

*New Jersey's
Revolutionary Experience*

6

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Five Who Signed*

JOHN T. CUNNINGHAM

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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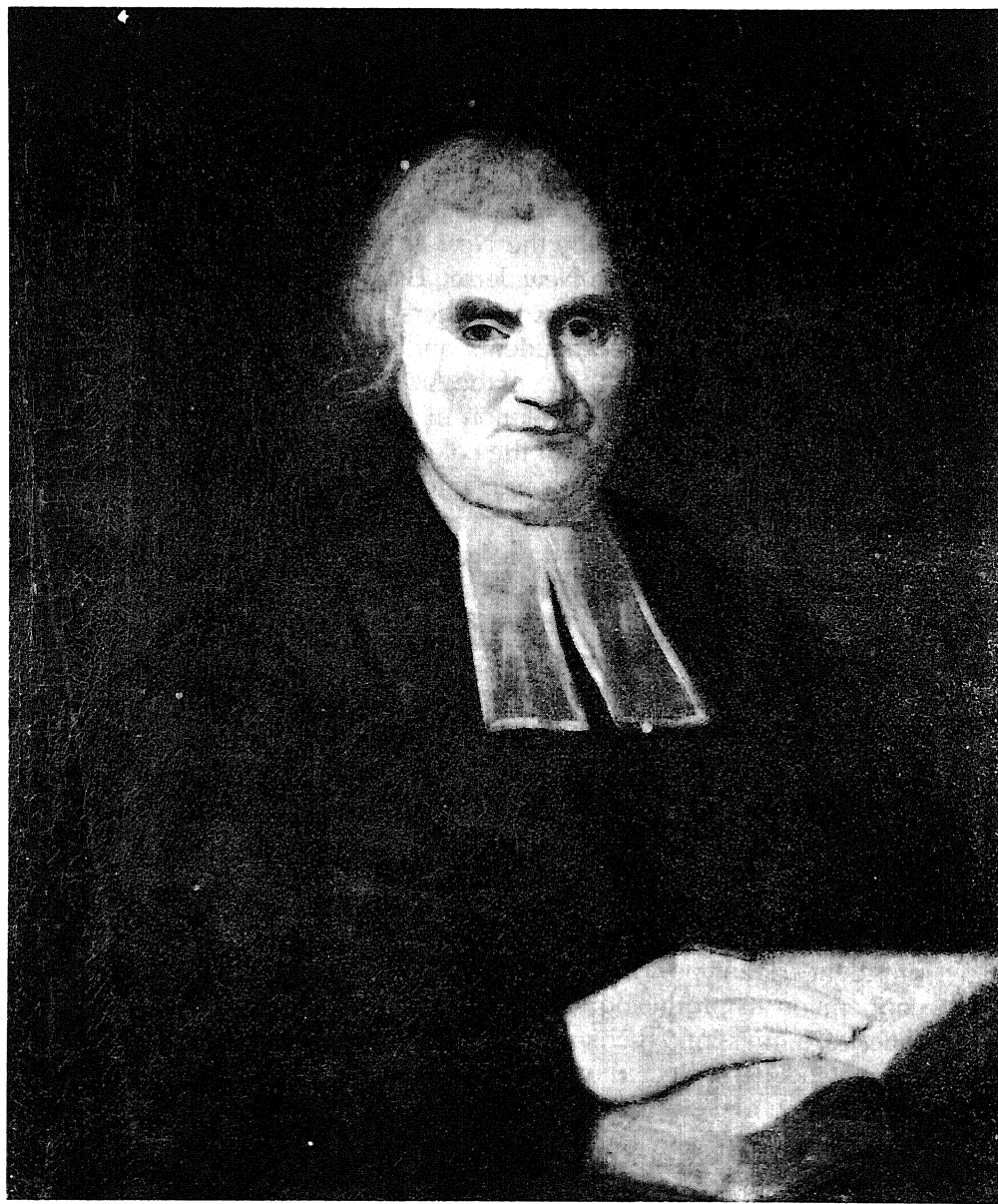
**THE NEW JERSEY AMERICAN REVOLUTION
BICENTENNIAL CELEBRATION COMMISSION**

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.

Larry R. Gerlach
University of Utah



John Witherspoon (1723-1794). From a portrait by Charles Willson Peale. Courtesy Princeton University.

Thomas Jefferson, always mild and judicious, wrote from Philadelphia early in June, 1776, that New Jersey was "not yet matured for falling from the parent stem," but his concern went beyond New Jersey. He observed that New York, Pennsylvania, Maryland and Delaware also were considerably less than ready for harvesting by those demanding a declaration of independence.

Jefferson's concern stemmed from the dangerously close vote in the Second Continental Congress that followed two days of debate on a resolution offered on June 7, 1776, by his fellow Virginian, Richard Henry Lee. The Lee proposal declared bluntly that "these United Colonies are, and of right ought to be, free and independent states."

Rancorous debate had led to a June 9 test vote on Lee's powerful, fateful resolution. Seven states voted in favor: New Hampshire, Massachusetts, Rhode Island, Connecticut, Virginia, North Carolina, and Georgia. Five voted against: New Jersey, New York, Pennsylvania, Delaware and South Carolina. Maryland's delegates abstained.

Clearly a new nation could never stand on a seven to five vote, with one abstention. Enthusiasm for Lee's brand of independence was at best moderate. Without additional stirring among those favoring independence in the Middle Colonies, there was no possibility of an open break with England. Jefferson, John Adams and the other rabid spokesmen for independence prudently agreed to suspend discussion and voting for three weeks. At the same time, they gained approval for a five-man committee to compose a "Declaration" in case one was needed when Congress reconvened

on July 1. Jefferson, Adams, Benjamin Franklin, Roger Sherman of Connecticut and Robert Livingston of New York accepted the assignment to stay in Philadelphia to write the declaration. The five chose Jefferson as best qualified to write the kind of reasoned, yet firm document that would be needed.

Other delegates returned home to mend fences, to test local sentiment, and, where they were so inclined, to whip up enthusiasm for an open break with England. A few went home to withdraw in dissatisfaction with the control that radicals had seized at Philadelphia. Returning to New Jersey were William Livingston, Stephen Crane and Richard Smith, who had represented New Jersey ever since the First Continental Congress gathered in Philadelphia in September, 1774.

New Jersey's slow-burning delegation irked the firebrands of Massachusetts and Virginia; yet in cautioning delay this delegation clearly expressed the will of its own colony. Indeed, they were far closer to the moderate feelings in most of the colonies than were Adams and those who constantly pressed for an open break with Great Britain. Adams himself recognized that probably not more than a third of all Americans warmly espoused independence.

As late as January 6, 1776, by way of proof, the Continental Congress had adopted a resolution stating that the colonies "had no design to set up as an independent nation." Fear of England's might, combined with strong evidence that most colonists were still pleased to be British, underlay that resolution.

But when the delegates went home to their thirteen colonies in mid-June, they would face an unmistakably rising mood for independence — or at least they would find control of government by radical leaders. New Jersey, as a prime example, had acquired a leadership that steered toward what Adams and Jefferson considered "maturity."

Nevertheless, radicals in Congress properly considered New Jersey as puzzling as a wisp of wind. It was difficult to pin down the collective political mind of New Jersey. The Dutch of Bergen County were conservative in contrast with the more liberal Dutch of the Raritan River Valley. Towns such as Newark and Elizabethtown (modern Elizabeth) were leaning strongly radical yet were split between the moderate or Loyalist Church of England adherents and the rebellious Presbyterians. Monmouth County had as many Tories as patriots.

Especially complicating the picture was New Jersey's large Quaker population, by conscience opposed to anything that threatened violence and discord. To anyone committed to fiery action, of course, the gentle neutrality of the Quakers was the same as hostility. Loyalists, for their part, knew that the maligned Quakers were never likely to favor England.

More than anything, New Jersey's centrist leanings were a reflection of the philosophies of Governor William Franklin, American-born son of Benjamin Franklin. Governor Franklin had ruled the difficult province judiciously ever since he had ridden into Perth Amboy on February 25, 1763, to take his oath of office at age thirty-three. Tall, handsome, and athletic, accompanied by his new bride, the intelligent young Franklin was a most appealing leader.

Franklin's conciliatory efforts had been put to a first major test during the Stamp Act crisis in 1765. The governor appointed a stamp officer to collect revenues, although his appointee, William Coxe of Burlington, prudently did nothing lest "[he] should be injured both in person and estate." When England finally backed down, Franklin was as relieved as any Jerseyman; he joined colonists at Burlington in May 1766, in "an elegant entertainment" to celebrate the repeal.

The governor sided with the assembly (the lower house of the colonial legislature) in proposing that his colony have the right to issue paper money, but England rebuffed Franklin's request. The assembly, in retaliation, refused support for British troops stationed within New Jersey. Franklin changed assemblymen's minds only with the utmost in diplomatic pressures.

Trying to serve both England and his colony, Franklin won no plaudits from either. By December 1773, young Franklin had been advised by his now-esteemed father to retire and be "well settled on your farm." The governor ignored the advice, and when Great Britain closed the port of Boston in June 1774, William defended the action in a letter to Benjamin. The governor had made his choice: it would be his king and Great Britain.

Virginians called in the summer of 1774 for a congress of colonial delegates to meet annually to discuss mutual problems. It was intended to be polite and orderly, with delegates chosen by regularly elected bodies. New Jersey's General Assembly was not in

session. Franklin refused to call a special meeting, declaring that there was no pressing public business.

Revolutionary sentiment erupted in most of the colony after Franklin's pointed slight. Lower Freehold rebels resolved on June 6 that Boston's cause was "the cause of all." Soon after, residents of Monmouth, Bergen, Morris, Hunterdon, Middlesex, and Sussex counties expressed similarly strong sentiments. Local correspondence committees called a meeting in New Brunswick for July 21, 1774, to discuss the worsening situation. Seventy-two delegates appeared for the session.

The New Brunswick meeting first swore allegiance to the king and agreed not to seek independence, then took the hard stand that England's tax laws were unconstitutional and oppressive. The convention selected James Kinsey, John De Hart, Stephen Crane, William Livingston and Richard Smith to represent New Jersey at the Continental Congress that would convene in Philadelphia on September 5.

Governor Franklin wrote Lord Dartmouth, secretary for the colonies, on December 6, 1774, and set forth the warning that "many sensible and moderate men" in America feared that "the Congress has left [England] no other alternative than either to consent to what must appear humiliating in the eyes of all Europe, or to compel obedience to her laws by military force."

Sixteen days later, on December 22, a band of Cumberland County men, thinly disguised as "Indians," burned a shipment of English tea in the public square at Greenwich in New Jersey's own "tea party." The southern part of the colony had added its flaming sentiments to the more rebellious northern counties.

Hoping to soothe tempers, Franklin convened the assembly on January 15, 1775, to paint a picture of the peace and happiness that persisted under English rule. In contrast, he spoke harshly of the miseries of "Anarchy, Misery and all the Horrors of Civil War" that might follow a break with the homeland.

Congress immediately dispatched Livingston, De Hart and Elias Boudinot from Philadelphia to urge assembly support of the actions of the inter-colonial body. The Jerseymen backed Congress (but only on a second ballot) then drew up their own list of New Jersey grievances against England. When Franklin refused to forward the list, the assembly sent the document itself. The

extralegal New Brunswick meeting of the preceding July now had the official support of a regularly-elected governing body.

The fast-riding courier who brought news of the April 19, 1775, clashes at Lexington and Concord caused Newark leaders to resolve unanimously on April 24 that they were "willing at this alarming crisis to risk their lives and fortunes in support of American liberties." Militia groups stepped up their preparations. Franklin's power was on the wane.

The governor worked feverishly to keep his colony in line. He summoned the assembly for the last time in November, 1775, to ask whether he should remain in New Jersey or take refuge in another colony. The assembly assured Franklin that it meant him no harm, then prepared a petition asking King George to seek a "restoration of peace and harmony." New Jersey's delegation in Congress was ordered to move for an early reconciliation with the mother country.

Once again an alarmed contingent from Congress hastened to New Jersey to dissuade wavering Jerseymen from acting on their own. John Jay, George Wythe and John Dickinson rode to Burlington to meet with the assembly. Dickinson pleaded that American inter-colonial cooperation must not be permitted to become the "rope of sand," that some Englishmen had sneeringly labeled American union. The assembly tabled its dovelike petition to the king.

New Jersey was maturing toward revolution. Colonel William Winsor and a contingent of his New Jersey militia knocked on Franklin's door on January 8, 1776, to ask the governor to give his pledge that he would not flee from the province. He agreed, was released and continued to live in Perth Amboy. Surprisingly, he retained most of his powers of office and all of his power to protest.

Thomas Paine's *Common Sense*, published the same month as Franklin's house arrest, stirred Jerseymen along with most colonials. Franklin wrote that Paine's pamphlet would have the "one good effect. . . of opening the eyes of many people of sense and property, who before would not believe that there were any persons of consequence, either in or out of the Congress, who harboured such intentions" as opposing England's rule.

New Jersey voters (those with fifty pounds in real or personal property) chose a new Provincial Congress, strongly in favor of

independence, on May 28. Franklin responded by boldly calling for the assembly (which he still hoped to sway) to meet on June 20. That session was never convened. Franklin had gone too far.

This third New Jersey Provincial Congress opened on June 10, choosing Samuel Tucker as president and John Hart as vice-president. The timing was especially significant, for it was the same day that the Continental Congress started its three-week adjournment in the hope that enough radical spirit could be generated in the Middle Colonies to insure a declaration of independence from England.

Indeed, Jefferson had erred in his assessment of New Jersey's ripening. By June 10, the colony was more than ready to drop from England's stem.

The Provincial Congress declared Franklin to be "in direct contempt" of the Continental Congress. Colonel Nathaniel Heard of Middlesex was ordered to approach Franklin, "with all the delicacy and tenderness which the nature of your business can possibly admit," and offer him parole at Princeton, Bordentown or on his own farm at Rancocas. When the governor refused all options, Heard arrested him on June 17 and brought him under guard to Burlington.

Writing furiously to the assembly, Franklin labeled members of the Provincial Congress as "desperate gamesters" and "pretended patriots bent on an Independent Republican Tyranny." He refused to answer any questions put by the Provincial Congress. Soon he was sent to Connecticut to be watched by Governor Jonathan Trumbull, the only colonial governor known to be anti-British. Franklin, exchanged in November 1778 for a revolutionist imprisoned by the British, went to New York to become an active head of the Loyalists, then went "home" to England in 1782.

If Franklin's charge of "gaming" was true, New Jersey was fully ready to play. On June 22 rebellious Jerseymen selected the five men who would go to Philadelphia to join the move to freedom and who, in time, would sign the Declaration of Independence.

The five were Richard Stockton of Princeton, John Witherspoon of Princeton, John Hart of Hopewell, Abraham Clark of Rahway and Francis Hopkinson of Bordentown. Originally the New Jersey flame of independence had flared most brightly in the Newark-Elizabethtown area; now the fire of rebellion centered on

Princeton, near the Presbyterian-run College of New Jersey (now Princeton University).

New Jersey's delegates were given clear instructions to unite with other delegates "in the most vigorous measures for supporting the just rights and liberties of America." If necessary, they were to join "in declaring the United Colonies independent of Great Britain."

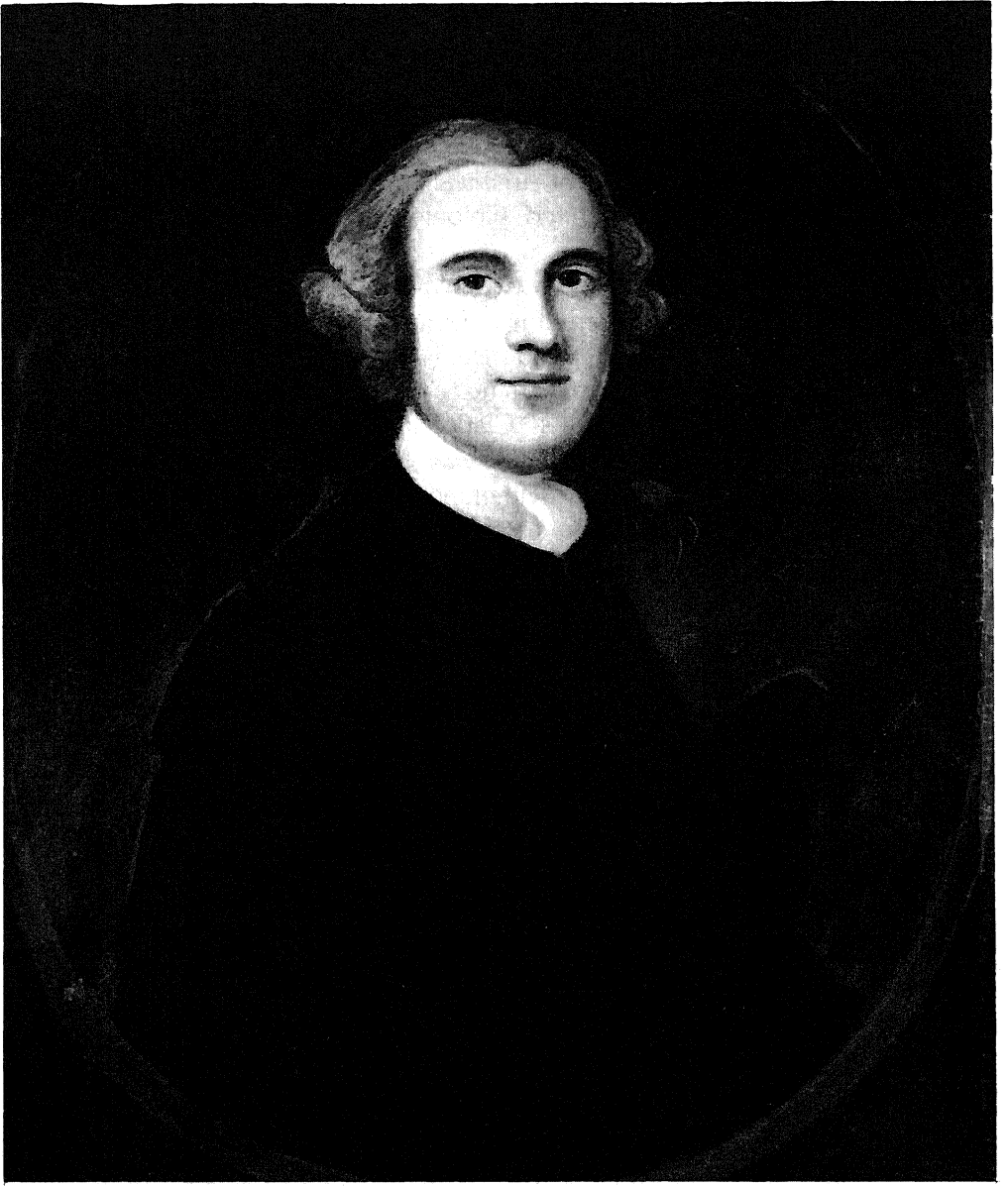
This independence-dedicated quintet of Jerseymen was a disparate cross-section as were, for that matter, all those who would sign the Declaration of Independence.

Stockton was one of New Jersey's best educated, wealthiest and most esteemed lawyers. Clark, self-educated and with a penchant for helping the poor, was called the "Poor Man's Counsellor." Scottish-born Witherspoon was the only active clergyman and only college president to be represented in the Continental Congress. John Hart was a farmer. Hopkinson escaped categorizing: he was, at once, lawyer, politician, poet, song-writer, satirist and dilettante.

The five averaged just over 50 years of age, somewhat above the average age of 45 for the 13 delegations. Hart, at 65, was New Jersey's oldest. Hopkinson, at 38, was the youngest. If Hopkinson's age seems tender, consider that Thomas Jefferson was only 33. South Carolina's delegation included one man aged 26 and another who was 27. In all, 18 of the delegates were under 40 and two, including Benjamin Franklin, were 70.

Only two of New Jersey's five, Stockton and Clark, had been born in the colony. Witherspoon was born in Scotland, Hart in Connecticut and Hopkinson in Philadelphia. This was not abnormal. All of the delegates from Georgia, New Hampshire and North Carolina were born outside of the colonies they represented—including Joseph Hewes of North Carolina, who had had been born near Princeton, New Jersey.

The signers-to-be from all the colonies were distinguished by their ability to father descendants. The average number of children per signer in all colonies was six. New Jersey's delegation fathered a total of forty-four, nearly nine each. Hart had the most, thirteen, followed by Clark and Witherspoon, ten each; Stockton, six; and Hopkinson, five. Hart's progeny continued to thrive; more of his descendants are identified today than those of any other signer.



Richard Stockton (1730-1781). From a portrait by John Wollaston. Courtesy Princeton University. Photograph by Joseph Crilley.

New Jersey did not name a chief spokesman, but in terms of prestige the choice would have been Richard Stockton, scion of a notable Princeton family that had been in America for more than a century.

Born in Princeton in 1730, Stockton received his preparatory education at Nottingham Academy in Rising Sun, Maryland. He was a member of the first class graduated in 1748 from the College of New Jersey in Newark, established by the Presbyterian Church to train an American clergy. All of the first six graduates except Stockton entered the ministry. He apprenticed himself to a Newark lawyer and was admitted to the bar in 1754.

Stockton married Annis Boudinot, daughter of a Princeton silversmith, in 1755, and the marriage produced two sons and four daughters. Their first-born, Julia, was to grow up and marry Dr. Benjamin Rush of Philadelphia, a graduate of the College of New Jersey. Rush would join his father-in-law in 1776 as a signer of the Declaration of Independence.

The Stockton family was the prime mover when the College of New Jersey was shifted in 1756 from Newark to Nassau Hall in Princeton, a handsome three-story stone structure built well back from muddy Nassau Street. Richard became a financial adviser to the nearby college and served as a trustee.

Stockton sailed in 1766 to offer the Reverend John Witherspoon of Paisley, Scotland, the presidency of the College of New Jersey. Mrs. Witherspoon objected, fearing an ocean voyage to an unknown wilderness. It was said that she was rude to Stockton, and eventually she apologized. Later, young Benjamin Rush, who was studying medicine in Scotland, was more persuasive. Witherspoon's wife was won over, and the Witherspools sailed for America and Princeton in 1768.

Stockton concentrated on his emerging law practice, one of the best in the Middle Colonies. A fellow trustee of the College of New Jersey, the Reverend Dr. John Rodgers, declared in 1766 that Stockton was at the head of his profession within his own colony. Dr. Rodgers also praised Stockton as a gentlemen, a scholar and a man of good habits.

Politics held little interest for the young Stockton. Just before the imposition of the Stamp Act, he wrote a friend, Joseph Reed, to say that "the publick is generally unthankful, and I never will become a Servant of it, till I am convinced that by neglecting my

own affairs I am doing more acceptable Service to God and Man."

At about the same time, however, he suggested that some capable Americans be permitted to serve in Parliament. When the Stamp Act was put in force, Stockton said that Parliament had no authority over the colonies. Then, when New Jersey hesitated about joining the New York Stamp Act Congress, Stockton, still a private citizen, urged the assembly to send delegates lest "we shall not only look like a speckled bird among our sister Colonies, but we shall say implicitly that we think it no oppression." Whether he admitted it or not, Stockton's maturing toward independence was well underway.

The Princeton lawyer accepted Franklin's invitation in 1768 to begin a six-year term on the governor's elite Provincial Council (the upper house of the colonial legislature). Although subjected often to Franklin's viewpoints, Stockton by 1773 despaired over the stands of England and its Parliament. That year he sent Lord Dartmouth a communication titled, *An Expedient for the Settlement of the American Disputes*. He warned that immediate measures must be undertaken to understand the colonial position or there would be an "obstinate, awful and tremendous war."

Stockton's law practice, his enthusiasm for the College of New Jersey, his work on the council, and his growing family gave him little leisure. He husbanded spare time for breeding choice cattle and horses, collecting art, and expanding his library. He was, in every way, the essence of an educated revolutionist.

The presence in Princeton of John Witherspoon undoubtedly helped crystalize and clarify Stockton's views. Stockton's handsome home, Morven, was only a few hundred feet west of the college residence of the Witherspools.

John Witherspoon was raised to be serious. His father, the Reverend James Witherspoon, was one of the best educated men in Scotland and he expected John to follow his lead. The boy attended a first-rate preparatory school and entered the University of Edinburgh at age fourteen. Precocious, intelligent and diligent, Witherspoon quickly became the leading scholar in his class.

By 1743, when he was twenty, Witherspoon had earned both a Master of Arts degree and a degree in Divinity. He became a Presbyterian minister that year and spent a dozen years at Beith before transferring eventually to Paisley in 1757. He preached

constantly of the moral decay of Scotland — and simultaneously began building a dislike for England.

Young Witherspoon was a vocal leader in the conservative orthodox (called “Popular”) side in an intra-Presbyterian struggle between the Popular and Moderate factions. He gained fame as a writer and as a speaker, and in 1764 St. Andrew’s University conferred on him a Doctor of Divinity degree.

Witherspoon undoubtedly was the foremost Presbyterian in Scotland when he agreed to become president of the College of New Jersey. The fears of wilderness living completely left Mrs. Witherspoon after she saw Princeton and the fine campus home where the college president and his family would live. The Witherspoons were charmed with America and with Americans. He was impressed with the fertility of the land in the New World, with the independent spirit of Americans and with opportunities available for work and growth. The Scottish minister became a dedicated disciple for his adopted land.

Despite a heavy Scottish accent and brusque manner, Witherspoon quickly won the respect, admiration and friendship of faculty, students and townspeople. He revamped the college’s curriculum, introducing history, oratory, French and philosophy, and urged professors to employ the Scottish system of lectures. His fond memories of his own experiences in literary clubs led Witherspoon to encourage the founding of two famous literary societies at Princeton: Whig Hall and Clio Hall.

By training and philosophy, Witherspoon at first felt obliged to stay aloof from politics. Increasingly, however, he shared the thoughts of his American friends who chafed under the uncompromising British rule. He fastidiously avoided politicizing his sermons, but in his non-religious hours he wrote essays and arguments supporting independence. He was labeled a traitor in his native Scotland.

Witherspoon served on committees of correspondence and attended all provincial congresses as a delegate. On campus, he encouraged independent thinking among his students. At times, such independent thinking boiled over into action.

When word reached Princeton in July 1770 that New York merchants had broken their resolutions not to import British goods, students rebelled. Clad in black gowns, they assembled in the

college yard to burn a letter that urged Philadelphia merchants to unite with New York mercantile interests in supporting British trade. Nassau Hall's tower bell tolled solemnly throughout the burning. James Madison of Virginia, an undergraduate at the ceremony, proudly, wrote that all students were clad in "American cloth."

In January 1774, after Governor Hutchinson of Massachusetts was tightening the grip of English law on Boston, Princeton students raided the steward's quarters, carried off a dozen pounds of tea and burned it on the campus. As the undergraduates made "many spirited resolves," they also burned in effigy Governor Hutchinson, whose neck was decorated with a canister of tea. College trustees took a dim view of the proceedings. Samuel Leake, already chosen to deliver the welcoming address at commencement, was replaced for his part in the tea burning.

Witherspoon himself continuously added to his luster as an outspoken patriot. His impressed neighbors elected him to New Jersey's First Provincial Congress that convened at Trenton on May 23, 1775. A month later, on June 29, he sent a pastoral letter to all congregations of the Philadelphia synod in support of the American cause. The college president had turned radical.

John Adams met Witherspoon for the first time on August 27, 1774. After being taken on a walk through Princeton, where he was shown the home of "a Mr. Stockton, a lawyer of this place," Adams toured the campus and attended a service conducted by Mr. Witherspoon. Witherspoon took the Massachusetts traveler to the top of Nassau Hall, then they went to the president's house "and drank a glass of wine." Adams concluded: "He is as high a son of liberty as any man in America."

Adams and Witherspoon would meet again. By June 1776, the Princeton minister and scholar was ready for action.

North from Princeton, on the rugged slopes of the Sourland Mountains, farmer John Hart surely never expected in his youth to meet the educated likes of Richard Stockton and John Witherspoon, much less join them in history. He probably would have wished for nothing more than to spend his years wresting a good living from the farm that his parents had bought when they emigrated to New Jersey from Stonington, Connecticut, in 1712.

John was about one year old when he arrived in Hopewell. His formal education was meager but his dedication to work and his common sense and integrity made him a local leader. Above all, he was a man of integrity. His neighbors called him "Honest John" — and meant it.

Year after year John Hart tilled the soil, taking a wife, Deborah, in 1740 as a helpmate on his 380-acre farm. Deborah was more than a placid farm hand, for she presented John with thirteen sons and daughters. Together the family prospered and owned considerable property, including grist, saw and fulling mills. Hart became known as "the most considerable man in his community."

Affluent, honest and hard-working, Hart was a natural choice to represent his neighbors. He was elected to the New Jersey assembly in 1761 and elected thereafter for ten years. Hart openly opposed the Stamp Act in 1765. Three years later, he favored sending a message to the king to say point-blank that the right to tax the colonies lay only with the colonists themselves — not with Great Britain.

Despite his lack of formal schooling and the total absence of any legal training in his background, Hart was appointed as a judge in the New Jersey court of common pleas. Thus honored by the ruling class in his province, Hart might have been expected to be conservative in his views regarding government. Instead, he reflected on his own hard-earned independence. He raised his voice for liberty.

Hart was appointed to his local committee of correspondence and the New Jersey Committee of Safety and was elected to the First Provincial Congress of New Jersey. He continued in the latter body, being named vice president just before he was chosen to be one of the five who would head for the final showdown in Philadelphia.

Dr. Benjamin Rush summed up John Hart as "a plain honest, well-meaning Jersey farmer, with little education but with good sense and virtue eno' [enough] to discover and pursue the best interests of his country." Hart was more than ready to split from England.



Abraham Clark (1726-1794). Drawing by Elizabeth Ruggles.

Of all New Jersey's delegates, Abraham Clark was predictably the most likely rebel. He had decided early in life that the cause of all mankind was his cause. By 1776 the cause of American mankind, in Clark's view, was freedom from England.

Clark was born in 1726 on his father's farm in what is now Roselle. The family had owned the land for nearly fifty years when Abraham was born. Too frail for farmwork and too poor to attend an academy or college, young Clark taught himself, specializing in mathematics and common law. He became a surveyor, and in his work often found himself to be a legal mediator and adviser in land disputes.

The surveyor-lawyer never was accepted formally by the legal

profession. That did not trouble him. He enjoyed his reputation as a "Poor Man's Counsellor," earned because of his willingness to dispense legal advice, either free or in exchange for farm crops or merchandise.

Married in 1749, Clark fathered ten children. He found ample time for his extralegal law practice. About him, in radical Essex County (which then included modern Union County), Clark found a swirling spirit of independence. His neighbors were largely transplanted New Englanders; they brought to Newark and Elizabeth-town embers of the flaming anti-British spirit that motivated John Adams and other radical leaders.

Clark served the crown as high sheriff of Essex County and as clerk of the colonial General Assembly. By 1774, he was an avowed Whig, committed to defiance of Great Britain. He was elected as a member of New Jersey's First Provincial Congress in May 1775 and as a member of the New Jersey Committee of Safety in August of that year. The committee was created by the Provincial Congress to identify Loyalists in the state. When it was renamed the Council of Safety in March 1777, Clark retained membership.

Clark long had advocated a split from Great Britain. What better choice than the "Poor Man's Counsellor" to understand that all men are created equal?

New Jersey's fifth representative for the signing, Francis Hopkinson, defied professional classification. He contrasted sharply with the dignity of Witherspoon and Stockton; with the earnestness of Hart; the dedication of Clark. Hopkinson was one of a kind: part failure, part brilliant success; part merry wit, part piercing satirist; part song writer, part clever artist in crayons; part scientist, part aspiring socialite.

Social position and wealth marked the Hopkinson's Philadelphia home when Francis was born in 1737. Seven children followed, and when Francis's father died in 1744, the family endured a genteel tightening of the belt. Mrs. Hopkinson recognized that her first-born was brilliant and articulate. She made special sacrifices to give him a good education. Young Hopkinson became the first student to enter the College of Philadelphia (later the University of Pennsylvania) when it opened in 1751. Francis was then fourteen. In 1757, he became the college's first graduate.

Hopkinson studied law under Benjamin Chew, attorney

general of Pennsylvania, and became, in name at least, a lawyer at age twenty-four. He was considerably less inclined to follow a law career, with all of its certain economic advantages, than Abraham Clark, for whom the law was much more than a fiscal formality.

Ever on the lookout for a political plum, Hopkinson was appointed customs collector at Salem, New Jersey, in 1763. Three years later, replaced in the customs office and after a failure in his own business, Hopkinson blithely sailed for Europe to seek influential friends able to land him another political post.

Friends could not help; political jobs in America were being reserved for those who had lost jobs when the Stamp Act was repealed. Hopkinson failed to land a position but he did spend time with Benjamin Franklin, Lord North and other prominent people. He also visited the artist Benjamin West, from whom he may have received some lessons in art. His interest in drawing crayon portraits, at any rate, followed his stay in England.

With his hopes dashed in England, regardless of his pleasant social life, Hopkinson returned to Philadelphia to face a prosaic life as a storekeeper. Soon, however, he made a wise choice of marriage partner in Ann Borden, daughter of Bordentown's leading merchant, Colonel Joseph Borden. They were wed on September 1, 1768, and it was a fine marriage. The union produced five children, and it also gave Francis an introduction to New Jersey's inner power circles.

Hopkinson settled down in time to a law practice in Bordentown. Despite his previously thin connection with New Jersey, Hopkinson was selected in 1774 to be a member of Governor Franklin's prestigious Provincial Council. That was scarcely the place where rebellion might be expected; but when the break came two of New Jersey's signers were members of the council: Hopkinson and Stockton.

No one doubted that Hopkinson had ability, in law or anything else to which he turned his many talents. He had studied the harpsichord in college and in 1759 wrote "My Days Have Been So Wondrous Free," said to be America's first secular music composition. He published in 1763 a collection of psalm tunes.

The Hopkinson pen was busy elsewhere as well. Between 1757 and 1773, Hopkinson contributed prolifically to various periodicals — essays, poems, brief and witty vignettes and satirical writings. His thrust could be gentle and sweet or it could be vitriolic.

After 1774, his pen began to jab the British in a profusion of influential pamphlets that derided and ridiculed the British and their American Loyalist friends.

Hopkinson's chief sally against the British in 1776 was his essay, *The Prophecy*. Written before the Declaration of Independence, the essay predicted the formal break with Great Britain. Hopkinson certainly was ready by late June 1776 to vote for independence. He was so ready that he crossed the Delaware River from Bordentown on June 28 to be in Philadelphia three days before the Continental Congress was due to reconvene.

Congress officially assembled on July 1, 1776, to put Lee's resolution for independence to the test that the radicals now believed could be met. The three-week adjournment had stirred hope that there might even be unanimous support of Lee's insistence that the "United Colonies" ought to be "free and independent" states.

John Adams was not among those highly optimistic about unanimity for the thirteen quarrelsome sister colonies. He recognized that New York's representatives, at least, still held serious doubts about the propriety of independence. Adams wrote a friend:

What is the Reason New York is still asleep or dead, in Politics and War? Have they no sense? No feeling? No sentiment? No passions? New Jersey shows a noble Ardor. Is there anything in the Air or Soil of New York, unfriendly to the Spirit of Liberty?

Adams studied the delegates shrewdly, commenting on them in letters to his wife Abigail. There is one recorded Adams' statement regarding a Jerseyman. He wrote of Francis Hopkinson:

I have a curiosity to penetrate a little deeper into the bosom of this curious little gentleman, and may possibly give you particulars concerning him. He is one of your pretty, little, curious, ingenious men. His head is not bigger than a large apple I have not met anything in natural history more amusing and entertaining than his personal appearance; yet he is genteel and well bred, and is very social.

Later there would be time for John Adams to know and understand better his fellow delegates, but on July 1, 1776, he was most interested in personal attitudes, not personalities or appearance. Adams knew that time was ticking out for independence.

Thomas Jefferson had finished the last of his several rough drafts of a Declaration of Independence by July 1, yet a mood of indecision lingered as the State House in Philadelphia began to fill with returning delegates. The members voted to close all doors and windows, despite the intense heat and increasing humidity, to insure a secret debate.

John Dickinson of Pennsylvania rose at noon to begin a fluent, impassioned speech against independence. Proponents of freedom grudgingly admired his arguments, even as they bristled at any man who could speak on July 1, 1776, against a break with England.

Two days before, a mighty British fleet had appeared off Sandy Hook. "A fleet of 130 sail," a message to Congress had read, was preparing to anchor off Staten Island and soon regiments of redcoated soldiers would stream ashore. The message was for once an understatement; actually there were nearly 500 ships in the fleet, including 79 armed vessels and 400 transports.

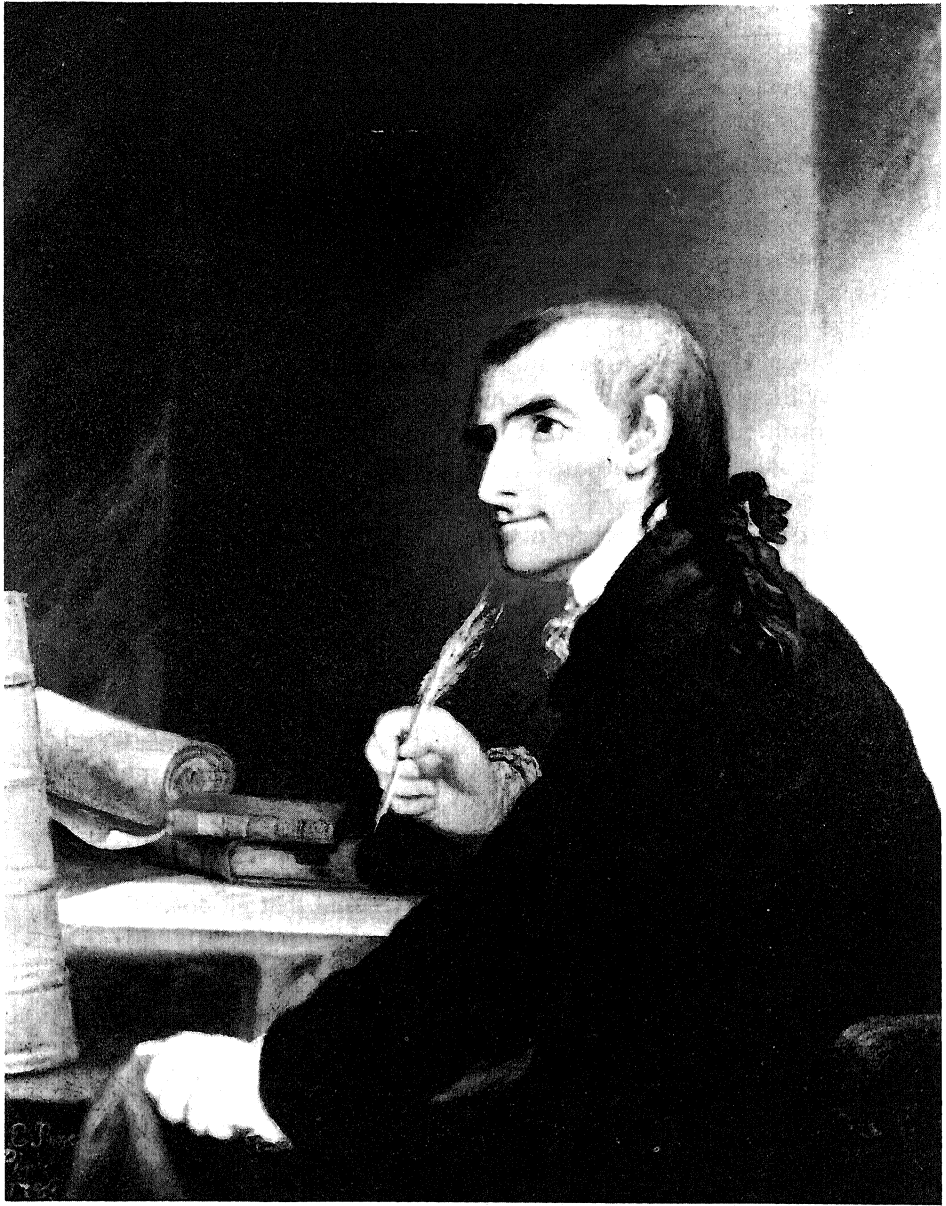
With the weapons of British force so obviously close, Adams wondered how any person, any colony, could speak of reconciliation.

Dickinson's powerful arguments against independence had to be answered. Adams rose to reiterate the arguments that he had been preaching for two years. Outside, a thunderstorm broke wildly over the city. Inside, as Adams spoke, aides lit candles in the dark, stiflingly-hot room.

Adams was nearly finished when the door burst open at about 4:00 p.m. and two more of New Jersey's late-arriving delegation were announced: Richard Stockton and John Witherspoon, both dripping wet after their ride through the driving rain. Adams sat down, only to hear Stockton request that the New Jersey contingent hear the entire argument for separation before voting.

Long after, Adams recalled the scene:

We observed to them that the Question was so public and had been so long disputed in Pamphlets, Newspapers, and every Fireside that they could not be uninformed and must have made up their minds. They said it was true. They had not been inattentive to what had been passing abroad, but they had not heard the arguments in Congress and did not incline to give their opinions until they should hear the sentiments there.



Francis Hopkinson (1737-1791). Portrait by Robert Edge Pine. Courtesy Historical Society of Pennsylvania.

Despite good reason to be annoyed at this newly-seated group from New Jersey, Adams repeated with patience and eloquence his words for independence. It would be recalled as one of his great speeches. Stockton wrote home that "the man to whom the country is most indebted for the great measure of Independence is Mr. John Adams of Boston."

Two speakers followed Adams, both vehement in opposition to his point of view. As the second finished, John Witherspoon rose and stepped boldly to the center of the floor, as if he had been a member of Congress for months rather than hours.

Witherspoon's loud, clerical voice boomed through the room. "The distinguished gentleman from Massachusetts," he said in his thick Scottish burr, "remarked as we came in that the colonies are ripe for independence."

He paused, looked pointedly at the New York delegation, and said:

"I would like to add that some colonies — *some colonies* — are rotten for the want of it!"

Shouts of approval greeted Witherspoon. The chair called for a vote on Lee's resolution. Nine colonies, including a solid New Jersey block, voted yes. Pennsylvania and South Carolina voted no. Delaware was divided. New York abstained. The ayes carried.

The chair read the resolution that had been approved:

Resolved, that these United States are and of right ought to be, Free and Independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is and ought to be, totally dissolved.

So the "United" States was born — if more or less reluctantly — on July 1, by a vote of nine to four. The next day, South Carolina, Delaware and Pennsylvania changed their votes to yes. New York abstained. "United" was still a matter of interpretation.

John Adams was jubilant on July 2, 1776. He wrote Abigail:

The Second day of July, 1776, will be the most memorable epoch in the History of America. I am apt to believe that it will be celebrated, by succeeding generations, as the great anniversary Festival. It ought to be commemorated, as the Day of Deliverance....

Congress turned attention to the official wording of the Declaration of Independence that must be sent to England.

Members argued nearly every phrase until Jefferson's original draft — shortened, sharpened, and, in the opinion of most historians, much improved — was ready for a vote on July 4. John Hart, last of the New Jerseyans to reach Philadelphia, arrived in time to vote yes along with his state's other four representatives.

Abraham Clark wrote on that morning, before the vote was taken:

Our Congress is an august assembly — and can they support the Declaration now on the Anvil, they will be the Greatest Assembly on Earth.

Clark was fully aware that the action would not bring unanimous acclaim in his own new nation. He directed his words to that point:

We are now, Sir, embarked on a most tempestuous Sea; Life very uncertain, Deceiving danger, Scattered thick around us, Plots against the military and it is whispered against the Senate.

Let us prepare for the worst. We can die but once.

Congress continued editing Jefferson's document throughout most of July 4, somehow maintaining the spirit and substance of the original. For once, a declaration revised in a committee of the whole was not strangled to death by fearsome men arguing and deleting every word and every point of punctuation that smacked of originality or boldness.

The Declaration of Independence finally was rushed to a printer in the late evening of July 4, set into type and run off for distribution the next morning. It was not signed by all present. The only official signature of a delegate was that of John Hancock.

Fast riding messengers carried copies of the declaration to capitals in each of the thirteen new states, to General Washington and his army, and to important commanders elsewhere in the field. Celebrations were held in Trenton and Princeton, among several New Jersey communities.

A crowd gathered in Trenton on July 8 for a reading of the declaration. The *Pennsylvania Packet* reported:

The members of the Provincial Congress, the gentlemen of the Committee, the officers and privates of the Militia under arms and a large concourse of the inhabitants attended on this great and solemn occasion. The declaration and other proceedings were received with loud acclamation.

The people are now convinced of what we ought long since have known, that our enemies have left us no middle way between perfect freedom and abject slavery. In the field, we hope, as well as in Council, the inhabitants of New Jersey will be found ever ready to support the Freedom and Independence of America.

John Witherspoon's home community welcomed the Declaration of Independence, as reported in the *Pennsylvania Packet*:

Last night Nassau Hall was grandly illuminated, and INDEPENDANCY proclaimed under a triple volley of musketry, and universal acclamation for the prosperity of the UNITED STATES. The ceremony was conducted with the greatest decorum.

It is not known whether Witherspoon was at Princeton for the illumination and the musket fire or whether he was in the small crowd that assembled at noon on July 8 in the State House yard at Philadelphia for an official open-air reading of the declaration. Forty-nine members of Congress attended the affair.

The promoters of joy conveniently overlooked the fact that only twelve states had agreed to independence. New York, dividing New England and the South from one another, was still abstaining. The Empire State finally gave up the wavering and voted on July 15 to accept the declaration. Thus, when Congress ordered a new printing in preparation for an official signing, it could instruct the printer to set this important new change at the top of the document:

The Unanimous Declaration of the thirteen united States of America.

Congress set August 2 as the date for members to file past John Hancock's desk to sign the Declaration. It was an awesome moment. These were men signing their names to a damning act of treason if the war were lost.

Years later, Benjamin Rush asked John Adams:

Do you recollect the pensive and awful silence which pervaded the house when we were called up, one after another, to the table of the President of Congress to subscribe to what was believed by many at that time to be our own death warrants?

"Poor Man's Counsellor" though he was, Abraham Clark was

fully conscious that in signing he was committing treason under British law. He wrote:

As to my title, I know not whether it will be honorable or dishonorable; the issue of war must settle it. Perhaps our Congress will be exalted on a high gallows.

The signing began with Massachusetts and proceeded southward through the states. Signatures of New Jersey's five participants were on the bottom of the second column from the right.

Richard Stockton signed first for New Jersey, followed by John Witherspoon, Francis Hopkinson, John Hart and Abraham Clark. Stockton, Witherspoon, Hopkinson and Clark all abbreviated their first names in the fashion of the times.

There could be no turning back. The signers still retained a brief official breathing spell of freedom from fear of detection, for the signed parchment was not officially made public until January 18, 1777. That was scant protection; the web of Tories and English spies in Philadelphia undoubtedly readily learned the name of every signer within hours.

Some signers, such as John Witherspoon, surely declared proudly in public that they had affixed their signatures. At any rate, shortly after the signing, a group of British soldiers gathered on Staten Island for a commemoration of their own. Effigies of American generals Washington, Lee and Putnam were erected to stand at attention to listen to a mock reading of the Declaration of Independence by a representation of Witherspoon. It was a tribute, however intended, to the Princeton president's reputation.

Patriots in Bridgeton staged their own commemoration, with highly different emphasis, on August 7. Town dignitaries, the militia and "a great number of other inhabitants" paraded to the Court House for a reading of the Declaration — as well as the new constitution of New Jersey.

Dr. Ebenezer Elmer, chairman of the Committee of Inspection of Cumberland County (and later to be a leading citizen in his area), gave a "spirited address," which was printed in full in the *Pennsylvania Journal and Weekly Advertiser* for August 28.

There was a bit of fun for the Bridgeton crowd, of course. Replicas of the king's coat of arms were burnt in the street. According to the Pennsylvania paper, "the whole was conducted with the greatest decency and regularity."

August was a time for spirited addresses and street fun. But the test really began in November and December 1776, when British and Hessian soldiers chased Washington's army in dismal retreat across New Jersey. The harsh consequences of treason — from a British viewpoint — were impressed on Jerseymen and particularly on the state's five signers of the declaration.

Hessian soldiers invaded Hopewell's hills to punish John Hart. Amply warned, the Harts fled from their farm, with Mrs. Hart and the thirteen children spreading out to seek help from neighbors. Hart himself escaped into the Sourland Mountains. There he lived in caves, barns or slept out-of-doors on the frozen ground.

Hart's farm was ruined, his timber destroyed, his livestock butchered. When Hart was able to return home, Mrs. Hart died, probably because of her hardships, and the children were scattered. These personal disasters crushed Hart. He died May 11, 1779, sick in body, despairing in mind. He would not live to see the fruits of independence.

Witherspoon and Stockton naturally attracted British venom. Sweeping through Princeton, the invaders forced the College of New Jersey to close. Witherspoon rode to Philadelphia to devote his time to Congress, serving on the Board of War as well as on a committee involved with foreign relations.

Stockton fared badly. Recognizing that his family and home must be violated by that advancing enemy of December 1776, Stockton managed to get his wife and children out of town. Marauding British troops ransacked Morven, destroying Stockton's books and most of the house furnishings.

Stockton headed back for Philadelphia, only to be betrayed to the British by a Loyalist. He was imprisoned and frequently beaten and starved before being released in a prisoner exchange arranged by Witherspoon. Stockton's prison experiences left him in poor health. He remained an invalid at Morven until his death on February 28, 1781.

Hopkinson and Clark worked in Congress throughout the war. Neither ever wavered in proclaiming zeal for independence.

Busier than ever, Hopkinson served as chairman of the Continental Navy Board. He drew the first sketch of the Stars and Stripes that finally was adopted as the official United States flag. His

busy pen designed several federal seals, as well as the Great Seal of the State of New Jersey.

British troops ransacked Hopkinson's home in Bordentown in late 1776 and early 1777. He infuriated English commanders with biting, witty words in "The Battle of the Kegs," a long poem on the penchant of trigger-happy British troops for shooting anything that moved on the Delaware River during the fall of 1777.

Clark's contempt for the British and their American Loyalist allies increased as the war progressed. Two of his sons were captured and badly treated during imprisonment.

Loyalists and American army officers alike felt Clark's scorn. Clark bitterly protested Washington's offer of amnesty in 1777 to former Loyalists willing to swear allegiance to the United States. Such an action, Clark declared, would permit many traitors to escape punishment.

As for army officers, Clark tried to insure that their rewards would not surpass those of enlisted men; the spirit of the "Poor Man's Counsellor" was being heard again. When special bonuses were suggested for officers, Clark stoutly opposed such discrimination. Officers, he said, had sacrificed no more than many others whose only reward was the winning of independence.

Witherspoon returned to the College of New Jersey soon after the battle of Princeton in January 1777. His personal library had been burned by the British and the college collection of two thousand books was scattered.

Mrs. Witherspoon died in 1789. John Witherspoon, totally blind in one eye from an accident and nearly blind in the other, married Mrs. Ann Dill, a twenty-four-year-old widow, in 1791. The marriage produced two daughters before Witherspoon, now totally blind, died on November 15, 1794, at the age of seventy-one.

Hopkinson's fertile mind engaged him in postwar years in a broad range of activity. He dabbled in inventions, such as a shaded candlestick and an improved quill (or "pick") for the harpsichord. Two new magazines, the *Columbian Magazine* and the *American Museum*, published anything that he would submit — and if he missed a deadline, they reprinted his popular older pieces.

President George Washington rewarded Hopkinson's years of

service in 1789 by appointing him a federal judge in Pennsylvania. That pleased Hopkinson, yet he probably was equally pleased with the success of his volume, *Seven Songs*, said to be the first "book of music" published by an American composer.

Hopkinson's busy, productive life ended suddenly on May 9, 1791, when he was stricken with apoplexy and died at the age of fifty-three.

Clark served in the New Jersey legislature from 1784 to 1787 and represented the state at the Constitutional Convention in Philadelphia in 1787. Ever the champion of personal liberties, he opposed ratification of the Constitution until it should include a Bill of Rights.

New Jersey sent Clark to Congress from 1791 until 1794. He retired from Congress in 1794, and within three months he was dead. The end came quickly; stricken with sunstroke on September 13 (some sources say September 15) in one of his farm fields, Clark drove himself home, lay down and died in less than two hours. He was sixty-eight.

Remembrances of John Witherspoon, Richard Stockton and Francis Hopkinson have burned most brightly through the years. Witherspoon's position as a college president insured constant revival of his role as a signer. The wealth and prestige of the Stockton family kept Richard's name alive. Hopkinson's brilliance and versatility meant he would be remembered in a variety of ways.

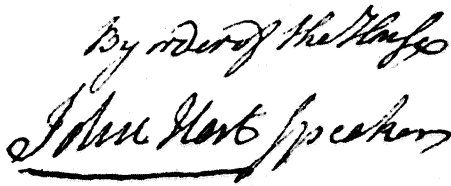
Hart and Clark have fared less well in history. They led simple busy lives before the signing. Hart had neither the education nor the time to write his memoirs. Clark was too busy with the problems of his fellow man to turn autobiographer.

But each signer deserves equal remembrance. The assemblage in Philadelphia was not an elite group of the greatest of American thinkers and philosophers. It was not a gathering of the rich and the powerful. It was a cross-section of America — farmers, merchants, plantation owners, ship captains, educators, persons of little education, men of leisure, men of toil, youth and old age.

The only thing that tied all of them together was the fact that on July 2, 1776, they gathered the collective courage to throw down the gauntlet to Great Britain. Two months later, on August 2, they backed up that defiance by signing the document that invited loss of

their fortunes, their positions, and their lives if Great Britain won.

Governor William Franklin had labeled members of the Provincial Congress "desperate gamblers," and the same might have been said of New Jersey's five signers. Gamblers they might have been. Desperate they might have been. They gambled. And they won.

A handwritten signature in cursive script. The top line reads "By order of the House" and the bottom line reads "John Hart Speaker". The signature is written in dark ink on a light background.

Signature of John Hart (1712-1779). No reliable portrait of Hart is known to exist. Courtesy New Jersey State Library, Archives and History Bureau.

For Further Reading

Material on the Declaration of Independence and its signers is easy to obtain although information on New Jersey's five signers is uneven. Local histories provide only bits of the background of New Jersey's five. The full stories of each of these have yet to be written.

Highly recommended is *Signers of the Declaration*, edited by Robert G. Ferris. Printed in 1973 as part of the series on the National Survey of Historic Sites and Buildings, this offers a

concise, up-to-date compendium on the lives of each of the signers. It also gives brief information on the Declaration itself and some unusual sketches on buildings connected with the signers (including five such locations in New Jersey). This "guide" is available from the U.S. Government Printing Office, Washington, D.C., 20402, for \$5.65.

The above volume contains a brief bibliography of easily-obtained volumes as well as Jefferson's first sketch of the document and a facsimile of the Declaration of Independence.

John and Katherine Bakeless's *Signers of the Declaration* (Boston: Houghton Mifflin Co., 1969) offers good profiles of each signer as well as a useful chronology of events from October 1760, when King George III ascended the English throne, until August 2, 1776, when the Declaration was signed. The book includes an excellent bibliography.

Donald Barr Chidsey's *July 4, 1776* (New York: Crown Publishers, 1958) is a well-written, high-school level account. Chidsey dramatically recounts the last hours before the document was adopted. Donald E. Cooke's *Fathers of American Freedom* (Maplewood, N.J.: Hammond, 1969) is a colorfully illustrated compendium of the signers written for young readers. Frank Donovan's *Mr. Jefferson's Declaration* (New York: Dodd, Mead and Co., 1968) is a thoughtful, complete story, accenting the agonies of the radicals in Congress. David Hawke's *A Transaction of Free Men* (New York: Charles Scribner's Sons, 1964) offers analytical insights into the philosophic sources of the Declaration. Dumas Malone's *The Story of the Declaration* (New York: Oxford University Press, 1954) is a picture history of the men and the period, including brief biographies.

Readers are also directed to the Autumn 1974 issue of *New Jersey History* (Newark: The New Jersey Historical Society) to find proof of the difficulties encountered in tracing New Jersey's signers. In this issue, Cleon E. Hammond writes of "John Hart, Signer: Falsely Portrayed Patriot." Information on Abraham Clark is not easy to secure, even from Ann Clark Hart's *Abraham Clark*, a little known book published in 1923 by a descendant. New Jersey's other signers, Richard Stockton, John Witherspoon and Francis Hopkinson, have been written about often enough in various publications to make their lives simpler to reconstruct.

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JOHN T. CUNNINGHAM is one of the most prolific and widely-read authors on New Jersey history. A graduate of Drew University, he is chairman of the New Jersey Historical Commission and vice-chairman of the State Bicentennial Celebration Commission. His fourteen books include *New Jersey: America's Main Road* (1966), *The New Jersey Sampler* (1964), and *Newark* (1966). His awards include honorary doctorates from Montclair State College and Caldwell College. He has four times won the Award of Merit of the American Association for State and Local History.



T.M.