

# The Founding Fathers Representing New Jersey

## David Brearly, New Jersey



Brearily (Brearley) was descended from a Yorkshire, England, family, one of whose members migrated to New Jersey around 1680. Signer Brearily was born in 1745 at Spring Grove near Trenton, was reared in the area, and attended but did not graduate from the nearby College of New Jersey (later Princeton). He chose law as a career and originally practiced at Allentown, NJ. About 1767 he married Elizabeth Mullen. Brearily avidly backed the Revolutionary cause. The British arrested him for high treason, but a group of patriots freed him. In 1776 he took part in the convention that drew up the state constitution. During the War for Independence, he rose from a captain to a colonel in the militia.

In 1779 Brearily was elected as chief justice of the New Jersey supreme court, a position he held until 1789. He presided over the precedent-setting case of *Holmes v. Walton*. His decision, rendered in 1780, represented an early expression of the principle of judicial review. The next year, the College of New Jersey bestowed an honorary M.A. degree on him. Brearily was 42 years of age when he participated in the Constitutional Convention.

Although he did not rank among the leaders, he attended the sessions regularly. A follower of Paterson, who introduced the New Jersey Plan, Brearily opposed proportional representation of the states and favored one vote for each of them in Congress. He also chaired the Committee on Postponed Matters.

Brearily's subsequent career was short, for he had only 3 years to live. He presided at the New Jersey convention that ratified the Constitution in 1788, and served as a presidential elector in 1789. That same year, President Washington appointed him as a federal district judge, and he served in that capacity until his death. When free from his judicial duties,

Brearily devoted much energy to lodge and church affairs. He was one of the leading members of the Masonic Order in New Jersey, as well as state vice president of the Society of the Cincinnati, an organization of former officers of the Revolutionary War. In addition, he served as a delegate to the Episcopal General Conference (1786) and helped write the church's prayer book. In 1783, following the death of his first wife, he had married Elizabeth Higbee. Brearily died in Trenton at the age of 45 in 1790. He was buried there at St. Michael's Episcopal Church.

## Jonathan Dayton, New Jersey



Dayton was born at Elizabethtown (present Elizabeth), NJ, in 1760. His father was a storekeeper who was also active in local and state politics. The youth obtained a good education, graduating from the College of New Jersey (later Princeton) in 1776. He immediately entered the Continental Army and saw extensive action. Achieving the rank of captain by the age of 19 and serving under his father, Gen. Elias Dayton, and the Marquis de Lafayette, he was a prisoner of the British for a time and participated in the Battle of Yorktown, VA.

After the war, Dayton returned home, studied law, and established a practice. During the 1780s he divided his time between land speculation, legal practice, and politics. He sat in the assembly in 1786-87. In the latter year, he was chosen as a delegate to the Constitutional Convention after the leaders of his political faction, his father and his patron, Abraham Clark, declined to attend. Dayton did not arrive at Philadelphia until June 21 but thereafter faithfully took part in the proceedings. He spoke with moderate frequency during the debates and, though objecting to some provisions of the Constitution, signed it.

After sitting in the Continental Congress in 1788, Dayton became a foremost Federalist legislator in the new government. Although elected as a representative, he did not serve in the First Congress in 1789, preferring instead to become a member of the New Jersey council and speaker of the state assembly. In 1791, however, he entered the U.S. House of Representatives (1791-99), becoming Speaker in the Fourth and Fifth Congresses. During this period, he backed Hamilton's fiscal program, suppression of the Whisky Rebellion, Jay's Treaty, and a host of other Federalist measures.

In personal matters Dayton purchased Boxwood Hall in 1795 as his home in Elizabethtown and resided there until his death. He was elevated to the U.S. Senate (1799-1805). He supported the Louisiana Purchase (1803) and, in conformance with his Federalist views, opposed the repeal of the Judiciary Act of 1801.

In 1806 illness prevented Dayton from accompanying Aaron Burr's abortive expedition to the Southwest, where the latter apparently intended to conquer Spanish lands and create an empire. Subsequently indicted for treason, Dayton was not prosecuted but could not

salvage his national political career. He remained popular in New Jersey, however, continuing to hold local offices and sitting in the assembly (1814-15).

In 1824 the 63-year-old Dayton played host to Lafayette during his triumphal tour of the United States, and his death at Elizabeth later that year may have been hastened by the exertion and excitement. He was laid to rest at St. John's Episcopal Church in his hometown. Because he owned 250,000 acres of Ohio land between the Big and Little Miami Rivers, the city of Dayton, was named after him--his major monument. He had married Susan Williamson, but the date of their wedding is unknown. They had two daughters.

### **William C. Houston, New Jersey**

William Houston was born about 1746 to Margaret and Archibald Houston. He attended the College of New Jersey (later Princeton) and graduated in 1768 and became master of the college grammar school and then its tutor. In 1771 he was appointed professor of mathematics and natural philosophy.

From 1775 to 1776 Houston was deputy secretary of the Continental Congress. He also saw active military service in 1776 and 1777 when, as captain of the foot militia of Somerset County, he engaged in action around Princeton. During the Revolution, Houston also served in the New Jersey Assembly (1777) and the New Jersey Council of Safety (1778). In 1779 he was once again elected to the Continental Congress, where he worked mainly in the areas of supply and finance. In addition to serving in Congress, Houston remained active in the affairs of the College of New Jersey and also found time to study law. He was admitted to the bar in 1781 and won the appointment of clerk of the New Jersey Supreme Court in the same year. Houston resigned from the college in 1783 and concentrated on his Trenton law practice. He represented New Jersey in Congress once again in 1784 and 1785.

Houston represented New Jersey at both the Annapolis and Philadelphia conventions. Though illness forced him to leave after 1 week, he did serve on a committee to consider the distribution of seats in the lower house. Houston did not sign the Constitution, but he signed the report to the New Jersey legislature.

On August 12, 1788, William Houston succumbed to tuberculosis and died in Frankford, PA., leaving his wife Jane, two daughters, and two sons. His body was laid to rest in the Second Presbyterian Churchyard in Philadelphia.

## William Livingston, New Jersey



Livingston was born in 1723 at Albany, NY. His maternal grandmother reared him until he was 14, and he then spent a year with a missionary among the Mohawk Indians. He attended Yale and graduated in 1741.

Rejecting his family's hope that he would enter the fur trade at Albany or mercantile pursuits in New York City, young Livingston chose to pursue a career in law at the latter place. Before he completed his legal studies, in 1745 he married Susanna French, daughter of a well-to-do New Jersey landowner. She was to bear 13 children.

Three years later, Livingston was admitted to the bar and quickly gained a reputation as the supporter of popular causes against the more conservative factions in the city. Associated with the Calvinists in religion, he opposed the dominant Anglican leaders in the colony and wielded a sharply satirical pen in verses and broadsides. Livingston attacked the Anglican attempt to charter and control King's College (later Columbia College and University) and the dominant De Lancey party for its Anglican sympathies, and by 1758 rose to the leadership of his faction. For a decade, it controlled the colonial assembly and fought against parliamentary interference in the colony's affairs. During this time, 1759-61, Livingston sat in the assembly.

In 1769 Livingston's supporters, split by the growing debate as to how to respond to British taxation of the colonies, lost control of the assembly. Not long thereafter, Livingston, who had also grown tired of legal practice, moved to the Elizabethtown (present Elizabeth), NJ, area, where he had purchased land in 1760. There, in 1772-73, he built the estate, Liberty Hall, continued to write verse, and planned to live the life of a gentleman farmer.

The Revolutionary upsurge, however, brought Livingston out of retirement. He soon became a member of the Essex County, NJ, committee of correspondence; in 1774 a representative in the First Continental Congress; and in 1775-76 a delegate to the Second Continental Congress. In June 1776 he left Congress to command the New Jersey militia as a brigadier general and held this post until he was elected later in the year as the first governor of the state.

Livingston held the position throughout and beyond the war--in fact, for 14 consecutive years until his death in 1790. During his administration, the government was organized, the war won, and New Jersey launched on her path as a sovereign state. Although the pressure of affairs often prevented it, he enjoyed his estate whenever possible, conducted

agricultural experiments, and became a member of the Philadelphia Society for Promoting Agriculture. He was also active in the antislavery movement.

In 1787 Livingston was selected as a delegate to the Constitutional Convention, though his gubernatorial duties prevented him from attending every session. He did not arrive until June 5 and missed several weeks in July, but he performed vital committee work, particularly as chairman of the one that reached a compromise on the issue of slavery. He also supported the New Jersey Plan. In addition, he spurred New Jersey's rapid ratification of the Constitution (1787). The next year, Yale awarded him an honorary doctor of laws degree.

Livingston died at Liberty Hall in his 67th year in 1790. He was originally buried at the local Presbyterian Churchyard, but a year later his remains were moved to a vault his son owned at Trinity Churchyard in Manhattan and in 1844 were again relocated, to Brooklyn's Greenwood Cemetery.

### **William Paterson, New Jersey**



William Paterson (Patterson) was born in County Antrim, Ireland, in 1745. When he was almost 2 years of age, his family emigrated to America, disembarking at New Castle, DE. While the father traveled about the country, apparently selling tinware, the family lived in New London, other places in Connecticut, and in Trenton, NJ. In 1750 he settled in Princeton, NJ. There, he became a merchant and manufacturer of tin goods. His prosperity enabled William to attend local private schools and the College of New Jersey (later Princeton). He took a B.A. in 1763 and an M.A. 3 years later.

Meantime, Paterson had studied law in the city of Princeton under Richard Stockton, who later was to sign the Declaration of Independence, and near the end of the decade began practicing at New Bromley, in Hunterdon County. Before long, he moved to South Branch, in Somerset County, and then in 1779 relocated near New Brunswick at Raritan estate.

When the War for Independence broke out, Paterson joined the vanguard of the New Jersey patriots. He served in the provincial congress (1775-76), the constitutional convention (1776), legislative council (1776-77), and council of safety (1777). During the last year, he also held a militia commission. From 1776 to 1783 he was attorney general of New Jersey, a task that occupied so much of his time that it prevented him from accepting election to the Continental Congress in 1780. Meantime, the year before, he had married Cornelia Bell, by whom he had three children before her death in 1783. Two

years later, he took a new bride, Euphemia White, but it is not known whether or not they had children.

From 1783, when he moved into the city of New Brunswick, until 1787, Paterson devoted his energies to the law and stayed out of the public limelight. Then he was chosen to represent New Jersey at the Constitutional Convention, which he attended only until late July. Until then, he took notes of the proceedings. More importantly, he figured prominently because of his advocacy and coauthorship of the New Jersey, or Paterson, Plan, which asserted the rights of the small states against the large. He apparently returned to the convention only to sign the final document. After supporting its ratification in New Jersey, he began a career in the new government.

In 1789 Paterson was elected to the U.S. Senate (1789-90), where he played a pivotal role in drafting the Judiciary Act of 1789. His next position was governor of his state (1790-93). During this time, he began work on the volume later published as Laws of the State of New Jersey (1800) and began to revise the rules and practices of the chancery and common law courts.

During the years 1793-1806, Paterson served as an associate justice of the U.S. Supreme Court. Riding the grueling circuit to which federal judges were subjected in those days and sitting with the full Court, he presided over a number of major trials.

In September 1806, his health failing, the 60-year-old Paterson embarked on a journey to Ballston Spa, NY, for a cure but died en route at Albany in the home of his daughter, who had married Stephen Van Rensselaer. Paterson was at first laid to rest in the nearby Van Rensselaer manor house family vault, but later his body was apparently moved to the Albany Rural Cemetery, Menands, NY

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