

*New Jersey's
Revolutionary Experience*

21

*William Livingston:
New Jersey's
First Governor*

CARL E. PRINCE

New Jersey Historical Commission

NEW JERSEY'S REVOLUTIONARY EXPERIENCE

Larry R. Gerlach, *Editor*

This series of publications is dedicated to the memory of Alfred E. Driscoll, governor of New Jersey from 1947 to 1954, in grateful tribute to his lifelong support of the study and teaching of the history of New Jersey and the United States. He was a member of the New Jersey Historical Commission from 1970 until his death on March 9, 1975.

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**THE NEW JERSEY AMERICAN
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Foreword

New Jersey's Revolutionary Experience is a Bicentennial pamphlet series published by the New Jersey Historical Commission with a grant from the New Jersey Bicentennial Commission. The twenty-six numbers and two teachers' guides are intended to acquaint secondary school students and the general public with the state's history during the era of the American Revolution. Some titles treat aspects of the Revolution in New Jersey, while others show how important themes of the colonial period developed during the revolutionary years; some bring together the results of existing scholarship, while others present the findings of original research; some are written by professional historians, and others by laymen whose investigations of Jersey history exceed avocation. Because the series is directed to a general audience, the pamphlets have no footnotes but contain bibliographical essays which offer suggestions for further reading.

New Jersey's Revolutionary Experience is the product of a cooperative venture by numerous individuals and agencies. On my behalf and that of the pamphlets' readers, I accord recognition and appreciation to the individual authors for their contributions to New Jersey history, to the New Jersey American Revolution Bicentennial Celebration Commission and the New Jersey Historical Commission for their support of the project, to Hank Simon, president, Trentypo, Inc., for his invaluable suggestions and cooperation in producing the series, and to the staff of the Historical Commission: Richard Waldron, Public Programs Coordinator, who as project director supervised the series from commencement to completion; Peggy Lewis, Chief of Publications and Information, and Lee R. Parks, Assistant Editor, who edited and designed each number; and William C. Wright, Associate Director, who contributed valuable suggestions at every stage of production.

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William Livingston (1723-1790), governor of New Jersey, 1776-1790. Courtesy Princeton University Archives.

"You are the head and farther of this State," wrote a semi-literate farmer to William Livingston early in the Revolution. The highborn New Jersey governor, raised in a rigidly patriarchal family and governing at a time when rule by paternalism still enveloped affairs of state, must have been secretly satisfied with that image. At the same time, paradoxically, he had already committed himself to the American Revolution and all it stood for. By 1776 Livingston had demonstrated his great respect for both the ideal of representative self-government and the rationality and potential of all men. These ideas, after all, were bench marks of developing American revolutionary thought that Livingston, like most Founding Fathers, had absorbed very early in the confrontation between Great Britain and America.

"Do you not feel," the governor was asked by the same husbandman, "the Destress & Cry for Bread, the Comalitys [calamities] of the Poor of the Contry?" The first governor of the state had indeed heard cries like these, and one of the great strengths of his long tenure in office (1776-1790) was his ability to respond both humanely and effectively to the terrible crises that touched a state at the center of the rebellion. His ambivalence about the opening social order never caused him to waver in his commitment to the Revolution, nor did it ever place blinders on his humanity or his sense of obligation to even the lowliest in New Jersey's stratified population. The governor's ambivalence was typical of that of many other American leaders for whom there was a gap between the long-range ideals of an open society and the elitist conditioning of their background.

William Livingston was born in 1723 to a New York family deriving from seventeenth century Dutch and English settlers. His father Philip, the second lord of Livingston Manor, presided over tenant farmers who contracted to work the land owned by the elder Livingston. By the 1740s the Livingston clan was among the five most notable families in colonial New York. William was thus the inheritor of both property and status; as always these ingredients meant a great deal in determining how far one would go in the world. Educated at Yale, William pursued a career traditional for New York's gentry. Settling in New York City, he practiced law from the 1740s through the 1760s. But he did not limit himself to the law: he wrote literary essays, poetry, a well-received military history of colonial American participation in the Anglo-French wars for empire, and a constant outpouring of first-rate political satire, much of it directed against the political failings of the mother country long before such anti-imperial writing was fashionable in the New World. As a result Livingston became both well-known and controversial.

Continuing involvement in the politics of prerevolutionary New York, however, was both distracting and unnerving. Livingston was by nature introverted; the emotional, highly charged, personalized character of colonial New York politics drained him, and in 1770 he decided to retire. He thus prepared to remove himself from the mainstream of politics as well as most of his active law practice and business management to devote his time to literature, his first love. The only way to do this, he decided, was to break cleanly by moving to the Jersey countryside with his wife Sukie (Susannah French) and their nine surviving children. It was to prove an ironic retirement, to say the least. He built "Liberty Hall," a magnificent estate in Elizabethtown (now Elizabeth) which stands today. Still less than fifty years old when he moved in 1772, he honestly looked forward to the contemplative, pastoral existence that Elizabethtown provided. He never found it. Livingston reckoned without the intrusion of revolution, independence and war into rural New Jersey. In fact, had he been able to glimpse ten years into the future, he might well have concluded that New Jersey was the worst place in all the colonies to retire to if one sought peace and quiet.

A man of his prominence, elite status, and accomplishments

could not long escape the blandishments of New Jersey's budding revolutionary leaders. Livingston brought with him to Elizabethtown a reputation for persistent criticism of the mother country's heavy hand. His Dutch ancestry may have been one personal factor contributing to his anti-English bias. He had also come to reject Britain's efforts finally to transform the American colonies into true economic and political subordinates within the Empire. As a lawyer, land speculator and sometime merchant-importer in New York, he took as a direct threat to his own wealth and prerogatives such imperial invasions as the Sugar Act of 1764, the Stamp Act of 1765 and the Townshend duties of 1767. Livingston's published views about these matters were known throughout the Middle Colonies and, of course, to the revolutionary clique in New Jersey as well. As the "great man" recently removed from the commercial and literary mecca of New York City, and carrying the regal name of Livingston to boot, he was fair game for the homegrown rebellious forces gathering across the Hudson. The transplanted New Yorker was thus drawn into the web of revolutionary politics that spread across provincial New Jersey in the years immediately before 1776. Indeed, New Jersey Assemblyman James Kinsey in June 1774 urged revolutionary leader Elias Boudinot to get "Mr. L" involved by informing him "that it is his duty." "Tell him from us that if the trifling disputes of the Colony of New York were capable of Rousing him," then certainly "the present times should."

In fact the newcomer from across the Hudson had been drawn in a passive way into the whirlpool of New Jersey's revolutionary politics a few months earlier. Livingston, in retirement, had written a biting satire on the ineffectiveness of all Jersey politicians in the aftermath of the "Great Treasury Robbery" of the East Jersey colony's exchequer in 1768. (New Jersey had been divided into the colonies of East and West Jersey until united under a royal governor in 1703, and retained separate capitals and treasuries until the revolutionary era.) The political reverberations of that traumatic event resounded through the politics of the ensuing decade. The practiced satirist took Royal Governor William Franklin to task for his characteristic obstinacy and called the assembly (the lower house of the colonial legislature) to account for its interminable propensity to quibble over details in order to duck issues. Both the governor and the assembly were characterized in

acid understatement as given to wasting time, dealing in non-sequiturs and being interested only in maneuvering against each other for political position while the thief escaped:

Gov.: Gentlemen, the Treasury has been robbed.

Ass.: Many People Sir, are of that opinion. . . .

Gov.: Do you then deny that he [Sam Ford] has robbed the Treasury?

Ass.: We do not.

Gov.: Why then don't you air it.

Ass.: That implies knowledge.

The point is that Livingston was drawn to and knew intimately about the politics of his adopted state even before he had enlisted in the local revolutionary movement. New Jersey's Whig leadership was well aware, moreover, of Livingston's long political experience and ability as a political satirist. When Livingston was approached, his sense of duty, his human susceptibility to clever blandishments that portrayed him as indispensable to the cause, and with his well-developed opposition to English colonial rule combined to launch him on a new career. He was elected to the First and Second Continental Congresses (July 1774-June 1776), went on to command the East Jersey militia (June-August 1776), and served as governor of the new state during its most turbulent years (September 1776-July 1790) and as delegate to the federal Constitutional Convention (1787). So much for retirement.

Livingston's election to the Continental Congress by the New Jersey Committee of Correspondence in 1774 not only wrenched him out of his solitary existence but opened up new vistas for him. At Philadelphia he lived and worked with many men on their way to immortality: John and Samuel Adams, Thomas Jefferson, John Hancock, John Dickinson, Benjamin Franklin, George Washington, Patrick Henry, and many others. With a few, notably George Washington, he would develop close friendships.

Some years later Livingston gave his views on the work of Congress to its president, Henry Laurens. Livingston pointed out that he had stood openly for independence from the first call to quorum in 1774. Many of his colleagues, he found, were less willing to so commit themselves publicly. "I had not Sir, been in Congress a fortnight, before I discovered that parties were forming," a

division, he reflected, between those who admitted independence as their goal and those who wanted it but were not yet ready to say so openly. "I cannot entertain the most favourable Opinion of a man's veracity who intended it [independence] when he swore that he did not." Such "trimming" was all the more reprehensible when Americans were "able conscientiously to renounce our Allegiance to a King, who in my very Opinion had forfeited [sovereignty] by his manifest Design to deprive us of our Liberty." This view of the post-1763 taint on the historic hegemony of England over the American people sums up in a nutshell what Livingston believed about imperial relations between crown and colonies in these critical years.

He resigned from Congress in June 1776, at the urgent request of the New Jersey Provincial Congress (the first governing body of the virtually independent state), to assume command of the East Jersey militia as it activated to meet the impending threat of invasion by British and Hessian troops arriving at Staten Island. For the next three critical months Livingston learned his military skills in the field; he emerged as one of the militiamen on whom General Washington most relied. His short military career deepened his abhorrence of Loyalists. His jaundiced attitude was all too evident, both in the long run and in the hectic summer of '76. He gladly sublimated his deep commitment to due process under law in order to purge the state of Tories. Within two weeks of taking over his command, General Livingston, expecting a British attack momentarily, without scruple ordered the arrest, relocation or plain expulsion through enemy lines of large numbers of men merely suspected of remaining loyal to England.

One group of bedraggled, pitiful detainees, of high station and low, were sent under guard to south Jersey, where they passed into the care of the New Jersey Provincial Congress. Samuel Tucker, president of that body, was neither less zealous nor less partisan than his general in the field. Nevertheless he protested to Livingston the absence of any pretense of due process in carrying out these arrests and relocations. Livingston pleaded that a crisis was no time for legal niceties: with New Jersey awaiting invasion and Loyalists potentially able to act, or already acting as a fifth column, his military duty was clear. During this period when he exercised day-to-day power over the lives and fortunes of great

numbers, and later when he wielded broader but shallower powers as governor, William Livingston indulged an almost virulent hatred for Loyalists, who he ever after considered traitors to the new American nation. His intemperateness in dealing with the fates of these men and women was uncharacteristic of this otherwise restrained, relatively high-minded public official.

On the whole General Livingston's ardor contributed to his success with the militia. It infused a sense of discipline and urgency into the poorly trained troops in the field, generated unity and support within the civilian Whig population, and probably struck terror—and through that emotion obedience—into the many Jerseymen who wavered between the two sides in the summer of 1776. Finally, his obvious antagonism toward enemies both proven and suspected sustained the appearance of certitude and direction on his part. He also possessed an all-too-apparent ability to act quickly and surely to meet the looming crisis.

Another facet of his character became widely evident to Jerseymen during the three-month stint in the military. He was successful because he both paid attention to details and never tried to cover up his own shortcomings. "Your Excellency must be sensible," Livingston wrote General Washington on July 4, 1776, "that as the department I now act in is to me entirely new, I must be desirous of every aid that can possibly be obtained. If you Sir could spare a few experienced officers to assist me in this important Business, it might be of essential Service." Neither vanity nor smugness was characteristic of Livingston. He never believed, in the course of his long New Jersey political career, that he could go it alone. Later that year, that ability to seek out the support of others enabled Livingston the governor to mold a consensus administration in a new state confounded by historically rooted, opposing political factions, long-standing geographic divisions, gaping voids in the traditional ruling class, and the trauma of war on the home ground. The legislative call to the governor's chair came on August 31, 1776. But before turning to that high point of his career, it is important to take a look at Livingston the man.

What was Livingston's personal response to the Revolution? Why did he rationalize his elite background and attitudes, thus attuning himself to the democratic changes taking place in American society? How did his personality and political theory

affect his executive guidance of the infant state during its formative years? Like so many of his contemporaries among the Founding Fathers born into the upper class of eighteenth century America, Livingston experienced the anguish of a man trying to determine under pressure the right course to take when the break with England came. A surprisingly large proportion of America's elite, Livingston among them, imprudently jeopardized lands, wealth, position, even their lives, by openly allying themselves with the revolutionary cause in defiance of the seemingly more logical and certainly more expedient option of remaining loyal to crown and country. If the war had been lost and Livingston escaped with his life, he would have forfeited both his property and his place in society. In sum, Livingston was a man of conservative political leanings forced into the personally distasteful role of flamboyant revolutionary. Indeed, throughout the war he was a rebel with a price on his head. Exiled New Jersey Loyalists—who several times tried to arrange Livingston's assassination, for he was a symbolic and practical thorn in their sides—offered a reward for his murder.

Livingston's reactions provide additional insights into his personality and character. A clear sense of the personal limitations he felt in assessing his own worth comes through in one of his responses to an assassination attempt. "They are as great block-heads as they are rascals," he wrote after one Loyalist raid on Liberty Hall, "for taking so much pain and running such risk to assassinate an old fellow whose place might instantly be supplied by a successor of greater ability and greater energy." A post-mortem on another occasion reflected something of the contempt he felt for those Americans who sided with Britain. "The Villains do me great honour without intending it," the governor wrote about one murder attempt. "I should certainly despise myself if they did not hate me & suspect myself for a traitor to my country in proportion as I had their good wishes." Sometimes he almost seemed to revel in the intensity of Loyalist hatred directed at him. Furthermore, a strong sense of the ironic shines through Livingston's reactions to attempts on his life. "I hope [the assassins] never succeed," he wrote to Continental Congress President Henry Laurens, "as I should by that means most certainly lose the honour of being hanged in company with some of you more illustrious Rebels." Livingston's gallows humor was more than occasionally of the literal

Gentlemen
I rejoice having been
pleased to terminate the late war in a
manner so honorable & advantageous to
America, I most heartily congratulate you
on the acquisition. I don't let us not
flatter ourselves that because the war is
over, our difficulties are at an end. The
advantages to be expected from the establish-
ment of our Independence, will greatly
depend upon our future measures, and
a conduct suitable to so important a
 blessing. Perhaps at no particular mo-
ment during our whole conflict will
great Britain, be there but a greater
necessity than at the present juncture,
for unanimity wisdom & action.
The glory we have acquired in the war
will be rewarded thro' the Universe.
You forbid that we should ever form
it's sister by an unworthy conduct in
times of peace. We have established our
rights to the world the most incontro-
vertible proof that we are determined to
sustain both life & fortune in the
defense of our liberties. ~~Philadelphia~~
crowded our wisdom & honor together
with

Philadelphia 19 May 1783

with the most signal Success; & our military exploits have astonished the World. Let us now show ourselves worthy of the inestimable blessings of Freedom by an insurmountable attachment to public Faith & national honour. Let us establish our Character as a Sovereign State on the only durable basis of impartial & universal Justice. For whatever plausible sophistry the artful may contrive, or the avaricious be ready, from self-interested motives, to adopt; we may depend upon it that the observation of the wise man, will thro' all ages, be found an uncontrovertible truth, that Righteousness exalteth a Nation, but that Sin (of which Injustice is one of the most aggravated) is the reproach of any People.

To give proper Encouragement to the Commerce of this State; & to prevent as far as possible our Neighbours from reaping those profits on our consumption of foreign manufactures which might be secured to our Citizens, is doubtless an object that merits the mature deliberation of the Legislature.

I lay before the honourable House a number of public Letters & Papers deposited in the List herewith transmitt'd, & marked from 1st to 41, many of which I doubt not will engage your serious Attention

Wm^l Livingston

Livingston's letter to the New Jersey legislature congratulating the members "on the auspicious Event" of winning the revolutionary war, and reminding them that much remains to be done to make reality of the promise of the Revolution.
Courtesy New Jersey State Library, Archives and History Bureau.

variety. All in all, he added, these tilts made him “a man of consequence.”

One Loyalist, a close friend of many years, wrote to him from New York, across the chasm created by the war, to denounce him as a traitor to both his class and his native country, England. He answered Walter Rutherford acidly, pointing out that he did not look upon Britain as his native country. His country was America, and “I should have abhorred the measures of Great Britain” against America even if the latter “was not [my] country, as I should the like measures for enslaving any part of the Globe. This place of our birth is merely fortuitous, but Justice is immutable; and Tyranny ought forever to be detested by whomsoever and against whomsoever it may be attempted.”

The governor’s sudden immersion into the turmoil of revolution did not entirely eradicate ingrained conservative views, however, and a certain ambivalence of attitude resulted. Livingston the revolutionary often expressed compassion for the hardships of enlisted men in both the Continental army and the militia. As a commanding officer in 1776 he wrote repeatedly to both General Washington and the New Jersey Provincial Congress, seeking replacements for the farmers called to active duty when their crops were going to ruin for want of manpower to harvest them. As governor later he theorized that “the Affection of the People is the only Source of a chearful and Rational Obedience” to a political leader. These and many other expressions illustrate the intellectual effect developing revolutionary thought had on the chief executive of New Jersey. Nevertheless, the common people were dear to him only in the abstract. Like many eighteenth century aristocrats his attitude did not carry over to specific personal relationships or incidents. Thus, while he strongly believed in the developing radical concept of representative self government that accompanied the American Revolution and gladly endorsed those expressions of human rights and liberties contained in the Olive Branch Petition, the Declaration of Independence and the Constitution (he signed two of these historic documents), he nevertheless remained a patrician. He could rule paternally and with a lively regard for the obligations of the upper classes toward their social and economic inferiors—though sometimes with a heavy hand. A large number of Loyalists certainly would have borne witness to his arrogance.

Others could have testified to this trait as well. To a dismissed servant whom he suspected of stealing some things, he wrote imperiously: "You will please come to me tomorrow morning to answer for the following: 1 pair of Snuffers, 1 mustard cup, 1 blew & white mug If [you] do not come & settle the matter . . . I am determined to apply to a Magistrate." Of the same soldiers for whom he frequently expressed compassion, he could also feel contempt, referring to them on one occasion as "scanty human substance," a "mobility" for whom a sense of discipline was impossible. Finally, in this vein, in attempting to encourage the sagging morale of his friend Henry Laurens, he wrote: "Let us not my dear Sir sink into Despondency, the Efforts of the virtuous Few, with the Blessings of Providence may yet do wonders I hope the degenerate Sons of America will yet be roused out of that venality by which they would soon conquer themselves."

Livingston's continuing ambivalence about the nature and promise of man in society indicated that while the governor was capable in the abstract of comprehending the deep-seated meaning of the democratic revolution of which he was an important part, he was still inheritor of an aristocratic tradition and endowed with a clear sense of his own superiority based on birth, class, education and fellowship with influential men. The inconsistency between abstract principles and emotional, highly personalized reactions can be explained only in terms of simple human frailty. Any attempt to pigeonhole Livingston, to simplify the complexities of his character and personality, would be a mistake.

Perhaps in some way the same paradoxes impelled him to extraordinary lengths to implement his gubernatorial responsibility. At any rate a strong sense of mission was evident in his day-to-day routine for the decade and a half from 1776 to 1790. He especially set himself a grueling pace during the years of the Revolution.

One of the sources of his extensive personal authority in an office which contained but few constitutional prerogatives and no popular mandate (he was elected annually by the legislature, after all, not by the voters at large) was an addiction to hard work. Livingston, moreover, within the bounds that politics permitted, was uniformly consistent and honest. At the same time he possessed an intimate knowledge of the issues the state confronted; in time legislators came to recognize this and accepted his guidance

on matters of state, bowing to his encyclopedic knowledge of events, laws, national movements and the strengths and weaknesses of individuals.

Finally, with years of just this kind of experience behind him, he used his flare for satire to mobilize support by publishing frequently in the only mass medium then available, the weekly newspaper. Published essays continued to appear under his pseudonyms throughout his years as governor. In short, sheer physical and mental effort lay behind his fifteen years' exercise of power in an essentially powerless office. No wonder he infuriated both Loyalists and the crown's troops: he brought efficiency, order, unity, honesty and understanding to a critical battleground area and thus immeasurably augmented the new American nation's ability to wage war. What follows is an attempt to flesh out the qualities he brought to his office.

During the war he moved constantly from place to place to escape intermittent attempts to capture him and disrupt the government. His letters were dispatched not only from Burlington and Perth Amboy or his home at Elizabethtown, but were written as well from Haddonfield, Princeton, Trenton, Raritan, Morristown, Mount Holly and a dozen other places. Occasionally a wry flash of humor survives to indicate just how he survived this life on the run. He wrote to Washington in 1777 that he was about to leave Princeton "for Quaker Town (a most ominous appellation!) wither your Excellency will be pleased to direct your future Dispatches." Governor Livingston was not overreacting in moving weekly from place to place. As he himself pointed out in 1778, two recent assassination attempts had occurred near his home, Liberty Hall—a place, he added, "I am not often so near as they imagine." His administration-in-motion was so notorious that the Loyalist press chided, "your agility in New Jersey has been proverbial," and dubbed William Livingston "the Invisible Governor."

Despite the fact that he presided over a virtually portable government which operated largely out of his portmanteau (traveling trunk), Livingston averaged between twenty-five and thirty pieces of outgoing correspondence a day, many written in his own hand. This was apart from interminable meetings, interviews, small and large daily crises, the promulgation of official documents and myriad other activities that filled his day. A considerable body of

contemporary and historical opinion claims Livingston was the best war governor in the new nation. In comparing Governor Thomas Jefferson of Virginia to Governor Livingston, Jefferson's most noted biographer acknowledges that Livingston exerted more influence with the Continental Congress than Jefferson, because he was more aggressive. Dumas Malone quotes Washington's inspector general, Baron Frederick von Steuben, who believed that "things were done better in New Jersey under Governor William Livingston than in Virginia under Thomas Jefferson." According to historian Merrill Peterson, only George Clinton of New York rivaled the New Jersey executive for vigor and resourcefulness.

A major factor in the governor's developing authority was his influence over the New Jersey Council of Safety. A law enacted in 1777 created this revolutionary committee of thirteen: twelve legislators and the governor who presided, empowered as a unit to deal with problems of "internal order." This last phrase was a euphemism for curtailing the activities of New Jersey's Loyalists, their sympathizers and families, without recourse to the safeguards of English jurisprudence in general and due process in particular. With a determined and uncompromising Livingston in the chair, the council summoned, ordered the arrest of, or examined suspected persons, expelling many from the state, jailing others, and confiscating Tory land. By sheer force of personality, information and will, Livingston in 1777 and 1778 came to dominate this all-powerful agency. By the time it had outlived its usefulness, the governor had established a pattern of personal leadership that carried over into peacetime and the period of the Articles of Confederation (the first constitution of the United States, 1781-1789). The governmental and administrative relationships that grew out of his dangerous revolutionary institution were probably the most important elements in casting the mold for Livingston's domination of the state government.

The governor's reputation for integrity also helped. It usually gained him at least the grudging respect of those men of consequence in the state who either disliked or resented him. A fine example of this disciplined honesty occurred in the first months of 1778. All sorts of subterfuge—and not a little application of influence-peddling—was introduced during the war to arrange passage for scarce commodities from enemy-occupied New York

into New Jersey. Usually this came about to meet the demands of the well-to-do. Livingston resisted all such importunities, making no exceptions for anyone when it was left to him to decide. He was occasionally overruled, however, by equally powerful elements in government, as on January 20, 1778, when the Council of Safety, on appeal, uncharacteristically overrode his objections and knuckled under to the considerable influence wielded by the well-connected Boudinot family. According to the governor, Mrs. Elisha Boudinot was permitted to receive an illicit delivery of "tea, sugar and all, which I think a most destructive precedent, and ruinous to the country." Nevertheless the Council of Safety instructed the governor, as its executive officer, to order the colonel commanding the American lines in Newark to blink at the passage of these smuggled goods. Livingston wrote the colonel reluctantly and made clear his own objections. "I . . . desire you not to mention it as done by the governor's consent, but by order of the Council of Safety."

Less than a month later, of course, word of the exception had gotten around, and Livingston was importuned by others. Since he himself had strictly opposed trade with the enemy, he was able to turn down such requests. His bitterness over the difficulties caused by the Council of Safety's momentary weakness, however, spilled over into a letter to one supplicant: "I have experienced so much mischief to the Country from this kind of intercourse," he wrote Mary Martin on February 16, "that I have long since resolved to grant no such Papers I do not believe that you in particular would injure the Country, but I believe many would, & that many have."

Another factor contributing to Livingston's ability to govern beyond the legal limits of his office was his innate comprehension of the moral power of a forceful executive. The governor never hesitated to speak out authoritatively on issues and events that he wanted to bring home to Jerseymen. Thus his relentless contribution of essays to newspapers in New Jersey and neighboring states. He also issued frequent proclamations and published widely his messages to the legislature calling for particular laws he wanted passed. Livingston, in short, was capable in many subtle ways of bringing public pressure to bear on the legislative branch.

Thus, although he had no authority to introduce legislation, he repeatedly did so in fact, writing often to one or both houses,

suggesting in detail the subjects lawmakers should consider for action. These informal "recommendations" usually contained his reasons in support. Typical, for example, was his message to the assembly of November 5, 1777, only a little more than a year after he was first named governor. He recommended that the act establishing the Council of Safety be strengthened in a very controversial way: to prevent the "criminal" (in fact the suspected Tory) from obtaining intervention from the clergy on his behalf, a practice, the governor suggested, that weakened the council's ability to deal with dispatch with suspected Loyalists. Giving vent to his personal feelings, he intoned: "Perhaps it would be still better to abolish this remnant of priestly villainy which is rather a disgrace to the English Code, & which no reason can be assigned for our imitating." The governor got his way, as he usually did, with a legislature that had become amenable to his requests. The more than century-long power struggle between governor and legislature that had prevailed in New Jersey and other colonies prior to the Revolution made this all the more remarkable.

Livingston dealt with the legislature with the same commanding presence near the end of his tenure. He served as an uncharacteristically inactive delegate to the federal Constitutional Convention of 1787 but, afterward, played a major part in securing ratification of the Constitution in New Jersey. When word of its national ratification arrived, the governor congratulated the legislature via a message that was published, of course, for public consumption. "It affords me great pleasure that New Jersey has the honour of so early and so unanimously agreeing to that form of national government. . . . I confess, I have most earnestly wished to see it." Through the Constitution, he pointed out, "we have reason to hope for the re-establishment of public faith and private credit, of being respected abroad and revered at home." He then reminded the two houses of their responsibilities: "Much, however, gentlemen, will depend upon you, & others in similar stations . . . to make us, with this new-acquired happiness, the more exceedingly happy." He concluded the message by submitting to the legislature a number of unrelated measures that, he urged, would contribute to the public good; the cause-effect relationship between the congratulations extended and the work yet to be done could hardly have been more pointed.

Livingston's use of the moral power of his office was nowhere more apparent than in his efforts to limit the institution of slavery in New Jersey. Instead of merely providing in his will for the freedom of his own slaves after his death, Livingston chose to set a more forceful example. He petitioned the legislature to pass a personal bill of manumission (freedom) for the two slaves he owned. He once again used his office to make a moral point. The successful petition he drafted in 1787 was "in consideration of my respect for the natural liberties of mankind, & in order to set the example as far as my voluntary manumission of slaves may have influence on others."

Governor Livingston's views on the subject were of long standing. As early as 1776 he questioned the wisdom of the state's confiscating slaves as part of the estates owned by Loyalists rather than freeing them. He urged the legislative branch to free all slaves in the state in 1778, but that body was not yet ready to take such a drastic step. When Quaker Samuel Allinson took Livingston to task for not then forcing emancipation through the legislature, the executive replied: "I presume you need not be informed that the Governor of this State is no branch of the Legislature," and thus there was no way of his forcing it to act if it chose not to. But, he added, "I am determined so far as my influence extends to push the matter until it is effected, being convinced that the practice is utterly inconsistent with the principles of Christianity and humanity, and in Americans, who have almost idealized liberty, peculiarly odious and disgraceful."

He continued intermittently to return to the issue but met with only marginal success. It was not until 1786, for example, that he convinced the legislature to bar the importation of slaves into New Jersey. He pressed for a similar ban at the Constitutional Convention at Philadelphia a year later but had to settle for the well-known twenty-year grace period that permitted admission of slaves into the United States until 1808—a concession to the South that the governor found odious. His moral leadership characteristically remained within the bounds of political propriety, however, for above all things Livingston the governor never was one to jeopardize his political credibility, even in matters of conscience. When the assembly asked him privately to withdraw a message to it calling for gradual emancipation during the war, he did so, conceding that the house's view that the state was "in rather too



Liberty Hall, Livingston's Elizabethtown home, in a nineteenth century representation.

critical a situation to enter into the consideration [of manumission] at that time" was essentially correct. Pragmatic political concerns clearly overrode moral and ideological commitments in this case, as almost always with Governor Livingston; it was perhaps the ultimate secret of his success in office. He never embarrassed the legislative branch if he could help it and always practiced the art of the possible—rule one for the successful politician in any era.

It was this instinctive political savvy and pragmatism, along with his attention to detail, that counted in producing Livingston's remarkable record of fifteen annual legislative elections to the governor's chair. He still held the office when he died suddenly on July 25, 1790. Because his papers were widely scattered after his death and other Founding Fathers survived longer to play important parts in the new government under the Constitution, William Livingston has remained relatively little known to posterity. But to his contemporaries in the American revolutionary movement he was widely respected as a creative and original writer with an acid pen and the ability to catch America's enemies in deadly caricature. One recent historian, Philip Davidson, concluded that Livingston and Tom Paine were "the two ablest war propagandists" the American Revolution produced. More significantly, to the American revolutionary military and civil leadership he was an executive on whom better known Founding Fathers came to depend. Finally, in a state in which politics has always been a very deep and not always clean game, Livingston played it well and honestly.

Livingston succeeded best in his office in the only way open to him: working hard behind the scenes to strengthen American independence—the most important of all goals, by his own lights, and one to which his contributions were extremely significant. Overall, his contemporaries rated him far more highly than succeeding generations. Alexander Hamilton, for example, in 1788 ranked Livingston as one of America's five "most distinguished Patriots," along with Franklin, Washington, John Dickinson, and John Rutledge. An exaggeration in retrospect, perhaps, but it remains a far more accurate appraisal of the place William Livingston, as a Founding Father deserves to hold than he currently commands.

For Further Reading

For Livingston's New York years, by far the best treatments are those contained in the several publications of Milton M. Klein. The most important of these are: "The American Whig: William Livingston of New York," (Ph.D. diss. Columbia University, 1954); "William Livingston's *A Review of the Military Operations in North-America*," in *The Colonial Legacy*, Lawrence H. Leder, ed. (3 vols., New York: Harper & Row, 1971-1973), vol. 2, pp. 107-140; "The Rise of the New York Bar: The Legal Career of William Livingston," in David H. Flaherty, ed., *Essays in the History of Early American Law* (Chapel Hill, N.C.: University of North Carolina Press, 1969), pp. 392-417.

With regard to his New Jersey years in general and his career as governor in particular, there are relatively few published works, but some good Ph.D. dissertations and a few relevant published primary sources should be consulted. One extended secondary interpretation that still remains sound after a quarter-century is found in Richard P. McCormick, *Experiment in Independence: New Jersey in the Critical Period, 1781-1789* (New Brunswick: Rutgers University Press, 1950). The only published biography of Livingston to date is the early nineteenth century effort by his grandson: Theodore Sedgwick, Jr., *A Memoir of the Life of William Livingston* (New York, 1833). Another descendant more recently published a useful brief treatment: Robert W. Kean, *William Livingston* (n.p., 1962). This is an imprint of an address delivered by the author before the Boxwood Hall Memorial Association, February 28, 1962. Some studies of specific aspects of his gubernatorial years include: David A. Bernstein, "William Livingston: The Role of the Executive in New Jersey's Revolutionary War," in *New Jersey in the American Revolution II*, William C. Wright, ed. (Trenton: New Jersey Historical Commission, 1973); Richard P. McCormick, "The First Election of Governor William Livingston," *Proceedings of the New Jersey Historical Society*, vol. 65 (1947), pp. 92-100; Harold W. Thatcher, "The Social and Economic Ideas of New Jersey's First Governor," *Proceedings of the New Jersey Historical Society*, vol. 60 (1942), pp. 225-238 and vol. 61 (1943), pp. 31-46. Two books that provide important background information for Livingston's years as wartime governor are Adrian C. Leiby, *The Revolutionary War in the Hackensack Valley: the Jersey*

Dutch and the Neutral Ground, 1775-1783 (New Brunswick: Rutgers University Press, 1962); Leonard Lundin, *Cockpit of the Revolution: The War For Independence in New Jersey* (1940. Reprint. New York: Octagon Books, 1972).

The following doctoral dissertations represent important sources for Livingston's New Jersey career: David A. Bernstein, "New Jersey in the American Revolution: The Establishment of a Government Amid Civil and Military Disorder, 1770-1781," (Rutgers University, 1970); Larry R. Gerlach, "Revolution or Independence? New Jersey, 1760-1776," (Rutgers University, 1968); Alba M. Gillespie, "The Political Executive at the State Level: The Case of New Jersey" (Princeton University, 1965); Michael Levine, "The Transformation of a Radical Whig Under Republican Government: William Livingston, Governor of New Jersey, 1776-1790" (Rutgers University, 1974).

Two printed primary sources that contain significant information on Livingston's gubernatorial career are: *Minutes of the Governor's Privy Council, 1777-1789*, David A. Bernstein, ed. (Trenton: New Jersey State Library, 1974); *Selections from the Correspondence of the Executive of New Jersey, From 1776 to 1786* (Newark, 1848).

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