-repair projects and big-city mayors to fill the national power vacuum by going ahead with their own minimum-wage measures, tax increases and other initiatives, designed to legislate where Congress won't.

Recently, I've been listening to what non-incumbent candidates for Congress are saying. Their partisan labels and policy specifics might differ, but not their basic message: That they're the ones to fix congressional dysfunction, partisanship and polarization and to get Capitol Hill moving again. Many of them won't get the chance to put their ideas into action, since incumbents have overwhelming advantages at election time. Even those who do get elected will find, as they always do, that there's a yawning gap between what seems possible when you're campaigning and what's actually possible once you're elected.

Still, the fact that candidates are talking about fixing Congress means they believe this is what Americans want. If they do well enough in the elections, perhaps incumbent members will notice that the people want Congress to get its act together, and to begin to address seriously our long list of problems.

Let's hope so, because here's my fear: Congress is already derided at home as bumbling and ineffective. The perception abroad is even more worrisome: Capitol Hill's inability to act is seen as a key piece of America's decline as a superpower. If it turns out that we've got several more years of drift and dysfunction ahead of us, then the institution that our founders considered to be the keystone of American democracy risks becoming not part of the solution, but the core of the problem.

*Lee Hamilton is director of the Center on Congress at Indiana University. He was a member of the U.S. House of Representatives for 34 years.*