



Godly Government

Puritans and the Founding of Newark

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This is the 30th program that the Newark History Society has sponsored. Most of our programs have covered 20th century topics, although a few have dipped into the 19th century, including our program on Thomas Edison, which took us back to the 1870s. But tonight I want to go back 350 years, to 1659, to a time when England was in crisis. The resolution of that crisis led directly to the founding of Newark by a group of Puritans from New Haven Colony.

The crisis was caused by the power vacuum in England following Oliver Cromwell's death in 1658. Cromwell had been the Lord Protector of England following the English civil war and the execution of King Charles I. His son, Richard Cromwell, succeeded him but quickly proved incapable, and he resigned early in 1659. England was left without an effective government. Army generals and their troops, as well as a Rump Parliament, moved into the power vacuum. Eventually, General George Monck marched with his troops to London and engineered the Restoration of the monarchy. So, after eleven years in exile, Charles II returned to England in May 1660 and finally succeeded his father as King.

The people of New Haven Colony closely followed the crisis in England. With their strong Puritan views, they recognized immediately that the Restoration of Charles II would turn their world upside down. They had formed New Haven Colony in 1639 to demonstrate how Biblical rules should guide the organization of both church and state, and they had expected to be the proverbial "city on the hill" showing God's Way to England. For awhile, it seemed to be working out. They strongly supported Parliament against the King, and they agreed with the decision to execute Charles I in 1649. They had close personal ties to Oliver Cromwell, who in turn endorsed their ideas on church government. But all that ended in 1660 with the restoration of Charles II. Within six years, about 65 families, or about 300 residents of New Haven Colony—more than 10% of the entire population of the

colony—decided to leave their homes in Milford, Branford, Guilford, and New Haven to start a settlement they soon called Newark.¹

What I want to do in this talk is to sketch out answers to three basic questions: Who were the first Newarkers, why did they come here, and what did they do when they first got here? But it's only fair before I do that to let you know what my perspective is. I did not grow up in Newark, so I did not learn about Newark's history while in school. I am not descended from the first settlers like so many 19th century local historians and 20th century genealogists who have done such good work gathering records and conducting family research. However, I've long been interested in 17th century England, and I did my doctoral research on the opposition press in England during the period when Newark was settled. So, I approach Newark's history as an outsider, and my instinct is to place Newark in the context of the history of both England and New England.

I recognize that there are lots of stereotypes about Puritans, and I may even reinforce some of them in this talk. But I encourage you to keep an open mind about the Puritans who settled Newark. When I told a friend that I was giving this talk, he commented that he wasn't sure he would have liked Robert Treat. I responded by saying I wasn't sure I would like him either, but I sure would like to ask him a lot of questions. The task of the historian is not necessarily to like the people he studies; nor is it necessarily to agree with them. The historian's task is to understand people and their ideas in the context of their own time—and then to explain them to others. That's what I've tried to do with this talk.

We are fortunate that the Town records of Newark survive back to the very beginning, and that they were published 145 years ago by The New Jersey Historical Society. The Historical Society also holds the original record of land allotments and transfers. In addition, the records of New Jersey's Proprietary government have survived, and the State Archives has the wills of many early Newarkers. So, we can get a good view of Town government, of how land was parceled out and estates were distributed, and how Newarkers related (or didn't relate, as the case may be) to Governor Carteret and his successors in Elizabeth and Perth Amboy.

In addition, a few of the books from Abraham Pierson's personal library of over 440 volumes have survived, given by his son to help found Yale University, including Thomas Cartwright's commentary on Solomon. But we don't have a list of all of Pierson's books, and we don't have any of his sermons. The early church records didn't survive, so we have no record of baptisms or marriages, no listing of days of thanksgiving or days of humiliation

1. Edward P. Rindler, *The Migration from the New Haven Colony to Newark, East Jersey: A Study of Puritan Values and Behavior, 1630-1720* (University of Pennsylvania Dissertation) 1977, p. 147n68. Rindler suggests the population of New Haven Colony was approximately 2,800 in 1665.

when Newarkers would have noted their greatest joys and their deepest sorrows or concerns. Very few personal letters, a handful at most, survive from this period. We don't have the earliest court records. The result is that we can say little about the daily religious life of early Newarkers and almost nothing about women and children in the early years of Newark.

However, I think we can make some inferences about the founding of Newark by putting it in the context of Puritan New England, and I have tried to do some of that in this talk.

So, who were the first Newarkers, why did they come here, and what did they do once they first got here?

The first thing to keep in mind is that they were English. Nearly all the adults had been born in England, and English customs, English laws, and English traditions framed how they organized and ordered their daily lives. Jasper Crane and Lawrence Ward were from London. Abraham Pierson grew up in Yorkshire. Robert Treat was born in Somerset. Obadiah Bruen came from Cheshire. Others were from small towns in Hertfordshire and Buckinghamshire.²

But while they were English, they were also New Englanders. They had all gone through the refiner's fire of emigrating and starting new lives in what they considered a wilderness. They had tested themselves and their beliefs, often in two or three settlements, before settling in New Haven Colony—in Milford, Branford, Guilford, and New Haven in present-day Connecticut. By the time they moved to Newark, they had strong and settled views about both church and civil government, which they proceeded to put in place here. Once here, they continued to think of themselves as New Englanders. As late as 1688, after living here for 22 years, Micah Tompkins could write that he lived “in Newark in the government of New England.”³

The first Newarkers were deeply and profoundly religious, at a time when all of society was suffused with religion. Protestant Christianity was for them as strong a framework for understanding life as, say, free market economics is for many people today. They were orthodox Puritans in the Reformed tradition, and they professed their beliefs through Congregational church government in what had become known in the prior three decades as “the New England Way”. They believed God had made it clear in the Bible both how to worship God and how to live their lives. Their “grand errand” was to gather a group of the elect, those who had been saved by God, and to live in a community where church and civil state were in close alliance.

2. Isabel M. Calder, *The New Haven Colony* (1970 reprint) p. 74; Rindler, chapter 1; Richard E. Pierson and Jennifer Pierson, *Pierson Millenium* (2004) pp. 51-52.

3. William H. Shaw (compiler), *History of Essex and Hudson Counties*, New Jersey (1884) p. 366.

The Bible was at once their inspiration, the focus of their intense study, and the source of their rules for daily life. With their focus on the written Word of the Bible, they put a strong emphasis on education. They insisted on a highly educated clergy—their minister Abraham Pierson was a graduate of Trinity College, Cambridge and was trained in Latin, Greek, and Hebrew.⁴

With the Bible as their authority, the first Newarkers were radicals when it came to politics. They had a strong impulse toward self-government, toward what we call democracy, although they would never have used that word. This impulse toward self-government was expressed in how they organized their church and town government and in how they distributed land.⁵ When the founders of Newark were coming of age in the 1630s, nearly all Englishmen believed in Godly rule or Godly government. The debate was not whether but how God’s will should be expressed in society, through the divine right of kings, through the intercession of bishops and the clergy, or through God’s elect in churches. Newarkers came down squarely on the side of God’s elect in churches. As a result, they tended to be reckless with the political authorities of their day, be it the monarchy in England or the Proprietary government in New Jersey. Micah Tompkins, with the assistance of Robert Treat, hid two of the English regicides in the basement of his Milford house for months soon after the Restoration. Robert Treat, Jasper Crane, and Samuel Swaine played key roles in the so-called Revolution of 1672 against the Proprietary government in Elizabeth. Later, when he was Governor of Connecticut, Robert Treat connived in hiding the colony’s charter from Edmund Andros, in the famous Charter Oak episode.

The first Newarkers were also risk-takers. Many were in their 40s or younger in 1666; Robert Treat was 44. But some were in their 50s and even 60s when they migrated to Newark and started over again, including Abraham Pierson (57), Obadiah Bruen (60), Robert Kitchell (62), and Jasper Crane (64). One common thesis explaining migration is that those with the least to lose in status and wealth, and the most to gain economically, are most likely to migrate from one place to another. But that thesis doesn’t fit the founders

4. Samuel Eliot Morison, *The Founding of Harvard College* (1935), chapter III, discusses the course of study at Cambridge University.

5. Church membership was possible for any male or female adult, without regard to wealth or property, as long as the individual could demonstrate God’s saving grace and a thorough understanding of the Bible. Church members voted to call ministers, to accept new members, and to discipline those straying from the right path. Votes at town meetings determined the most important issues of civic life, but the franchise in Newark was limited to adult male church members, whether or not they owned property. Land distribution was organized like a corporation holding treasury stock, with only adult male shareholders eligible for dividends of land, based in part on the size of each shareholder’s original investment.

of Newark. They were leaders in the towns they left behind, and they had the highest status, whether measured by wealth or by the elected positions they held in their church or community. Nonetheless, they were all willing to work hard, clearing land, building homes, raising livestock, planting and harvesting crops, and organizing their common life together. As Patrick Falconer, a later resident, wrote in 1684 to a friend in Scotland, this was “not a Countrey for idle people.”⁶

But it must be said that the founders of Newark were also men of their time and place: they were highly patriarchal. Women could become church members, but they could not vote or otherwise take part in town affairs. They could only hold title in land if they inherited it as widows. The few who could afford it had indentured servants. There is evidence of slaveholding among the second generation of Newarkers, although not to the same degree as elsewhere in New Jersey.

In addition to being patriarchal, the first Newarkers were hierarchical. Status was gained through wealth and service to the community, and there were subtle but widely understood variations in status. Among men, young, unmarried males were at the bottom; they were expected to marry, start families, and gradually earn an improvement in status by taking on minor town offices. At the top were the minority who gained the honorific “Mister”. In neighboring Elizabeth, only John Ogden was called “Mister” among the 65 men listed who took an Oath of Allegiance in 1665.⁷ But in early Newark, nine men were called “Mister”; two more were Deacons; and three others had militia titles—all indications that a surprisingly high percentage of the leaders of New Haven Colony migrated to Newark. The number would have been even higher if several men who made plans to move to Newark, including William Leete (the last governor of New Haven Colony and future governor of Connecticut), had not changed their minds.⁸

That’s a quick sketch of who the founding settlers of Newark were, but why did they come here? As I noted earlier, the leaders of New Haven Colony immediately recognized that the Restoration of King Charles II would leave them particularly vulnerable. Although they had purchased their land from the Indians, they had never bothered to get either a royal warrant or similar power from Cromwell for their Colony, so their government had no legal

6. George Scot, *The Model of the Government of East New-Jersey* (1685), reprinted in the Appendix to William A. Whitehead, *East Jersey Under the Proprietary Governments* (1875, second edition), p. 437.

7. Edwin F. Hatfield, *History of Elizabeth, New Jersey* (1868) pp. 56-57.

8. *Records of the Town of Newark* (1864), p. 9; hereafter cited as Town Records.

standing in the eyes of Charles II and his advisors. They had also been especially close to Cromwell and knew they would be viewed with suspicion by Charles II.⁹

Just as a generation earlier the Pilgrims and early Puritans had looked to the Netherlands for a safe place to worship freely, so the people of New Haven Colony looked to New Netherland after the Restoration. Planning for a possible move started in 1661, with the residents of Milford taking the lead. With their eye on either the land where Newark and Elizabeth are today, or on land on the Delaware River in southern New Jersey, Robert Treat and three others entered into negotiations in November 1661 with Governor Peter Stuyvesant in New Amsterdam. Making clear that their purpose was “the enlargement of the Kingdom of Christ Jesus in the Congregational way,”¹⁰ they spelled out the conditions under which they would be willing to settle in Dutch territory – basically, they wanted to recreate New Haven Colony without interference from the Dutch.¹¹

Stuyvesant responded three weeks later in an encouraging way. He was keen to create a buffer of settlements around the Dutch towns in present-day Bergen and Hudson counties, where there had been trouble with Indian raids. He agreed to most of the proposals, but countered on several issues.¹²

Negotiations picked up again the following Spring, and then again in June 1663, with Robert Treat taking the lead on each occasion. The Dutch compromised on a couple more

9. William Hooke, who had been a minister in New Haven for twelve years, returned to England in 1656 to serve as Cromwell’s chaplain; he was also married to the sister of Edmund Whalley, one of Cromwell’s generals and a regicide who would later hide in Micah Tompkin’s basement in Milford. Hugh Peter, another of Cromwell’s chaplains, who along with the regicides was specifically excluded from the general pardon after the Restoration, preached at Abraham Pierson’s ordination service in Lynn, Massachusetts, when Pierson was called as minister to the church in Southampton, Long Island. Any doubt that Charles II would tolerate Puritan ideas disappeared in 1662 with the introduction of the new Anglican Book of Common Prayer and the forced removal in England of some two thousand Presbyterian and Congregational ministers from their parish churches.

10. Letter of Mathew Gilbert, November 8, 1661, reprinted in Shaw, *History of Essex and Hudson*, p. 355, spelling modernized. The other negotiators were Benjamin Fenn, Richard Lawe, and Deacon Jasper Gunn.

11. Shaw, pp. 355-6. They proposed that they be permitted to worship in the Congregational way, convene synods of churches in the new territory, elect their own magistrates, establish their own judicial system, order their civil affairs following the practice of New Haven Colony, determine who would be inhabitants in their towns and who could own property, and conduct trade with the Dutch on the same terms as other settlers in New Netherland. They also proposed that the lands be “clearly and undeniably purchased of the Indians” and that they then have clear title to them.

12. Shaw, p.356. He wanted the New Englanders to nominate a double slate of magistrates, from whom the Dutch would select the magistrates for the ensuing year. He also insisted on the right to review any proposed laws and ordinances, and he reserved the right for inhabitants to appeal capital or large civil judgments to the Dutch authorities. He left open the issue about screening inhabitants and sent them a copy of the Oath of Fidelity required of all settlers for their review.

matters, but the two sides remained divided on still other issues. In the end, nothing came of it before the Dutch lost control of New Netherland to the English in 1664.¹³

In the meanwhile, John Winthrop, Jr., Governor of the Connecticut Colony, had gone to London to seek a new royal charter for Connecticut. After months of negotiation, Winthrop secured the new charter for Connecticut and returned to Hartford in 1663. The charter contained a bombshell for the residents of New Haven Colony: their lands were now included within Connecticut. In effect, it was a hostile takeover, which New Haven Colony resisted with determination but decreasing hope until the forced merger finally took place in December 1664.¹⁴

We often see in history that the fiercest disputes can be between factions who agree about most things, but disagree about a couple issues. Sometimes from the outside it can be hard to see what all the fuss is about. That's the case for the people of New Haven Colony and Connecticut during this period. They had friendly relations and they shared a common outlook on life.¹⁵ However, they disputed two fundamental issues, both involving church membership. First, New Haven Colony restricted the vote and therefore the right to participate in town government to church members, while Connecticut did not. Second, New Haven Colony churches restricted the sacrament of baptism to church members and their infant children. In contrast, many Connecticut churches agreed with the so-called Half-Way Covenant that allowed for baptism of grandchildren of church members even if their parents had not become full church members.

In the midst of these debates, John Davenport, the founder of New Haven Colony and long-time minister of the New Haven church, arranged in 1663 for the publication of a pamphlet that argued for restricting voting rights and holding public office to church members. The title of the pamphlet is: *A Discourse about Civil Government in a New Plantation Whose Design is Religion...Published by some undertakers of a New Plantation, for General Direction and Information.*¹⁶

13. Stuyvesant continued to insist on the choice of magistrates, review of ordinances, and the right of appeal, particularly for capital offenses. In contrast, Treat's negotiating tactic seems to have been to keep repeating the same proposals.

14. Three of the twelve petitioners for the new charter, all leaders in Connecticut, ended up migrating to New Jersey. Obadiah Bruen of New London and Matthew Camfield of Norwalk were among the original settlers in Newark, while John Ogden of Southampton, Long Island led the settlement of Elizabethtown.

15. See Abraham Pierson's farewell letter to John Winthrop the Younger, September 27, 1667, in *Bulletin of the New York Public Library*, Volume 3 (1899), p. 401.

16. Wing D358; electronic copy accessed at Rutgers University Library.

The existence of this pamphlet is well-known to historians of New Haven Colony, but I have been unable to find any mention of it by historians of Newark. I'm convinced Davenport published it primarily to influence planning for the move to Newark, because Newark was the only major new settlement "whose design was religion" established in the 1660s. There is no question in my mind that Abraham Pierson and other founders of Newark read and discussed this pamphlet. For that reason, I think it provides crucial insight into the political views of Newark's founders and explains what they meant by "godly government." Because it is so key to understanding what the founders wanted to achieve in Newark, I want to take moment to review its content.

In the pamphlet, the author – presumably the great Puritan theologian John Cotton— recommends the form of government he calls theocracy, but what he means by theocracy is more limited than what most of us think of as theocracy. He intended his recommendation only for new settlements, or plantations, where the first settlers agreed upfront that they wanted to live and worship according to what they perceived as God's law—in other words, a place like New Haven in the 1640s and Newark in the 1660s. He did not expect a theocracy to work where there was an already established civil order or in new settlements where the first settlers did not share a common goal of establishing godly government.¹⁷

In the pamphlet, Cotton also made clear that church and state have separate and distinct roles, and that the two should not be confused. Public officials should not have power over spiritual matters, and church officers (like the minister and deacons) should not be distracted by secular entanglements. However, he argued that regular church members would be better able to pass laws and regulations that followed Biblical precepts and to encourage virtuous living than men who were not church members. Cotton concluded that only church members should have the vote and that only church members should serve as public officials.¹⁸

17. Cotton is careful to distinguish "Between a Common-wealth already settled, and a Common-wealth yet to be settled... wherein men are free to chuse what Form they shall judge best." In that second category of "yet to be settled", he distinguishes on the one hand "between Places, where all, or the most considerable part of first and free Planters, profess their desire and purpose of entering into Church-fellowship according to Christ, and of enjoying in that State all the Ordinances in purity and peace, and of securing the same unto their posterity, so far as men are able," and, on the other hand, "those Places where all or the most considerable part of the first and free Planters are otherwise minded, and profess the contrary." *Discourse*, pp. 9 and 12. Calder, *New Haven Colony*, p. 241.

18. "Civil Power is primarily conversant," he writes, with "the things of this life, [such] as Goods, Lands, Honour, [and] the Liberties and Peace of the outward man." In contrast, "Church Power" is focused on "The things of God, [such] as the Souls and Consciences of men, the Doctrine and Worship of God, [and] the Communion of the Saints." Therefore, he argues that power over spiritual matters should not be put into the hands of civil magistrates, and that church officers should not be "distracted" from their responsibilities "by Secular intanglements." He then goes on to make a further distinction between church officers and church members, and he concludes that "Magistrates [should] be chosen out of free burgesses, and by them, and that those free burgesses [should] be chosen out of such as are Members of these Churches," because they "are fitter to judge and determine according to God, then other men." *Discourse*, p. 6.

However, Cotton explicitly added the caveat that those who were not church members should retain all rights in the distribution of land, the administration of justice, and other civil matters. Cotton warned that if they did not retain those rights, the church would swallow up the state, which he saw as disastrous for both parties.¹⁹

I won't go into similar depth on the second issue of baptism and the Half-Way Covenant, but it was the final straw for the founders of Newark when Connecticut implemented the Half-Way Covenant. When that happened, planning for the settlement of Newark moved into high gear.

While the debate about the Half-Way Covenant came to a head in New England, the English Navy seized control of New Netherland from the Dutch in the midst of one of their recurring trade wars. King Charles II gave his brother James, Duke of York responsibility for the formerly Dutch territory. James, in turn, awarded New Jersey to two faithful royalist retainers, Sir George Carteret and Lord John Berkeley. They viewed New Jersey primarily as an investment that would pay off as they collected quitrent taxes from settlers. To attract those new settlers, they sent agents with their "Concession and Agreement" to New England and elsewhere. They also sent Philip Carteret, Sir George's young cousin, to oversee the distribution of land and to establish a proprietary government.

The "Concession" promised liberty of conscience in matters of religion for Protestant Christians. That apparently attracted the attention of the residents of Milford and Branford, and in late 1665 they once again sent Robert Treat and others to scout out an appropriate site in New Jersey. Treat and his party looked first at south Jersey, near present day Burlington, but decided against it. Then they sailed back north and met with Governor Carteret in Elizabeth, who drew their attention again to the land just north of Elizabeth. The Newark site met with their approval, and Carteret promised to purchase title to the land on their behalf from the Indians.

In the spring of 1666, Robert Treat and other representatives of Milford, Branford, and Guilford returned by ship to the Passaic River and started to unload their goods near where NJPAC is today. To their surprise, they were met by a group of Hackensack Indians who warned them off, saying the land hadn't been purchased. New Englanders were punctilious about purchasing land from Indians before settling on it. They might view the Indians as

19. Cotton is quick to add that those who are not church members should not be excluded "from any Civil Right or Liberty that is due unto them as Inhabitants and Planters, as if none should have Lots in proportion with other men, nor the benefit of Justice under the Government where they live, but onely Church-members...." If they were denied their rights, Cotton argued, "this were indeed to have the Common-wealth swallowed up of the Church." *Discourse*, pp. 11-12; Everett Emerson, *John Cotton* (1965), pp. 117-118.

“barbarous natives”, they might see them as ripe for conversion to Christianity, they might fight them to the death as they did in Connecticut in the Pequot and King Phillip wars, but they would not settle on their land without first negotiating for its purchase. Whether the Indians, who had an entirely different concept of land use, understood what they were negotiating, and whether they were paid anything close to appropriate compensation, is of course very much open to doubt. But following New England practice, Treat and the others would not settle on the land along the Passaic until they had what they considered appropriate title to it. So, they packed up their goods, and went to Governor Carteret to find out why he had not purchased the land.²⁰ Carteret responded by providing a letter of introduction to the Indian sachem, Oraton. With that introduction in hand, a delegation met with Oraton and agreed on terms for the purchase of Newark. This purchase consisted of all the land between the Passaic River on the east and the base of Watchung Mountain on the west, and between Elizabeth on the south and basically Route 3 in the north.²¹

With the issue of land title settled, representatives of Milford, Branford, and Guilford met on May 21, 1666 to covenant together, as the Town Records state, to “make one township” for the “carrying on of ... civil and town affairs according to God and a Godly government.”²²

From this point on, the founders of Newark began the methodical process of establishing the new settlement. They brought a lot of experience to the task. For example, Jasper Crane had taken part in the founding of both New Haven in 1639 and Branford in the mid-1640s. Abraham Pierson had been a founder of both Southampton on Long Island and Branford. Other brought their experience from running Milford and Guilford.

Their first task was to confirm that they indeed wanted to establish a godly government. If they agreed to that founding principle, then a whole series of actions would logically follow relating to both their church and town government. Only after the structure of godly government was in place would they then turn their attention to the distribution of land and the protection of their property and livestock.

20. *Town Records*, p. vii, citing *Elizabethtown Bill in Chancery*, p. 118.

21. *Town Records*, pp. 278-280. The Newarkers who signed the purchase agreement were Obadiah Bruen, Samuel Kitchell, Micah Tomkins, John Browne, and Robert Dennison.

22. *Town Records*, p. 1. An eleven member committee was empowered to act on behalf of the settlers until a church could be organized and town government established. Payment was finally made in 1667, and the cost was shared by every male settler in proportion to the size of his estate.

The guiding principle in New England, when the common goal was godly government, was “first the church, and then the town.”²³ Since only church members would have the right to vote and hold office, the church had to come before the town. When New Haven and Milford were settled in 1639, for example, the settlers in each place thoroughly discussed what they called “fundamental agreements” that laid the basis for godly government. Then they gathered a church, and only after that did they go about the business of ordering their town government. The same process was followed in Newark, but they didn’t have to form a new church, because the Branford church led by its minister Abraham Pierson decided to move to Newark.

Newark’s own Fundamental Agreements—they used the same term as New Haven and Milford did 27 years earlier—were based on both their prior experience in New Haven Colony and the conclusions of the *Discourse about Civil Government in a New Plantation* that I discussed earlier:

Newark’s first fundamental agreement had three parts to it:

- First, only “members of...Congregational Churches” would be “admitted freemen or free Burgesses within our Town upon Passaick River.”
- Second, only those admitted as freemen could vote, hold public office, be a judge in civil trials, or serve as an officer in the militia.
- And, third, in language reminiscent of Cotton’s *Discourse*, non-church members would “enjoy all other Civil Liberties and Privileges,” including the right to their “proper Inheritance,” even if they did not have the right to vote or hold office.

All this sounds restrictive, but my guess is that all but a handful of the first settlers were members of a Congregational church in Branford, Milford, Guilford, or New Haven, so the franchise was likely as widespread among adult males in early Newark as it was in

23. The founders of Newark did not come here to establish a trading post like New York. They did not aim to accumulate vast estates that could only be worked by slaves and indentured servants. Instead, they aimed to worship God and build a common life together. They did not expect their town to keep growing and getting bigger. They shared the New England view that when a town got too big and there was no more land to distribute within easy distance of the church, it was appropriate for a group of families to move on to the next area with available land and there establish a new church and a new town government. That pattern developed here when people settled on farms too far from Broad and Market to walk or ride back into town for church services and town meetings on a regular basis. As a result, over time Newark became the mother of churches and the mother of towns, first in the Oranges, then in Bloomfield, and so on through Essex County. Again and again we see the old pattern at work: first a self-governing church and in due course a self-governing town. Newark didn’t grow in size. Instead, it shrank because of this New England tradition of church-centered community. Today, Newark is comprised of only 25 square miles. It has historical ties to all the surrounding towns, but of course no authority to govern or tax the larger area. Newark’s current lack of scale and lack of space, which limit so many of its choices today, for better or worse can be traced back to the founders of Newark and their Puritan ideals of church and community.

Connecticut towns where men were required to have property valued above some threshold before they could vote.

Newark's second fundamental agreement was straightforward:

- "We shall with Care and Diligence provide for the maintenance of the purity of Religion professed in the Congregational Churches."²⁴

Twenty-three male inhabitants of Branford, led by Jasper Crane, Abraham Pierson, Samuel Swaine, and Lawrence Ward, agreed to these Fundamental Agreements at a meeting in Branford on October 30, 1666. They then sent the text to the settlers from Milford, New Haven, and Guilford, who in turn "declared their consents and readiness" to endorse it. Forty-one of them, led by Robert Treat, Obadiah Bruen, Matthew Camfield, and Samuel Kitchell, signed the Fundamental Agreements at a meeting in Newark on June 24, 1667.²⁵

Robert Treat gets most of the credit for founding Newark, and we continue to honor him in many ways, most recently by naming the new Robert Treat Academy after him. He was clearly a man of uncommon skill, intelligence, and character, and early Newarkers were uncommonly fortunate to have his leadership during the six years that he spent here. They recognized Treat by giving him the first choice when home lots were drawn, by selecting him as the Town Recorder to keep track of their first and most important decisions, and by electing him to the most important offices until his return to Connecticut in 1672.

But if the purpose of Newark was to establish a godly government and maintain a Congregational church, then we need also to give credit to Abraham Pierson, for twelve years the first minister in Newark, whose fingerprints are all over the Fundamental Agreements. Pierson was a strict and orthodox Puritan, "a godly and learned man" as Massachusetts Governor John Winthrop termed him, and one who earned the respect and affection of early Newarkers. They agreed to arrange his transportation from Branford, to pay him eighty pounds the first year covered in part by their labor for building his house, to dig and finish his well, and even to pay him a pound of butter for every milk cow in the Town. They also exempted him from nearly all Town taxes. In the early years, Pierson's salary represented one-third of the total amount Newarkers taxed themselves, which says something about the importance they placed on having a minister of his skill and experience to lead them.²⁶

24. *Town Records*, p. 2.

25. *Town Records*, pp. 2-3.

26. *Town Records*, pp. 10-11; *The Journal of John Winthrop, 1630-1649: Abridged Edition* (1996), p. 175.

The only taxes Pierson had to pay were the half penny per acre quitrent due to the Lords Proprietors starting in 1670 and the common charges for building highways and draining the meadows

They also agreed early on to build a meetinghouse on Broad Street, about opposite to where Old First is today. In September 1668, they levied a tax of 30 pounds on themselves to pay for it, and required each resident to contribute two days of work to help build it. The first Meetinghouse was relatively small, only 36 feet square.²⁷ All of Newark would have crowded into the Meetinghouse for two church services every Sunday, one in the morning and another in the afternoon. If they followed New England practice, men sat on the left and women on the right, with Deacon Lawrence Ward and Deacon Richard Laurence seated beneath the pulpit where Abraham Pierson preached his sermons and expounded on scripture. They returned on Wednesday evening for Pierson's weekly lecture. The Meetinghouse was also used for the regular Town meetings moderated by Jasper Crane and Robert Treat, which all adult men were required to attend.

With the two original Fundamental Agreements signed and the church in place, the founders of Newark quickly took steps in the summer of 1667 to sort out their Town government and the rules that would guide their common life together. The first thing they did was to supplement the Fundamental Agreements, "by a full Vote of the Town assembled", in order to make crystal clear the basis on which they covenanted together. They decided to require any new inhabitant to come with a "certificate from the Chief of the Place whence he comes" about his "Good Carriage and Behaviour" unless he was already known to them. They required all new inhabitants to assent to all the Fundamental Agreements. As noted before, they agreed to tax themselves proportionally for the "Maintenance & ... upholding of the settled Ministry and preaching of the word in our Town." They decided to elect town officers annually, and until they could pass their own laws they agreed to live by "such orders and Law...as they had in the Place from whence they came," in other words the laws of New Haven Colony.²⁸

They also voted to impose one more fundamental agreement, designed to forestall friction and dissent. All inhabitants were required to agree up front that if they advocated positions that disturbed the peace of the settlement, or if they held views that subverted the Town "from the true religion and worship of God," and were then unwilling to keep their opinions to themselves, they would quietly leave Newark. The Town agreed to pay the market price for the lands and houses of such dissenters, or let them make their own deal with an

27. It wasn't lath-and-plastered until 1675. *Town Records*, p. 11. By comparison, New Haven's church was 50 feet square church and Milford's church was 40 feet square. Calder, *New Haven Colony*, p. 90.

28. *Town Records*, pp. 3-4.

approved buyer. Without the church records, we can't tell whether any residents were asked to leave in this way, but the Town Records do not record any such instance.²⁹

It apparently took a few months to agree on a name for the new settlement. In the Fundamental Agreements and the earliest portion of the Town Records, it is called simply "Town upon Passaic River." There is a tradition that the settlers from Milford wanted to call the new settlement "Milford" but were persuaded by Abraham Pierson that it should be called "Newark" for the place in England where he first served as a clergyman.³⁰ There has been a debate ever since about whether the name "Newark" was intended to suggest "New Ark", or whether it was meant to suggest "New Work." The name was variously spelled as "New Ark," "New Work," and plain "Newark" during the early decades. I like the "New Work" theory for the reason first suggested by Jonathan Stearns in 1853 in his history of Old First Church, when he noticed that the Latin town motto of Newark-on-Trent in England is "Novum Opus," which of course translates as "New Work".³¹ But whether the intent was New Ark or New Work, the key word is "new"—they thought God was calling them to do new things in the wilderness.

With their church and government in place, the founders of Newark turned next to the distribution of land. Home lots came first, followed in fairly quick succession by so-called meadow and uplands. In this as nearly everything else, they were guided by their experience in New England. Title to the land was held in the name of the Town until it was distributed by lot, in successive stages, over a period of years. To discourage speculators and to encourage active engagement in Town affairs, the Town restricted the power of residents to transfer or sell their lands until they occupied their lots for at least two years. The Town also retained the right of first refusal before a landowner could sell his land, and even then the seller had to get Town approval of the buyer.³²

29. *Town Records*, p. 4. "...in case any shall come into us or arise up amongst us that shall willingly or willfully disturb us in our Peace and Settlements, and especially that would subvert us from the true religion and worship of God, and cannot or will not keep their opinions to themselves or be reclaimed after due Time... Persons so ill disposed and affected shall after Notice given them from the Town quietly depart the Place seasonably."

30. The first reference in the Town Records to the "Town of Newark" comes very early on, at the point when they agreed to elect magistrates annually. *Town Records*, p. 4. The tradition about "Milford" apparently stems from a reference in Scot's *Model of the Government of East New-Jersey*, Whitehead's reprint, op.cit., p. 405.

31. Jonathan F. Stearns, *Historical Discourses, Relating to the First Presbyterian Church in Newark* (1853), p. 21.

32. *Town Records*, p. 6. These rules did not apply to widows or to relatives and friends to whom land was left by will. It sounds rather like a New York City Co-op.

Newark home lots were laid out in uniform six acre lots.³³ At six acres, the home lots were big enough for each family to build a house, keep some poultry and livestock, and plant a garden and fruit trees. The lots were arranged along the major streets that had already been laid out. The so-called “Middle Highways,” known of course today as Broad and Market, were each eight rods (or, 132 feet) wide from the very beginning, with Market Street following an old Indian path to the river. Today’s Washington and Mulberry Streets had been laid out as well, with Washington Street also following an Indian path, including a jog at Market Street that survives to this day around what was then a watering place. As you all know, this street pattern resulted in three triangular commons—now called Military Park, Washington Park, and Lincoln Park.³⁴

The early Newarkers agreed “for their better security & Neighbourhood” to cluster in the same section, depending on what town they had lived in before. Thus, settlers from Milford and New Haven drew lots to determine the order for choosing their home lots to the south of Market Street, and the settlers from Guilford and Branford did the same for their section to the north of Market Street. However, it was agreed that Robert Treat would get eight acres and would choose first; he chose a six acre lot at the southeast corner of Broad and Market, where Old First and the Prudential Center are today, and an additional two acres on the same side of Market next to Washington Street. Abraham Pierson secured the lot next to Treat, so the two leaders of Newark lived next to each other.³⁵ When Robert Treat returned to Connecticut in 1672, he transferred his lot to his daughter Mary and her husband Azariah Crane, and it remained in their family until early in the 19th century.

Once the home lots were settled and fenced, the Town turned in February 1668 to the first division of upland in what they called the “Neck.” In this first division, the size of the lots depended on the size of each man’s estate: three acres for each 100 pounds of estate. (A later division of upland and meadow in 1670 allotted six acres for each 100 pounds.) Again following New England practice, men drew lots to determine the order in which they selected their parcels of land. Further divisions of upland and meadow followed in due

33. This was unlike Milford, where home lots had varied in size between one acre and seven and one-half acres, depending of the wealth and size of the settler’s family. Branford lots were uniform in size, but only two acres in size. Calder, *New Haven Colony*, p. 148.

34. *Town Records*, pp. 4-5.

35. The *Town Records* (p. 5) indicate that John Gregory originally had the lot next to Treat, but he apparently relinquished it after deciding not to move to Newark.

course, with adjustments “to finish and perfect” earlier divisions if men ended up with poor or boggy land.³⁶

As they allocated fields for farming, Newarkers realized they needed a clear boundary with Elizabeth. Representatives of Newark, led by Jasper Crane and Robert Treat, met with representatives of Elizabeth, led by John Ogden and Luke Watson, in May 1669 at the “Top of Little round hill,” known thereafter as “Divident Hill,” and agreed to the boundary line. The Town Records report that the agents of Elizabeth marked an Oak Tree with an E on their side of the boundary, and the agents of Newark marked the same tree with an N on their side of the boundary.³⁷

In addition to actions related to the distribution of land, the founders of Newark also passed numerous regulations regarding the use of their land and the protection of their livestock. It’s worth keeping in mind that like much of New England, Newark was practically a barter economy. There was very little money circulating, and there were no banks to extend credit. Wealth was tied up in land and livestock, and income depended on the size of crops and success in breeding or trading livestock. When crops failed, or the winters were bitterly cold, times were very hard indeed.³⁸

Settlers needed easy access to their fields, so the early records are full of references to laying out and maintaining “highways” and draining the meadows. It’s a similar story for fencing home lots and common areas, since hogs and cattle could do quick damage if they got into the gardens and orchards.³⁹ To protect their livestock, the Town regularly posted bounties for killing wolves and bears.⁴⁰

36. Town Records, pp. 9, 15, 16, 21, 22, 24, 27. Under penalty of five shillings, men were required to mark the boundaries of their lots with stones engraved with their initials. However, it was hard to keep track of the land parcels, and in December 1669, Robert Treat was asked by the Town to make a record of “all the Lands laid out in our Town, of what sort soever; beginning first with the Home Lotts”. This book of lands survived and is in the collection of the New Jersey Historical Society. The fields tended to be long and narrow. For example, Abraham Pierson had one 12-acre plot that was 22 chains long and six chains wide. Another 34-acre plot was 40 chains long and 9.5 chains wide. (A chain is equal to 22 yards.) These narrow rectangular fields reflect the farming practices of the day. Rindler, *op.cit.*, argues that the Newark settlers followed the same open field farming system that they had in New Haven Colony and that they had known in England.

37. *Town Records*, p. 10.

38. “...we hear the uncomfortable state of our Relations at Jersey”; letter of John Davenport, Jr. (who had married Abraham Pierson’s daughter) to John Winthrop the Younger in April 1675, *Bulletin of the New York Public Library*, Volume 3 (1899), p. 407.

39. *Town Records*, p. 7 and passim.

40. See, for example, *Town Records*, pp. 6, 76, 80.

To provide a flavor of the types of issues that were discussed at Town meetings, it's worth noting some of the votes taken in 1669. The Town chose Henry Lyon both to construct an enclosure for cattle with a six foot high fence, and to "keep an Ordinary for the Entertainment of Travellers and Strangers." They selected Stephen Bond to be the "Common Brander" for all horses and to maintain the record of the different brands, and John Ward to do the same for cattle.⁴¹ They assigned Micah Tompkins and Edward Riggs the task of viewing the fences to ensure they remained in good repair. They contracted with Thomas Luddington and Thomas Johnson to raise the Meeting House. They persuaded Samuel Swaine to build and maintain a mill, and provided him with substantial subsidies of both money and labor.⁴² They established twice yearly courts with six man juries. They admitted John Brown, Junior and Azariah Beech as new inhabitants. Observing the difficulties that Woodbridge and Elizabeth had in attracting ministers and concerned about Abraham Pierson's age, they took steps to secure a settled ministry for the long term by recruiting Abraham Pierson, Jr., who had graduated from Harvard the year before, "to be helpful to his father". After a trial period, the Town issued a call to Abraham Pierson, Jr. in March 1672.⁴³ By taking this step, Newark became one of the few towns throughout New England to afford two ministers. In the 1680s, Newark was the only town in New Jersey with a minister who had no other occupation.⁴⁴ Abraham Pierson, Jr. remained in Newark until 1692. He capped his career by becoming the first President of Yale University in 1701.

Let me stop there and summarize. The Town records show that the founders of Newark worked together in the early years with remarkable efficiency and purpose to structure their godly government and common life together.⁴⁵ Within a remarkably short period, just three or four years after first settling Newark, the founders had established the pattern of church and civil government that would guide their lives and the lives of their children for the next few decades. They had formed a closed, inward-looking town, built on the New England model, mostly self-governing and largely self-sufficient, led by men of uncommon experience

41. *Town Records*, P. 13.

42. *Town Records*, pp. 16-17.

43. *Town Records*, pp. 22, 43.

44. Scot's *Model*, Whitehead reprint, op.cit., pp. 425-426.

45. They also did all they could to keep the Proprietary government at as much remove as possible. While they sent Jasper Crane and Robert Treat in 1669 as their deputies to the first General Assembly in New Jersey, where Crane and Treat helped to ensure that the first provincial laws were based on Biblical precepts, they often questioned the legitimacy of the Proprietary government. In July 1669, the Town sent Crane and Treat to New York to meet with Governor Lovelace about Newark's "standing" and to determine "Whether we are designed (*continues on next page*)

and ability, and designed as a fulfillment of the experiment in godly government started in New Haven Colony.

It must be said, however, that their focus on godly government was already past its sell-by date. The collapse of Cromwell's Protectorate and the Restoration of the monarchy in England had been the tipping point. The fervor for godly government had burned out, not only in England but also largely in Connecticut and Massachusetts. Newark was the last determined effort to establish a godly government with Puritan ideals, and even here the effort gradually fell by the way. Once the first generation died out, the requirement for residents to sign the Fundamental Agreements was honored mostly in the breach.⁴⁶ And, despite the explicit reference to Congregationalism in the Fundamental Agreements, the Newark church agreed to become Presbyterian early in the 18th century.

Their idea of godly government and limiting the franchise to church members did not win the day in America, and we can be glad that it did not. However, their insistence that the clergy not engage directly in civil matters and that magistrates not interfere in church policy is consistent with how the separation of church and state developed in this country. In addition, their focus on education and on a deeply intellectual ministry influenced American history, since Newarkers contributed greatly to the founding of both Yale and Princeton.

Newark remained largely a New England town for about a century, through at least the ministry of Aaron Burr. However, there had been a gradual separation between church and town developing for many years, with voluntary contributions taking the place of taxes for covering the minister's salary and upkeep of the Meetinghouse. In 1753, the split became official when Old First secured a charter from King George II of England. Newark stopped

45. (continued from previous page) to be Part of the Duke's Colony or not" – that is, whether Newark was really part of New York. By the following February, in response to Governor Carteret's insistence that they secure individual patents for their lands, the Town voted to tell Carteret that they held and possessed their lands in Newark "Both by Civil and Divine Right." Two years later, Newarkers played a key role in the so-called Revolution of 1672 when they joined in the unsuccessful effort to remove Governor Carteret. *Town Records*, pp. 23, 21, and 29. In January 1672, Jasper Crane and Robert Treat were chosen as deputies for the General Assembly "for the Year." For unknown reasons, Treat suddenly decided to return to Connecticut in March 1672, after having been asked by the Town (along with Samuel Swaine) to advise "with Mr. Ogden [of Elizabeth], or any other they see Cause, what may be the Safest and Best Course to be taken for the Town, about our Lands and Settlements here." Matters came to a head with Governor Carteret in May 1672, following an earlier session of the General Assembly in March, by which time Treat had apparently left Newark. On May 13, 1672, the Town asked Jasper Crane and Samuel Swaine "to Consult with the rest of the representatives of the Country, to order Matters for the safety of the Country." Governor Carteret was eventually confirmed in his role by the Proprietors, who noted that representatives of Newark had been among the ones who had improperly challenged his authority. However, surviving documents do not name the Newarkers involved, so it is not possible to determine precisely what roles Newarkers played in this "Revolution." *Town Records*, pp. 42 and 44.

46. *Town Records*, p. 97. William Camp and John Baldwin, Jr. were chosen "to go from House to House of those as have not subscribed to our fundamental Covenant, and return their answer to the Town."

being such a closed and inward-looking place starting in the early 19th century when the first Catholic and Jewish residents settled here.

Perhaps the most enduring influence of the founders of Newark, with their Puritan ideals of community, church, and education, came through the lives of their children and grandchildren, some 8-10 generations of Cranes, Wards, Camps, Baldwins, Piersons, Balls, Bruens, and many other families, not only here in Newark but in Montclair, the Oranges, Bloomfield, and much of Northern New Jersey. In 1835, for example, the founding families were well represented in Benjamin Pierson's Newark town directory: there are 36 listings for Crane, 28 for Ward, 5 for Camp, 74 for Baldwin, 32 for Pierson, 11 for Ball, and 8 for Bruen.

There are also strong echoes of the founders of Newark in the career of Marcus Ward, a direct descendant of John Ward who had property on Washington Street. An anti-slavery advocate and early supporter of Abraham Lincoln, Marcus Ward used his own funds to establish a Soldiers' Home in Newark for wounded veterans of the Civil War. As governor of New Jersey, he pushed for the ratification of the 13th and 14th amendments, despite the fact New Jersey's action was largely symbolic by that point. He was fully engaged in civil affairs in Newark as chairman of the executive committee of the New Jersey Historical Society and a founder of the Newark Library Association, predecessor to the Newark Public Library. Marcus Ward was "a typical nineteenth-century Republican, convinced that an active, energetic government could produce wise social and economic policies."⁴⁷ That view seems to me entirely congruent with the founders of Newark, just pushed forward two centuries.

But Marcus Ward was one of the last descendants to live in and remain committed to Newark. I suspect the last hurrah of the founders and their families was the 250th anniversary celebration of the founding of Newark in 1916. It will be interesting to see what role their story plays six years from now, in 2016, when Newark celebrates the 350th anniversary of its founding by a group of Puritans from New Haven Colony. ■

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47. Hermann K. Platt, "Marcus Lawrence Ward," *The Governors of New Jersey, 1664-1974*, edited by Paul A. Stellhorn and Michael J. Birkner (1982), p. 136.