

RUTGERS COLLEGE AND THE REFORMED DUTCH CHURCH, 1766–1920

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For roughly a century and a half following its original charter in 1766, Rutgers College—known until 1825 as Queen’s College—had formal ties to a Protestant denomination, the “Reformed Protestant Dutch Church” (renamed in 1867 the “Reformed Church in America.”¹) It was in 1920 that, as will be seen in this essay, the college broke the last of these ties, becoming officially “non-sectarian.” Among church colleges in the early twentieth century, Rutgers was not alone in making that move; many others did so as well.² However, Rutgers represents a rare case of a church college that in becoming non-sectarian, also became (or more precisely was on its way to becoming) a *state* university, that is, a public rather than a private institution.³ Because of church-state separation, Rutgers’ severing of its church ties had a distinctive finality to it, such that there is hardly a trace of the Reformed Church in the University’s present collective memory; in my experience, students and faculty alike are often surprised to be told of it. Nonetheless, the relationship with the church was not an incidental feature in the college’s history in the period of a century and a half that preceded 1920; rather, that relationship was central to its identity in those early years— a complex relationship that changed over time and, through its very changes, played no small role in the college’s formation.

As will be seen, a constant amid the changes was the fact that insofar as the Reformed Dutch Church may be thought of as a community of persons, it accounted for a major part of the constituency of the college—students, trustees, benefactors—for much of the period under review here. In that sense, the

¹ EDWARD T. CORWIN, *DIGEST OF CONSTITUTIONAL AND SYNODICAL LEGISLATION OF THE REFORMED CHURCH IN AMERICA*, 755-757 (1906).

² See DAVID B. POTTS, *American Colleges in the Nineteenth Century: From Loclism to Denominationalism*, *HISTORY OF EDUCATION QUARTERLY*, 373-375 (1971).

³ See RICHARD MCCORMICK, *RUTGERS: A BICENTENNIAL HISTORY* 111-167 (1966). The only other example known to me of a church-sponsored college becoming eventually a state institution is Auburn University. See WILLIAM V. MUSE, *AUBURN UNIVERSITY: AN ALABAMA TREASURE AND AN INTERNATIONAL RESOURCE*, 8-11 (1998).

connection between church and college remained a given, but the Church was also, of course, a structured institution, as was the college, and it was the *institutional* relationship—the interaction of their structures and accountabilities—that varied, in the extended experiment in institutional identity as a Christian college that came to an end in 1920.

I. THE REFORMED DUTCH CHURCH AND THE CONCEPT OF QUEEN'S COLLEGE

From its inception, as will be seen, Queen's College was institutionally independent of the Reformed Dutch Church, in the sense that its trustees were neither elected by the church nor formally accountable to it. Yet it would be anachronistic to imagine that therefore the college was conceived as itself a "secular" college, or even to imagine that, its self-accountability notwithstanding, the college stood as an entity entirely separate from the church. On the contrary, as again will become clear, the border between college and church was a porous, in many ways an indistinct, border; the two overlapped. It will be seen that this was true in two ways. First, it was true in broad sense that most of the Trustees of Queen's were themselves members (ministers or laymen) of the Reformed Dutch Church, and that, as was the case for other colonial colleges too, the education of clergy within a putatively Christian society figured large in its conception and purpose. But, second, the overlap existed also in the narrower sense that the tradition of the Reformed Dutch Church assumed a closer connection between academic structures and ecclesiastical ones in the matter of clergy education than was the case with other denominations. Therefore, even as the Board of Trustees of Queen's and the General Synod of the Reformed Dutch Church each retained its own discreteness, neither being directly accountable to the other, still they found themselves closely connected, especially after 1807, where both were to have a role of governance in what was putatively the single institution named Queen's.

The royal charter of Queen's College made clear both the autonomy of the Trustees, and the importance of the college's connection with the Reformed Dutch Church.⁴ In the earliest extant version (1770), the charter names the original Trustees,

⁴ THE CHARTER OF QUEEN'S COLLEGE IN NEW JERSEY 5-6 (J. Terhune and Son eds., 1850)..

implying that they are being directly appointed by the king, thus not by any other body;⁵ and they are not made subject to any authority beyond themselves except to swear various oaths of loyalty to the crown.⁶ Moreover the charter gives them the collective power to elect new members to any vacancies on their Board, which is thus conceived as independent and self-perpetuating.⁷

Yet the very framing of the charter highlights the Reformed Dutch Church and its needs. Thus the charter begins, in the putative voice of King George III, with the statement that he is responding to the request of “our loving subjects” in New Jersey and the “neighboring provinces” who are “of the protestant reformed religion according to the constitution of the Reformed churches in the united Provinces [of the Netherlands].”⁸ Specifically of “ministers and elders” of these “churches and religious assemblies”—i.e., those persons who were office-holders in the Reformed Dutch Church—were concerned that the churches be “properly supplied with ministers,” and so were “very desirous that a College might be erected for that purpose within this our Province of New-Jersey, in which the learned languages and other branches of useful knowledge may be taught and degrees conferred; and especially that young men of suitable abilities may be instructed in divinity, preparing them for the ministry and supplying the necessity of the churches.”⁹ The college therefore, under its autonomous Trustees, is intended to serve the people of the Reformed Dutch Church, and “especially” in the matter of providing them ministers.

This envisioning of the college as an enterprise that putatively existed for the benefit of the church but would not be institutionally accountable to it was consistent with the way other colonial colleges were conceived; yet the particular situation of the Reformed Dutch Church in America made the conception of Queen’s a slightly different matter, at least implicitly. The difference lay in the way colonial clergy were educated. The British churches of colonial America had no theological seminaries, as we would now conceive them, in the sense of schools with curricula specifically aimed at preparing ministers for their

⁵ *Id.* at 5.

⁶ *Id.*

⁷ *Id.* at 5–6.

⁸ *Id.*

⁹ *Id.* at 3.

profession.¹⁰ The colonial colleges provided a classical education, in various measures literary and scientific, that did indeed in some cases involve theological subjects.¹¹ But the actual preparation that was required of ministerial candidates to prepare them to be approved for ordination by church judicatories was more informal; in some cases it was merely a matter of receiving letters of recommendations, while in others (especially among the Presbyterians and Congregationalists) it involved a privately arranged course of study with a senior clergyman, separate from the regular college course.

In the Netherlands, however, where the Reformed Dutch had their origins, the matter of preparation of candidates for the church's official approval was more directly under the church's supervision. For the church entrusted it to the theological professors in the universities, who were necessarily of the Reformed faith, who served at least in principal, as office-holders in the church, and thus stood accountable to the church for providing the rigor, depth, and doctrinal consistency that the church demanded.¹²

This Dutch approach to the preparation of ministers stands in the background of the founding of Queen's College. At the moment of the granting of the charter of Queen's, the Reformed Church in the Netherlands was deciding to release the American Dutch churches from their subordination to itself, an action that the so-called "Coetus" faction among the American congregations—from which came the promoters of Queen's — had been urging for a decade and a half.¹³ The slowness of the Dutch authorities during that period to grant the desire of the Coetus was based in large part precisely on doubts that the Americans, lacking an academic institution tied to the Reformed Church in the way that the Dutch universities were, could provide an adequate preparation for ministers to maintain the purity and particularity of Dutch belief and practice, and they signaled their approval only when they had reconciled themselves to the Americans' resolve to

¹⁰ GLENN T. MILLER, *PIETY AND INTELLECT: THE AIMS AND PURPOSES OF ANTEBELLUM THEOLOGICAL EDUCATION* 47-55 (1990).

¹¹ *Id.*, at 53-56, 128-35.

¹² ROBERT W. HENDERSON, *THE TEACHING OFFICE IN THE REFORMED TRADITION* 99-126, 156-94 (1962); JOHN W. COAKLEY, *NEW BRUNSWICK THEOLOGICAL SEMINARY: AN ILLUSTRATED HISTORY 1784-2014* 1-3 (2014).

¹³ Thomas Frusciano, "Queen's College—Child of the Awakening in Colonial New Jersey," 18 *RUTGERS J.L. RELIGION* (forthcoming September 2016).

institute a professorate of their own¹⁴ Thus, when the charter speaks of the petitioners' desire for a college where, along with the usual "literary" instruction that formed the basis for preparation for the ministry as well as for other professions, there would be instruction "in divinity" to prepare "young men of suitable abilities" for "the ministry," it is likely that they had something more in mind than what was the case in other American colonial colleges And indeed, as will be seen below, the Trustees of Queen's would soon actively pursue the appointment a professor within the school's faculty whom the Church would entrust with the task of preparing students for ministry, on something like the Dutch model, thus potentially introducing into the college scene some direct accountability to the Church apart from the proper authority of the Trustees.

II. THE COLLEGE IN QUEST OF THE CHURCH'S "PROFESSORATE," 1773–1807

Soon after the issuing of the charter it became clear, at any rate, that the Reformed Dutch Church's "professorate" would be directly accountable to the church's General Synod. For according to the Articles of Union of 1772 which, with the long-awaited blessing of the Reformed Church in the Netherlands, brought into being the Reformed Protestant Dutch Church in North America, it was the General Synod of that new American church which would choose the professor, who would be a member of that body and by implication, accountable to it.¹⁵ The Trustees of Queens were well aware of this; already in 1773 they wrote to the Classis of Amsterdam and the theology faculty at the University of Utrecht, asking for recommendations for a person to serve both as president of the college and professor of theology "agreeably to the received Articles of Union."¹⁶

For more than twenty years after the Trustees wrote their letters to the Netherlands, they continued to press their case for locating the professorate of the Reformed Dutch Church at

¹⁴ GERALD DE JONG, *THE DUTCH REFORMED CHURCH IN THE AMERICAN COLONIES* 188–210 (1978); DIRK MOUW, *MOEDERKERK AND VADERLAND: RELIGION AND ETHNIC IDENTITY IN THE MIDDLE COLONIES, 1690-1772* 453-456 (Dissertation, University of Iowa, 2009).

¹⁵ *ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA* 13–14 (1771).

¹⁶ *ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA* 39–40 (1773).

Queen's. Thus in their meeting of May 1785, a few months after the General Synod had finally (after a delay caused by the Revolutionary War) elected its first professor, namely John Henry Livingston, the Trustees "upon mature deliberation resolved to nominate the Rev. Johannes H. Livingston, D.D., as Professor of Divinity and President of Queens College, contingent on the Synod's approval and the raising of adequate funds," but were informed a month later that the Synod found fundraising at that "impracticable" and that the professor would remain for the meantime in New York (where continued to be a minister in the Collegiate Reformed Church).¹⁷

In November of 1790, they issued, with the First Reformed Church of New Brunswick, a joint call to Livingston to become pastor of that church as well as president of the college, presumably bringing his professorial role with him; but the next March they reported that Livingston had returned the call.¹⁸ Later that same year, they ask the Synod to "recommend" a person to serve as president and professor of divinity, in "agreement with the resolution" of 1773, but the Synod declines to do so until adequate money is raised and reminds the Trustees that they must "bind themselves" to nominate or call no professor of theology except on "approval" of the Synod.¹⁹ Then, after a brief attempt on the Trustees' part to turn from its longstanding efforts to build its relationships with the Synod, and instead form a union with College of New Jersey (Princeton),²⁰ which provoked the ire of the General Synod in 1793, the Synod turned its attention in 1794 to a scheme, short-lived as it happened, to locate the professor in Flatbush, Brooklyn, probably at Erasmus Hall academy there.²¹ Later that year, the Trustees resolved to suspend "exercises" after the next commencement,²² and the college would then remain closed until, as will be seen, 1807.

¹⁷ Trustees Minutes (May 10, 1785, June 7, 1785) in Special Collections and University Archives, Rutgers University Libraries.

¹⁸ Trustees' Minutes (November 24, 1790, March 9, 1791).

¹⁹ Trustees' Minutes (September 27, 1791); ACTS AND PROCEEDINGS 224–25 (1791).

²⁰ Trustees' Minutes (September 24, 1793, October 29, 1793).

²¹ ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 260–63 (1794); John W. Coakley, "John Henry Livingston (1746–1825): Interpreter of the Dutch Reformed Tradition in the Early American Republic," in TRANSATLANTIC PIETIES: DUTCH CLERGY IN COLONIAL AMERICA 308–310(2012).

²² Trustees Minutes, (August 13, 1794).

There were two main reasons for the frustration of the college's attempts to attract the professorate in the late decades of the eighteenth century. One was lack of funds, on the part of both the college and the Synod itself. The Synod at first approved of the placing the professor at Queens and promised to raise the necessary funds for the professor.²³ But after the War, both the Trustees themselves²⁴ and the Synod²⁵ made repeated efforts to raising funds, but with little success, in part because of the high inflation of the post-War years.²⁶

The other reason for the frustration of the Trustees' attempts was the presence of some misgivings in the Reformed Dutch Church as to whether New Brunswick was the right geographical place for its professor. Already at the session in which it elected Livingston, the Synod received proposals that would have located the professorate at Schenectady or Hackensack.²⁷ Such proposals would continue to be made for many years. The Trustees resisted these.²⁸ In part, the question of where the professorship would be located was an extension of the question where the college itself was to be located, as raised at the very beginning of the history of Queen's, and ostensibly resolved by a simple vote between the options of New Brunswick and Hackensack; and especially as Queen's struggled in its first years, there were many in the Reformed Dutch Church who wished to see it removed elsewhere, or at any rate felt less than a full commitment to it, thinking the college attracted too much attention. Thus for instance in 1793, in the wake of the Trustees' negotiations with Princeton, the Synod received a communication from Classis of Hackensack, expressing frustration with the fact

²³ ACTS AND PROCEEDINGS, *supra* note 16, at 39–40 (1773).

²⁴ See, for e.g., Trustees Meetings, (May 10, 1785, September 11, 1786, November 23, 1791).

²⁵ For a narrative of the Synod's fund-raising efforts for the professorate in the period before 1807 in the context of the Synod's leading concerns, see Coakley, *supra*, note 21, at 310-312.

²⁶ A committee of the Synod reported in 1791 that "it appears that the Dutch churches in this country have adopted said institution [Queen's College]," but that indeed the "funds" collected to that point have "become so depreciated through the war and other causes" that "the institution will not be able to answer the intention of the churches". ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 216 (1791).

²⁷ ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 123–24 (October 1784).

²⁸ In 1788, the Trustees voted money to support a lobbying effort in the legislature against a "College in Hackensack [sic]." Trustees Minutes, (September 3, 1788).

that “measures for the support of Queens College” have been taken in such a way that “the Professorship has always been contemplated as merely a subordinate object”, the Professorship being however “of much greater importance to our Church than” the college.²⁹

III. THE COVENANT OF 1807: THE JOINING OF COLLEGE AND PROFESSORATE

In 1807, the Trustees finally succeeded in making an agreement with the Synod that brought the professorate to Queens, (Livingston arriving there officially in 1810)³⁰. This time the Trustees worked with the Particular Synod of New York, which included the churches of southern New York, New Jersey, and Pennsylvania—and thus represented the “southern” region of the church, as distinct from the northern region covered by the Particular Synod of Albany, and where there was less willingness to support Queen’s.³¹ The General Synod then passed the agreed-upon proposal as a “Covenant with the Trustees of Queen’s College” probably with a solid block of the “southern” votes,³² and the college itself reopened that same year, 1807.

The relation between the college and the “professorate”—or rather between the college and “theological school” or “theological seminary” that soon provided a structure for the professorate³³—were basically the terms that had been agreed upon in 1773—namely that the professorate would be located at Queens and indeed would now be termed the “theological institution” of Queen’s, and yet it would be not under the authority of the Trustees but rather that of the Synod. Thus it would have its own “Board of Superintendents” appointed by the General Synod and separate from the Trustees of the college.³⁴ Moreover, the Covenant stipulated that, although the General Synod to contribute money for the construction of buildings at the college to be used in whole or in part for the theological institution, such money as the Trustees themselves raised in the state of New York,

²⁹ ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 252–53 (1793).

³⁰ Coakley, *supra* note 12, at 5-6.

³¹ Coakley, *supra* note 21, at 310-312.

³² Coakley, *supra* note 12, at 5–6.

³³ On the organization of the seminary as a school, and the growth of the faculty, *See Id.* at 11–14, *See also* HOWARD G. HAGEMAN, TWO CENTURIES PLUS: THE STORY OF NEW BRUNSWICK SEMINARY 33–47 (1984).

³⁴ Coakley, *supra* note 12, at 5.

as distinct from New Jersey, would be used only for the theological institution and not the “literary” (i.e., undergraduate) institution.³⁵ So the long-anticipated connection of college and professorate was finally established, realizing the old idea of—as W.H.S. Demarest would later put it—a “single institution or united institution for both collegiate and theological training.”³⁶

The question naturally arises whether the Trustees saw the acquisition of the theological professorate as a means to an end, the end being the survival of the college as a discrete entity, or whether they were really still embracing what Demarest called the old idea of the “single institution.” But the Trustees themselves, I suggest, would not have thought of this as a choice; they had both aims in mind, and it is doubtful that they distinguished between them. There is of course no question that the Covenant *was* a means to an end—that the “literary institution” could not have revived without it. However, there is no reason not to take the Trustees at their word as well that they—almost all of whom were ministers or laymen of the Reformed Dutch Church—were sincere in their wish to, in another phrase that appears in the Covenant, “combine [the College’s] literary interests with a decided support to Evangelical Truth.”³⁷

The college, however, did not immediately thrive. Whereas the “theological institution”—which from its official plan of organization in 1812 was normally called the “theological school” or “theological seminary”—was guaranteed the benefit of the funds that had been raised for the professorate, and remained in continuous operation from Livingston’s arrival in New Brunswick in 1810 onward.³⁸ But the college struggled to meet its obligations, and in 1818 it once again ceased to operate, until its permanent revival in 1825,³⁹ to which I will return below.

In the meantime, within a few years of the Covenant of 1807, Queen’s witnessed another and more thorough-going attempt to realize the old idea of, in Demarest’s phrase, a “single institution or united institution for both collegiate and theological training.” In 1815, three years before the college closed for a second time, the General Synod, prompted by Livingston, proposed

³⁵ ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 365–66 (1807).

³⁶ W.H.S. DEMAREST, *A HISTORY OF RUTGERS COLLEGE 1766–1924*, 202 (1924).

³⁷ ACTS AND PROCEEDINGS, *supra* note 35, at 365 (1807).

³⁸ Coakley, *supra* note 12, at 6-107.

³⁹ McCormick, *supra* note 3, at 33-42.

to the Trustees a plan that was meant to buoy the college up, by effecting a closer “Union between Queens College and the Professorate.” The Trustees accepted, without evidence in their minutes of any debate.⁴⁰ The plan was to combine the “literary” and the “theological” institutions of Queens by making Queens a single “college” that would “have, for its object, *primarily*, the education of young men for the Gospel Ministry. For securing this object, the religion of the Scriptures, as explained in the Belgic confession of faith and the Heidelberg Catechism shall be the basis of all the instruction given in this Institution,” although other subjects in the humanities and sciences would be taught as well.⁴¹

The plan would allow a “select number . . . (say 20, 30, 40, 50)” of students who were preparing for other professions, to “be admitted *speciali gratia*.”⁴² Even though there would be still two institutions, the literary and the theological, in the sense that each would retain its own board of governance—fulfilling the terms of the original charter and the Covenant of 1807—the theological professors still would have duties in the college, and half their salaries would be paid by the Trustees.⁴³ The plan signified another step toward a genuinely “single” institution.⁴⁴

Funds, however, were not forthcoming to implement this new plan, and in 1816 the Trustees were obliged to once again suspend the work of the college, with the result that the “theological institution” of Queen’s functioned alone.⁴⁵ But the idea of the “single institution,” had more life in it, as will be seen, beginning with the revision of the Covenant, and reopening of the college in 1825.

IV. THE COVENANT OF 1825: A STEP TOWARD A “SINGLE INSTITUTION”

It was in the period of fifteen years that began with the adoption of Covenant of 1825 and continued through the final revision of that covenant in 1840, that Rutgers College (as Queen’s would now be called) and the Reformed Dutch Church would make their fullest attempt to realize the idea of “a single institution or

⁴⁰ Trustees Minutes’ (July 17, 1815).

⁴¹ ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 44-45 (1815).

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ See MCCORMICK, *supra* note 3.

united institution of theological and collegiate training.” In this period, as will be seen, that idea received strong support both practical and philosophical, especially from the Trustees of the College. Yet, in part because of the competition for resources that arose from the very closeness of the partnership of college and seminary, and in part because of the fact of their enduring and separate accountabilities, as well as their distinct constituencies within the community of the Reformed Dutch, it would become clear by 1840 that the single-institution experiment had failed; neither the Synod nor the Trustees found themselves, finally, able to embrace it. Yet it may have been only by means of this attempt to realize the concept of the single institution that the parties could put it to rest, and reconceive their relationship.

In June of 1825, the Trustees proposed to the Synod to revive the College, pointing out that this would be “highly important to the prosperity of the Theological Seminary.”⁴⁶ They cited new sources of financial support for the college, but needed the Synod’s cooperation as well.⁴⁷ A committee was formed to make a plan,⁴⁸ and in September, the Synod met again and approved a new Covenant with the Trustees.⁴⁹

Like the earlier Covenant of 1807, this Covenant of 1825 made it possible for the college to reopen after a period of closure, but it did more. It now combined the operations of the college and the seminary to a much greater degree than previously. The main innovation was to require the theological professors, who were now three in number, to take on teaching responsibilities in the college over and above their duties in the seminary, but as a part of their seminary salary—thus being compensated by the Synod and not by the Trustees.⁵⁰ Indeed the seminary professors were to provide much of the instruction in humanities in the college: the professor of Didactic Theology would become also the professor of Moral Philosophy and the Evidences of Christianity in the college; the professor of Biblical Literature would become also the professor of Belles Lettres and Elements of Criticism and Logic; and the

⁴⁶ ACTS AND PROCEEDINGS, 35 (1825).

⁴⁷ *Id.* Funds were also being raised at that moment by subscription for the Second and Third Theological professorates, which would be crucial for the college as well, given the plan as it emerged (see below) which called for the professors to offer service to the college. On the subscriptions for these funds, see Hageman, *supra* note 36, at 43–46.

⁴⁸ ACTS AND PROCEEDINGS, *supra* note 46, at 37 (1825).

⁴⁹ *Id.* at 22–25.

⁵⁰ *Id.* at 19–25.

professor of Church History would become the professor of Metaphysics and the Philosophy of the Human Mind.⁵¹

The only college faculty employed directly by the Trustees at that moment was the two professors of Languages and Mathematics. Furthermore, one of the theological professors was to serve as president of the college, also on the basis of his compensation from the Synod (unlike Livingston, who had served as president under a separate arrangement with the Trustees).⁵² The seminary professors would also have responsibility for Sunday biblical instruction and preaching in the college chapel.⁵³ There was also to be a new board of "Superintendents of Queen's College," which was to consist of three members appointed by the Synod and three appointed by the Trustees, thus giving the Synod a direct, or structural, role in the governance of the college that corresponded with its increased financial commitment to the newly integrated institution comprising college and seminary.⁵⁴

The college then reopened in the fall of 1825. For the next several years, to judge from the minutes of Trustees and of the Synod, the new arrangement for the operation of the college and the seminary evidently went smoothly, in the sense that no overt controversy leaves evidence in the minutes until 1832, as will be seen below. There is no mistake regarding the increased role of the Synod in the governance of the college, for the Trustees were required to consult with the Synod about compensation of their own faculty, as required by the Covenant.⁵⁵ It was the Synod, not the Trustees, that petitioned the Reformed congregation of New York City (the "Collegiate" Church) in 1828 to renew the three-year pledge of financial support to the college that it made at the time of the college's reopening⁵⁶; and in 1829 it was the Synod that appointed agents in all the classes of the Reformed Dutch Church to raise money for, among other things, a permanent endowment

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ ACTS AND PROCEEDINGS, *supra* note 46, at 21. W.H.S. Demarest has commented that the Board of Superintendents of Rutgers College (not to be confused with the Board of Superintendents of the Theological Seminary) "proved to have no very plain or continuing sphere of duty." Yet this Board did meet, and reported annually to the General Synod through 1840, during which time the Trustees did not report directly to the Synod.

⁵⁵ *Id.* at 31 (1825); ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 65-66 (1827).

⁵⁶ ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 130 (1828).

for instruction in Chemistry and Geology (or, as would later be said, Chemistry and Natural History) in the college; and after this initial effort had little success, it was to the Synod that the Trustees as well as the faculty of the college appealed repeatedly for support for a faculty position in those fields⁵⁷. The Synod was clearly taking seriously its active role in the welfare of the college, and the Trustees' minutes for those early years, and indeed well into the 1830s, do not give any evidence of dissatisfaction with the Covenant itself; that is, with the idea of a "single institution" comprised of college and seminary, or accordingly with the place of the Synod in its life.

V. THE DEFENSE OF THE SINGLE INSTITUTION, 1832–1835

It was in the General Synod meeting of October 1832 that dissatisfaction with the Covenant, and by implication with the "single institution" idea, came suddenly to light, when a committee was appointed to determine whether the Covenant was hurting the Seminary. The committee's task would be "...to inquire whether the connexion existing between the Theological Seminary and Rutgers College be in its present form beneficial to the grand object proposed by the endowment of said Seminary, and to confer on the necessity of a change; and if it be necessary, on the practicability and form of its modification, or the expediency of its entire abolition."⁵⁸

What occasioned this questioning of the Covenant? The immediate cause was financial. There had been a serious shortfall in the income from the "Permanent Funds for the support of the Professors," i.e., the funds that contained all the money that had been raised in previous years for the three professorships at the seminary, and which funded those professors' instruction in the college as well. At its meeting the previous June, the Synod had resolved to make up the shortfall by borrowing rather than by

⁵⁷ ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 197–200 (1829); ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 62 (1832); ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 428 (1835); ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 506-07 (1836); ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 74 (1837); See McCormick, *supra* note 3, at 43-45 (for a narrative of the struggle to fund a faculty position in these fields).

⁵⁸ ACTS AND PROCEEDINGS, *supra* note 57, at 137 (1832).

going into the fund's principal.⁵⁹ Now in October, the report of the Board of Corporation of the Synod declared that the Synod lacked resources to repay any new debts, and asked for reconsideration of the resolution against depleting the principal. In response, the Synod refused to reconsider, but acknowledged the crisis; and it was after calling for intensified fund-raising efforts to bolster the funds for the theological professors' salaries that the Synod voiced its concern about the Covenant with Rutgers College and formed the committee to reconsider it.⁶⁰

As the *Christian Intelligencer* (The Reformed Dutch church's weekly newspaper) explained: "the affairs of our Theological School are rapidly approaching, if they have not already arrived at, a crisis which renders it absolutely necessary to do something efficient or we shall eventually be obliged to abandon it," and the dissolution of the Covenant would allow the possibility of "removing" the seminary "to some other place," presumably where the expenses would be less or the prospects for support more promising.⁶¹

The formation of the committee brought to light again the fact of disagreement within the Reformed Church about the degree of its commitment to Rutgers College. In the Synod's debate preceding its purchase the college property in 1822—an action that was, in retrospect, the beginning of its acceptance of direct responsibility in the life of the college—the Synod had denied that, at any rate, any commitment to "always have a theological college at New-Brunswick."⁶² It becomes clear that the previous Covenant of 1807 had not dispelled the ambivalence evident at that time, especially in the northern regions of the church about locating the theological professorate at such a southerly location as New Brunswick. For now in 1832, the ambivalence returns to our view; a majority of the General Synod delegates who voted for the resolution to consider the separation of seminary and college came from the Particular Synod of Albany, which represented the classes north of the mid-Hudson Valley, whereas at least two thirds of those opposing came from the other Particular Synod, that of New York, which represented the southern region of the

⁵⁹ *Id.* at 71 (1832). The funds in question contained "about \$62,000," the income on which fell short of actual salaries by \$1,200 per year. *Id.*

⁶⁰ ACTS AND PROCEEDINGS, *Supra* note 57, at 134–37 (1832).

⁶¹ 3 CHRISTIAN INTELLIGENCER 12, Oct. 20, 1832, at 46.

⁶² ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 23 (1822).

church.⁶³ The minutes themselves offer no clues as to the tenor of the debate on the floor of Synod, but a piece that appeared a month after the Synod in the *Christian Intelligencer* by its editor C.L. Westbrook, a fervent supporter of the college, suggests that feelings may have run high. Westbrook calls for resistance to any proposal of separation between the college and the seminary, which would be, he says, an “unholy and almost patricidal act.”⁶⁴ Clearly Westbrook regards it as no mere hypothetical threat: he speaks of a “plan” that is being “developed” to carry it out,⁶⁵ though who, precisely, is contemplating such an act is left unsaid.⁶⁶

The Rutgers Trustees also took the threat seriously and marshaled their arguments against it. At the November 9, 1832 meeting, the Trustees formed a committee to “take this whole subject [i.e., the proposed separation of college and seminary] into consideration and report to their board, that they may be ready to meet any communications from the Synod’s committee.”⁶⁷ Sometime before April 2 of the following year, one of the members

⁶³ ACTS AND PROCEEDINGS, *supra* note 57, at 137 (1832). Voting “aye” were sixteen delegates from the Particular Synod of Albany, twelve from the Particular Synod of New York, and one whom I have not been able to identify. Voting “nay” were ten delegates from the Particular Synod of New York, three from the Particular Synod of Albany, and two unidentified.

⁶⁴ 3 CHRISTIAN INTELLIGENCER 15, Nov. 10, 1832, at 59.

⁶⁵ *Id.*

⁶⁶ Evidently John Ludlow, then minister of the Reformed Dutch Church congregation in Albany and soon to become Provost of the University of Pennsylvania was a leading voice in the criticism of the union between seminary and college. See RUSSELL GASERO, HISTORICAL DIRECTORY OF THE REFORMED CHURCH IN AMERICA 243 (2000) two pointed references to Ludlow in the anonymous “History of Rutgers College,” in which the author attempts to quote Ludlow against himself. See also MCCORMICK, *supra* note 3 (placing the controversy within the church about union with the college in the context of a broader set of conflicts in the Reformed Dutch Church in which “at issue were broad matters of policy regarding the liberalization of Church doctrine, cooperation with other denominations, the management of mission activities, and even the nature of the instruction to be offered in Sunday schools,” must be approached with caution; though there were indeed such conflicts in the Reformed Dutch Church of the period). See also James W. Van Hoeven, “Dort and Albany: Reformed Theology Engages a New Culture,” in WORD AND WORLD: REFORMED THEOLOGY IN AMERICA 15-30 (there is no evidence that other issues such as those McCormick lists were in any way at stake in the controversy over the relation of the seminary to the college. It is also worth noting that Ludlow was at the time an active member of the Trustees—a reminder that the community of the church was, in effect, a category that overlapped the boundary between “church” and “college”).

⁶⁷ Trustees Minutes (November 9, 1832).

of the committee published, “at the request of some of the Trustees,”⁶⁸ a pamphlet entitled “The History of Rutgers College.”⁶⁹ And at the April 2 meeting, the committee itself submitted its report.⁷⁰ Fundamentally, the Trustees’ report argued that the college would collapse without the benefit of the seminary professors’ teaching, but that they, the Trustees, were doing their part under the covenant, providing salaries for its own professors.⁷¹ The report also asserted that the separation could not happen legally as long as they were doing their part under the terms of the covenant.⁷²

The pamphlet makes the same point but adds others as well: that the college had performed a service for the church by giving the Professorate a home in 1807; that the church’s proper response to the present situation should not be to abandon the college but rather raise the money that would make it a “first rate seat of science”.⁷³; that the church would provide financial aid for the theological students;⁷⁴ and that the real reason why “the Theological Seminary does not flourish as much as the literary institution,” is that there are “unfavorable prejudices against the seminary” that have been “excited in our Churches” but that are unjustified given the fine “finished” theological education it provides⁷⁵

The arguments in the report and the pamphlet are practical arguments, for the most part, in the sense they attempt to prescribe actions to rehabilitate the “connexion” between college and seminary. But there was also an intriguing pseudonymous article by one “L***T,”⁷⁶ published in the *Christian Intelligencer* in

⁶⁸ Trustees Minutes (April 2, 1833).

⁶⁹ “A TRUSTEE,” HISTORY OF RUTGERS COLLEGE: OR AN ACCOUNT OF THE UNION OF RUTGERS COLLEGE AND THE THEOLOGICAL SEMINARY, OF THE GENERAL SYNOD OF THE REFORMED DUTCH CHURCH, PREPARED AND PUBLISHED AT THE REQUEST OF SEVERAL TRUSTEES OF THE COLLEGE (1833).

⁷⁰ Trustees Minutes’ (April 2, 1833).

⁷¹ *Id.*

⁷² *Id.*

⁷³ “A TRUSTEE,” *supra* note 69 at 3, 23, 24.

⁷⁴ *Id.*, 23.

⁷⁵ *Id.*, 24.

⁷⁶ “L***T” may stand for “LEYDT.” If so, the author may perhaps be invoking the memory of the Reverend Johannes Leydt—a founding Trustee of the college and himself a pamphleteer in service of the cause of the Coetus and thus of the original idea of the college. On this cleric, see Mouw, *Moederkerk, supra* note 14 at 362-384. See also JOHN HOWARD RAVEN, CATALOGUE OF THE OFFICERS AND ALUMNI OF RUTGERS COLLEGE 9 (1916). The author may also have in mind Leydt’s son, Matthew, the college’s first graduate. *Id.* at 66.

February of 1833, attempting to argue for the continued union, not so much on practical as on conceptual or theological grounds—arguably the best example that has survived of an attempt to provide such a rationale for the “single institution.”⁷⁷ He specifically argues against any notion that “the intimate connection” of the college and theological institution was “a necessary, although temporary evil, only to be borne, until the development of more favorable circumstances.”⁷⁸ Instead, he finds “in this very connection, a structure, remarkable for its utility, and strength.”⁷⁹ He remarks that at the time the Covenant of 1825 was adopted, no one foresaw any “danger . . . to the Theological Seminary.”⁸⁰ What fears were expressed were for the college, that “sectarian influence would retard to prosperity.”⁸¹

This is a fear that has otherwise left no trace in the sources I have examined. But the latter fear has proved ungrounded, as the college has actually a “dignity” from its connection to the seminary; and now the professors’ teachings in the college “interferes with their attention to the students of theology.”⁸² But the author finds “absurdity” in all the fears, on the grounds that there is an intimate connection between theology and the other sciences, that by their very nature complement and interact with each other, and they should not be studied in isolation from each other.⁸³ Thus, the theological professor’s teaching in the college “greatly aids his own improvement as well as that of his pupils” in the study of theology.⁸⁴ And here, the argument turns in an interesting millennialist direction which reflects some of the evangelical and missionary spirit of the time: “the time is not far distant, when all the useful arts and sciences shall be enlisted in hastening on the glorious consummation of the plans of mercy towards an apostate world, when all other sciences shall be subservient to the science of religion.”⁸⁵ Therefore he envisions the combination of the study of theology with that of other sciences, such as could be effected in the union of the college and the seminary, to be potentially a major factor helping to bring about

⁷⁷ L***T, *Rutgers College: Union of the Theological and Literary Institutions*, 4 CHRISTIAN INTELLIGENCER, Feb. 2, 1833, at 106.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ L***T, *supra* note 77, at 106.

⁸⁴ *Id.*

⁸⁵ *Id.*

the very evangelization of the world that the church envisions.⁸⁶ So “let us determine not to fall out by the way, but to dwell together in unity.”⁸⁷ The article contains the seeds of a deeper analysis of the idea of the “single institution,” that might, perhaps, have led to other ways of implementing the idea, but, in these respects, it stands alone among our sources.

The General Synod of 1833 calmed the waters. By that time the committee appointed at the previous year’s Synod had met with the committee appointed by the Trustees but they could not agree on a joint report, and the Synod declined to accept the two unofficial reports submitted by members of the committee, which expressed conflicting views.⁸⁸ The Trustees, for their part, had developed their defense of the union of college and seminary, and one of their members Rev. John Knox of the Collegiate Church of New York was given “liberty” to make a statement “of the views and wishes” of the Trustees in the matter.⁸⁹ He pointed out that they had appointed the Reverend Jacob Janeway in the meantime as “Professor of the Evidences of Christianity, of Rhetoric and Belles Lettres, and Vice President of the College.”⁹⁰ This appointment reduced the college duties of the seminary professors and accommodated for the uncomfortable fact that Prof. Alexander McClelland of the seminary had been declining to take up his duties in the college, apparently with the permission of the Synod.⁹¹ Knox also made reference to eight “pious” graduates of the College who were about to enter the seminary, demonstrating the

⁸⁶ *Id.*

⁸⁷ *Id.* at 106.

⁸⁸ One of the reports (evidently opposed to the connection, as it stood, between college and seminary) was signed by John Ludlow and (Elder) J. Romeyn, the other (presumably in favor of the connection) by Knox and elder Abraham Van Nest. Acts and Proceedings of June 1833, *supra* note 45, at 215. The two reports have not survived, but the a report of the joint committee meeting given to the Trustees that, though Ludlow and Romeyn had agreed with the rest of the joint committee that “it important that the Literary institution [i.e., the college] be sustained,” they dissented from these other proposed resolutions: that a union between the two was necessary at present, that an additional faculty member in the college, involving a modification in the distribution of duties there, would benefit the “whole institution,” and that both Trustees and Synod should “vigorously” pursue “measures for increasing the funds both of the Theological School and of the literary Institution.” Minutes, Bd. of Trs., Queen’s Coll. (May 1, 1833) (on file with Special Collections & Univ. Archives: Rutgers Univ. Libraries).

⁸⁹ ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA, at 215 (1833).

⁹⁰ *Id.*

⁹¹ *Id.*

college's effectiveness in its function of providing the seminary with a student body; and that continuing evidence of piety among the college students (e.g., prayer meetings and chapel attendance) suggested that the influence would continue.⁹² The advisory committee that examined Knox's report, being persuaded to accept the "increasing usefulness" that could be expected from "the connexion between the college and the Theological School, as now modified," recommended that the Synod preserve the union of college and seminary, and not change course; and that the committee formed the previous year be disbanded.⁹³ The Synod agreed, though not unanimously.⁹⁴ The controversy subsided, for the moment.

VI. SIGNS OF SEPARATION, 1836-38

The controversy did not go away however, and before long signs began to appear that the project of the "single institution," the union of the college and the seminary, was approaching its end. It was in the Synod meeting of June 1836 that a committee of delegates⁹⁵ was appointed to "inquire what may be the causes of the small number of our candidates for the ministry and whether any remedy can be suggested."⁹⁶ The Synod received and approved a report of this before the conclusion of the meeting;⁹⁷ the "small

⁹² *Id.* at 214-16. In a report dated July 16, 1833, Jacob Janeway told the Trustees that at the Synod meeting their representatives "gave such explanations and statements, as the rights and claims of this Board, growing out of the different contracts], formed between them and the General Synod, seemed to require. They feel happy to state, that although an animated discussion took place on the subject in the Synod, yet generally there prevailed, throughout the debate kind and fraternal feelings . . ." Trustees' Enclosures, Bd. of Trs. of Queen's Coll. (July 16, 1833) (on file with Special Collections & Univ. Archives: Rutgers Univ. Libraries (Box 2, Folder 8)).

⁹³ ACTS AND PROCEEDINGS, *supra* note 89, at 214-16.

⁹⁴ *Id.* at 216. The vote was 32-28. Consistent with the vote of the previous year as discussed above, the majority (20, in this case) of delegates from the classes of the Particular Synod of Albany voted "nay"; the majority (15) of the delegates from the classes of the Particular Synod of New York also voted "nay." (I am unable to identify by region one additional delegate voting "nay" and two voting "aye.") *Id.*

⁹⁵ The committee consisted of three members from classes in the Particular Synod of Albany, and four from classes in the Particular Synod of New York. *Id.* at 443, 510.

⁹⁶ *Id.* at 510-11.

⁹⁷ *Id.*

number of candidates for the ministry” had clearly become a matter of debate in the church,⁹⁸

A series of twenty-one articles on the subject appeared in the *Christian Intelligencer* between September 1835 and February 1836, all authored by one “W.J.P.”; W.J.P. argued that the reason for the paucity of candidates was not any deficiency in the seminary, which “possesses more extended resources than ever before,” but rather the “apathy of the church as a body,” evidenced particularly in ministers’ failure to cultivate young men of potential.⁹⁹ However, the committee was still not willing to exempt the seminary from responsibility, although it admitted that the “low state of piety in the church” and the insufficiency of financial aid from the church as major causes of the problem.¹⁰⁰ Not only did the faculty of the seminary not “extensively mingle with the churches” as they should have in order to connect the seminary with its constituency, but the church’s perception was that the faculty’s members were not fully invested in their own work—and that is where the subject of the union of college and seminary reappears:

It is fully believed by many, that the *double engagements of our professors in two institutions*, the college and the seminary, have produced a very unfavorable impression in the minds of young men, inducing a belief, that while each class of duties received the entire attention of separate professors, in other institutions, the discharge of all, by the same men, in ours, would necessarily curtail the advantages of the student.¹⁰¹

Therefore, “it is both just and equitable, that, for the sake of our professors, and the institutions themselves, both parties should seek some modification, which, while some connexion may remain for great moral purposes, may bring into service a new class of laborers in the literary institution.”¹⁰² So, the idea of the

⁹⁸ ACTS AND PROCEEDINGS, *supra* note 89, at 510-11.

⁹⁹ W.J.P., *Why Are There Not More Candidates for the Ministry in the Dutch Church* (pts. 1-3), CHRISTIAN INTELLIGENCER, Sept. 19, 1835, at 29, CHRISTIAN INTELLIGENCER, Sept. 26, 1835, at 35, CHRISTIAN INTELLIGENCER, Oct. 10 1835, at 42.

¹⁰⁰ Acts and Proceedings, *supra* note 57, at 511-12.

¹⁰¹ *Id.* at 515.

¹⁰² *Id.* at 515-16.

“single institution” was once again under fire, as inhibiting the proper work of the seminary.¹⁰³ A committee of the Synod was appointed to meet with a committee of the Trustees to seek some “modification” of the union of college and seminary, this time specifying that the seminary professors be “relieved from the services now performed by them in Rutgers College”¹⁰⁴

The Trustees, as they had done three years earlier, moved immediately to respond to the challenge,¹⁰⁵ but this time, instead of simply defending the existing arrangement, they began to envision the terms of a separation.¹⁰⁶ By the time of the Trustees’ July 21 meeting, a committee of Trustees had met with the Synod’s formed committee; the Trustees’ representatives, as Janeway reported, declared that, although they appreciated the “able and faithful services” of the theological professors to the college, they were “ready to meet the wishes of the Synod” in seeing them “released from duties” in the college as soon as practicable.¹⁰⁷ Then, in April 1837, the Trustee committee submitted another report to the whole Board, signed by Janeway, and this report effectively created a new narrative of the whole subject of the Covenant. The report first rehearses the history of the two Covenants, and specifically the terms of the Covenant of 1825.¹⁰⁸

It then asserts that in 1832 the Synod had “infringed upon” the terms of that covenant, when it appointed Alexander McClelland to the chair in Biblical Literature in accordance with his preference not to teach in the college, thus “exonerating” him from duties that should have been his under the terms of the Covenant.¹⁰⁹ The Trustees had indeed, at the time, been greatly inconvenienced by McClelland’s refusal to teach in the college, and had held many negotiations with him on the subject.¹¹⁰ But they had not, until now, made the point that by acquiescing to McClelland the Synod had already violated the terms of the covenant. And now that the Synod is requesting further “modification of the connexion,” the committee believes that the Trustees should hold out for new terms that, by implication,

¹⁰³ *See generally id.*

¹⁰⁴ *Id.* at 516.

¹⁰⁵ Trustees’ Minutes (July 21, 1836).

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ Trustees’ Minutes (April 4, 1837).

¹⁰⁹ *Id.*

¹¹⁰ *See, e.g.,* Trustees’ Minutes of December 7, 1831, May 3, 1832, January 19, 1836.

protect their own interest, including specifically the return of the “college edifice” to the Trustees’ ownership, the appointment of a president “who is not a theological Professor” after which the theological professors would be “exonerated” from administrative duties in the college; and the guarantee of autonomy to the Trustees in setting terms of employment for the professors appointed by them. In all of this the Trustees’ tone has changed; they now address the institutional interests of the college in its own right, and the vision of the “single institution” has receded significantly.

For three more years, the General Synod continued to express its support and appreciation of the “connexion” between college and seminary, but the terms in which that connexion was discussed changed, and the Trustees began to take a stronger proactive role in the discussions.¹¹¹ In June of 1837, in what appears at first as a repeat of the Synod three years earlier, a review committee submitted a report putting the best face on the controversy of the previous year.¹¹² The report, signed by the New York Collegiate Church minister William Brownlee, points out that the complaints about the deployment of seminary professors had not come from the professors themselves (though in fact there had been no allegations to the contrary); and that, as a result of the evangelical revival that had recently broken out among its students, the college was now in a position to provide more candidates for the seminary than in the recent past, urging the continuation of the connection between the schools as it stood.¹¹³ Yet, the report, reflecting the Trustees’ views,¹¹⁴ also asserts that the college should have its own president and advocated for a growth in the college faculty in its own right, when “ample funds” should become available.¹¹⁵ A year later, in the Synod of 1838, the Trustees (or more precisely the Board of Superintendents of

¹¹¹ ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 67-69 (1837).

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ In the Trustees’ meeting of the following month, the Trustees who had been present at Synod reported that the “monetary concerns of the country” prevented them from “pressing upon” the Synod the new demands they had formulated in their April meeting. Trustees’ Minutes (July 16, 1837).

¹¹⁵ ACTS AND PROCEEDING, *supra* note 111, at 67-69. In the Trustees’ meeting the following month, the Trustees who had been present at Synod reported that the “monetary concerns of the country” prevented them from “pressing upon” the Synod the new demands they had formulated in their April meeting. Minutes, Bd. of Trs., Queen’s Coll. (July 16, 1837) (on file with Special Collections & Univ. Archives: Rutgers Univ. Libraries).

Rutgers College, in which the Trustees' voice was conspicuous) finally pressed the case against the Synod's failure to hold Professor McClelland to his college responsibilities, as well as the case for the college's recent successes in supplying students to the seminary: "the whole present junior class of the theological seminary, consisting of fifteen students, are graduates of Rutgers College."¹¹⁶

VII. ABANDONING THE SINGLE INSTITUTION: THE COVENANTS OF 1839 AND 1840

And then in the Synod of 1839, a new turn appeared in the argument. The report of the Board of Superintendents, noting the decline of twenty students in the college student body over the previous four years (from 89 to 69), declined to endorse the Trustees' explanation that this was the result of inadequate staffing of the faculty.¹¹⁷ The Superintendents attempted another explanation, namely that the Covenant of 1825 was never intended to define a permanent state of affairs, and was instead "the result of necessity" and intended to be "but introductory to a more extended plan of operations."¹¹⁸ By 1835, this new explanation said that "the impulse which had borne the institution along had lost its power, and the consequences of the inherent tendencies of the present organization," presumably the mutual drain of the two schools upon each other given the financial and political realities of its constituencies, "were henceforth to be realized; the result, notwithstanding a revival of religion to retard it, is the state we see."¹¹⁹ In other words, the new argument was that the "connection" was hurting both the seminary and the college; and moreover, that it had been *a temporary expedient anyway*.¹²⁰ This is indeed the first time that, to my knowledge, such an interpretation has appeared explicitly in the Synod's minutes, it marks a repudiation of the idea of the "single institution." It is also consistent with the stance that the Trustees

¹¹⁶ ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 97, 173-77 (1838).

¹¹⁷ ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 199, 276 (1838).

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

took the preceding year, in a meeting on July 9 and 10, which was essentially ratified by the reconvened Synod later that month.¹²¹

A new version of the Covenant then took shape, dismantling much, though not all, of the union that had been effected in 1825. The new terms that the Synod agreed upon in July 1839 established that, though the Synod would retain title to the college building, it would guarantee the college's use of certain areas within it and promise not to "sell or lease" it without the Trustees' approval.¹²² Seminary professors would continue to teach in the college, and to preach in the college chapel on Sundays,¹²³ but tuition fees would now be expected of students in the college who were receiving financial aid from the church as candidates for the seminary (as had not been the case earlier).¹²⁴ Also the college's president would not, henceforth, be a seminary professor, and the Trustees' newly nominated President, John Ludlow, was indeed elected (though he later declined) at the same July Synod meeting.¹²⁵ The Synod first promised at that meeting to raise money from the people of the Dutch Church to pay the salary of the president, on the understanding that the Trustees' choice of a president would be subject to the Synod's approval.¹²⁶

Within a few months, it became apparent that the money was not forthcoming, and this fact precipitated at the General Synod meeting of June 1840, a final revision in the terms of the Covenant.¹²⁷ The college's Superintendents proposed that, with unprecedented clarity yet consistent with their own recent deliberations, the church needed to grant the Trustees, "a large majority of whom are ministers and lay-members of the Reformed Dutch Church, and . . . whose devotion to her interests is not to be questioned," direct control and supervision of the institution.¹²⁸ Thus, the Trustees would, from then on, raise the funds for the college themselves, including the funds for their own president.¹²⁹ The Synod agreed, encouraging the Trustees to proceed as well with "efforts to increase the endowments of the college" and commending these to "all the friends of the Reformed Dutch

¹²¹ The minutes are preserved among the Trustees' Enclosures, Box 3, folder 3.

¹²² ACTS AND PROCEEDINGS, *supra* note 117, at 301, 316.

¹²³ *Id.* at 315.

¹²⁴ *Id.* at 314.

¹²⁵ *Id.* at 311, 313-14.

¹²⁶ *Id.* at 314.

¹²⁷ ACTS AND PROCEEDINGS, *supra* note 117, at 325, 395.

¹²⁸ *Id.* at 397.

¹²⁹ *Id.*

Church.”¹³⁰ Perhaps most significantly, the Synod stated, as a rationale for this action, the principle that the “efficiency of the college depends mainly upon the wise and energetic administration of its affairs by the Board of Trustees,” to whom that administration is now referred.¹³¹ Therefore, “the Synod repeals, on its part, all former action on this subject, which may or can interfere with the tenor of this resolution.”¹³² The two schools would now administratively be separate institutions.¹³³

VIII. REFORMULATING THE TIE BETWEEN COLLEGE AND CHURCH, 1840-1905

After 1840, the college and the seminary were administratively separate, that is, the vision of the two schools as a “single institution,” a vision which hovers in the history of the college’s early years, albeit without clear articulation, and then got its full trial in the years from 1825 to 1840, was afterward mostly only a memory. The connection between the college and the Reformed Dutch Church, however, remained strong. This was true in the formal sense that some elements of the old Covenant remained in effect for another quarter century and that church members were guaranteed a place in the college’s governance and administration for several more decades. It was also true, for even longer, in an informal sense, for the ancient tie of mutual affection and aid between the college and the *community* of the church—that is, the church defined not as institution but as the community of persons identifying themselves as Dutch Reformed—endured well into the twentieth century.

For more than two decades following 1840, certain provisions of the Covenant remained officially in effect. Specifically, the property of the college continued to be owned by the Synod, the seminary professors continued to live in Old Queen’s and offer some instruction in the college, and scholarship funds for college students continued to receive attention from the synod.¹³⁴

Then, between 1864 and 1867, the Trustees and the Synod worked out an arrangement to bring the Covenant itself to an end.

¹³⁰ *Id.* at 405.

¹³¹ *Id.*

¹³² *Id.* at 405.

¹³³ See generally ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 404-05 (1840).

¹³⁴ See Coakley, *supra* note 21, at 24-25.

It was then that, at the Trustees' request, the Synod sold the property back to the college and relocated its professors into residences on its own recently established campus a few hundred feet away from the college, on what would be Seminary Place.¹³⁵ This was done at the instigation of President William Campbell of the College, himself a Reformed Church minister and a former professor at the seminary.¹³⁶ This abrogation of the covenant occurred at a moment when Rutgers was becoming the New Jersey designee for land-grant status under the Federal Morrill Act.¹³⁷ Thus the Synod committee that determined the terms of the resale of the property to the college specifically noted that the college would need to own its own land to "fulfill the conditions of its grant from the state of New Jersey"—the first reference in the church's documents to the emerging connection of the college with the State.¹³⁸ The time had come for the institutional disengagement between church and college.

The very abrogation of the covenant, however, was framed in terms that called attention to the continuing close ties between college and church.¹³⁹ The Synod committee that recommended the re-conveyance of the college property to the Trustees in 1864, in explaining why the asking price should be the (evidently) low sum of \$12,000, noted the ancient connection of church and college as an enduring reality:

The College and the Seminary are alike parts of the Church's one entire scheme of Christian education. They are the complements of each other. Each has a vital interest in the prosperity of the other; and both are entitled to the fostering care of the Church . . . and no thought of driving a hard or a profitable bargain with the Trustees . . . should be entertained.¹⁴⁰

As the Synod stated three years later in acknowledging payment for the property:

¹³⁵ *Id.*, at 27-30.

¹³⁶ *Id.*, at 30.

¹³⁷ See McCormick, *supra* note 3, at 84-90.

¹³⁸ See ACTS AND PROCEEDINGS OF THE GENERAL SYNOD OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA, 391, 469 (Bd. of Publ'n of the Reformed Protestant Church 1865).

¹³⁹ See generally *id.* at 471.

¹⁴⁰ *Id.*

It is pleasant on the review to see how the Synod and the Church have been *foster parents* of the College, and to note how the pecuniary resources of the Church have been poured into its treasury, and how by individual beneficence from the bosom of our communion it now stands on a firm foundation . . .

.¹⁴¹

The report adds the comment that it was unimaginable that the Reformed Church's *people* would not continue to have a dominant role in the college.¹⁴² It can neither be doubted that the "system" whereby they had that role in the past, a "system . . . dear to the fathers, and whose maintenance was the ground of all the labors performed, and sacrifices made, and money expended," would continue to be "carried out, and with fuller development."¹⁴³ The vision implied in the re-conveyance of the college property was that the church—not the *institution* of the church (in terms of official accountability) but still the *community* of church (in terms of the affection and commitment of many individuals)—would continue to be a strong, perhaps even dominating, force in the college.

IX. TOWARD RENOUNCING SECTARIANISM, 1905-1920

There was one last set of changes in the framing of the community tie between college and church. For at the time of the re-conveyance of the property to the Trustees, in 1864, the Synod still did not conceive that tie in purely voluntary terms.¹⁴⁴ The Synod set, as *a condition* of the transfer of the deed, "that the President of the College, and three-fourths of the Board of Trustees shall always be members in full communion of the Reformed Protestant Dutch Church," and that if these conditions were not met, the "deed of the conveyance shall be void, and the title of the property would revert to the Synod."¹⁴⁵ Before long the

¹⁴¹ *Id.* at 269-70.

¹⁴² *Id.*

¹⁴³ 11 ACTS AND PROCEEDINGS OF THE GENERAL SYNOD OF THE REFORMED CHURCH IN NORTH AMERICA, 151, 269-70 (Bd. of Publ'n of the Reformed Church in Am. 1869).

¹⁴⁴ *See generally* ACTS AND PROCEEDINGS THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 471 (1864) (framing conditions of the property's use that would require continued influence by the Dutch Church).

¹⁴⁵ *Id.* at 472.

Trustees would begin to consider these conditions restrictive, and eventually, as will be seen, they were removed.

At this point in the story, a central figure emerges: the Rutgers president W.H.S. Demarest. Demarest was an alumnus of both the college and the seminary.¹⁴⁶ He had served for thirteen years as a minister of Reformed Church congregations in the Hudson Valley, and then for four years as a professor at the seminary, before becoming Acting President of Rutgers College in 1905, and then became the President officially, the following year.¹⁴⁷ Demarest *embodied*, as perhaps no one else had ever done, the understanding of the tie as one of affection and aid, a function of the church as community; yet at the same time he steered the college to a final decisive removal of anything but a purely voluntary connection with the church.

Demarest effected that removal in the early years of his presidency. A letter to the Synod that Demarest signed as secretary of the Trustees at the moment he was about to become Acting President may offer a clue as to his early interest in eliminating the conditions set on the deed of the college property.¹⁴⁸ The letter withdraws a request the Trustees had made the previous year to the Synod to change the conditions to stipulate that only one half of the Trustees would need to be Reformed Church members.¹⁴⁹ At first sight, withdrawal of the request might suggest a reluctance to press the issue, which indeed had become troublesome. The Trustees had already procured one change in the terms of the deed, getting the proportion of Reformed Church members on its board reduced from three-fourths to two-thirds in 1891,¹⁵⁰ but in that case the

¹⁴⁶ Gasero, *Historical Directory*, *supra* note 66, at 97.

¹⁴⁷ *Id.*; McCormick, *supra* note 3, at 142.

¹⁴⁸ *See generally* 21 THE ACTS AND PROCEEDINGS OF THE GENERAL SYNOD OF THE REFORMED CHURCH IN AMERICA 1, 99 (The Bd. of Publ'n of the Reformed Church in Am. 1907).

¹⁴⁹ *Id.*; *cf.* 20 THE ACTS AND PROCEEDINGS OF THE GENERAL SYNOD OF THE REFORMED CHURCH IN AMERICA 595, 688-89 (The Bd. of Publ'n of the Reformed Church in Am. 1904).

¹⁵⁰ 17 ACTS AND PROCEEDINGS OF THE GENERAL SYNOD OF THE REFORMED CHURCH IN AMERICA 229, 330-31 (Bd. of Publ'n of the Reformed Church in Am. 1893). Perhaps not incidentally, the Trustees took in the same year an action surely calculated to demonstrate their good will at this moment when they were requesting the change in the deed: a new requirement, apparently enacted by the Trustees on their own initiative, that every Rutgers student receiving aid from the beneficiary funds entrusted to the college by the Reformed Church must now sign a bond, making explicit a promise (hitherto only implied) to repay, and with 4% interest, the money loaned to him *unless* he proceeds to complete studies at

Synod had previously been reluctant and this had indeed been the second such request, the first having been turned down in 1884.¹⁵¹ This new request for another small incremental change could also have met resistance, but Demarest was not giving up because he had a more decisive move in mind.

That move came three years later in 1909, when Demarest, well established as president of the College (I am sure not incidentally), was elected to the one-year term of president of the General Synod at the Synod's meeting in June.¹⁵² In Spring of that year, the Trustees wrote another letter to the Synod, clearly under Demarest's leadership. This time, however, the Trustees did not ask for another incremental change in the proportion of Reformed Church members in their body; they requested that *any* requirement for the Board to include Reformed Church members be dispensed with entirely, along with the other conditions that had been attached to the deed of the college property.¹⁵³ The Synod, William Demarest presiding, agreed to the change unanimously.¹⁵⁴ The conditions on the college deed were thus removed and thereafter the connection between church and college was to be, on both sides, purely voluntary.¹⁵⁵

The Synod's 1909 vote was a coup for Demarest, but not a sudden one, for he already saw from the outset of his presidency that the college was poised for great growth and that, even though he hoped there would still be a private dimension to Rutgers as a "college of the historic type, emphasizing liberal culture and Christian character,"¹⁵⁶ it was going to be increasingly leaning for

"one of the schools of theology maintained by the General Synod of the Reformed Church in America," and thereafter both receives ordination in the RCA, and remains in RCA ministry for five years. CORWIN, *Digest*, *supra* note 1, at 640-641.

¹⁵¹ 15 ACTS AND PROCEEDINGS OF THE GENERAL SYNOD OF THE REFORMED CHURCH IN AMERICA 407, 420, 456 (Bd. of Publ'n of the Reformed Church in Am. 1885).

¹⁵² 22 The ACTS AND PROCEEDINGS OF THE GENERAL SYNOD OF THE REFORMED CHURCH IN AMERICA, 301, 358-59, 547 (The Bd. of Publ'n of the Reformed Church in Am. 1910).

¹⁵³ *Id.* at 314, 358-59.

¹⁵⁴ *Id.* at 314, 358-59, 547. F.R. Hutton, an Elder delegate to the Synod from the Classis of New York, and apparently an ally of Demarest in this matter, wrote a congratulatory letter to Demarest the day after the Synod adjourned, referring to "the unanimity of the synod in accepting our resolution." Letter from F.R. Hutton, Elder Delegate, to W.H.S. Demarest, President of the Gen. Synod (June 9, 1909) (on file with Special Collections & Univ. Archives: Rutgers Univ. Libraries (Demarest Papers, Box 30, Folder 23)).

¹⁵⁵ ACTS AND PROCEEDINGS OF THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA 358-59 (1909).

¹⁵⁶ MCCORMICK, *supra* note 3, at 142-43.

support upon the state.¹⁵⁷ Thus, the last vestigial traces of the covenant would have to go and, as the Synod of 1909 approached, Demarest had been preparing the ground by literally compiling a new narrative of the college's relation to the Church in a carefully reasoned document that has been conserved with his papers.¹⁵⁸ There, Demarest argued that the school originally had no mandatory, or prescribed, connection with the Church, and by implication the terms of the covenant in its various forms from 1807 through 1840 established no such connection (this being in his view true even of the covenant of 1825, which, he maintained, did not compromise the autonomy of the Trustees); he argued that the conditions introduced in the deed of property in 1864 were an anomaly established for purposes that reflected temporary situations that no longer existed, and could now be dispensed with, especially given the new situation of the college in which it was developing other relationships with the state and with a broader constituency.¹⁵⁹ So, the Trustees' letter to the Board of Direction of the church in 1909—likely drafted by Demarest himself—gives, as the first reason for this request, that eliminating all conditions on Board membership simply restores the “entire freedom” that characterized the original relationship between college and church.¹⁶⁰ When *The Christian Intelligencer* reported it, the straightforward statement, which was that this had been the original nature of the tie between college and church until the introduction of conditions on the deed of 1864, was given as the uncontroversial rationale.¹⁶¹

The General Synod's acceptance of the request of the Rutgers Trustees in 1909 was the end of the story of any active institutional connection with the college, on the Reformed

¹⁵⁷ *Id.*, at 145.

¹⁵⁸ “Rutgers (Queen's) College and the Reformed (Dutch) Church” (on file with Special Collections & Univ. Archives: Rutgers Univ. Libraries (Demarest Papers, Box 30, Folder 23)). The document is undated, but is clearly directed toward arguing for the request, specifically for the “proposition... that the General Synod and the Trustees move to abolish the restriction upon election of Trustees, remove the ecclesiastical qualification now attaching with two thirds of the elective members of the Board. *Id.*, at 15.

¹⁵⁹ *Id.*, at 11-14.

¹⁶⁰ Letter, Bd. of Trs. of Rutgers Coll., Trustees of Rutgers College to the General Synod of the Reformed Church in America (Apr. 9, 1909) (on file with Special Collections & Univ. Archives: Rutgers Univ. Libraries (Demarest Papers, Box 30, Folder 23)).

¹⁶¹ The requested action was understood as “simply a return to the terms of the original charter under which the College was conducted from 1770 to 1864.” CHRISTIAN INTELLIGENCER, June 16, 1909, at 379.

Church's part. But for the College itself, there was one remaining episode in the story. Though the conditions of the deed of 1864 had been removed by the General Synod, the ancient college charter itself still specified that the president of the college would be a member of the Reformed Dutch Church and that (although this provision had fallen into disuse) the college have a professor of theology from that Church. When, in the 1910s, the College's financial support from the state was increasing very dramatically, objections were beginning to be heard, not only from the Catholic Church but from other quarters as well, that this state-supported institution was still a sectarian institution, connected to a Protestant denomination.¹⁶² As the *Trenton Times* editorialized, "there should be no more dumping of public money into Rutgers College under any of the numerous titles until the rights of the State have been defined.

The popular notion is that Rutgers is controlled by a religious denomination, and that by no means one of the largest."¹⁶³ The Trustees, with Demarest in the lead, moved decisively. An act of the legislature was required to enable them to change their charter, but this was obtained on April 9, 1920, and adopted officially on October 29, 1920, stating that any connection at one time existing between this College and the said Dutch Reformed Church (now called the Reformed Church in America) has long since terminated, and it is desirable that the choice of a President (whenever a vacancy may occur), shall not be limited to the members of said Church, and that said provisions and all others which might give to this institution an appearance of being sectarian or of being affiliated with any sect or denomination, not being in accordance with the fact, should be abrogated.¹⁶⁴

X. A CONCLUDING POSTSCRIPT

The year 1920 thus marked the unambiguous conclusion of any official connection of Rutgers College with the Reformed Dutch Church, or even of the appearance of any such connection that could undermine or compromise its emergent status as a public institution. Such connections, however, die hard. Demarest himself, who deftly guided the College to this final "abrogation" of

¹⁶² "Diverting Public Moneys," *TRENTON EVENING TIMES* Mar. 20, 1920, at 6.

¹⁶³ *Id.*

¹⁶⁴ Trustees' Enclosures, Bd. of Trs. of Rutgers Coll. (Oct. 29, 1920) (on file with Special Collections & Univ. Archives: Rutgers Univ. Libraries (Box 14, Folder 3)).

any “sectarianism” on the part of the College, remained a minister active in the affairs of the Reformed Church, and, after leaving the presidency of the college in 1924, served for ten years as the seminary’s president of the seminary. For all his repudiation of any connection with the church that would compromise the college’s position as a state-supported university, Demarest continued to think of the college and the church as maintaining what I have characterized as an affectionate connection—which is indeed what he was claiming, in his preparation for the Synod of 1909 (as was seem above) as having been the essence of the connection from the earliest days. As late as 1922, not long before he stepped down as president, Demarest wrote to the President of Haverford College, who had asked how Rutgers had dealt with its church connection, that “the church sympathy remains strong,” and that even though the requirement for the president to be a Reformed Church member was now gone, “the president will always, I have no doubt, connect himself with that church.”¹⁶⁵ He was not prophetic on that particular point of the president’s church membership, and indeed the affectionate connection with the Reformed Church that he assumed would remain strong would come as news to most people in the university at the present moment; though mostly a memory, it has, I venture to say, left a few traces that, at least to the historian’s eye, are discernible even today.¹⁶⁶

¹⁶⁵ Letter, W.H.S. Demarest to W.W. Comfort (Jan. 3, 1922) (on file with Special Collections & Univ. Archives: Rutgers Univ. Libraries (Demarest Papers, Box 30, Folder 17)).

¹⁶⁶ See John W. Coakley, *The New Brunswick Theological Seminary’s Connection to Rutgers*, RETIRED FAC. ASS’N NEWS. (Rutgers: Robert Wood Johnson Med. Sch., Piscataway, N.J.), Sept. 2015, at 1-7.