

## Governance by the People

### Article # 6 on the Founding of Eastchester

By

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Regina Baio "The 1665 Covenant: Life in Seventeenth-Century Eastchester" *Out of the Wilderness: The Emergence of Eastchester, Tuckahoe, and Bronxville (1664-1214)*

Long before American democracy was achieved, Eastchester's founding families created for themselves a document to govern their relations with each other and outsiders, the Eastchester or Ten Farms Covenant. The men and women who founded the town of Eastchester starting in 1664 were active in demanding that their century's old rights as Englishmen be protected. The path from Magna Carta to the Declaration of Independence culminating in the US Constitution in which authority flows from the people and the rule of law, rather than a king or queen, was an evolutionary struggle that had been going on for centuries. As part of this process, the Eastchester Covenant is an early example of governance by the people.<sup>1</sup>

In 1986 Stephen Schechter, a nationally known political scientist and historian, was appointed executive director of the New York State Bicentennial Commission Celebrating the Constitution and the Bill of Rights. Four years later, Schechter in conjunction with Pulitzer Prize nominee Richard Bernstein published a book entitled *Roots of the Republic: American Founding Documents Interpreted*. In that publication the Eastchester Covenant is described as one of New York State's more important founding documents, giving comparative status with the Mayflower Compact, the Fundamental Orders of Connecticut, the Albany Plan of Union, and the United States Constitution and the Bill of Rights.<sup>2</sup> Why is the connection between the Eastchester and other town's civil covenants and the belief that government can be created by the consent of the governed?

The assumption that most of Eastchester's earliest residents came to town can be made that they settled here because they were unhappy with their financial situation. They also were insistent on keeping their rights as Englishmen including the privilege of practicing their faith without interference from the government. Here in the newly created English colony of New York they would be forced to struggle to have the same rights as the people from the colony from which they came, Connecticut, had. For over two decades Connecticut had its own colonial assembly and democratic town meetings were part of the fabric of the local government for the entire colony.

Town meetings in which local decisions were made and permanent records kept took place from almost the very inception of the town. Eastchester's first town clerk, Thomas Shute, kept notes on the proceedings at Eastchester's first town meeting. Eastchester's town records are some of the oldest in New York State.

A fundamental principle of American government is that of consent of the governed, dating back to the Magna Carta. Yet there was no colonial legislature in which English citizens have a say in their taxes and other decisions affecting their lives. In 1669 Eastchester settlers, Phillip Pinckney and William Haiden, petitioning the colony's highest court for the right to send representatives to a colonial assembly.<sup>3</sup> The right to elect representatives to a colonial assembly in which the people of the colony would have a say in their taxes and some control over the Royal Governor did not become a reality until 1683.

But the right to elect their own representatives to a colonial assembly and have more control over their lives would soon be threatened. A new monarch, James II, had taken over the throne of England. This king saw colonial assemblies as a threat to his authority and he attempted to end that practice.

In 1689, a rebellion took place in the colony of New York. The commander of the local militia, Captain Jacob Leisler, took over the colonial government and restored the colonial assembly. This uprising became known as Leisler's rebellion. He was supported by 400 men, 70 of whom were from Eastchester, most likely farmers. Unfortunately in the absence of legitimate authority, Leisler overstepped his power. Leisler was accused of treason, brought to trial, and hung.<sup>4</sup>

The assembly to this day is still part of the New York legislature. The population of Eastchester was only 173 people in 1698.<sup>5</sup> It seems that the vast majority of able body farmers initially supported Leisler in his successful effort to keep the right to have a colonial legislature. King James II was forced to vacate his throne and a level of normalcy was restored to the colony of New York.

This fundamental right to vote and the principle of consent of the governed is at the heart of American democracy. Four decades before John Peter Zenger printed an article about an attempt to fix an election to the colonial assembly, the farmers of Eastchester were willing to fight to maintain that right that was first granted to Englishman by the Magna Carta in 1215. Taking into regard all this relatively new information it would be more appropriate to refer to the historic town of Eastchester as “Birthplace of the Freedoms in the Bill of Rights.”

The Eastchester Covenant, a copy of which hangs in the lobby of Eastchester Town Hall, is our oldest and most precious document. It is the only surviving covenant in New York State and one of sixty civil covenants in New England. The first civil covenant was the Mayflower Compact which simply said that all of the men who settled in Plymouth would be involved in making the laws. Eastchester was an early experiment in government by the people. The signers of the Covenant wanted its people to behave in a neighborly and orderly fashion. Put more simply, the people of this small town would be compassionate, kind, cooperative, honest, and generous. What better mission statement can a town have.

In the next article the long range significance of the Eastchester Covenant will be elaborated upon.

Please contact us at [historian@eastchesterhistoricalsociety.org](mailto:historian@eastchesterhistoricalsociety.org) about any comments or questions you might have about this column. Also any questions about sources of information will be addressed.

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<sup>1</sup> Regina Baio “The 1665 Covenant: Life in Seventeenth-Century Eastchester” *Out of the Wilderness: The Emergence of Eastchester, Tuckahoe, and Bronxville (1664-1214)* 70.

<sup>2</sup> Stephen Schechter *Roots of the Republic: American Founding Documents Interpreted* (Lanham, Maryland: Rowan and Littlefield Publishing, 1990) 36-46. The Eastchester Covenant is referred to as the “Ten Farms Covenant.”

<sup>3</sup> Edwin B. O’Callaghan *Origin of Legislative Assemblies in the State of New York Including Titles of Land Passed Previous to 1691* (Albany, New York: Weed, Parsons, and Company, 1861 10.)

<sup>4</sup> Lloyd Ulton *The Bronx in the Frontier Era* (Dubuque, Iowa: Kendall/Hunt Publishing Company, 1993)135-142; Regina Baio “The 1665 Covenant: Life in Seventeenth-Century Eastchester” *Out of the Wilderness: The Emergence of Eastchester, Tuckahoe, and Bronxville (1664-1214)* 70; Richard Forliano *Eastchester-Birthplace of the Bill of Rights* (Eastchester, New York: Eastchester Historical Society, 1991) 13-14.

<sup>5</sup> Joseph J. Esposito, “350 Years and Counting” *Out of the Wilderness: The Emergence of Eastchester, Tuckahoe, and Bronxville (1664-1214)* 286.