

How New York Acquired Staten Island

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THE LAND-GRABBING propensity of states and nations has prevailed through all history from the earliest times. Alexander was a great land-grabber, and the same may be said of his predecessors and those who followed him. Rome annexed and consolidated on a magnificent scale, while her men were capable of ruling, but her later and inferior generations staggered under the burden, and her top-heaviness brought about her ruin. Spain, France and England have also indulged in the same policy. England, during the age of the early Henrys and Edwards, ruled over a very large portion of France, and extended her conquests to Wales, Ireland and Scotland. Later she acquired the greater portion of civilized America. We ourselves have imitated those nations, and have by one means and another extended our national control across the North American continent, and have appropriated the name of the continent as the title of our nation.

The desire for territorial expansion has not been confined to the acquisition of large and populous districts, but has been extended to small and unimportant islands.

My address on this occasion deals with the events which brought about the incorporation of Staten Island with the State of New York.

In view of the fact that Staten Island for nearly its whole length hugs the New Jersey shore, from Bayonne at the north to Perth Amboy at the south, and most of that distance lying from 500 feet at the narrowest to 2,000 at the broadest point of the shore of the mainland, one wonders why it is not a part of the State of New Jersey. Our historians have given practically no attention to the question, not even those among them who have written most voluminously on the history of our State.

In the days of the Revolution this beautiful island was the home of the New Jersey Tories, and many an expedition was made by these folk into their old homes, leaving traces of the ruthlessness which always follows in the wake of border warfare. It was called the "Garden Island of America," and many of the attributes which justified the title still remain but are gradually disappearing. I remember it in the days of my boyhood, with its beautiful hills, and often have I listened to the solemn tones of the village church bells, as they floated over the water to my Jersey home. Old and odd craft like the lazy "Sleepy Hollow," might be seen in those days, moving slowly up and down the Sound. The noise and clangor of the factory and of commerce were yet many, many years in the future. The Island was then, to many of us, a foreign and romantic land. There was no ferry such as now exists, but the steamboat plying between Elizabeth and New York stopped twice a day at a dock which stood opposite Bergen Point, now a part of the city of Bayonne. This way of reaching the Island was little used, and was discontinued many years before the establishment of the present ferry. The communication between Bayonne and the Island was more extensive, and a ferry had been in existence between that part of New Jersey and the Island from an early

How New York Acquired Staten Island

James C. Connolly

date. A ferry also brought Perth Amboy in touch with the Island from the early colonial days onward.

Traffic between New Jersey and Staten Island was very slight until the days succeeding the Civil War, and the population of the Island was small, consisting mostly of the descendants of the early Dutch, Huguenots and Waldenses, and later additions of English, Irish, Scotch and Germans.

Under what circumstances did Staten Island become a part of New York?

When Henry Hudson sailed into the Kill von Kull on September 6th, 1609, he called it Staten Island; in other words, he named it for the States under whose flag he was then sailing. One of his companions - John Coleman - was killed by an arrow while in a small boat sent out to explore by Hudson, in an attack by hostile Indians. Coleman was buried on the same day at Sandy Hook. The Island was then occupied by Raritans, a branch of the Lenni Lenape. They called the Island Aquehonga Manacknong.

There is no doubt that the early Dutch and the Indians alike regarded the Island as belonging to the Jersey mainland, and geographically they were right in this view. With this idea in their mind the Dutch West India Company, in 1630, made a grant to Michael Pauw of the territory extending from Hoboken down the south bank of the Hudson river, thence across the bay, including Staten Island in the grant. Pauw also took a deed from the Indians for the Island in the same year. He soon after disposed of his interest to his fellow-directors in the Company.

In passing I may observe that the Indians never acquired the white man's view of the sacredness of a contract, and so, with regard to Staten Island, sold it several times after the sale to Pauw.

In Comstock's "Old Roads from the Heart of New York," pp. 127, 128, the author says that during the period of Dutch control Tottenville belonged to New Jersey. It is difficult to understand this statement. The center of Dutch power in New Netherland was on Manhattan Island, and under the circumstances the settlements on the north end of Staten Island came more closely in contact with the persons in control of the Company's affairs than the people at the southern end. But there never was any recognition of a separation of the Island from the New Jersey mainland. There was no necessity for such a separation, as the whole territory from the Delaware to the Connecticut was regarded by the Dutch as constituting one possession. What is now called Tottenville had no existence in the time of the Dutch, and, if the nucleus of it existed, it must have been of a very insignificant character - perhaps a trading place where whites and Indians met for the purpose of traffic. Even to-day, more than 290 years after Pauw purchased the Island, Tottenville is a small village.

When the English came into control a new order was instituted. As we know, King Charles II gave a patent, or deed, to his brother James, the Duke of York, on March 12, 1664, for the territory lying between the Hudson and Delaware rivers. Other territory was also included in the grant with which we are not now concerned. On acquiring his grant the Duke sent Colonel Nicolls over to take control for him. On August 27, 1664, Nicolls arrived before Manhattan Island, and, after some parleyings with Stuyvesant, the Dutch

How New York Acquired Staten Island

James C. Connolly

Governor, the town was surrendered, and its name changed to New York, in honor of the Duke. Long Island, Staten Island and Westchester were to be known as Yorkshire, and was divided into three ridings, Kings county, part of Queens county and Staten Island being designated as the West riding, so that now for the first time Staten Island was associated with territory outside its geographical lines.

- On October 28, 1664, John Baily and others associated with him, recognizing the ownership of the mainland of New Jersey to be in the Indians on Staten Island, obtained a deed from them for the land lying along the Staten Island sound and the west shore of Newark bay, extending from the Raritan river to the Passaic, and running back into the country a distance twice as great as the distance along the sound and bay. This deed (which was afterwards, on December 1, 1664, confirmed by Nicolls), acknowledged the jurisdiction exercised by the Indians over the Island and the mainland.

- While Nicolls was adjusting matters at New York, he became acquainted with the fact that a new phase was imparted to the affairs of the colony by the Duke. On June 24, 1664, the Duke had made a conveyance by release of the territory now embraced in the State of New Jersey to John Lord Berkeley and Sir George Carteret, a deed of lease for one year having been made the day before. The release conveyed by a description which, it was afterwards claimed, embraced Staten Island. The description read as follows: "All that tract of land adjacent to New England and lying and being to the Westward of Long Island and Manhatis Island, and bounded on the East a part by the Main sea and part by Hudson's River, and hath upon the West Delaware Bay or River, and extendeth Southward to the Main ocean as far as Cape May at the mouth of Delaware Bay; and to the Northward as far as the Northernmost Branch of the said Bay or River of Delaware, which is forty-one degrees and forty minutes of latitude, and crosseth over thence in a straight line to Hudson's River in forty-one degrees of latitude, which said tract of land is hereafter to be called by the name or names of New Caesarea, or New Jersey."

- On January 10, 1664 (1665), Berkley and Carteret, now called "The Lords Proprietors," appointed Philip Carteret, a cousin of Sir George, to the Governorship of the colony. The Governor arrived in the colony in the early part of August, 1665, and took upon himself the duties of his office.

- The first Legislature of New Jersey met at Elizabeth-Town in May, 1668, and, having adopted a number of Acts, adjourned to November 3, when its members reconvened and passed several new Acts, and adjourned on November 7th. Already the people and the Governor were becoming estranged, and as time went on matters became worse in this respect. To this may be attributed the small interest subsequently taken in the contentions of Carteret with the Governor of New York.

From the time when the grant was made to Berkeley and Carteret a doubt existed as to the ownership of Staten Island, which caused confusion in the collection of taxes. The argument was made that in the time of the Dutch the Island was regarded as a part of New York, and was within the expansion of the Hudson river and the bay. Disorder followed, those interested adding to its intensity, and the Duke's interests were also involved. The Island had been purchased by Governor Lovelace in 1670, in the Duke's name, from the

How New York Acquired Staten Island

James C. Connolly

Indians, for, notwithstanding previous sales made by them, as they had not been required to vacate and leave, they sold it as often as they were requested to do so.

The Duke, who was interested in the disposition of the question from a financial point of view, now proposed a novel method of disposing of it, and his right to do so does not seem to have been openly questioned. He ordered, early in the spring of 1668, that the islands lying in the harbor of New York, which could be circumnavigated within twenty-four hours, should belong to the colony of New York, otherwise to New Jersey. To secure a proper person to perform the task of going around the Island in twenty-four hours was not a difficult one. A trained seaman, Captain Christopher Billopp, was then at Perth Amboy, and was selected to make the trip. There can be hardly any doubt that Billopp was acquainted with the waters over which he was required to sail. His vessel was known as the "Bentley," but whether she belonged to the navy or to the merchant marine cannot be determined. In order to give his vessel proper depth in the water he caused the deck to be loaded with empty barrels. He performed the task in twenty-three hours, and so the fate of Staten Island was decided.

The Duke's friends were elated, although there was nothing extraordinary in the result. Billopp was rewarded with the grant of 1,163 acres of land in the southerly part of the Island, opposite Perth Amboy, and named it in honor of his good ship, "Bentley Manor." The town where it is located is now called Tottenville. He proceeded at once to build a house on his manor, and collected the stones necessary for the purpose from the surface of the ground. These stones were of all sizes, shapes and varieties. He secured the bricks which were used at the openings for windows and doors, and the top courses of the structure, from Belgium and the cement from England. The house still stands in a dilapidated condition, and, being neglected, must soon go to ruin. At the present time it is occupied by poor and careless people. In the days of the Revolution it was used as a barracks and headquarters by the British, and was a rendezvous of New Jersey loyalists. It was the scene on many an occasion of feasting and revelry. Here, during the summer of 1776, the British officers and their Tory adherents, together with the wives and daughters of the latter, often met, and indulged in happy anticipations which were never to be realized. It was in the old Billopp house that Franklin, John Adams and Edward Rutledge met on September 11, 1776, at the request of Lord Howe for the purpose of discussing terms of peace, and, while the place had been used only for a brief period as a barracks, yet it was in a filthy condition when the Americans arrived, and one room had to be hurriedly cleaned and made fit for occupancy, in anticipation of the conference. It is built in such a position that one can look for some distance up the Raritan river as well as down the Jersey coast from its front.

The Dutch, being at war with England in 1673, captured New York in August, and assumed control of that colony and of New Jersey. In February, 1674, by the treaty of peace made between them, the Dutch relinquished their control, and in November the English again resumed their jurisdiction, and now, to cure any defect that might have resulted by reason of the Dutch occupation, and the resumption of power by the King being regarded as investing him with a new title to the restored colonies, he made a new grant to his brother James, who in turn made new grants for the territory of New Jersey to the Proprietors.

How New York Acquired Staten Island

James C. Connolly

On July 1, 1674, the Duke of York appointed Edmund Andros, Governor over all the territory which had been granted to him by his brother, Charles II, and this meant that Andros was to act as the governmental representative of the Duke in New Jersey. This naturally precipitated a conflict between Andros at New York and Governor Carteret at Elizabeth-town as to their respective rights and powers. (I "N. J. Archives," First Series, 156, 157).

An important question was now injected into the situation. It will be noticed on examination that in the grant to Berkeley and Carteret they were invested with the proprietorship over the territory of the new colony, but as to their right of government the grant was silent. Yet certain letters emanating from the King and the Duke, which I shall not here refer to particularly, would seem to indicate that power of government was intended to be conferred, and Sir William Grant, an eminent lawyer of that day, was of the opinion that such power was actually conferred on the Proprietors.

On March 8, 1679 (1680), Governor Andros wrote to Governor Carteret that the latter was acting without authority, and again on March 13, Andros issued a proclamation directed to Carteret requiring him to refrain from exercising governmental jurisdiction over the territory granted to the Duke by Charles II, confirming, however, all that had been done by the Duke. Governor Carteret spiritedly denied that he was acting without authority, asserting that he would if necessary defend his position with force.

Affairs continued in this condition during the year, resulting in the arrest of Carteret at Elizabeth-Town, and his subsequent trial at New York. But the jury which heard the case refused to find him guilty. Notwithstanding the verdict of the jury Carteret was kept in custody for some time and was then allowed to go only on parole, to which he agreed.

The Duke was now in sore straits. He had need of friends for his religious antagonists were harassing him. His Governor, Andros, had extended his control over West Jersey as well as over East Jersey (the Colony was now divided into East and West Jersey). The West Jersey people became very insistent on their governmental independence of the Duke. Sir William Grant's opinion having been pronounced the Duke assumed a friendly attitude toward William Penn and his people, and conferred on them, through Edward Byllynge, "his heirs and assigns," the right of administering their own government. He had always been friendly to Penn and his present policy may not have been wholly actuated by the conditions to which he was subjected. Now the Carterets, whose interests were in East Jersey, felt that they should be equally the objects of his good will, and, on September 10, 1686, the Duke granted to George Carteret, the grandson of Sir George Carteret, the title to East Jersey, with the power of government.

Being now invested with the right to administer the government, Philip Carteret at once directed his attention to Staten Island, claiming that it belonged to his government, notwithstanding the annexation to New York when Billopp circumnavigated it under the order of the Duke. And so we find Governor Carteret, on July 22, 1681, writing to the Governor of New York, stating that he had been ordered to make claim to Staten Island. The demand was founded on the grant of September 10, 1680. He required the surrender and quiet possession of the Island and a speedy answer. It also appears that he appointed Mr.

How New York Acquired Staten Island

James C. Connolly

LaPrarie and Mr. Bollen to wait on the Deputy-Governor, Brockholls (Brockholst), of New York, now acting in place of Governor Andros, who had gone to England, and made the demand for the surrender, entrusting them with a copy of the grant above referred to. (I "N. J. Archives," 349). On the same day that demand was made on Brockholst, Carteret issued a proclamation to the people of Staten Island.

It read as follows (I "N. J. Archives," First Series, p. 351).

Whereas Staten Island doth of right belong to the Province of East New Jersey as doth appear of His R. Highness the Duke of York Deed of Grant under his hand & Seale bearing date the 10th. of 7tomb. 1680. but bath been detained by Several of the Governors under his R. Highness, Contrary to all Law & Equity and having now a Speciall order from the Lord Proprietor to demand the same These are in his Majesty's Name to will and require you the Magistrates Officers and Inhabitants of the said Island to forbear Yielding any Obedience to the Government or Jurisdiciton of New York, Or to doe or Act anything by their Authority or Command and receive your Commissions Orders and Instructions from me your Lawful Governor as you will answer the Contrary at your P'rills. Given under my hand and Seale the 22 July Ano Dom.' 1681.

PH. CARTERET.

Brockholst replied to Governor Carteret on July 26, 1681, as follows

I this day received several papers from you by Mr. Bollen and Laprery, which have been shown and read in Council, but find no power thereby for you to act in or assume the Government of New Jersey, and, until you, pursuant to our former orders and resolves in Council and your parole to me, produce and show a sufficient authority, you are and I do hereby require you to desist acting in any public capacity and remain

Your friend and servant,

ANTHONY BROCKHOLLS.

See "Grants and Concessions," 686: I "N. J. Archives," First Series, 350.

On July 28, 1681, Carteret replied to the letter of Brockholst, stating that he had power sufficient to act as Governor of New Jersey equal to that of the Governor of New York, and that he would forward the uncivil answer he received to England. He also called Brockholst's attention to the fact that the latter had not acknowledged the receipt of the copy of the Duke's deed of grant, or taken any notice of the demand for the surrender of the Island. ("Grants and Concessions," 687: I "N. J. Archives," 352).

For the time being the discussion was suspended, so far as I have been able to ascertain. It came forward again, however, on February 13, 1684 (1685). At this time we find Governor Dongan writing to the Earl of Perth in a conciliatory tone, concerning a letter which he had written to the Duke and the Commissioners, saying that he had only called their attention to the inconveniency of having two distinct governments upon one river (meaning the Hudson river), his Lordship having the advantage of being some leagues nearer the sea. (This nearness to the sea had reference to Perth Amboy). He called his Lordship's attention to the fact that

How New York Acquired Staten Island

James C. Connolly

the latter's agents had dispersed printed papers among the inhabitants of Staten Island, which Island, he said, was in the possession of his Royal Highness for more than twenty years, except for the time it was in the possession of the Dutch, and that Governor Lovelace had purchased it from the Indians in the time of Sir George Carteret; that no pretense to ownership had been made by others until his Lordship's agents made claim; that he had done nothing wrong in writing that it would prove convenient to regain East Jersey (he meant, of course, by annexing it to New York), and he assured his Lordship that some of the East Jersey Proprietors were of the same opinion. ("N.Y. Col. Doc.," III Vol., 383). It is said that this letter was largely instrumental in causing the subsequent removal of Dongan from office.

Dongan was an active man and worked with energy to reach his ends, and he did not hesitate to express his views. He wrote to Sir John Werden, the Secretary of the Duke, saying that Billopp's plantation was opposite Perth Amboy; that if vessels were allowed to come there and not enter at New York it would be impossible to hinder the goods going ashore on Staten Island; that there was a report that Billopp intended to sell his place to a person in East Jersey; that it would be well to examine the last patent for East Jersey to see whether shipping coming in at Sandy Hook was obliged to make entry at New York. He also complained of the Quakers making "pretense" to Staten Island and disturbing the people. He insisted that if his Royal Highness could not "retrieve" East Jersey it would be well to secure Hudson river and take away all claim to Staten Island. He closed his letter by expressing himself as desirous of seeing the line of New York drawn from the Hudson to the Delaware. He did not indicate what portion of the territory of New Jersey should be embraced in the line to be drawn to the Delaware, and it may be that he meant a line to be drawn from the city of New York, and to cross thence due west to the Delaware. (III "N.Y. Col. Doc.," 355; I "N.J. Arch.," 485).

It seems that the Billopp house and manor were for sale, as Dongan intimated to the Duke's Secretary, but no one came forward to purchase them. But the Duke feared that a purchaser might be found, and Dongan was directed, in case the property was offered for sale, to find some one in New York to take it and not to suffer it to pass into the possession of any one in New Jersey.

Governor Dongan had reason to be apprehensive of the fate of Staten Island, for, on May 26, 1684, we find the East Jersey Proprietors issuing a confirmatory patent to one Captain John Palmer, of Staten Island, for his house and lot on the north side of the Island; for 342 acres on Mill Creek; for 96 acres and a mill; for 80 acres; for two 90-acre tracts, and for 4,500 acres in the middle of the Island. (E. N.J. Deeds, Liber A, 185; 21 "N. J. Archives," (1st Series), 64).

The fear of annexation to the Duke's government of New York, and the feeling that they would be more secure in their rights under the Crown, preserving at the same time their identity, led many people to favorably consider the surrender of both East and West Jersey into the hands of the King, and from this time onward the Proprietors and the people took this view. The surrender thus agitated actually took place on April 17, 1702, but the causes which brought it about had undergone considerable change.

Notwithstanding the surrender of the government we find that the ownership of Staten

How New York Acquired Staten Island

James C. Connolly

Island was still a matter of concern, for on July 6, 1704, William Dockwra and Peter Sonmans presented a petition for themselves and the rest of the Proprietors of East Jersey to the Queen, reciting the facts relating to the confirmation of the title of East Jersey in the Earl of Perth and others, by King Charles II, on July 24, 1674, and alleging that Staten Island came within their jurisdiction; that the Governor claimed it for her Majesty's use, but that the Proprietors had an undoubted right to it; and praying for the hearing and final determination of the matter. Nothing appears to have been done with the petition.

New York thereafter exercised jurisdiction over the Island, although there were people who still clung to the idea that the ownership had not been finally disposed of. For instance, we find one Isaac Wood advertising in the "New York Journal and General Advertiser," on October 13, 1774, under the caption: "Province of New Jersey, Staten Island, October 9, 1774." Wood states that he is in actual confinement in the gaol at Staten Island, and notifies his creditors that he will present a petition to the General Assembly of "this colony" at its next meeting for the benefit of "our insolvent acts" and to be discharged from his debts. (29 "N.J. Arch.," (1st Series), 499).

After the independence of the colonies was established, New York and New Jersey, through their respective Legislatures, made several attempts to adjust the boundaries which separated them, and while New York's ownership of Staten Island had been acquiesced in during the later colonial period and after the Revolution, yet it was not until 1833 that a treaty or agreement was made between the two States defining the boundary line that separated them. In that year the Legislatures of the two States appointed Commissioners to dispose of the question. The Commissioners appointed on the part of the State of New Jersey were Theodore Frelinghuysen, James Parker and Lucius Q. C. Elmer, and those on the part of the State of New York were Benjamin F. Butler, Peter Augustus Jay and Henry Seymour. The report of the Commissioners was confirmed by the Legislature of the State of New York, February 5, 1834; by the Legislature of the State of New Jersey on February 26, 1834, and was approved by the Congress of the United States on June 28, 1834. Under this treaty, for such it has been called, the dividing line was defined as follows:

The boundary line between the two States of New York and New Jersey from a point in the middle of Hudson river, opposite the point on the West shore thereof, in the forty-first degree of north latitude, as heretofore ascertained and marked to the main ocean, shall be the middle of the said river, of the Bay of New York, of the water between Staten Island and New Jersey, and of Raritan Bay, to the main sea, except as hereinafter otherwise particularly mentioned.

There is nothing in the subsequent provisions modifying this line of division. There are, however, provisions relating to the powers conferred on each State, and providing that the State of New York shall have jurisdiction over the waters of the Hudson, the Kill von Kull, and the Staten Island sound as far south as Woodbridge creek, to low water mark on the New Jersey side, and to a like jurisdiction conferred on New Jersey over the waters of the sound from Woodbridge creek south, and in the sound and Raritan Bay to low water mark on Staten Island.

And thus closed an interesting chapter in the history of two States.