

THE PAPERS OF
William Livingston

EDITED BY CARL E. PRINCE



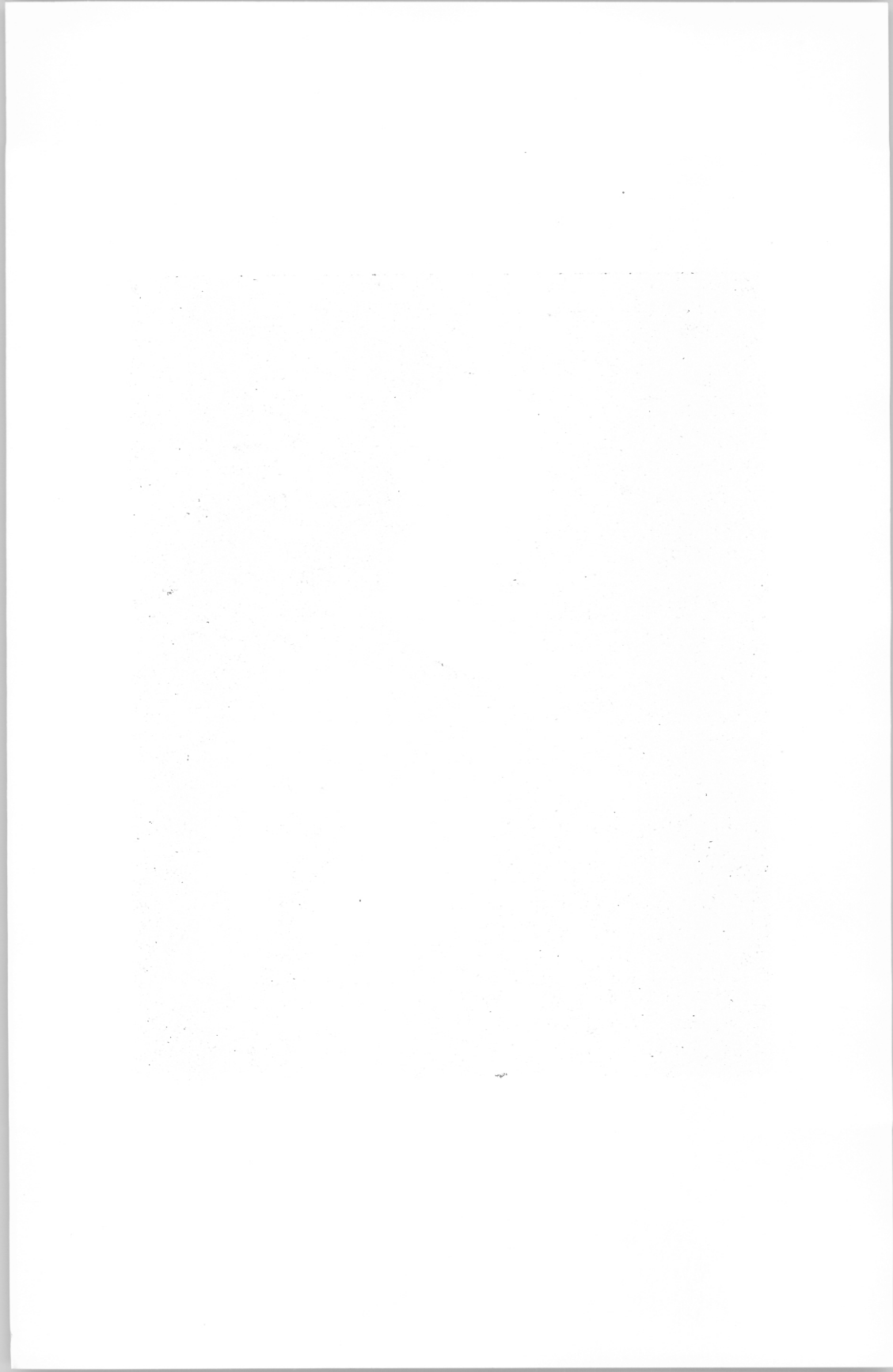
VOLUME 1: JUNE 1774–JUNE 1777

New Jersey Historical Commission

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William Livingston. Portrait by John Wollaston, courtesy of the Fraunces Tavern Museum, New York City.



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VOLUME 1
June 1774–June 1777

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For Richard P. McCormick

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PREFACE

THE PAPERS OF WILLIAM LIVINGSTON was conceived as a bicentennial project to expand and enrich the documentary sources of the American revolutionary era. The editors have decided, with the encouragement of the National Historical Publications and Records Commission, to print several volumes of selected letters and official papers that illustrate Livingston's significance in the formative years of the state of New Jersey and the United States. The documents begin in 1774 with Livingston's first involvement in New Jersey's revolutionary politics and conclude with his death in 1790, during his fourteenth term as governor.

After September 1776, Livingston was chief executive of a state at the center of military activity. As a writer, he was a major figure in the propaganda war of the American Revolution. His speeches and messages helped persuade the legislature to confront the problems of war. In addition, he became the major hub in communications between the less articulate citizens and their government. His pseudonymous writings helped unite the people to continue their struggle for independence. By meeting the challenges of invasion, civil war, and economic dislocation that accompanied the birth of the new nation and state, he successfully expanded his power as chief executive and commander in chief of the militia.

With the passage of almost two centuries, Livingston's personal and official papers have become scattered. Many important letters and documents have been lost through neglect, accident, and theft. Despite these vexations, more than five thousand autograph letters, letterbook drafts, executive messages, proclamations, and official orders have been accessioned from sixty-five archives, libraries, and private collections in twenty-two states and four foreign nations. A search of all extant copies of New York City, Philadelphia, and New Jersey newspapers of the revolutionary era has uncovered many new pseudonymous writings.

The decision to publish a selective printed edition has permitted a flexible approach in the choice of documents. Routine communications from Livingston have either been summarized or omitted. Livingston drafts of committee reports and resolutions of the Continental Congress have been printed. Only the earliest known copies of military and civil commissions have been selected to illustrate Livingston's administrative duties and constitutional powers. Many depositions witnessed or signed by Livingston in the Council of Safety have been published; Livingston's commitment to severe treatment of the disaffected may have resulted from his presence at these hearings. To help establish the historical contexts of Livingston's own papers, selected letters and documents sent to him have been printed. Many of these have been summarized—for example most of those from George Washington—because they will eventually become available through other publication projects. Appendix 2 contains a list of all extant letters not printed; these items, as well as summarized correspondence and unpublished commissions, will appear in a microform edition.

We have tried wherever possible to provide practical help to the general reader. Aids in this volume include a discussion of editorial method, an essay describing the first years of Livingston's life in New Jersey, a chronology, a brief introduction to each section, and a biographical directory. Footnotes provide concise historical contexts for the documents. We cite few secondary sources and generally avoid historiographical discussion.

ACKNOWLEDGMENTS

THE PAPERS OF WILLIAM LIVINGSTON has benefited from the aid and good will of a large number of individuals and organizations. The staff itself has been strengthened over the last four years by some very able research assistants. Esther Katz helped undertake the search for documents and transcribed some of the most difficult Livingston letters. Harvey Woll started as an undergraduate aide and returned to us for a summer after his first year of law school to help edit documents spanning Livingston's service with the Continental Congress. Alan Friedman, Barbara Dege, Jeffrey Eichler, and Elizabeth J. Prince contributed to the project in its early stages. Norma Basch, Elizabeth C. Stevens, and Lawrence Spinelli joined the staff in time to help prepare this first volume for publication.

Richard P. McCormick of the New Jersey Historical Commission originated the project, and the Commission and its staff took charge of its planning and funding. Bernard Bush, Executive Director, drafted proposals, brought people together, and has continued to coordinate and expand our sources of financial and academic support. William C. Wright, currently Head of the Archives and History Bureau in the New Jersey State Library, and formerly Associate Director of the Historical Commission, has been deeply involved with the project in both capacities. Lee R. Parks, Associate Editor of the Commission, has contributed his considerable editorial skills and worked closely with the Livingston staff through all phases of production. Richard Waldron, Peggy Lewis, Nancy H. Dallaire, and Paul A. Stelhorn, all of the Commission staff, have worked extensively and well with the editors in a variety of ways. John T. Cunningham of the Commission was most helpful in supporting the project, guiding its funding, and reading portions of the manuscript. Also helpful were Walter T. Peters, Jr., Executive Director of the New Jersey American Revolution Bicentennial Celebration Commission, and Milford A. Vieser, that commission's first Chairman.

The National Historical Publications and Records Commission has worked closely with us in funding and in several areas of editorial

policy and scholarship. We are indebted to former Executive Director E. Berkeley Tompkins, his successor Frank G. Burke, Associate Executive Director Fred Shelley, Assistant Executive Director Roger Bruns, and Sarah Dunlap Jackson, Richard Sheldon, George Vogt, Mary Giunta, and others on the NHPRC staff. In addition, we have received assistance from the staffs of other documentary projects, particularly *The Documentary History of the Ratification of the Constitution*, *The Papers of Benjamin Franklin*, *The Papers of George Washington*, *The Papers of Henry Laurens*, *The Papers of John Jay*, *The Papers of Robert Morris*, *The Van Cortlandt Family Papers*, and *The Papers of Aaron Burr*.

Many historians and librarians have made important contributions. In particular we want to single out Professor J. W. Schulte Nordholt of the University of Leiden, the Netherlands, who assiduously and fruitfully searched Dutch archives for us. Robert Schnare, Head of the Special Collections Department at the United States Military Academy Library, West Point, New York, arranged access for us to a large private collection of Livingston papers. Professors James M. Banner, Jr., of Princeton University, Larry R. Gerlach of the University of Utah, and Richard H. Kohn and James Kirby Martin of Rutgers University have all made valuable contributions by reading portions of the manuscript.

The staff of the New-York Historical Society, in particular James Gregory, Librarian, and Thomas Dunning, Jr., Curator of Manuscripts, have generously opened the society's collections to us. The same can be said for Donald A. Sinclair, Curator, and Clark Beck, Assistant Curator, of the Special Collections Department at the Alexander Library of Rutgers University; the staff of the New Jersey State Library, especially Kenneth W. Richards, late Head of the Bureau of Archives and History; and the staff of the New Jersey Historical Society, particularly Donald Skemer, Keeper of Manuscripts, and Robert Morris, Librarian. Joseph J. Felcone, Curator of the Sol Feinstone Collection, David Library of the American Revolution, has faithfully sent us information on newly available Livingston documents in general, as well as copies of manuscripts in the collection he administers.

Other librarians have also been most helpful, including Elsalyn P. Drucker of the Monmouth County Historical Association; Timothy C. Reiner of the American Antiquarian Society; Stephen T. Riley, former

Director of the Massachusetts Historical Society; Bruce W. Stewart, Supervisor, Martin Van Buren National Historic Site, Kinderhook, New York, and former park historian, Morristown National Historical Park; Whitfield Bell, Jr., Librarian of the American Philosophical Society; K. Jack Bauer of the Library of Rensselaer Polytechnic Institute; and Msgr. William Noé Field and Andras Pogany of Seton Hall University Library.

Milton M. Klein, a member of our board of editorial advisers, conducted a preliminary survey for the New Jersey Historical Commission and drafted the formal proposal for the project. He has frequently shared with us his deep knowledge of William Livingston.

Theodore W. Kury of the State University of New York at Buffalo and David L. Salay of the New York State Historical Association have helped us to identify some obscure New Jersey ironmasters.

The historian-cartographer John P. Snyder has kindly revised maps from his volume, *The Story of New Jersey's Civil Boundaries, 1606–1968* (Trenton, 1969), for use in this volume.

Several administrators at New York University took pains to smooth the way for us, and we want to mention four in particular for reasons that they will be aware of: L. Jay Oliva, Vice President for Academic Affairs; R. Bayly Winder, former Dean of the Faculty of Arts and Sciences; William Stuart, Associate Dean; and Ann H. Greenberg, Director of Sponsored Programs. Brooke Hindle, Vincent P. Carosso, and William Blackwell, successive chairmen of the History Department, have always cooperated fully with the project. Finally, we want to express our appreciation to the staff of the Elmer Holmes Bobst Library, who have gone out of their way to aid us.

EDITORIAL METHOD

POSITION

Documents appear in chronological order when their dates are certain. They appear where they are contextually appropriate when their dates are uncertain. Documents with the same date appear in alphabetical order according to the last names of Livingston's correspondents, except when some other placement is historically more appropriate.

SELECTION AMONG MULTIPLE VERSIONS

When multiple copies of a manuscript exist, the following priority system determines which version is to be published: (1) autograph letters or other documents, (2) broadsides, (3) contemporary newspapers, (4) drafts, (5) letterbook copies, (6) later printed copies. Significant deviations among the versions are noted, but minor variations are not.

REPRODUCTION OF TEXT

The place and date appear at the top right of each document, no matter where they appear on the manuscript. If they do not appear on the manuscript but derive from its cover or from editorial research, they are placed in brackets. Editorially supplied place-names for these documents and for all summaries receive the spellings most frequently employed by Livingston and his correspondents. Peculiarities of capitalization and spelling are retained throughout, except that each sentence begins with a capital letter. When we cannot tell whether a capital is intended, we employ modern usage. Missing or indecipherable words are represented by ellipsis points enclosed in square brackets. Missing letters in a word, when known, are silently inserted. Missing letters or words for which there is a firm or

reasonable conjecture appear in square brackets. Missing letters or words which we can reasonably surmise, though without firm evidence, also appear in square brackets, followed by a question mark. Portions of the document not in the hand of the author or scribe are placed in angle brackets < >. Strikeouts by the writer which indicate changes of thought or offer insight into the development of ideas are presented verbatim in footnotes. Inconsequential deletions, common in Livingston's drafts, are not noted. Interlineations and insertions have been silently placed in the text. Obvious errors, such as the repetition of a word, have been silently corrected. Superscript words or letters have been lowered to the line of print. The complimentary close runs continuously with the last line of the text. Original punctuation has been retained, except for certain dashes; those that end sentences have been replaced by periods, and those that are slips of the pen have been silently removed. Abbreviations still in usage have been retained, with the appropriate punctuation inserted where necessary. Archaic abbreviations and symbols that are clearly not individual peculiarities have been expanded. The ampersand has been retained, except in the form "&c," which has been expanded to "etc." Contractions of proper names and places remain.

ANNOTATION

Each document or summary is followed by an unnumbered note containing (1) the description of the document, (2) the Library of Congress symbol identifying the repository, (3) a note on the physical condition of the document, if significant, (4) the name of the scribe, other than the correspondent, if known. The word "see" is used to cite documents that may be found in one of the volumes of this edition. Livingston documents otherwise referred to are identified by source or repository and will eventually appear in a microform edition. Definitions of legal terms, unless otherwise cited, are from Henry Campbell Black, *Black's Law Dictionary: Definition of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern*, 4th ed. rev. (St. Paul, Minn., 1968). Military terms are defined in accordance with William Duane, *A Military Dictionary* (Philadelphia, 1810). Other archaic definitions, unless otherwise cited, are from *The Compact Edition of the Oxford English Dictionary*, 2 vols. (New York, 1971).

GUIDE TO EDITORIAL APPARATUS

1. SYMBOLS USED TO DESCRIBE MANUSCRIPTS

ADf	Autograph Draft
ADfS	Autograph Draft Signed
ADS	Autograph Document Signed
AL	Autograph Letter
ALS	Autograph Letter Signed
D	Document
Df	Draft
DS	Document Signed
LBC	Letterbook Copy
Lcy	Copy of a Letter
LS	Letter Signed

2. LOCATION SYMBOLS

CSmH	Henry E. Huntington Library, San Marino, CA
CSt	Stanford University, Stanford, CA
CtHi	Connecticut Historical Society, Hartford, CT
CtY	Yale University, New Haven, CT
DLC	Library of Congress, Washington, DC
DNA	National Archives, Washington, DC
MB	Boston Public Library, Boston, MA
MdHi	Maryland Historical Society, Baltimore, MD
MeHi	Maine Historical Society, Portland, ME
MH	Harvard University, Cambridge, MA
MHi	Massachusetts Historical Society, Boston, MA

MiU-C	William L. Clements Library, University of Michigan, Ann Arbor, MI
N	New York State Library, Albany, NY
NhD	Dartmouth College, Hanover, NH
NHi	New-York Historical Society, New York, NY
Nj	New Jersey State Library, Archives and History Bureau, Trenton, NJ
NjFrHi	Monmouth County Historical Association, Freehold, NJ
NjHi	New Jersey Historical Society, Newark, NJ
NjMoHP	Morristown National Historical Park, Morristown, NJ
NjP	Princeton University, Princeton, NJ
NjR	Rutgers, The State University, New Brunswick, NJ
NN	New York Public Library, New York, NY
NNC	Columbia University, New York, NY
NNTr	Parish of Trinity Church, New York, NY
NTR	Rensselaer Polytechnic Institute, Troy, NY
OM	Marietta College, Marietta, OH
PHC	Haverford College, Haverford, PA
PHHi	Pennsylvania Historical and Museum Commission, Harrisburg, PA
PHi	The Historical Society of Pennsylvania, Philadelphia, PA
PPAmP	American Philosophical Society, Philadelphia, PA
PWBWHi	Wyoming Historical and Geological Society, Wilkes-Barre, PA
Vi	Virginia State Library, Richmond, VA

3. SHORT TITLES AND ABBREVIATIONS

Acts

*Acts of the General Assembly of the
State of New-Jersey*

American Museum

*The American Museum, or Repository
of Ancient and Modern Fugitive*

	<i>Pieces . . .</i> (January 1787–December 1788); <i>The American Museum, or, Universal Magazine . . .</i> (January 1788–December 1792)
Burnett, <i>Letters</i>	Edmund C. Burnett, ed., <i>Letters of Members of the Continental Congress</i> (8 vols., Washington, D.C., 1921–1936)
<i>Correspondence of the Executive</i>	<i>Selections from the Correspondence of the Executive of New Jersey, from 1776 to 1786</i> (Newark, N.J., 1848)
<i>Council of Safety</i>	<i>Minutes of the Council of Safety of the State of New Jersey</i> (Jersey City, 1872)
DLC:GW	Library of Congress: Papers of George Washington
DNA:PCC	National Archives: Papers of the Continental Congress
Evans	Charles Evans, <i>American Bibliography</i> (Chicago, 1903–1955)
Fitzpatrick, <i>Writings of Washington</i>	John C. Fitzpatrick, ed., <i>The Writings of George Washington from the Original Manuscript Sources, 1745–1799</i> (39 vols., Washington, D.C., 1931–1944)
Force, <i>American Archives</i>	Peter Force, comp., <i>American Archives . . .</i> , Fourth and Fifth Series (9 vols., Washington, D.C., 1837–1853)
<i>General Assembly</i>	<i>Votes and Proceedings of the General Assembly of the State of New-Jersey.</i>
JCC	Worthington C. Ford et al., eds., <i>Journals of the Continental Congress, 1774–1789</i> (34 vols., Washington, D.C., 1904–1937)
<i>Joint Meeting</i>	<i>Minutes and Proceedings of the Council and General Assembly of the State of New-Jersey in Joint-Meeting</i> (August 30, 1776–March 17, 1780)
<i>Legislative Council</i>	<i>Journal of the Proceedings of the Legislative-Council of the State of New-Jersey</i>
NJA	William A. Whitehead et al., eds., <i>Archives of the State of New Jersey,</i>

- First and Second Series (48 vols., Newark and elsewhere, 1880–1949)
- N.Y. Gazette & Weekly Mercury*
Pa. Archives
Pa. Colonial Records
Pa. Packet
Prov. Congress
- The New-York Gazette; and the Weekly Mercury.*
 Samuel Hazard et al., eds., *Pennsylvania Archives. Selected and Arranged from Original Documents in the Office of the Secretary of the Commonwealth . . .* (9 series, Philadelphia and Harrisburg, 1852–1935)
Minutes of the Provincial Council of Pennsylvania, . . . (16 vols., Harrisburg and Philadelphia, 1851–1853). Title changes to *Minutes of the Supreme Executive Council of Pennsylvania, . . .* with Vol. II.
Dunlap's Pennsylvania Packet or the General Advertiser.
Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey (Trenton, 1879)

CHRONOLOGY

1774

- | | |
|------------------------|---|
| June 11 | Named to Essex County Committee of Correspondence by county-wide meeting. |
| July 23 | Appointed to First Continental Congress by Provincial committees of correspondence. |
| September 1–October 26 | Attended First Continental Congress at Philadelphia. |

1775

- | | |
|---------------------|---|
| January 24 | Appointed to Second Continental Congress by New Jersey Assembly. |
| May 10–June ?, 1776 | Attended Second Continental Congress at Philadelphia. |
| October 28 | Appointed brigadier general of militia by New Jersey Provincial Congress. |

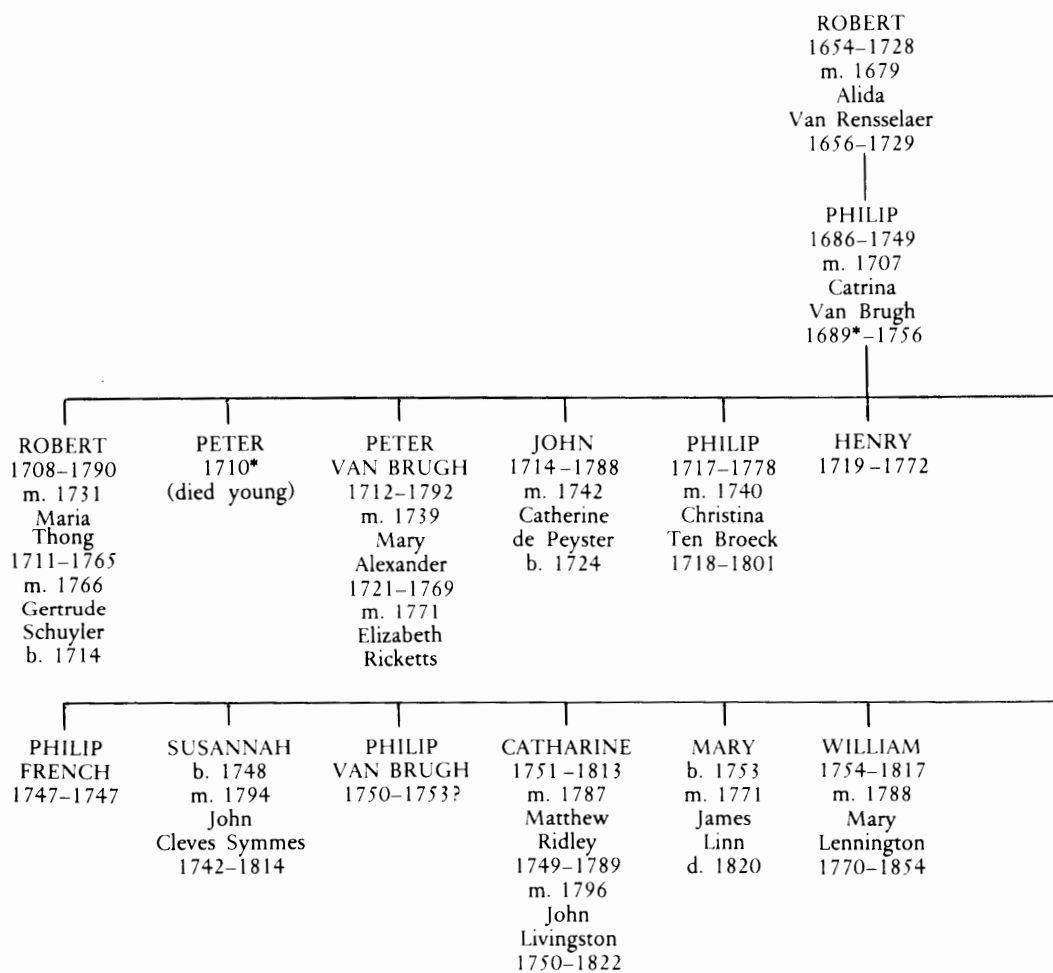
1776

- | | |
|------------------------|---|
| [June 28]–September 3 | On active militia duty at Elizabethtown. |
| August 31 | Elected governor by Joint Meeting of New Jersey Legislature. |
| September 4–October 8 | Met with legislature at Princeton. |
| November 13–December 7 | Met with legislature at Burlington. |
| November 25 | Ordered New Jersey militia to march toward Newark to aid Washington's army. |
| December 30 | Reported to be out of the state. |

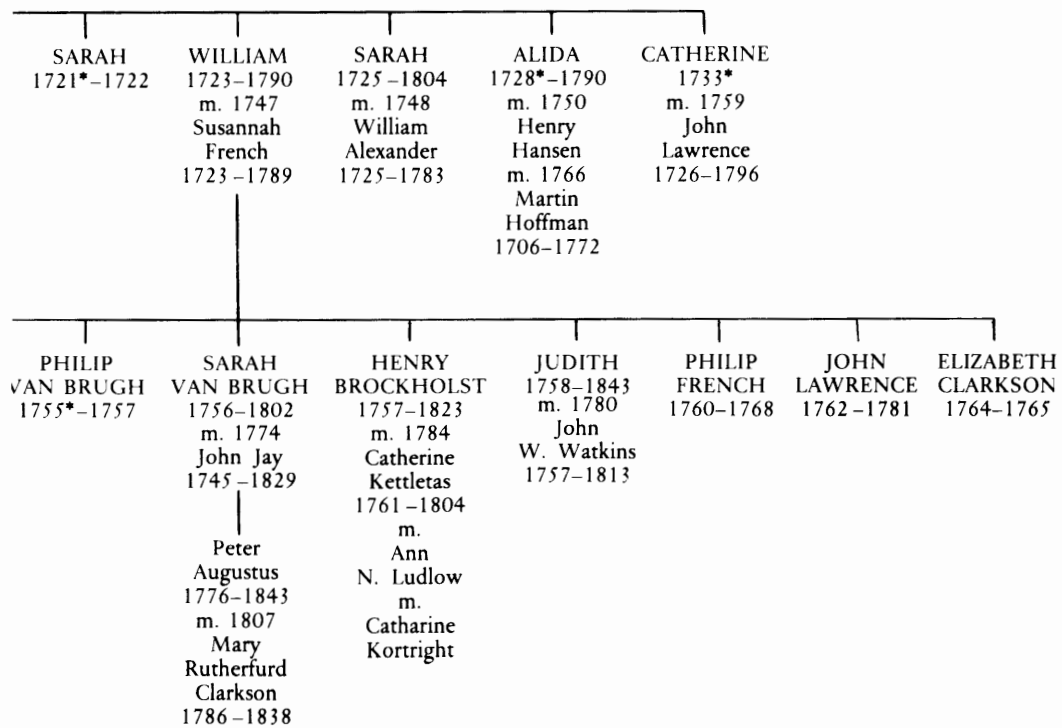
1777

January [14]–20	At Morristown.
January 22–24	Met with legislature at Pittstown.
January 29–March 18	Met with legislature at Haddonfield.
February 18	“The Impartial Chronicle” published as part of <i>Pa. Packet</i> .
March 18–19	Met with Council of Safety at Haddonfield.
March 26–May 2	Met with Council of Safety at Bordentown.
May 7–June 11	Met with legislature and Council of Safety at Haddonfield.
June 17–July 3	Met with Council of Safety at Morristown.

GENEALOGY



*date of baptism



THE PAPERS OF WILLIAM LIVINGSTON

INTRODUCTION

William Livingston: From New York to New Jersey

ON APRIL 13, 1772, the *New-York Gazette: or, Weekly Post-Boy* carried an announcement of the removal of William Livingston from New York City to Elizabethtown, New Jersey.* In turning over the bulk of his unfinished New York legal business to James Linn, his son-in-law, Livingston severed his ties with a province in which he had been a prominent attorney and political figure for over a quarter century. He had received a thorough education at Yale and completed his legal apprenticeship in the law offices of James Alexander and William Smith. He had become the legal counselor to his father, Philip, his brothers, Robert, Peter, Philip, and John, and various other members of the vast Livingston kinship network. He had been involved for many years in recovering debts, drawing up wills, and revising New York's statutes. A man of varying interests, he probably did not fully regret leaving the bar and the courts. As the major biographer of his New York years has noted: "He shifted frequently from one absorbing passion to another, never able to project his energies for long in a single direction."¹ Livingston's peripatetic inquisitiveness accounts in part for his ease in adjusting at the age of forty-nine to the life of a reflective country squire after the tumultuous political life of New York.

William Livingston was son of the second lord of Livingston Manor. As befit an important member of a notable family, he assumed a major role in the life of the colony of New York. His imprint on the politics, society, and culture of that colony is best discovered in his writings spanning thirty years there. He was a prolific writer constantly embroiled in political and religious controversy and frequently critical

*Asterisks denote documents that can be found in Appendix 1.

of New York society and of British colonial policies. He applied himself intellectually to fashion a model of British culture in the New World. He was deeply influenced by the English Whig tradition. His essays in the *Independent Reflector* emulated Addison and Steele's *Spectator* and descended ideologically from John Trenchard and Thomas Gordon's *Independent Whig*. In his anonymous and pseudonymous writings as "The American Whig," "The Sentinel," and "The Watch-Tower," Livingston commented on social customs as well as political and religious issues of the day. His satiric essays brought him an intercolonial reputation as a pungent and articulate polemicist.

In politics, Livingston usually operated as a factional leader rather than an elected official. He sat in the New York Assembly for two years, but only as representative from the pocket borough of Livingston Manor. The protracted political battles between the faction led by Livingston, John Morin Scott, and William Smith, Jr., and that of the De Lancey family and its lieutenants had been the major political theme in the province of New York for decades. Livingston and his supporters controlled the New York Assembly from 1758 to 1768. The "New York Triumvirate," as Livingston, Scott, and Smith were known, took part in a movement opposing the charter of King's College (now Columbia University) and the expansion of Anglican influence in church and state.² Livingston's rise as a political leader received its greatest impetus from his vociferous defense of American religious liberties. As a Presbyterian defender of American religious pluralism, he became well known through his newspaper essays, which contained rhetorical appeals to the dissenters in the colony.

The Stamp Act crisis in 1765 altered traditional political alignments and impelled Livingston to shift from the stance of colonial radical to that of revolutionary moderate. He criticized the stamp tax as an attack on the colonists' constitutional rights. But he did not condone the tactics of the New York Sons of Liberty, who reacted with violence, for he recognized that extralegal protest by the common people, led and encouraged by members of the political and mercantile elite, had socially unsettling tendencies. His moderate attitude met with disfavor from both conservatives and radicals. In the election of 1768, the De Lancey faction gained a decisive edge by superficially supporting the Sons of Liberty and subscribing to the antilawyer sentiment of the radicals. Livingston's writings linking British taxation

and trade measures with the subtle encroachment of the Anglican hierarchy upon the religious liberties of the colony were widely known but no longer politically central.

Although he lost some political power because of the crisis, Livingston remained an influential writer and political figure in the colony. When the radical and moderate Presbyterians reconciled their differences in 1771, it seemed as if there would be a revival of Livingston supremacy in New York politics. However, the growing competition among New York lawyers for clients, as well as the economic dislocations caused by imperial trade policies and colonial boycotts, cut into Livingston's legal practice.³ We do not know all his reasons for withdrawing from the New York political scene, but he had often stated his desire to retire to a "solitary and philosophic retreat." In 1772 he decided to devote himself to the quiet enjoyment of family, friends, and books at his country estate in Elizabethtown.

The move to New Jersey culminated years of planning. Most of Livingston's Elizabethtown estate had been formed by purchase from Jonathan Crane, who had acquired part of the home plantation of Charles Townley in 1760. The deed to Crane from Townley's executors noted that Livingston already owned some neighboring land. Livingston purchased additional tracts after 1762, and by 1772 he held 114 acres of cleared land, home lot, woods, and salt meadows in Elizabethtown.⁴ He had imported and planted fruit trees as early as 1762.⁵ Through inheritance and purchase during the same years he also became the owner and landlord of tracts totaling 924 acres in Sussex, Morris, and Bergen counties.⁶

The relocation of his family proceeded gradually. Through the 1760s he had spent a good deal of time in Elizabethtown attending court, inspecting his crops, and dealing with local merchants and craftsmen. In 1770 he had become a frequent boarder at Matthias Allen's tavern near his farm. Receipts from local shopkeepers dated at Elizabethtown appear with great frequency thereafter. Although he paid rent for his New York home until May 1, 1772, he had already moved his family to an Elizabethtown house owned by Jacob De Hart.⁷

In a letter of December 9, 1772, to Paparel Bloodgood, Livingston outlined his plans for the house. He appointed Bloodgood, a master artisan of New York, to help design it and to acquire materials and hire

workers. The house was to be modeled after the mansions of several of his former associates in New York City.* Livingston's papers from 1772 to 1774 are filled with accounts for construction and masonry work. "Liberty Hall" had been completed by April 1774. The first floor contained five rooms, including a library with hundreds of legal, literary, and philosophic works. The second floor had six bedrooms. There was an attic above. A stone basement was used for cooking and storage.⁸ After two years in New Jersey, William Livingston had a comfortable dwelling suited to the pastoral life he so much wanted.

Few letters have survived to document the first two years of William Livingston's life in New Jersey. Fragmentary glimpses show him occupied with the mundane activities of supervising and supplying a country estate. Letters to David Clarkson in New York City concern family business and lesser matters, such as supplies of fresh fish. Correspondence with Whitehead Hicks deals with the lingering details of his legal and financial affairs in New York.⁹ Other letters show that his new home was becoming a center for the social life of Elizabethtown.¹⁰ Even the vexations of having a neighbor's animals trespass upon his land or servants such as Henry Insley allegedly pilfer his silverware* were acceptable inconveniences compared to the political turmoil of life in urban New York. He confided to Noah Welles: "I begin to grow a lazy old fellow."¹¹

It is uncertain whether William Livingston intended to resume his legal career after an interlude of retirement and rest. William Willcocks, his former clerk, wrote to him in 1773, "You told me but a few days before you left New York, that you would not advise, or insist upon my going along, because it would be to my Disadvantage as you could not reasonably expect much practice for the first year or two of your Residence in that Province."¹² Aside from this comment, however, all evidence suggests that the move to New Jersey marked the virtual end of Livingston's active pursuit of legal business. His last cases before the Supreme Court of New York were heard in the January term of 1772.¹³ It is clear that he had little interest in traveling the New Jersey circuits, for between 1772 and 1776 he traveled to Amboy and Burlington to appear in only six cases before the New Jersey Supreme Court, and he filed only two bills in chancery; furthermore, he relinquished his interest in several of the six cases before judgment had been reached, and by April 1775 he remained

active in only one of them.¹⁴ In contrast, between 1759 and 1763 he had handled an average of 137 cases a year.¹⁵ The view that he wanted to disengage himself from all but the few cases that involved close friends and family is reinforced by the absence of any evidence that he practiced in his home county of Essex between 1772 and 1776.¹⁶ In the remaining years of his life, he made only infrequent use of his legal training and his decades of experience in court.

Livingston may have led a life of rural contentment when he first moved to New Jersey, but he was not retreating into obscurity. He was already well known and respected there as a political figure and writer. He had become a licensed attorney in the colony in 1755 and had frequently visited its provincial courts thereafter. The College of New Jersey had asked him to deliver the eulogy on the death of its president, Aaron Burr, Sr., in 1757. He had long been acquainted with the confusing political and legal problems caused by the prolonged clash between townspeople and proprietors of East New Jersey.¹⁷ He had served as a lawyer for the people of Elizabethtown in opposition to the proprietors, and as early as 1752 he had helped them compose their answer to a bill in chancery.¹⁸ In another case, he had represented the proprietors in a legal struggle with their tenants on the disputed New York border.¹⁹

In recognition of his prominence in Presbyterian circles, he had been appointed a trustee of the College of New Jersey (Princeton) in 1768, and the student newspaper had been named the "American Whig" in his honor. In 1771 he had been a founding member of the "New Jersey Society for the better Support of the Widows and Education of the Children of deceased Presbyterian Ministers . . ."²⁰ His reputation for articulate leadership and his connections with many New Jersey families of wealth and power assured that he would not long remain inactive in his adopted colony.²¹

Despite ties of institutions, family, and friends, the move to New Jersey placed the Livingstons in a new environment. Some elements of life in New Jersey were familiar: the ethnic and denominational heterogeneity of the colony resembled the crazy-quilt pattern of Dutch, German, Quaker, New England, and Huguenot settlements in the colony of New York. However, New Jersey politics bore only slight resemblance to the factional strife of New York. Political behavior was conditioned by the traditional cleavage between the

eastern and western sections of the colony. The line that bisected maps of the colony reflected a real division that was based on patterns of settlement, religion, and ethnic background. In rural West Jersey, Anglicans and Quakers from England were under the cultural and economic domination of Philadelphia; in the more populous town society of the eastern section, New England Presbyterians, Quakers, Baptists, Scotch-Irish, and Dutch were tied by culture and commerce to the port of New York.²² A leading scholar of provincial politics has characterized the political scene as “fluid, unstructured and localized.”²³

The reaction to the early clashes over taxation and parliamentary power was far less severe in New Jersey than in New York. Protesting against the Stamp Act, citizens of New Brunswick burned an effigy of Robert Ogden, an unpopular colonial official, on October 29, 1765—tame behavior compared to the riots in New York City in the following month. New Jersey reacted moderately to the Townshend duties as well, and the boycott did not create such deep division there as in New York. Since no newspaper was published in New Jersey, specific local issues were not aired in detail. In addition, the development of pre-Revolutionary mob violence was retarded in New Jersey because the colony had poor communication and transportation, a relatively small professional and mercantile group, and a scattered rural population.

When Livingston arrived in New Jersey, intercolonial protest was in a lull; most of the “Townshend duties” had been repealed in 1770, and the Tea Act would not be passed until 1773. The New Jersey Legislature was largely unconcerned with imperial matters, though it was embroiled in a dispute over the robbery of the treasury of East Jersey. The controversy had great implications for the authority of royal government and the constitutional power of the lower house; in addition, it brought William Livingston back into the political arena.²⁴

On the evening of July 21, 1768, more than £6,500 in proclamation money had been stolen from a chest in the home of Stephen Skinner, the treasurer of the Eastern Division of New Jersey, in Perth Amboy. Depositions from Skinner and his apprentice provided an explanation for the theft that the governor and his council considered satisfactory, though the New Jersey Assembly requested that thereafter the

treasurers of the eastern and western sections post bonds of £10,000 for security. Skinner and Samuel Smith, the West Jersey treasurer, voluntarily complied. In October 1770 the assembly demanded that Stephen Skinner repay the sum taken from his home and reprimanded him for the lack of security that had permitted the robbery. The assembly rejected a petition from Skinner for relief in 1772, and on September 18 of that year it demanded that Gov. William Franklin relieve him of his duties. Franklin refused to do so, and the Legislative Council firmly supported him. The acrimony between the executive and the lower house ended temporarily when Franklin prorogued the legislature on September 26, 1772.

Livingston became involved in the controversy after the abrupt ending of the sitting. The details are unclear, but at this point some members of the assembly may have requested Livingston's advice on the treasury matter. He then wrote an opinion dealing with the legal precedent for bringing the treasurer to account, the validity of the bond that Skinner had taken, the course of legal action available to the assembly, and the suitability of a trial by the freeholders of New Jersey.* Historians have inferred that this was a quasi-official legislative activity, but only Livingston's answer has survived as evidence.²⁵ The prolonged conflict not only widened the breach between Governor Franklin and the assembly, it also reawakened Livingston's political consciousness.²⁶ In a letter to one of his New York friends on March 7, 1774,²⁷ Livingston displayed his grasp of New Jersey politics with a satire on the treasury imbroglio in the form of a mock dialogue between Governor Franklin and the assembly.*

The dumping of tea in Boston harbor and the passage of the "Intolerable Acts" were the first of a sequence of events in New Jersey that drew Livingston back into politics. His reaction to the heightening of the imperial crisis at this point is not documented. However, James Kinsey, leader of the resistance movement in the assembly, suggested in a letter to Elias Boudinot that they try to draw Livingston into a public stance: "What does Mr. L—— think of the present Affair? Cannot he give Us some Sentiments. Will it be too free to tell him from Me that the little trifling disputes of the Colony of N York were Capable of Rousing him and thus I think the present times shoud—and that it is his duty. If I had the same Abilities I should hold myself inexcusable."²⁸ Neither letters from Livingston nor pseudon-

ymous essays attributable to him clarify his ideological views or the depth of his commitment to intercolonial resistance at the start of 1774. Since he had advocated the liberties of American colonials throughout the previous decade, it is reasonable to assume that he was not reluctant to support American resistance, only passive in doing so.

The citizens of New Jersey reacted to the closing of Boston Port in June 1774 at the grassroots level, indicating the absence of structured leadership in the pre-Revolutionary resistance movement. Because of his stature Livingston was inevitably drawn into the movement to help fill that leadership vacuum. Mass meetings and the formation of local, county, and colony-wide committees of correspondence thrust the squire of "Liberty Hall" back into the political arena. He and his friends in Elizabethtown, Elias Boudinot, Stephen Crane, William Peartree Smith, and John De Hart, became the bulwark of Whig leadership in the colony. The transition from New York lawyer to landed gentleman was halted by the call to leadership.

NOTES

1. Milton M. Klein, "The American Whig: William Livingston of New York" (Ph.D. diss., Columbia University, 1954), 85. This study is the most accurate and comprehensive treatment of Livingston's New York years. The only published biography of William Livingston, *A Memoir of the Life of William Livingston*, by Theodore Sedgwick, Jr. (New York, 1833), is an amalgam of subjective comments, disjointed anecdotes, and lengthy quotations. However, it is valuable because it contains extracts of many letters now unavailable in manuscript.

2. Dorothy Rita Dillon, *The New York Triumvirate: A Study of the Legal and Political Careers of William Livingston, John Morin Scott, William Smith, Jr.* (New York, 1949).

3. Livingston's legal activities are discussed in Milton M. Klein, "The Rise of the New York Bar: The Legal Career of William Livingston," *William and Mary Quarterly*, 3d ser., 15 (July 1958), 334-58.

4. "Lands in New Jersey," Deed, John Harriman and Joseph Morss to Jonathan Crane, August 22, 1760; Deed, Jonathan Crane to WL, February 24, 1764; Deed, Susana Muchmore to WL, August 11, 1768; Deed, Jonathan and Sarah Crane to WL, December 7, 1770; Deed, Timothy and Nathan Woodruff to WL, November 14, 1766 (MHi). Tax Ratables, Elizabethtown, Essex County, New Jersey, January 1778, February 1780, August 1782, July 1783, September 1789 (Nj).

5. Stephen Crane account book (NjP).

6. This included 300 acres in Sussex County, 531 acres in Morris County purchased from Lord Stirling, and 93 acres in Pompton, Bergen County, received on October 1,

1769, as a bequest from the will of Henry Brockholls (Brockholst). Refer to "Lands in New Jersey," "Lands from the Book of deeds appearing to belong to the estate of Governor Livingston," "Articles of Agreement with Ebenezer Wilson, April 21, 1772" (MHi). For a full discussion of WL's lands in other colonies, refer to Klein, "The American Whig," 721–41.

7. Refer to receipts for nails, boards, and rails of November 1, 1770, March 30, 1771, April 1771, August 5, 1771; WL receipt to Matthias Allen, September 2, 1771; WL receipt to David Clarkson, March 18, 1772; WL receipt to John De Hart, May 4, 1773 (MHi).

8. A plan of the house, with notations on rooms added after the initial construction, is in Historic American Buildings Survey, Liberty Hall, NJ–515, October 6–28, 1938 (DLC, copy at Nj). United States Department of the Interior, National Register of Historic Places Inventory, April 5, 1973, calls the structure "an organic growth house" and gives the following structural analysis: "Liberty Hall was a three-part frame structure 83 feet in length. The center section, 37 feet wide and 34 feet deep, was two stories high and had a modified gambrel roof and two interior chimneys. The central block was flanked by one-story wings built on the main axis with polyangular ends, hipped roofs, and end chimneys. Each wing was 23 feet long and 17 feet deep. Exterior walls were flush boarded, the corners of the central block were marked by quoins, and first story windows were topped by flat cornices with key-blocks."

9. Refer to David Clarkson to WL, February 25, 1773, March 3, 1773, and [January–December 1773]; Thomas Randall to WL, February 20, 1773; Memorandum of Agreement between WL and John Morin Scott, October 12, 1773; Whitehead Hicks to WL, April 14, 1774; John Kelly to WL, January 5, 1774, January 10, 1774 (MHi).

10. Young lawyers and students, such as John Jay and Alexander Hamilton, were guests at Livingston's residence in town. Hamilton spent the winter and spring of 1773 attending Francis Barber's academy in Elizabethtown. John Jay spent many hours in the company of WL's daughter Sarah (Sally). They were married in Liberty Hall on April 28, 1774 (Harold C. Syrett, ed., *The Papers of Alexander Hamilton* [New York, 1961], 1:41–42; Richard B. Morris, ed., *John Jay, The Making of a Revolutionary: Unpublished Papers, 1745–1780* [New York, 1975], 123–24).

11. WL to Noah Welles, December 29, 1773 (CtY).

12. William Willcocks to WL, March 24, 1773 (MHi).

13. WL, Account with New York Supreme Court, 1763–1773 (MHi).

14. WL's cases before the New Jersey Supreme Court were *Peter Van Brugh Livingston v. Philip Volk* (Folk), *David Clarkson v. Henry Guest*, *David Clarkson v. James Parker*, *David Clarkson v. Jacob Vanderveer*, *Joseph Forman v. Oliver Delancey*, *Thomas Smith v. John L. Johnston*. Refer to WL receipt, July 4, 1772 (NjHi); WL to Peter Van Brugh Livingston, August 13, 1772, January 27, 1773 (NjHi); "Peter V. B. Livingston agt. Philip Volk," April 1773 (MHi); Extract of Minutes of New Jersey Supreme Court, August 1, 1774 (MHi); WL to Samuel Smith, April 14, 1775; Unknown Person to WL, April 18, 1774 (MHi); New Jersey Supreme Court Judgment Rolls, 1772–1776 (Nj); "Court of Common Pleas," minutes 1772–1775 (probably New Jersey Supreme Court); New Jersey Supreme Court Docket, 1772–1775 (Nj).

Livingston was also involved in two New Jersey chancery cases. For *Joseph Van Matre v. Daniel and Cyrenius Van Matre*, refer to "Bill for cases in chancery, 1775" (MHi), and *Joseph Van Matre v. Cyrenius Van Metre* (Nj). This debt case was not

resolved until 1791. WL entered a bill for Joseph Van Matre in May 1774, but Daniel Van Matre, one of the respondents, fled behind British lines during the American Revolution. For *Hendrick Van Dien et al. v. Ryneer Van Gieson*, refer to bill in chancery, March 30, 1773 (Nj).

15. Klein, "The American Whig," 191.

16. Essex County Court Minute Books are at Essex County Hall of Records, Newark, New Jersey.

17. For further information refer to two works by Gary S. Horowitz, "New Jersey Land Riots, 1745-1755" (Ph.D. diss., Ohio State University, 1966), and "New Jersey Land Riots, 1745-1755," William C. Wright, ed., *Economic and Social History of Colonial New Jersey* (Trenton, 1974), 24-33.

18. The proprietors, represented by James Alexander and Joseph Murry, filed *A Bill in Chancery of New Jersey at the Suit of John Earl of Stair . . .* (New York, 1747). WL and William Smith, Jr., composed *An Answer to a Bill in the Chancery of New-Jersey at the Suit of John Earl of Stair . . .* (New York, 1752).

19. Klein, "The American Whig," 169-70.

20. *NJA*, 1st ser., 10: 343-49.

21. It is possible that WL may have been the author of an essay defending John Witherspoon, the president of the College of New Jersey. The piece was signed "Causidico Mastix" and was published in the *N.Y. Gazette & Weekly Mercury*, January 18, 1773. For ascription of this piece to WL, refer to Klein, "The American Whig," 688.

22. For studies of pre-Revolutionary New Jersey, refer to Larry R. Gerlach, *Prologue to Independence: New Jersey in the Coming of the American Revolution* (New Brunswick, N.J., 1976); Larry R. Gerlach, "New Jersey in the Coming of the American Revolution," in William C. Wright, ed., *New Jersey in the American Revolution: Political and Social Conflict*, rev. ed. (Trenton, 1974), 10-24; Richard P. McCormick, *New Jersey from Colony to State, 1609-1789* (Princeton, 1964); Leonard Lundin, *Cockpit of the Revolution: The War for Independence in New Jersey* (Princeton, 1940).

23. Gerlach, "Coming of the American Revolution," 20.

24. For a comprehensive account of the treasury robbery, refer to Larry R. Gerlach, "Politics and Prerogatives: The Aftermath of the Robbery of the East Jersey Treasury in 1768," *New Jersey History* 90 (Autumn 1972), 133-68.

25. Sedgwick, *A Memoir*, 165; Klein, "The American Whig," 688.

26. The treasury issue came to a head when the New Jersey Assembly reconvened in November 1773 and took testimony about Samuel Ford, Jr., of Hanover, a counterfeiter suspected of having been involved in the case. Ford had been captured and, after escaping once, recaptured. Three of his associates testified against him, but the assembly, led by James Kinsey of Hunterdon County, found their testimony tainted because they had been offered a pardon for implicating Ford. Skinner asked to be put on trial, but the assembly disregarded this appeal and repeated its demand that Franklin remove him from office. After the assembly threatened to terminate appropriations and to appeal directly to officials in Great Britain, Franklin moderated his position enough to pressure Skinner to leave office. Skinner resigned on February 23, 1774.

27. WL also expressed regret over the end of his correspondence with an old friend, presumably William Smith, Jr. He then aired his views on the backbiting and political

maneuvering in the New York Assembly over the division of Orange County into two districts.

28. James Kinsey to Elias Boudinot, June 14, 1774 (DLC:Boudinot Papers).

1

Delegate to the Continental Congress

June 11, 1774–June 27, 1776

IN EARLY June 1774 the people of Elizabethtown called on William Livingston to represent them at county and provincial meetings; the provincial committee of correspondence appointed him a delegate to the First Continental Congress in Philadelphia at the end of the month. His personal views on the appropriate response to British oppression are unknown, for he was not the author of any resolve or statement on imperial matters. During his attendance, he cemented working relationships and political bonds with fellow delegates, with principal figures in the New Jersey Provincial Congress, and with New Jersey leaders in the new Continental army.

His political involvement increased as the tempo of political rebellion quickened in New Jersey. Livingston took a seat in the Second Continental Congress in May 1775, just a few weeks after hostilities had broken out in Massachusetts. The first meeting of the Provincial Congress also convened in May 1775, and that body quickly affirmed its position as an extralegal government by arrogating the power to tax and raise militia units. At Philadelphia Livingston once again took up committee assignments. He served on committees that helped draft an “Address to the People of Ireland” in June and a “Declaration on Taking Arms” in July.

During 1775 he took charge of communication between the Continental Congress and his colony. Through this activity he became ever more closely involved with New Jersey political and military leaders. He served on two key committees of Congress meanwhile; one of these appointed Continental army officers from all the colonies, and the other processed British prisoners from the Canadian assault—some of whom were confined in New Jersey. In both matters he spoke for his colony. On other committees he drafted responses to letters

from generals in the field and investigated counterfeiting of Continental currency. Twice he left Philadelphia to assume active command of New Jersey militia units defending New York City and its hinterland.

In a draft congressional proclamation of March 1776, Livingston urged the colonies to “preserve and strengthen their Union”; this document may be a sign that his commitment to American self-government was growing during this period. He never had the chance to sign the Declaration of Independence, however, for he left Philadelphia and the Congress early in June 1776 to assume his responsibilities as brigadier general of the New Jersey militia.

Essex County Resolutions

[Newark, June 11, 1774]¹

At a meeting of the freeholders & Inhabitants of the County of Essex in the Province of New Jersey at New Ark in said County on Saturday the 11th June 1774.²

The Meeting was opened by unanimously choosing Stephen Crane Esq. Moderator & Elisha Boudinot Esq. Clerk of the present Meeting.

The design of assembling together at this time, being opened & the Boston Port Bill read with some Letters & Resolves of the neighbouring Colonies, in order that the members of this assembly might be fully possessed of every Argument on both sides the Question, It was then unanimously voted.

That every Gentlemen present be desired freely to express his Sentiments on the present Occasion, and that while so doing with Candor & decency, he shall receive the full protection of this Assembly.

After which some time being spent in explaining & inculcating the necessity of assisting our Sister Colonies on this alarming occasion & in hearing the subject fully debated, the following were unanimously resolved as the opinion & resolutions of this County; each Resolution being twice read & explained, and as often voted by different Modes of taking the Votes.

The Providence of God having Cast our Lot in a Land of Light &

Liberty, when, late within a few Years past, we enjoyed perfect tranquility under a most wise & gentle Government, Brittain considering the happiness of America as inseperably connected with her own; and America looking up to Brittain as a dutiful Child to an affectionate Parent for defence & protection. Thus Circumstanced, under the best Constitution, the [uncalcuable] priviledges of Englishmen have not only been handed down to us, but committed to our Care & improvement, as well for our own, as the felicity of our remotest posterity. We would therefore be unworthy the descendents from those glorious Characters, which dignified the British Name, by the noblest opposition against the Efforts of Tyranny & oppression—Unworthy of Ancestors who thro' fields of Blood acquired, established & confirmed the rational plan of British Government, should we at any time, continue silent & unmoved at the approach of Oppressive & despotic Power, altho' for the present, we may be at some remove from its immediate operation. After so many Years experience of the happiness we have enjoyed in the rational & filial dependance on the Crown of Great Britain whose Constitution, we must ever revere with an ardor & affection too great for utterance, we behold with the most sensible regret & mortification, the success of our inveterate Enemy, in sapping that solid basis of our political Freedoms—a basis which we fondly hoped would have been Coexistant with humanity. With horror & astonishment we have lately beheld America (not withstanding all the interchange of [Kindness] so often mutually experienced between her & her Parent State) most unreasonably & injuriously deprived of her original Priviledges & Immunities; Her powers of [destruct] Legislation & taxation under the immediate Controul of the Crown & its Governors, invaded & destroyed—her Trade & Navigation not only limited, so as to be mutually useful; but a power claimed & actually exerted of totally preventing & abolishing the same. And finally, in our Apprehension of the long dreaded Era, too fast advancing, which has so often been fortold by the ablest political Writers, as the only possible source of destruction to the British Spirit & Constitution—"an Era when the Legislative power shall become more Corrupt than the Executive." Under these trying Circumstances, the late extraordinary & unprecedented acts of Parliment for blocking up the port of Boston & regulating the government of the Massachusetts Bay, not only engaged our most affectionate Sympathy for the cruel

treatment of our Brethren in that Town & Province but must alarm every thinking Englishman with the horrid destruction to himself & posterity, that seems advancing with such monstrous strides in so dangerous a Precedent. Therefore we the Freeholders Inhabitants of the County of Essex do take this Opportunity to bear our Testimony against every attempt for establishing a mode of internal Taxation contrary to the established & constitutional Usage of being taxed by our own provincial Assemblies; as well as to convince our Brethren of the Town of Boston, that we consider their Cause as a Common Cause, and are ready to Join them in every lawful & constitutional measure for Redress & Relief. Wherefore we do unanimously & cheerfully Resolve and Agree

1st. That, under the enjoyment of our original privileges & Immunities, we heretofore have, now do and ever hereafter most heartily rejoyce in rendering all due obedience to the Crown of Great Britain, as well as full faith & Allegiance to his most gracious Majesty King George the third, and do esteem such firm dependence on the Mother Country, the essential means of political security and happiness.

2d. That the late acts of Parliament relative to Boston, which so absolutely destroy every Idea of Confidence & Safety appear to this assembly big with the most dangerous & alarming Consequences, especially as subverting that dependence, which we would earnestly wish to continue as our Guard & Protection. And we conceive that every well wisher to Great Britain & her Colonies, is now loudly called upon to exert his utmost abilities for promoting every legal & prudential measure towards obtaining a repeal of the said acts of Parliament, as well as those which have been passed for the express purpose of raising a Revenue in America.

3d. That it is our opinion, that it would conduce to the Restoration of the liberties of America & prevent any future unconstitutional attempts against them, for the Colonies to enter into a joint agreement not to purchase or use any british Manufactures, and particularly any Commodities imported from the East Indies, under such Restrictions as may be agreed upon by a general Congress of the Colonies hereafter to be appointed.

4: That this Body will readily & chearfully join their Brethren of the other Counties in this Province in promoting an immediate general Congress of Deputies to be sent from each of the Colonies, in order to

form a general plan of union, so that the measures pursued for the important End in View, may be constitutional, uniform & firm. Which when concluded upon, we do pledge our faith & Veracity to adhere to & promote with all our powers—and for this purpose are ready to send a Committee (to meet those from the other Counties) at such time & place as may be agreed upon, in order to choose proper persons to represent this Province at the said general Congress.

5: That we do hereby request the other Counties in the Province speedily to meet together & consider the present distressing State of our public affairs, & communicate their Sentiments on the occasion, to our Committee now to be appointed for that purpose, who are hereby authorized & empowered to meet & transact business with the several Committees of the other Counties, which may be appointed & with the Committees of any other Province. The said Committee is also empowered to meet with the said County Committees and to nominate & appoint Delegates to represent this Province in general Congress.³

6: We do hereby unanimously request the following Gentlemen to accept the said Trust, and accordingly do appoint them or any five of them our Committee for the purposes aforesaid, viz. Stephen Crane, Henry Garrison, Joseph Riggs, William Livingston, William Peartree Smith, John D Hart, John Chetwood, Isaac Ogden & Elias Boudinot Esquires.

7: That the Minutes of this Meeting be given to the Chairman and that these Resolves be printed in the public News Papers.⁴

ADf, NjP. In the hand of Elias Boudinot.

1. In a notice in the *New-York Journal; or, the General Advertiser* of June 9, Isaac Ogden and John De Hart had called on Essex County inhabitants to meet at the courthouse at Newark on June 11.

2. On February 8, 1774, in response to a suggestion from the speaker of the Virginia House of Burgesses, the New Jersey General Assembly had formed a committee of nine members to correspond with other colonies. Virginia had established a committee of correspondence on March 19, 1773, but New Jersey had taken no action as a colony until after a series of events which included the Tea Act of May 10, 1773, the Boston Tea Party of December 16, 1773, and the symbolic burning of tea in January 1774 by the students of the College of New Jersey.

On May 13, 1774, the Boston Committee of Correspondence had written to ask the committee of correspondence of the New Jersey General Assembly for support, enclosing a copy of the act of March 31 with which Parliament had closed Boston Harbor to commercial shipping. The committee, meeting May 31–June 1 at New Brunswick, had expressed concern, pledged support to the Boston committee, and

requested that the governor call a meeting of the General Assembly. Spontaneous town and county meetings and protests had then taken place throughout New Jersey. On June 6 freeholders and inhabitants of Lower Freehold in Monmouth County had met and formed the first local committee of correspondence in the colony.

3. A general meeting of county committees of correspondence took place in New Brunswick July 21–23, 1774.

4. These resolutions have been ascribed to WL by Edwin F. Hatfield, *History of Elizabeth, New Jersey; Including The Early History of Union County* (New York, 1868), 410. There are no copies in the hand of WL, and there is no compelling stylistic evidence either to confirm or refute Hatfield's claim.

Resolve of the New Brunswick Convention

[*New Brunswick*], *July 23, 1774*. Representatives of the county committees meeting at New Brunswick resolve to appoint WL, James Kinsey, John De Hart, Stephen Crane, and Richard Smith as deputies to attend a general congress of the American colonies.¹

JCC, 1:19–20.

1. The seventy-two representatives of the county committees of correspondence who met at New Brunswick promulgated seven "sentiments and Resolutions" in addition to the appointments. They agreed to establish a relief effort for the people of Boston and recommended an intercolonial nonimportation boycott. It was the duty of all inhabitants "to procure redress for their oppressed countrymen, now suffering in the common cause," and to work "for the re-establishment of the constitutional rights of America on a solid and permanent foundation" (Larry R. Gerlach, ed., *New Jersey in the American Revolution, 1763–1783: A Documentary History* [Trenton, 1975], 76–77; *Prov. Congress*, 25–27).

To the Connecticut Committee of Correspondence and Enquiry

Elizabeth Town July 25th 1774

Gentlemen,

Pursuant to an Order of the Committees of the several Counties of the Colony of New Jersey convened at New Brunswick, We have the Honour to acquaint you, that they have appointed us Delegates to represent this Province in the General Congress, and that we are ordered to attend the same at the City of Philadelphia on the first of September next, or at such other Time and Place, as may be agreed

upon; You will be pleased to inform the Delegates of your Colony thereof,¹ and let any Letters intended for us be directed to Stephen Crane Esq: at Eliza: Town; Sincerely wishing the Congress may be productive of the important End proposed, We are, Gentlemen, your most obedient humble Servants

JOHN DE HART for himself and
STEPHEN CRANE
JAMES KINSEY
WILLIAM LIVINGSTON &
RICHARD SMITH the other Delegates

D, CtHi. Another copy was sent to Virginia and recorded in the minutes of the Virginia Committee of Correspondence (Vi). Other colonies with active committees of correspondence were probably sent similar letters.

1. On July 13, 1774, the Connecticut Committee of Correspondence and Enquiry (a standing committee appointed on May 21, 1773, by the Connecticut House of Representatives) had named delegates to the Congress at Philadelphia. For the names of the members of that committee and of the delegates it appointed, refer to Charles J. Hoadly and J. Hammond Trumbull, eds., *The Public Records of the Colony of Connecticut* (Hartford, 1850–1890), 14:156, 324.

To the Freeholders of Essex County

County of Essex, Nov. 28, 1774.

To the Freeholders of the County of Essex, in the Province of New-Jersey, qualified to Vote for Representatives in the Legislature.

GENTLEMEN,

THE zeal you have hitherto manifested in support of the constitutional liberties of our country, will unquestionably prompt you to carry into execution, with firmness and unanimity, the wise and prudent resolutions, lately entered into by the delegates of this continent in General Congress.¹ In the eleventh article of the ASSOCIATION formed in behalf of themselves and their constituents, it was agreed—"That a committee be chosen in every county, city and town, by those who are qualified to vote for representatives in the legislature; whose business it shall be, to observe the conduct of all persons, touching the said association." We, your committee of correspondence, cannot in the least doubt your ready and immediate

compliance with the article: For as the salutary effects to arise from this association, must, under God, depend upon the fidelity of individuals, in carrying it precisely into execution; so should any inhabitant of this colony, be found so lost to a sense of public virtue, as to violate the same in any instance, such person, pursuant to the said article, may by your committees 'be held up to public notice, as unfriendly to the liberties of his country, and all dealings with him, or her, be thenceforward broken off.'²—We have therefore thought fit to recommend to you, that for the more extensive observation of the conduct of individuals, committees be chosen for each of the three precincts, into which the county is divided, viz. Elizabeth Town, Newark, and Achquakanung. And we do hereby give notice to, and request the Freeholders of the respective precincts to convene for that purpose, as follows—For the borough of Elizabeth, at the Court House in Elizabeth Town, on Tuesday the 6th day of December next, at 2 o'clock P.M.³—For Newark, at the Court House in Newark, on Wednesday the 7th day of December;—and for Achquakanung, on Monday the 12th day of December, at the bridge, opposite the house of Timothy Day. And we do also recommend to you, that ten at least of the most reputable inhabitants, for Achquakanung; fifteen for Newark and twenty for Elizabeth Town, be elected for the above purpose.

As delegates from the several colonies are again to be appointed, to meet at Philadelphia on the tenth day of May next,⁴ it will be farther expedient, that the inhabitants make choice of a NEW COMMITTEE OF CORRESPONDENCE; with power to instruct the representatives for this county, when convened in General Assembly, to join in the appointment of Delegates for the colony, to meet in the said Congress: But if the said General Assembly shall not appoint delegates for that purpose, by the first day of April next, then the said committee of correspondence, to meet with the several county-committees of this colony, and appoint the said delegates, at such time and place, as shall be agreed upon by the said committees.

STEPHEN CRANE,
JOHN DE HART,
WILLIAM LIVINGSTON,
ISAAC OGDEN,
W.P. SMITH,

ELIAS BOUDINOT,
JO. RIGGS, JUN.
JOHN CHETWOOD,
HENRY GERRITS.

N.Y. Gazette & Weekly Mercury, December 5, 1774.

1. WL had arrived in Philadelphia by September 1, 1774, to serve as a delegate to the First Continental Congress (John Adams Diary, September 1, 1774, in Burnett, *Letters*, 1:2).

Congress had convened on September 5. On September 7 WL had been appointed to the committee delegated to draft a statement on the rights of the colonies, the infringement of those rights, and the most proper means of restoring them (*JCC*, 1:27–29; Propositions Before Committee on Rights [September 7–22, 1774], in Burnett, *Letters*, 1:38–44). A report by the committee had been made on September 22 and deferred until September 24 (*JCC*, 1:42). On October 11 a committee of WL, Richard Henry Lee, and John Jay had been appointed to prepare two addresses, one to the people of Great Britain and one to the people of the British colonies in America, setting forth the grievances of the colonists and the reasons for the actions of the Congress. A draft of the address to Great Britain by Lee, reported to Congress on October 18, had been tabled. The next day WL had read a draft by John Jay, and Congress had adopted that version with amendments on October 21 (Thomas Jefferson to William Wirt, August 4, 1805, in Burnett, *Letters*, 1:79, n. 3; *JCC*, 1:82–90).

On October 20 WL had signed the Continental Association that placed an embargo on British goods, and on October 26 he and the other delegates had signed a petition to the king (*JCC*, 1:75–81, 115–22). The First Continental Congress had ended its deliberations on October 26.

2. This is not an exact quotation from Article 11 (*JCC*, 1:79).

3. The Elizabethtown meeting selected thirty-one inhabitants to form a committee of observation. It also unanimously reelected WL, John De Hart, Stephen Crane, William Peartree Smith, Elias Boudinot, and John Chetwood to the town's committee of correspondence (*N.Y. Gazette & Weekly Mercury*, December 19, 1774).

4. A resolution of the Continental Congress of October 22 had set this date for a new meeting "unless the redress of grievances, which we have desired, be obtained before that time" (*JCC*, 1:102).

To the General Assembly

January 11, 1775.

GENTLEMEN,

WE, the Subscribers, having been appointed and requested by the Committees of the several Counties in this Colony, including a Majority of the Members of your House, to represent the Colony of *New-Jersey* in the Continental Congress of Delegates from the other *American Colonies* at *Philadelphia* in *September* last, beg leave to report to the House, that we attended the said Congress, and did every Thing in our Power to answer the Intention of our Appointment; and hope and trust that the Proceedings of the said Congress, which we now lay before you for your Consideration,¹ will receive your Approbation,

and have the desired Effect in producing that Peace, Happiness, Harmony and Confidence between *Great-Britain* and the Colonies, so ardently wished for by all good Men.

We are, Gentlemen, your most obedient Servants,

JAMES KINSEY,
STEPHEN CRANE,
WILLIAM LIVINGSTON,
JOHN D'HART.

General Assembly (January 11–February 13, 1775), 15–16.

1. This memorial, accompanied by the proceedings of the First Continental Congress, was put before the assembly on January 24, 1775, and approved on the same date. The assembly had convened on January 11. In his opening message on January 13, Gov. William Franklin had appealed for moderation and urged the assembly not to give "any Countenance or Encouragement to that destructive Mode of Proceeding," the resolves of the First Continental Congress. Even though he had warned that "Anarchy, Misery, and all the Horrors of a Civil War" would ensue, the assembly approved this memorial and the proceedings. On the same day it unanimously appointed WL, Stephen Crane, James Kinsey, Richard Smith, and John De Hart to be delegates to the Second Continental Congress, which was to convene at Philadelphia in May (*General Assembly* [January 11–February 13, 1775], 5–6, 15–17). Later, Franklin accused Kinsey of having been "weak enough to suffer himself to be made a Tool of by Wm. Livingston, J. Dehart & Elias Boudinot who came down on purpose from Elizth. Town & caballed among the Members" to persuade them to act quickly (*NJA*, 1st ser., 10:575).

To an Unknown Person

Philadelphia 19 June 1775

Sir

We have delivered your Letter with the papers inclosed to the President of the Congress;¹ but from the extreme Urgency of the Business now before them we cannot think they will have Leisure to take the Subject matter of the Letter into Consideration for some days to come and indeed we conceive that as the Difficulty you complain of, is the aversion of many to sign the form of the Association recommended by the Provincial Congress,² the Application would be more regular to them.³ We are Sir your most humble Servants

WIL: LIVINGSTON⁴
J. KINSEY

ALS, NjMoHP. In the hand of WL.

1. *JCC* does not record that the Continental Congress received or acted upon any letters or papers from New Jersey at this time.

2. The first New Jersey Provincial Congress. On May 2, 1775, after learning of the bloodshed at Lexington and Concord on April 19, the New Jersey Committee of Correspondence had called on the counties to select delegates to attend a Provincial Congress. The committee had not told the counties how many representatives to choose, or how to choose them; the Congress had convened at Trenton on May 23 with eighty-seven members.

On May 31 the Provincial Congress had adopted the text of an association of inhabitants of various New Jersey townships that had pledged support for the policies and resolutions of the New Jersey Provincial Congress and the Continental Congress (*Prov. Congress*, 175–77). Printed copies of the text had then been circulated in the townships that had not already associated, so that the inhabitants could sign them. These measures accorded with a provision of the Continental Association of October 20, 1774, for an embargo on trade with Great Britain. In that provision the Continental Congress had recommended that “the provincial conventions, and . . . the committees in the respective colonies . . . establish such farther regulations as they may think proper, for carrying into execution this association” (*JCC*, 1:80).

3. This passage suggests that this letter was to the chairman of a township or county committee of correspondence or observation.

4. WL had been present when the Second Continental Congress convened at Philadelphia on May 10, 1775 (*JCC*, 2:11, 18).

To Samuel Tucker

[Philadelphia, October 9, 1775]

Sir

The Continental Congress have this Day Agreed to Recommend to the Jersey Congress to Raise two Battallions for *one year* to Consist of 8 Companys of 68 Men¹ to be sent to New York as soon as raised Where it is expected their Assistance may be Wanted this Winter or early in the Spring. In Case the present Unhappy differences shoud be sooner Settled & they discharged sooner the Men to receive one Months pay extra ordinary.

The Troops hitherto raised in any of the Colonys have had the Appointment of the Colonells and All the Inferier Officers and the Men 50 shillings per Month.

It is Voted by the Congress that 5 Dollars per Month should be paid to the Jersey Troops and We have had a Considerable Debate Whether the provincial Congresses shoud have the Appointment of the field Officers of the Regiment or only the Captains & the Officers downward.

The Reason of Lessening the pay is The Expences of the Continent are so enormous and so beyond the Abilities to pay that the Congress propose to Lessen All the pay after December.

Whether the Last proposition will take place or not is Undetermined that is whether the Continental Congress or the Several provincial Congresses shall Appoint the Regimental field officers.²

We beg the favor of You to lay this before the New Jersey Congress and request of them to Return an answer to the Continental Congress Whether on *these Terms* the Troops Can be had in Jersey and Whether the Jersey Congress will putt the Recommendation in practice.

As Delegates of New Jersey We think it our Duty to State these Facts for Your Consideration without any Observations of Our Own Not doubting but that You Will bestow the proper Consideration on the subject and Come to that Determination Which Your Duty and the Common Interest Dictate.

You Will receive We Expect a Letter from the president inclosing the Minutes of the Continental Congress relating to this Matter Which will More particularly Mention the Terms.³ We are with great Respect Your friends & Servants

J. KINSEY
WIL: LIVINGSTON⁴

ALS, NjR. In the hand of James Kinsey.

1. *JCC*, 3:285–86.

2. Two additional sentences at the end of this paragraph have been crossed out. They read: "From what has already past in Congress We believe the Majority of the Congress will incline to take the Appointment of the Field officers of the Regiment into their own hands. Whether the New England Colonies will submit to that Inclination We doubt."

3. John Hancock wrote to the New Jersey Provincial Congress on October 12, 1775 (*Prov. Congress*, 208–10). On October 13 the Provincial Congress responded to the October 9 resolutions, advising the Continental Congress that in raising troops the Provincial Congress must retain the power to select and commission field officers (DNA:PCC, 68). On October 14 the Provincial Congress sent another letter to the Continental Congress, signed by Samuel Tucker inquiring how much money the Continental Congress could allocate to New Jersey for raising troops (DNA:PCC, 68). These letters were read in Congress on October 16; a committee of three, John Rutledge, John Dickinson, and WL, was appointed to consider the matter and compose an answer (*JCC*, 3:295). The response of the committee, signed by Hancock, was sent to Tucker on October 25 (MHi; *JCC*, 3:304–5). Hancock noted that no regulations respecting the appointment of field officers had been made. In response to the October 14 letter, he said that Congress expected the individual colonies to assume

the financial obligations for the maintenance and pay of minutemen unless such troops were called into Continental service, whereupon Congress would assume the burden. Congress was unable to make any loans to the colonies for procuring supplies and ammunition.

4. The Continental Congress had reconvened on September 5 but had not conducted any business until September 13. WL had returned to Philadelphia sometime between September 18 and September 29.

To Lord Stirling

[Philadelphia] 8 Nov. 1775

My Lord

Yesterday the officers for the 2 Jersey Battalions nominated by the Provincial Convention were appointed by the Congress,¹ & to facilitate your obtaining some superior rank, I thought it best to say nothing about the priority of the date in the respective Commissions. These were accordingly all dated the 7 Instant. This morning I moved the Matter,² urged the necessity of the measure from this fact but the thing was not relished; & therefore the date of the other Commissions was changed into 8th.³ The moment I received the Commissions I made it my Business to procure an express but have not yet been able to get one. I have not yet received your Letter, nor my Surtout⁴ which I greatly want. I am Your most humble servant

WIL: LIVINGSTON

ALS, NHi.

1. *JCC*, 3:335. The Provincial Congress, on October 28, had recommended Lord Stirling for colonel, William Winds for lieutenant colonel, and William De Hart for major of the First (Eastern) Battalion; William Maxwell for colonel, Israel Shreve for lieutenant colonel, and David Rhea for major of the Second (Western) Battalion (*Prov. Congress*, 245). No extant correspondence reveals why the Provincial Congress had decided only to recommend, not appoint, such officers to Continental army posts.

2. *JCC* does not record WL's motion.

3. By dating Lord Stirling's commission November 7, Congress gave him seniority over other officers.

4. *surtout*: man's overcoat.

From the Committee of Trenton

Trenton December 9th: 1775

Sir,

In obedience to the Resolve of Congress transmitted to us,¹ we have strictly examined into the Conduct of the Gentlemen Officers stationed here, and have the Satisfaction to find it punctually conformable to their Parole, except in one Instance: Doctor Huddleston² has been unguarded & imprudent in his Discourse; to the great uneasiness of the other Gentlemen, who trust to the Candour & Indulgence of the Congress, if his past Indecretion cannot be overlooked, that their Innocence may not suffer by it; as they have never failed to reprove him, and oftentimes severely, for it.

They express great Uneasiness at the Apprehension of being removed, as well on account of the Satisfaction they have in their present Situation, as that it must appear to the World as a Punishment for Breach of Honour; And in Justice to them, we assure you, we believe these their Declarations to be perfectly sincere.

As to their debauching—or the People of this P[lace] being debauched by them, we apprehend there is not the least Danger. The People in and about Trenton, as early fixed their Principles upon proper Knowledge & rational Conviction & have as steadily maintained them, as any People on the Continent; and we are positive, when Occasion offers, will discover a consonant Conduct.

Inclosed is their Parole agreeable to Direction,³ we should have transmitted it sooner, but Capt. Allger was expected from N——York.⁴ We are Sir, with great Respect, your very humble Servants

SAM TUCKER
ISAAC SMITH
ABM HUNT
ROBERT HOOPS

ALS, DNA:PCC, 68. Mutilated. In the hand of Isaac Smith.

1. The Continental Congress resolve of November 17 had established the conditions for the parole of the enemy officers taken at forts Chambly and St. Johns in Canada. A group of patriot Canadian refugees led by Col. James Livingston of New York had captured Fort Chambly, less than ten miles south of Fort St. Johns, on October 8. Maj. Gen. Philip Schuyler had seized St. Johns, twenty miles southeast of

Montreal, on November 3. Schuyler had ordered the officers captured at Chambly to Trenton on November 1 (*JCC*, 3:359; Philip Schuyler to John Hulbert, November 1, 1775, in Force, *American Archives*, 4th ser., 4:816).

2. Richard Huddleston.

3. Seven British prisoners, including Richard Huddleston, had agreed to the parole by signing a copy of the Continental Congress resolve of November 17 (*JCC*, 3:359).

4. On November 1, 1775, Capt. David Allger had received permission from Maj. Gen. Philip Schuyler to go to New York for two weeks before proceeding to Trenton as a prisoner (Philip Schuyler to John Hulbert, November 1, 1775, in Force, *American Archives*, 4th ser., 4:816).

To Lord Stirling

Philadel: 9 December 1775

My Lord

Billy Barnet is appointed Surgeon of the Eastern Battalion according to your Lordships Recommendation.¹ Mr. Hetfield² is not appointed Deputy Quarter Master, nor like to be. Your Lordship will therefore be pleased to recommend another. I am Your Lordship's most humble Servant.

WIL: LIVINGSTON

P.S. Your Lordship may direct your Recommendation to me instead of the President, as the appointment of all officers is referred to a Committee³ of which I have the Honor to make one. I think Mr. Thomas & Mr. Dayton⁴ are both proper persons; if they would accept tho' I do not pretend to be a competent Judge.⁵

ALS, NH.

1. William Burnet, Jr., had been named to the post by Congress on December 8 (*JCC*, 3:416).

2. Abner Hetfield.

3. This was a standing committee of Congress created on December 8 to "take into consideration the application of the several persons applying to be officers in the American army." It consisted of one member from each colony (*JCC*, 3:416).

4. Edward Thomas and Elias Dayton.

5. Letter docketed "From Brigadier General Livingston." Philemon Dickinson had been appointed brigadier general of the militia on August 16, 1775, and commissioned first brigadier general on October 19. On October 28 the New Jersey Provincial Congress had resolved unanimously that WL be commissioned second brigadier general. A committee of Col. Joseph Ellis and Col. William Maxwell had personally tendered WL the commission. They reported that WL "had received the same in a polite manner, and desired that his thanks might be returned to this Congress" (*Prov. Congress*, 192, 221, 246).

From Lord Stirling

Eliza: Town December 12: 1775.

Dear Sir

Your Letter of the 9: Instant I have received and am glad to find the Appointment of Wm. Barnet Junr. to the Surgency of my Regiment has taken place, as we have already use for him, in Cureing broken Shins & a Variety of small bruises which unavoidably happen among a Number of men Assembled together. I wish his Commission could be immediately dispatched & sent to me, with an Account of his pay & the Allowance that is made with regard to his Medicine Chest etc.

Mr. Abnor Hetfield was well recommended to me as a fit person to be Quarter Master to the Regiment, before I mentioned him as such to Congress.¹ I knew of no disqualification; he has indeed been unfortunate in his Circumstances; but I could not Conceive that was one, as no Money Matters or any other matter, would Come within his Charge that Can be Affected by his poverty: I apprehend that the Nature of this office has been mistaken by your Committee, or that they supposed it was a branch of the Quarter Master Generals office; especially as you Mention it, as an office worthy the Acceptance of Col. Dayton or Col. Thomas. But it has no Connection with that department, he is a Mere Regimental officer, who must at all times attend the Regiment and therefore by no means can Suit either of the Gentlemen you mention; If still an objection lies against Mr. Hetfeild I must then recommend Mathias Halstead for that Office; in this I am backed by Mr. John DeHart Col. Dayton & Col. Thomas, and should be glad to have the Commission expedited as soon as possible as we now stand in Need of that officer. Three Companies being now in Town,² and the rest of Regiment to be here in a few days, the Inhabitants haveing Chearfully agreed to take in all the Companies that can not be quartered in the Barracks.

We have quietly got possession of the Barracks at Amboy,³ with all the Barrack Stores & Blankets, one Company of this Battalion are now there; as soon as Col. Maxwells regiment is ready, they will take possession of the Barracks at Trentown Brunswick & Amboy.

AL, NHi.

1. Lord Stirling to John Hancock, December 3, 1775 (DNA:PCC, 162).

2. On November 27 the Continental Congress had ordered all companies not already in New York to "barracks in the eastern division of New Jersey, as contiguous to New York as may be" (JCC, 3:376).

3. These barracks had been built about sixteen years earlier. The New Jersey General Assembly in 1758 had allocated funds for the construction of a three-hundred-man barrack in each of five towns: Elizabethtown, Perth Amboy, New Brunswick, Trenton, and Burlington. The barracks had been completed by 1760. The Amboy barrack was occupied shortly after December 5, 1775 (John Conway to Lord Stirling, December 11, 1775, in Force, *American Archives*, 4th ser., 4:234).

To Lord Stirling

Philadelphia 19 December 1775

My Lord

I inclose you Dr. Barnet's Commission as Surgeon of the first Jersey Battalion. The Pay is 25 dollars per month, & I am satisfied the Congress mean to allow for the Chest of Medicines, but I intend to reduce it to a certainty as soon as there is an [. . .] to [exceed] in such a Subject.¹ Mr. Halsted is unanimously voted Quarter master of your Battalion by the Committee for receiving the Recommendations to offices, & reported this day, but he must first be confirmed by Congress, which I will push as soon as possible, & then transmit you his Commission.²

I cannot imagin the Congress would give any Directions respecting the Arms you mention,³ tho' I really believe could they be got without much Disturbance, it wou'd be [. . .] at by that Assembly from the Principle of Necessity, & last night I took the opinion of the above Committee, who were unanimous in that Sentiment. But I wou'd not chuse to be mentiond in the Case, nor to have it done under colour of that Committee, unless you shoud be complain'd of to Congress for the Trespass, & then as far as this Letter would be your Protection, I give you free Liberty to make use of it for that purpose. I am My Lord your most humble Servant

WIL: LIVINGSTON

ALS, NHi.

1. Medicine chests were supplied to the First Battalion and Third Battalion of New Jersey by the Continental Congress on March 7, 1776 (JCC, 4:188).

2. Matthias Halsted was confirmed on December 21 (JCC, 3:442).

3. There is no direct reference to arms in Lord Stirling's letter of December 12.

To an Unknown Person

Philadelphia 22 December 1775

Dear Sir

In Answer to yours of the 18 Instant,¹ (since which I have sent the Commissions by Mr. Spencer). It can't be expected the Congress will advance the Sum you mention under the notion of deducting it out of the Men's wages, because the Men may die or desert before it is due. The Blankets the Men are to find themselves, & if they cannot purchase them I think the Committee² should do it. However if Mr. Lowrie³ who is appointed Commissary was to state to the Congress the Situation of the Battalions, & what articles they are in want of, & apply for an advance of Cash, I doubt not he would be attended to. I suppose the same with respect to the Committee, tho' the Commissary must be presumed to be best acquainted with the matter.

I am greatly surprized the Assembly did not on Mr. Kinsey's & Mr. DeHart's Resignation supply their Places by the Appointment of two other Delegates.⁴ 'Tis true they have given the Right of Representation to either of their members.⁵ This is proper enough because it may unfortunately happen that only one might be able to attend. But surely it would not be proper that only one should attend. Admitting then that two attend, who does not see that they may frequently happen to differ in opinion, & then no vote can be given.

If to prevent that Inconvenience, all three attend; I leave it to any man to judge of the ruinous Consequences to a man's family to give such constant & perpetual Attendance. I can assure you that nothing but my Devotion to the public, have kept here this long, whereas if we consisted of five as before, we could always have three at the Congress & take turns to see our families, & if only three attended the Expence would be the same. I scorn to quit my Colours thro' Impatience or Discouragement, but I think it reasonable that the Burden should be divided. I do not mean to blame Friend Crane for his last homeward-bound Voyage,⁶ because he fairly offered it to me as being my Turn; but as I knew that his Affairs from his Representation, suffered more by his Absence, than mine did by my continuing abroad, I consented.

I shall have no Objection to giving Dr. Harris my Interest as Surgeon in a future Battalion, if he can give me any proof of his Skill

in Surgery, either by the Cures he has performed, or the Testimonials of Practitioners of Reputation, because I have been told that he knows but very little about it. I am Sir your most humble Servant

WIL: LIVINGSTON

P.S. I inclose you Dr. Holme's commission.⁷

ALS, PHi. Recipient was probably Samuel Tucker, president of the New Jersey Committee of Safety.

1. Letter not found. *JCC* does not record receipt of the letter.

2. The New Jersey Committee of Safety had been formed on October 28, 1775, by the Provincial Congress to "act for the public welfare of this Colony, in the recess of this Congress" (*Prov. Congress*, 254).

3. On December 8 the Continental Congress had made Thomas Lowrie responsible for supplying the New Jersey battalions with rations and equipment (*JCC*, 3:415).

4. John De Hart and James Kinsey had resigned on November 22 (*Prov. Congress*, 289; *JCC*, 3:396-97).

5. This had been done by a resolve of the New Jersey General Assembly on November 30 (*Prov. Congress*, 307; *JCC*, 3:396-97).

6. Stephen Crane had left Congress on December 13. He had returned by February 6, 1776 (Richard Smith Diary, December 13, 1775, in Burnett, *Letters*, 1:275; *JCC*, 4:113).

7. Enclosure not found. James Holmes had been commissioned on December 21 (*JCC*, 3:442; 4:113).

Committee Report

[Philadelphia] January 23. 1776

The Committee¹ to whom were referred several Letters from General Washington General Schuyler Lord Stirling & the President of the Convention of New Jersey² report

That with respect to the advice transmitted by General Washington to the President of the Congress of his having sent General Lee to the Assistance of New York it is the opinion of this Committee that the above measure was very judicious & necessary;³ & that Governor Trumbull be requested, & Lord Stirling directed by the Congress to give all necessary Aid & Assistance to General Lee in carrying into Execution the Orders of General Washington relative to the said Province And that the Convention or Committee of Safety of New York be requested earnestly to exert themselves on this important Occasion.

That many prisoners being quartered at Kingston in the Province of

New York, the Committee are of opinion that it would be prudent to remove Captain Hewes & Capt. Hanstruther⁴ from thence to some proper distance in that Neighbourhood; & that the officers from Montreal⁵ now under charge of Colonel Wynkoop be kept at Bound Brook in the Province of New Jersey.

That the officers now Prisoners at Trenton with their Servants & band of Music⁶ be boarded in Farmers Houses (not exceeding six miles) west of Trenton, & that the Soldiers there with their Wives & Children remain at Trenton, the Committee conceiving it improper for the said officers to reside at Bordington that being a place thro' which the Stage Waggon constantly pass, & a Town much frequented, a circumstance which the Committee at Trenton did probably not consider.⁷

That the officers & Soldiers now at Mr. Van Camp be conveyed to Lancaster, & there kept under the same regulations as the rest of the Garrison taken at St. John's.⁸

ADF, DNA:PCC, 19. This report was printed in *JCC*, 4:81.

1. Members of this committee, appointed January 22, 1776, were WL, William Hooper, and Samuel Adams (*JCC*, 4:77).

2. The letters referred to are as follows: George Washington to John Hancock, January 11, 1776; Philip Schuyler to John Hancock, January 10, 1776, with enclosures; Lord Stirling to John Hancock, January 18 and 19, 1776; and Samuel Tucker to John Hancock, January 19, 1776 (DNA:PCC, 152, 1; 153, 1; 162; 68; Force, *American Archives*, 4th ser., 4:772).

3. Military intelligence had convinced Washington that the British were planning an offensive to capture New York City. Therefore, on January 8 Washington had ordered Maj. Gen. Charles Lee to leave Boston to raise volunteers in Connecticut for the defense of New York City.

4. Capt. William Anstruther.

5. Montreal had been taken by forces under Brig. Gen. Richard Montgomery on November 13, 1775. The committee report may be in error, for Lt. Col. Cornelius Wynkoop was reimbursed on January 27, 1776, for transporting prisoners from St. Johns, not Montreal (*JCC*, 4:95).

6. See Committee of Trenton to WL, December 9, 1775. Major Stopford had been permitted to take his captured musicians with him into confinement at Trenton (Philip Schuyler to John Hulbert, November 1, 1775, in Force, *American Archives*, 4th ser., 4:816).

7. On January 2 the Continental Congress had resolved to relocate the British prisoners at Trenton to free the barracks for New Jersey Continental soldiers (*JCC*, 4:17). On January 4 Richard Smith had enclosed this resolve in a letter informing Samuel Tucker that the Continental Congress wished to know the standard of living of the prisoners of war at Trenton. The Provincial Congress had ordered the prisoners to leave the Trenton barracks on January 13 (*Prov. Congress*, 329–30, 338). On January 9, WL, Eliphalet Dyer, and William Floyd had been appointed a committee

"to enquire into the conduct of the Officers who are prisoners, and the manner in which they are subsisted at present, and report thereon" (JCC, 4:42). The committee had reported on January 12. The Congress in turn had resolved that (1) the prisoners at Trenton were living too extravagantly at Continental expense; (2) henceforth Congress would advance two dollars per week to lodge each prisoner, but the prisoners would repay it when they were released; (3) Congress would pay the bills already incurred, but the prisoners would repay these amounts before their release, and meantime would receive no more credit; (4) Congress would parole the prisoners and allow them to choose residences at places distant from the public post road; (5) this committee would circulate these resolves among the local committees concerned (JCC, 4:51-52). WL had communicated this information in an undated letter, probably to Samuel Tucker. Letter not found (Gerald E. Hart, *Autograph letters and historical documents*, Bangs & Co., New York, item number 443). Tucker had written to Congress on January 19. The WL-Hooper-Adams committee, to which Tucker's letter had been referred, delivered this report on January 23. Tucker thereafter agreed with the committee that Bordentown was not a proper place for the prisoners (Samuel Tucker to John Hancock, January 31, 1776, in Force, *American Archives*, 4th ser., 4:888). Congress endorsed the committee's recommendation on March 20, 1776, and had the prisoners removed after that date (JCC, 4:220). The New Jersey Committee of Safety sent them to Mount Holly (Samuel Tucker to John Hancock, March 23, 1776, in Force, *American Archives*, 4th ser., 5:474).

8. Resolves of the Continental Congress of November 17 and December 4, 1775, had ordered the prisoners from Fort St. Johns to be confined at Lancaster, Reading, Carlisle, and York, Pennsylvania (JCC, 3:358, 404).

The final paragraph of the report has been crossed out. It reads: "That Mr. Tucker's request for blank Commissions be complied with, & the Convention or Committee of Safety of New Jersey be supplied with four thousand Dollars for purchasing Arms for the New Jersey Battalions to be accounted for by them; and that it appears to this Committee that Lord Stirling has been very active in forwarding the Detachment ordered to Long Island under the command of Colonel Herd." In reference to the Heard expedition, see WL to John Hancock, February 3, 1776.

To Samuel Tucker

Phila 27 January 1776.

Dear Sir

I just now received yours of the 25 Instant,¹ & am obliged to you for your favourable opinion of my son.² Mr. Walton White who was last Summer at the Camp where general Washington entertain'd a high opinion of his merit,³ but could find no opening to promote him in the Service, & for whom many Gentlemen of this Congress have a great Regard, would probably be glad of some honorable Post in our third Battalion.⁴ I mention this not in the least to give any Directions respecting the Recommendation of your Congress, but only to put you

in mind of that young Gentleman, that in Case your Convention should really think him a proper person for a Major they may act accordingly. He is certainly of a respectable Family, & of a military turn.⁵ The Congress has voted the 4000 Dollars⁶ & Mr. Smith will send the money by Capt. Scot.⁷ I am afraid Colonel Maxwell does not truly apprehend his marching Orders.⁸ It is not the Intention of the Congress that his Regiment shall be compleat before it marches to Canada by Companies, but that the first Company that is ready shall march. And if the matter can be managed no otherwise, I think the Company that is best provided with arms should compleat themselves with the arms of another, & then march & so for the second.⁹ The Expedition to Quebec requires the utmost Dispatch,¹⁰ & if no company is detached till the whole Battalion be compleately equippd, it may take some weeks before any of them march.

A committee of Congress¹¹ waited on General Prescott, & examined him about some particulars respecting Allen's Confinement.¹² He behaved very modestly but his fate is not yet determined.¹³ I am Sir Your most humble Servant

WIL: LIVINGSTON

ALS, NN.

1. Letter not found.
2. Reference is to either Henry Brockholst Livingston or William Livingston, Jr.
3. George Washington to Anthony Walton White, ca. October 28, 1775 (Fitzpatrick, *Writings of Washington*, 4:50).
4. The Third New Jersey Battalion had been created by resolve of Congress on January 10, pursuant to a motion by WL (JCC, 4:47). It was to be sent to reinforce American troops in Canada.
5. On February 6 White was nominated by the Provincial Congress of New Jersey to be lieutenant colonel for the Third New Jersey Battalion (*Prov. Congress*, 354; Force, *American Archives*, 4th ser., 4:948). He was appointed by the Continental Congress on February 9 (JCC, 4:123).
6. On January 25 Congress had voted this sum for the purchase of arms (JCC, 4:89).
7. Capt. John Budd Scott delivered this money to Tucker on or before January 31 (Samuel Tucker to John Hancock, January 31, 1776, in Force, *American Archives*, 4th ser., 4:888).
8. Pursuant to a letter to John Hancock of December 26, 1775, in which Maj. Gen. Philip Schuyler had urgently requested reinforcements, Congress had resolved on January 8, 1776, that "the second New Jersey battalion, under Colonel Maxwell, be ordered to march immediately to Albany, and there put themselves under the command of General Schuyler" (JCC, 4:39-40; Philip Schuyler to John Hancock, December 26, 1775, in Force, *American Archives*, 4th ser., 4:463-64).

9. John Hancock to William Maxwell, January 25, 1776, in Force, *American Archives*, 4th ser., 4:850. On February 4 Colonel Maxwell wrote to General Schuyler that a company had left that day (NN).

10. After the unsuccessful attack on Quebec of December 31, 1775–January 1, 1776, led by Maj. Gen. Richard Montgomery and Col. Benedict Arnold, in which the former had been killed, the American army had camped near the city awaiting reinforcements. On January 19 the Continental Congress had resolved to send more men to Canada (*JCC*, 4:70–71).

11. This committee, appointed on January 25, had reported on the same day (*JCC*, 4:89, 91).

12. Lt. Col. Ethan Allen had been captured in an attack on Montreal on September 25, 1775. Thrown in irons, he had lived under harsh conditions. In November 1775 he had been sent to England. The British government, fearing reprisals if they hanged him, returned him to America; he had arrived by June 1776. He was paroled in New York City in October. On May 6, 1778, he was exchanged for Lt. Col. Archibald Campbell. Brig. Gen. Richard Prescott, the man responsible for Allen's treatment in prison in Montreal, had been captured by the Americans on November 17, 1775.

13. On January 29 the Congress resolved to keep General Prescott confined in jail in Philadelphia (*JCC*, 4:101). He was exchanged for Brig. Gen. John Sullivan about September 25, 1776.

To John Hancock

Woodbridge¹ 3 February 1776

Dear Sir

I had the pleasure last Evening to see Colonel Herd² returning with his Troops from his Queens County Expedition which he has by all Accounts conducted with the greatest Prudence & Zeal for the Cause. This Morning he drew up his Troops & they really made a fine figure. Among his Prisoners are some of the most dangerous Tories in the Country. Having no particular orders how to dispose of his Prisoners, he is resolved to conduct them to Philadelphia unless he meets with the orders of Congress to the Contrary.³ The party of the continental Troops he had with him, behaved in so disorderly a manner that he was obliged to dismiss them. The Colonel has really great merit in the conduct of the affair, & I hope will receive the approbation of the Congress. You will excuse the badness of the paper, there being no better to be had here. I am Sir your most humble Servant

WIL: LIVINGSTON

ALS, DNA:PCC, 68.

1. There is no information about when or why WL had gone to Woodbridge. He

is known to have attended Congress in Philadelphia on January 31, when he and James Wilson were appointed a committee to ask Col. William Maxwell to hasten the march of his regiment to New York (*JCC*, 4:105–6).

2. Congress had earlier appointed a committee of five, including WL, to propose solutions to the problem of Loyalists in New York. The committee had resolved that Col. Nathaniel Heard of Woodbridge and Col. David Waterbury of Stamford, Connecticut, would take a combined force of eleven hundred men to arrest and secure the principal Loyalists in Queens County (*JCC*, 3:463; 4:27–28, 34). However, on January 10 Congress had determined that for military expediency Colonel Heard should lead the expedition (*JCC*, 4:47–48). Heard had departed from Woodbridge on January 17 with three hundred men each from Essex and Middlesex counties and one hundred from Somerset.

3. The Continental Congress issued orders on February 6 to confine prisoners after a committee had conferred with Heard (*JCC*, 4:114).

From Lord Stirling

New York February 9th. 1776.

My Dear Sir

I now send you Inclosed a Copy of a letter I this morning received from Mr. Hancock and also a Copy of the Resolves therein mentioned,¹ I herewith send Directions to Mr. John Blanchard to make sale of the perishable Commodities on Board the Ship Blue Mountain Valley² for the use of the Congress untill further Orders from them. I have Directed Mr. Blanchard to Consult with yourself and Mr. John De Hart in Carrying both the Resolves and Letter Strictly into Execution.³ I must beg the favour of you and Mr. De Hart to give him your best Advice and Assistance for that purpose; Be pleased to Communicate to Capt. Dempster that part of the Letter which relates to him.⁴ And as the Croud of Business here prevents my sending Mr. Blanchard copies of the Resolves and Letter, I must beg the favour of you to furnish him with Copies of them.

General Lee recovers his health fast,⁵ I have been abroad some hours with him this day, his Vigilance and Judgement I hope will put all right here. I am with Great Affection and Esteem Yours etc.

STIRLING

IBC, DNA:PCC, 162. Enclosed in Lord Stirling to John Hancock, February 9, 1776.

1. John Hancock to Lord Stirling, February 2, 1776; mentioned in a letter of Stirling to Hancock, February 19, 1776, in Force, *American Archives*, 4th ser., 4:1199. Hancock praised those who had participated in the capture of the British cargo ship

Blue Mountain Valley and directed Stirling to make sure the confiscated perishable cargo was sold. The Continental Congress resolves of January 29, 1776, may be found in *JCC*, 4:100.

2. The *Blue Mountain Valley* had been captured in the early morning of January 23, 1776, by a detachment of approximately 160 men commanded by Lord Stirling. The vessel had been disabled southeast of Sandy Hook. Stirling had mistakenly thought it carried a shipment of arms and ammunition. For more details of the capture refer to Lord Stirling to John Hancock, January 24 and 27, 1776, in Force, *American Archives*, 4th ser., 4:837, 867–68.

3. Lord Stirling to John Blanchard, February 9, 1776, in Force, *American Archives*, 4th ser., 4:1200.

4. On January 31 Congress had resolved that Capt. John Dempster of the *Blue Mountain Valley* and his crew be permitted to return to England, and that personal belongings which had been seized in the capture be returned to them (*JCC*, 4:106).

5. At the time Maj. Gen. Charles Lee was severely stricken with gout and rheumatism. Stirling, on February 4, had marched to New York with about five hundred troops from his regiment pursuant to orders from Lee. WL had assumed active command of New Jersey militia units. He was stationed at Elizabethtown (*Prov. Congress*, 361–62; *N.Y. Gazette & Weekly Mercury*, February 19, 1776, and *New York Packet and the American Advertiser*, February 22, 1776).

From Lord Stirling

New York February 25: 1776

Dear Sir

The enclosed Affidavits were this day delivered to me by Mr. Michael Kearney, who was proprietor of the Boat *York* of Amboy, which was impressed into the Continental Service; and made Use of in taking the Ship *Blue Mountain Valley*; and which Boat it seems is Seized and detained by Capt. Parker as a prize, on the pretence of her having been employed on that Service.¹ I have encouraged Mr. Kearney to hope that the Congress will not Suffer his private property to be Injured on this Occasion—and that his loss will be made up to him out of the proceeds of the Ship & Cargoe. I must beg the favour of you to lay his Case before Congress,² and to Obtain their final Answer on this Matter as soon as possible³ as his Attendance at Philadelphia will tend to encrease his damage. I am your Most Humble Servant

STIRLING

ALS, DNA:PCC, 162.

1. These were affidavits of David Collins, master of the ship *York*, Nathan Culver, one of the crew, and Michael Kearney, the owner, attesting that Kearney's ship had

been captured and confiscated by Capt. Hyde Parker, Jr., of the British man-of-war *Phoenix*, on February 24, 1776.

2. New Jersey delegates raised this matter in the Continental Congress on March 7 and March 19. Congress resolved to reimburse Kearney for the loss of his vessel after receipt of official estimates of its value (*JCC*, 3:188; 4:214).

3. The Continental Congress paid 725 dollars to Kearney on April 9 (*JCC*, 4:266).

To the Baltimore Committee of Observation

Philada. February 27th 1776

Gentlemen:

We take the earliest Opportunity to send You the enclosed Resolution of Congress, & to request your immediate Attention thereto, & that You will inform Us of the Number & Circumstances of the Permits which have been granted & the Destination of the Vessells for Exporting the produce of the Colonies in Consequence of the Importation of Ammunition & warlike Stores.¹ We are appointed to make Enquiry into this Subject.² We are Gentlemen Your obedient Servants

DUANE

CHASE

WILSON

LEVINGSTON

WYTHE

P.S. a Schooner arrived in the River last Night from Hispaniola, with Arms & powder —Quantity unknown.³

ALS, MdHi. In the hand of Samuel Chase.

1. The resolve of February 26, 1776, called for a moratorium on the exportation of colonial goods to Great Britain, including the British West Indies, pending an investigation by a committee of WL, James Duane, Samuel Chase, James Wilson, and George Wythe. They were charged with looking into the number and types of export permits that had been issued to American merchants (*JCC*, 4:172–73). The committee probably dispatched similar letters to other ports.

On September 22, 1774, the First Continental Congress had resolved that colonial merchants be requested to suspend all exportation to Great Britain "until the sense of the Congress, on the means to be taken for the preservation of the liberties of America, is made public." On September 27 Congress had resolved to boycott trade with the British Empire beginning December 1, 1774, unless American grievances were satisfactorily answered. On September 30 that deadline had been extended to September 10, 1775. On October 20, 1774, Congress had adopted the Continental

Association, which embodied these principles. The scarcity of war materiel had later caused Congress to modify these tactics; on July 15, 1775, it had allowed the exportation of colonial products in exchange for guns, ammunition, and other military supplies, "the non-exportation agreement notwithstanding." On December 26 Congress had resolved that committees of the several colonies supervise such trade but keep Congress informed of the quantity of military stores imported (*JCC*, 1:41, 43, 51-52; 2:185; 3:461).

2. This committee reported on March 4, whereupon Congress resolved "that the restraint be taken off, which was laid by a resolve of the 26th of last month, upon the vessels loading or loaded with Produce for Great Britain, Ireland, or the British West Indies, in consequence of permissions granted for arms and ammunition, &c. imported into these colonies" (*JCC*, 4:183).

3. The *Little Polly*. On February 28, 1776, Congress granted Anthony Marmajou, master and owner of the brig *Little Polly* of the island of Martinique, permission "to load the Brigantine *Little Polly*, (in which he imported a small quantity of powder and arms.) with the produce of these colonies, . . . and export the same to Martinique" (*JCC*, 4:176).

Committee Report

[Philadelphia, March 1, 1776]

The Committee¹ appointed to consider the Petition of "the Committee appointed by those who suffer'd by the late inhuman burning of the Town of Falmouth,"² beg Leave to report That the late Inhabitants of the said Town, by their spirited & patriotic Refusal to comply with the Terms insisted upon by Henry Mowat Commander of his Majesty's Ship *Canceau* to destroy the said Town unless they would deliver up their Arms & Ammunition & send him four hostages for performance thereof, (in consequence of which Refusal most of their houses & other Buildings were by him entirely destroyed, & part of their Effects together with every Vessel in the harbour except two which were carried off by the Enemy) are reduced to great Distress, & entitled to the Charitable Relief of their Brethren of America engaged in the same common Cause.

Your Committee is of opinion that their Distress may be alleviated either by the Congress recommending to the several Conventions & Committees a Subscription for their Relief, or by ordering a competent Sum for that purpose out of the continental Treasury, but conceiving the first to be an unequal Tax upon the more generous & humane, & too slow in its Execution for the immediate Redress of the

Sufferers; & the latter productive of a dangerous Precedent, Do therefore submit it to Congress to adopt such mode of Relief as shall appear to them attended with the least Inconvenience.³

AD, DNA:PCC, 20.

1. A committee of WL, George Read, and William Paca had been appointed on March 1, 1776.

2. On October 18, 1775, two British warships commanded by Capt. Henry Mowat had shelled Falmouth, Massachusetts (now in Maine), and destroyed over a hundred dwellings.

3. This report was not acted upon (*JCC*, 4:179, n. 2).

To Philip Schuyler

Phil. 9 March 1776

Sir

This will accompany 1000 pounds of Steel from Trenton¹ which you desired Congress to order to you as the Commander in Chief at New York² for the use of the Blacksmith & Armourers who are to go into the Indian Country.³ I am Sir your most obedient Servant

WIL: LIVINGSTON

ALS, NH.

1. The first ironworks in Trenton had been erected before 1729. Several others constructed thereafter were producing steel by 1776.

2. In a letter of February 10, 1776, Maj. Gen. Philip Schuyler had written to John Hancock, "We are greatly at a loss for steel; not an ounce is to be had here" (Force, *American Archives*, 4th ser., 4:990). This letter had been read in Congress on February 21 and referred to a committee, which had reported on February 28. Congress had then assigned to the New Jersey delegates the task of supplying Schuyler or the commanding officer at Albany with a sufficient quantity of steel (*JCC*, 4:177). On March 19 Brig. Gen. Lord Stirling received a letter from WL and a shipment of steel. Letter not found. Stirling wrote to Schuyler on March 20 that the steel would be sent by ship (NN).

3. Lands occupied by the Iroquois, or the Six Nations. In the Treaty of Albany with the united colonies (August 31, 1775), the Six Nations had agreed to remain neutral in the conflict between the colonies and Great Britain. Pursuant to the same treaty, Congress on November 23 had directed the commissioners for transacting Indian affairs "to employ two blacksmiths for reasonable salaries, to reside among and work for the Indians of the Six Nations" to help them repair axes and kettles (*JCC*, 3:366).

Proclamation

IN CONGRESS [Philadelphia] SATURDAY, MARCH 16[13],¹ 1776.

IN times of impending calamity and distress; when the Liberties of America are imminently endangered by the secret machinations and open assaults of an insidious and vindictive Administration, it becomes the indispensable duty of these hitherto free and happy Colonies, with true penitence of heart, and the most reverent devotion, publickly to acknowledge the over-ruling providence of God; to confess and deplore our offences against him; and to supplicate his interposition for averting the threatened danger, and prospering our strenuous efforts in the cause of FREEDOM, VIRTUE and POSTERITY.

THE CONGRESS therefore, considering the warlike preparations of the British Ministry to subvert our invaluable rights and privileges, and to reduce us by fire and sword, by the savages of the wilderness and our own domestics, to the most abject and ignominious bondage: Desirous, at the same time, to have people of all ranks and degrees, duly impressed with a solemn sense of God's superintending providence, and of their duty devoutly to rely in all their lawful enterprizes on his aid and direction—do earnestly recommend, that FRIDAY, the seventeenth day of May next, be observed by the said Colonies as a day of HUMILIATION, FASTING, and PRAYER; that we may with united hearts confess and bewail our manifold sins and transgressions, and by a sincere repentance and amendment of life, appease his righteous displeasure, and through the merits and mediation of Jesus Christ, obtain his pardon and forgiveness; humbly imploring his assistance to frustrate the cruel purposes of our unnatural enemies; and by inclining their hearts to justice and benevolence, prevent the further effusion of kindred blood. But if continuing deaf to the voice of reason and humanity, and inflexibly bent on desolation and war, they constrain us to repel their hostile invasions by open resistance, that it may please *the Lord of Hosts, the God of Armies*,² to animate our Officers and Soldiers with invincible fortitude, to guard and protect them in the day of battle, and to crown the Continental arms by sea and land with victory and success: Earnestly beseeching him to bless our civil

Rulers and the Representatives of the People in their several Assemblies and Conventions; to preserve and strengthen their Union, to inspire them with an ardent disinterested love of their Country; to give wisdom and stability to their Councils; and direct them to the most efficacious measures for establishing the Rights of America on the most honourable and permanent basis—that he would be graciously pleased to bless all his People in these Colonies with Health and Plenty, and grant that a spirit of incorruptible Patriotism and of pure undefiled Religion may universally prevail; and this Continent be speedily restored to the blessings of Peace and Liberty, and enabled to transmit them inviolate to the latest Posterity. And it is recommended to Christians of all denominations to assemble for Public Worship, and abstain from servile Labour on the said Day. *By Order of Congress,*

JOHN HANCOCK, PRESIDENT.

Attest. CHARLES THOMSON, *Secretary.*

Evans, no. 15132.

1. On March 13 WL had “moved for leave to bring in a resolution for appointing a fast, which was granted.” On March 16 WL submitted his draft to Congress, which approved it by resolution and ordered it published (*JCC*, 4:201, 208–9).

2. 1 Sam. 17:45.

From Lord Stirling

Elizabeth Town March 24: 1776

Dear Sir

I now enclose You Copies of A letter from General Washington of the 19th: one from Brigadier General Thompson¹ of yesterday's date, and another from me to the Committee of Safety of this province;² from these you will see the Necessity of putting the Eastern part of this province as well as New York in an immediate State of defence, and from the Conversation I have had with you on the Subject you know my Sentiments with regard to fortifying the Several places mentioned in the letter to the Committee. I think it highly Necessary also to possess some Commanding height on Staten Island; the Men employed in these works will be in the most proper places to Guard the province, and I should think the Militia of the Counties of Bergen, Essex, & Middlesex would be Sufficient if only one third of them were employed weekly on the busyness, the Militia of the Interiour Counties ought to be sent forward to New York as soon as possible;³ and

you may be Assured that as soon as they Can be Spared from thence, they will be sent over again into New Jersey; or to Staten Island for the purpose before Mentioned and that in Case the Enemy should attempt to land their Army in New Jersey a very Considerable part of our Army at New York will be detached to Oppose them. I shall only add that as soon as you inform General Thompson or me when the Men of these Counties will be ready to go to work I will attend with the Chief Engineer⁴ to Mark out the Most Necessary grounds to be fortified.

AL, NHi.

1. On March 19 the Continental Congress had empowered Brig. Gen. William Thompson to call on New Jersey militia units when needed (*JCC*, 4:207).

2. George Washington to Lord Stirling, March 19, 1776, and William Thompson to Lord Stirling, March 23, 1776, in Force, *American Archives*, 4th ser., 5:418, 475.

3. Upon the British evacuation of Boston on March 17 George Washington had written to Lord Stirling that New York City was presumably the destination of the British ships (Fitzpatrick, *Writings of Washington*, 4:409–11). On March 26 the New Jersey Committee of Safety resolved to send three battalions of New Jersey militia to New York under the command of brigadier generals Philemon Dickinson and WL. Refer to Samuel Tucker to WL and Philemon Dickinson, March 26, 1776 (NHi). Samuel Tucker informed John Hancock of these resolutions in two letters of March 27, to which Hancock responded a day later (DNA:PCC, 68). Congress resolved on March 28 to have Hancock request that Tucker expedite the march to New York (*JCC*, 4:238). On March 28 Richard Smith wrote in his diary, "our Militia are marching to N York or Staten Isl'd. under their Brigadiers Dickenson and Wm. Livingston" (Burnett, *Letters*, 1:411).

4. Col. Rufus Putnam.

To Robert Treat Paine¹

Elizabeth Town 27 March 1776

Dear Sir

I just now received the inclosed,² but as I do not care to take it upon myself to give directions concerning it, I beg you to lay it before the Committee, & procure their answer to Mr. Lewis³ as soon as possible. The Man of war's man set fire to the Ship blue mountain Valley last night, but it being discovered before it got much spread, was happily extinguished.⁴ If they appear on such another Frolic, I believe the Towns men here will make them repent it. I am Sir your most humble Servant

WIL: LIVINGSTON

ALS, MHi.

1. Robert Treat Paine had been appointed on February 23, 1776, to a committee to promote the production of gunpowder in the colonies (JCC, 4:171).

2. Enclosure not found.

3. Probably Francis Lewis of New York.

4. The *Blue Mountain Valley* had been ordered to Elizabethtown on February 27, 1776 (JCC, 4:174–75; Richard Smith Diary [February 27, 1776], in Burnett, *Letters*, 1:366). The role of the New Jersey Provincial Congress in the disposal of this ship is noted in *Prov. Congress*, 400–401. On the evening of March 26, armed men from the British warship H.M.S. *Phoenix* had captured the ship *Lady Gage* and unsuccessfully tried to destroy the *Blue Mountain Valley* (William Bell Clark, ed., *Naval Documents of the American Revolution*, United States Naval Division [Washington, 1969], 4:547).

From William Heath

New York April: 1: 1776

Sir

I have received a letter from Hendrick Fisher Esqr.¹ Vice President of the Committee of Safety of the province of New Jersey, by which I am informed that three Battalions of the Militia of that province are ordered for the Assistance defence of this place;² As I conceive that the Defence of this post in a very great Measure depends upon our being well possessed of Staten Island and some proper posts on the New Jersey side, I think it will be best to let all these three Regiments halt at New Ark, Elizabeth Town Raway Woodbridge & Amboy, untill further orders. As it is Intended that the Earl of Stirling is to be over on your side of the Water in a day or two with one of the Engineers³ I must deferr Assigning the Duty of those troops unto he arrives with you.

The detachments of the Militia of New Jersey already here will be considered as part of these three Battalions and accounted to their Respective Counties accordingly. I am your most Humble Servant

W HEATH Brig. General

ALS, MHi.

1. Letter not found.

2. George Washington had ordered Brig. Gen. William Heath to New York. Heath had arrived by March 29 (Fitzpatrick, *Writings of Washington*, 4:443).

3. Stirling intended to return to New Jersey on April 3 (Lord Stirling to George Washington, April 1, 1776, in Force, *American Archives*, 4th ser., 5:750).

To William Heath

Elizabeth Town 1 April 1776

Sir

I have just had the Honor of your orders respecting the New Jersey Militia on their march to New York, & have issued my orders in Consequence of it to the Commander of the Detachment from the County of Bergen. I had before the Receipt of your Letter inclosed a Copy of Lord Sterling's Letter to me,¹ to General Dickenson by Express as I did not see the Propriety of commanding my superior officer to halt his Men.² For this reason I submitted his Lordships Letter to General Dickenson's own Consideration. Nor am I clear that any continental officer, or any of our Committees have a right by any regulation now in force to order the Militia of this Province out of it.³ I have the Honour to be Sir Your most obedient humble Servant

WIL: LIVINGSTON

ALS, MHi.

1. See Lord Stirling to WL, March 24, 1776.

2. Philemon Dickinson had seniority as brigadier general, having received his appointment on October 19, 1775.

3. This power was eventually given to George Washington by the New Jersey Provincial Congress, on June 21, 1776. See George Washington to WL, June 28, 1776. Washington dismissed the New Jersey militia from active duty on April 15 (Fitzpatrick, *Writings of Washington*, 4:479).

To Philip Schuyler

Philadelphia 2d May 1776

Dear Sir

Give me leave to introduce to your Acquaintance Colonel Dayton of the third Jersey Battalion¹ as a Gentleman of an excellent Character, affluent Circumstances, & the Reputation of considerable military Accomplishments. I am Sir your most humble Servant

WIL: LIVINGSTON

ALS, NN.

1. Col. Elias Dayton's battalion was one of six that Washington had ordered to march "into Canada from the army at New York" pursuant to a Continental Congress resolution of April 23, 1776. Washington was acting in response to Maj. Gen. Philip Schuyler's request for reinforcements (*JCC*, 4:302; Philip Schuyler to John Hancock, April 12, 1776; Philip Schuyler to George Washington, April 12, 1776; George Washington to John Hancock, April 25, 1776, in Force, *American Archives*, 4th ser., 5:868, 871-72, 1068-70).

To Elias Dayton

[Philadelphia] 2 May 1776

Dear Sir

To those Gentlemen on the Station¹ with whom I am acquainted, it gives me pleasure that I am able to give you the strongest Recommendation. Of General Thomas² I have no personal Knowledge or should have introduced you to his notice with equal Pleasure. Let me beseech you to act the part of a friend & a Guardian to a Lad³ whose prudent Behaviour has endeared him more to me than the bare tie of Nature. I wish you good Success & a safe return, & am Your most humble Servant

WIL: LIVINGSTON

ALS, CtY.

1. Maj. Gen. Philip Schuyler's camp at Albany, New York.
2. Maj. Gen. John Thomas.
3. Henry Brockholst Livingston.

To Philip Schuyler

Philadelphia 2d May 1776

Dear Sir

My Son Brockholst is so intent upon going as Volunteer to Canada, that I have at last yielded to his Sollicitation for obtaining my Consent. As he has always behav'd so unexceptionably as never to have cost me a Moment's uneasiness on Account of his Conduct, I am the more reconciled to a Measure in which I do not see his personal Advantage. The anxiousness of a Father for the Prosperity of a Son just entering on the Stage of Action needs, to a Father, no description; & to another

cannot be described. Your kind Patronage of him as far as he may deserve it will be ever acknowledged by Dear Sir your most humble & most obedient Servant¹

WIL: LIVINGSTON

ALS, CSmH.

1. Henry Brockholst Livingston became an aide-de-camp to Maj. Gen. Philip Schuyler on May 11.

To Henry Brockholst Livingston

[Philadelphia] 3 May 1776

[Brockhol]st

You will seal the two inclosed Letters which are now open before you deliver them.¹ Mr. Robert Morris & Allen² have not had Leisure to write. When they do I shall send their Letters after you. I am your affectionate Father

WIL LIVINGSTON

ALS, MHi. Mutilated.

1. Probably letters of WL to Philip Schuyler and Elias Dayton, May 2, 1776.

2. Robert Morris, a member of the Continental Congress from Pennsylvania. "Allen" may be Andrew Allen, also a delegate from Pennsylvania. Both Allen and WL had served on a committee for procuring and casting cannon (*JCC*, 4:55, 162). Robert R. Livingston also wrote to Schuyler on May 6 to introduce Henry Brockholst. He explained that "he is now on his way to Canada as a volunteer, not having chose to accept any command as he says till he has acquired some experience" (NN).

Committee Report

[Philadelphia, May 14–16, 1776]

The Committee¹ to whom were referred a Letter from General Washington of the 11 of May instant,² a Letter from General Schuyler of the 3d of May, and one from Capt. Daniel Robertson of the royal highland emigrant Regiment of the 9th of May,³ Beg Leave to report that having considered the said Letters with their Inclosures and other papers therein referred to, they came to the following Resolutions vizt:

1. Resolved, That it is the Opinion of this Committee that General Washington be authorized to fill up Vacancies in the Army by issuing

Commissions to such officers under the rank of Field officers as he shall think proper persons to supply the vacancy, he informing the Congress once every month of such appointments which shall be deemed good & valid unless disapproved of by Congress on such Information; & that blank Commissions be sent to the General for that purpose.⁴

2. Resolved That it is the Opinion of this Committee that Lieut. Colonel Burbeck be dismissed from the continental Service.⁵

3. Resolved That it is the Opinion of this Committee that it would be a great saving to the united Colonies, & prevent many Inconviencies resulting from the present manner of keeping & providing for Prisoners, to have a Commissary for Prisoners appointed for each of the three Departments to superintend & take the Direction & supplying of such Prisoners as have already fallen or may here after fall into our hands during the Course of the War, as nearly conformable as the Circumstances of this Country will admit of, to the Custom of ⁶ other civilized Nations.

4. Resolved That it is the opinion of this Committee that there be raised for the Service of the united Colonies, one Battalion of Germans.⁷

5. Resolved that it is the opinion of this Committee that any lead be sent to General Schuyler as soon as possible; & that the Committee of Middle Town of the Colony of Connecticut, of the County of Albany in the Province of New York, of the County of North Hampton in the Colony of the Massachusetts Bay, of the County of Fin Castle in the Dominion of Virginia & the several other Committees of such other Counties in the united Colonies in which there are any lead mines, be requested to transmit to this Congress with all convenient Dispatch the State and Condition of the lead mines in their respective Districts.⁸ Resolved that it is the opinion of this Committee that the Service will render it necessary for General Schuyler to increase the Number of Batteaus to two hundred.⁹

Resolved that it is the opinion of this Committee that four of the Prisoners taken at St. John's & suggested by the said Letter from Capt. Robertson to have inlisted in the continental Army to wit William Roughead & Elisha Grister in Capt. Hubley's Company,¹⁰ John Santon in Capt. Browne's Company, & John Mayot in a Company unknown, ought to be dismissed the Service & returned to their Corps at Lancaster.¹¹

ADf, DNA:PCC, 19, 6.

1. A committee consisting of WL, John Adams, and Thomas Jefferson was appointed on May 14. The committee report was heard on May 16, but action was postponed until May 25. A resolve attributed to Richard Henry Lee was mistakenly printed with the May 16 report (*JCC*, 4:352, 361–62, 391–92). Parts of this draft were incorporated in a larger report of a committee of conference.

2. George Washington to John Hancock (DNA:PCC, 152, 1).

3. These two letters are in DNA:PCC, 153, 2; 78.

4. George Washington, arguing military necessity, had asked to be able to appoint officers rather than continue having to nominate candidates and then await the action of the Continental Congress. This resolve was postponed on May 25 and ultimately deleted from the formal report of a committee of conference on June 17 (*JCC*, 4:392; 5:451).

5. On April 12, 1776, Lt. Col. William Burbeck had written to Col. Henry Knox refusing Knox's order to march from Cambridge, Massachusetts, to New York City (Force, *American Archives*, 4th ser., 6:425). Congress dismissed Burbeck on May 25 (*JCC*, 4:392).

6. Following "of" WL crossed out: "England & France described in an Inclosure in his Excellency's Letter, a Copy of which the Committee are of the opinion ought to be transmitted to every General in the Continental Army." No action on appointing a commissary of prisoners was taken until October 7 (*JCC*, 5:850).

7. Acting on information from Maj. Gen. Artemus Ward, Washington had asked Congress in his letter of May 11 to raise companies of Germans to encourage desertion among the twelve thousand Hessian troops in America. This draft resolve was approved on May 25. The Continental Congress ordered the establishment of a German battalion on June 27, 1776 (*JCC*, 4:392; 5:487–88).

8. WL's draft resolve was substantially amended in a committee of conference to which it was referred on May 25. WL's draft read: "Resolved that it is the opinion of this Committee that possible; the governor & Assembly of the Colony of Connecticut, the Committee of the Convention of New York, the General Assembly of the Massachusetts Bay, & the Convention of the Colony of New Jersey, & the several conventions of such other of the united Colonies in which there are any lead mines be requested to transmit to this Congress with all convenient dispatch, the state and Condition of the lead mines in their respective colonies." In response both to a request from Maj. Gen. Philip Schuyler for lead (May 3) and to WL's original draft, the Continental Congress sent a letter to Virginia "requesting that they will immediately forward to Philadelphia such quantity of lead as can be spared from that colony." On May 31, the committee presented the amended version of WL's resolve to the Continental Congress. The Congress referred it to a committee of the whole, which approved it on June 3 (*JCC*, 4:392, 408, 413).

9. This resolve was agreed to on May 25. It was mistakenly printed in the *JCC* as part of a committee of conference report of May 31 (*JCC*, 4:392, 408).

10. Probably the company of Capt. Adam Hubley.

11. Capt. Daniel Robertson had informed the Continental Congress on May 9 that four of the British prisoners taken after the surrender of Fort St. Johns had enlisted in the Continental army. The substance of this draft resolve was agreed to on May 25 but mistakenly included in a committee of conference report on May 31 (*JCC*, 4:392, 408).

To Henry Brockholst Livingston

Philadelphia 29 May 1776

Dear Brock:

I beleive your present Station will be very agreable to your mamma, to whom I sent a Copy of General Schuyler's Letter to me,¹ & your original Letter² to show her at the same time the great Regard the General expresses for you; & your own Satisfaction with your present Situation. You have it now in your Power to [see] much of our military operations in that Department, & to acquire considerable Skill in the commissary Business in which the General is probably superior to every Man in America. By the Character he gives of the young Gentlemen who compose his family, you may see what Qualifications he deems essential. They are, says he all *virtuous* young men, *sober*, *industrious* & *secret*.

I think I shall be able to procure the Cloth for the Coat; but as to the Buff coloured Cloth for the waiscoat & Breeches,³ the Taylor gives me but poor Encouragement. But if they cannot be procured, I will endeavour to supply the want of them with nankeen, which may answer for Summer. I hope you will make it your Business to please the General both out of Gratitude for his kindness to you & for your own sake, as it is in his Power & I dare say inclination to advance you. One very effectual way of pleasing him is to pay the closest Attention to Business, as he is a man of indefatig[a]ble Industry, & abhors an idle indisposition. Endeavour to make yourself master of every thing that is worth knowing, especially of the State of the Troops in your Department, & the geography of the several passes or Posts they will occupy, so that if ever you should be sent to Congress upon public Business, which may possibly be the Case, you may be prompt in answering any Questions that may be proposed on those Subjects. I am your affectionate Father

WIL: LIVINGSTON

ALS, MHi.

1. Letter not found.
2. Letter not found.
3. Reference to Brockholst's uniform.

Committee Report

[Philadelphia, June 7, 1776]

The Committee to whom was referred the Consideration of the Attempt made to counterfeit the Bills of Credit emitted by Congress¹ Beg Leave to report that it appears to the Committee by sundry affidavits² the Confessions of the parties charged & other papers³ that Elizabeth Vandine the wife of Henry Vandine of Morris County in the Province of New Jersey with the Privity of her said Husband has counterfeited several Bills of the Continental Currency some of which were passed by the said Vandine & others of them by his wife, & that the said Vandine & his wife were for the said offence committed to the goal of the County of Morris by order of the Committee of the Township of Morris. Whereupon your Committee came to the following Resolutions.

That it be recommended to the provincial Convention of the Province of New Jersey to direct the said Henry Vandine to make satisfaction to such persons as have been injured by taking the said counterfeit Bills.

That the said Henry & Elizabeth remain in Confinement or be let out on good Bail for their appearance to abide their trial for the above offence, as to the said Convention shall seem most proper.⁴

That it be recommended to the respective Legislatures of the united Colonies to pass Acts of Legislation for making the continental Bills of Credit a lawful tender in all payments, & for the most effectual preventing the counterfeiting thereof.⁵

ADf, DNA:PCC, 26. In the hand of WL.

1. This committee, consisting of WL, Thomas McKean, Roger Sherman, John Adams, Carter Braxton, and James Duane, had been appointed on April 30 (*JCC*, 4:321; 5:426).

2. These affidavits were from Mary Tucker, Henry Vandine, Elizabeth Vandine, Matthew Vandine, Elizabeth Fordice, Mark Walton, John Panton, and Cornelius Davenport. By a resolution of the New Jersey Committee of Safety of April 23, 1776, the affidavits had been sent to the Continental Congress for its "advice and direction" (Force, *American Archives*, 4th ser., 5:1038).

3. These affidavits and papers may be found in Force, *American Archives*, 4th ser., 5:1038-42.

4. The Vandines were still in the Morris County jail on June 18, 1776. There is no

evidence that they were ever brought to trial (Samuel Tucker to John Hancock, June 18, 1776 [DNA:PCC, 68]).

5. At this time the counterfeiting of Continental currency was not punishable as a criminal offense. Nevertheless, it was a serious threat to confidence in Continental currency. On June 21, 1776, the Continental Congress adopted the committee's recommendations and advised the respective legislatures of the united colonies to enact legislation for punishing "persons who shall counterfeit, or aid or abet in counterfeiting, the continental bills of credit, or who shall pass any such bill in payment, knowing the same to be counterfeit" (*JCC*, 5:475-76). The resolve passed by the New Jersey Convention on July 18 permitted the death sentence for counterfeiting (Force, *American Archives*, 4th ser., 6:1648-49).

2

Militia General

June 28–August 31, 1776

THE DEFENSE of New York began in March 1776. George Washington's army was chiefly occupied with the construction of forts and redoubts along the Hudson River and in New York Bay to prevent a British naval force from passing up the river and dividing the colonies. Frantic military preparations took place at Long Island and Paulus Hook. Positions along the Jersey shore—on the Hackensack and Newark bays and the kills between Staten Island and New Jersey—were manned only by small detachments of New Jersey militia.

Lack of manpower hindered the American army. On June 3, the Continental Congress called on Massachusetts, Connecticut, New York, and New Jersey to raise 13,800 militiamen to reinforce George Washington in New York City. The New Jersey Provincial Congress agreed to raise its quota of 3,300 men. It extended to Washington the power to call out the colony's militia. In June, William Livingston left the Continental Congress to become the commander of the New Jersey militia stationed along the shoreline from Bergen to Amboy. His headquarters for the next two months was fixed at Elizabethtown. In addition, a flying camp of 10,000 men located in New Jersey was to be created from the militia of Pennsylvania, Delaware, and Maryland.

In the face of the imminent invasion of New York in late June, Washington requested that militia forces from New Jersey join in an immediate march to New York. When 10,000 British and Hessian soldiers landed on Staten Island on July 2, the inhabitants of New Jersey were plunged into confusion and chaos. Rumor, uncertainty over families left behind, and fear that untended crops would be ruined all impaired the effectiveness of the small militia force under Livingston that was guarding the numerous ferry slips and inlets along

the Jersey shore. Shortages of field supplies, arms, and ammunition, as well as a lack of cash to meet these needs, increased Livingston's problems. In addition, he was tested by the Loyalists, who, buoyed by the proximity of British support, posed a serious internal threat to the Whig military and civil establishment in New Jersey. A flow of orders and commands dealing with these problems underscored the urgency and confusion which prevailed in the first days of July. By July 19 the Pennsylvania Associators had arrived from Philadelphia and partially relieved the New Jersey battalions posted along the New Jersey coast.

Livingston's activities as field commander included interrogating deserters, furnishing intelligence, taking part in military planning, and communicating with both the Continental army and the New Jersey Convention regarding military movements, appointments, and supplies. Although he professed to be uncomfortable in the field, he worked diligently to maintain military effectiveness.

On September 1, Livingston ended his short-lived but eventful military career to assume his duties as governor of New Jersey. By then, the scene of the battle for New York had shifted to Manhattan after the disaster on Long Island.

From George Washington

[New York] 28 June 1776

Sir

Since Writing the above we have certain Advice that a Fleet of 138 Sail left Halifax the 9th. Instant bound to Sandy Hook—And We have little doubt but General Howe is arrived there within these few days in the Grey Hound.¹ A Moments Time therefore is not to be lost. The Plan proposed by your Provincial Congress of raising the Men as Volunteers upon a Bounty appears to me to be totally inadequate to the Necessity of the Case²—as there is not the least doubt but something decisive must happen before they can reach this Place. Unless therefore you can be certain that a considerable Body of Troops under the Proposed Establishment can be had within a few days; Agreeable to a Power lodged in me for that Purpose by the Provincial Congress³ I do hereby direct you to call forth the Militia under your Command or such of them as are set apart for special Service & March

them to this Place with all possible Expedition taking Care that they be provided with Arms Accoutrements & Camp necessities such as Blankets Kettles etc.

Lcy, NjMoHP. Extract. In the hand of William Livingston, Jr. This extract was sent by WL to Samuel Tucker on June 29.

1. Gen. Sir William Howe had sailed to New York aboard the frigate *Greyhound*, arriving at Sandy Hook on June 25.

2. The ordinance, passed June 14 by the New Jersey Provincial Congress, was intended to raise thirty-three hundred men from New Jersey to reinforce the army at New York. It provided for a bounty of £3 proclamation money to each enlisted man (*Prov. Congress*, 550).

3. On June 21 George Washington had been authorized by the New Jersey Provincial Congress to activate the militia simply by directing one of the brigadier generals or colonels of the New Jersey militia to call out his troops (*Prov. Congress*, 468-69).

To George Washington

Elizabeth Town 28th: June 1776¹

May it Please your Excellency

Since writing to Colonel Reed² & on considering what Number of the Militia of this Province to call forth in pursuance of your Excellencys Directions I find myself greatly embarrassed with respect to the Point on which the direction appears to depend. This seems to be suspended, upon my Opinion of the Certainty of a considerable Body of Troops under the present Establishment being to be had within a few days. Respecting this Point the men I am told enlist fast and many of the new Levies consist of the men lately drafted, but what Number of Men will be ready in what Number of days I dare not take upon me to determine. In this situation of Affairs I thought it most adviseable to apply to your Excellency to specify the Number of Militia you would direct me to call forth & march to New-York before I issued any Orders for that Purpose & in order to save as much Time as possible I have taken the Liberty to send this by Express & have the honor to be with the profoundest Respect your Excellencys Most Humble Servant

WIL: LIVINGSTON

LS, CSMH. In the hand of William Livingston, Jr.

1. It is unclear when WL returned to active duty at Elizabethtown as a brigadier general of the militia. A letter of Lt. Col. Mathias Ward of June 5 is addressed to WL at Elizabethtown (MHi). However, on June 7 WL was presumably in Philadelphia delivering a report on counterfeiting. A letter from a prisoner on June 21 also is addressed to him in his military capacity (MHi). On June 21 the Provincial Congress wrote to "General Livingston" to take command of the militia to be dispatched to New York after the declination of Adj. Gen. Joseph Reed. Letter not found. On June 25 the Provincial Congress received a letter from WL informing it that he could not accept the command of that portion of the militia destined for New York. Letter not found. Nathaniel Heard had been appointed brigadier general and placed in command of that contingent. Although his location in June is unclear, WL was probably at Elizabethtown by June 21.

2. Letter not found. Joseph Reed met with WL at Elizabethtown on June 28.

To Samuel Tucker

Elizabethtown 29 June 1776

Sir

Yesterday afternoon I received a Letter from General Washington a Copy of part of which I inclose you, with a Copy of my answer. You will be pleased to observe that agreeable to his Directions such part of our Militia as is to march to New York is to be provided with Camp necessaries such as Blankets Kettles etc. as no time ought to be lost in providing those necessaries. I hope the honourable Congress will immediately give orders respecting them,¹ & inform me on whom I am to depend for such Supplies. I think it will also be absolutely necessary to have Magazines of Provisions in different parts of the Province, & especially in this part of it as the Exigency of Affairs may render it requisite to call forth a Number of militia for its own defence as well as for that of New York in which Case it will be impossible without some such Provision to support the Troops. I am Sir your most humble Servant

ADf, MHi. Autograph copy from CSt is missing.

1. The New Jersey Provincial Congress on July 8 ordered camp kettles sent to Brig. Gen. Nathaniel Heard's battalions in New York. It ordered flints, canteens, knapsacks, cartridge paper, brushes and wires, and entrenching tools for WL's force in New Jersey (*Prov. Congress*, 495-96).

From Edward Thomas

Lebenon Township about 40 Miles W:
& [. . .] South from E: Town

June 30: 1776 *Hunterdon County*

[Dear] General

Being Called in to this part of the Country on Some private business of my Own, and haveing the General good always at heart, I have Take in [some pains?] to Enquire in to [the] State of the New Leveys & from what I Can Collect I believe The Companys in this County is Not above half full although Some of the Companies hath Augmented the Bounty to Eight pounds prock,¹ in Somerset I believe tis not much Better, I am at the house of Lieut. Colonel Johnson² Who is appointed by the Congress to Serve this Campaign he thinks they may be Ready here in about a Fortnight, Which will fall much Short of General Washingtons Expectation, I tell them they must be fild up with the Draughts but they think that will be Inexpedient as there are Numbers of Tennants that Say if they are take in [away] at this Season of the Year they may as Well knock their famalys in the head for that they will be Ruined,³ at a muster Some Time past in Order to Recruit men, one half of Two Comanies Came with Clubs, Colonel Johnson was knocked down by them & was Afterwards Obligated to Retreat, the Same day one of the Capts. was much beat by them [. . .]⁴ has been to Congress & has obtained an order [. . .] them up five was taken yesterday & Sent with a Gaurd of 20 Men to Burlington, There are a party of one hundred & fifty Melitia out after more, *among whom is Major Vrelingbuysen*⁵ amongst the above five are Two of the Woofs, who are Men of property & I believe will have a Sweat this heat in the pocket way; as there was 400 Melitia Sent after them, Occasioned by their giveing out that they was Eight hundred Strong had plenty of Amunition etc. but when the Melitia Collected they Dispersed, & Several that was Called Tories have Since appeard to be Staunch Whigs & as long as they are kept in fear I Suppose will Continue Such.

I Expect to be Absent four or five Days Except Something More than Common Should happen, Should my Regt. be [with?] you [. . .] Call on Lieut. Colonel Smith & Major Spencer⁶ who will give Every Nessessary Assistance Should there be an Alarm before I Return.

The Moment I hear it I Shall Repair home with the utmost dispatch
Should the Returns of the Draughts be wanting the Capts. all has
Coppys of them. I am Sir with the Greatest Respect your Obedient
Humble Servant.

EDWARD THOMAS

ALS, MHi. Mutilated.

1. Proclamation money.
2. Lt. Col. Philip Johnson.
3. Civilians in some areas did resist militia service because they feared that they would be unable to harvest their crops. Refer to Col. Philip Van Cortland et al. to WL, July 2, 1776 (MHi).
4. Three words missing.
5. Maj. Frederick Frelinghuysen. The Provincial Congress, learning of the situation, had dispatched militia units from Hunterdon and Somerset counties on June 26 to arrest twenty-six disaffected persons (*Prov. Congress*, 477–78).
6. Lt. Col. Jacamiah Smith and Maj. Oliver Spencer.

To Joseph Reed

New York [Newark] 3 July 1776

Dear Sir

I never could discover till the night before last that I was to command the New Jersey Militia detached to N York; but then I received a Letter from our Convention that General Dickinson having done his Tour of Duty, it was expected I should take the Command upon which I prepared yesterday to set out this Morning for New York.¹ As I was setting out I received an express acquainting me that a Number of the Enemy had landed at Staten Island & proceeded within sight of our point, & expected to advance to Elizabeth Town, I immediately gave orders to beat to arms, & soon collected about 300 of the Militia & dispatched them to the point <and soon after received Information that the Enemy had retreated about a Mile on the Main Land having taken up the Plank from the draw Bridge in the Salt Meadows. When I left E Town>our people were in such Confusion that I left the Town with Reluctance, but thinking it my Duty to proceed, I met Major Burr passing this Town. Your dispatches by him induces me to believe that the Enemys Landing on Staten Island is a much more serious affair than I at first imagined it. I now think it my

duty to return & settle the plan you direct. As to officers of rank there are several Colonels of our Militia now in new York. Colonel Cortland² & Ford are both of very good Character. As to my Distance from Town, I shall fix my residence in the Town plot as long as the present Circumstances of affairs require it. I am Dear Sir your most humble Servant

<You may depend on every Exertion in my Power on every Occasion for the Common Service. I am in great Haste. Dear Sir etc.

P.S. We are greatly in want of both Powder & Ball, which I wish you would endeavour to fall on some Mode of supplying.>

ADf, MHi. Portion in angle brackets in the hand of Elias Boudinot.

1. Letter not found. Although W.I. had declined this command in late June, a letter from Adj. Gen. Joseph Reed to the Provincial Congress, announcing the arrival of the British fleet at Sandy Hook, had resulted in a call for all properly armed officers and men to proceed to New York without delay (*Prov. Congress*, 483–84).

2. Col. Philip Van Cortland.

To Samuel Tucker

E Town July 3d 1776

Sir

In the present hurry, I can only inform the Congress, that this Morning about 5 oClock we were alarmed with an Account of a Party of the Enemy of about 50 or 60 being at the ferry Stairs opposite to our Point.¹ Our Militia being principally detached to New York, it was with difficulty I could get a Party of 50 or 60 Men to go down as an advanced Party. The Enemy soon retreated to the main Land and took Possession of a House along shore. After giving the necessary directions, I set off for New York, where my Brigade are chiefly detached. On my way in New Ark, I received a Letter² from the adjutant General at New York, from which I found the Landing on Staten Island to be more serious than I had imagined, and that it was expected I should remain at this Place, therefore I immediately returned—Since which I have found that the whole Force of the Enemy, or the greatest part of it are landed on the Island.³ They have their Centries along Shore both ways as far as we can discover.

We are bare of Powder, Arms etc. but hope that some Care will be

taken to forward an immediate supply.

I have ordered the Artillery Company under Capt. Neil to be stationed a third at the Blazing Star Ferry—a Third at the Point—and a third at New Ark Ferry. I leave it to the Congress to determine the necessity of sending forward the other Company of Artillery now in West Jersey.⁴

I have the Honor to be in great Haste Sir Yours etc.

Df, MHi. In the hand of Elias Boudinot.

1. Elizabethtown Point.

2. Letter not found.

3. WL also learned of the seriousness of the situation from Lewis Ogden in a letter of July 3 (MHi).

4. An ordinance had been passed by the Provincial Congress on March 2, 1776, to raise two artillery companies. One was stationed in the eastern division of the province and one in the western counties (*Prov. Congress*, 403, 437–40).

To Hugh Mercer

Elizabeth Town 3d. July 1776 6 o Clock P.M.

Sir

With respect to the Operations of the Enemy last night we have no Intelligence at all.¹ What we can collect respecting their motions to day is, that a little after Sunrise this morning a Party of them amounting (according to the Estimation of one of the Inhabitants who was made a Prisoner) to between fifty & Sixty took him with his Effects as he was removing from Staten Island and was on the ferry stairs opposite to our Point. They returned all his Effects & made him promise to go over to this Place fetch his Wife & to live in peace assuring him that they came not to injure but to protect the Inhabitants. During the Day a party of them, have shewed themselves at the House of one *Post* a Tavern on the Island, about a Mile along Shore.

They have taken up the Planks of a draw Bridge across a Creek in the Salt Meadow on the Staten Island Side, opposite to the Point. Their Centries appear along Shore to the Westward as far as Rhaway River, which is about three miles from the Point towards Amboy and near the Blazing Star Ferry, in order (I suppose) to prevent all Access from this Province to that Island. Since I recieved a Letter from Colonel Reed (on my way to New York) informing me of their having

landed on the Island, and collecting from his Letter, that my Presence was more necessary here, than at New York,² I have ordered Capt. Neil of our Artillery Company at Amboy, to proceed immediately with his Company & four field Pieces, in two Divisions, one consisting of one third of his Men & two field Pieces to the Blazing Star Ferry the other to come on to this Place, where report is to be made & to wait my further Orders. This at Present I propose to station at Eliza. Town Point & at New Ark Ferry, where there are already two field Pieces, but no men belonging to them.

Our People here seem to be greatly dispirited at so great a Part of the force of this Province being drawn off to New York (important as they deem that object to the Enemy) while they are absolutely at their Mercy.³ If the Connecticut Militia is arrived in such Numbers, as with the Continental Troops, to be adequate to repel the expected attack upon New York with the aid of part of the Jersey forces, it really seems necessary in my poor Judgment, to return part of them to defend the Borders of this Province, between New Ark and Amboy from their depredations.⁴ But this Sir is humbly submitted to the Judgment of my Superiors in Command. I have the Honor to be Sir Your very Humble Servant

WIL: LIVINGSTON, Brigadier General of the Militia of New Jersey

P.S. At the Point, we have about four or five hundred Men, but with indifferent Arms & few Officers.

LS, DLC:GW. In the hand of Elias Boudinot.

1. Brig. Gen. Hugh Mercer had requested information on British movements in a letter to WL of July 3 (NN). Mercer had been sent by George Washington to New Jersey to take overall command of American units there.

2. Letter not found.

3. Abraham Clark wrote to Col. Elias Dayton on July 14 (NN), expressing the fear of the townspeople that "Eliza. Town, long Obnoxious to the Enemy, would be laid in Ashes."

4. On July 2 Gov. Jonathan Trumbull and the Connecticut Council of Safety had ordered three regiments of light horse to New York. They had authorized seven new battalions on June 14, 1776, but they were not "ready so as to arrive at New York seasonably for the expected attack of the enemy" (Charles J. Hoadly and J. Hammond Trumbull, eds., *The Public Records of the Colony of Connecticut* [Hartford, 1850-1890], 15:461). Connecticut troops had begun to arrive by July 10 (Fitzpatrick, *Writings of Washington*, 5:249).

From Jonathan Deare

New York 4th. July 1776

Sir

I Came to this place some days ago and have three Companys of Militia from Woodbridge and Piscataway under my Command, the Officers as well as Men have family & Effects to take Care of. We hear the people on Staten Island are greatly Distressed & perhaps it may soon be the Case in some parts of Jersey and as there are only about 200 men in those Companys and they are very Desirous to be Nearer there familys to take some Care of them and maybe of more General service than here. The several Officers of the Company have requested me to Desire that you will be pleased to send a line to General Washington to permit them to return to Eliz: Town or some other part of Jersey—nearer their familys. I send Capt. Becker to you on purpose by whom please send to the General your request. I am Sir your most Humble Servant

JONA DEARE

ALS, MHi.

To George Washington

Eliza. Town July 4 1776.

May it Please your Excellency

Since my last to Mr. Adjutant Reed, nothing material has happened here, excepting that we are fully Confirmed in the Enemy's having Posts along the whole Staten Island Shore as far as Amboy. They have thrown up a couple of small Breast Works on the Cause way leading from the Point over the Salt Meadows at the Entrance of the two Bridges.

It is said that last Night they brought two pieces of Cannon to the nearest work. We have between 4 & 500 Men at the Point who have thrown up a Line from the Point House East ward to answer as a Cover. We have two field Pieces with a part of the company of Artillery of this Province.

Your Excellency must be sensible 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. Our Men are raw & inexperienced—our Officers mostly absent—want of Discipline is inevitable, while we are greatly exposed for the distance of 12 or 14 miles. I have the Honor to be Sir Your very Humble Servant

WIL: LIVINGSTON

LS, DLC:GW. In the hand of Elias Boudinot.

From George Washington

[New York] Head Quarters July 5. 1776

Sir

Your Favour of the 4th. came safely to hand.¹ The Situation of New Jersey is such & the Apprehension of the Inhabitants so justly excited² that I have concluded to discharge the Militia from this Place except those from Morris County whose internal Situation is such as to leave them nothing to fear from the Enemy. These I have posted on Bergen in order to prevent any Communication & to give the Enemy Obstruction in Case they should attempt to land in that Quarter which with the Assistance of the Continental Troops posted there I hope they will be able effectually to do.

The Remainder of the Militia I have dismissed as I have Reason to believe the Enemy is waiting for the European Fleet & will not make a general Attack untill it arrives.³ But we have not yet one Man from Connecticut. You will observe I have dismissed the Militia from hence but have not discharged them as I am of Opinion a Part of them may be usefully employed in the immediate Defence of the Province: In this View they fall properly under your Command & I would suggest to you the Propriety of stationing them in proper Places along the Shore opposite to Staten Island so as to relieve the Inhabitants from the Apprehensions they are under of being plundered as well as preventing any Communication with the Enemy.

There are a Number of People in Amboy who will undoubtedly open a Correspondence with them immediately & endeavour to excite

Dissafaction thro the Province now they feel themselves under some kind of Protection. If it is practicable in the present Situation of Things I am of Opinion these Officers of Government & the notoriously dissafected then should be removed with all Expedition to less dangerous Places—that the Cattle & Sheep and Horses on the Shores contiguous to Staten Island should be immediately drive back—The Ferries carefully attended to, & all Boats watchd that pass or attempt so to do.

The Number of Men necessary for these Services you will be able to ascertain better than I can—but in such Emergency it is better to exceed than fall short.

As to Provision for the Men I presume while the Militia are employed in the immediate Defence of the Province, the Expence at least in the first Instance will fall upon the Colony. How far the Continent will reimburse the Province I cannot determine—But the Necessity of some Supplies being collected is so evident that I make no Doubt the Convention will immediately go into it. In the mean Time I should think no Person could run any Risque in doing what is immediately necessary under your Appointment.

I have been the more induced to dismiss the Militia that the new Levies (or 6 Months Men) may be forwarded as soon as possible,⁴ & I must request your Exertions for this Purpose as it is my Intention to have them here without a Moments Delay.

Since this Letter was begun another of your Favours came to my Hands informing me that the Enemy have thrown up two small Breast Works on the Causeway from the Point. You also request some experienced officers to be sent over—which I would gladly comply with if in my Power but I have few of that Character, & those are so necessarily engaged here, that for the present I must refer you to General Mercer whose Judgment & Experience may be depended on. I have wrote him that I should endeavour to send over an Engineer as soon as possible.

From all Accounts we receive I cannot think they have any serious Intentions at present beyond making themselves Masters of Staten Island, guarding against any Attack from us & collecting what Stock they can. But at the same Time it is highly prudent for you to be in the best Posture of Defence you can. I am Sir Your most obedient & very Humble Servant

GO: WASHINGTON

LS, MHi. In the hand of Joseph Reed.

1. Two letters of July 4 had been sent to George Washington. Letter referred to here not found.

2. One observer noted "Waggons & Carts moveing the Household goods & effects of the frontier Inhabitants which has been the case for several Days past." Azariah Dunham to New Jersey Provincial Congress, July 4, 1776 (NjHi). Lewis Ogden of Newark had written to George Washington on July 4, 1776 (DLC:GW), expressing similar anxieties over the threat of British attack.

3. On July 12 Lord Howe arrived in New York harbor with over one hundred fifty transports and warships.

4. Washington is making a distinction between militiamen hurriedly assembled upon the arrival of the British at the end of June and those who had been called up by the ordinance of June 14 to serve until December 1.

From Abraham Clark

Phila. July 5th. 1776

Sir,

I enclose a Declaration of Congress, which is directed to be Published in all the Colonies, and Armies,¹ and which I make no doubt you will Publish in your Brigade.

Part of the Pennsylvania Forces Marched this day to the assistance of New Jersey, and the Principal part of the strength of Pennsylv. I expect will soon be on their March to your Aid.² We can't Account for the scarceness of intelligence—no Express hath been sent by the General since the beginning of this Week. All the News we get comes by Private hands—some think the Expresses are intercepted, or the Communication across Hudsons River cut of. I am in hopes to Morrows Post will give a full Account of the Armies. I am Sir, Your Humble Servant

ABRA: CLARK

P.S. By a Person this day from the Lower Counties in Jersey we are informed a Vessel with Arms & Ammunition pursued by a Man of War Run on shore at or near Egg harbour, from which was taken about 200 half barrels of Powder & some Arms before the Man of War boats drove them off & took possession—after getting Possession they set the Vessel on fire, or by some means or other, the Powder left on board took fire and blew them up about 50 in Number. This Account Comes so well Authenticated that it is not doubted as to the truth.³

A.C

ALS, MHi.

1. Declaration of Independence (*JCC*, 5:510–16).
2. Pursuant to a resolve of Congress of July 4, the delegates of New Jersey and New York met with political and military representatives of Pennsylvania and the city of Philadelphia on July 5. The representatives resolved to send most of the Pennsylvania Associators to New Jersey until they could be relieved by the Pennsylvania elements of the flying camp (Evans, no. 15150).
3. On June 29 Capt. Hugh Montgomery of the brig *Nancy*, pursued by British warships, ran his vessel aground at Cape May. Under cover of fog he removed a large part of the cargo, including gunpowder and firelocks. When the fog lifted, Captain Montgomery discovered British boats approaching. He probably lit a fuse leading to a quantity of powder in the cabin, set fire to the mainsail, and then fled to shore. British sailors boarded the *Nancy*, and the explosion of the gunpowder killed many of them (Force, *American Archives*, 5th ser., 1:14; William James Morgan, ed., *Naval Documents of the American Revolution*, United States Naval Division [Washington, D.C., 1970], 5:952).

From Samuel Tucker

Trenton July 5th 1776

Dear Sir

Your Letter of the 3d was Laid before Congress this morning¹ and an order was Emmediately Dispatched to Capt. Hugg of the western artelery Company² ordering him to march to new Brunswick with all Possible Dispatch their to Receive your orders for his future government. We got Two Tunns of Powder from the Committee of Secrecy³ which was Devided among the Countys⁴ and Sent foward. I Received a Letter this morning from John Dennis Esq.⁵ adviseing that he Received and fowarded the Quota of Your County Bergen monies etc. Congress are well Pleased that you have Directed the Eastern artelery Company as you have Informed them, by which means the will be Serviceable. If a further Supply of Powder should be necessary beg you will advise us Spedely. I have Little Time to write. Congress Removed from Burlington to this Town Last Evening. The Times are Exceedingly Distressing. I pray god to Preserve us from the Intended oppression. I am Dear Sir your Most Humble Servant

SAM TUCKER

ALS, MHi.

1. See WL to Samuel Tucker, July 3, 1776.
2. *Prov. Congress*, 492.

3. The Secret Committee of the Continental Congress had been appointed to contract for the importation and delivery of not more than five hundred tons of gunpowder (*JCC*, 2:253).
4. *Prov. Congress*, 485–86.
5. Letter not found.

To George Washington

Eliza. Town July 5:1776

May it please your Excellency

Since my last, I have received so many Applications from the Inhabitants along the Sound, Woodbridge¹ & Amboy relating to the defenceless State of their Borders, the whole Militia being sent to New York, that to allay their Fears (with the approbation of General Mercer, who had stopped them at New Ark Ferry, when they were ordered to assist General Herd) I ordered Major Duyckink with 600 Middlesex Militia, to Amboy leaving 100 Men at the Blazing Star Ferry.²

This Morning I recieved an Application from the three Companies of the Woodbridge Militia now at your City, requesting my Interest with your Excellency to let them return to defend that Quarter³—but perhaps when they are informed of the above disposition, it may make them easy. I have this moment received an Express⁴ with a piece of Information which I trouble you with, only from the advantage that may arise from your having Intelligence of every kind, that the whole may be compared together—and to prevent Mistakes, I beg leave to transcribe the Letter. “Sir a relation of Mr. Dissisway stole away from Staten Island last Night in a small Canoe with James Fitz Randolph⁵ (both of whom are returned again) they are staunch Friends & say that if Dissisway does not return by to Morrow his Estate shall be forfeited. Randolph says he is much insulted for being a Whig by the lowest Sort, but must return to save his Family from being Hostages. He heard the Major with other officers declare at about 4 oClock yesterday, there should be 3000 Men landed at Amboy this day before that Time and from what he could gather, that they intended to push Matters in the Jerseys. We are in such a Situation at this Time, that with difficulty we raise a small Guard and many begin to talk of being afraid we are sold, and if the Clamor is not soon stopped God only

knows what soon will be the Consequence in this Place as some intend to go over themselves & Families and not return."

This Letter was wrote this Morning & is signed Danl. Moores, who is a principal Man in the Neighbourhood. Nothing material has happened here last Night, except that being informed of a large parcell of fat Cattle being pastured on the Neck along the Sound, I have ordered a Party to drive off all Cattle and Sheep to a Place of Safety. The Enemy are throwing up Breast Works at every Avenue to the Island, but do not appear otherwise very busy.

I have just been informed that the west Jersey Militia are on their way to this Place, and I shall forward them on to New York unless I recieve contre-orders from your Excellency. I have the Honor to be Your Excellency's most Humble Servant

WIL: LIVINGSTON

P.S. to a Letter from Philadelphia—July 5 1776

By a Person this day from the lower Counties in Jersey, we are informed a Vessel with arms & ammunition pursued by a Man of War, run on Shore at or near Egg Harbour, from which was taken about 200 half Barrells of Powder & some arms before the Man of War's Boats drove them off & took Possession. After getting Possession they set the Vessel on Fire, or by some means or other, the Powder left on Board took Fire & blew them up about 50 in Number. This Account comes so well authenticated that it is not doubted as to the Truth.

LS, DLC:GW. In the hand of Elias Boudinot.

1. The Woodbridge Committee had appealed to WL for aid on July 4, stressing both the defenseless situation of the town and the imminent enemy threat to the Amboy area and the Blazing Star Ferry (MHi).
2. Maj. John Duyckinck arrived at Amboy with 450 men the same day (John Duyckinck to WL, July 5, 1776 [DLC:GW]).
3. See Jonathan Deare to WL, July 4, 1776.
4. Letter not found.
5. Cornelius Dissoway was granted permission by WL to return to Staten Island. Refer to Abraham Clark to Elias Dayton, July 14, 1776 (NN).

To George Washington

Elizabeth Town 5 July 1776

May it please your Excellency,

I forwarded the inclosed early this morning, but thro' a mistake of the express was this moment returned to me. Since which I am honoured with your Excellency's Letter of this Day, part of which is answered by the enclosed Letter. Every thing in my power shall be carefully attended to, for the public Good. We have plenty of Provision, I am informed it will continue. I forgot to mention in my last, that on examining a Person who was taken by one of the Tenders¹ in the Kills, I found that Capt. Williams of the Tender, has a Wife & Children in New-York. He married Benjm. Stout's Daughter in the Bowry. I mention this Circumstance, as it may lead to discover a Correspondence between them. The Examinant said that Capt. Williams expressed his Desire of leaving the Service & getting to New-York. General Mercer having returned Yesterday, I send back the Letter directed to him.

Col. Drake of the 2d. Morris Battalion has not been able to come down with his Men, 'till this Day. He has about 250 men, who will be here this evening, and I shall forward them to New York to morrow morning without delay, unless your Excellency shall give other Orders. I have the Honor to be Your Excellency's most humble & most obedient Servant

WIL: LIVINGSTON

LS, DLC:GW.

1. tenders: small boats attending a man-of-war.

To Jonathan Deare

Eliz Town 5 July 1776

Sir

Your letter came safe to hand and I have wrote to General Washington in consequence,¹ who alone can judge of the Propriety of

your request. You may assure your Detachment that every Step in my Power has been taken to secure that part of the Country. Major Duyckink with 500 Men are this Morning arrived at Amboy where I have stationed them and 100 Men at the Blazing Star with two pieces of Artillery.

From every Thing I can learn, there is not the least danger of the Enemy troubling this Province for some time. Am Sir Your Humble Servant

Df, MHi. In the hand of Elias Boudinot.

1. See Jonathan Deare to WL, July 4, 1776, and WL to George Washington, July 5, 1776.

To Samuel Tucker

Eliza. Town Head Quarters July 6 1776

Sir

Permit me to acquaint the Congress thro' you, of our Proceedings since my last.

By the help of the Inhabitants for several Miles round we were able to throw up a very good Breast Work at the Point, and to secure that Pass with a Guard of several hundred Men. As soon as it was in my Power, I detached Major Duyckink of the Middlesex Militia (a very expert Officer) with about 550 Men to Amboy with orders to leave 100 Men at the Blazing Star Ferry.¹

General Washington being informed of our dangerous Situation, returned Colonel Quick with the Somerset Battalion, & Colonel Ward² with the New Ark Battalion & Majors Deare & Steele³ with several Companies of the Middlesex Militia, to our aid, these with Colonel Drakes Battalion of about 220 Men I disposed off as follows.

Colonel Quick I shall for the present keep here to relieve the Inhabitants at the Point, who are fatigued beyond their Strength being kept hard at Work almost Night & Day since the alarm. He will be stationed from the New Ferry to Rhaway River. Colonel Ward is stationed from Passaick River Ferry along the Bay and at New Ark. Majors Deare & Steele with the Companies under their Command are Posted in and about Woodbridge so as to be ready to assist either Amboy or the Blazing Star Ferry as Occasion may require. Colonel

Drake with one Battallion of the Morris Militia is posted at Hackensack Ferry along the Bay side to the Kills, where I am informed Colonel Ford has a Post by orders from Gen. Washington. From the Movements of the Enemy, I cannot concieve that they intend any Thing more for the present than to secure the Island till they are refreshed & reinforced—altho' it is reported they are preparing to take possession of Amboy, tho' I think without foundation. I must acknowledge to you that I feel myself unequal to the present important Command and therefore wish for every assistance in my Power. I could wish to have the Congress much nearer,⁴ The number of Men that are now in the Service here, loudly call for more ample Supplies of almost every necessary (except Provisions) than can be obtained here, Such as Ammunition, Flints, Arms & indeed Stores of every kind, an attention to which I can not give in the manner I would choose in the present Emergency. We are greatly in want of a Quarter Master general, who might relieve me of this Trouble which does not properly belong to my department. There is also a necessity of Providing some Punishment for those of the Inhabitants who refuse to attend their Officers at the present Occasion—as the fine of 4/ or even 10/⁵ is of but little Consequence at this Time and those who do turn out complain heavily of the inequality of the Service.

Expences are daily increasing but I have yet heard of no Provision made for Payment. I have no Person on whom I can draw for a farthing. This shews the urgent necessity of having Commissioners here from your Body on whom I may call as occasion may require.⁶

I have lately received a Letter from Gen. Washington a Copy of which I think necessary to enclose to you,⁷ as it relates to the Colony in general. I received your Letter of the 29 June from New York Six Days after the Date of it.⁸ I must beg you will not write matters of Importance but by Express.

Since writing the above I received yours of yesterday and earnestly wish the arrival of Captain Hugg.

I enclose you a Copy of a Letter I received just now from Major Duyckink from Amboy, his Situation is rather doubtfull, as with the aid of their Ships the Enemy can Command a Landing if they Please.

Since the receipt of the above Letter, I found it necessary to order two Companies of the Hunterdon Militia with two Companies of Colonel Drakes Battallion making in the whole 250 Men to Amboy

and the rest of Colonel Drakes Battallion (as he had not marched out of this Town to Hackensack) I have stationed on & about Rhaway River.

Df, MHi. In the hand of Elias Boudinot.

1. Refer to John Duyckinck to WL, July 5, 1776 (MHi).
2. Lt. Col. Mathias Ward of the Essex County militia.
3. Probably Capt. Thompson Stelle.
4. Between the comma and "the," WL crossed out "as well as the aid of General Dickinson to whom I have wrote, a Copy of which I enclose."
5. The fine for not attending general militia musters or reviews was ten shillings for each default. Those who did not attend properly equipped for monthly meetings of their companies were fined four shillings (*Prov. Congress*, 259).
6. The commissioners for the Western Division were William Tucker, Abraham Hunt, David Pinkerton, and Alexander Chambers. Those of the Eastern Division were Hendrick Fisher, John Ross, Isaac Woodruff, and Azariah Dunham (*Prov. Congress*, 417, 459).
7. Enclosure not found. May be George Washington to WL, July 5, 1776.
8. Letter not found.

From John Duyckinck

Perth Amboy, July 6, 1776. Maj. John Duyckinck reports that his men have taken eight Loyalists from the Amboy area into custody on orders from Brig. Gen. Nathaniel Heard. He mentions the possibility of an enemy attack.¹

LS, DLC:GW.

1. "We can't help thinking our situation precarious with the few troops there," Duyckinck writes, "& could wish a reinforcement as soon as may be convenient."

To George Washington

Elizabeth Town 6 July 1776

May it please your Excellency,

This moment an express arrived from Major Duyckinck, a copy of whose Letter I enclose to save time. I shall be glad of some immediate directions what to do with the prisoners,¹ as in the mean time I am obliged to keep them under Guard. I am acquainted with but one of them, John Smyth Esqr. who is a man of so great integrity that I think great faith might be given to his Word. If they are to remain in this

province, I know of nothing that can be done with them so conveniently as to forward them on, to the Convention, who can provide for their safe keeping. The internal Counties are now so destitute of Men, that I should think it dangerous to trust them there, nor do I know in whom in those parts to put sufficient confidence to intrust their safe keeping.

I am under the greatest difficulty with regard to Ammunition, as the whole back Militia are unprovided, and I am prevented from sending such detachments to particular places as I think necessary for want of powder & Ball.

(Since writing the above, Capt. Kennedy² & Mr. Cuyler³ are sent in Prisoners from New ark.)⁴ I have the honour to be your Excellency's most humble Servant

WIL: LIVINGSTON

P.S. In Consequence of Major Duyckincks Letter I have detached 250 Men to him from the Hunterdon & Morris Militia.

I.S, DLC:GW.

1. John Smyth, Philip Kearney, Michael Kearney, Jr., William Hick, Thomas Skinner, Dr. John Lawrence, Capt. Johnston Fairholme, and Isaac Bonnell.

2. Capt. Archibald Kennedy was sent to the Provincial Congress, which ordered him paroled on July 13. However, Kennedy was still imprisoned at the end of September. At that time he appealed to WL for parole (*Prov. Congress*, 505; Archibald Kennedy to WL, September 30, 1776 [Nj]).

3. Henry Cuyler was ordered paroled by the Provincial Congress within a two-mile radius of his own house after posting a £1,000 bond on July 16 (*Prov. Congress*, 508–9).

4. Refer to Elisha Boudinot to WL, July 6, 1776 (MHi).

From George Washington

Head Quarters New York July 6. 1776 5. o Clock P.M.

Sir

Your Favour of this Date inclosing Major Duyckincks Letters was this Moment received. The known Dissafection of the People of Amboy & the Treachery of those of Staten Island who after the fairest Professions have shewn themselves our invetirate Enemies induced me to give Directions that all Persons of known Enmity or doubtful Character should be removed from Places where they might enter into a Correspondence with the Enemy & aid them in their Schemes. For this

End General Heard had Directions to apprehend such Persons as from their Conduct had shewn themselves inimical or whose Situations, Connections or Offices gave just Cause of Suspicion. I have no Knowledge of the Persons apprehended but suppose General Heard had good Reasons for taking hold of these. However if [there] are any whom from your personal Knowledge & Opinion you think may be permitted to return I have no Objection & sending the others to the Provincial Congress for their Disposal. But as to the former I would suggest to you that my Tenderness has been often abused & I have had Reason to repent the Indulgence shewn them. I would shew them all possible Humanity & Kindness consistent with our own Safety—but Matters are now too far advanced to sacrifice any Thing to Punctilio.

I have given Directions to forward you a Supply of Ammunition—but must beg you to inculcate the utmost Frugality & Care of it as we have no Superfluity. This Supply consists of Cartridges, some loose Powder & Lead. If you have any Occasin for Ammunition for Field Peices which the latter will not supply I will endeavour to assist you but I would wish you to make no more Draughts than are absolutely necessary.

General Mercer has just sett off for Jersey in his Experience & Judgment you may repose great Confidence. He will proceed to Amboy after conferring with you.¹

You will please to keep me constantly informed of the Proceedings of the Enemy & be assured of every Assistance & Attention from Sir Your most obedient & very Humble Servant

GO: WASHINGTON

LS, MHi. In the hand of Joseph Reed.

1. In a letter to John Hancock, July 4–5, 1776, George Washington noted that on July 3 he had ordered Brig. Gen. Hugh Mercer to supervise the deployment of troops in New Jersey (Fitzpatrick, *Writings of Washington*, 5:222).

To John Duyckinck

[Elizabeth Town] July 6 1776

Sir

Immediately on receipt of your Letter, I detached off 2 Companies of Hunterdon Militia and two Companies of Morris Militia amounting in the whole to 250 Men, being all the reinforcement I can

possibly send you, unless I should supersede your Command, which I am loath to do, as I am quite Satisfied with your Behaviour.¹ Am etc.

Df, MHi. In the hand of Elias Boudinot.

1. If Duyckinck's force were increased, it would have to be commanded by a higher-ranking officer.

From Joseph Reed

New York Head Quarters July 6[7].¹ 1. oClock

Sir

Since sealing the Letter which accompanies this² I have Reason to think Col. Ford's Regiment did not stay at Bergen as we expected. Whether he did not receive the Orders, or finding the other Militia all going home he thought it too hard to stay I don't learn: But it interferes very much with the Plan of our Operations here to be obliged to detach any more Troops to that Place & yet it must be done if the Militia cannot be prevailed to do that Duty. We were in Hopes 500 of them might have been induced to stay there as their principal Difficulty seemed to be coming over to this Place.

If that Number of the Militia more distant could come over & take upon them the Guard of that Pass untill the Troops from New England or else where could releive them (which may be in a very short Time) it would be an acceptable Service: But at present all other Attendance from them may be dispensed with & you will be pleased to regulate it accordingly. Col. Puttnam³ was so engaged that he could not go over to day—but nothing particular happening you will see him in a very short Time & have his Advice about any Works necessary to be thrown up for your Defence & Security. I am with much Respect & Regard Dear Sir Your most Obedient & very Humble Servant.

JOS: REED

ALS, MHi.

1. This letter, referred to in future correspondence as a letter of July 6, was in fact written at 1:00 A.M., July 7.

2. See George Washington to WL, July 6, 1776.

3. Col. Rufus Putnam.

To Joseph Reed

[Elizabeth Town, July 7, 1776]

Sir

Your favours of yesterday¹ are duly recieved by which I am informed that Colonel Ford has left his Post at Bergen. This much surprizes me as I have not heard a Word of it before, and I should have expected Colonel Ford would have acquainted me with it, that measures might have been taken to have supplied it. I ordered Colonel Ward² with the New Ark Militia to Hackensack Ferry & along the Bay side on Bergen the Day before yesterday who I hope still Continues there, and may be sufficient untill I can forward some relief from West Jersey, whose Militia I hope will soon arrive to assist those who turned out on the first Alarm. As to Colonel Drake of the Morris Militia I was under a necessity of countermanding his orders³ for marching on to Paulus Hook or Bergen, and detached 120 of his Men to Amboy with 2 Companies of the Hunterdon Militia, (the only 2 Jersey Troops that are arrived) and the rest I have sent to rhaway River to cover the Shore thereabouts as it is an Inlet to the Post Road.⁴

By the first Western Troops, Colonel Ward & Colonel Ford (if still on Bergen) shall be relieved. Am etc.

Df, MHi. In the hand of Elias Boudinot.

1. See George Washington to WL, July 6, 1776, and Joseph Reed to WL, July 6, 1776.

2. Lt. Col. Mathias Ward.

3. Col. Jacob Drake had originally been ordered to march to New York via Paulus Hook. See WL to George Washington, July 5, 1776. He was finally ordered to reinforce Maj. John Duyckinck at Perth Amboy.

4. See WL to Samuel Tucker, July 6, 1776, for a detailed account of the final deployment of the troops.

From John Duyckinck

Amboy July 7th. 1776

Dear Sir

Your favor of yesterday with the Detachment therein mentioned are Arrived and am very glad to find it has much spirited the Men, but

they are greatly Concerned about their Harvest & think the more hard of Confinement to the Service as they understand that a great part of the Militia from other Counties are returning home.

As our first Orders were for the Whole Militia I have given no Discharges (except for the Sick). Therefore the General will please to Inform me how to act. I take all means to keep the men together even by sending to the Committees¹ requesting them to send all men back which should leave us, which is Complied with. If we are so Strickt & the other Counties Indulged the men will have Cause of Complaint.

You mention you can not send any more men unless you Supercede me which you're loath to do, am much oblidge to you for your good opinion & shall always endeavour to act in such a manner as may deserve your esteem, but begg the General if he thinks more men necessary at this place would pay no regard as to the Superceding me in Command provided he be a good man and a Man now above me in Command. I should be glad the General would Immediately take into Consideration wether any should be discharged for Harvest & let me know [by] return of bearer.

I think it would be proper to have Breastworks hove up in such places as is Supposed they may land if they attackt this place, & Breastworks Back of the Town in case they should land any place above & attackt in the rear. If the General's opinion Corresponds with mine a Person acquainted with Intrenching will be necessary for our Instruction. The men will now have Leisure time & can do a great deal of work without much Fatigue by being frequently relieved. If now attackt by them have no advantage over them as to Situation of the Ground am Sir Your Humble Servant

JNO: DUYCKINCK, Major

ALS, MHi.

1. Town committees of observation or correspondence.

To George Washington

Elizabeth Town July 7. 1776.

May it please your Excellency,

By Capt. Swan of the new Levies just going off for the City, I take the Liberty of enclosing a Rough Draught of the Sound & Jersey Shore

from Elizabeth Point to Amboy, with an Abstract of the different Posts I have directed along the same.¹

Altho' this may not be of any essential Service, yet I thought it not amiss; as it might give You an Idea of what I had done, that your Excellency might rectify any Thing that was amiss in the Arrangement.

Since writing the above, a deserter is brought into me, whose Examination I have taken & therefore enclose it,² & forward this by Express, lest it should be delayed. I have also this Moment received Intelligence from Philadilphia, that the Pensylvania forces marched the 5 instant to our Assistance, and that the principal Part of the Strength of Pennsylvania will soon be on their March for the same benevolent Purpose.

I received your Excellency's Letter respecting the Persons apprehended at Amboy, & I shall send them all (except Smith, whom I think I can trust on his parole), to the Convention to Morrow morning. I have the honor to be your Excellencys most humble Servant

WIL: LIVINGSTON

LS, DLC:GW.

1. Enclosure not found.

2. This enclosure is an account of the British arrival from Halifax given by a deserter, James McFarlan, an English light infantryman. He reports that the army is awaiting reinforcements from England. He discloses that the English troops he has seen are suffering from a shortage of food (Examination of James McFarlan, July [7], 1776 [DLC:GW]).

From George Washington

Head Quarters New York, July 8. 1776

Sir

Your favour of yesterday with the Inclosures is received.

Col. Puttnam¹ went over yesterday & after doing what is necessary at Bergen will proceed to Eliza. Town & from thence to Amboy. He is our principal Engineer & may depended upon for Skill & Industry.

The Deserter whose Examination you sent was brought over last Evening. Two others from the Fleet came up this Morning. Their Accounts correspond pretty [exact]. The latter inform us that Capt. Morris² & Elisha [. . .] of Monmouth County came down to the Hook a few Days ago with 60 Men & are now on Staten Island.³ It may be

proper this should be made known to the Committee of their County or some other Authority that proper Measures may be taken as to their Families & Effects. As we may expect Deserters daily I would wish that you would take their Examinations & forward to me but dispose of their Persons so as they may do us no Prejudice if they should be inclined. The Congress have allowed 4 Dollars to every Deserter without his Arms & 14 to those who desert with. The[se] Expences on being ascertained I will direct to be paid here, unless you could negotiate it directly thro the Congress which I should prefer.

In the Examination of Deserters you will please to interrogate them particularly as to the Numbers & Health of their Army. The prevailing Opinion among the Soldiery of their Plan & Intentions for the Persons of their Rank cannot be supposed to be acquainted with Particulars or any special Expedition, it is very observable that they have a general Knowledge of their Strength expected Reinforcements & the great Plan.

Considering our Situation & Advantage I should think it very practicable (if suitable Persons could be found for the Purpose) to have constant Intelligence of their Proceedings, the State of their Guards etc. I wish you would with some confidential Persons hear your Thoughts upon this Subject. As the gaining Intelligence is of the last⁴ Importance & the Intercourse they admit & encourage with the Inhabitants seems to afford a fair Opportunity of establishing a Correspondence of this Nature.

A Quantity of Musket Cartridges was sent over yesterday to Powles Hook to the Care of Col. Durkee to be delivered to your Order. You will please to recommend the greatest Care in keeping & Frugality in using them & particularly to caution the Officers & Soldiers against firing at great Distances, an Error to which young Troops are much exposed & which occasions a great Waste of Ammunition. I am Sir, with much Regard Your most Obedient & very Humble Servant

GO: WASHINGTON

LS, MHi. Mutilated. In the hand of Joseph Reed.

1. Lt. Col. Rufus Putnam.

2. John Morris.

3. On June 26 and July 3, the New Jersey Provincial Congress had dispatched soldiers from Burlington and Monmouth counties to suppress an armed insurrection in Monmouth (*Prov. Congress*, 476, 489).

4. last: utmost, extreme.

To Joseph Reed

Elizabeth Town 8 July 1776

Sir

Enclosed you have an Examination of one Wm. Ash, who was taken & carried to Staten Island some days ago.¹ From every Thing I can discover of the movements of the Enemy, they are scattered rather in a Careless manner over the whole Island, at least round the North & Western Shores. Your & Gen. Washingtons favours of yesterday & this day came safe to hand and be assured I shall keep you well informed of every thing that comes to my Knowledge. Agreeable to your Advice, I sent to Paulus Hook for the Ammunition, with an order on the Commanding Officer there (before I had recieved yours mentioning his Name)² but the Messenger is returned with an Account that the Commanding Officer has none, nor does he know any Thing of your sending any there.

On enquiring after the Gandrick Hendricks you mention,³ no such Person could be found, on which it was suspected that the Place was Mistaken, and that Middle Town Point was the Place intended. On which I forwarded Lieut. Dunham to that Place, with proper directions and he has been so successfull as to bring the Man with him. He denies every Charge against him but as the Witnesses are with you I send him on.

Nothing material has happened here since yesterday excepting the arrival of a 20 Gun Ship in the road⁴ at Amboy.

As we are in great want of Ammunition, I must beg you will give some orders relating to the forwarding it on.

Df, MHi. In the hand of Elias Boudinot.

1. Capt. William Ashe had been sent from Staten Island with a pass from Sir William Howe (Examination is in DLC:GW).

2. Lt. Col. John Durkee.

3. Refer to Joseph Reed to WL, July 7, 1776 (MHi). WL provides an incorrect first name for Hendricks. Conrad Hendricks was brought back to New Jersey; he was examined and discharged by the Provincial Congress on July 19 (*Prov. Congress*, 514).

4. road: a sheltered body of water near shore where vessels may lie at anchor in safety.

To Stephen Skinner

[Elizabeth Town, July 8, 1776]

<General Livingston's Compliments to Mr. Skinner and the Gentlemen with him at Mrs. Graham's and informs them that excepting Mr. Smith¹ they are to go to Trenton, and to be under the Direction of the Provincial Congress there.² The General gives the Gentlemen this early Intelligence hoping they will be ready to set off from this Place so as to reach Brunswick this Evening.>An officer will wait on them as soon as they are ready for their Journey.³

A suspicion of those Gentleman's favouring the measures of the Enemy, & the danger from their Situation of their Corresponding with them is assigned as the Reason of their being transmitted to<general Livingstons Care and from him to the P. Congress.⁴>

ADf, MHi. Portions in angle brackets in the hand of Elias Boudinot.

1. John Smyth. Between "Smith" and "they," the following passage has been crossed out: "the Express From General Washington is returned and in Consequence thereof."

2. With the exception of John Smyth, this group of prisoners was temporarily paroled within the limits of Trenton by the Provincial Congress on July 9. On July 13 the prisoners were paroled to various locations throughout the state (*Prov. Congress*, 497-99, 503-5).

3. A sentence concluding the paragraph, in the hand of Elias Boudinot, has been crossed out. It reads: "General Livingston knows of no other reasons for those Measures, than a general Suspicion of these Gentlemen, least they should hold a Correspondence which gives Intelligence to the Enemy."

4. After "transmitted to," WL originally wrote, "Me [...] to prevent such their apprehended Designs, being only [...] suffices in the Case & obliged to obey the Directives of his Superiors." The passage has been replaced by the phrase in the text.

To John Duyckinck

Elizabeth Town Head Quarters July 8: 1776.

Sir

I can give You no particular Orders at present farther than to prevent the Enemy's landing if possible, but if they should be so strong, as to render that impracticable, You will harrass them as far as

is consistent with a prudent Retreat & to keep them from coming into the Country, as I will reinforce You as soon as possible.¹ You must keep me informed of every Movement they make from Time to Time.

Generel Mercer from New-York is here, and will be with You this Afternoon. Am Sir Your Humble Servant

Df, MHi.

1. For Duyckinck's request for more troops, see John Duyckinck to WL, July 7, 1776.

To George Everson

H.Q. Eliz. Town July 8 1776

Sir,

As I am in great want of a Quarter Master General, and have wrote to the Congress for such an Officer, but none being yet appointed, I must beg you will execute that office until I hear from the Congress.¹

Df, MHi. In the hand of Elias Boudinot.

1. See WL to Samuel Tucker, July 6, 1776.

To Samuel Tucker

E Town July 8 1776

Sir

I am sorry to trouble you again with two Prisoners just sent down to me in Consequence of orders from Gen. Washington. Mr. John Richards has been long notoriously disaffected to the Cause of american Freedom and from the best information has done more injury in the County where he lives than any other Person whatever. Dr. Hicks the other Prisoner, I know nothing of him farther than that he is on half pay from the Crown of England and greatly disaffected to the american Cause.¹

If you have not appointed an adjutant General, I should beg leave to recommend to the Choice of the Congress Mr. William Bott of Springfield as a Person who would execute that office as well as any

one I can think of.² He has been in the regular Service, understands his Business & is extremely active and punctual.

A Quarter Master General I am in great want of, and must beg one may immediately be appointed. Mr. George Everson of this Town would be a very usefull Person in that department & acts in it at present. I am etc.

Df, MHi. In the hand of Elias Boudinot.

1. On July 10 the Provincial Congress ordered John Richards and Dr. John Hicks not to depart from Trenton without leave of Congress. On July 13 Richards and Hicks received permission from that body to return to their homes (*Prov. Congress*, 498, 505).

2. On July 12 the Provincial Congress appointed William Bott adjutant general of the New Jersey militia (*Prov. Congress*, 500).

To Thomas Cadmus, Jr.

Head Quarters Eliz. Town July 8 1776

Sir

That there was a Guard at New Ark Ferry, I was no Stranger to, but your orders on Saturday last were to appoint one from your Battalion & relieve those that were there that they might join their own Corps which not being done was the Cause of Complaint.

You are hereby ordered to Call on the Chairman of the County Committee¹ & require him immediately to furnish you with Boards to make Coverings for the Men and proper Utensils to dress their Provision. You are also to require the deputy Commissary at New Ark to furnish a Horse & Cart that one Man may take the Provision to the rest as it is not prudent to have the Guard travelling three Miles for their Provision. If you can remedy the Inconvenience of the badness of Water, by hauling Water from a distance, you must employ Teams for that Purpose, but I should think the easiest method would be frequently to relieve the Guard. Am etc.

Df, MHi. In the hand of Elias Boudinot.

1. Dr. William Burnet, Sr., of Newark was chairman of the Essex County Committee of Correspondence (*Prov. Congress*, 112–13).

To Dirck Middagh

Elizabeth Town 9 July 1776

Sir

The Bearer hereof Lt. Colonel Ten Eyck will be with you in the Morning with Part of two Companies he will releive you Man for Man.¹ You will therefore give an Equal Number Leave to go home for one Week, so that the Labour may be as equal as Possible. You will be pleased to call here on your way home. The releif must be supplied with a proper Number of Cartridges from those who return home. I am yours etc.

Df, MHi. In the hand of William Livingston, Jr.

1. Eighty-two of Maj. Dirck Middagh's men had been stationed at Newark Ferry for eight days. Eighty more men were posted at Bergen (Dirck Middagh to WL, July 8, 1776 [MHi]). WL had first informed Middagh in a letter of July 8 (MHi) that his company would be relieved.

From Samuel Tucker

Trenton July 9th 1776

Dear Sir

Your Letter of the 6th Current¹ was this Day Read in Congress and I Can assure you I am fully Convinced that you have a most [. . .] Task upon your hands. I am Exceedingly Chagrind at your being Taken from the Cabinet to the Field for the one you have ample faculties, for the other you Complain you are unqualefied, however I am Convinced that you have abeleties, and that you will Exert them for the best purposes.

I Can Inform you that the Commissioners from this Town are on their Journey to you with knapsacks flints Canteens Lead etc.² and a battallion of Rifflemen are gone to Brunswick that as I am Informed three battallions more from Pennsylvania are now on their march Towards new Brunswick at or near which place the flying Camp is to be formed.³

As for money matters of which you Complain I must Inform you that Mr. Isaac Woodruff of your Town and Mr. John Ross of Bonham Town are appointed Commissioners to Draw the money out of the Treasury and pay such of the Militia as are on actual Service for one month. Mr. Woodruff and Mr. Ross were appointed Commissioners this session in the Room of Abraham Clark and Caleb Camp Esqrs.⁴ I write you this on my [. . .] in Congress you will have a more full account in answer from Congress but as we have a Thin house at Present and much business on hand you mention the Congress moveing to Brunswick in that I must beg Leave to Dissent, as all our Resourses are at Present from the westward, we are now at a Proper Distance from both the Seat of warr and the Continental Congress. I am now Interrupted and must Conclude with my most warmest wishes for your Success and am with Tenders of Service your Most Humble Servant

SAM TUCKER

P.S. Independance was yesterday afternoon Proclaimed in this Town.

ALS, MHi.

1. See WL to Samuel Tucker, July 6, 1776.

2. For a list of the commissioners see WL to Samuel Tucker, July 6, 1776.

3. The militia of Bucks, Berks, and Northampton counties, Pennsylvania, had been directed by a resolve of the Continental Congress of July 5, 1776, to march directly to New Brunswick (JCC, 5:508, 519). See Abraham Clark to WL, July 5, 1776.

4. *Prov. Congress*, 459.

To Jonathan Deare

Elizabeth July 9th 1776

Sir

In Answer to yours of yesterdays date;¹ the reason of my sending the Convention the persons who were brought to me from Amboy,² was their being charged with being notoriously suspected Tories & disaffected to the Cause of american Liberty; & my reason for sending those who came to me from woodbridge was that they were brought to me without any charge whatsoever. The guard who had them in charge delivered me a Paper of which the inclosed is a Copy; & whether

I ought to deprive people of their Liberty meerly because they were sent to me, without any Crime whatsoever alledged against them I leave you to judge.³ But If either you or the Committee will remit them to me with the above charge, I shall immediately send them to Trenton, but I think it best to save the time of their coming here, & that you send them yourself. I hereby order any Guard You appoint for that purpose to convey them to the Chairman of the Committee of Brunswick to be sent along to Trenton. I am your humble Servant.

ADf, MHi.

1. Letter not found.
2. Nathaniel Heard to John Duyckinck, July 6, 1776, is an arrest order for this group of Loyalists (MHi).
3. WL had received an order for the seizure of Woodbridge Loyalists, but there were no charges appended.

From Hugh Mercer

Amboy 9 July 1776

Sir,

Inclosed is a Copy of the order¹ to secure the suspected Persons residing in this Town by which it appears that the Gentlemen whose Names were mentioned in the Generals Letter as disaffected were not given to Major Duyckinck. If you think it proper that they be now secured please to send an order to the Major for that Purpose. I have the Favour to be Sir Your most obedient Servant

H. MERCER

ALS, MHi.

1. Enclosure not found.

To Hugh Mercer

Eliza. Town July 10 1776

Sir,

Your favour of yesterday Came safe to hand, and with regard to the Gentlemen you mention,¹ I am doubtfull of the Propriety of proceeding against them, as they were not mentioned in any Letter from

General Washington or in any Official Letter from Mr. Reed, but in a private Letter from him to Mr. Boudinot, which I presume you mistook for one from General Washington. Enclosed you have the Estimates of Provision in Robt. Ogden's Custody and of the Militia of New Jersey.² I mean such as may be depended on, but then you will remember that the farthest County is almost 200 Miles from hence.

Mr. Ogden says Mr. Dunham will report to you himself, the Provisions in his Care.

I find by the Publick Papers,³ that the Pennsylvania Militia are to rendezvous at Brunswick and Trenton, I suppose there to wait your Orders. I could earnestly wish whenever it can be done with propriety that a proportion of them may relieve the Militia in this Quarter & on Bergen, till they can get their Harvest in, as they grow more & more uneasy, and indeed the Harvest is a publick Concern.

Df, MHi. In the hand of Elias Boudinot.

1. Brig. Gen. Hugh Mercer's letter does not name the Loyalists.
2. Enclosure not found.
3. *Pa. Packet*, July 8, 1776.

From Hugh Mercer

Amboy 10 July 1776

Sir

I received your favour just now and shall pay due attention to the relieving the Militia at all the Posts you mention as soon as those from Pennsylv arrive.¹ I expect to day a Rifle Company, intended I presume to form part of the Army to be assembled here. They will in the mean time give occasion to part with some of the Militia. Two hundred were releived from Duty to day and I assure you Sir it will yeild me very great pleasure to indulge the whole in like manner. Col. Lowrie sett off to day for N York to inform the Commissary General of what he & Mr. Denham² had purchased. I find they have upwards 80,000 of Pickled Pork & a great Stock of Flour & fatt [Bacon]. A Company is just come in from Burlington—partly of the New levies³ to go to N York—the Remainder Militia, which I shall order to Elizabeth Town, to releive such men on duty there or elsewhere as you may judge necessary. I have the honour to be Sir your most obedient Servant

HUGH MERCER

ALS, MHi.

1. Brig. Gen. Hugh Mercer had written George Washington on July 9, 1776 (DLC:GW), that he would dismiss some of the New Jersey militia temporarily to let them secure their harvest. Pennsylvania militiamen had arrived at their posts in New Jersey by July 19.

2. Lt. Col. Azariah Dunham.

3. New levies were part of Pennsylvania's six-thousand-man contingent for the flying camp. The others were those sent by a resolve of July 5 (*JCC*, 5:519–20).

From Joseph Reed

Head Quarters July 10. 1776

Sir

Your Favour of the 8. inclosing Ash's Examination came to Hand last Evening. The Order for the Ammunition was given last Sunday—immediately on the Receipt of your Letter¹ Inquiry was made of the Commissary by what Means it had been omitted who excuses himself by saying that on examining the Cartridges most of them were made with Ounce Ball & he was obliged to delay till he could get proper Sizes. He has the General's positive Orders to forward them with all Expedition. Col. Ford had Directions yesterday to forward some Cartridges for Field Peices which had been sent to Bergen for another Purpose, over to the Artillery Officer at the Ferry.

You may depend upon my particular Attention to the Ammunition as well as your other Commands. I am with much Regard Sir Your most obedient Humble Servant

Jos: REED Adjutant General

ALS, MHi.

1. See WL to George Washington, July 6, 1776.

From Samuel Tucker

[Trenton] New Jersey, July 10th., 1776.

Sir,

By the inclosed Resolve you will perceive the Mind of Congress relative to our Eastern Treasury & Treasurer.¹ We think it necessary to secure them, as we are doubtful of the good Intentions of the Treasurer, & the Security of the Money, a great Part of which, lately struck for the Loan Office, is said to be yet at Perth Amboy.

As it gives us Pain to keep Men confined without knowing the Cause, & we dare not set People at Liberty, whom we find suspected by our Generals, we are much embarrassed with the Amboy & other Prisoners sent us Yesterday.² We could therefore wish you to procure us, if possible, a Copy of the Orders upon which they were apprehended, together with all such further Lights upon that Head as you can procure.

We have Advice of four Tons of Gun Powder more coming forward³ in Consequence of our late Application for the Use of our Militia; and a large Part of the Militia of Pennsylvania are ordered forward to assist us. [. . .] Battalion of their Riflemen we hope are with [. . .] this.

We hope [. . .]⁴ opportunity to send you a more full Answer to your Letter of the 6th. Instant relative to the State of your little Army; and are your obedient humble Servant. By order of Congress

SAM TUCKER President

LS, MHi. Mutilated. In the hand of William Paterson.

1. On July 10 the Provincial Congress had resolved that WL "be directed to apprehend the person of the late Treasurer, John Smyth, Esq., and remove him . . . under guard to Trenton" (*Prov. Congress*, 499).

2. See WL to George Washington, July 6, 1776, and WL to Samuel Tucker, July 8, 1776. WL had sent the prisoners to Trenton on the recommendation of George Washington (see George Washington to WL, July 6, 1776) and had clarified this action in his letter to Jonathan Deare, July 9, 1776. See WL to Jonathan Deare, July 9, 1776.

3. The Provincial Congress received a letter from Abraham Clark on July 10 saying that the Continental Congress had ordered four tons of powder sent immediately to New Jersey (*Prov. Congress*, 498).

4. Three words missing.

To Samuel Tucker

[Elizabeth Town, July 11, 1776]

Sir

Your favours by Mr. Olden are just received and shall immediately send to Amboy & order Mr. Smyth to Trenton.¹ I had previously taken his Parole which will render it easier to carry your Orders into Execution. As to the Gentlemen sent you from hence, I know nothing

further than the general Charge sent with them, on which Account alone General Washington ordered them to be apprehended, and desired that they might be removed to some Place of greater Safety, as he thought it very dangerous to the comon Cause that they should be suffered to remain in their then Situation.² He has been so greatly decieved by several Gentlemen of the like Standing in New York that he urges the necessity of a timely Case for the future.

I earnestly wish the Arrival of the Pennsylvania forces as it is more than probable the critical Moment will be lost, [. . .] they reach this, unless the utmost dispatch is made. You say nothing of the Adjutant & Quarter Master General; Unless these Appointments are very speedily made it will be impossible to keep the least regularity in the different Arrangements. The Enemy still remain inactive on Staten Island waiting the arrival of the reinforcements so that I hope our works at the Point will get Completed. By a Deserter & others we learn their Strength to be about 8000.

Df, MHi. In the hand of Elias Boudinot.

1. John Smyth. On July 15 a committee appointed to investigate the status of the Eastern treasury reported that it had met with Smyth and received £4,944 in his possession (*Prov. Congress*, 505–6).

2. See George Washington to WL, July 6, 1776.

To Hugh Mercer

[Elizabeth Town, July 11, 1776]

Sir,

Yesterday I had the Pleasure of recieving from General Washington 50000 Cartridges of different sizes, and this Morning I have recieved advice from the Provincial Congress that they expect 2 Tons of Powder are on the Way to this Province from the Westward.¹

Our People at the Point, took a Prisoner yesterday off of the Staten Island Meadows, a Copy of whose Examination I enclose.² He appears to be a stout hearty resolute fellow.

This Morning I recieved an order of our Provincial Congress, for apprehending Mr. John Smyth of Amboy with his Books, publick Money & Papers & conveying them to Trenton. Enclosed is a Copy of the

order. I have heretofore taken his Parole (a Copy enclosed)³ and as he is a Man of Integrity, I doubt not but he will do every Thing towards forwarding the matter in his Power. I have wrote to Major Deare⁴ who I think to be the most proper Person to accompany him to Trenton as he is well acquainted with the Office & Papers. It should be some discreet Person as the Papers must be of great Value.

Df, MHi. In the hand of Elias Boudinot.

1. On the shipment of gunpowder, see Samuel Tucker to WL, July 5 and 10, 1776.
2. Enclosure not found. Possibly William Gardner.
3. Enclosures not found.
4. Letter not found. An ordinance passed by the New Jersey Convention on August 21, 1776, granted "To Lieutenant-Colonel Jonathan Deare, two Pounds eighteen Shillings and six pence, in full of his account for conducting the Eastern Treasurer from Amboy to Trenton" (*Prov. Congress*, 576). Smyth eventually fled to New York.

To the Chairman or Deputy Chairman of the Morris County Committee¹

[Elizabeth Town, July 11, 1776]

Herewith will be delivered to you Wm. Gardner a Prisoner taken from the Enemy. You will be pleased to keep him a Close Prisoner, so that he may have no Chance of Escaping. A Centry ought to be kept on him—but in all other Matters, I should be glad he might be treated with humanity & tenderness. He must have the usual allowance of a Soldier in the Continental Service, and if you could provide him with a new Shirt & Trowsers that he may be kept Clean. Whatever Expence accrues will be a comon Charge. Am Sir Your Humble Servant

Df, MHi. In the hand of Elias Boudinot.

1. The name of the chairman or deputy chairman is not known.

From Thomas Cadmus

Newark July 11th 1776

Sir

There is a Company in my Battalion of whom Robert Drummond Esqr. was Captain & Mr. Teunis Jeraleson first Lieutenant who were commissioned from Congress accordingly. Some Time ago there was a dispute arose in the Company, and the Capt. prevailed on some of the Men as I was informed to choose some new officers. When I received orders to march my Battalion to New York, I sent orders to Mr. Jeraleson as Commanding officer of that Company (Capt. Drummond being at Congress, and I knew of no officers but such as had received proper Commissions) to appear with the Men etc. but Mr. Jeraleson did not think proper to attend, or send any Excuse for his disobedience. When I received your orders yesterday to relieve Col. Ward,¹ I again sent written orders to Mr. Jeraleson to attend and take the Command of his Company—to which I recieved this Day the Inclosed answer.² If such Conduct is passed by in an officer at this critical Juncture, the most dangerous Consequences may result to the publick therefrom. I should think myself fully justified in putting him under immediate Arrest and sending him to your honor in that situation. But least I should be thought to do any thing too rigorously; I judged it most prudent to inform you Sir, of the Circumstances and beg your orders [. . .] in. If Gentlemen are appointed officers and refuse acting such without resigning their Commissions it will be impossible for me ever to execute any Orders you may please to send. I am Sir Your most Obedient Servant

THOS. CADMUS

ALS, MHi.

1. Lt. Col. Mathias Ward. Orders not found.

2. Teunis Jeraleson to Thomas Cadmus, July 11, 1776 (MHi). Jeraleson claimed not to command the company in question.

To Thomas Cadmus

Eliz. Town Head Quarters July 12 1776

Sir

As to your Complaint against Mr. Jeraleston I can only say, that it is your duty to obey the orders your receive from your Superior Officers and if any of the Officers under your Command shall obstinately refuse to obey your orders, you are to put such officer in immediate arrest & report the same to me that he may be properly tried by a Court Martial, and in the mean Time the next in Command must take his Place. I am etc.

Df, MHi. In the hand of Elias Boudinot.

From Jacob Drake, Jr.

Hed quarters Edgar Landing July 12 1776

Dear Sir

The Barer Captin Losey¹ is this morning com to See you to no what the Reason is that Part of my Ridgment is Sent Hom and the others Kept as it gives me a great Deal of troble To Keep the Rest. Our harvest is now Ripe and my men is very uneasey to think that thay are Kept hear and luse what Must Seport thare children. I am very Sik my Self at this time and cant go To See Them and am afraid Thay will go A way with out Libbarty which I Should be very Sorey for thare woold not have been no troble had all The men [. . .] kept, but Thay are Discharged with out My knoledge. [. . .] That all be Discharg as Soon as Posable [. . .] can with Safty to The caus. I woold Pray an Answer By the Barer. Your Most obeadent

JACOB DRAKE JR.

P.S. You must guess I am very Sik with the Agou at this Time

ALS, MHi. Mutilated.

1. Capt. Nathan Luse.

To Jacob Drake, Jr.

Head Quarters Eliz Town July 12 1776

Sir

<I have not discharged a single Man from your Regiment, if any have been so, it must have been by General Mercer who out of Tenderness to the present State of the Country has done it without knowing that your Men ought to have been the last discharged as Coming last.

I am sorry to say¹ that your Regiment who have suffered the least are the most clamorous, but as they are all equally interested in the defence of their Country with myself, all I can say is that if they should mutiny & depart without your Orders, you will please to report the Name of every such Person to me, and they must abide the Consequence. I can do no more than to see strict Justice done in the several reliefs as new Troops Come in>& they may depend upon being relieved as soon as it is in my power to do it consistant with the general Good, & the impartial Justice due to others of our militia. I am Sir your most humble Servant

ADf, MHi. Portion in angle brackets in the hand of Elias Boudinot.

1. This paragraph originally began, "It is a little extraordinary." The phrase was later replaced by the one in the text.

From Samuel Tucker

In Provincial Congress, New Jersey, Trenton, July 12., 1776

Sir,

You have inclosed a Commission for Mr. Bott as Adjutant-General.¹ We were about to have appointed a Quarter-Master-General; when Col. Biddle made his Appearance with that Commission from Continental Congress for the Militia of the two Provinces.² We have pressed him to pay you a Visit, which he will do, as soon as he can possibly dispense with his Attendance on the Pennsylvania Forces, great Numbers of whom are arriving.³ Their Regulars proceed on; and we have applied most pressingly to Continental Congress to order the whole Body, or at least a great Part of them forward.⁴ Captain Hugg

with the Western Artillery is going on, & two Companies of Salem Militia for General Heard. Also one from Cumberland.

Col. Biddle seems to think an Order from General Washington would be sufficient to forward any Number of the Pennsylvanians he may think fit. Pray apply to him if you judge it proper.

We send inclosed also sundry Commissions for General Heard, & some Officers of his Brigade, which we hope you will be able to forward.⁵ I am your obedient humble Servant. By Order of Congress

<SAML TUCKER President

P.S. Col. Anderson,⁶ the Bearer, we find, is appointed Deputy Adjutant General; we are apprehensive for New Jersey. Lest his appointment & Botts should interfere, pray keep Bott's Commission 'till You can be satisfied in this Particular.⁷>

LS, MHi. In the hand of William Paterson, except for the portion in angle brackets.

1. Enclosure not found. For Bott's appointment, see WL to Samuel Tucker, July 8, 1776.

2. Clement Biddle had been appointed deputy quartermaster general for both the New Jersey militia and the Pennsylvania forces on July 8. Refer to New Jersey Convention to Continental Congress, July 6, 1776, requesting that the appointment be made (DNA:PCC, 68).

3. On July 13 Biddle wrote WL (MHi) that six hundred militia from Pennsylvania had arrived at Trenton and many more were expected.

4. New Jersey Convention to Continental Congress, July 9, 1776 (DNA:PCC, 68).

5. Enclosures not found.

6. Ephraim Anderson was not a colonel. He had been elected adjutant of the Second New Jersey Battalion on November 27, 1775. Tucker's confusion about Anderson's rank reflects a general uncertainty over the adjutant's status at this time. The term *adjutant* did not represent a military rank but could be applied to any officer or civilian who assisted a high-ranking officer as a secretary or who served as a liaison officer. On September 19, 1776, the Continental Congress resolved that adjutants be given the rank of first lieutenant (JCC, 3:376; 5:787).

7. Tucker did not realize that Ephraim Anderson was a Continental army appointee and William Bott a New Jersey militia nominee.

To Samuel Tucker

[Elizabeth Town, July 13–15, 1776]

Sir

The extreme difficulty attending the present Service, on account of our whole Militia being but barely sufficient to station the several

Posts that are now occupied, while many important Passes are left entirely exposed, and our Harvests perishing for want of Hands to cut it, makes it necessary to give your Congress the Trouble of an Application on this head. Why we have been deserted in this Moment of common Danger by our Western Bretheren I cannot say, but true it is that we have had but two small Companies of the Hunterdon Militia that appeared for our aid excepting Colonel Lowries detachment which arrived at Amboy but very lately, while almost every individual have turned out in the several Eastern Counties. We have had many Reports of our Bretheren of Pennsylvania nobly designing our Relief, but have been much surprised this Day on hearing that they are Encamped at Trenton.¹ Of what use they can possibly be so far from the Scene of Action I cannot say, while the golden Moment is passing away in which alone the Enemy may be attacked with Advantage.²

I am apprehensive that the utmost Diligence of our Western Friends will not entirely retrieve past delays, as a strong Reinforcement is daily expected, by the Enemy. An attention to our present Situation I doubt not will lead you to hasten all the reinforcements in your Power that our People may get in their Harvests, when I dare venture to answer for their Zeal & Activity having already experienced greater Proofs of both than can easily be expressed.

Df, MHi. In the hand of Elias Boudinot.

1. A committee of the Continental Congress resolved on July 5 that Trenton was to be the rendezvous site for the Pennsylvania militia.

2. The Pennsylvania militia arrived at Trenton so ill equipped that Deputy Quartermaster Gen. Clement Biddle was unable to order them to proceed to Amboy. Refer to Clement Biddle to WL, July 13, 1776 (MHi).

To Joseph Reed

Elizabeth Town 13 July 1776

Dear Sir

The President of our Provincial Convention in a Letter this moment received has the following paragraph—"Colonel Biddle seems to think that an order from General Washington would be sufficient to forward any Number of the Pennsilvanians he may think fit. Pray apply to him if you judge it proper." He had before told me in his Letter that great

Numbers were arriving in Trenton, where if they continue they will be of no use to us in New York. Our Men are vastly anxious about their Harvest. Could they be relieved by the Pennsilvanians, it [. . .] our Crops. Were the Latter ordered to New York if more men are wanted there, we might so spell ours here as to gather their harvest. Yours of yesterday I have received.¹ I am Sir your most humble Servant

ADf, MHi.

1. Letter not found.

To Hugh Mercer

Elizabeth Town 15 July 1776

Sir

Yours of yesterdays date I duly received.¹ Our Men stationed at the Point & in this Town amounting to about 600 begin to be so exceeding uneasy about their harvest that I fear it will be difficult to keep them much longer. If you have the Command of the Pennsylvania Troops now at Trenton, it would be a prodigious case to our people here to order them up without delay.² The same Camp Equipage that serves our men now would serve them, the same Expence the public is put to on their account now, would keep them here, & the Expence of maintaining our men be clearly saved. If you have not the Command of them I dare say your recommendation would avail much. At Trenton they seem to be utterly useless. If you chose to send to Trenton on the occasion, the Express which carries this to you, is at your Service to convey your Dispatches to Trenton. I have the honor to be Sir your most humble Servant

ADf, MHi.

1. Refer to Hugh Mercer to WL, July 14, 1776 (MHi).
2. In a letter of July 14, George Washington had ordered Pennsylvania commander Col. John Dickinson to march with his men to Amboy (DLC:GW).

To Abraham Quick

Elizabeth Town 15 July 1776

Sir

As it is impossible for me to know when the Pennsylvania Troops will be here, & the Rifle men you mention are stationed at Amboy which gives no relief to our men here, I cannot consent to countermand the orders I gave when you left me, but shall expect the men as the matter was then settled, assuring you that I greatly pity them at this critical season of the year, & shall dismiss them as soon as they can be relieved by the Pennsilvanians or any others. I am your most humble Servant

ADf, MHi.

To Samuel Tucker

Eliz: Town 16th. July 1776

Sir

I received the Commission of Adjutant General for Captain Bott, but find that I am not to deliver it till the matter is determined as to Colonel Anderson. This I do not pretend to understand as I suppose your Congress has an undoubted right to appoint Officers of their own Militia.¹ However I shall persue your directions respecting the Delivery of the Commission Though great is my disappointment because such an Officer is immediately wanted.

No Troops yet from Philidelphia and our People beginning to grow exceedingly clamorous about their Harvest. If we do not recieve succour very speedily it will be of little avail that the Pennsylvanians marched as far as Trenton. They would have been of the same Service to us had they marched to Gorgia.

The Enemy opposite to the Point do not appear in such Numbers since our Skirmish with them last Saturday Night² when they expended about 300 shot at a Pettiauger³ & our Men in the Entrenchments at last returning the fire, dropt one of them & I since hear wounded three.

Capt. Hugg⁴ is arrived at Amboy but wants almost every thing requisite to make his Artillery of any use. How he could have been so long in pay without being furnished with any of the Articles he now requires appears to me very unaccountable. I am Sir Your Most Humble Servant

WIL: LIVINGSTON

LS, PPAMP. In the hand of William Livingston, Jr.

1. Militia officers were chosen within their local districts and commissioned by the Provincial Congress, agreeable to the directions of the Continental Congress (*Prov. Congress*, 187–88).

2. July 13.

3. pettiauger: a corrupt form of the word *piragua*; a small craft, such as a canoe or flat-bottomed boat.

4. Capt. Samuel Hugg.

To Joseph Reed

Elizabeth Town 16 July 1776

Sir

I just recieved from Capt. Hugg of one of the Artillery Companies in the pay of this province who was lately stationed on Delaware, but whom I ordered up to Amboy on the late alarm, the following list of articles which he wants for his train vizt.

Grape Shot

Tubes¹

Port fires²

2 wadhooks³

2 Ladles⁴

2 Cart Saddles⁵

2 pair of trigg haims⁶

That a man so long in the pay of this Province & stationed at a post to do execution against the Enemy should all the time have been destitute of such essential articles, appears to me very extraordinary. By his applying to me, I presume he cannot be furnished by our Convention. Whether he can be supplied from New York, upon which I fear there are more draughts of this kind than you chuse, I know not; but conceiving it my Duty to make the application [. . .]⁷ the Impropriety, if improper it is.

I cannot learn any thing farther respecting the motions of the Enemy on the Island since my last, save that they do not appear in such Numbers opposite to the Point since the Skirmish on Saturday last. I am Sir your most humble Servant

ADf, MHi. Mutilated.

1. tube: a small pipe used in firing a cannon.
2. port fire: a device for igniting explosives in firing a cannon.
3. wad-hook: a strong iron screw on a wooden handle used to draw out any part of the wad or charge remaining in an artillery piece so that accumulations would not stop up the vent.
4. ladle: an instrument used in charging a cannon with loose powder or shot.
5. cart saddle: an apparatus mounted on a horse to support the cart it draws.
6. trigg haim: part of a horse's harness.
7. Three words missing.

From Joseph Reed

New York, July 17, 1776. Adj. Gen. Joseph Reed agrees to send Capt. Samuel Hugg ammunition and equipment. He also remarks that the Howe brothers have dispatched letters that are unacceptable to General Washington because they are disrespectfully addressed to "George Washington, Esquire."¹

ALS, MHi. Mutilated.

1. Lord Howe's letter of July 12 contained a request for a conference with George Washington. Adj. Gen. Joseph Reed noted that "Howe had come out with great Powers." The second letter, from Sir William Howe, was sent on July 16. Washington refused this letter but received a verbal report of its contents, which related to the treatment of British prisoners of war and suggested an exchange of prisoners.

To Mathias Ward

HQ. E Town July 18 1776

Sir

There being an immediate necessity for the 100 Rifle Men sent yesterday to the Ferries, they are accordingly ordered down this Morning. I therefore desire you will immediately draw out of your regiment the like Number, to take their Station without delay, and you may depend on being relieved within a few days. This is absolutely necessary and therefore must be immediately complied

with. I send these orders to you on the Presumption that Colonel Cadmus was last on duty at the Ferries & Bergen¹—but if you was last there and it should be Colonel Cadmus's tour of Duty, then forward this by Express to him, and he is hereby comanded to comply with it, untill relieved. If by any accident the first that go to this Post should remain there longer than three or four days, then the other is to relieve them.

Df, MHi. In the hand of Elias Boudinot.

1. On July 17 Lt. Col. Thomas Cadmus had sent WL a return of the men under his command at Newark and Brown's Ferry (Thomas Cadmus to WL, July 17, 1776 [MHi]).

To the Woodbridge Committee

HQ. ET. July 18, 1776

Gentlemen

There being four Tons of Gun Powder brought to Amboy,¹ it is thought too important a Subject for a Place so contiguous to the Enemy, General Mercer has therefore consented to its removal to your Town. I must therefore desire you will immediately provide (at the publick Charge) convenient Houses at a Mile or two distance from Woodbridge in the Country, where the same may be safely kept free from danger. You will be pleased to give orders to the Commanding Officer of your Militia² to keep a Constant Guard at each House where it is deposited. I must also beg you will immediately on reciept hereof, foward to Amboy, a sufficient number of Covered Waggon³s to bring it to the Places you shall appoint, [. . .] is most convenient that it be removed this day. The Commanding Officer at Amboy³ will deliver the Powder to the order of your Chairman & will order a Sergeants Guard to attend it. I must beg no delay may be suffered, as it is an important matter to secure our Ammunition. Am etc.

WL

P. S. I have this Moment been informed that a certain Michael Frazee & David Elstone⁴ by some Means or other passed the Centries a few days past & went over to the Enemy—That they returned last Night. I

must beg you will do your Endeavour to have these People secured & sent down to me under a strong Guard. It is most likely they may be taken this Evening.

Df, MHi. Mutilated. In the hand of Elias Boudinot.

1. See Samuel Tucker to WL, July 10, 1776.
2. Middlesex militia units under Maj. Jonathan Deare were stationed at Woodbridge.
3. Brig. Gen. Hugh Mercer.
4. David Alston.

To Abraham Quick¹

H. Quarters E. Town July 19th 1776

Sir

I take great Pleasure in acquainting you that by the arrival of the Pennsylvania forces,² I am able to discharge your Regiment from the present Service, not doubting but they will be ready on the first Notice to shew the same Zeal in the Cause of their Country as they have already done. On the first Meeting of your Batalion, you will return them my Thanks for their Services, and assure them that it will allways give me Pleasure to acknowledge the Activity of the County of Somerset on this alarming Occasion.

Df, MHi. In the hand of Elias Boudinot.

1. Copies of this letter were sent to Col. Edward Thomas, Lt. Col. Abraham Ten Eyck, and Lt. Col. Thomas Cadmus.
2. The Pennsylvania militia had arrived at Amboy by July 16 and deployed from there to the positions along the Jersey shore that had been manned by the New Jersey militia. In a letter to John Hancock of July 20 (DLC:GW), Brig. Gen. Hugh Mercer reported that he had replaced the New Jersey forces from South Amboy to Paulus Hook.

From Hugh Mercer

Perth Amboy, July 22, 1776. Brig. Gen. Hugh Mercer describes a plan for a surprise attack on Staten Island. He requests boats, boatmen, guides, and spies to insure a successful mission.¹ He also reports that a letter from Cortlandt Skinner and a declaration of the Howe brothers have been intercepted, providing useful intelligence.

ALS, MHi.

1. On July 12 a council of war of George Washington's generals had rejected plans for a general attack on Staten Island but approved a surprise raid under Brig. Gen. Hugh Mercer. In a letter to George Washington of July 14 (DLC:GW) Mercer had outlined his strategy for the raid. The attack, scheduled for July 19, had been postponed because of unfavorable tides and weather.

General Orders

Head Quarters Eliza. Town July 25 1776.

General Orders

Whereas notwithstanding the positive Orders that have been given to the Contrary, a Communication is still held up with Staten Island by sundry well minded Persons, who give Intelligence to the Enemy to the great Injury of the States of America.¹ And whereas it is supposed that this Communication is greatly facilitated by means of the Canoes Pettiaugers & other small Craft, kept in the Creeks & Rivers along the Sound, which can now serve no other Purpose, as all Navigation is entirely stopped. Therefore the more effectually to prevent this dangerous practice, It is expressly ordered that all such Craft be immediately removed to some Convenient Place in Elizabeth River, Tomsons Creek & Rhaway River & Woodridge Creek & there kept under a Centry to be appointed from the nearest Post which the Commanding officer at each Post is hereby ordered to supply. That William Crane² have the Care of removing the said Craft in Eliz. River —Smith Hetfield in Tomsons Creek Isaac Wynants³ in Rhaway River and John Hampton in Woodbridge River. And that those Persons do take Care that the said Craft be unrigged & dismasted to prevent any use being made of the same and make return of the number & to whom belonging. Sign'd

WILL. LIVINGSTON Brigadier General

JOHN DICKINSON Colonel

LS, PHI. In the hand of Elias Boudinot.

1. George Washington had written from New York to the Committee of Essex County on June 17: "The absolute necessity of preventing all correspondence between the Inhabitants of this Country and our Enemies, obliges me to every degree of Intelligence, that lead to the Channel of such Intercourse" (Fitzpatrick, *Writings of Washington*, 5:154–55).

2. Not to be confused with William Crane (1747–1814).

3. Isaac Winans.

To Hugh Mercer

Elizabeth Town 26 July 1776

Sir

I am in hopes to be able to morrow to give you a particular Account of the Number of Boats that may be depended upon in each of the Rivers you mentioned. In order the better to conceal the designed Attack I have so worded the orders for securing the Craft as to make them appear to every resident to be merely intended to prevent a Communication between this Province & the Island. I think it absolutely necessary that I should know the time in which the Attack is to be made two or three days before hand, as it will otherwise be next to impossible to collect the Men who are to navigate the Boats & to serve as Guides. I would also submit it to your better Judgment whether if it could be made to quadrate¹ with the proper time of the Night to make the debarkation, it would not be proper to pay some attention to the time of the tide, because if our men should be obliged to retreat precipitately at low water, it would be difficult in most places either to get into the Boats on the other side or out of them on this. I should therefore recommend the young flood² as the proper Time of Embarkation. A sufficient Number of Guides I make no doubt to procure; but as to Spies I am greatly discouraged.³

I fancy you mistook me about the Light horse⁴—what I meant was that they were at your Service in Elizabeth Town; where they would be relieved every day. They were dismissed with the Infantry; & I suppose expect not to be called into Service again till the Infantry is. They are employed in their harvest as well as the others, & will greatly suffer by their leaving their harvest. But on the least hint Sir from you after stating the Matter as above that you think the Service requires a Sergeants Command of them I will instantly order that Number to attend you. I am Sir with great Respect your most humble & obedient Servant

<P.S. If a pretty general Attack is to be made, it will be absolutely necessary to have a Number of Cannon on Bergen Point, in order to give them a diversion from that Quarter.

We have good Information that they have 2 field pieces 24 Pounders in a Corn field opposite to Bergen.>

ADf, MHi. Portion in angle brackets in the hand of Elias Boudinot.

1. quadrate: to correspond.
2. young flood: the early phase of high tide.
3. Aside from the statements of several deserters, the American army was largely unable to gain an accurate, ongoing flow of information about British and Hessian units on Staten Island. One dependable spy was Joshua Mersereau, a native of Staten Island, who had sought refuge in New Jersey. Refer to Hugh Mercer to George Washington, July 16, 1776 (DLC:GW).
4. Refer to Hugh Mercer to WL, July 25, 1776 (MHi).

To Samuel Tucker

Elizabeth Town 26 July 1776

Sir

I still know nothing farther nor more substantial about the Commissioners you mentioned in one of your Letters, than that they were appointed.¹ Mr. Isaac Woodruff one of them informs me that he never had the least notification from Congress respecting his appointment;² & that he cannot undertake the office from the bare mention of it in a private Letter to me—So that I cannot draw for a farthing of money while I am under a Necessity of daily running in debt.³

I have authentic Information that some of the most malignant New York Tories have seated themselves in Shrewsbury;⁴ a very improper place on Account of the facility it affords for keeping up a Communication with the Enemy. Isaac Lowe,⁵ & one Roome are particularly mentioned.

I am told that your Congress intend to raise 2000 men out of our Militia as part of the flying Camp for a month.⁶ I do not presume to recommend a Brigadier for those Troops in virtue of any public character; but as every private Gentleman has a right humbly to submit his opinion to his Superiors for the public good, & as the reason why I was so strongly pressed to take the command of Brigadier Heards Brigade now ceases by my being superceeded as a Member of Congress, I would with all due Deference recommend Jonathan Sergeant or Abraham Clarke Esqrs. to that Post—as those Gentlemen have always shewn the warmest Patriotism in the Cabinet, I doubt not they will with equal Alacrity venture their Lives in the Field.

ADf, MHi.

1. See Samuel Tucker to WL, July 9, 1776.
2. Isaac Woodruff's appointment to purchase arms had been ordered by the Provincial Congress on June 17. On July 16, the Provincial Congress had resolved that

lead collected by the citizens of New Jersey for the use of the army be delivered to the commissioners, including Woodruff, who had been authorized to pay for it (*Prov. Congress*, 459, 507–8). It is unclear when these officials were finally able to purchase military equipment.

3. A resolution of the New Jersey Convention of August 11, 1776 (MHi), ordered the treasurer to pay Brig. Gen. Philemon Dickinson and WL a sum not exceeding £1,000 (*Prov. Congress*, 577). The Provincial Congress had officially changed its name to the “Convention of the State of New Jersey” on July 18.

4. A discussion of loyalism in Monmouth County can be found in George Washington to the New Jersey Convention, August 7, 1776 (Fitzpatrick, *Writings of Washington*, 5:388).

5. Isaac Lowe had been apprehended on the suggestion of George Washington (George Washington to the New Jersey Convention, August 16, 1776, in Fitzpatrick, *Writings of Washington*, 5:440). Lowe was released by the New Jersey Convention on August 19 (*Prov. Congress*, 544).

6. The Continental Congress had requested that the New Jersey Convention requisition troops to replace two thousand men Washington had detached from the flying camp for service in New York. The New Jersey Convention had passed an ordinance for raising these men on July 18 (*Prov. Congress*, 563). They were not part of the flying camp.

From Edward Thomas

Elizabeth Town July 27[26]:¹ 1776

Honourd Sir

I have been Applyd too by Sunry of the Officers of my Regement within this few Days past to Know on what Conditions, Smith Hetfield Abner Hetfield, & Moses Hetfield, has been Released without any form of Tryal, as they Expected would have been had, Some of the above Named persons haveing given personal Affronts to Officers of the Regiment to whom they belong & Others Not onley Affronting the Officers but the Regement in General, and all publick Society, wherein it was Expected they would have given publick Satisfaction or have had a Judicious Tryal by their Peers, Should be Obligated to your Honour for an Answer that will Reconsile my Officers as the want there of May be Attended with bad Consequences to the publick. All I Desire for my own part Is that Cival Society may be Established & publick Offenders be brought to Justuce. I am Sir Your Humble Servant

EDWARD THOMAS

ALS, MHi.

1. This letter is misdated. Col. Edward Thomas wrote it on July 26, 1776.

To Edward Thomas

[Elizabeth Town] July 27 1776.

[. . .]¹ Letter of this day I must [. . .]² of Abner Hetfield & Smith Hetfield [. . .]³ on their respective humble acknowledgment of their Offences, asking Pardon for the same, and solemnly promising amendment in their future Behaviour, and this after a long Confinement, which added to the difficulty of calling a Court Martial after the Militia were dismissed, induced me to consent to their enlargement.⁴

Df, MHi. Mutilated. In the hand of Elias Boudinot.

1. Two words missing.
2. Four words missing.
3. Two words missing.
4. Moses Hatfield was also freed.

From Edward Thomas

Elizth. Town July 27: 1776

Honourd Sir

I received your favour of this Day in answer to mine of yesterday. As to Smith Hetfield & Abner Hetfield, If they have Ask'd pardon & promis'd to behave better for the future I am well Satisfyed for my own part—but I was Informed by a person who Saw Abner Hetfields Letter to your Honor¹ that It Appeared To Him to be Cautiously worded, & Rather Insufficient in his Opinion—but as I have Not Seen any of their Letters, I Cant take on my Self to form any Idea, of them, but must leave that to your Honors better Judgement.

As to Ensign, Moses Hetfield I am at a loss to accept for your Honors forgetting his Matter for I am Sure If Smith & Abner Hetfield was Reported, Moses Hetfield was Reported with them. I am Sir your Very Humble Servant

EDWARD THOMAS

N.B. I Expect Two Companys of Melitia in Town from Morris on Monday Next Should be glad to Know how to Despose of them.

E:T:

ALS, MHi.

1. Letter not found.

To Hugh Mercer

Eliz. Town July 27 1776

Dear Sir

I wrote you yesterday Morning, since which I have received returns of the Boats etc. in the Creeks & Rivers (except Woodbridge) which I have thrown into one & enclosed.¹ I am put to great difficulty with regard to Guides across the Island. I can get but three to assist on the Island, and 6 more over the River² & across the Meadows. You will observe that the Boats in Passaic & Hackensack Rivers, are not secured, this must be deferred till the day before wanted. I have appointed a Capt. over every Creek & River where the Boats are secured, to inspect them & keep them in order.³ As many other Things will be necessary, such as ropes oars etc. I should be glad of timely notice that they may be prepared.

Whatever has yet been done has been under the Idea of preventing all Communication with the Island.

Df, MHi. In the hand of Elias Boudinot.

1. Enclosure is entitled "Return of Boats & small Craft in Hackinsack, Pissack, Elizabeth & Rahaway Rivers" (DLC:GW).

2. Hackensack River.

3. See General Orders, July 25, 1776.

To Samuel Tucker

Elizabeth Town 29 July 1776

In Consequence of General Washingtons Orders¹ for apprehending all suspected Persons I shall send you to morrow Mr. Chevalier Jouyet of this place as being by general Reputation a malignant Tory, & having taken great Pains to prejudice people under his Influence against the american Cause. In my opinion it is very improper for him to continue in this Town in the present Situation of Affairs. I therefore hope the Congress will dispose of him at some convenient distance from the Sea Coast. [...] ² time in examining him (Tho' I [think?] [...] Examination [altogether?] unnecessary) you will find him beginning every Story with what some Divines call the *Exordium remotum*, that is with a Preface as foreign from the purpose as it is possible for a thing to be—never giving a cathegorical Answer to any Question but either

waving it by introducing a tedious History of his own patriotic Merit about as much in Character as the Devil's quoting Scripture or by asking another Question—& Constantly appealing to the Sincerity of his heart which none of us pretend to know against the Evidence of his Actions which We know too well to be imposed upon by empty Professions. To save the Charges of a Guard I have agreed to let him go without; upon his promise to deliver himself to you & abide your orders concerning him.³ I am Sir your most humble Servant

ADf, MHi. Mutilated.

1. See George Washington to WL, July 6, 1776.

2. Two words missing.

3. On July 31 the New Jersey Convention ordered that Cavalier Jouet move to within four miles of Bernardston and not depart from there without leave of the convention (*Prov. Congress*, 526). Jouet wrote to WL thereafter complaining that he could not find a home within the bounds ordered by the convention (Cavalier Jouet to WL [September 20, 1776], [MHi]).

From Hugh Mercer

Perth Amboy 1st Aug. 1776

Sir,

I received the favour of yours of yesterday,¹ and am exceedingly obliged by the observations you have communicated, on the [State] of the Ferries etc. I shall by this opportunity write to Mr. Camp² and to the Captain of the armed Sloop³ on the Subjects mentioned in yours. I could wish every necessary for rendering the Craft usefull a very exact List of which you were pleasd to send me, was provided. I am fitting up what can be procured in Raritan River—& hope soon to have a Number of Boats, fitt to cross any part of the Sound or Bay.⁴ It was only on the supposition that your Light horse were always on Pay & on Duty, that I wished to have four or six of them—but by no means to call them from Harvest for that Purpose.⁵ I am Sir most respectfully your obedient Servant

HUGH MERCER

ALS, MHi.

1. Letter not found.

2. Probably Caleb Camp.

3. Probably an armed schooner stationed in Newark Bay under Capt. Ephraim Burr.

4. Joshua Mersereau, directly responsible for dealing with this problem, proposed that all available boats on the rivers be brought to the dock at Newark Bay. There they would be properly equipped for military use (Joshua Mersereau to WL, August 12, 1776 [MHi]). These craft were intended for use in a raid on Staten Island that was not executed.

5. See WL to Hugh Mercer, July 26, 1776.

To John Dickinson

Elizabeth Town 1st August 1776 9 oClock at Night

Sir

I have just recieved Information that a number of People, who have held a Correspondence with the Enemy ever since they have been on Staten Island, design to go over to them entirely this Night. They live up Hackinsack River & are to go down the Bay. The Bearer has been particularly instructed with regard to the Men & their Intentions and when to meet with them. I m[ust] beg you will give orders to have a proper Number of Men well armed to go over the Bay to the Bergen Shore with the Bearer immediately,¹ that with the help of the Commanding officer there, these Rascals may be taken. It is expected they will be moving as soon as it is dark. I am Sir Your most humble Servant

WIL: LIVINGSTON

LS, PHI. Mutilated. In the hand of Elias Boudinot.

1. Col. John Dickinson made the following comment on this matter, written on the bottom of WL's letter: "The Bearer Lieutenant Crane ask'd only eight Men. I ordered twelve well armd and equipt immediately to attend him."

From George Washington

Head Quarters New York Aug. 8. 1776

Sir

Before this reaches you You will undoubtedly have heard of the unexpected Arrival of the Carolina Army on Staten Island:¹ which added to the Hessians & [. . .]² Troops under Lord Howe exhibit a Force justly alarming. When I compare it with that which we have to oppose them I cannot help feeling very anxious Apprehensions. The new Levies are so incomplete the old Regiments deficient in their Complement [. . .]³ Sickness that we must have an immediate Supply

of Men. I have therefore wrote to Connecticut⁴ & to the Convention of your Province⁵ to call the Militia immediately—but as it may take some Time & the Necessity admits of no Delay, I have thought it proper to apply to you also under the Resolution of Congress of last June copy of which was sent you⁶ when Lord Howes Fleet first arrived, to beg you would use your utmost Exertions to forward this most necessary Measure. The Consequences to the American Interest of any Failure [. . .]⁷ obvious that I need not enlarge upon them—your [. . .]⁸ good judgment will suggest every Thing proper.

It would be a great Saving of Time & Expence if the Militia when they came would allways equip themselves with Arms, Ammunition, Blankets, Canteens & Kettles as far as they can & in any Orders given on the present Occasion I would wish you [. . .]⁹ notice it specially.¹⁰

I am with much Truth [. . .]¹¹ Sir Your most Obedient & [. . .]¹² Humble Servant

GO: WASHINGTON

LS, MHi. Mutilated. In the hand of Joseph Reed.

1. A contingent of Sir William Howe's troops had been in South Carolina under Maj. Gen. Sir Henry Clinton attacking Charleston. An assault on that city had ended in failure on June 28.

2. This illegible word appears in an LBC (DLC:GW) as "Foreign."

3. LBC reads: "and so much."

4. George Washington to Jonathan Trumbull, August 7, 1776 (Fitzpatrick, *Writings of Washington*, 5:389–90).

5. George Washington to the New Jersey Convention, August 7, 1776 (Fitzpatrick, *Writings of Washington*, 5:388–89). Washington had requested that militiamen return to duty after the harvest. He had also remarked that New Jersey had raised fewer than fifteen hundred of its complement of thirty-three hundred men to aid the flying camp. The New Jersey Convention agreed on August 11 to dispatch one-half of its militia to reinforce the flying camp (*Prov. Congress*, 540, 568–72).

6. See George Washington to WL, June 28, 1776.

7. LBC reads: "here, are so."

8. LBC reads: "own."

9. LBC reads: "to."

10. The ordinance of August 11 for detaching one-half of the militia provided that in order "that every man of the first division may be completely equipped as far as possible, the several Colonels or commanding officers of each regiment or battalion of the militia are hereby directed to take from the militia of the second division of their respective regiments or battalions a sufficient number of their best arms, and equip those of the first division, giving receipts and taking just appraisements." The divisions were to be called out on monthly rotation (*Prov. Congress*, 570).

11. LBC reads: "and Regard."

12. LBC reads: "very."

To Samuel Tucker

Brunswick 9 August 1776

Sir

Being informed that your honourable House has taken offence at certain passages in a Letter of mine the date of which I cannot now recollect¹ as intended to reflect on the house, I can assure the convention that whatever expressions in the Letter might have given rise to such a Suspicion, I had no such Intention. With respect to what was said about the Delegates for the Congress being already appointed & that therefore there was no Necessity for appointing me to the Command of the 2000 to be raised for the flying Camp,² I did really mean to [resent] the Conduct of those of your members who assigned my being appointed to the Command of that Brigade as a reason against my being eligible as a member of Congress, when I had plainly refused that Command in the Presence of the Convention & Colonel [Heard] had been afterwards appointed thereto. As to the two Gentlemen whom I recommended for Brigadiers³ they have a right to ask my Explanation, which I shall always be ready to give them. But to mean by that the least Insinuation that the House was under their Influence, as I am very unhappy to hear is the Sense in which several of the members have understood it I can assure them upon honour was the farthest from my thoughts. I have the honour to be Sir Your most humble Servant.

ADf, MHi.

1. See WL to Samuel Tucker, July 26, 1776.

2. These troops, raised by an ordinance of July 18, were militia replacements for the flying camp units that had been sent to New York. The term *flying camp* was sometimes used for both Brig. Gen. Nathaniel Heard's brigade and these troops, although it properly applied only to the mobile force of Delaware, Maryland, and Pennsylvania militia.

3. Jonathan Dickinson Sergeant and Abraham Clark. On June 22 the Provincial Congress had appointed five new delegates to the Continental Congress. On the previous day WL had been appointed to lead the new levies of the New Jersey militia to New York. His letter of July 26 implies that the Provincial Congress, or at least some of its members, had used his proposed military appointment as a pretext to deny him a seat in Congress. His recommendation that Abraham Clark and Jonathan Dickinson Sergeant, members of the Continental Congress, become brigadier generals was a slap at the leaders of a faction that had engineered his removal from the Congress. Apparently the offices of brigadier general and congressional delegate were not deemed incompatible.

To George Washington

Eliz. Town 12 August 1776

May it please your Excellency

Your Letter of the 8th. Instant¹ I recieved on a Journey to Brunswick on Friday last, when I had an Opportunity of Conferring with our Convention and urging your Excellency's requisition relating to the Militia, the Propriety of which is so obvious. I returned on Saturday Evening and delayed answering your Favour in hopes of recieving the resolution of Convention thereon. I have just been favoured with a rough Draught of their Ordinance which I shall send you as soon as I get a correct Copy.

The out Lines are—That the one half of the whole Militia without Exception, be immediately called out and join the flying Camp—That every Person refusing his attendance, be fined Three Pounds²—That they be formed into 13 Battallions and to remain on Service one month and then to be relieved by the other half.

There being no mention made of any Number to be forwarded to New York, I take it for granted the whole are to be under your Excellency's direction as to their Station etc.

The 2000 Men for the flying Camp under General Dickinson³ are in great forwardness and (altho' very little acquainted with their duty) might answer a valuable Purpose in New York on the present Emergency, especially as their Places will be so soon filled by the half of the Militia now to be raised. A Considerable Body of the Militia must be kept here to supply the Place of the Pennsylvania Associators⁴ who are deserting their Post in Considerable Numbers notwithstanding the most spirited exertions of their Officers, and particularly their Colonel whose Behaviour does honor to his Province in particular and America in general.⁵

We have taken such Measures, as I hope will put a Stop to any further Behaviour of this kind.⁶ This Corps since our Militia were dismissed have not carried on any of the works at the Point, which as soon as they are relieved by any Men under my Command, I shall order to be prosecuted with all possible Vigour, as it is more than probable the Enemy will attempt an Incursion into this Province, to

which its present defenceless State in this part, seems strongly to invite them. I am with much Truth and regard Your Excellency's Most Obedient & Humble Servant,

WIL: LIVINGSTON

LS, DLC:GW. In the hand of Elias Boudinot.

1. See George Washington to WL, August 8, 1776.
2. A fine of £3 was to be levied against privates. Delinquent officers were to be fined at graduated rates up to £20 for colonels (*Prov. Congress*, 571).
3. Brig. Gen. Philemon Dickinson.
4. The Pennsylvania Associators consisted of five battalions of volunteers from the militia of Philadelphia and surrounding counties. They had been called up on July 5. As early as August 3, Brig. Gen. Hugh Mercer had written to Col. John Dickinson about preventing their desertion (PHi).
5. John Dickinson, colonel of the Associators, wrote to the Convention of Pennsylvania complaining of the desertions. On August 16 the Convention of Pennsylvania resolved that all deserters must return to their corps or face apprehension and trial. Dickinson's account is found in the *Freeman's Journal: or, the North-American Intelligencer*, December 25, 1782; January 1, 8, 15, 21, 29, February 5, 1783.
6. Apparently, WL did not issue orders on this matter until August 13.

WL Order

Head Quarters Eliz: Town [August 13, 1776]

Whereas a Number of the Pennsylvania Associators have this Morning deserted from the Camp at the Point and gone towards Philadelphia, all Commanding Officers of Battalions or other Corps between this & Philadelphia are hereby ordered to apprehend any Party of said Associators that may be found travelling between this and Philadelphia without proper discharges or furlows from their Commanding Officers & [. . .]¹ [imme]diately to disarm & return under a [strong] Guard to General Mercer at Amboy or to the Camp in this Town.² It is hoped that every Officer will exert himself in executing this Order by which he will be doing Essential Service to his Country.

Df, MHi. Mutilated. In the hand of William Livingston, Jr.

1. Two words missing.
2. After receiving information from Brig. Gen. Hugh Mercer, the New Jersey Convention resolved on August 10 to apprehend all persons traveling without passes (*Prov. Congress*, 539).

To Philemon Dickinson

Head Quarters Eliz. Town August 13 1776

Dear Sir

A Number of the Pennsylvania Associators having this morning (as well as at several other Times) deserted & gone towards home, I have sent the Bearer express with general Orders to have them taken up. If they [. . .]¹ so far a Head, as to make it necessary [. . .]² Trenton, I must beg the favour of you to order a Party of the Militia immediately to intercept them if possible. It has become a Measure essentially necessary to save us from ruin. The Bearer will shew you the general orders by which your Officer can direct the proper Measure.

Df, MHi. Mutilated. In the hand of Elias Boudinot.

1. Two words missing.
2. Three words missing.

WL Order

Headquarters E T. August 13 1776

Livingstons Orders

General Livingston by virtue of an Ordonance of the Convention of New Jersey dated the 11 Instant orders Colonel Thomas, Colonel Ward & Colonel Cadmus of the Essex Militia immediately to parade their three Battallions of Militia, to consist (agreeable to said Ordonance) of every able Bodied Man without Exception in the said County between the ages of 16 & 50 Years—and from the said three Battallions to form one Battallion consisting of every other Man in the said three Battallions agreeable to said Ordonance who shall turn out Volunteers, but in Case of refusal so to do, then to draft the same by Lott. The Officers to Command the same to be taken out of the Officers of the said three Battallions alternately by Lott or otherwise as they shall agree. And as soon as the said Battallion shall be formed, that the Colonel Commanding the same do immediately march the same to this Town and make report to me or the Commanding Officer here. Every Man to be well equipped with Arms 28 rounds of Ammunition & every necessary Accoutrement, particularly a Blankett,

Camp Kettle Canteens & four days Provision. This Corps to continue in Service for the Term of one Month and then to be relieved by the remainder of the said three Battallions who are to be marched to their relief by the remaining Officers of the said three Battallions without farther orders.¹

D, MHi. In the hand of Elias Boudinot.

1. See WL to George Washington, August 12, 1776. A similar order was issued to commanders of the Monmouth County militia on August 13 (NjHi).

To Philemon Dickinson

Elizabeth Town 13 August 1776

Sir

I doubt not but you have had a Copy of the late Ordinance for calling one half of our Militia into immediate Service. As the Exigency is so great, I immediately issued my orders into the several Counties of the Eastern division, a Copy of which I enclose. I hope you have done the same as to the Western division, as there is a necessity of immediate dispatch. You will observe by the ordinance that they are immediately to join the flying Camp, but nothing said who is to command them there, wherefore I take it for granted the whole, (I mean the half of the Militia now to be [. . .]¹ as the 2000 Men already raised are to [. . .]² Command.³ I have ordered those in the Easternmost Counties to rendezvous here and the rest at Amboy, where they will await your further orders.⁴

Df, MHi. Mutilated. In the hand of Elias Boudinot.

1. Three words missing.

2. Three words missing.

3. Between "Command" and the period, the following has been crossed out: "as this will save Expence, and [. . .] a Brigadier for each Month."

4. Brig. Gen. Philemon Dickinson acknowledged receipt of WL's letter in a letter of August 17 (MHi).

To New Jersey Militia Colonels

Elizabeth Town 18th August 1776.

The following persons to wit Samuel Ogden Anthony Joline Thomas Compson Thomas Mun Nathaniel Silcoat James Anderson John Masecre Oke Harrison Richard Chapple Bartholomew Doughty Joseph Kirk George Cook William Willis Thomas Milledge & Benjamin Minard—being employed in making plate Iron & other things for the use of the states of the united Colonies are excused from Military duty as part of the Militia of the state of New Jersey during the Time of there being so employed.¹

WILM. LIVINGSTON Brigadier General

Lcy, PWBWHi.

1. The New Jersey Convention resolved on August 17 that “all the workmen of this state actually employed in the manufacture of fire-arms be excused from going out with the militia when called upon” (*Prov. Congress*, 542).

From Joseph Reed

New York Head Quarters Aug. 19. 1776

Dear Sir

The inclosed Letter¹ left open for your Perusal will acquaint you with the Intentions of Mr. Ludwig² the Bearer of this, who puts his Life in his Hand on this Occasion in order to serve the Interests of America. We cannot doubt your kind Advice & Assistance as to Mode but must beg it may not be communicated farther least a Discovery may be made which must prove fatal to Mr. Ludwig.

I am Sir, with much Esteem Your most Obedient & very Humble Servant.

JOS: REED

When you have perused the enclosed please to deliver it to Mr. Ludwig to be delivered by him to Mr. Mersereau.³

The Deserters who have come off this Day inform us that most of the English Troops are on board the Vessels unmoored laying at a

[single] Anchor waiting for good Weather fair Wind & Tide. They think they would have been up last Saturday if the Weather would have allowed.⁴

ALS, MHI.

1. Letter not found. John Hancock had written George Washington on August 16, 1776 (DLC:GW), and had enclosed a resolution encouraging the desertion of foreign troops from the British service. Washington had responded to Hancock on August 18 that he would “take every measure that shall appear probable to facilitate the end” (Fitzpatrick, *Writings of Washington*, 5:451).

2. Christopher Ludwick had been sent to George Washington by Brig. Gen. Hugh Mercer on August 19 (DLC:GW). For an explanation of Ludwick’s mission see George Washington to WL, August 22, 1776.

3. Joshua Mersereau.

4. Heavy rains on August 14 had apparently disrupted the British effort to cross from Staten Island to Long Island. In his general orders on August 16 Washington had remarked that “the badness of the weather has undoubtedly prevented an attack, as the enemies troops have been embarked some time” (Fitzpatrick, *Writings of Washington*, 5:442).

To George Washington

Elizabeth Town Aug. 21st. 1776

May it please Your Excellency

In the utmost Haste, I must inform you that very providentially, I sent a Spy¹ last Night on Staten Island to obtain Intelligence of the movements of the Enemy, as many Things apparently new was seen from our Lines. He has this Moment returned in safety. The Substance of his Information I must give you in short. He went on the Island about Midnight and got undiscovered to the House of the Person to whom he was sent, who informed him—That the whole Force of the Enemy of every kind was 35000 Men, 15000 of whom were left on the Island, but all the rest Embarqued.

That they expected to attack every Hour, he thinks this Night at farthest. It was to be on Long Island, & up the North River —That the 15000 Men were to land & attack at Bergen Point, Elizabeth Town Point and at Amboy.

He has heard the Orders read & heard the Generals talk of it. The Waggons are all laid out & ready—That they appear very determined & will put all to the Sword—They are in great want of Provision—Pork

tolerably good but flour exceedingly bad. They have eat up all the Cattle and are now killing & Barrelling up all the Horses they meet with.

All the field Pieces are taken on Board except two. The Informant may be depended on, being employed by the General and carries his Baggage. He has been employed in purchasing Cattle. He has given £10 for a Cow and 10 Dollars for a Sheep. That the Tories on the Island are very illy treated lately, so that the Inhabitants who at first were so pleased, would now be willing to poison them all. They take from them every Thing they choose, and no one has any Thing they can call their own.² I am with great respect Your Excellencies Most Humble Servant³

WIL: LIVINGSTON

LS, DLC:GW. In the hand of Elias Boudinot.

1. The name of the spy is not mentioned. It was not Christopher Ludwick.
2. The rough notes from which this report was drawn appear on the cover of a memorandum listing prisoners to be delivered to the commanding officer at Elizabethtown, dated August 20 (MHi).
3. Docket information reads: "The Bearer is to pass all Ferries & Posts and to be hastened with all speed."

From George Washington

[*New York*], *August 21, 1776*. George Washington thanks WL for the important intelligence just arrived¹ and requests that any further intelligence be dispatched immediately.

LS, MHi. Mutilated. In the hand of Joseph Reed.

1. George Washington relayed this intelligence to John Hancock in a letter of August 22 (Fitzpatrick, *Writings of Washington*, 5:474–75).

To Hugh Mercer

Elizabeth Town 22d August 1776

Sir

As none of the Bergen Militia are come out unless they are stopt at Newark,¹ our force here is so inconsiderable not amounting to above 1500 that should we be attacked by the Troops on Staten Island, we

should run the greatest risque imaginable of being overpowered. The Middlesex & Sommerset militia I suppose [. . .] [Amboy] or Woodbridge. What your force there consists of I know not, but could any be spared from either of those posts or from any other Quarter it would afford us more rational Hopes of defeating the intended attack upon us than we can at present entertain. I am Sir with great Regard your most humble Servant

ADf, MHi. Mutilated.

1. Capt. Joseph Board's Bergen County militia company was stationed on Bergen Neck on the east side of Newark Bay.

From Hugh Mercer

Amboy 22 August 3 PM

Dear Sir

We have not above Two Thousand five hundred Men here, so far as I can discover by the Returns or by the Men on the Parade. The Somerset Militia General Dickinson tells me are not come in and the Middlesex Militia are at Woodbridge. If any Militia of the Jerseys are at Newark [. . .]¹ be proper to order them to your [post?] Could no method be fallen upon to expedite the March of the Militia to reinforce you. If any join us they shall be ordered on to Eliza Town. The Lancaster Militia had permission to return, having compleated their Quota for the flying Camp, and served the Term of Six Weeks—but on the present Emergency They must remain a few days longer. Col. Bayard is also solicitous to have his Battalion discharged. I am very sorrey to be obliged to detain them, but were I to permit their dismission at present and weaken the Posts after having received the Intelligence of yesterday—no excuse could [be fra]med for such inattention to the Service. I am forwarding ammunition to Bergen—and beg you will order some of the Light horse on Duty at Eliza Town to escort it. I am Sir with perfect Esteem Your Obedient Servant

HUGH MERCER

ALS, MHi. Mutilated.

1. Two words missing.

To Essex County Militia Colonels

Elizabeth Town Head Quarters 22d August 1776

The Remainder of the Militia under the Command of Colonel Mathias Ward & Colonel Thomas Cadmus are ordered to march to this place with all possible Expedition.

AD, MHi.

To Samuel Tucker

Elizabeth Town 22 August 1776

Sir

I beg Leave to trouble the Convention once more¹ with my Application in behalf of our militia who served the last Tour of Duty & who are greatly in want of & therefore very naturally clamourous for their Pay; & earnestly beg an answer from the Convention on this Subject. I am Sir your most humble Servant

ADf, MHi.

1. WL had met with members of the New Jersey Convention on August 9 on the subject of the militia. The pay of the troops may have been discussed informally at this meeting, but no record of the meeting is contained in the convention minutes.

From George Washington

New York, August 22, 1776. George Washington encloses a document¹ left open for WL's perusal. He asks WL to help execute the plan.²

ALS, MHi.

1. Enclosure not found. Probably a copy of the Continental Congress resolve of August 14. See Joseph Reed to WL, August 19, 1776.

2. Christopher Ludwick's mission was to infiltrate the Hessian camp on Staten Island and distribute handbills prepared by the Continental Congress and aimed at encouraging desertion. George Washington commented on the mission in a letter to John Hancock of August 26: "The Papers designed for the foreign Troops, have been put into several Channels, in order that they might be conveyed to them, and from the Information I had Yesterday, I have reason to believe many have fallen into their Hands" (Fitzpatrick, *Writings of Washington*, 5:491).

To Hugh Mercer

Eliz Town 23 August 1776

Sir

As nothing will prevail on the Pennsilvanians to stay here after next Sunday¹ I hope they will at least be obliged to leave their Tents to be used by such of our men as may come in to relieve them. If your orders are necessary for that purpose, I should be greatly obliged to you for issuing them.

The Quarter Master is extremely deficient in providing Tents or Boards to make them of which our Men like as well. For want of Tents, a large part of our Militia now on this Station after having manned the Lines etc. from two o Clock in the morning till some time after Sun rise will return to Town in the day time, so that if the Enemy should make an attack in the Day, they might possess themselves of our works before that part of the Militia could be brought up. Ludwig is just now returned disappointed² [. . .]³ your most humble Servant

ADf, MHi.

1. September 1.

2. After "Ludwig," WL crossed out "got over safe last night, & I heartily wish him success" and replaced it with the passage in the text. George Washington reported Ludwig's lack of success to John Hancock on August 29, 1776 (Fitzpatrick, *Writings of Washington*, 5:496).

3. Four words illegible.

To Samuel Tucker

Eliza: Town Head Quarters 23d August 1776

Sir

These are to certify that Lieut. Peter Mackie of the Light horse of the County of Morris one Quarter Master Two Sergeants and twelve privates were upon Duty at this place from Monday the nineteenth Instant to fryday the 23d at which time they were discharged.

There being no Provision made for Provender for their horses, they were obliged to purchase it with their own Money; & it being impossible for the Commissary of stores to supply them with their

rations (as they were perpetually employed as Expresses & for other purposes which required them to shift their Quarters) they were also obliged to find their own diet which must have cost them more than the equivalent in Cash allowed them in lieu of their rations. Their Accounts must be submitted to the Justice of the Convention.¹ They have certainly been of great Service, & in the way of Expresses at different Posts particularly saved the Province a great deal of money. I am Sir your most humble Servant

ADf, MHi. Two versions of this document exist, both in draft form. This copy is the earlier draft. A copy dated August 25 is not in the hand of WL.

1. No action was taken by the convention on this matter, since the convention held its last session on August 21 (*Prov. Congress*, 547). In his speech to the first session of the New Jersey Legislature on September 11, WL requested funds so that the light horse might both care for and feed its horses. See WL to the Legislature, September 11, 1776.

To Joseph Reed

Elizabeth Town 24 August 1776

Dear Sir

The Inclosed¹ are Examinations of an Inhabitant of Staten Island² No. 1 taken by Colonel Ford to whom he was brought when first taken & No. 2 by me when sent for that purpose by the Colonel.³ By his strong desire of returning when discovered by our Centries, & the flimsy pretence of running the risque of the Enemy's Centries in case he had not their Leave of coming over to us for Intelligences as speaking to Mr. Mercereau.⁴ I am so much induced to believe his design was to make discoveries here for their Benefit I shall detain him.

Our Post here now consists of about 1000 men. I have the honor to be your most obedient Servant

ADf, MHi.

1. Enclosures not found.
2. Abraham Egbert.
3. Refer to Jacob Ford, Jr., to WL, August 24, 1776 (MHi).
4. Joshua Mersereau, in a letter to WL of February 20, 1777 (MHi), implies that Egbert was working with him in 1776.

To Abraham Quick

[Elizabeth Town, August 25, 1776]

[. . .]¹ to this place I consulted Gen. Mercer who promised me positively to send you on when you arrived at Woodbridge since which the 1st. & 2d. Battalion of Pennsylvania Troops have left this Place which renders your march to this Post still more necessary.² As Gen. Mercer knew that I should direct you to this place, if he had altered his Intentions he would undoubtedly have given me Notice of it. Therefore I must renew my former Orders, and desire on the receipt of this you will leave one Company at Trembly's Point³ and march the remainder of your Battalion to this Town to Night if possible. In Case you should receive positive Orders from General Mercer to go to Woodbridge before you receive this,⁴ <I am sure he would wish you were>notwithstanding to leave the Company at Trembly's Point as it will not do to leave that Pass without a Guard<& I never had notice that the Company now stationed there were to quit till this morning. [. . .]⁵ Woodbridge you [. . .], & by that [. . .] may receive some reinforcements, I may be able to relieve the Guard at Trembly point which on many Accounts an important one. I am Sir your most humble Servant>

Df, MHi. Mutilated. Portions in angle brackets in the hand of WL.

1. Approximately one line missing.

2. See Hugh Mercer to WL, August 23, 1776.

3. A company of Somerset County militia on duty at Trembly's Point (Abraham Quick to WL, August 25, 1776 [MHi]).

4. Quick was in a quandary about whether to obey WL's order or obey a conflicting order from Hugh Mercer to relieve a battalion from Pennsylvania (Abraham Quick to WL, August 25, 1776 [MHi]).

5. Two lines missing.

To Jacamiah Smith

Head Quarters Elizabeth Town 26 August 1776

Sir

Since your Men had so lately been on Duty & are again to enter on Service after the Expiration of the month for which the one half of the

Essex Militia are now on Duty, it was with reluctance that I called them in aid of that part of the Militia.¹ But the Necessity of the Case obliged me to adopt that disagreeable Measure, & it does great Honor to the officers & Men that they so generally turned out, for which & their spirited behaviour while in Service they have the Generals Thanks & it gives him great Pleasure that by the arrival of Colonel Quicks Battalion he is now enabled to dismiss them to return to their families. I am Sir Your most humble Servant

ADf, MHi.

1. WL refers to provisions of a New Jersey Convention ordinance of August 11.

From Hugh Mercer

Newark, August 27, 1776. Brig. Gen. Hugh Mercer requests that all the troops under WL's command be dispatched to Paulus Hook.¹

ALS, MHi.

1. This urgent request was issued in response to the British attack on Long Island. British and Hessian troops had landed on August 22 and had begun their offensive on August 26. Mercer was ordered on August 27 to send to New York all units that could be spared. Refer to Hugh Mercer to John Hancock, September 4, 1776 (DNA:PCC, 159).

To Thomas Hockley

Elizabeth Town, August 26 [27]¹ 1776. WL orders Col. Thomas Hockley to march to Paulus Hook in accordance with an order from Brig. Gen. Hugh Mercer.²

ADf, MHi.

1. Letter probably misdated.
2. Similar orders were drafted to three Pennsylvania militia unit commanders.

From William Hooper

Philadelphia August 28. 1776

Dear Sir

I thank you for your kind favor which came to hand yesterday,¹ pray observe that this has a date.

You will see Hewes Lynch & Rutledge² in your Neighbourhood you will conjecture that Congress has but little business when they can spare their members with so little pretence from the cause of *Necessity*.

Nothing new is stirring here. A Report is propagated and believed by some that a fleet of 12 Men of War is off these Capes that they have landed 40 prisoners at the Capes for want of provisions to support them on board.

We have had a late arrival of arms & Gunpowder. I have expectations of large quantities very soon.

I cannot sufficiently express my horror at the Conduct of Col. Zedwitz.³ There is something very particular & misterious in this matter, pray find a moments leisure to give me His history as far as it is material & the particulars which attended this infamous transaction & what has been the result. Ever remember me respectfully to your worthy family & permit me to subscribe myself with sincere Esteem Your Friend & Servant

WM HOOPER

ALS, MHi.

1. Letter not found.
2. Edward Rutledge.
3. Lt. Col. Harman Zedwitz.

To William Hooper

Camp at Elizabeth Town point 29 August 1776

Dear Sir

I received yours of yesterdays date just after I had got into my new Habitation which is a Marque¹ Tent in our Incampment here. You wou'd really be astonish'd to see how grand I look, while at the same time I can assure you I was never more sensible (to use a New-England Phrase) of my own *nothingness* in military affairs. I removed my Quarters from Town hither to be with the men, & to enure them to discipline, which by my distance from the Camp before, considering what scurvy Subalterns we are ever like to have while they are in the appointment of the mobility, I found it impossible to introduce. And the worst men (was there a degree above the superlative) would be

still pejorated by having been fellow-soldiers with that discipline-hating good-living-loving too eternal-fam'd damn'd coxcomatrical crew we lately had here from Philadelphia.² My antient corporeal fabric is almost tottering under the fatigue I have lately undergone—constantly rising at 2 o Clock in the Morning to examine our Lines which are then manned & very extensive till day break, & from that time perpetually till eleven in giving orders sending dispatches & doing the proper Business of Quarter Masters Commissaries Colonels Committees & I know not what.

The firing on Long Island last night was almost incessant from 5 in the afternoon till 12. I can not yet with certainty learn the Event,³ but received a Line this Morning from General Mercer now at Bergen that “the firing yesterday was from scouting parties but no movement of Consequence in either army.”

I have not been able hitherto to learn the particulars of Colonel Zedwitz's Debated Crime. The Report here is that he was bribed by Gov. Tryon to poison the well in the fortress he commanded & that the Letters were intercepted & the poison was actually found in his Chest; but it is folly to depend upon reports.⁴ When I can learn the particulars in a manner authentic I shall be happy in finding an excuse for troubling my friend with another Letter from Your most humble Servant

ADf, MHi.

1. marquee: a large tent, as an officer's field tent.

2. The Pennsylvania Associators.

3. The firing to which WL refers had occurred on the evening of August 28. George Washington described it to John Hancock as “pretty smart” skirmishing following the battle of Long Island on August 27 (Fitzpatrick, *Writings of Washington*, 5:497).

4. In August 1776 Lt. Col. Harman Zedwitz had been discovered engaging in correspondence with the last royal governor of New York, William Tryon. He confessed at his trial that he had written to Tryon, but denied that his motive was treasonable. His aim, he said, was to draw money from the royal coffers to reimburse himself for an unpaid debt. Zedwitz was convicted, cashiered, and barred from ever again holding a United States commission. Following his trial, he was confined successively in jails at York, Pennsylvania, and Newark and Morristown. He wrote to George Washington from Morristown on October 25, 1776, requesting relief from the unhealthy conditions at the jail there (Force, *American Archives*, 5th ser., 2:1217–18). Court-martial proceedings of late August may be found in DLC:GW. An account of the trial and the incriminating evidence used against Zedwitz is found in Force, *American Archives*, 5th ser., 1:1159–63.

From Hugh Mercer

Bergen 29 August 1776

Dear Sir,

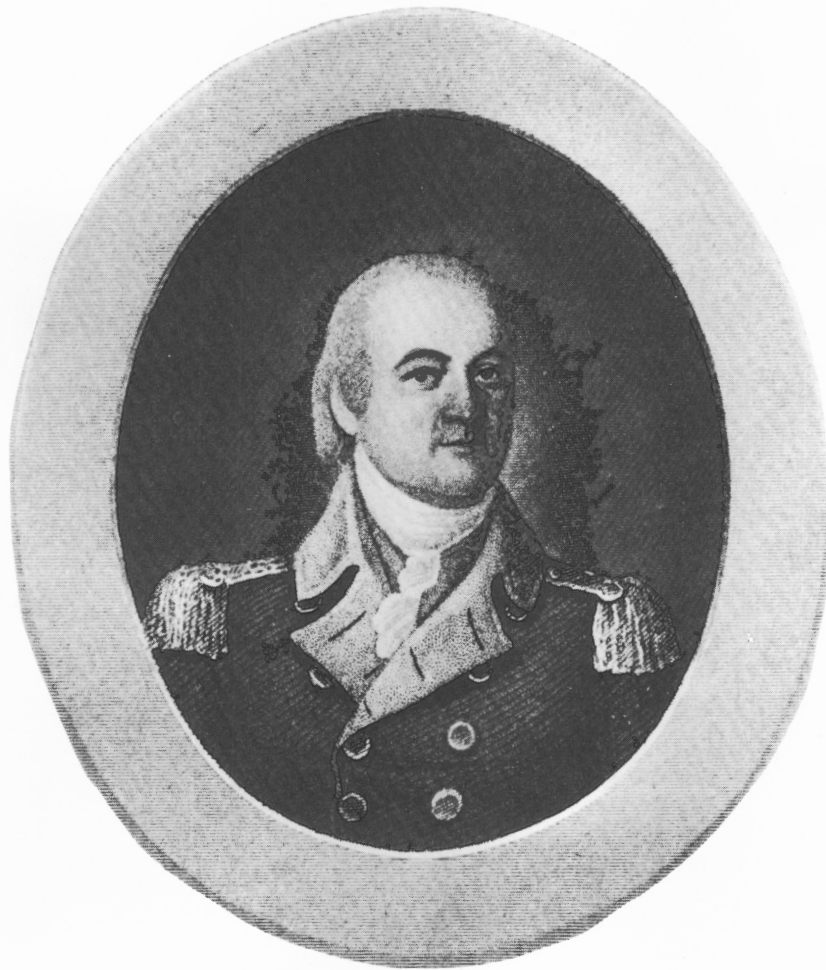
We have nothing new today. The firing of yesterday was from scouting Parties, but no movement of consequence in either army. A Reinforcement arrived yesterday from Connecticut and we shall have between two & three Thousand I hope to day in Bergen. As many Troops are comeing in from Pennsylv¹ and will to day be arriving I donot apprehend it is necessary to call in any more of your Militia, but to let those now on Duty be regularly releived—by which measure the Posts will be duley occupied for any necessary length of Time. I am Sir most respectfully your obedient Servant

H MERCER

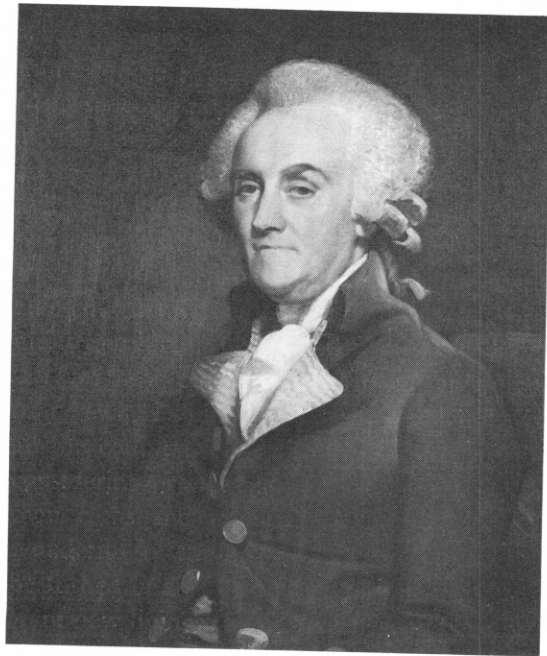
I beg the favour you will give the Inclosd² a Passage to Phila by Post.

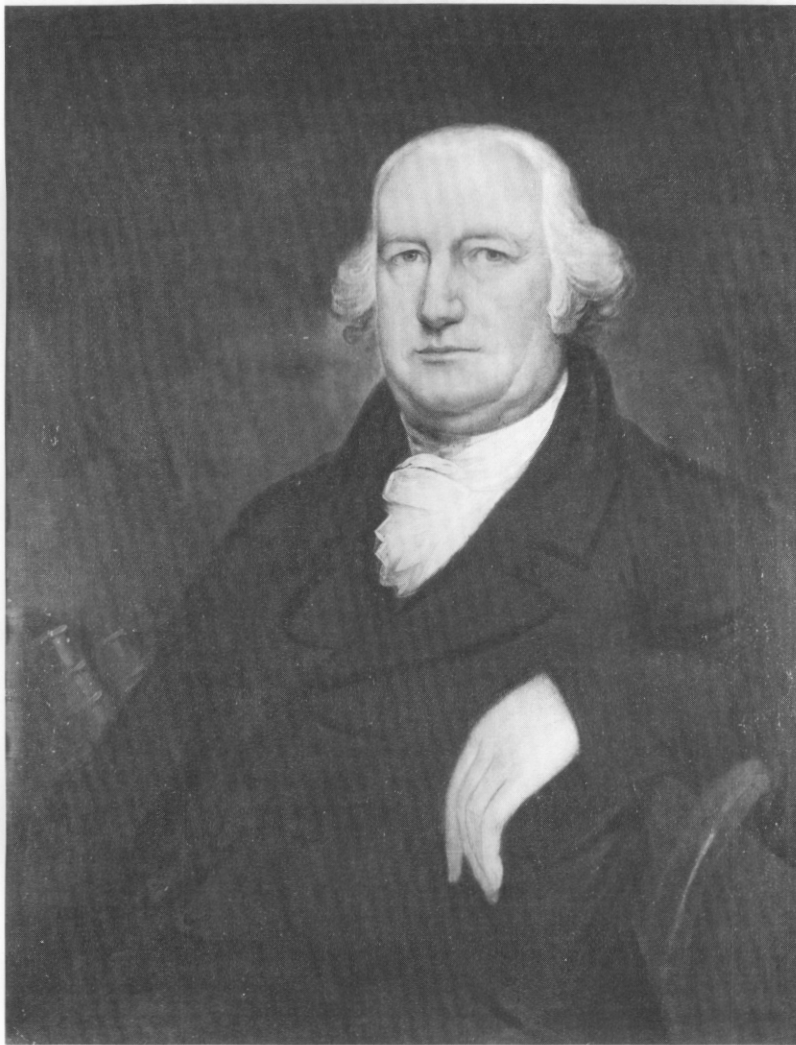
ALS, MHi.

1. Elements of the Pennsylvania flying camp.
2. Enclosure not found.



William Alexander, "Lord Stirling." Engraving by J. N. Gimbrede, courtesy of The New Jersey Historical Society.





Elias Boudinot. Portrait by Charles Willson Peale, courtesy of The Art Museum, Princeton University (gift of Mr. and Mrs. Landon K. Thorne for the Boudinot Collection).

Opposite, top: James Kinsey. Portrait by unknown artist, courtesy of the Special Collections Department, Alexander Library, Rutgers University.

Opposite, bottom: William Franklin. Portrait by Mather Brown, courtesy of Mrs. J. Manderson Castle, Jr.





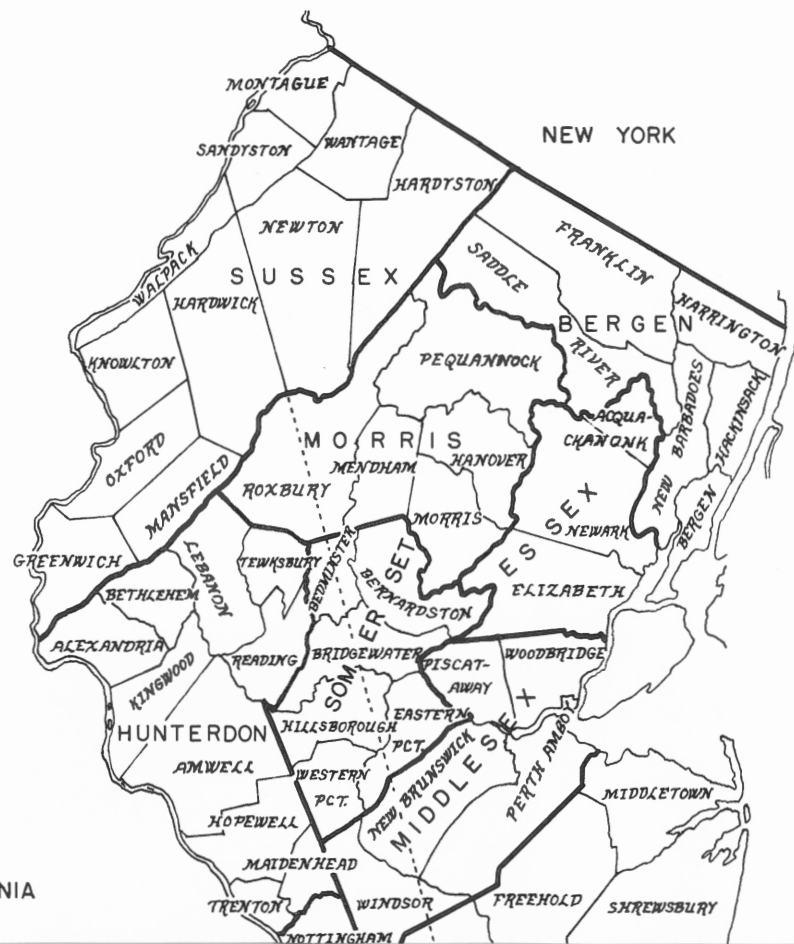
NEW JERSEY

1775

Counties & Villages

0 5 10 15
MILES

John P. Snyder





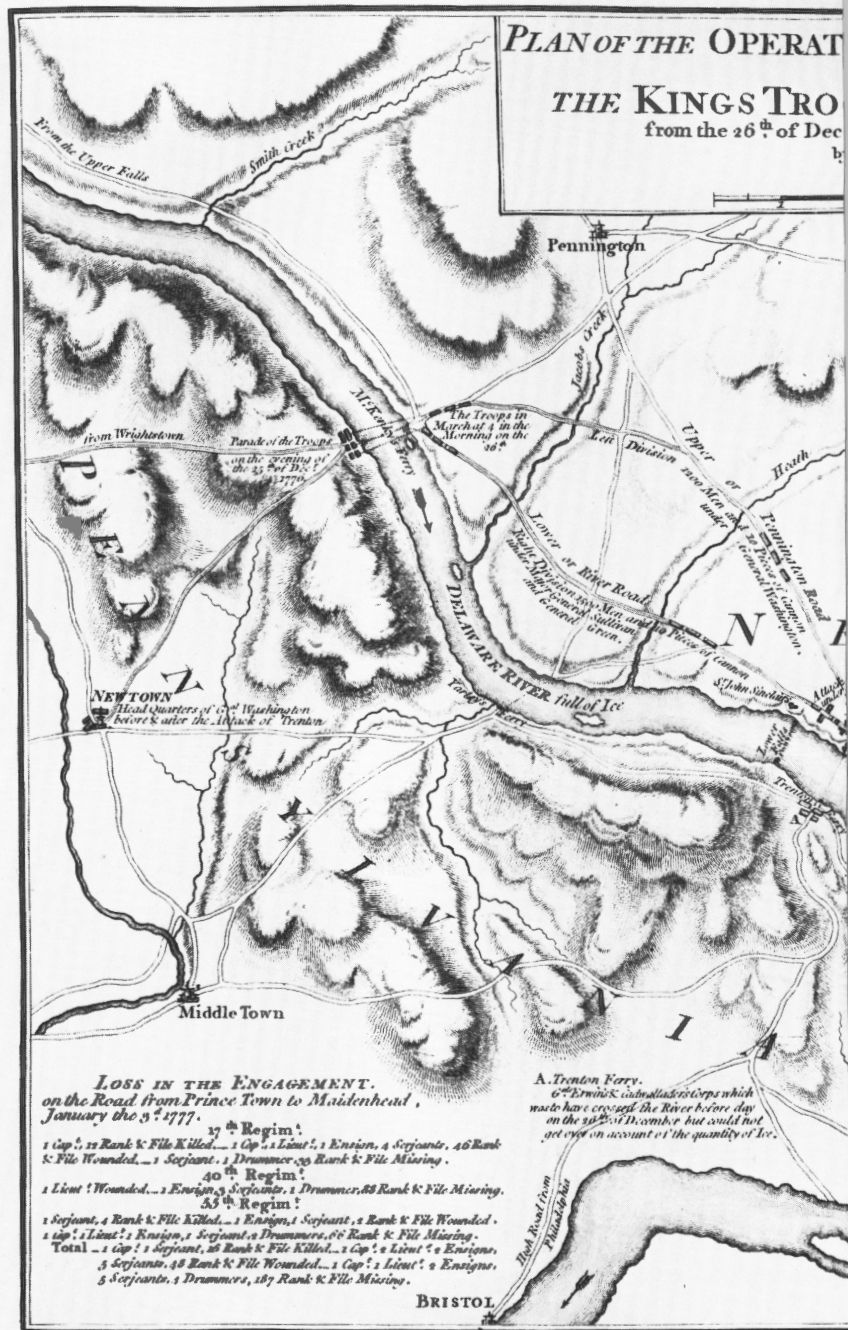
NEW JERSEY

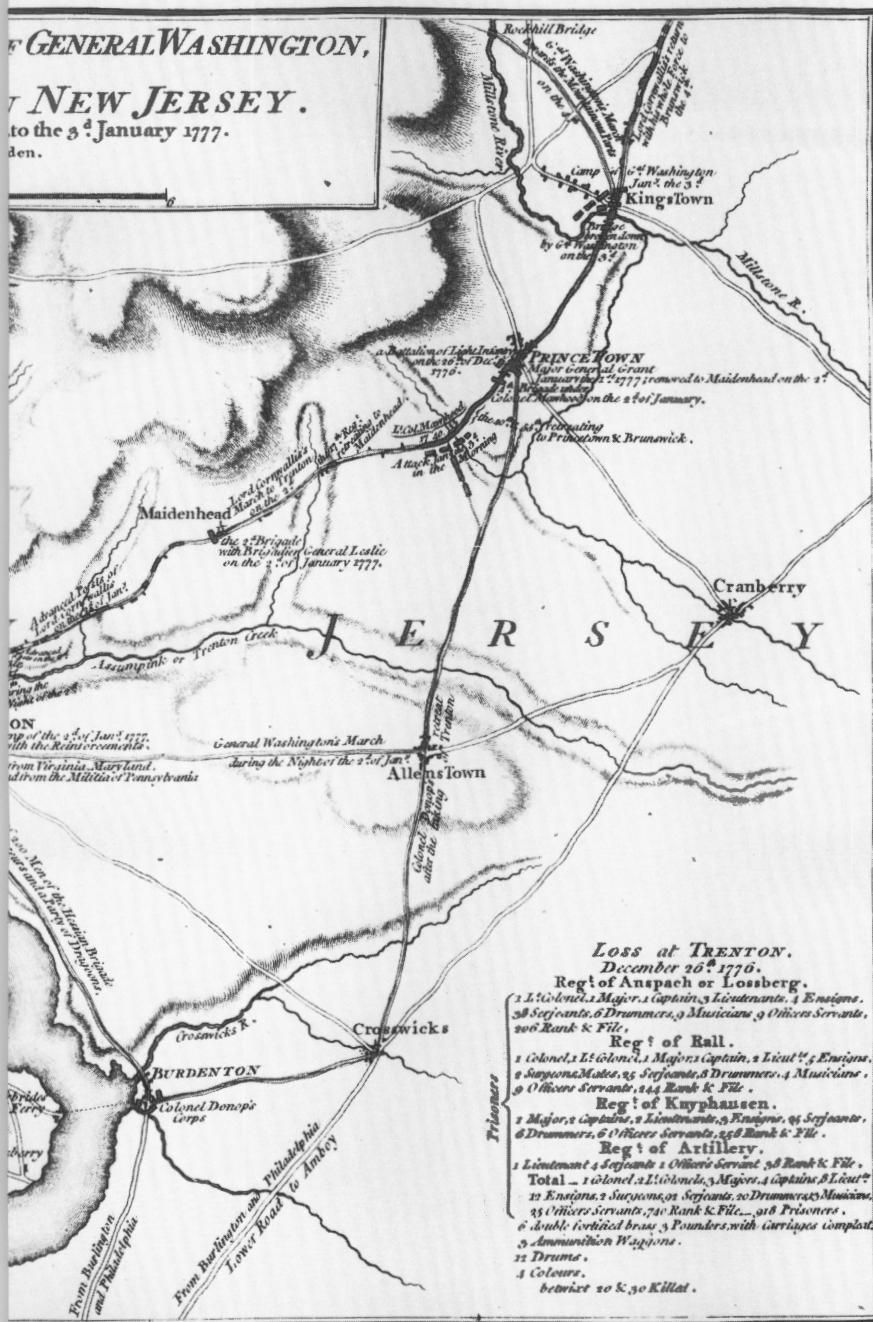
1775

Counties & Townships

0 5 10 15
MILES

adapted from map © John P. Snyder

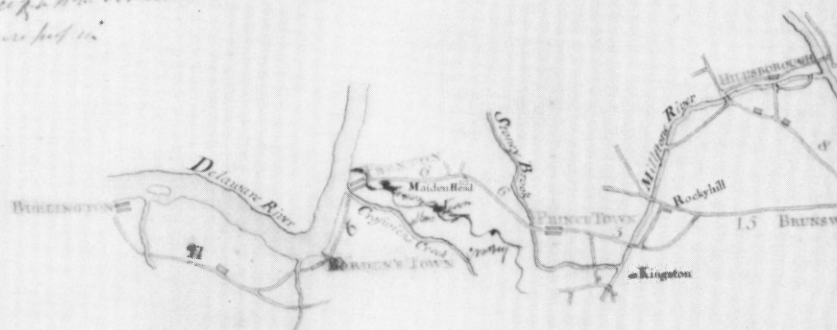




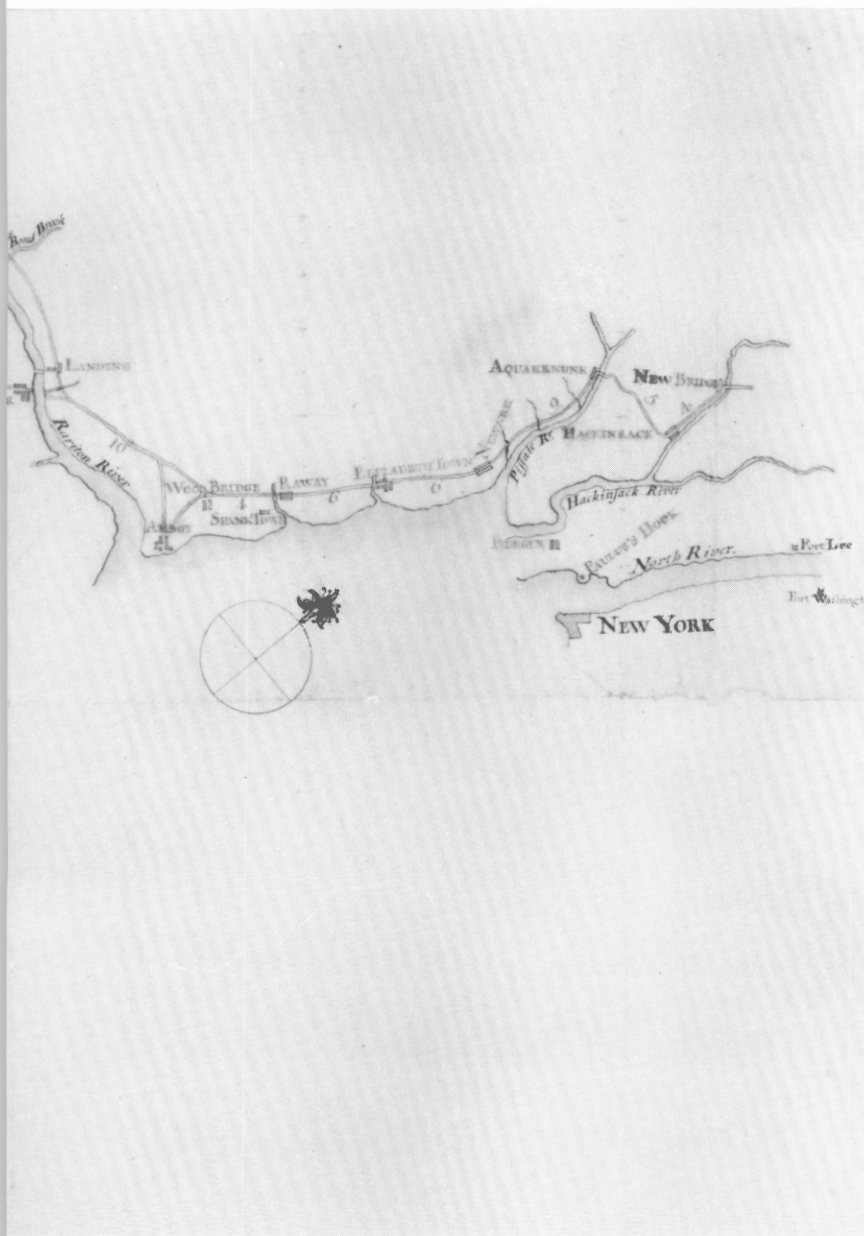
Wm Faden, owner of St. Martins Lane, Drawing Office.

Map by William Faden, courtesy of the Newberry Library, Chicago.

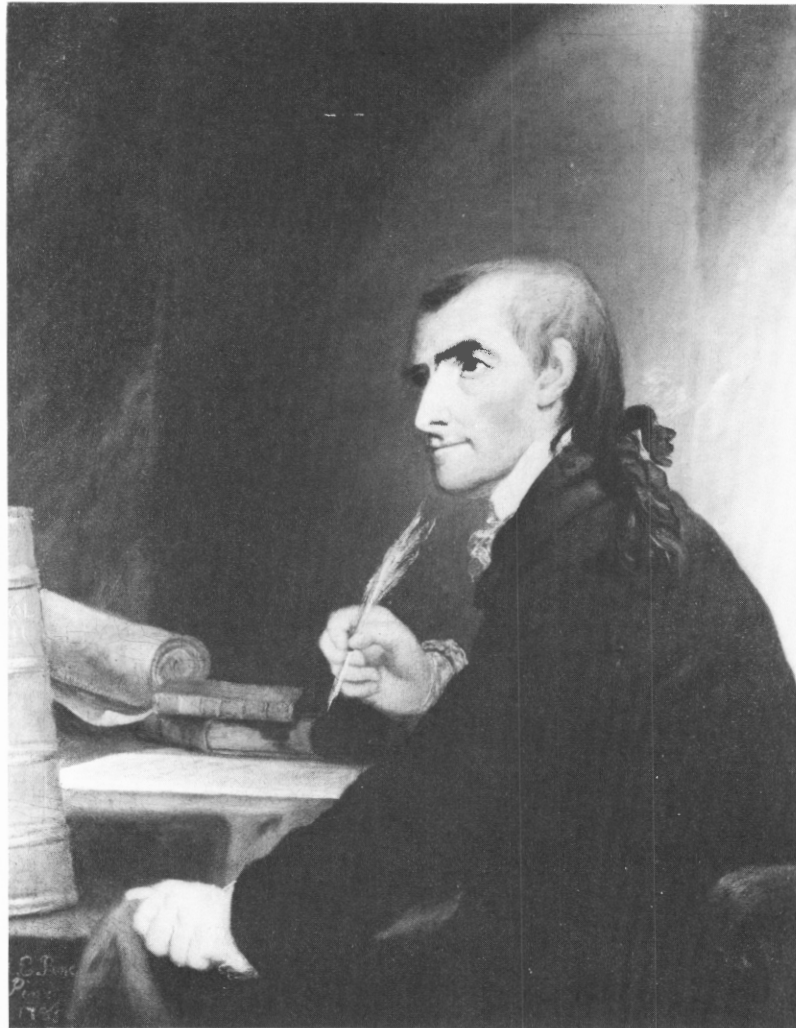
Cap. Muntrafer.
after his appointment of
and from this position
the first of the month
has been in the same
position.



Major General Grant Commanding in New Jersey	Colonel Donnop	BURLINGTON	42 ^d Reg ^t 2 Battalions Hessian Grenadiers, 1 Batt ⁿ Detachment of Jagers
		Communication from BURLINGTON to BORDENTOWN BORDENTOWN	Hessian Grenadiers, 1 Batt ⁿ Hessian Grenadiers 2 Batt ⁿ Detachment of Jagers
	Colonel Ralfe	TRENTON	Ralfe's Brigade 20 Dragoons 30 Jagers
		PRINCETON	2 ^d Brigade Light Infantry 2 Batt ⁿ 3 Troops, 16 Dragoons
	Brig ^d Genl. Leslie	HILLSBOROUGH, &c	3 Batt ⁿ 4 th Brigade
		BUNSWICK	British Grenad ^r 2 Batt ⁿ 3 Troops, 16 Dragoons
	B. G. Matthew	LANDING	Guards.
		SEANTOWN	46 th Reg ^t 1 Troop. 17 Dragoons.
		ANDY	33 th Reg ^t
		ELIZABETH TOWN	Waldeck Reg ^t 1 Troop, 17 Dragoons
		NEWARK	2 Batt ⁿ 71 Reg ^t
		AQUAKENUNK	1 Batt ⁿ 71 Reg ^t
		HACEINACE	26 th Reg ^t
		NEW BRIDGE	7 th Reg ^t
		BERGEN	57 th Reg ^t
		PAULUS'S HOOK	30 Men from the 57 Reg ^t



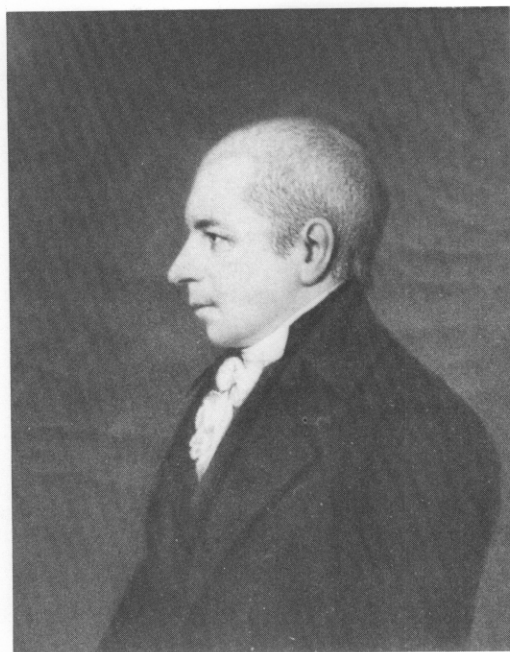
The Road from New York to Burlington, N.J. From the Sir Henry Clinton Papers, courtesy of the William L. Clements Library, Ann Arbor.

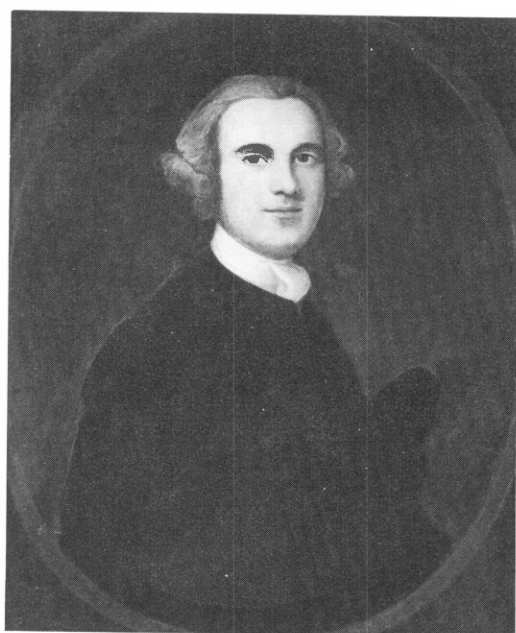
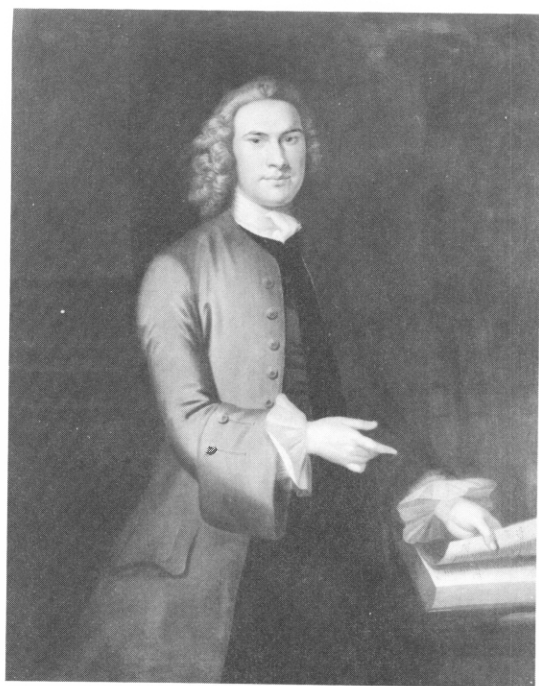


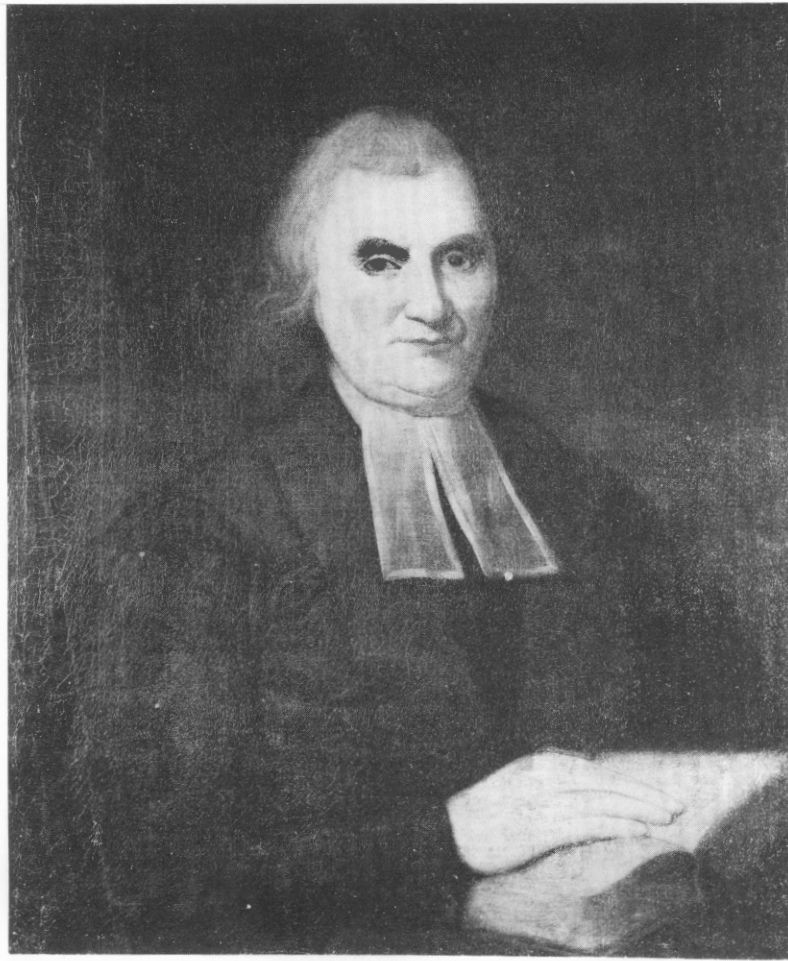
Francis Hopkinson. Portrait by Robert Edge Pine. The Historical Society of Pennsylvania.

Opposite, top: William Paterson. Portrait by James Sharples, courtesy of The New Jersey Bank, West Paterson, New Jersey.

Opposite, bottom: Cortlandt Skinner. Portrait by unknown artist, courtesy of The New Jersey Historical Society.



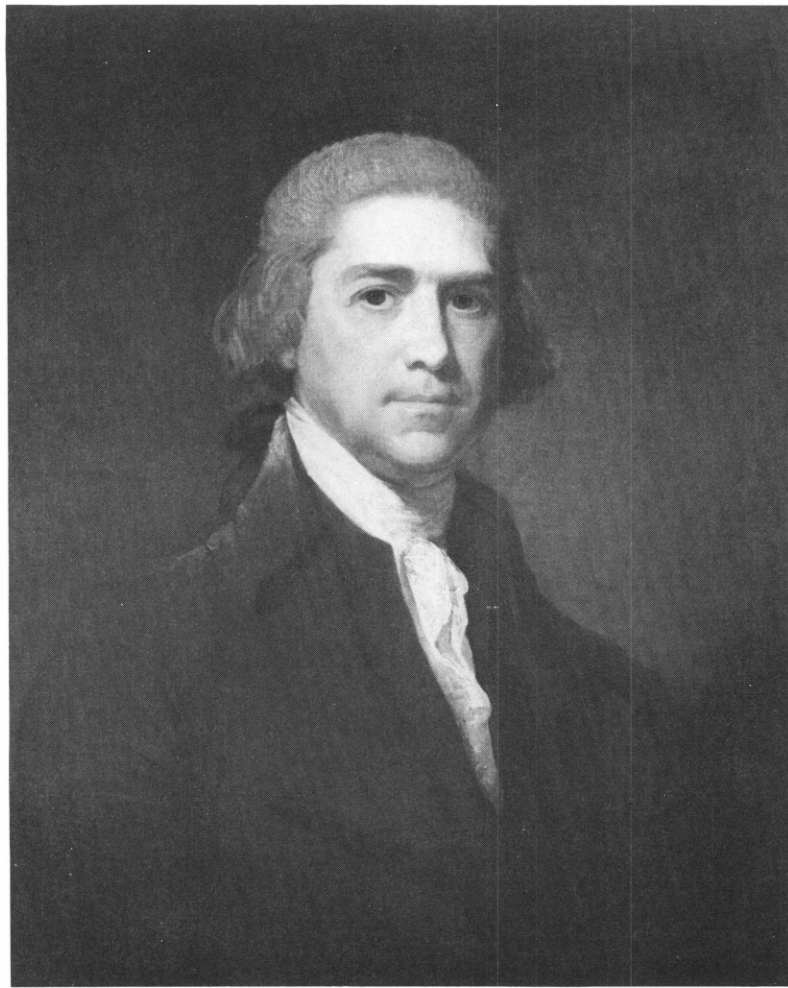




John Witherspoon. From a portrait by Charles Willson Peale, courtesy of Princeton University.

Opposite, top: William Peartree Smith. Portrait by John Wollaston, courtesy of The Art Museum, Princeton University (gift of Mrs. Landon K. Thorne).

Opposite, bottom: Richard Stockton. From a portrait by John Wollaston, courtesy of Princeton University.



Charles Pettit. Portrait by Gilbert Stuart, courtesy of Mrs. T. Charlton Henry.

3

Governor

August 31–December 10, 1776

William Livingston's appointment as governor opened a new and radically different phase in his career. Accorded little power by the state constitution of July 2, 1776, Livingston might well have become merely a benign figurehead handling routine and ceremonial matters. His early dealings with the legislature were stiff and formal. He requested several measures to aid the war effort, reminding the legislators: "An absolute Confidence of having our Deliverance wrought out by the immediate Hand of God, without our own Exertions, is the most culpable Presumption." Nevertheless, his initial appeals to pay and provision the militia and Continental army were only politely heard and rarely acted on.

Despite Livingston's aggressive attempts to assert his leadership, the assembly proved dilatory in raising new troops for Washington's army, which was in a desperate condition after setbacks at Harlem Heights and White Plains and the fall of the Hudson River forts. When the legislature reconvened on November 21, the British invasion of New Jersey was imminent. The governor's urgent messages underscored the unceasing appeals of Washington and the Continental Congress for support from the states. The concerted prodding finally resulted in legislation to raise new troops, but the new laws failed to provide replacements for the rapidly disintegrating New Jersey units of the flying camp.

It was in the midst of this military crisis that Livingston first exercised the power latent in his constitutional role as commander in chief of the state militia. He began ordering companies to guard the shores and issuing proclamations that placed the militia on the alert in different parts of the state.

Despite his terse orders to his brigadier generals to call up all of the militia at the end of November, New Jersey could not provide enough

reinforcements either to impede the British incursion into the Raritan Valley or to spare Washington's army the retreat to Pennsylvania. With the approach of the British army in the first days of December, the New Jersey Legislature disbanded. To many it appeared that all effective government in the state had ended.

From British Prisoners

Somerset Goal, August 31, 1776. Four prisoners appeal to WL to allow their baggage to be forwarded to them.

ALS, MHi.

Joint Meeting Minutes

Princeton August 31. 1776

In a Joint-Meeting of the Legislative Council & Assembly of the State of New-Jersey. The Honorable Nathaniel Scudder Esqr. in the Chair Ordered

That Mr. Crane,¹ Mr. Dey and Mr. Garritse be a Committee to wait upon The Honourable William Livingston Esqr. and acquaint him that he has been this Day duly elected Governor² of this State pursuant to the Constitution of Government lately established;³ and that it is the Desire of this Meeting that he will be pleased to repair, with all convenient Speed, to this Place and take upon him the Exercise of the said Office. By Order of the Meeting

CHAS PETTIT, Secretary⁴

ADS, MHi.

1. Stephen Crane.

2. Article 7 of the state constitution empowered the Legislative Council and General Assembly to elect a governor "jointly at their first meeting, after each annual election . . . by a majority of votes" (*Prov. Congress*, 554–55). The legislature had been elected on August 13 and had first convened at Princeton on August 27. It lacked a quorum until August 29 and therefore had to postpone the election of the governor until August 30. The Joint Meeting appointed John Stevens chairman. The first ballot ended in a tie between WL and Richard Stockton. The next day, the combined legislative bodies selected Nathaniel Scudder to be chairman in place of John Stevens and withdrew the chairman's voting privilege except in case of tie. They then elected

WL governor. The number of legislators present was not recorded, but the vote was probably 27–14 (*Joint Meeting*, 3–4).

Though the Joint Meeting minutes do not record it, political infighting characterized the election. WL never actively campaigned for the governorship or corresponded about it, but this is not to suggest that he did not want the position or work for it informally. A meeting between John Stevens, a WL supporter, and Richard Stockton on the morning of August 31 may have opened the way for WL's election. Claims of chicanery and manipulation are contained in Stockton's memorial to the legislature of September 2, 1776 (NjHi), and John Stevens's answer of October 1, 1776 (NjHi, MHi).

3. The state constitution severely limited the powers of the governor. For example, although the governor was referred to as "Captain-General and Commander-in-Chief" of the militia, his authority over the military was ill defined. His clearest unfettered powers were judicial rather than executive. He held the offices of chancellor and ordinary or surrogate general, and he belonged to the court of appeals. On the other hand, he was enjoined to seek the advice of a Privy Council composed of three or more members of the Legislative Council "in all Cases, where he may find it necessary to consult them" (*Prov. Congress*, 555). The governor was denied the power to veto legislation or to make civil, military, or judicial appointments; he was also subject to annual election by the New Jersey Legislature.

4. Charles Pettit was appointed secretary of the Joint Meeting on August 31 (*Joint Meeting*, 3).

To Hugh Mercer

Elz Town 1 Sept. 1776

Dear Sir

I am extremely unhappy on account of the uneasiness of Capt. Halls Company in Colonel Thomas Battalion of months men.¹ On the one hand a principle of Honor ought to prevent every man from taking the Advantage of the Expiration of his time at so critical a Season—But on the other hand the men bear the faith of Government for being discharged at this period² & that probably was their inducement for inlisting, & all contracts especially those on the part of Government ought to be deemed sacred & inviolable. As half of our Militia is drawn out exclusive of the Months men, could not this Company be relieved by an equal number out of Colonel Dey's or Colonel Quicks Battalion, & in like manner the rest on the Expiration of their term of Inlistment? Having just now received a Delegation from the State of New Jersey acquainting me of my being elected Governor of this State & desiring me to repair with all convenient speed to Prince Town to take upon me the Exercise of that office; I shall be obliged to Leave this Post on

Tuesday Morning.³ I mention this because as the Command here will then devolve on Colonel Ford till the State appoint an other Brigadier, that you may in future direct your Dispatches accordingly. I am with great [Truth] & Esteem your most humble Servant.

ADf, MHi.

1. Col. Edward Thomas had reported on September 1 (MHi) that some men of Capt. Josiah Hall's company of Morris County militia had deserted and that desertions would continue unless W.L. sent troops to relieve his men.

2. The August 11, 1776, militia ordinance had called out "one half into immediate service, to be relieved by the other monthly" (*Prov. Congress*, 568).

3. September 3, 1776.

From Jacob Ford, Jr.

Camp at D Hearts 2nd. September 1776.

Sir,

When I Reflect on the Publick Honors you was pleased to do me yesterday Evening, words are wanting to Express a Suitable Acknowledgement. And While on the One Hand I am Grieved to the Heart for the Loss of a General, on the Other I am Rejoicing in the appointment of a Governor, in Whom So Illustriously Shines the Patriot, the Gentleman, And Equallity to the Appointment; Under Whose Mild and just Government the Souls of the Freeborn, Depress'd Sons of the State Shall Exult in Freedom, Clap their Wings & Crow over Tyranny.

I am not altogether ignorant of the wait and importance of that Command Wherewith you Clothed me, but I fear I Shall not be Equal to the Task; But be assured Sir, Faithfull endeavours to Discharge that Trust will never be wanting, and I Shall ever Esteem myself Happy to be Honnourd with Your Commands, and Thankfully Acknowledge the favour of Any future instructions.

May I take the Liberty to Mention to your Excellency a Tho't that Lays With Some Wait on my Mind. It is this, I fear, (and perhaps not without Some Reason) that We have among us Some Militia officers Who have more of the Kings Prosperity in arms, than the Health and Freedom of this State at Heart; and am much of opinion that were they Called out to the Defence of their Country, or put to an Oath of

Test, and weighed in the Ballance they would be found wanting. If this is truly the Case would they not do us much more Hurt than good in the Day of Battle. And while they are Fighting with the well elevated muzles of their Guns by our Side I should fear they wou'd Embrace the first Opportunity to Cut our Throats. Query then if it would be improper that the Militia officers Renew their Commissions and take an Oath of Test to the State.

Doctor Tuthill has Served the County of Morris in the Charactor of Deputy Clerk under Mr. S. Gouverneur, but would Decline that office Should it be Offered to Him. He is Happy in the Charactor of Farmer and thus he Wishes to Spend his Days. He joins With me in Opinion that Doctor Jabez Canfield (a Warm Friend to his Country) would be the most Suitable Person in the Town to fill the office, and wishes his appointment thereto. The Doctor is Really a Gentleman of much Worth in my Opinion and I don't Know Where a Better and more Capable Man would be Found amongst us.

I have engaged to Manufacture Gun Powder for the Continental Congress, and for this State.¹ I have Received a Sum of Money from them to enable me to build the works etc. and am under Bonds to faithfully perform. I have Built the works and got them Ready to go and all the Men I Depended on to work in the Mill are Called out from my Service in the Militia; thus has the Same power that made the agreement with me, Laid me under Bonds and Lent me Money, put it out of my Power to Fulfil my agrement. Mr. Faesh is in the same Box Relative to the People he Depended on to Assist him in Casting Guns, Balls, Shells etc. and the General is Calling on us for those verry Articles. If in your Wisdom it should seem proper to Lay the Consideration of these Broken Hints before the Legislature of the State, the favour would be thankfully Acknowledged.²

I have only to add my Hearty Wishes that the Remainder of your Days may be Spent in Governing this State, and that every Happiness might Attend you Through Life Which your own wishes Could paint, and am Sir your most obedient Servant

JACOB FORD JUNIOR

ALS, MHi.

1. The Continental Congress had tendered Jacob Ford, Jr., the contract on May 14, 1776 (JCC, 4:355).

2. Wl. requested on September 3, 1777, that the legislature exempt ironworkers. The legislature acted on December 11, 1777, to exempt workers employed in the manufacturing of both salt and iron (*Acts* [November 25–December 12, 1777], 21).

To Henry Brockholst Livingston

Camp at Elizabeth Town 2d September 1776 2 oClock in the morning

Dear Brockl.

I received yours dated at Albany¹ yesterday & sending it by John Lawrence² who happened to pay me a Visit, to mamma, I cannot tell the date. I have been so prodigiously hurried & fatigued for this month past, as to have no time to advert to anything but this particular Department. I kept my head Quarters at Reynolds³ & almost entirely lived there. But finding it impossible to reduce the Men to order while I kept in Town, I encampd last week among them, & soon found the good Effects of being personally with them; as the officers were really more deficient in their Duty than the privates. But the immense fatigue I have had both in Mind & Body has almost worn me out. It was therefore on that Account more than any other that I found myself yesterday agreeably relieved by a Delegation of our State acquainting me that I had been duly elected Governor of this State pursuant to the Constitution of Government lately established, & desiring me to repair with all convenient speed to Prince Town & take upon me the Exercise of the said office. The command here now devolves on Colonel Ford, the oldest Colonel of the two Battalions here, for to that are we reduced after the Detachments we have sent on to Bergen.

Our Troops have evacuated Long Island & we daily expect an Attack upon New York.⁴ What Number of Hessians they have left on Staten Island we cannot learn with any precision. We had a report last Night, that our people were removing their Cannon out of the City, by which it would seem that they intended to reduce that to ashes⁵ & make their stand to the north of it; & indeed it is difficult to defend it when attacked both by Sea & Land. If General Schuyler should resign, I think it would be best for you to return home, & prosecute your Studies; & perhaps I may be able to procure you some promotion in the civil Line, tho' it is impossible to tell what particular offices the new Government may think proper to place in the appointment of the

Governor. With my sincere Regard to General Schuyler. I am your affectionate Father

WIL: LIVINGSTON

ALS, MHi.

1. Letter not found.
2. Probably WL's son, John Lawrence Livingston.
3. Broughton Reynolds was a Loyalist, and WL may have used his vacated home as headquarters.
4. Evacuation following the battle of Long Island had been completed by August 30. WL had received a complete report of the battle of Long Island from Col. Joseph Reed with comments on the superior strategy of the enemy and on the American losses (Joseph Reed to WL, August 30, 1776 [MHi]). British preparations for an attack upon New York City began on September 3.
5. The Continental Congress resolved on September 3 that should General Washington be obliged to leave New York, "no damage be done to the said city" (JCC, 5:733).

Commission to Charles Pettit

[Princeton, September 5, 1776]

By His Excellency William Livingston Esquire Governor, Captain General and Commander in Chief in and over the State of New Jersey and Territories thereunto belonging Chancellor and Ordinary in the same. To Charles Pettit Esquire Greeting. Reposing especial Trust and Confidence in your Integrity Learning and Ability I have thought fit to constitute and appoint And I do by these presents constitute and appoint you the said Charles Pettit principal Surrogate of the Ordinary's or Prerogative Court of the State of New Jersey¹ Giving and by these presents granting unto you full Power and Authority in my stead and place to swear and Affirm the Witnesses to last Wills and Testaments, to admit Administrations on the Estates of Persons dying Intestate: and to administer the Oaths and Affirmations to Executors and Administrators, and their Accounts to state examine and approve allow and discharge, and *Quietus est*² thereupon to give and grant: and generally to do execute and perform all such Acts and Things as to the said Office of principal Surrogate doth belong and appertain:³ saving and reserving nevertheless, as Ordinary of the said State, the final Judicial Power in controverted Cases according to the Usage and

Custom in the said State.⁴ Hereby giving and granting unto you the said Charles Pettit the said Office of principal Surrogate of the State of New Jersey, with all Fees, Perquisites, Emoluments, profits and Advantages to the same belonging or appertaining or that of Right ought to belong and appertain to the same according to Custom and Usage, you being accountable to me or to the Governor or Commander in Chief of this State for the Time being, for the Seals affixed in the said Office. In Testimony whereof I have hereunto set my Hand and caused the Prerogative Seal of the State⁵ to be Affixed at Princeton the fifth day of September in the year of our Lord One thousand seven hundred and seventy six.

WIL: LIVINGSTON

DS, MB. In the hand of Charles Pettit.

1. On this date WL also issued commissions to Elijah Hughes (Nj) and William Livingston, Jr. (MHi), as deputy surrogates.

2. *quietus est*: discharge or acquittance given on payment of sums due or clearing of accounts; a receipt.

3. Article 8 of the state constitution had declared the governor the ordinary or surrogate general. He was authorized to place the prerogative seal upon such legal documents as wills, letters of administration, and marriage bonds. The governor or ordinary continued to be the only judge of probate until 1784.

4. The surrogates worked under the control and supervision of the governor and served at his pleasure. The governor could review their actions on appeal or if he wished take initial cognizance of the case. As the governor's deputy, the principal surrogate had jurisdiction over those cases submitted to him by the governor.

5. No state prerogative seal as such was in use at this time. WL employed his personal seal.

Commission To Jonathan Ayers

[Princeton, September 6, 1776]

THE STATE OF NEW-JERSEY, to Jonathan Ayers Esquire

GREETING:

THE COUNCIL and ASSEMBLY, reposing especial Trust and Confidence in your Integrity, Prudence and Ability, have, at a Joint-Meeting,¹ appointed you the said Jonathan Ayers to be one of the Justices of the Peace in and for the County of Cumberland. You are therefore hereby commissioned (jointly with others the Justices in and for the said County, and severally) a Justice assigned to keep the Peace

in the said County of Cumberland and to keep or cause to be kept all Laws and Ordinances made for the Good and Conservation of the Peace, and for the quiet Rule and Government of the People, in all and every the Articles thereof, in the said County, according to the Form, Force and Effect of the same;² and to chastise and punish all Persons offending against the Form of those Laws and Ordinances, or any of them, in the County aforesaid, as shall be fit to be done; and to cause to come before you, all those Persons who shall threaten any of our People in their Persons or in burning their Houses, to find sufficient Security for the Peace or for the good Behaviour towards the State; and if they shall refuse to find such Security, then to cause them to be kept safe in Prison till they find such Security. And you the said Jonathan Ayers with other the Justices in and for the said County of Cumberland or any three or more of you, are assigned Justices to enquire,³ by the Oaths of good and lawful Men of the County aforesaid, by whom the Truth may be the better known, of all and all Manner of Petty-Larcenies, Thefts, Trespasses, Forestallings, Regraterings, Ingrossings⁴ and Extortions whatsoever, and of all and singular other Misdeeds and Offences of which Justices of the Peace may or ought lawfully to inquire, by whomsoever, or howsoever done and perpetrated, or attempted in the said County; and all those who, in the County aforesaid, have either gone or ridden, or that hereafter shall presume to go or ride, in Company with armed Force, against the Peace, to the Disturbance of the People; and also of all those who in like Manner have lain in wait, or shall presume hereafter to lie in wait, to maim or kill the People: As also of all Innholders, and of all and singular other Persons who have offended or attempted, or hereafter shall offend or attempt, in the Abuse of Weights and Measures, or in the Sale of Victuals, against the Form of the Laws and Ordinances or any of them in that Behalf made for the common Good of the State, and People thereof, in the County aforesaid: And also of all Sheriffs, Bailiffs, Constables, Gaolers and other Officers whatsoever, who, in the Execution of their Offices about the Premises,⁵ or any of them, have unlawfully demeaned themselves, or hereafter shall presume unlawfully to demean themselves; or have been or shall hereafter be careless, remiss, or negligent in the County aforesaid; and of all and singular Articles and Circumstances, and of all other Things whatsoever, by whomsoever and howsoever done and perpetrated in the

said County, or which shall hereafter happen, howsoever to be done or attempted, in anywise more fully than herein expressed, concerning the Truth of the Premises or any of them: And to inspect all Indictments whatsoever, so before any three or more of you taken or to be taken, or made or taken before others late Justices of the Peace in the County aforesaid, and not as yet determined; and to make and continue the Process thereupon, against all and singular the Persons so indicted, or which hereafter shall happen to be indicted before any three or more of you, until they be apprehended, or enter themselves, or be out-lawed: And to hear and determine all and singular the Petty-Larcenies, Thefts, Trespasses, Forestallings, Regrateings, Ingrossings, Extortions, unlawful Assemblies and Indictments aforesaid; and of all and singular other the Premises, according to Law. And therefore you are commanded that you diligently intend the keeping of the Peace, Laws and Ordinances, and all and singular other the Premises; and at certain Days and Places which you and other the Justices in and for the said County, or any three or more of you, shall in the Behalf appoint, or by Law shall be appointed, you make Inquiry upon, and hear and determine, all and singular the Premises, and perform and fulfil the same in Form aforesaid, doing therein that which to Justice appertaineth according to the Laws, Statutes and Ordinances aforesaid; saving unto the State the Amercements and other Things to it thereof belonging. And by Virtue of these Presents the Sheriff of the County aforesaid is commanded that, at certain Days and Places which you together with other the Justices of the said County, or any three or more of you, shall make known to him, or shall be by Law appointed, he cause to come before any such three or more of you, such and so many good and lawful Men of his Bailiwick by whom the Truth in the Premises may be better known and inquired of. IN TESTIMONY whereof the Great Seal of the State is hereunto affixed:⁶ Witness WILLIAM LIVINGSTON, Esquire, Governor, Captain-General and Commander in Chief in and over the State of *New-Jersey*, and Territories thereunto belonging, Chancellor and Ordinary in the same, at Princeton the Sixth Day of September in the Year of our Lord One Thousand Seven Hundred and Seventy six.

WIL: LIVINGSTON

By His Excellency's Command, CHAS. PETTIT Secretary⁷

DS, NTR.

1. This meeting was held on September 6 (*Joint Meeting*, 6).

2. Articles 21 and 22 of the state constitution provided that the colonial statutes, as well as the general body of English common law and those British statutes which had been in effect in the colony, would remain valid unless the legislature altered them. To clarify these provisions an act of October 2, 1776, preserved for the courts of the state the powers and functions they had exercised as royal institutions. This act empowered the governor for a limited time to authorize and determine, with the consent of his council, the times and places for the convening of these courts (*Acts* [September 13, 1776–March 17, 1777], 4).

The judicial system of New Jersey had been constructed during the first years of royal government. In 1702 the first royal governor, Edward Hyde, Lord Cornbury, had been empowered by his commission to establish all courts he deemed necessary for the prudent and efficient administration of justice. His Ordinance of 1703 reorganized the court system of the proprietary period without destroying its essential features. The system continued with only minor changes until 1844.

Justices of the peace were appointed by the governor to serve in local, county, and state courts. The lowest courts of the province were local justices' courts, held in the town where justices of the peace resided. They had jurisdiction in civil cases of trespass (tort) and debt (contract) where the cause of action did not exceed forty shillings. Cases in these courts could be tried without a jury.

3. Cornbury's Ordinance of 1703 had separated each county court into distinct bodies of criminal and civil authority. The court of general sessions of the peace, also known as the court of quarter sessions, had jurisdiction over criminal cases. It consisted of three or more county justices of the peace who met four times a year at the county seat. It could hear appeals from justices' courts if the sum in controversy exceeded ten shillings. The times and places that these courts were to meet were specified by the governor with the consent of the council. For a discussion of the civil court (the court of common pleas), see Commission to Samuel Johnston, September 7, 1776.

4. forestalling: securing commodities before they reach the fair or market with intent to resell at a higher price.

regrating: buying or otherwise acquiring at a fair or market any kind of food with the intention of selling it again at a higher price.

ingrossing: purchasing in large quantities to secure a monopoly.

5. premises: matters stated previously.

6. Article 11 of the state constitution empowered the legislature to mandate the creation of the great seal, which would be kept by the governor (or in his absence by the vice president of the council). Both houses resolved on September 10 that WL's seal at arms be deemed the great seal of the state until a new seal was made (*Legislative Council* [August 27, 1776–October 11, 1777], 10–11).

7. Charles Pettit had been elected secretary of the state on September 4 (*Joint Meeting*, 4).

Commission To Samuel Johnston

[Princeton, September 7, 1776]

THE STATE OF NEW-JERSEY, to Samuel Johnson Esquire *GREETING*.

THE COUNCIL and ASSEMBLY, reposing especial Trust and Confidence in your Integrity, Prudence and Ability, have, at a Joint-Meeting,¹ appointed you the said Samuel Johnston to be one of the Judges of the Inferior Court of Common Pleas² in and for the County of Hunterdon.

You are therefore, by these Presents, commissioned to be one of the Judges of the said Inferior Court of Common Pleas to be holden in and for the said County of Hunterdon for the Time limited in the Constitution: Giving and hereby granting unto you the said Samuel Johnston full Power and Authority to exercise and enjoy all Powers and Jurisdictions civil and cognizable in the said Court, and to award Execution thereon accordingly. IN TESTIMONY whereof the Great Seal of the State is hereunto affixed: Witness *WILLIAM LIVINGSTON*, Esquire, Governor, Captain-General and Commander in Chief in and over the State of *New-Jersey*, and Territories thereunto belonging, Chancellor and Ordinary in the same, at Princeton the Seventh Day of September in the Year of our Lord One Thousand Seven Hundred and Seventy Six.

WIL: LIVINGSTON

By His Excellency's Command, CHAS. PETTIT Secretary

DS, MH.

1. This meeting was held on September 7 (*Joint Meeting*, 6).
 2. The civil body, the court of common pleas (called the inferior court of common pleas in the state constitution), could adjudicate all noncriminal actions triable at law. At least three justices of the peace from the county presided over it. They served for five years. Unlike those who sat on the court of quarter sessions, however, these justices had to receive specific appointments from the legislature and to obtain separate commissions. The court convened immediately after the court of quarter sessions and at the same place. Its session could last no more than three days.
- Appeals from the county courts to the New Jersey Supreme Court were allowed as a matter of right where the suits involved £10 or more. Justices of the peace sat with supreme court justices when the latter rode circuit. For a description of the circuit court, see *Commission for Courts in Sussex County*, May 24, 1777.

To The Legislature

Princeton, September 11, 1776.¹

Gentlemen of the Council, and General Assembly,

CONSIDERING how long the Hand of Oppression had been stretched out against us; while the most assiduous Applications for Redress were either totally disregarded or treated with Insult:—How long the System of Despotism concerted for our Ruin had been insidiously pursued, and was at Length attempted to be enforced by the Violence of War; Reason and Conscience must have approved the Measure had we sooner abjured that Allegiance, from which, not only by the Denial of Protection, but the hostile Assaults on our Persons and Properties, we were clearly absolved. It may however, afford some Consolation to every Man duly regardful of the Convictions of his own Mind, and the Honour and Reputation of his Country; that *America* deferred this important Step, till the decisive Alternative of absolute Submission, or utter Destruction, announced by a numerous Fleet and Army, had extinguished all Hope of obtaining Justice; and the whole Continent, save a few self-interested Individuals, were unanimous in the Separation. In a Word, till the most scrupulous Conscience could, on the maturest Reflection, find itself justified before God and Man, in renouncing those Tyrants who, after having ravaged a great Part of *Asia*; and dissipated in Venality and Riot, the Treasures extorted from its innocent Inhabitants by the Hand of Rapine and Blood; finally meant to prolong their Luxury and Corruption, by appropriating to themselves the hard-earned Competence of the *American* World.

Thus constrained to assert our own Independence, and dissolve all political Connection with a Nation insatiate with Plunder, and deaf to the Voice of Reason of Justice and Humanity; the late “Representatives of the Colony of *New-Jersey* in Congress assembled, did, pursuant to the Advice of the Honourable the Continental Congress, the Supreme Council of the *American* Colonies, agree upon the Form of a Constitution;” which by tacit Acquiescence and open Approbation, hath since received the Assent and Concurrence of the good People of this State, to whose Consideration it was, for the Purpose, submitted. Agreeably to this Constitution, you Gentlemen, have been chosen the Legislative Council and Assembly of this State; and being

jointly met, have, in farther Pursuance of it, proceeded to the Choice of a Governor.

Having conferred that Honour upon one who feels himself very unequal to the Task; but at the same Time upon one, who, having during the whole Contest, taken an active Part in opposing the meditated Bondage, now disdains, in its most perilous Period, to shrink from a Station, which must render him peculiarly obnoxious to the common Enemy; he can with great Sincerity assure you, that it shall be his constant Endeavour, faithfully to discharge the Trust reposed in him.

He is moreover, confident, that how greatly soever you may find yourselves deceived in the favourable Opinion, you may have been pleased to entertain of his Abilities; he will never give you any Reason to call in Question, the Rectitude of his Intentions.

Gentlemen,

In the present Situation of Affairs, it is absolutely necessary to turn our first Attention to the Operations of War.

The Pay of our Militia lately called out for the Defence of *New-York*, (which has acquired signal Renown by the Spirit and Alacrity with which it engaged in the common Cause) admits of no Delay.²

That of half our Militia now on Duty, will be due in a few Days.

Some farther Regulations respecting the better ordering the Militia, merit your speedy Attention.³

A Law for regulating the impressing of such Articles as the Exigencies of the Service may require, is of great Importance.⁴

No Allowance having been made for the Provender of the Light Horse when in actual Service, and it being impossible from their perpetual Change of Station, and being frequently employed as Expresses, for the Commissaries to provide them, it is reasonable the Men should be allowed an Equivalent for keeping their Horses themselves.⁵

The fixing the Seat of Government in some convenient and plentiful Part of the State, calls for your seasonable Deliberation.⁶

Such other Matters as may occur to me during the Session, and appear more particularly conducive to give Vigour to the executive Branch of the Constitution, I shall take the Liberty to lay before you.

To enable me, Gentlemen, the more successfully to execute the

arduous Office, wherewith your unsought and unexpected Predilection hath invested me; it affects me with singular Pleasure, to find both Houses composed of the most respectable Characters. This affords a happy Presage of your Zeal and Unanimity, in promoting the true Emolument of that State, of which the *incorrupt* Voice of a free People, has made you the Guardians and Protectors. As it is our indispensable Duty, may it be our invariable Aim, to exhibit to our Constituents, the brightest Example of a disinterested Love for the common Weal; and be inflexible in our Resolution, to know neither Friend nor Favourite, whenever his Solicitations appear incompatible with the general Good. In our publick Capacities, we ought to rise superior to all private Attachment or Resentment, and make the intrinsic Merit of every Candidate for an Office, our sole Rule for his Promotion. Let us, Gentlemen, both by Precept and Practice, encourage a Spirit of Oeconomy, Industry and Patriotism; and that publick Integrity and Righteousness which cannot fail to *exalt a Nation*: Setting our Faces at the same Time like a Flint, against that Dissoluteness of Manners, and political Corruption, which will ever be *the Reproach of any People*.⁷ May the Foundation of our Infant State be laid in Virtue and the Fear of God; and the Superstructure will rise glorious, and endure for Ages. Then may we humbly expect the Blessing of *the most High, who DIVIDES to the Nations their Inheritance, and SEPARATES the Sons of ADAM*.⁸ In fine, Gentlemen, while we are applauded by the whole impartial World, for demolishing the *old* Fabric, rotten and ruinous as it was; let us unitedly strive to approve ourselves Master-Builders, by giving Beauty, Strength and Stability to the *new*.⁹

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 10–12. Also printed in the *Legislative Council* (August 27, 1776–October 11, 1777), 14–15.

1. This speech was delivered on September 13.

2. The payment of the New Jersey militia called up on June 14, 1776, had been a persistent problem. On September 14 the legislature passed a statute that had been under consideration before WL's speech. That act, designed "to prevent excessive Distresses" of the militia, provided only that fines collected from those who refused to serve be divided equally among noncommissioned officers and privates (*Acts* [September 13, 1776–March 17, 1777], 1).

3. Previous laws regulating the militia had been passed by the Provincial Congress

on June 3, 1775, August 16, 1775, October 28, 1775, June 14, 1776, July 18, 1776, and August 11, 1776 (*Prov. Congress*, 179–84, 187–92, 257–64, 548–51, 563–66, 568–72). On September 14 a committee of the whole of the assembly resolved in favor of considering a law for this purpose but did not take immediate action (*General Assembly* [August 27, 1776–June 7, 1777], 12).

4. The legislature took no action to encourage the impressment of civilian goods for military needs. An act passed on October 11, 1777, set strict guidelines for the impressment of carriages, teams, and drivers (*Acts* [September 20–October 11, 1777], 124–26).

5. The bill “for the more easy procuring of Provender for the Horses employed in the publick Service” passed the Legislative Council on September 21, and was referred to the assembly on that date (*Legislative Council* [August 27, 1776–October 11, 1777], 20–21).

6. Although the assembly resolved on September 13 that “a proper Place for the Seat of Government be taken under Consideration,” the state had no fixed capital until 1788, when a statute was passed providing that the legislature should meet alternately at Perth Amboy and Burlington. In 1790 Trenton was made the permanent state capital (*General Assembly* [August 27, 1776–June 7, 1777], 12).

7. WL is paraphrasing Prov. 14:34.

8. WL is paraphrasing Deut. 32:8.

9. John Adams wrote to his wife Abigail on October 1, “I shall inclose to you, Governor Livingstons Speech, the most elegant and masterly, ever made in America” (L. H. Butterfield, ed., *Adams Family Correspondence* [Cambridge, Mass., 1963], 2:132).

From Matthias Williamson

Elizabeth Town September 15. 1776

Sir,

I had the Honour of Receiving by the Hands of Peter Sobriesty Esq.,¹ a Commission appointing me to the Rank of Brigadier General of the Militia Forces of the State of New Jersey.²

I am laid under the most sensible Obligations to the Legislative Council and Assembly for this distinguishing Mark of their favourable Opinion of my Abilities and Readiness to serve my Country at a Time big with Events of the most solemn Nature that can possibly affect a free People; I can with Gratitude promise that as far as my small Abilities enable me, I will execute the Trust committed to my Care, with the utmost Fidelity—So help me God.

I must beg Leave to trouble your Excellency with some Difficulties that have arisen in the Militia, and which without a speedy Removal will make me Dispair of supporting this Post (immediately under my Care) with that Strength that it's Vicinity to the Enemy and it's Importance requires.

Their principal Complaint is; That they have been often calld out, and received no Pay, this real Grievance of theirs your Excellency is well acquainted with, without a speedy Remedy the important Posts at the Ferries of this Town, will in a great Measure be abandond by our Militia. I have but little Hopes that the Militia who were upon Duty the Month past will be relieved by half their Numbers.

I believe, Sir, that this Complaint would be in a great Measure removed, by the Appointment of some Person, that could be confided in to the Office of Muster and Paymaster to attend the different Posts; to see that no false Returns were made of the Men; and who being intrusted with sufficient Sums of the Public Money, might pay them with the greatest Punctuality at the Expiration of every Month's Service, which would remove one capital Cause of the present Difficulties. Your Excellency well knows the Imperfections occasioned by the frequent Relieves of the Militia, for my Part, I think if no Expedient is fallen upon to prevent it, they will dwindle away to a mere Nothing in three or four Relieves more if the Practice of monthly Rotation is Continued.

Should the Militia serve six Months in Turn they might be made a respectful Body, and many great Imperfections in Discipline Removed.

I find the Ammunition Magazines in this Town are very deficient, the Committee I believe have it under Consideration and will make the proper Applications on that Head.³ I am with due Regard Sir, your very humble Servant

MATTHIAS WILLIAMSON

ALS, NjP.

1. Peter Zabriskie.

2. On September 6 the Joint Meeting had unanimously elected Col. Matthias Williamson brigadier general of the state militia (*Joint Meeting*, 5).

3. A memorial from the Committee of Safety of Elizabethtown requesting a supply of ammunition was read before the General Assembly on September 17, along with Williamson's letter on pay for the militia and the need for ammunition. A conference committee of both houses met, and on September 18 the legislature agreed to a joint report that urged replenishment of the ammunition magazine at Elizabethtown and asked WL to draw money from the treasury to procure one ton of gunpowder immediately. It was also resolved that WL write to the Continental Congress urging the "immediate Payment of such of the Militia of this State as have been called out in the Service of the Continent" (*General Assembly* [August 27, 1776–June 7, 1777], 14–15; *Legislative Council* [August 27, 1776–October 11, 1777], 18–19).

To Samuel Sarjant

Princeton 19 September 1776

Sir

It is a matter of Doubt & not yet determined whether by the Constitution of this State the appointment of the officers of the Customs is in the Council & assembly or in the Governor, the case being wholly omitted.¹ If in the former the Governor can have no Interference in the Business except that of commissioning them on their Election. If in the Governor,² a Gentleman of an unexceptionable character & suitable Qualifications for the office has applied before you; or you may assure yourself that from your general Character I should not have made the least Hesitation in appointing you.³ Please to acquaint General Dickinson with the above particulars whose recommendation shall always have that weight with me to which a Gentleman of his rank & Probity is justly intitled.⁴ I am your most humble Servant

ADf, MHi.

1. On September 12 the Legislative Council had empowered WL to clear vessels from ports until proper officers were appointed (*Legislative Council* [August 27, 1776–October 11, 1777], 13).

2. "An Act for establishing a Court of Admiralty and Custom-Houses within the State of New-Jersey," which passed the legislature on October 5, empowered the governor to establish customs houses and commission officers with the consent of the council. This act continued in force only until the end of the 1777–1778 session of the General Assembly. There is no record that Samuel Sarjant was ever appointed (*Acts* [September 13, 1776–March 17, 1777], 7–8).

3. Samuel Sarjant had applied for a position as collector of the customs for Perth Amboy in a letter to WL of September 17 (MHi).

4. Refer to Philemon Dickinson to WL, September 18, 1776 (MHi).

To the New Jersey Delegates¹

Princeton 19 September 1776

Gentlemen

The inclosed² contains an application to Congress for the Pay of such of our militia as have been called out in the Service of the Continent, & to request them to establish some mode for the regular &

punctual Payment of such of our Militia as shall hereafter be called into the said Service. This application I am desired to make by a Resolution of a Committee of Council & assembly agreed to by both Houses.³ It is expected by them that the Delegates of this State, will introduce the Matter to the Consideration of the Congress as soon as may be possible;⁴ to well urge the Question of this Demand, with every proper Argument in their Power, & use their best Endeavours to procure a speedy Answer. I am Gentlemen your most humble Servant

ADf, MHi.

1. New Jersey delegates to the Continental Congress at this time were Abraham Clark, Francis Hopkinson, Richard Stockton, and John Witherspoon.

2. A copy of the Legislative Council committee report of September 19 may be found in DNA:PCC, 68. For complaints about the lack of pay, see Matthias Williamson to WL, September 15, 1776.

3. For the resolution of September 18, refer to *General Assembly* (August 27, 1776–June 7, 1777), 15.

4. The application was presented in the Continental Congress on September 23. It was referred to the Board of War, which two days later referred it to the Treasury Board. A resolve of October 14 ordered that when New Jersey militia units were called into the Continental service, their colonels make out regular payrolls of the troops under their command. For details of this resolution refer to *JCC*, 6:874–75.

From Matthias Williamson

Eliza. Town, Sept. 21st. 1776

Sir,

I have frequently been applied to by Capt. Neil & his inferior Officers, on the Subject of a Deficiency in the Numbers in his Company of Artillery Men, necessary for managing the Guns committed to their Charge, whenever brought to Action. I was convinced by them that their Complaint was well founded, and recommended their Drawing up a State of the Facts, that woud point out the Deficiency, & I wou'd take upon me to have it convey'd to your Excellency. Accordingly Capt. Neil brought me the enclosed;¹ and having thoroughly examin'd it, I beleive the Facts are truly set forth.

I am humbly of Opinion, that the Artillery Institution of this State will be exceeding useful if ever we are brought to Action either in offensive or defensive Service. Shoud the State agree to the Augmenta-

tion of this Corps, I woud beg Leave to recommend that the Men should be enlisted for so long a Time as the War continues being well convinc'd & certain that new raised Recruits are very destitute of that Steadyness & Solidity that we may expect of those who have been longer in Service.

I hope your Excellency will excuse my earnestly pressing for this Augmentation, as it is owing to the Importance of the Subject as well as the high Opinion I have of the great Usefulness of the Artillery in supporting the common Cause.

If your Excellency & the other Branches of the Legislature are convinc'd, I humbly conceive no Time should be lost in compleating the Measure. I am, Sir, Your most obedient Servant

MATTHIAS WILLIAMSON

LS, Private collection of Herbert Bernstein, Vineland, N.J.

1. The enclosure was a petition to WL and the legislature from Capt. Daniel Neil. He claimed to be able to manage only two of the six cannon committed to his charge. Neil suggested either a reduction in the number of the company's guns or an increase in its size (Daniel Neil to WL, September 16, 1776 [Private collection of Herbert Bernstein, Vineland, N.J.]).

To the Assembly

[Princeton] *Sept.* 24, 1776.

Gentlemen,

You will see by the Papers herewith laid before you,¹ how greatly inadequate are all the Regulations respecting the Militia of this State, now in Force, to answer the good Purposes thereby intended. The growing Evil, of which the Instance mentioned in Lieutenant-Colonel Van Vorst's Answer² to Brigadier-General Williamson's Orders is the strongest and most melancholy Exemplification I have hitherto met with, demands your most serious Attention. I am therefore confident that your Zeal for the Defence of the State will induce you so to frame the Militia Bill, now before the Legislature, as to prevent, in future, the dangerous Consequences that may result from a similar Conduct in the Rest of our Battalions, who, to their great Honour, have hitherto

regulated their Actions rather by their Love for their Country, than the Imperfection of it's Laws.³

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 18–19.

1. Enclosures not found.

2. Letter not found.

3. WL had requested a new militia bill in his first message. See WL to the Legislature, September 11, 1776. On October 3, the bill “for better regulating the Militia” was introduced in the General Assembly and referred to a committee (*General Assembly* [August 27, 1776–June 7, 1777], 33–34). A Legislative Council version of this bill was introduced on September 24 and referred to a committee on September 26 (*Legislative Council* [August 27, 1776–October 11, 1777], 21). For further legislative action see WL to the Assembly, January 24, 1777.

Pass for Andrew Elliot

[Princeton, September 25, 1776]

By His Excellency William Livingston Esqr. Governor, Captain General and Commander in Chief in and over the State of New-Jersey and Territories thereunto belonging, Chancellor and Ordinary in the same. To all to whom these Presents shall come—Greeting.

Reposing especial Trust and Confidence in the Prudence and Honour of Andrew Elliot Esqr., a Gentleman of the most amiable Character & unblemished Integrity and Honour, and thence universally respected by all his Acquaintance, I do hereby permit him to pass and travel through, and to remain and reside in any Part of the State of New-Jersey without Molestation or Interruption by any Person whatsoever on Account of his political Sentiments (he refraining from saying or doing anything to the Prejudice of the States of America) or under Colour or Pretext of his having exercised any Office under His Britannic Majesty.

Given under my Hand at Princeton the twenty fifth Day of September, in the Year of our Lord One thousand seven hundred and seventy six.

WIL: LIVINGSTON

LS, MiU-C. In the hand of Charles Pettit.

Proclamation

[Princeton, September 25, 1776]

By His Excellency William Livingston Esqr. Governor, Captain General & Commander in Chief in and over the State of New Jersey and Territories thereunto belonging Chancellor & Ordinary in the same.

To the Honourable John Stevens, John Wetherill, Nathaniel Scudder, Stephen Crane, William Paterson, John Fell, Silas Condict, Richard Smith, John Cooper, Andrew Sinnickson, Jonathan Hand Theophilus Elmer, & John Cleves Symmes Esquires, Members of the Council, the Honourable John De Hart Esqr. Chief Justice of the State the Honorable Samuel Tucker & Francis Hopkinson Esquires, Justices of the Supreme Court, Charles Pettit Esqr. Secretary of the State, and Bowes Reed Esqr. Clerk of the Supreme Court Greeting: Being well assured of your Loyalty & Integrity, I have given and granted, and by these Presents do give and grant unto you, and to each and every of you full Power and Authority to tender and administer to all Officers, civil and military within the State of New-Jersey the Oaths and Affirmations (as the Case may require) appointed by an Act of the Council and General Assembly of this, State, made and passed in the Year of our Lord One thousand seven hundred and seventy six, intituled An Act for the Security of the Government of New-Jersey,¹ and all such other Oaths & Affirmations as are or shall be appointed by Law to be taken by such Officers within the said State. In Testimony whereof I have hereunto affixed the Great Seal of the State, at Princeton the twenty fifth Day of September in the Year of our Lord One thousand seven hundred and seventy six.

WIL: LIVINGSTON

DS, NjMoHP. In the hand of Charles Pettit.

1. The legislature had passed this act on September 19. It required all civil and military officers of the state to take an oath or affirmation of allegiance before whomever the governor authorized. It also gave WL the power to issue commissions to civil and military officials (*Acts* [September 13, 1776–March 17, 1777], 2–3).

To the Assembly

*Princeton, Sept. 26, 1776.**Gentlemen,*

THE Necessity of speedily regulating the Price of Oats, Hay and other Provender for Horses, to facilitate the forming a Magazine for the Continental Troops, will, I hope, apologize for my recommending to you to give all possible Dispatch to the Bill for that Purpose now under your Consideration;¹ and to lay before you the Letter herewith transmitted² as farther evincive of the Necessity of adopting that Measure.³

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 19–20.

1. See WL to the Legislature, September 11, 1776.

2. Deputy Quartermaster Gen. Clement Biddle to WL, September 19, 1776 (Nj). Biddle requested passage of a bill establishing a supply depot for the Continental army. On October 3 Biddle wrote WL to request copies of acts or resolves of the legislature that related to his department (MHi).

3. The bill had been considered by the General Assembly on September 21 and 24. After WL's message was read, the bill before the assembly was referred to a committee. The bill was not passed into law (*General Assembly* [August 27, 1776–June 7, 1777], 18–20). However, the legislature passed an act on December 11, 1777, to regulate prices of various items, including oats and hay (*Acts* [November 25–December 12, 1777], 16–20).

To the Assembly

*[Princeton] Sept. 26, 1776.**Gentlemen,*

I HEREBY transmit the Memorial of Captain *Neil* of the Artillery,¹ accompanied with a Letter from Brigadier-General *Williamson*,² shewing the Necessity of augmenting the Number of his Men, or reducing that of his Guns; which I beg Leave to recommend to your Consideration as speedily as the more important Business of the Session will admit.³

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 20.

1. Petition of Daniel Neil to WL, September 16, 1776 (Private collection of Herbert Bernstein, Vineland, N.J.).
2. See Matthias Williamson to WL, September 21, 1776.
3. No legislation was enacted.

From John Stevens

Princeton September 28, 1776

To His Excellency William Livingston Esqr., Governor, Captain General & Commander in Chief in and over the State of New-Jersey and Territories thereunto belonging, Chancellor and Ordinary in the same The Address of the Council of the said State.

May it please your Excellency,

We the Council of the State of New-Jersey beg Leave to congratulate Your Excellency on your Appointment to the Government, and to return you our most cordial Thanks for your truly patriotick Speech.¹

The impartial and disinterested Part of the World will agree with Your Excellency, that the Separation of America from Great Britain is fully justifiable before God and Man: A Separation at once expedient, inevitable, and essentially necessary to our very Existence as Freemen. America, indeed, was compelled to break off all Union with a Nation, which, contaminated with Luxury, and insatiate with Plunder, had concerted a System of Despotism for her Ruin. All America regrets the Necessity, at the same Time that all America applauds the Rectitude and Spirit of the Measure. The British Nation, too, if not totally immersed in Venality and Corruption, must applaud an Action which accords so eminently with the true Spirit of their own Constitution: An Action, that owes it's Birth to the same Principle, which was so signally displayed in the memorable Revolution. What, however, is peculiarly worthy of Remark in the Progress of the present Contest is, that wonderful Preparation of Circumstances, and singular Combination of Causes, which gradually brought on the Separation, and disposed the Minds of Men for an Event so truly important.

The Constitution framed by the late Convention, although not entirely perfect, has, however, equitably and justly decided on most of

the principal Points whereon the Happiness of this Society depends; and therefore hath met with general Approbation. Upon so respectable & honourable a Bottom the present Legislature is founded; which, in the most unbiassed Manner, hath chosen Your Excellency to preside over the State, and, by that Choice, hath, at this perilous Period, clearly shewn how much they admire your Virtues, and what Confidence they repose in your Abilities.

The several important Matters recommended by your Excellency merit our serious & deliberate Consideration: and, in Conjunction with the General Assembly, we shall take such Steps, and pass such Laws, as may appear most conducive to the publick Weal.

We join your Excellency in Sentiment as to the Disinterestedness and Integrity so indispensably requisite in all our Proceedings: Certainly, as publick Men, we are to know neither Friend nor Favourite, Fear nor Resentment. Sensible that, especially in the Infancy of our civil Institution, much depends upon the Selection of proper Persons to occupy the various Departments in the State, Your Excellency may be assured that we shall be particularly cautious in our Choice. Stationed as we are, the Guardians and Protectors of the State, the general Good should be the sole Object of Attention, and of Course, in the Appointment of Officers, intrinsic Merit should be the sole Rule of Promotion. These, Sir, were the Considerations which influenced us in the Appointment of such Officers as have been already elected; and we trust will continue to be the Rule of our Conduct.

No Time ever required more Oeconomy, Industry, Patriotism, Purity of Manners and true Devotion than the present; and the Experience of all Ages, with the recent Example of Great-Britain, hath effectually taught us, how essentially necessary it is to the Weal of the State to inculcate these excellent Qualifications, both by Precept and Example.

By Order of the House

JNO: STEVENS, Vice President

LS, NjP. In the hand of Charles Pettit.

1. John Stevens's reply was drafted, revised, and reported by a committee of the Legislative Council on September 27 (*Legislative Council* [August 27, 1776–October 11, 1777], 17, 23).

To the Legislative Council

[Princeton, September 28, 1776]

Gentlemen,

I am greatly obliged to you for your kind Congratulation on my appointment to the Government; & for the favourable Sentiments you are pleased to express concerning me. As every Office is only honourable in Proportion to the public Good it enables the person sustaining it, to do; & the officer himself in proportion to the Good he actually does, I can assure you that the Reflection of having promoted the true Interest of this State to the Extent of my Wishes & of your Expectation will afford me more solid Satisfaction than can result from any external Splendor, or the most illustrious Titles.

WIL: LIVINGSTON

ALS, NjP.

To John Hancock

Princeton 3d October 1776

Dear Sir

The Signers of the inclosed Petition¹ are part of a Number of Prisoners who were sent to me (while stationed at Elizabeth Town as one of the Brigadier Generals of this State) by the Committee of Newark to whom they were sent by General Washington. That Committee not being able to confine them in the Goal of Newark which was already filled with Prisoners, desired me to confine them in the Goal of Elizabeth Town.² But as that was in the same Condition, & the place upon other Accounts improper to keep prisoners, I sent them to Sommerset Goal at Milston.³ I believe they are in deplorable Circumstances for want of cloathing & especially clean Linnen.⁴ I wrote some Time since to General Washington⁵ for their Baggage which was left at New york, but from the Multiplicity of Business the General has not been able to answer me; & probably their Baggage is lost. As they are continental Prisoners I cou'd wish the Congress would be pleased

to give such Directions⁶ concerning them as to their Wisdom & Humanity shall seem fit, which this State will chearfully order to be carried into Execution. I am Sir Your most humble Servant

WIL LIVINGSTON

ALS, DNA:PCC, 68.

1. A petition from Duncan Campbell and others dated October 1776. See WL to British Prisoners, October 22, 1776.
2. Refer to William Burnet to WL, August 28, 1776 (MHi).
3. Millstone.
4. See British Prisoners to WL, August 31, 1776.
5. Letter not found.
6. WL's letter of October 3 was laid before Congress on October 5 and referred to a committee (JCC, 5:848).

WL Order

[Princeton, October 4, 1776]

By His Excellency William Livingston, Esquire Governor, Captain General and Commander in Chief in and over the State of New Jersey, and Territories thereunto belonging, Chancellor and Ordinary in the same, in Council. To all whom it may concern. Greeting.

Whereas by an Ordinance, bearing date the sixteenth Day of May Anno Domini One thousand seven hundred & sixty seven, it is, amongst other Things, ordained and established that the Courts of General Quarter Sessions of the Peace and Inferior Court of Common Pleas¹ in and for the County of Middlesex, shall be held at the Court-House in the said County at the several Times following in every Year, to wit, On the third Tuesday in January, the first Tuesday in April, the third Tuesday in July, and the second Tuesday in October. And whereas it hath been represented to me that it will be inconvenient to the Inhabitants of the said County that the Said Courts should be held in future at the Court-House in the City of Perth-Amboy, and the said Inhabitants have prayed that the said Courts may, from henceforth, be held at the Court House in the City of New Brunswick: I have therefore thought fit, by & with the Advice and Consent of the Council; and, pursuant to the Power and Authority to me given in and by an Act of the Council & General Assembly of this State made and passed

on the second Day of this Instant October, intituled "An Act to confirm and establish the several Courts of Justice within this State,"² I do hereby ordain, order and appoint that the said Courts of General Quarter Sessions of the Peace and Inferior Court of Common Pleas in and for the said County of Middlesex shall, from and after the Date hereof, be held at the Court-House in the said City of New-Brunswick, at the several Terms or Times following in every Year, that is to say, in the third Tuesday in January, the first Tuesday in April, the third Tuesday in July and the second Tuesday in October, and that the said Courts shall continue to sit for the Space of four Days if necessary in each of the said Terms. In Testimony whereof I have hereunto set my Hand and caused the Great Seal of the State to be affixed, at Princeton the fourth Day of October in the Year of our Lord One thousand seven hundred and seventy six.

WIL: LIVINGSTON

DS, NN. In the hand of Charles Pettit.

1. For a description of this court see Commission to Samuel Johnston, September 7, 1776.

2. This act, passed at Princeton on October 2, empowered the governor, subject to the consent of the Legislative Council, to alter in the name of public convenience the times and places mandated for convening any of the courts of the state. This authorization was limited to two legislative sessions (*Acts* [September 13, 1776–March 17, 1777], 4).

To the Assembly

Princeton, October 5, 1776.

Gentlemen,

AS the Term for which our Militia were ordered to join the Flying Camp will expire next Week; and while the Enemy is in Possession of *Staten-Island*, there appears to be the same Necessity for our Troops to occupy the proper Stations for preventing their Incursions into this State, which there was when they were first called out, I beg Leave to recommend this Matter to your serious Consideration.—Should any of the Militia remain at *Elizabeth-Town* Point during the Winter, it seems to be absolutely necessary that Barracks should be immediately built for that Purpose, as the Season is fast approaching in which the

Men cannot be screened from the Inclemency of the Weather by Tents.¹

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 36.

1. No legislative action was taken.

From John Hart¹

[Princeton] HOUSE OF ASSEMBLY, *October 5, 1776.*

To His Excellency WILLIAM LIVINGSTON, Esquire, Governor, Captain-General and Commander in Chief in and over the State of New-Jersey, and Territories thereunto belonging, Chancellor and Ordinary in the same; The ADDRESS of the ASSEMBLY of the State of New-Jersey.

May it please your Excellency,

WHILST we anticipate the Blessings of a Government founded on Freedom, having for its sole Object the Happiness of the People, it affords the most pleasing Reflection that all our Measures for attaining that great End, are strongly marked with Deliberation and Firmness, and will bear the strictest Scrutiny of Reason and Conscience. To those disposed to trace the Hand of approving Heaven in our Deliverance from the galling Yoke of Slavery, the unparalleled Unanimity of the *American* States in resisting the Encroachments of Despotism, and refusing the insidious Offers of precarious Peace—the Rejection of our Petitions, though fraught with unrefuted Reasoning and clear Demonstration, joined to the infatuated Policy of our Enemy, and the Success of our Arms, afford the most unequivocal Marks of Providential Agency; whilst our Willingness even to relinquish some of our indubitable Rights for the Sake of Peace—our Patience under repeated Insults and Injuries—the Declaration of our Rights, and consequent Independence, long delayed—plainly evince to the impartial World our Aversion to shedding Human Blood. But, compelled by the insatiate Plunderers of the East to assert our Freedom, we have burst the Bands of political Slavery, and arose into a Life of Liberty. Thus

situate, we cannot evince more fully to the World the Purity of our Intentions, and our Sense of the Value of our Purchase, than by placing, in the most conspicuous Point of View, those Gentlemen who have taken an early and decisive Part in our glorious Struggle for Freedom.

Our Conviction of the Rectitude of your Excellency's Intentions stands confessed, by your Appointment to the Office of Chief Magistrate of this free State. But whilst we feel our own Inadequacy to the Business assigned us by our Country, we must acknowledge with your Excellency, that your Task is arduous indeed! and entreat you to look up with us, to the indulgent Parent of the Universe, who, when the End proposed is stamped with his Approbation, can make the Abilities keep pace with the Will.

Convinced with your Excellency of the Necessity of a well-regulated Militia for the Defence of a free State, and of their being duly paid for their Service, our earliest Attention shall be given to that most important Business; and permit us, Sir, to assure you, that, whilst we have aught to bestow, the Voice of murmuring for Services unpaid, or Merit unrewarded, shall not be heard in this State.²

If, in fixing the Seat of Government according to the local Circumstances and Convenience of the various Parts of this State, we should appoint a Place agreeable to your Excellency, it will double our Satisfaction. The Law mentioned, and such other salutary Regulations as may occur to your Excellency during this Session, when communicated to us, shall meet with all due Attention.

Your obliging Mention of the Importance of the Station in which the uncorrupted Voice of our Constituents hath placed us, demands our Acknowledgments, and will, we hope, spirit us to such Exertions in our Duty, as may redound to the Benefit of the State: And we assure you, with Sincerity, that, laying aside all private Attachments and Resentment, it shall be our Study to cultivate that Harmony between the Branches of the Legislature, that Spirit of Oeconomy, Industry and Patriotism, so justly recommended, and so essential to the publick Welfare; and that whilst our Heaven-directed Generals and Soldiers, with an ardour peculiar to Freeman, brave the Dangers of well-fought Fields, against the lawless Sons of Rapine and Plunder, ours shall be the important Task, in Conjunction with your Excellency

and the Honourable Council, to give our cool Deliberations and useful Resolves, the most unambiguous Marks of that Spirit which ought to animate a Senate of Freemen.

We hope that no Situation in Life can make us lose Sight of that evident Truth, so loudly proclaimed in the historic Page, that dissoluteness of Manners and political Corruption are inseparable Companions in the Destruction of Kingdoms; whilst the concurring Testimony of the inspired Penman will enforce on the most obdurate Heart, that *Righteousness exalteth a Nation, but that Sin is a Reproach to any People*.³ Determined to employ the Talents given in procuring, and transmitting inviolate to Posterity, the fair Inheritance of civil and religious Liberty, though bought at the Price of Life, we will look, for the Permanency and Stability of our new Government, to Him who bringeth Princes to nothing, and teacheth Senators Wisdom.⁴ *By Order of the House,*

JOHN HART, *Speaker*.

General Assembly (August 27, 1776–June 7, 1777), 36–38; *Legislative Council* (August 27, 1776–October 11, 1777), 31–32.

1. The General Assembly had appointed a committee to prepare this address in response to WL's speech of September 11. The committee had completed a draft on September 20 and amended it a day later. The General Assembly had then ordered the speech engrossed (*General Assembly* [August 27, 1776–June 7, 1777], 17–18).

2. The militia bill had been discussed several times by the assembly in October and November but was not passed until March 1777 (*General Assembly* [August 27, 1776–June 7, 1777], 44, 48–49).

3. Prov. 14:34.

4. Hart is paraphrasing Ps. 105:22.

To the Assembly

[Princeton, October 5, 1776]

Gentlemen,

YOUR kind and affectionate Address deserves my cordial Thanks; and I feel myself most agreeably affected with your obliging Assurances of paying all due Attention to the Laws and Regulations recommended to your Consideration.¹

I heartily participate with you in the Pleasure of tracing that conspicuous Providential Agency which has hitherto frustrated the sanguinary Purposes of our Enemies; and which, that it is not more generally and devoutly acknowledged, is greatly to be deplored. But while with pious Gratitude we survey the frequent Interpositions of Heaven in our Behalf, we ought to remember, that as the Disbelief of an over-ruling Providence is Atheism; so an absolute Confidence of having our Deliverance wrought out by the immediate Hand of God, without our own Exertions, is the most culpable Presumption. Let us therefore inflexibly persevere in exerting our most strenuous Efforts, in an humble and rational Dependance on the great Governor of the World; we have the fairest Prospect of surmounting all our Difficulties; and of seeing our merciless Oppressors involved in that Destruction which they have so long been meditating for others.

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 38; *Legislative Council* (August 27, 1776–October 11, 1777), 32–33.

1. WL delivered this answer in the council chamber before both houses on October 5 (*General Assembly* [August 27, 1776–June 7, 1777], 36–38; *Legislative Council* [August 27, 1776–October 11, 1777], 31–33).

Commission to Timothy Elmer

[Princeton, October 5, 1776]

THE STATE OF NEW-JERSEY, TO Timothy Elmer, Esquire *GREETING*:

WHEREAS it hath been certified to His Excellency WILLIAM LIVINGSTON, Esquire, Governor and Commander in Chief of this State, that you have been duly chosen by the lower Company of Militia in Fairfield in the County of Cumberland (being the Sixth Company in the first Battalion of the said County, whereof Silas Newcomb Esqr. is Colonel) to be Captain of the said Company;¹ you are therefore to take the said Company of Militia into your Charge and Care as Captain thereof, and duly to exercise both Officers and Soldiers of the said Company in Arms: And as they are hereby directed to obey you as their Captain you are likewise to obey and follow such Orders and

Directions, from Time to Time, as you shall receive from your Colonel or other your superior Officer or Officers; and for your so doing this shall be your Commission. IN TESTIMONY whereof the Great Seal of the said State is hereunto affixed: Witness WILLIAM LIVINGSTON,² Esquire, Governor, Captain-General and Commander in Chief in and over the State of *New-Jersey* and Territories thereunto belonging, Chancellor and Ordinary in the same, at Princeton the fifth Day of October in the Year of our Lord One Thousand Seven Hundred and Seventy six.

WIL: LIVINGSTON

By His Excellency's Command, CHAS PETTIT Secretary

DS, MHi.

1. Article 10 of the state constitution provided that all officers of the militia below the rank of major should be chosen by their companies.

2. This document is similar to many other commissions issued to militia officers during WL's tenure as governor. Although no provision of the state constitution expressly empowered the governor to issue military commissions, he was given this power in an "Act for the Security of the Government of New-Jersey." See Proclamation, September 25, 1776. WL received the names of the elected officers and issued them their commissions.

To an Unknown Person

Princeton 6 October 1776

Sir

You certainly discover a most laudable Zeal for Religion by mentioning your being deprived of an opportunity to attend [to] public Worship as the only reason for requesting to have your present limits of your Confinement enlarged.¹ It has always been matter of Affliction to pious people to be prevented from paying their homage to almighty God in social worship; but when a person is necessarily & against his Inclination debarred from so doing, I presume the Supreme Being will accept of the will instead of the Deed, & the adoration of the sincere worshipper will be as acceptable to him in the Closet² as in the Temple. Your unavoidable Neglect in attending divine service Sir will therefore not be attributed to you, but to those who occasion it; & they I believe are very willing to bear all the Blame.³ I cannot at present recollect whether there is any place of public Worship at Mount [. . .], or if there is, how often it was [frequented] by the Congrega-

tion there lately assembled for the Destruction of our Liberties. I am
Sir your Humble Servant⁴

ADf, MHi.

1. Many suspected Loyalists were either confined to their homes or sent to other parts of the state, and their activities were severely circumscribed.

2. closet: a place of private devotion.

3. According to a resolution of the Legislative Council of September 10, matters concerning parole were to be referred to the governor and the Legislative Council (*Legislative Council* [August 27, 1776–October 11, 1777], 11).

4. WL received many requests for enlargement of parole. Refer to John Lawrence to WL, September 29, 1776 (Nj), Archibald Kennedy to WL, September 30, 1776 (Nj), Cavalier Jouet to WL, September [20], 1776 (MHi), and Stephen Skinner to WL, September 25, 1776 (MHi).

To the Assembly

Princeton, Oct. 8, 1776.

Gentlemen,

FROM the many Advantages that will redound to the Service in general, as well as to this State in particular (too obvious to be mentioned) from appointing the necessary Officers for raising at least two of the four Battalions requested of this State by the Honourable the Congress,¹ before the Return of your Commissioners; I beg Leave earnestly to recommend to you, to set on Foot the raising those Levies without any Loss of Time.²

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 39.

1. On September 16 the Continental Congress, after considering a report of the Board of War, had resolved to raise immediately from the several states eighty-eight battalions to serve “during the present war.” New Jersey was to furnish four battalions (*JCC*, 5:762–63).

2. No action was taken before WL renewed his request in late November. See WL to the Assembly, November 25, 1776.

Resolution of the Connecticut Assembly

[New Haven, ca. October 10, 1776]

Whereas his Excellency William Livingston, Esqr., Governor of the State of New Jersey by his Letter of the 19th. of September¹

representing that Mr. Franklin late Governor of New Jersey² having possessed himself of a Chest or Box containing minutes of Council, examinations in Council and other Papers of consequence to that State, thought proper as there is great reason to beleive a few Days before he was apprehended to secrete them, which Papers they have not been able upon the most diligent search to recover, desiring that this State would interpose³ and cause the said Mr. Franklin and his man Thomas, who is suspected to be privy to the Concealment to be examined on oath relative to said Matter, and requesting that said Thomas might be first examined before he has opportunity to consult with his said Master upon the Subject.

D, CtHi. Extract.

1. Letter not found. Document is listed in E. H. Leffingwell, *Autograph Letters and Historical Documents*, Charles F. Libbie & Co., Boston, Item number 1422.

2. On June 17, 1776, Col. Nathaniel Heard had written the New Jersey Provincial Congress that William Franklin refused to sign the parole proposed by that body on June 16. On June 18 Heard had been ordered to bring Franklin to the Provincial Congress at Burlington. The Provincial Congress had examined Franklin and on June 21 had declared him "a virulent enemy to this country," resolving "that the said William Franklin be confined in such place and manner as the Honourable Continental Congress shall direct." The Continental Congress had resolved on June 24 that Franklin be imprisoned in Connecticut. These orders had been implemented by a resolution of the Provincial Congress of June 25 (*Prov. Congress*, 457–58, 461–62, 470, 475; *JCC*, 5:465, 473).

3. The Connecticut Assembly also resolved on October 10 to empower a committee to examine William Franklin and his servant Thomas. No further action is recorded.

From Rowland Chambers

Bridgewater in somerset County 14th October 1776

Sir

I have the honor of Receiving your Excellencies Instructions of 8th¹ Instant concerning the prisoners in this County—which Seems to Respect such Prisoners only, as have belonged to the British Soldiery of which kind we have but one in this County to my knowledge²—but a Long Illness of which I am now Closely Confined prevents my knowing much of the publick Concerns of the County. We have however a few Prisoners Confined at the Goal of this County³ by your

Excellencies Orders, which are Chiefly Seamen of whom with the one Soldier you have an Exact list Inclosed.⁴

Should your Excellency be of Opinion that these prisoners will be taken in Exchange & that it is Necessary they Should be sent to Brunswick you will please to favor me with your farther Instructions for that purpose, but Should you be of Opinion that they will not be taken in Exchange,—I would then beg your Excellencies attention to their Situation which is Something particular.

Your Excellency has been Informed that their Cloathing was Chiefly Left at New York owing to the great hurry & Confution in which they were sent from thence,⁵ I would therefore humbly propose to your Consideration the Sending one of them, Vizt. Capt. Duncan Campbell (who is Said to be a gentlemen of Strict honor) to New York on parole, to Enquire after their baggage & Cloathing.

It may also deserve your Excellencies Attention, that two young men Among those Prisoners, Vizt. Robert Colefax and Richard Williams, are natives of New England, that one of them was Employed in the Continental Service, that they both fell Into the hands of the Enemy by Misfortune, where they were Confined & Detained a great—while as Prisoners, & thought themselves very happy In being Retaken by their friends. The Consequence of which is that they have lost their Cloathing & are kept in Confinement by those who Ought to befriend them,—they are now almost Destitute of Cloathing to Cover them & both tell me they will Suffer Perpetual Imprisonment, Rather than to be Exchanged & Return to the British Army or Navy. On the Contrary were they Discharged and at Liberty to go & see their Relations & friends (Several of whom are now in the Continental Service) they would undoubtedly Enter into the Same Service Either by Sea or Land.

I apprehend they are all now Considered as Continental Prisoners & Wholely at the Disposal of the Congress. But Should your Excellency please to furnish the Honorable Continental Congress with a proper State of facts Respecting them, they Surely would not hesitate a moment to take order in the Matter.

I shall wait your Excellencies farther Orders for the Removal of the Prisoners to Brunswick, —In the Interim, I have the Honor to be Your Excellencies Very Humble Servant

ROWLAND CHAMBERS

P.S. Since Writing the above I am Informed that Peleg Mansfield is in the Same Cituation with the two Last above Mentioned Prisoners.⁶

RC

ALS, DNA:PCC, 68.

1. Letter not found. This letter contained orders to Rowland Chambers to collect prisoners for a possible exchange. WL had issued the orders in response to a request from George Washington. See George Washington to WL, October 5, 1776.

2. John Wright.

3. See WL to John Hancock, October 3, 1776, for a discussion of this group of prisoners.

4. Enclosure was a list of seventeen prisoners taken captive by an American privateer from three British sloops (DNA:PCC, 68).

5. See British Prisoners to WL, August 31, 1776.

6. On November 2 the Continental Congress resolved to permit these prisoners to return to their families in New England (JCC, 6:919).

To Hugh Gaine

[ca. October 17, 1776]

Mr. GAINE,

To enable such of the militia of this state, as have been called out into the Continental service, and have not yet been paid, to obtain their pay, and to direct them to the proper mode to be pursued for that purpose, be pleased to insert in your paper, the two following resolutions of the Honourable the Congress,¹ and you'll oblige your humble servant.

WILLIAM LIVINGSTON.

N.Y. Gazette & Weekly Mercury, October 26, 1776.

1. The resolve passed on September 25 provided that commanding officers of Pennsylvania militia units regularly discharged from the flying camp make out payrolls for use by the Continental army paymaster. The resolve of October 14 gave the same responsibility to colonels of the New Jersey militia units called into Continental service (JCC, 5:819–20; 6:874–75). For a discussion of the October 14 resolve see WL to the New Jersey Delegates, September 19, 1776.

To Philip Schuyler

Burlington 19 October 1776

Dear Sir

The Bearer Mr. Grinder is one of the two Waggoners who are to proceed from this place & some of the Neighbouring Counties with a parcel of Cloathing for our Troops at Ticonderoga,¹ whom you will be pleased to give all necessary assistance & Direction in their way thither.

I just now hear of the Surrender of Fort Washington to the Enemy;² but I hope not after so weak a Resistance as Fame³ reports.

Please to remember me to my Boy,⁴ whose Behaviour by all the Accounts I have had of him I trust is agreable to your Expectations. I cannot make time to write him, having scarcely had a moments Leisure for some months. I am Sir With great Respect Your most humble Servant

WIL: LIVINGSTON

ALS, NN.

1. The Continental Congress had resolved on June 19, 1776, to collect clothing, blankets, and other necessities for the Continental army. It had recommended on September 25 that the states comply with this resolve at Continental expense (*JCC*, 5:820). On September 28 a joint committee of the New Jersey Legislature had authorized members of the legislature to purchase the required articles in their counties (*General Assembly* [August 27, 1776–June 7, 1777], 26, 28–29). William Paterson wrote WL that the soldiery “are in a most wretched situation for the Want of Cloathing” (William Paterson to WL, October 21, 1776 [MHi]).

2. This information was incorrect. Washington’s army lost contact with Fort Washington in late October, but the British did not capture the fort until November 16.

3. fame: common talk.

4. Henry Brockholst Livingston.

From Francis Hopkinson

Philadelphia October 22d. 1776.

Sir,

I am directed by the Honorable The Marine Committee¹ (of which I am a Member) to transmit you the enclosed Papers respecting the Schooner Betsy and her Cargo, lately stranded on the Jersey Shore²

near Shrewsbury, requesting that you would be so good as to take Charge of the said Schooner and Cargo, and order the same to be disposed of in the best Manner for their Security, until the Owners in Boston³ shall make proper Application for the Recovery of their Property. For this Purpose, you are further requested, to give Notice to the said Owners of the Disposition of the said Vessel and Cargo, and call upon them to make their Claim.⁴

I have the Honour to be, with great Respect and Esteem Sir your very humble Servant

FRA. HOPKINSON

LS, MHi.

1. The Marine Committee, which had been created on December 14, 1775, was a standing Continental Congress committee on naval affairs. Francis Hopkinson had been appointed a member on July 12, 1776 (*JCC*, 5:556; Burnett, *Letters*, 1:217, n. 3).

2. Enclosures were a memorial from Capt. Kenneth Hankinson and an extract from a letter from Brig. Gen. Hugh Mercer of October 17 (MHi). These papers were laid before the Continental Congress on October 21 (*JCC*, 6:889). They discussed the schooner *Betsy*, which had sailed for France from Boston with a cargo that included potash and whale bones, but had been captured by a British ship. It had run ashore in Monmouth County on October 14. Although the letters were referred to the Board of War, the matter was placed before the Marine Committee.

3. The names of the owners of the *Betsy* are mentioned in the extract from the Hugh Mercer letter.

4. Hopkinson assumed that WL was involved in admiralty matters because the legislature had appointed WL and the Legislative Council on October 5, 1776, to establish a court of admiralty (*Acts* [September 13, 1776–March 17, 1777], 7–8).

To British Prisoners

Elizabeth Town 22d October 1776

Gentlemen

In answer to yours of this month but without the day, I can only say that tho' I sincerely commiserate your Situation, it is not in my power to grant you the desired discharge. I have as I acquainted some of you when at Milstone¹ represented your Case in the most urgent terms to the President of the Congress;² & when lately at Philadelphia³ was informed by one of the Members that it had been referred to a Committee, which was daily expected to report upon it.⁴ As you are Prisoners to the united States, no officer of any particular State is

authorized to Give Mr. Campbell Leave to go to New york, Application for that purpose ought to be made either to General Washington, or the Congress. But from the Improbability of now finding the Baggage in that City, I can hardly persuade myself that such leave will be obtained. But should you lay a State of your Case before the Congress, it would probably induce them to urge their Committee to bring in their Report, as matters of that kind, are frequently, from the Multiplicity of their Business, forgotten. Was it in my Power to grant you any Relief, consistent with the public Safety the Principles of humanity would prompt me to embrace the first opportunity of doing it with the greatest Alacrity. I am Gentlemen your most humble Servant

WIL: LIVINGSTON

ADf, MHi.

1. WL had been in Princeton until at least October 8, and could have visited Millstone at any time from late September through that date.
2. See WL to John Hancock, October 3, 1776.
3. WL's move to Burlington after October 8 placed him close to Philadelphia.
4. The Continental Congress committee reported on October 16. They increased the subsistence allowance of the prisoners and asked WL to provide additional information on "their characters, or the causes of their being apprehended" (*JCC*, 6:881).

To Nathanael Greene

Elizabeth Town 24 October 1776

Sir

Your Favour of the 22d Instant,¹ I received last Evening; & should comply with your request with the greatest alacrity, was I clear that the ordering the Battalion of Militia to assist in erecting Magazines was properly within my Province. I presume you mean a new Battalion not at present in Service because any Regiment now on Duty is subject to General Mercers orders, who can consequently station them in any part of this State where he conceives them most useful.² And as to a new Battalion, no Law or ordinance of any of our Conventions (the present Legislature not having passed the Militia Bill brought in the last Session)³ has made provision to enable the

Governor to call out the Militia; but they are to turn out monthly as they do at present. By the old Law indeed which is not repealed by our present Constitution,⁴ the Governor as Commander in Chief, may order out the whole military force of this State to repel an actual Invasion,⁵ but the Business for which you request them seems to be of a very different Nature. Again if they are to be considered [truly] as the Militia of this State, & to be paid by it, while employed in erecting Magazines for the Benefit of the united States, it will not be relished by our Legislature. If by the united States, it may be questionable how far the Congress will conceive themselves obliged to pay a Battalion raised at the request of one of their Generals without their Concurrence. I conceive therefore that the requisition ought to come from Congress, or at least from General Washington; & in that Case I would submit it to a Quorum of my Privy Council & take their Directions in the matter. I flatter myself Sir your Candour will excuse my stating the above Difficulties, which does not proceed from any Inclination to retard the Service (which I hope no man has more at heart) but from a desire to keep within the verge of my own Duty; & not to administer any Cause of Complaint to the particular State which I have the honor to represent. I am with great Esteem Sir Your most humble & most obedient Servant

ADf, MHi.

1. Letter not found. Maj. Gen. Nathanael Greene was at Fort Lee by October 24. He was planning to create magazines for arms and supplies in anticipation of the Continental army's retreat to New Jersey.

2. Reference is to troops attached to the flying camp raised by the Provincial Congress ordinance of July 18, 1776.

3. Although WL had asked for a militia bill in his speech on September 11, the legislature had adjourned on October 8 without having passed one (*General Assembly* [August 27, 1776–June 7, 1777], 40).

4. Article 21 of the state constitution provided that all colonial laws remain in force until the legislature altered them.

5. The ordinance of October 28, 1775, which WL is citing, did not explicitly authorize the governor to order out the militia as a whole. It did provide that if the colony was threatened or invaded, the governor could, as a "general officer," order the commanding officer of a regiment to march with his forces (*Prov. Congress*, 261).

To John Hancock

Eliz Town 2[5] October 1776

Dear Sir

I beg Leave to transmit you the inclosed,¹ on the Subject I had the honor to write the Congress upon some time since. I cannot relieve the Men, & yet receive particular applications about it.² I am Sir your most humble Servant

WIL: LIVINGSTON

P.S. You forgot to send me the Instructions for privateers Bond etc.³

ALS, DNA:PCC, 68.

1. For enclosure see Rowland Chambers to WL, October 14, 1776.

2. The letter and enclosure were received by the Continental Congress on October 28 and referred to a committee. On November 2, the committee resolved that the English sailors of the three sloops be immediately enlisted aboard armed vessels of the United States and compelled to fight "against the Enemies of this country" (JCC, 6:919). The committee's action was intended to retaliate against a similar act, which had been passed by Parliament. Execution of this resolve was postponed until December 7, when Capt. Nicholas Biddle was given permission to enlist British sailors into the American navy (DNA:PCC, 19; JCC, 6:1009).

3. On April 3, 1776, the Continental Congress had published a form for a five-hundred-dollar bond taken by a commander of a privateer and given to the Congress. Instructions were also issued to the captains (JCC, 4:251-54).

To Francis Hopkinson

Elizabeth Town 28 Oct. 1776

Dear Sir

In Answer to your Favour of the 22d Instant which I recieved yesterday, requesting me in virtue of Directions from the honourable the Marine Committee to take charge of the Schooner *Betsy* & Cargo lately stranded on the Jersey Shore near Shrewsbury & order the same to be disposed of in the best manner for their Security until the owners in Boston shall make proper application for the Recovery of their Property; I beg Leave to observe that as I have not the Honour to be acquainted with the Powers & authorities of the Committee respecting Vessels stranded on the Jersey Shore, it is impossible for me to know

what Authority in the premisses they are capable of conferring upon me. I should imagine the proper mode of proceeding to be for the militia Lieut. who took the Schooner from the Enemy to libel her in the Admiralty as the captor & for the Court of Admiralty to order, a Disposition of such part of her cargo as was proved to be perishable. Certainly the Governor of the State, as such, has no authority to interfere, & if he is to derive it from the Marine Committee, it would be proper for him to know the extent of their Power in Cases of this nature. He might at least to have an Indemnification for disposing of Property which must be considered in Custody of the Law. If he proceeds unauthoritatively & the Cargo is sold for less than the market price (which at auction it very probably will) what will prevent the original owners or recaptors from making him personally liable for the Difference? I must therefore beg Leave to be excused from intermeddling in the matter till farther Illumination which I shall always be ready to receive.¹ I am with great Respect Dear Sir your & the [honorable] Committee's most humble & obedient Servant.

ADF, MHi.

1. No further action has been recorded.

From John Hancock

Philadelphia, November 7, 1776. Pursuant to a resolution of Congress of November 5, John Hancock requests that WL send two militia companies to guard the saltworks near Toms River,¹ and a third company to disrupt intelligence communications between the Loyalists and Lord Howe's fleet at or near Shrewsbury.

ALS, MHi.

1. As early as July 31, 1775, the Continental Congress had created a committee of thirteen to recommend means of manufacturing salt and saltpeter (*JCC*, 2:235). On December 29 the Congress had recognized the need to remedy the scarcity of salt created by the disruption of trade with the British West Indies. It urged the "several Assemblies or conventions immediately to promote, by sufficient public encouragements, the making of salt in their respective colonies" (*JCC*, 3:465). New Jersey had complied on March 1, 1776, by passing an ordinance that promised a bounty to encourage the manufacture of salt and saltpeter (*Prov. Congress*, 399, 440-42). On June 24 the Pennsylvania Council of Safety had contracted with Thomas Savadge to

build the Pennsylvania Salt Works at Toms River. On October 26 Savadge had reported on the construction of the works, the problem of money, and the "many inconveniences arising from the times." He also expressed fear that British vessels would attack the lightly guarded installation (*Pa. Archives*, 1st ser., 5:55-57). The scarcity of salt continued despite the passage of legislation encouraging its manufacture. To avoid the further escalation of prices, the Pennsylvania Council of Safety purchased all of the salt for sale and allotted New Jersey a share of its stores. Refer to Thomas Wharton, Jr., to WL, November 7, 1776 (MHi).

From George Washington

White Plains, November 7, 1776. George Washington reports that the British have suddenly abandoned their lines near White Plains.¹ He assures WL that he will dispatch troops to New Jersey if an incursion of Gen. Sir William Howe's force into the state seems probable.

I.S., MHi. In the hand of Tench Tilghman.

1. George Washington had conducted a general retreat from Harlem Heights to White Plains between October 18 and 22. In a clash at White Plains on the morning of October 28, Sir William Howe's forces had gained a strategic advantage and both sides had suffered casualties. The British had intended to attack on October 31 but had postponed the action because of a heavy rainstorm. The American army had moved that night to a stronger position at North Castle.

To George Washington

Elizabeth Town 9 November 1776

Dear Sir,

Your Favour of the 7th. Instant I had the Honour of receiving last Evening being accidentally in Town, where upon Occasion of it & some other publick Business I staid the whole Night. After sending for General Williamson, and beginning to prepare a Copy of your Letter for General Mercer, the Latter happen'd to come in person, and was of great Use in the Business before us. We examin'd Six or Seven Women who came from New York, and tho' they appear to be Whigs, & had part of their Effects & near Relations amongst us; have a Number of Stories to tell which tho' probably told with no ill Intention, yet have a natural Tendency to discourage the weaker part of our Inhabitants.

For my part I am utterly against this kind of Communication between this State & New York, and cou'd earnestly wish, the Officers under your Command wou'd be as sparing as possible of their permissions. The Six are Mistresses of infinite craft & Subtlety, and I never heard or read of a great Politician who did not employ petticoats to accomplish his Designs. Certain it is that the greatest politician on Record, I mean the Devil, apply'd himself to a female Agent to involve mankind in Sin and ruin.

We had also a Hessian Deserter under Examination who is I believe the first of that People that has come over to Us from Staten Island. He was not capable of giving much Information, but in general says they are very sickly on the Island—wou'd desert in Numbers if not prevented by the Water—were forced into the Service—have receiv'd no pay.

Respecting the Subject matter of your Letter, I have in the strongest manner recommended that part of it relative to the removal of the Grain etc. to the Committee who are to meet upon it to day. If they do not exert themselves in the matter agreeable to the Wishes of the Military, I mean to the Necessity of the Case, the Military must act as prudent People in such cases ought to do. As the Governour of the State is a civil Magistrate it cannot be expected he will Act an Arbitrary that is an illegal Part. But I doubt not all our Magistrates will connive as much as possible at ev'ry thing done by the Military which bears the evident stamp of Necessity and cannot be impeached of Wantonness or the causeless exertion of power. I think it is so absolutely necessary to remove the Articles you mention, that I have already begun to set the Example.

As our Assembly meets next Wednesday¹ I shall lay before them the Importance of taking some measures to place our Melitia on the best footing possible, and that a part of them may be in readiness to supply the place of the Troops denominated the new levies.² At any time of an apprehended Invasion I shall be ready to call out what Numbers of the Melitia you think proper to repel it, that being an Undoubted prerogative of the Governour of this State,³ but whether they will obey the orders, God only knows; and that they will be worth but little if they do, I experimentally know.

Our Council have passed an exceeding good Militia Bill the last Session, but it did not pass the lower House.⁴ Whether it was there Obstructed on account of it's Goodness does not become me to say. Shou'd I be honour'd with any of your Letters after Monday next, you'll please to direct to me at Burlington. With my sincere respects to Col. Read⁵ I have the Honour to be, Sir, Your most humble Servant

WIL: LIVINGSTON

P.S. In Consequence of my orders in virtue of your requisition⁶ to have all the Prisoners belonging to the British Fleet and Army in this State collected at Brunswick the inclosed is the first return I have receiv'd.⁷

LS, DLC:GW.

1. The assembly met at Burlington on Wednesday, November 13, 1776.
2. See WL to the Assembly, November 25, 1776. "New levies" refers to militia troops under Brig. Gen. Nathaniel Heard attached to the flying camp.
3. See WL to New Jersey Militia Colonels, November [17-23], 1776.
4. On September 24 a bill "for better regulating the Militia" had been read before the Legislative Council and two days later it had been referred to a committee (*Legislative Council* [August 27, 1776–October 11, 1777], 21). There is no mention in the Legislative Council minutes of passage of a militia bill during the session referred to by WL.
5. Adj. Gen. Joseph Reed.
6. See George Washington to WL, October 5, 1776.
7. WL's orders in response to the requisitions are not found. However, WL had issued orders to Rowland Chambers on October 8 to collect prisoners for a possible exchange. See Rowland Chambers to WL, October 14, 1776, enclosing the list of prisoners WL refers to here. WL had received a similar list from Alexander Carmichael of Morris County (Alexander Carmichael to WL, November 8, 1776 [MHi]).

From John Hancock

Philadelphia, November 12, 1776. John Hancock transmits to WL a resolve of Congress of November 9,¹ which recommends that WL deal with the open communication between Loyalists in New Jersey and the enemy on Staten Island and in New York. Hancock requests that WL and the Legislative Council and assembly take immediate steps to suppress that intercourse.

LBC, DNA:PCC, 12A.

1. MHi; JCC, 6:939.

From Jonathan Combs

November 14th 1776

To His Exelency William Livingston Esqr.: Governour: Captain General: and Commander in Chief: in and Over the State of New Jersey: and Teretories thereunto belonging: Chancelor and ordinary of the same. May it please your Exelency

We the Sub Committee Appointed by the Committee of the South ward of New Brunswick to Recommend to your Exelency [. . .] pursons here after Named to be Commisioned by Your Exelency to bare Comission in the Malitia in this ward—this Company formerly Command by Capt. Jacob Piatt did Consist of Something upwards of Eighty persons—but through Anomosities and Divisions that have Arisen Since Capt. Piatts Leaveing it Appears Expedient to this Committee for the Reconcileing the Several Inhabitants to Devide the Company in to two Companies the whole being Notified, have proceded and Chosen—the one partie Choses Mr. Abraham Terhune for Captain—Jockhum Guelick¹ first Levtennent. John Manly Second Levtennent. Jonathan Combs Junior Insign—Which Several parsons We Recommend to Your Exelency as the Choice of we think About one half of the Above Company. If your Exelency Approves the Above Proceeding and Grants the Several Commissions it will Greatly Oblidge the Committee of the South ward of New Brunswick. By Order of the Sub Committee

JONATHAN COMBS: Deputy Chairman

ALS, MHi. Mutilated.

1. Jockman Guelick.

To New Jersey Militia Colonels

Burlington Nov. [17–23] 1776¹

Sir,

GENERAL *Howe*, after having been presented with the fairest Opportunity to come to a general Engagement with the brave Troops of the United States, at the *White-Plains*, thought proper to decline a

Battle, and suddenly retreated towards *New-York*. In his Return thither he invested, with a numerous Army, *Fort-Washington*, and, by the mere dint of Numbers, possessed himself of that Garrison with considerable Slaughter on his Side, reported to be equal to the Number of Prisoners he took in the Fortress.² This being the only Thing of Consequence effected by the *British* Arms, during a whole Summer's Campaign, (the *Americans* having had the Advantage in almost every Skirmish) the Enemy, despairing of Conquest, seems determined to plunder; and, reduced to the greatest Straits for Want of Forage and Provisions, will, as there is Reason to apprehend, endeavour to make an Incursion into this State to supply those³ Necessaries. To check their Progress, General *Washington*, (whose Fame is deservedly above Applause) has transported a considerable Body of Continental Troops to the Eastern Parts of this State, who, with the Assistance of our Militia, will, doubtless, be able to give them such a Reception as their Rashness deserves.⁴

As the War, in which we are engaged, is founded on the Principles of Self-Defence and Self-Preservation, and to save ourselves and Posterity from the most ignominious Slavery, and is therefore, on the Part of *America*, the most just and glorious, and warranted by the immutable Law of God—As we have pledged our Words and Honour to support the Cause with our Lives and Fortunes; and have now an Opportunity to evince to the World, that such Assurances were not the inconsiderate Effusions of the boasting Bravo, but the cool Declarations of the determined Hero, now glorying in being called out to manifest his Valour, and avenge the Indignities offered to his injured Country—As the Eyes of all *Europe* are fixed on the brave *Americans*, as a People resolved, at all Hazards, to maintain that Independence, which *British* Injustice, and *British* Cruelty compelled them to adopt—As we ought not to be unwilling to do for our Descendants, what our Ancestors have done for us; nor can be so base as to surrender, without a Struggle, that inestimable Jewel, *Liberty*, to a ruffian Band of Mercenaries hired for our Destruction, which may be so easily preserved by those vigorous Efforts, which it is in our Power to make—It is expected that the Militia of *New-Jersey* will not forfeit, by any unworthy Conduct, the favourable Sentiments entertained of their Prowess; but that, ambitious of emulating the Fortitude of their gallant Brethren of *South-Carolina*, who have acquired immortal

Honour by repelling the Enemy's Attack on *Charles-Town*; they will shew, on this important Occasion, a Spirit becoming a People disdaining Slavery, and ready to risk their Lives in the Cause of Freedom, of Virtue, and Posterity. In full Confidence of not being disappointed in those Expectations, you are hereby directed to have the Battalion under your Command ready to march on the shortest Notice.⁵

Broadside, DLC:GW; Evans, no. 14916.

1. This document was drafted between November 17 and 23. WL refers to the fall of Fort Washington on November 16 but does not know about the American evacuation of Fort Lee on November 20. Lord Stirling informed him of that event in a letter from New Brunswick dated November 21, which WL received certainly no later than November 23. See WL to Philemon Dickinson, November 24, 1776, for evidence that the broadside was already in the hands of the printer by that date.

2. There were 154 Americans killed or wounded and 2,858 captured.

3. After "those," mutilated ADf (MHi) has "Necessities [. . .] *deluded Prince is unable to* [. . .]"

4. For George Washington's plans to repel the British in New Jersey, refer to Fitzpatrick, *Writings of Washington*, 6:255–87.

5. This broadside was reprinted in the *N.Y. Gazette & Weekly Mercury* on December 9. This paper, published by Hugh Gaine, who had become sympathetic to Great Britain, introduced the article by saying, "The following is an authentic Copy of a Letter from Mr. William Livingston, Attorney at Law, who has assumed the Title of Governor of New-Jersey." At the conclusion of the broadside Gaine commented: "It is sufficient to remark, upon this strange composition of falsehood and rhapsody, that it met with so much credit in New-Jersey, as to raise FOUR Volunteers in the whole Province, to oppose the Progress of General Howe's army."

To John Hancock

Burlington 18 November 1776

Dear Sir

Yours of the 7th & 14th¹ I have had the Honour to receive; & shall pay all possible Attention to the Requisitions therein contained. Should I be honoured with any other Dispatches from you during the sitting of our Assembly, (which will probably last for about a Month) you will please to direct to me, at Burlington. With Sentiments of the sincerest Respect I am your most humble & most obedient Servant

WIL: LIVINGSTON

P.S. If the young Stranger that is shortly expected in Philadelphia

should happen to be of our Sex, I think he ought to be called *Congress*; & if I could spare the time I should like a small frolic on the Celebration of his Nativity.² My best Respects to the Lady who is to convey him into this *breathing World*.

ALS, DNA:PCC, 68.

1. Letter is incorrectly dated. See John Hancock to WL, November 12, 1777.

2. Reference is to the imminent birth of a child to John and Dorothy Hancock. A daughter, Lydia, was born in November 1776 and died in August 1777.

To the Assembly

Burlington, Nov. 18, 1776.

Gentlemen,

THE Council having resolved that the several Clerks of the Counties in this State, do immediately call upon and tender to every Judge and Justice of the Peace in their respective Counties, not already qualified, the Oaths of Abjuration and Allegiance, and Oath of Office, and make Return without Delay to the Governor, as well of the Names of those who will, as of those who will not qualify.¹ I think it necessary to recommend it to the House previously to make Provision for paying the said Clerks for the above Service.

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 41–42.

1. See Proclamation, September 25, 1776.

From Lord Stirling

New Brunswick, November 18, 1776. Lord Stirling asks WL where prisoners of war and Loyalists in New Jersey should be taken to prevent them from communicating with the enemy. Stirling also reports that he has directed a number of captured Highland officers¹ to Middlebush, where they are to remain until he can learn where Congress wants them sent.²

ALS, MHi. Mutilated.

1. The Forty-second Regiment of Foot (Royal Highland Regiment), which had arrived at New York in July 1776.

2. British prisoners had been sent northward toward Fort Lee but had been diverted to New Brunswick. They were sent out of the state when the Continental army under George Washington retreated to Pennsylvania.

To Lord Stirling

Burlington 20 November 1776

I have received your Lordships Letter of the 18 Instant desiring my Sentiments relative to the places to which I would have the Prisoners of war & disaffected Persons that are ordered to be removed off the communication between Philadelphia & the Posts [maintained?] by the continental Troops, conveyed [. . .] tend it together with a Letter from General [Stephen] on the same Subject before the Council, [. . .] advise me to recommend that the said prisoners & disaffected Persons be sent to the townships of Walpack Sandiston & Montague [. . .] County of Sussex; & that they be put under the [inspection] of John Rosecrants Esqr. in the Township of Walpack, Peter Van Neste Esqr. in Sandiston, & Abraham Skinner Esqr. in Montague.

It is supposed that those Townships can accommodate about 500, & I presume those who order the removal will provide for their Subsistence, & that no more will be put upon a family than can be accomodated with convenience to the family.

ADf, MHi. Mutilated.

From John Hancock

Philadelphia, November 20, 1776. John Hancock transmits a resolve of Congress requesting immediate measures for procuring supplies for the new army that is being recruited.

ALS, NjP. The docket reads: "To His Excellency William Livingston Esquire Governor, & Commander in Chief of the State of [New Jersey]." However, the letter is addressed to the "Honourable Assembly of New Jersey." The resolution of November 19 enclosed in this letter had been passed without any directions to send it to either the legislative or executive branch. John Hancock may have been confused about which branch was empowered to raise the new troops (*JCC*, 6:966).

From the Assembly

[*Burlington*], *November 20, 1776*. In response to WL's message of November 18, 1776, the General Assembly informs him that county clerks who have not notified judicial officers in the counties that they must take oaths of office and allegiance are guilty of neglect. The assembly does not think it expedient to provide for payment to the clerks for the expense involved in notifying the local judiciary.

General Assembly (August 27, 1776–June 7, 1777), 43.

From Isaac Smith

Trenton November 20th: 1776

Sir

The Draught¹ from my Battallion serving on the Woodbridge Department is not yet returned, as they have been out six Times since last march, it would be difficult to procure 100 Men & could it be done there are not Arms enough now at home to arm them, was the Demand from the whole County I doubt not Volunteers well equipt might be had; if absolutely necessary. I believe one Company may be had, and at the present Time more cannot be armed, in my Battallion. To prevent Disappointment, excuse me that I thus plainly represent Facts as they are; I wish it was unnecessary to wait for your farther Orders in this Matter.

I am with much Respect & Affection your very humble Servant

ISAAC SMITH

ALS, MHi.

1. draught: a group of soldiers posted from a larger body to some special duty.

To Isaac Smith

Burlington [21] November 1776

Sir

You are hereby directed to detach one Company of fifty men from the Battalion under your Command to be stationed at or near

Shrewsbury to intercept & put a Stop to the Intelligence said to be carrying on between the Tories & Lord Hows Fleet.

It is the express Requisition of Congress that this should be immediately done;¹ & your Prudence will direct you as to the most proper officers to be intrusted with this Command.

I just now received yours of yesterdays date by which I find that I must have mistook in the Direction of my Letter² as I only intended one Company from your county for Shrewsbury & 2 from Burlington for the Salt works which I am glad to find can be detached. So that you [ar]e to pay no attention to my former Letter, bu[t the?] sooner this is complied with the better. I am your humble Servant

ADf, MHi. Mutilated.

1. See John Hancock to WL, November 7 and 12, 1776.

2. Letter not found.

To the Assembly

Burlington, Nov. 21, 1776.

Gentlemen,

THE Resolution of Congress, a Copy of which is hereunto annexed, is but too well founded not to merit the most serious Attention.¹ Through the Credulity and Inattention of some of those who have hitherto been entrusted to grant Passes to Travellers, I have the greatest Reason to believe that many have been very improperly and imprudently granted: I therefore recommend it to your Deliberation, in Conjunction with the Honourable Council of this State, to confer the Authority of granting such Permissions on such Persons only on whose Prudence and Circumspection you can rely, and to take the most speedy and effectual Measures to stop all Communication between this State and the Enemy's Quarters, that shall not be directed by proper Authority.²

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 44–45.

1. See John Hancock to WL, November 12, 1776. The enclosure sent by WL to the assembly was the extract of the November 9 minutes of the Continental Congress signed by Charles Thomson.

2. WL and the Council of Safety were empowered in an act of June 4, 1777, to

grant passports or permissions to pass "through any Parts of this State." They could also authorize county inhabitants to grant passports or permissions (*Acts* [May 12–June 7, 1777], 63).

To Bowes Reed

Burlington 21 November 1776

On the Express Requisition of the honourable the Congress to send two Companies of Militia to guard the Salt works near Toms river to consist of fifty men each, you are hereby directed to detach two Companies of your Battalion for that purpose.¹ They are also to use their utmost Diligence to intercept the Intelligence said to be carrying on between the Tories & Lord Howes Fleet & every other Correspondence with the Enemy from the places where they shall be stationed. Your own Prudence & Zeal for the Cause of the United States of America will direct you in the choices of [. . .] proper officers for this Command. [. . .] my last Letter to detach a Company to Shrewsbury² was through the hurry of Business directed to you by mistake you are to pay [no?] attention to that, it being hereby countremanded. I am your most humble Servant

[. . .]³ That Depending on the [Intelligence] we may be able to procure of [. . .] Designs of the Enemy, but they are to continue untill further orders if not releived in a month, on the application of the commanding officer, I will order two [. . .] Companies to relieve them.

ADf, MHi. Mutilated.

1. See John Hancock to WL, November 7 and 12, 1776, and WL to Isaac Smith, November [21], 1776.

2. Letter not found.

3. Five lines mutilated.

To Jonathan Combs

Burlington 21 Nov. 1776

Sir

In Answer to your Petition of the 14 Instant I must acquaint you that I can by no means grant the Prayer of it. The Choice of a double

Set of officers for one Company, of 80 men & a Companys dividing itself into two parties for that purpose is a very irregular proceeding & not warranted by any Law or Regulation whatever.¹ So dangerous a precedent would at least introduce a pretence for Splitting into four & for each quarter to be gratified by a set of officers to their own Fancy. The² Company will therefore proceed to the Choice of their officers, in the usual way, & the Minority must acquiesce in the Choice of the Majority as in all other Cases—& This must be done with all possible Dispatch or they cannot expect to be considered as Friends to their Country while actuated by such [unseasonable] Animosities as you mention at a time when the Enemy is at our Doors. I am your humble

ADf, MHi.

1. The Provincial Congress had enacted militia regulations on June 3, 1775, which provided that companies consist of approximately eighty men each, "which companies so formed shall, each by itself, assemble and choose, by plurality of voices, four persons from among themselves of sufficient substance and capacity for its officers, namely, one captain, two lieutenants and an ensign" (*Prov. Congress*, 180).

2. Between "The" and "Company" WL crossed out "expense of such a number."

From George Washington

Acquackanonk Bridge, November 21, 1776. George Washington informs WL that he decided to evacuate Fort Lee after the loss of Fort Washington. He requests that WL call up militia units to replace those whose terms of enlistment with the flying camp are about to expire.¹

Lcy, DLC:GW. In the hand of Tench Tilghman.

1. George Washington had ordered Fort Lee evacuated when British troops under Maj. Gen. Charles Cornwallis arrived on the New Jersey side of the Hudson on November 20.

To the Assembly

Burlington, Nov. 22, 1776.

Gentlemen,

LIEUTENANT-Colonel *Jecamiab Smith*¹ having resigned his Commission as Lieutenant-Colonel of the first Regiment of Foot Militia in the County of *Essex*, whereof *Edward Thomas*, Esq. is Colonel, as

incompatible with the Execution of his Office as Sheriff of the said County, to which he hath lately been appointed; I think it my Duty to notify to you his said Resignation; that you may, in Conjunction with the Council, supply the Vacancy by the Election of another Lieutenant-Colonel to the said Regiment, with all convenient Speed.²

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 45.

1. Jacamiah Smith.

2. The Joint Meeting resolved on November 28 that Oliver Spencer take the place of Jacamiah Smith (*Joint Meeting*, 11).

From Adam Stephen

Amboy Nov. 22d 1776

Sir,

I send you a parcel of Tories, with Depositions Relative to their Behaviour taken in their presence:¹ The Sailors, who are prisoners of War; & Major Seabrook can give your Excellency's further information.

I hope your Government will fall on Some Method of punishment, that will make them Useful to the State; perhaps Send them Aboard the Navy: At any Rate prevent their Return Insignificant as they are; should they be permitted to Return the Soldery will put them to death.

The Men are greatly irritated at finding a Number of disaffected & mischievous persons, daily Supplying the Enemy; and Cannot with Chearfulness Submit to rough the Rigours of War, & forgo Domestic Felicity; to fight the Battles of a People, who are not willing to distinguish their Friends from their Foes. I will endeavour to Secure Wright,² & have the honour to be, Sir, your Excellencys, Most Obedient humble Servant

ADAM STEPHEN

Commanding at Amboy

LS, PHi.

1. Enclosures were a list of nine prisoners and examinations of thirteen Monmouth County inhabitants that had been taken before two justices of the peace on November 19 (Nj).

2. Samuel Wright.

To Philemon Dickinson

Burlington 24 Nov. 1776

Dear Sir

I think it absolutely necessary that you should immediately repair to this place in assisting to collect our militia so as to be ready to march on the shortest notice.¹ In the mean while to save as much time as possible, I am issuing orders to the Colonels & for the greater Dispatch I have got the Printer to strike off a number of Copies one of which I inclose you.² I am Sir your most humble Servant

WIL: LIVINGSTON

ALS, MHi.

1. Brig. Gen. Philemon Dickinson had requested release from duty on September 23, because he believed that Matthias Williamson, who had been appointed brigadier general on September 6, should take his turn commanding the brigade. Dickinson had added that he must hasten his departure because his wife was in "extreme ill Health" (Philemon Dickinson to WL, September 23, 1776 [MHi]).

2. For enclosure see WL to New Jersey Militia Colonels, November [17–23], 1776.

To the Assembly

Burlington, Nov. 25, 1776.

Gentlemen,

I HEREWITH transmit you a Vote of Congress of the 19th Instant, urging the Necessity of pursuing the most immediate and vigorous Measures for furnishing our Quota of Troops for the new Army,¹ and beg your speedy Attention to that important Matter.—Surely, Gentlemen, you will think it necessary to postpone every Thing of less Importance, and devote your Time to this essential Business.

As the Enemy will probably take the Field early in the Spring, it is certainly our Duty to be ready to meet them, and for this Purpose to exert ourselves the approaching Winter to complete our Complement of the Army agreeable to the new Establishment; and as the Time for which the Troops now in Service is so near expiring, it must be obvious that not a Moment should be lost in raising the new Levies, or the Country must be in a defenceless Situation.²

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 48.

1. See John Hancock to WL, November 20, 1776. WL had originally requested these troops on October 8, 1776. See WL to the Assembly, October 8, 1776. The Joint Meeting first appointed officers of four new Continental battalions on November 28 (*Joint Meeting*, 10–11).

2. In response to WL's renewed appeal and to the increasingly desperate need to provide for the defense of New Jersey, the legislature on November 27 passed a bill for raising four battalions of militia to serve with the Continental army until the full quota of four Continental battalions could be raised. The new militia volunteers from New Jersey would join Washington's forces as soon as possible and serve until April 1, 1777. While on duty with Washington they would receive pay and rations on a par with the Continentals. Response to the call-up was encouraged by the offer of a bounty of six dollars per man as well as a pair of shoes and stockings. The colonels of the battalions were directed to send recruitment returns as soon as possible to Brig. Gen. Matthias Williamson, the commander of the four battalions, who would refer them to the legislature (*General Assembly* [August 27, 1776–June 7, 1777], 48–49; *Legislative Council* [August 27, 1776–October 11, 1777], 39; *Acts* [September 13, 1776–March 17, 1777], 9–11).

To Matthias Williamson

Burlington 25th. Nov. 1776

Sir

By Intelligence just received¹ of the Enemy's having made a Descent into this State who will doubtless take Encouragement from not meeting with the opposition which it is in our Power to give to ravage the Country I think it necessary that you should immediately call out the whole militia of this State & march them towards Newark as fast as they are raised taking their orders in their march from General Washington² as soon as he is acquainted of their being on their march of [. . .] party is to acquaint him as soon as he can.³

ADf, MHi.

1. On November 23 George Washington had sent Adj. Gen. Joseph Reed from Newark to brief WL on the British advance and to press for more aid, commenting: "The Critical Situation of our Affairs and the movements of the Enemy make some farther & immediate Exertions absolutely necessary" (George Washington to WL, November 23, 1776 [MHi]).

2. On November 25 a Continental Congress committee devising measures to reinforce Washington sent WL a plan to coordinate the militia of New Jersey and Pennsylvania in the defense of the region (James Wilson, George Clymer, and Samuel Chase to WL, November 25, 1776 [NH]).

3. Williamson received WL's letter on the next day. He called the Morris County

militia commanded by Col. Jacob Ford, Jr., to Elizabethtown. Refer to Matthias Williamson to Jacob Ford, Jr., November 26, 1776 (DLC:GW). The Morris militia remained on active duty through December 1776.

To George Washington

Burlington 27 Nov. 1776

Dear Sir

I have directed General Williamson to order all the militia of the Counties of Bergen Essex Morris Sommerset Middlesex & Sussex (having myself ordered that of Hunterdon) immediately to march & join the Army under your Command & to continue in Service for the defence of this State for a time not exceeding six weeks to be computed from the time of their joining the said Army.¹

The Legislature of this State has made Provision for raising four Battalions of 8 Companies each & 90 men to be inlisted till the first of April which will be carried into Execution with all possible Dispatch.²

I can easily form some Idea of the Difficulties under which you labour, & particularly of one for which the public can make no allowance, because your Prudence & Fidelity to the Cause will not suffer you to reveal it to the public, an instance of Magnanimity superior perhaps to any that can be shewn in Battle.³ But depend upon it my dear Sir the impartial world will do you ample Justice before Long. May God support you under that Fatigue both of Body & Mind to which you must be constantly exposed. I am with Sentiments of the greatest Respect your most obedient & most humble Servant

WIL: LIVINGSTON

P.S. The printed Copy is what I issued some days ago to our Colonels before I knew whether there would be a necessity for marching.⁴

ALS, DLC:GW.

1. The term of enlistment appears to have been set by WL, not the legislature.

2. Enclosed with this letter was a copy of the legislature's "Act for the raising of four Battalions" of November 27, 1776. See WL to the Assembly, November 25, 1776.

3. In a letter of November 30, Washington thanked WL for his concern but remained vague on the nature of his difficulties (DLC:GW).
4. See WL to New Jersey Militia Colonels, November [17–23], 1776.

To David Dare

[Burlington, November 30, 1776]

[THE] STATE OF NEW-JERSEY, ss. To David Dare Gentleman

PURSUANT to the Resolutions of the Honourable Congress for raising eighty-eight Battalions for the Continental Service to serve either for three Years or during the War; The Council and Assembly have chosen you to be Ensign of a Company in the third Battalion raised in this State to be commanded by Colonel Elias Dayton.¹ You are therefore to proceed, as speedily as possible, to the enlisting of able-bodied Freemen to serve in the said Battalion agreeably to the said Resolutions of Congress, and make Return thereof to me on or before the first Day of *January* next; for which this shall be your sufficient Warrant.

GIVEN under my Hand at Burlington the thirtieth Day of November Anno Domini 1776.

WIL: LIVINGSTON

DS, NjP.

1. This appointment had been made by the Joint Meeting on November 29 (*Joint Meeting*, 11–12).

To David Rittenhouse

Burlington 30th November 1776

Sir

Among a Number of some of the most incorrigible Villains in the Universe, belonging to the Army of the united States, for some time past confined in Morris County Goal, and a few days since ordered by General Washington to Cumberland County in this State, was the famous (late) Colonel Zedwitz.¹ Conceiving when brought to me in this City, that the sending them to Cumberland would be attended

with considerable Expence, as no Jail in this State is able to hold them without a Guard, & that they would in Confinement be utterly useless to the public, I consigned them all except Zedwitz to the Care of the Marine Committee, as I doubt not they will make excellent hands on board our Navy, if seperated into different Vessels. It not being proper on many Accounts to dispose of Zedwitz in like manner, I confined him in Jail in this City: But it not being a safe place, & in many Respects an improper one, I should be glad to know whether your Committee would accept of him either to be lodged in the spacious new Palace near the State house,² or in such other place of Durance in your State where he can have no Communication with Tories, nor any opportunity of delivering Letters, for the writing of which he seems to have a most incurable Itch. I am Sir Your most humble Servant

WIL: LIVINGSTON

ALS, PHi.

1. For an account of the Zedwitz case see WL to William Hooper, August 29, 1776.

2. Reference is to the new jail at Walnut and Sixth streets in Philadelphia. WL was unaware that a resolution of the Continental Congress of November 22 had indeed ordered Zedwitz confined to that jail, where care was to be taken to keep him from having any contact with enemy prisoners (*JCC*, 6:972).

From George Washington

New Brunswick,¹ November 30, 1776. George Washington, hoping to check an increase in desertions, asks WL to order the arrest of every soldier found in New Jersey without a regular discharge or pass. He expects the four New Jersey battalions being raised to compensate for the loss of troops whose terms with the flying camp will soon expire.²

Lcy, DLC:GW. In the hand of Robert Hanson Harrison.

1. After the fall of Fort Lee, George Washington retreated across New Jersey, stopping at Hackensack and Newark before arriving at New Brunswick on November 29. He remained at New Brunswick until the advancing enemy caused him to retreat to Princeton, where he arrived the morning of December 2.

2. British advances in New Jersey on the evening of November 30 prompted Washington to write WL on December 1 to request reinforcements (DLC:GW).

To John Hancock

Burlington 7 Dec. 1776

Sir

The Prisoners herewith sent, to wit William Valentine, Andrew Wilson, Benjamin Wilson, John Jones, & Henry Wetherby were sent hither last week by General Stephen from Amboy. The four first named are charged with assisting the Enemy in endeavouring to get off a Vessel which ran on Shore some time ago at Point Comfort in Amboy Bay, and giving them Intelligence respecting the Military Forces in this State: Wetherby is charged as having engaged in the King's Service as Lieutenant, and enlisting or endeavouring to enlist Men in Monmouth County in the said Service. It is thought unsafe to keep them in this State at present. I am therefore to request that Congress will give Orders for their being kept in Safety till farther Measures can be taken with them.¹ I am Sir with great Respect your most humble Servant

WIL: LIVINGSTON

LS, DNA:PCC, 68. In the hand of Charles Pettit.

1. These prisoners were sent to Frederick, Maryland, in December 1776. The Legislative Council requested their return on February 4, 1777. See WL to the Assembly, February 4, 1777. Benjamin Wilson, William Valentine, and John Jones were returned to New Jersey and found innocent; they were discharged on March 29. Henry Wetherby was first examined by the Council of Safety on April 18 (*Council of Safety*, 10, 27). For testimony and action against him see Deposition of William Sands, April 23, 1777 (p. 312), and Deposition of Samuel Knott, April 24, 1777.

To Benjamin Dennis and Gilbert Longstreet

In Council for the State of New Jersey¹ December 10th. 1776

To Captain Benjamin Dennis & Gilbert Longstreet—

This is to authorize and require you or either of you immediately to proceed, with the Company under your Command, to the City of Burlington in the State of New Jersey, and call upon Robert Smith Esqr. and demand of him all the Publick Monies in his Hands,² and forthwith bring the same to me and make Report thereof; and in Case

of the said Robert Smith's Refusal to deliver the Monies aforesaid, you are to hereby directed to take the same by Force, giving the said Robert a Receipt therefor with a Copy of this Warrant.

WIL: LIVINGSTON

P.S. Deliver the said Monies to Colonel David Forman on his Order

WIL: LIVINGSTON

As there will perhaps be no time to count the Money It may be necessary to bring Mr. Smith along with it.

WIL: LIVINGSTON

Witness Present NATH. SCUDDER

A True Copy

BENJN. DENNIS Capt.

GILBERT LONGSTREET Capt.

Lcy, CSmH.

1. Probably the governor's Privy Council. The Legislative Council had adjourned on November 30, 1776 (*Legislative Council* [August 27, 1776–October 11, 1777], 44). The Privy Council, created by the state constitution, consisted of any three or more members of the Legislative Council. Its purpose was to advise the governor. At first, it addressed itself primarily to military matters and the effective operation of state government, particularly the judiciary. There is no record of this particular meeting in *NJA*, 3d ser., vol. 1, David A. Bernstein, ed., *Minutes of the Governor's Privy Council, 1777–1789* (Trenton, 1974). Bernstein suggests that the Privy Council must have met before July 18, 1777, the date of the first session noted in the manuscript minutes. During the sessions of the Legislative Council, it is unclear which body WL refers to when he writes of the council.

2. Robert Smith was one of the signers of bills of credit for New Jersey's loan office. The thousands of signed and unsigned bills in his possession were in danger of falling into the hands of the British, who were advancing toward Burlington.

4

Governor

December 11, 1776–March 10, 1777

WITH THE EXCEPTION of the Morris County militia, most county units did not respond to the governor's orders of November 25, 1776, or to the appeals of the General Assembly of November 27 to assist the American army. As the British advanced across the state, both military and civilian support for the state government dissipated. The British and Hessian march through Newark, Elizabethtown, New Brunswick, and Princeton was accompanied by confusion, panic, anarchy, and military atrocities. Either by pragmatic choice or by passive submission to British occupation, most obscure citizens and several influential leaders accepted the control of the state by the British. Exact figures are unavailable, but it is probable that thousands agreed to the terms of a pardon offered by the Howe brothers on November 30.

The British invasion reached as far southward as Bordentown, Trenton, and the countryside near Burlington. The presence of large numbers of British and Hessian forces spurred the king's sympathizers to arm themselves, join Loyalist battalions, and retaliate on the Whigs. Large numbers of Loyalists from all parts of the state energetically supported the British forces, who occupied a string of outposts from Bordentown north to Elizabethtown. Civil administration and justice broke down under the weight of Loyalist and Whig depredations alike. Marauding Hessians destroyed property, and undisciplined remnants of the Continental army and the New Jersey militia looted and pillaged. George Washington was only one of many witnesses to the rapid increase in disaffection to the American cause as the state lost the protection of American arms. New Jersey had become a violent and dangerous neutral ground. On December 22 Brig. Gen. Alexander McDougall described the chaos: "This State is totally deranged, without Government, or officers civil or military in it that will act with

any Spirit. Many of them have gone to the Enemy for protection, others are out of the state, and the few that remain are mostly indecisive in their Conduct" (DLC:GW).

For nearly a month (from mid-December to mid-January), William Livingston was caught up in the turmoil and confusion. It was not known where he was or even whether he was alive; John Hancock addressed a letter of December 30 to "Governor Livingston or the present Executive power in New Jersey" (Nj). General McDougall wrote to Washington on December 30 (DLC:GW) that Livingston was out of the state. It is probable that he sought refuge with the American forces in Pennsylvania, but there is no documentary evidence fixing his location. The date of his return to New Jersey is also unknown. In a letter of December 28 Lord Stirling pleaded with Livingston to return to the state to rouse the militia to their duty (MHi).

The surprise raid at Trenton on December 26 began the dramatic reversal of American military fortunes. After the battle of Princeton on January 3, 1777, the British retreated; their severely truncated lines then ran from New Brunswick to Perth Amboy. Washington's army moved to winter encampment at Morristown on January 6.

The disruption that the civil establishment had suffered in December made it necessary to reconstruct New Jersey's state and local governments totally only months after their initial establishment. When Livingston met with the New Jersey Legislature at Pittstown and Haddonfield in late January, the most urgent items on the agenda were to revive the courts, secure the return of New Jersey's prisoners from other states, replenish the ranks of New Jersey's Continental battalions, and correct the defects in the militia laws. Mundane business, like publishing and distributing legislative proceedings and acts, or commissioning judges and army officers, was also part of the effort to restore order in the counties.

Livingston attempted to persuade the legislature to act to solve the urgent problems caused by civil disorder and the ravages of British invasion. In his speeches to the legislature of January 24 and February 25, Livingston's lofty republican rhetoric and vivid characterization of British atrocities helped to turn the attention of the representatives toward wartime priorities. Moreover, Livingston went beyond legisla-

tive messages to appeal directly to the people. The publication of "The Impartial Chronicle" displayed his talent for mixing bawdy humor with political satire to further the Whig cause.

However energetically he supported the American army, Livingston was careful to remain within the limits of his statutory and constitutional powers. He guarded the civil liberties of New Jersey's citizens and the autonomy of the state. His dogged efforts to correct the inequities of militia legislation were finally rewarded with a revised statute on March 15, 1777. Although the act was only a qualified response to Livingston's pleas for increased executive powers to call out the militia and punish military delinquents, it was the first significant relinquishment of legislative powers to the executive.

From George Clinton

Paramus 12th. January 1777

Sir

I was in Hopes to have had the Honor of seeing your Excellency at Morris Town Yesterday but was so unfortunate as not to arrive at Mr. Cortlands¹ till after you had left that.² I was desirous of communicating several Matters to you respecting the disaffected Inhabitants, of this Part of your State which as I missed seeing you, I mentioned to his Excellency General Washington, to whom I now beg leave to refer you.³

Mr. Peter Fell and Mr. John Watkins whose Families and Characters I presume you well know, have been very serviceable to the Cause of their Country since I have commanded here. They are both desirous of entering the Service, and as it is a matter of the utmost Importance to have our Army officered by young Gentlemen of Property, Sense and Spirit, I wish they might be properly provided for. The new Regiments of Infantry and Horse to be raised by General Washington will make Room for them and your favourable Mention of them to the General will secure them proper Appointments in which I am sure the Country will be served. They both prefer the Horse Service. Mr. Fell wou'd gladly accept a Company and Mr. Watkins a Lieutenancy in the

Horse. I am with great Respect your Excellency's Most Obedient
Servant

GEO CLINTON

ALS, MHi.

1. Probably Col. Philip Van Cortland.
2. George Clinton later wrote that he "waited upon Gov'r Livingston but had not the Pleasure of seeing him having a few Minutes before I Arived at his Lodgings, set out for Head Quarters & I had not Time to return there it being 8 Miles distant" (George Clinton to John Haring, January 18, 1776, in *Public Papers of George Clinton, First Governor of New York, 1777-1795, 1801-1804* [New York and Albany, 1899], 1:555-56).
3. Clinton had been anxious to discuss "Secret Information" he had recently received about New Jersey Loyalists, particularly a rumor that many intended to surrender to the Americans.

To Philemon Dickinson

[Morris Town, January 14, 1777]

His Excellency William Livingston Esqr. Governor, Captain General
and Commander in Chief in and over the State of New Jersey and the
Territories thereunto belonging, Chancellor and Ordinary in the same.
To Philemon Dickinson Brigadier General. Greeting.
Sir,

Though many of the Militia of New Jersey, during the present
Invasion of this State by the Troops of his Britannic Majesty, have
readily obeyed the Orders of their Commander in Chief to join the
Army under the Command of his Excellency, General Washington;¹
yet a considerable number of them regardless of the Freedom of
America, and of their Duty to their Country have hitherto disobeyed
the most express orders for joining the said army to repel the said
Invasion & still continue at their respective places of Abode when their
Country so lowdly calls upon them to join the Troops of the United
States now in New-Jersey.² You are therefore hereby authorized to
compel all such Delinquents immediately to join the said army and to
continue in the Service, in this State, until they shall be regularly
discharged.³ Given under my hand at Morris Town the fourteenth day

of January in the year of our Lord One Thousand Seven hundred and Seventy Seven.

WIL. LIVINGSTON.

Lcy, NjR.

1. See WL to Matthias Williamson, November 25, 1776, and WL to the Assembly, November 25, 1776. The legislative act of November 27 called for four battalions to serve until April 1, 1777. At Trenton George Washington had issued a renewed appeal to New Jersey militia on December 31, 1776: "I most warmly request the Militia of said State at this Important Crisis to Evince their love to their Country, by boldly stepping forth and defending the Cause of Freedom." At the same time he dispatched Col. John Neilson, Maj. John Taylor, Maj. John Van Emburgh, Maj. Frederick Frelinghuysen, and other New Jersey "Gentlemen" to try to arouse and activate the many delinquent militiamen (Fitzpatrick, *Writings of Washington*, 6:460).

2. A similar appeal to reluctant New Jersey militia had been prepared by John Hancock and sent to WL on December 30, 1776 (Nj).

3. On January 21, 1777, George Washington ordered Brig. Gen. Philemon Dickinson to call up one-third of the New Jersey militia to serve until April 1 (DLC:GW).

To George Clinton

Morris Town, 15 January 1777.

Dear Sir,

I am not unacquainted with the merit of Mr. Peter Fell & Mr. John Watkins, & I am sure should be very glad to see them in the service; & as to the former, I am under such obligations to his father¹ that I could wish to have it in my Power to discharge them any other way than by recommending any person to General Washington for a Post. It is so extremely disagreeable either to be disappointed in a Recommendation, or to be under obligations by succeeding that I have the greatest aversion to the thing. And from these considerations, I have refused to recommend my own son,² who was with General Schuyler & wants to go in the service, & whom I could recommend with a good conscience from his general's³ character.

I am sorry I missed the pleasure of seeing you.

As to the Tories, that have been active against us, we shall make rough work with them, as soon as the state is reduced to a little more

tranquility. I am, Dear Sir, Your most humble Servant

WIL. LIVINGSTON.

Public Papers of George Clinton, First Governor of New York, 1777–1795, 1801–1804 (New York and Albany, 1899), 1:552.

1. John Fell.
2. Henry Brockholst Livingston.
3. In a fragment ALS (N), WL wrote: “general.”

Proclamation

[Morris Town, January 17, 1777]

A Proclamation

Whereas the honourable the Congress by their Resolution of the 30th of December last for the reasons therein set forth have prohibited the Exportation of Bacon, Salted Beef & Pork, Soap, Tallow & Candles (except such as may be necessary for the Crew) from any of the United States after the fifth day of January instant until the first day of November next, or until Congress shall make further [order therein. They?] have earnestly recommended [to the Executive] Powers of the several United States to see that the Resolution be strictly complied with.¹ I have therefore thought fit by & with the advice of the Council of this State to issue this Proclamation, hereby prohibiting all the Inhabitants within the same to export from this State any of the Articles above mentioned except as before excepted until the first day of November next or until Congress shall make further orders therein, as they will answer the contrary at their Peril. Given under my hand this day of January in the year of [our] Lord one thousand seven hundred [&] seventy seven.² God Save the People.³

ADf, MHi. Mutilated.

1. A resolution of the Continental Congress had been promulgated on December 30, 1776, to help make the enumerated items available to the army by prohibiting their exportation (*JCC*, 6:1054). A printed broadside had been issued (Evans, no. 15178).

2. The date on the cover, not in WL's hand, is January 17.

3. WL never issued the proclamation. See WL to the Assembly, January 30, 1777.

Proclamation

[Morris Town, January 17, 1777]

By His EXCELLENCY WILLIAM LIVINGSTON, ESQUIRE, *Governor, Captain-General and Commander in Chief in and over the State of New-Jersey, and territories thereunto belonging, Chancellor and Ordinary in the same*, A PROCLAMATION.

WHEREAS the Honourable the Congress, by their resolution of the eleventh day of December last,¹ reciting, that whereas the just war into which the United States of America have been forced by Great Britain, is likely to be still continued by the same violence and injustice which have hitherto animated the enemies of American freedom; and that it becomes all public bodies, as well as private persons, to reverence the providence of God, and look up to him as the supreme disposer of all events, and the arbiter of the fate of nations; did therefore recommend to all the States, to appoint as soon as possible a day of solemn fasting and humiliation, to implore of Almighty God the forgiveness of the many sins prevailing among all ranks, and to beg the countenance and assistance of his providence in the prosecution of this just and necessary war; and did also, in the most earnest manner, recommend to all the Members of the United States, and particularly to the officers civil and military under them, the exercise of repentance and reformation;² leaving it to each State to issue out proclamations fixing the day that appears most proper for their several bounds: I have therefore thought fit, by and with the advice of the Council of this Sate, in order to carry the said resolution into effect, to appoint Thursday the sixth day of March next to be observed as a day of solemn fasting, humiliation and prayer, for the purposes before mentioned;³ of which all the inhabitants of this Sate are hereby required to take notice.

Given under my hand this seventeenth day of January, in the year of our Lord One Thousand Seven Hundred and Seventy seven.

WILLIAM LIVINGSTON.

By his Excellency's Command, WM. LIVINGSTON, Jun. D. Secretary

GOD save the PEOPLE.

Pa. Packet, February 4, 1777.

1. On December 9, 1776, the Continental Congress had appointed a committee to prepare the resolution. It was ordered published on December 11 (*JCC*, 6:1014, 1022). A printed broadside of this resolution differs markedly from that in the *JCC* (Evans, no. 15175). The resolution was enclosed in a letter from John Hancock. Letter of unknown date not found.

2. Between the semicolon and "leaving," a mutilated ADF (MHi) reads, "and farther required of the said officers of the Military Department, the strict observation of the Articles of War in general, & particularly that of the said Articles which forbids profane Swearing & all other Immoralities; of which, all such officers were desired to take notice." This phrase, taken almost verbatim from the congressional resolution of December 11, 1776, was eliminated by WL in his final draft.

3. Following "mentioned" in the ADF (MHi), WL crossed out "& all Ministers of the Gospel in the state are hereby required to perform [the?] divine service on the said day, & all [. . .] whatsoever within the same charged to abstain [. . .] unnecessary [. . .] & servile labour on the said [. . .]" and substituted the clause in the text.

WL Order¹

Morris Town 20th. January 1777

Sir

It is By a Resolution of Congress² that the New Levies of New Jersey are ordered to march by Companies & parts of Companies as fast as they shall be raised & join the Army under General Washington with the utmost Dispatch.³ Your most humble Servant

ADF, MHi.

1. This order was sent to Continental army colonels Elias Dayton, Matthias Ogden, Ephraim Martin, Israel Shreve, and Oliver Spencer.

2. On December 27, 1776, the Continental Congress had resolved that "the new levies in Virginia, Maryland, the Delaware state, Pennsylvania, and New Jersey, be ordered to march by companies, and parts of companies, as fast as they shall be raised, and join the army under General Washington, with the utmost despatch" (*JCC*, 6:1043). This resolve was enclosed in John Hancock to WL, December 30, 1776 (Nj).

3. After the period WL crossed out: "Agreeable to another Resolution of Congress, I am requested to inform them as soon as possible what Success the officers in this State have met with in raising the Troops required by the Resolution of the 16th of September. I therefore request you enable me to give the Congress the above Information as far as your knowledge of the matter extends with all the dispatch in Your Power." The crossed-out passage was inserted in the final version of this letter. The new resolution on the completing of the Continental battalions was passed by Congress on January 9 (*JCC*, 7:25). On January 10 John Hancock had addressed a circular letter to the thirteen states inquiring what progress had been made in raising the troops mandated by the Continental Congress on September 16, 1776

(DNA:PCC, 12A). For earlier correspondence on raising the Continental battalions, see WL to the Assembly, October 8, 1776, and John Hancock to WL, November 20, 1776.

From George Washington

Morris Town, January 24, 1777. George Washington informs WL of the urgent need for a new militia law in New Jersey. He insists that the proposed law must oblige every man capable of turning out to do so, and must forbid anyone to pay a fine in lieu of service.

LS, MHi. In the hand of Tench Tilghman.

To the Assembly

Pitts Town 24 January 1777

Gentlemen,

After feeling with you for the Depredations & Cruelties perpetrated by the Enemy in their Incursions into part of this State by taking the Advantage of the time when so great a part of our Army was intitled to a discharge,¹ & of the well-known Defects of our Militia Law; I embrace this opportunity to contratulate you on the important Enterprize against them at Trenton & the signal Victory obtained over them at Princeton by the Troops under the Command of his Excellency General Washington with the repeated Success of the American Arms in the several Skirmishes we have had with them since those memorable Events.² They have indeed marked their Progress with Devastation & Murder; & contaminated the British Arms with Barbarities unknown to civilized Nations; but as for³ any essential Benefit redounding to them from their⁴ Irruption into this State, or their having made the least Advances towards subduing the Continent of America, they are now obliged to shut themselves up in a small Corner⁵ of a Colony over which but a few days ago they ridiculously arrogated universal Empire. As their Blunders if possible are equal to their Cruelty, I am persuaded that unless we are wanting to ourselves, we have no Reason to be dispirited in our righteous Contest with a Prince and a People whom God Almighty, by thus infatuating, seems

determined to destroy. But it being our Duty, in an humble Reliance upon Providence, to exert our utmost Efforts for assisting the Troops of the united States in expelling those refined Barbarians from our Territories; & fully sensible as we must now be, how very inadequate is our Militia Law to draw out our whole force for that purpose, I would most earnestly recommend it to you not to suffer any Business of inferior moment to postpone your Deliberations on that important Subject.⁶

WIL: LIVINGSTON

ALS, MHi.

1. The enlistments of the troops of the flying camp raised on June 14, 1776, had expired on December 1, and the men had left the service in the midst of the British invasion of New Jersey.

2. American troops under Brig. Gen. William Maxwell had recaptured Elizabethtown early in January 1777. Skirmishes had also taken place at Spanktown (Rahway) on January 6, when New Jersey militia under Maxwell had driven out British forces; at Bonhamtown on January 16; and near Somerset Court House on January 20, when the New Jersey militia commanded by Brig. Gen. Philemon Dickinson had routed a British foraging party.

3. "As for" is replaced in the printed copy by "so far from" (*General Assembly* [August 27, 1776–June 7, 1777], 52).

4. Instead of the phrase that follows "from their" in the text, fragment ADf (MHi) has "Gothic Havoc or having made the least advances towards their chimerical Project of subduing these free & independent States"; the ADf continues, "of America to their [. . .] Vassalage," but this phrase has been crossed out.

5. Large bodies of British troops were stationed at New Brunswick and Perth Amboy, with smaller detachments at Paulus Hook and Sandy Hook.

6. WL had frequently appealed for a new militia law in 1776. See WL to the Legislature, September 11, 1776, and WL to the Assembly, September 24, 1776. On January 30 the General Assembly resumed consideration of a militia bill (*General Assembly* [August 27, 1776–June 7, 1777], 53–54).

To the Assembly

Haddonfield, Jan. 30,¹ 1777.

Gentlemen,

IT being recommended by the Honourable the Congress to the respective Legislatures of the United States to pass such a Law as will most effectually prevent the counterfeiting or forging the Tickets of the United States Lottery:² I doubt not you will cheerfully comply

with a Recommendation so just and reasonable in itself, and so necessary to effectuate a Measure of the last Importance to support the Credit of the Continental Currency.³

They have also transmitted to me their Resolution of the 30th of *December* last, “that no Bacon, salted Beef and Pork, Soap and Candles, except such as may be necessary for the Crew, be exported from any of the United States after the fifth Day of *January* now past, until the first Day of *November* next, or until Congress shall make further Order therein; earnestly recommending it to the executive Powers of the several United States to see that the said Resolution be complied with.”⁴ But as I know of no Authority the executive Power of this State has to prevent the Inhabitants from exporting the said Articles without an Act of Legislation for that Purpose,⁵ I would farther earnestly recommend it to you to pass a Bill for carrying the said Recommendation into Effect, “as it will be extremely difficult,” the Congress justly remarks, “if not impracticable, to supply the Army of the United States with those Articles unless the Exportation thereof be prohibited.”⁶

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 53.

1. WL had drafted his message at Pittstown on January 27 (MHi).

2. The United States Lottery had been legislated by the Continental Congress on November 1, 1776, “for defraying the expenses of the next campaign.” The resolution referred to here is dated November 27 (*JCC*, 6:917, 959–62, 986).

3. On February 13, after debating the matter for two days, the legislature passed a bill “to prevent the counterfeiting or forging of the Tickets of the United States Lottery” (*General Assembly* [August 27, 1776–June 7, 1777], 63, 65; *Legislative Council* [August 27, 1776–October 11, 1777], 50). Citing the recommendation by Congress for such action, the law provided the death penalty for counterfeiters or persons passing counterfeit currency or lottery tickets (*Acts* [September 13, 1776–March 17, 1777], 13–14).

4. WL’s quotation is a paraphrase of the minutes and resolve of the Continental Congress of December 30, 1776. Tallow was included among the listed articles (*JCC*, 6:1054). See Proclamation, January 17, 1777 (p. 199).

5. Between the comma and “I,” an ADf (MHi) reads: “nor of any rights the Congress has to bind them by the above Resolution or legislate for them.”

6. The legislature passed a bill “to prohibit the Exportation of Provisions, and other Articles therein mentioned” on February 20 (*General Assembly* [August 27, 1776–June 7, 1777], 63; *Legislative Council* [August 27, 1776–October 11, 1777], 53). State customs officers were to prevent vessels from sailing from New Jersey to sell provisions in foreign ports. Offenders would pay fines and forfeit the smuggled

articles. The act was to continue in force until November 1, 1778 (*Acts* [September 13, 1776–March 17, 1777], 13–14).

To the Assembly

Haddonfield, Jan. 31, 1777.

Gentlemen,

MR. *Debart* having refused to qualify as Chief-Justice of this State,¹ and Mr. Tucker, one of the Puisne Judges² of the Supreme Court, having accepted of a Protection from the Enemy as I am credibly informed;³ and Mr. *Hopkinson*, the other, having declined to enter upon the Exercise of his Office, on Account of an Appointment by the Congress, which will require his Residence in *Philadelphia*,⁴ the State of our publick Affairs renders it indispensably necessary that the above Offices should be immediately filled by a new Appointment.

General *Williamson* and Lieutenant-Colonel *Tonkin* having resigned their respective Commissions, I give you this early Notice of their Resignations to enable you to supply those Vacancies, as soon as your other Business will permit.⁵

Lieutenant-Colonel *Lewis*, of the Battalion of which *Bowes Reed*, Esq. is Colonel, having a Protection from the Enemy; and Major *Sterling* of the same Battalion being removed out of the County of *Burlington*, the Colonel recommends Major *Shreve* to be appointed Lieutenant-Colonel, and Captain *Oakey Hoogland* to be appointed Major of the said Battalion.⁶

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 54.

1. On February 5 Robert Morris was elected chief justice in place of John De Hart, who had been elected to that position on September 4, 1776, but had declined to accept it (*Joint Meeting*, 4, 13).

2. puisne judge: an inferior or junior judge in the superior or supreme courts of common law.

3. Samuel Tucker had been elected a justice of the state supreme court on September 4, 1776. Earlier, when he was treasurer of the Provincial Congress, he had assumed responsibility for a state chest containing public money and papers. The British had seized the state chest on December 9, 1776. They had captured Tucker himself on December 14, and he had then taken a protection from the British (*NJA*, 1st ser., 10:271–72). On February 15, having been charged with losing public money

and papers, he appeared before the Joint Meeting and proposed to resign his commission as supreme court justice. The members accepted his resignation and chose Isaac Smith to take his place (*Joint Meeting*, 15).

4. Francis Hopkinson had been appointed by the Continental Congress on November 18, 1776, as a member of the Navy Board of the Marine Committee at Philadelphia (*JCC*, 6:958). Refer to Francis Hopkinson to WL, November 19, 1776 (MHi), and WL to the Assembly, November 21, 1776 (*General Assembly* [August 27, 1776–June 7, 1777], 43). On February 15 the Joint Meeting elected John Cleves Symmes a justice of the supreme court to replace Hopkinson (*Joint Meeting*, 16).

5. On February 1 the Joint Meeting promoted Col. Nathaniel Heard to brigadier general of the state militia. On February 5 it named Samuel Shreve to replace Samuel Tonkin as lieutenant colonel in the Gloucester County militia (*Joint Meeting*, 13).

6. On February 1 the Joint Meeting confirmed Okey Hoagland as second major in the Burlington County militia to replace James Sterling. On March 15 the Joint Meeting promoted Hoagland to first major and elected William Shreve lieutenant colonel (*Joint Meeting*, 13, 19).

To the Assembly

Haddonfield, Jan. 31, 1777.

Gentlemen,

THOUGH the Articles of War have sufficiently provided for the Punishment of Deserters,¹ yet so little Care is taken in this State to apprehend Deserters, that I conceive it a Matter well worthy the Attention of the Legislature. And as the Desertion of Soldiers will, on the new Establishment, be of greater Detriment to the United States than it was before, I would recommend it to you to pass a Bill for the more effectual apprehending and securing all such Deserters from the Army of the United States as shall be discovered within the Bounds of this.²

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 54.

1. Article 1 section 6 of the Articles of War, passed by the Continental Congress on September 20, 1776, stated that all officers and soldiers convicted of desertion "shall suffer death, or such other punishment as by a court-martial shall be inflicted" (*JCC*, 5:792).

2. A circular letter on desertion, written by George Washington on January 31 and sent to all states except Georgia and South Carolina, was transmitted to the New Jersey General Assembly on February 4 (DLC:GW). It requested the legislatures "immediately to pass laws" imposing penalties on persons convicted of harboring deserters or of failing to give information against deserters. Washington further

proposed that justices of the peace and militia officers be directed "to keep a watchful Eye over and apprehend" all persons leaving the army without discharges.

The General Assembly passed a bill "to prevent Desertions from the Army of the United States of America" on February 12. The Legislative Council proposed amendments ten days later. The amended bill, passed by the General Assembly, became law on February 26 (*General Assembly* [August 27, 1776–June 7, 1777], 64, 79; *Legislative Council* [August 27, 1776–October 11, 1777], 54). The law provided for the examination and detention of suspected deserters as well as for rewards to persons apprehending them. Persons who harbored or encouraged deserters faced fines. Ferryman were forbidden to carry soldiers without proper discharges, furloughs, or passes (*Acts* [September 13, 1776–March 17, 1777], 15–16).

To George Washington

Haddonfield 1 February 1777

Sir

Yours of the 24th. January I had the Honour of receiving after the Assembly was adjourned to this Place, which is a Village in the County of Gloucester about six miles from Philadelphia. The several Points mentioned by your Excellency I think of the greatest Importance for the better regulating our Militia; and as the house have now a Bill for that Purpose before them, I shall in the strongest manner recommend them to their Consideration.

As the principal Errand of this Express is to bring us some Intelligence from our Army, and a true Account of any late occurrences; if your Excellency has any News, & sufficient Leisure to communicate it, it will greatly oblige the Members of our Legislature, & particularly your most humble & most obedient Servant

WIL: LIVINGSTON

ALS, DLC:GW.

To John Hancock

Haddonfield 3d February 1777

Sir

I had the Honour of receiving yours of the 14 January this moment inclosing several Resolutions of Congress of the same date;¹ to which

you may depend upon my paying a proper Attention.

I believe I have received all your Dispatches of the 25 & 30 December & 10 January, but I cannot be positive because I am not possessed of them here. I received *that*, requesting me to order the New Levies as they inlisted to head Quarters, which orders I have executed accordingly.² As to the 4 months men,³ I have given orders for the Musters but have only received that of one Battalion & that is not compleat. Your Favour inclosing the Resolve for a Fast is also come to hand,⁴ & I have issued a Proclamation fixing the time for it in this State. I have also received yours respecting the Loan;⁵ & that inclosing General Washington's new Powers.⁶

Our Assembly is now sitting here which is a Village in Gloucester about six miles from Philadelphia, (whither they adjourned from Pitts Town in Hunterdon County,) & where they are like to sit these six weeks. I am with great Respect your most humble Servant

WIL: LIVINGSTON

ALS, DNA:PCC, 68.

1. WL's dating of John Hancock's circular letter to the governors is incorrect. The letter is dated January 15 (DNA:PCC, 12A). Enclosed resolutions of January 14 may be found in *JCC*, 7:37-40.

2. For orders in response to this request, see WL Order, January 20, 1777.

3. Militia had been called up on November 27, 1776, to reinforce Washington's army until April 1, 1777.

4. Letter not found. See Proclamation, January 17, 1777 (p. 200).

5. A Continental Congress resolution of January 15 had provided that the Continental treasurer be empowered and directed to borrow money on the loan office certificates (*JCC*, 7:40). It was enclosed in the circular letter of John Hancock to the governors of January 15.

6. In a circular letter to WL of December 30, 1776 (Nj), John Hancock had announced that on December 27 the Continental Congress had vested George Washington with special powers for a term of six months because the military crisis required "a decision and vigour which distance and numbers deny assemblies far removed from each other, and from the immediate seat-of-War." The resolve can be found in *JCC*, 6:1045.

To the Assembly

*Haddonfield, Feb. 3, 1777.**Gentlemen,*

SINCE we left *Pitt's-Town* I am honoured with a Letter from His Excellency General *Washington*, dated at *Morris-Town* the 24th of *January* last, on the Subject of the Militia of this State. As from his Station in the Army, he must be the best Judge, and from his Attachment to the Liberties of *America*, and his particular Interest in the Behaviour of the Troops under his Command, his Recommendation deserves the most serious Attention, I doubt not you will, in your Deliberations on the Militia Bill now before your House, receive it with the Respect it justly merits.

His Excellency observes that the irregular and disjointed State of our Militia, makes it necessary for him to inform me, that unless a Law is passed by our Legislature to reduce them to some Order, and oblige them to turn out in a different Manner from what they have hitherto done, we shall bring very few into the Field, and that even those few will render little or no Service.

The General farther observes that many of their Officers are of the lowest Class of People, and, instead of setting a good Example to their Men, are leading them into every Kind of Mischief; one Species of which is that of plundering the Inhabitants under Pretence of their being Tories; and he recommends the passing a Law for putting a Stop to this Kind of lawless Rapine; conceiving that, unless something is done to prevent it, the People will throw themselves of Choice into the Hands of the *British* Troops.

But our first Object, in His Excellency's Opinion, should be a well regulated Militia Law. The People put under good Officers, would, he observes, behave in quite another Manner; and not only render real Service as Soldiers, but protect, instead of distress, the Inhabitants.

What he would wish to have particularly insisted upon in the new Law is, that every Man capable of bearing Arms should be obliged to turn out, and not buy off his Service for a trifling Sum. We want Men, says he, and not Money.

These Observations are so clearly founded in Reason, and have been

so frequently verified by Experience, that they cannot fail, I should imagine, of gaining universal Assent on the least Reflection. And respecting the Complaint of our Militia's violating private Property, that being more peculiarly in the civil Line, I had it in Contemplation to expostulate with you to prevent this iniquitous Practice, before I had the Honour of receiving His Excellency's Letter. A Practice which, however attempted to be dignified with the Title of Patriotism, or justified under the Idea of inflicting condign Vengeance on the internal Enemies of our Country, is not only repugnant to the Laws of the Land, whereby every Man's Property is secured and protected, until it be declared forfeited by judicial Process, but has a manifest Tendency to inflame the Minds of the Sufferers; to excite Jealousies and Contentions among the Inhabitants, at a Time when we ought to be more especially studious of cultivating Unanimity and Concord; to diffuse amongst the Soldiers a Spirit of Licentiousness and Rapine: and, in a Word, to relax all Discipline in the military, as well as subvert all Order in the civil, Department.¹

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 56–57.

1. On February 4 the assembly named a committee to prepare an answer to WL's message (*General Assembly* [August 27, 1776–June 7, 1777], 57–58).

From George Washington

Morris Town, February 3, 1777. George Washington acknowledges receipt of WL's letter of February 1 and is pleased that WL is pressing the assembly for a militia bill. Washington reports two recent skirmishes with the enemy and comments on the poor performance of two colonels in those engagements.¹

LS, MHi. In the hand of John Fitzgerald. Two letterbook copies of this document (DLC:GW) are dated February 4. Fitzpatrick, *Writings of Washington*, 7:98–99, uses the February 4 date.

1. Col. Mordecai Buckner of the Sixth Virginia Regiment had been arrested and charged with cowardice for his actions in a skirmish on January 24. Col. Andrew Ward, of a Connecticut state regiment, had been arrested on similar charges for his behavior in a skirmish near New Brunswick on February 1.

Commission to Robert Morris

[Haddonfield, February 4, 1777]¹

The State of New Jersey To Robert Morris Esquire Greeting. The Council and Assembly reposing especial Trust and Confidence in your Integrity, Impartiality, Prudence and Ability, have, at a Joint Meeting, appointed you to be Chief Justice of and in the State of New Jersey: You the said Robert Morris are therefore hereby commissioned to be Chief Justice of the State of New Jersey; giving and by these presents granting unto you full Power and Authority to hold the Supreme Courts of Judicature² at such places and times as the same may or ought to be held within this State,³ and to hear, try and determine all Pleas whatsoever, Civil, Criminal, and mixed according to the Laws, Statutes, and legal Usages of the said State, and execution of all Judgments given in the said Court to award, and from time to time to make such Rules and Orders in the said Supreme Court for the benefit of the Inhabitants of the State as you shall judge to be convenient and useful for the more easy speedy and impartial Administration of Justice and the preventing unreasonable and unnecessary delays in such manner as Rules and Orders have been heretofore made in the said Court. To have hold execute and enjoy the said Office of Chief Justice of New Jersey unto you the said Robert Morris for and during the time limited in the Constitution.⁴ Together with all and singular the Rights Powers Profits Privileges and Emoluments unto the same belonging in as full and ample manner as any person hath formerly held and enjoyed the same.⁵

In Testimony whereof the Great Seal of the State is hereunto affixed. Witness William Livingston Esquire Governor, Captain General, and Commander in Chief in and over the State of New Jersey and Territories thereunto belonging in America Chancellor and Ordinary in the same at Haddonfield the fourth day of February in the year of our Lord One thousand seven hundred and seventy seven

WIL: LIVINGSTON

By His Excellency's Command CHAS PETTIT, Secretary

DS, NJR. In the hand of Charles Pettit.

1. Robert Morris was elected chief justice of New Jersey by the Joint Meeting on February 5 (*Joint Meeting*, 13). The commission, however, is dated February 4.

2. The New Jersey Supreme Court was the highest law court (as distinguished from equity courts) in the state. Organized by Lord Cornbury's Ordinance of 1703, it had been revised in 1714, 1723, 1724, 1725, and 1728. It was composed of one chief justice and two associate justices, and its jurisdiction extended to all civil and criminal pleas. The court had the right to decide all appeals from the courts of common pleas and general sessions of the peace, provided that the action or value of the judgment equaled or exceeded £10.

3. In 1728 the New Jersey Supreme Court had been divided into separate districts. One court sat four times a year at Burlington for the western part of the colony, while the other part met the following week at Perth Amboy for the eastern section of the province. The chief justice oversaw both divisions. New Jersey Supreme Court justices also sat on circuit courts. Under Article 9 of the state constitution, the court of appeals, composed of the governor and council, was the judicial body of last resort in all cases of law.

4. Article 12 of the state constitution set the term of office at seven years for all justices of the supreme court and allowed them to succeed themselves.

5. In addition to the powers of an associate justice of the supreme court, the chief justice had the sole authority to establish court rules and procedures. All actions brought before the supreme court were first submitted to him. Two judges of the supreme court, one of whom had to be the chief justice, could issue commissions for certain court offices.

To the Assembly

Haddonfield, Feb. 4, 1777.

Gentlemen,

BEING advised by the Council to send for a Number of Prisoners,¹ about fifty or sixty, who were apprehended in this State, some for enlisting and causing others to enlist in the Service of the Enemy, and some for other Offences against the State, and now confined in *Lancaster* in the State of *Pennsylvania*, or in *Frederick Town* in *Maryland*,² in order that they may be proceeded against in a due Course of Law; I am ready to carry the said Advice into Execution, as soon as your Honourable House shall provide the Means to defray the Charges that will necessarily attend it.

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 57–58.

1. No discussion of the subject is recorded.

2. These prisoners had been sent to Frederick, Maryland, by the Pennsylvania Council of Safety and the Continental Congress in December 1776. They included prisoners taken by Brig. Gen. Adam Stephen in November 1776. See Adam Stephen to WL, November 22, 1776, and WL to John Hancock, December 7, 1776 (*JCC*, 6:1007, 1016–17). Among the prisoners was a group sent to Philadelphia by Col. David Forman, acting on George Washington's orders of November 24, 1776 (Fitzpatrick, *Writings of Washington*, 6:307).

From the Assembly

[Haddonfield] House of Assembly February 5th. 1776[7]¹

Ordered, that Mr. Holmes² and Mr. Bowen do wait on his Excellency and in Answer to his Message of the 3d. Instant inform him that this House have had a Bill under their Consideration some time for regulating the Militia³ which when Compleated they hope will remedy one of the Evils Complained of by His Excellency & the General,⁴ and as to that part of the Message respecting the Justly Complained of and pernicious practice of plundering the House is of Opinion that the laws of this State are sufficient for that purpose if properly Executed, and that a proclamation from his Excellency Urging the Execution of them against Offenders, will fully answer the good purposes Intended.

Ordered also that they Inform his Excellency that the House have Resolved to provide for payment of the Expence in bringing the prisoners from Lancaster or Maryland agreeable to his Message of this day.⁵

JONA DEARE Clerk

ADS, Nj.

1. Jonathan Deare incorrectly dated the year of this message.

2. Joseph Holmes.

3. WL had initially requested action by the legislature on this matter in September 1776.

4. See George Washington to WL, January 24, 1777. A committee of the whole continued to consider the militia bill intermittently throughout February.

5. The assembly resolved on February 5 to provide the payment requested by WL but did not settle the details of the payment until February 25 (*General Assembly* [August 27, 1776–June 7, 1777], 58, 78). The last paragraph is not in the printed assembly journals.

Proclamation

[Haddonfield, February 5, 1777]

BY HIS EXCELLENCY WILLIAM LIVINGSTON, Esquire, *Governor, Captain-General and Commander in Chief in and over the State of New-Jersey, and Territories thereunto belonging, Chancellor and Ordinary in the same,*

PROCLAMATION

WHEREAS some of the Justices of the Peace of this State have been too remiss in discharging the Duty required of them by a certain Law, entitled, *An Act to punish Traitors and disaffected Persons*, passed on the Fourth Day of *October* last.¹ I have therefore thought fit by and with the Advice of the Council of this State to issue this Proclamation, hereby strictly charging and commanding all Justices of the Peace within the same, to carry the said Act into Execution so far as to them it doth appertain.

AND WHEREAS it has been represented to me that several Detachments of the Militia of this State have at different Times forceably seized and carried away the Goods and Effects of their Fellow-Inhabitants, on Pretence that the Owners thereof were inimical to the Liberties of *America*; or had submitted to, or taken Protection from, the Enemy: A Practice² which, however attempted to be vindicated under Pretext of inflicting condeign Punishment on the internal Enemies of our Country, is not only repugnant to the Laws of the Land, whereby every Man's Property is secured and protected until it is declared forfeited by judicial Process; but hath a manifest Tendency to inflame the Minds of the Sufferers; to excite Jealousies and Contentions between the Inhabitants, at a Time when we ought to be peculiarly studious of cultivating Unanimity and Concord; to diffuse amongst the Soldiery a Spirit of Licentiousness and Plunder; and to relax, or rather abolish, all Discipline in the Military, as well as all Order in the Civil, Department. I have therefore farther thought fit hereby strictly to charge and command all the Officers and Privates of the Militia under my Command, and all other Persons whatsoever within this State, to desist for the Future, from all such Depredation

and Violence.³ PROVIDED NEVERTHELESS, That nothing herein contained is intended to restrain the Militia from seizing any of the Goods or Effects of suspected Persons by the express Orders of any General Officer in the Service of the United States, or of the Militia of *New-Jersey*, whenever such General Officer shall judge it necessary for the publick Weal; in which Case, after having taken an Inventory of the Goods or Effects so seized, the commanding Officer of the Party seizing them, shall deliver one Copy to the Owner or last Possessor thereof, and another to the General Officer who ordered such seizure to be made; and such Goods or Effects shall be safely kept without Damage or Distribution, until disposed of by due Course of Law.

AND WHEREAS the Property of many of the faithful and loyal Subjects of this State well affected to *American* Freedom, and exempt from all Suspicion of abetting the Designs of the Enemy, has frequently been carried away or destroyed by Parties of the Militia of this State marching through, or on their Stations within, the same; the commanding Officers of all such Parties are hereby strictly charged and commanded diligently to exert themselves in preventing the like Disorders and Violence for the Future; and to return the Name or Names of every Person and Persons who shall hereafter be discovered to commit such Disorders or Violence, together with the particular Nature of the Offence, to the Colonel of the Regiment to which the Offender belongs: And the several Colonels of the Militia of this State are hereby required and directed not to suffer any Corps exceeding the Number of six Men belonging to their respective Regiments, either in marching to, or returning from, their Quarters, to travel without their proper Officers. *GIVEN under my Hand, and Seal at Arms at Haddonfield, the Fifth Day of February, in the Year of our Lord One Thousand Seven Hundred and Seventy-seven.*

WIL. LIVINGSTON.

By His EXCELLENCY'S COMMAND, Cha. Pettit, Secretary.

GOD SAVE THE PEOPLE.

Broadside, Evans, no. 15462.

1. *Acts* (September 13, 1776–March 17, 1777), 4–6. Between the period and “1,” an ADf of February 5 (MHi), has the following passage crossed out: “Whereby, among other things it is enacted, That any two Justices of the Peace shall & they are

thereby directed to convene by Summons or Warrant any Person whatsoever whom they shall suspect to be dangerous or disaffected to the Government; & to tender & administer to him the Oaths of Abjuration & Allegiance set forth in a Act, intituled; 'An Act For the Security of the Government of New Jersey' passed the Nineteenth of September 1776." That act can be found in *Acts* (September 13, 1776–March 17, 1777), 2–3.

2. Following "Practice," an ADf written at Morristown, January [1–24], 1777 (MHi), has "however attempted to be dignified with the glorious title of Patriotism, or to be justified under the Idea of inflicting suitable vengeance" instead of the phrase in the text.

3. After "Violence," the ADf of February 5 has a comma and the following clause: "As they will answer the Contrary at their Peril."

Commission to Samuel Shreve

[Haddonfield, February 5, 1777]

THE STATE OF NEW-JERSEY, to Samuel Shreeve Esqr. Greeting

THE Council and Assembly, reposing especial Trust and Confidence in your Patriotism, Valour, Conduct and Fidelity, have, at a Joint-Meeting, appointed you Lieutenant Colonel of the first Battalion of Militia of the County of Gloucester¹ whereof Robert Taylor Esqr. is Colonel during the Pleasure of the said Council and Assembly;² you are therefore to take the said Battalion into your Charge and Care as Lieutenant Colonel thereof, and duly to exercise both Officers and Soldiers of the said Battalion in Arms: And as they are hereby directed to obey you as their Lieutenant Colonel you are likewise to observe and follow such Orders and Directions, from Time to Time, as you shall receive from your Commander in Chief or other your superior Officer or Officers; and for your so doing this shall be your Commission. IN TESTIMONY whereof the Great Seal of the said State is hereunto affixed: Witness WILLIAM LIVINGSTON, Esquire, Governor, Captain-General and Commander in Chief in and over the State of *New-Jersey* and Territories thereunto belonging, Chancellor and Ordinary in the same, at Haddonfield the fifth Day of February in the Year of our Lord One Thousand Seven Hundred and Seventy seven.

WIL: LIVINGSTON

By His Excellency's Command, CHA. PETTIT Secretary

DS, NjP.

1. *Joint Meeting*, 13.
2. Article 10 of the state constitution provided that officers above the rank of captain be appointed by the legislature.

To the Assembly

Haddonfield, Feb. 6, 1777.

Gentlemen,

IT being of the highest Importance that the People should have the earliest Notice of the Laws by which they are affected in their Lives and Property; and the Acts passed the last Session, through the Confusion of the Times, not having been ordered to be printed, as I am informed, I would recommend it to you to direct the same to be printed without any Loss of Time.¹

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 58–59.

1. Immediately after this was read, the General Assembly agreed to print the laws. On February 18 it was resolved that Isaac Collins be "Printer to this State" (*General Assembly* [August 27, 1776–June 7, 1777], 59, 71). Collins accepted, and on February 19 he wrote to Jonathan Deare regarding several details of the assignment (MHi). He printed the acts of 1776–1777 at Burlington in 1777.

To George Washington

Haddonfield 6 February 1777

Sir

I am requested by Congress¹ to procure one or more Affidavits on the following Subjects. 1 The Enemy's Treatment of Prisoners. 2 Their abusing mangling Persons upon the Field or elsewhere after Surrender. 3 Their Depredations of Property & 4 Their ill treatment of Women.

With respect to the 2d Point, if I remember right, I understood from Colonel Flower when I was at Morris Town, that he was a Spectator of their Barbarity towards Capt. Neal² of the Artillery. If his Affidavit on that Subject, or that of any other Gentleman who can

prove the Charge could be ordered to be taken, & transmitted to me, I should esteem it as a particular Favour. Perhaps some Gentlemen about your Excellency's Person are able to direct me to Witnesses in Support of the other Accusations against the Enemy; for my being in this remote Corner of the State where I can have no personal Intercourse with the Gentlemen of the Army³ renders it extremely difficult for me to execute the Direction of Congress with the Accuracy I could wish, without some such Assistance. This Concideration, will, I hope, apologize for my thus intruding on your time, which I know must be wholly ingrossed by your Attention to our military operations.⁴

AI., DLC:GW. This copy was appended to a February 10, 1777, letter to George Washington.

1. On January 16 the Continental Congress had appointed a committee of seven to inquire into the British and Hessian treatment of prisoners of war and civilians (*JCC*, 7:42–43). Samuel Chase, for the committee, had written to ask George Washington on January 23 to appoint “some Gentleman of the State of New Jersey” to make an inquiry and take depositions (MH). The committee had sent a similar letter to the New York Provincial Congress on the same day (*Journals of the Provincial Congress, Provincial Convention, Committee of Safety and Council of Safety of the State of New York* [Albany, 1842], 2:380–81). It is not known how WL obtained the directive, for Washington does not appear to have sent it to him.

2. Capt. Daniel Neil of the New Jersey militia had been killed at Princeton on January 3.

3. The Continental army was in winter encampment at Morristown.

4. A note on the bottom of an ADf (MH*i*) reads: “The like (except the mention of Colonel Flower) to General Putnam 11 February.”

From Susannah French Livingston

[Basking Ridge] February the 7 [1777]

Dear Mr. Livingston

I have the pleasure to inform you that we are in good health. But our Situation is not quit as agreeable as it has been on account of the number of Soldiers that are placed here at this house. Lord Stiling is here, & a nother genneral is daily expected, this however will make it a Safe place for you to be with your Family when the Assembly ajorns.¹ Tis impossible, to write you any News from this quarter, so I Shall Conclud wishing all happyness & am your affectinate wife

S: LIVINGSTON

ALS, MHi.

1. Susannah French Livingston and her daughters had left their Elizabethtown home in November 1776 to escape the approaching British. They had taken up residence in Lord Stirling's mansion at Basking Ridge. In February, Maj. Gen. Nathanael Greene was one of the many army officers who lodged there as well.

To George Washington

Haddonfield 10 February 1777

Sir

Your Favour of the 3d Instant, I received this Day, and am greatly obliged to you for the Intelligence it contains. We are exceedingly anxious in this solitary Retirement to hear from head Quarters as often as possible: And any Accounts of the spirited behaviour of our Troops, affect us with unspeakable Pleasure. What Pity it is that any of our Officers should be so unacquainted with themselves as in the Day of Trial to reflect Dishonour on their Country; & furnish the Enemies of it, with occasion to triumph. But as lucrative and self-interested Motives have ever sway'd the Majority of Mankind, it would be more than our Proportion to have every Individual in our Service, actuated by the pure Principles of Patriotism. With respect to a certain Expedition, I confess, tho' greatly chargin'd, I am not disappointed; as I never entertained any Expectations of it; after I heard under whose immediate Direction it was to be conducted.¹

I am happy to find that our Militia in these parts are lately turning out in great Numbers; & I hope they will before long retrieve the Honour they have lost by their late Backwardness; tho' that in reality is rather to be imputed to their officers than themselves. We are exceedingly ill provided with Arms, in which our State has been but too deficient, tho' I have often urged our Assembly to make provision for importing them without depending, for so essential an Article, on any of their Neighbours.²

I take the Liberty to inclose your Excellency the Representation of a joint meeting of the Council and Assembly of this State respecting the Rank of the officers of the four Battalions raising in this State for the Service of the united States;³ and shall be obliged to your Excellency for your Answer on the Subject as soon as your Leisure will permit. I am Dear Sir with great Respect your most obedient & humble Servant

WIL: LIVINGSTON

P.S. As I transmitted my Letter of the 6th Instant by a private Conveyance; lest it should miscarry, I take the Liberty of troubling your Excellency with a Copy.

ALS, DLC:GW.

1. Washington had criticized Maj. Gen. William Heath's decision not to attack Fort Independence on January 20 "as being fraught with too much caution, by which the Army has been disappointed, and in some degree disgraced" (George Washington to William Heath, February 4, 1777, in Fitzpatrick, *Writings of Washington*, 7:100). WL and Heath had disagreed earlier over the scope of Heath's military authority. See WL to William Heath, April 1, 1776.

2. There is no record of a message to the General Assembly on the importation of arms.

3. For enclosure, refer to Nathaniel Scudder to WL, February 6, 1777 (MHi).

From Israel Putnam

Princeton 10th February 1777

Dear Sir

Lt. Colonel Cripps arrived here yesterday with Part of Colonel Dick's Battalion, shewed me your Excellency's Orders to the Militia of Salem County, and informs me that in Contempt of Authority, many of those who were ordered out, refuse Obedience, and remain at home to the great Discontent of the well-disposed Persons who marched with Chearfulness. I have now authorised him to apprehend such Delinquents and oblige them either to serve immediately, or pay a Sum equivalent, as stated by the civil Authority. I have given no Directions for the Disposal of the Fines thus collected as I knew of no Regulation for that Purpose. The officers seem inclined to distribute it among the Soldiery and some have actually done it; this however I utterly disapproved as unjust and attended with many evil Consequences and have forbid it within my District till further Provision is made. Indeed I thought it much more advisable that this Money should be devoted to the Purpose of procuring Arms for the State than waisted on those, who are without it well paid for their Services.

I am informed that the first Business of this Legislature would be to frame some Regulations for the Militia and adopt some new Mode of Treatment of the Quakers which shall render it no Man's Interest to be conscientious against bearing Arms. Should be very glad of a Copy

of any such Resolutions as soon as passed, for these Gentlemen are at present extremely troublesome. I have the honour to be your Excellency's most Obedient Servant

ISRAEL PUTNAM

ALS, MHi.

From George Washington

Morris Town, February 11, 1777. George Washington informs WL that he has replaced Col. Silas Newcomb¹ with Col. Matthias Ogden as commander of the First New Jersey Regiment.

LS, MHi. In the hand of George Johnston.

1. "Notwithstanding I believe that Colonel Newcomb is a Gentleman of great goodness and integrity, and cannot entertain the Slightest doubts of his Bravery," Washington wrote, "yet I am too well persuaded that he is not equal to such a Command."

To Israel Putnam

Haddonfield 13. February 1777

Dear Sir

I had the honour of receiving your Letter of the 10th. Instant yesterday by Lieut. Colonel Crispps; who also shewed me your orders to him for bringing out that part of the Salem Militia, belonging to Colonel Dick's Battalion which had been ordered to march, but still remained behind. I am obliged to you for your Resolution of compelling them to come by force unless they shall render the Exertion of it unnecessary by a voluntary Compliance. This was my Intention when I issued my orders; & for this we must be obliged to the continental officers, as those of the Militia who are willing to go, cannot easily be prevailed upon from their Convictions, to force the unwilling & refractory. But as a Diversity of Sentiment will ever be incident to Mankind, you will excuse me for differing from you in opinion respecting the Propriety of accepting a pecuniary Composition¹ in lieu of personal Service from those who refuse to turn out, but

are willing to pay an Equivalent. As I apprehend very great Inconveniences from this Mode of proceeding, I think it my Duty to submit them to your Consideration before the Order is carried into Execution.

It was my Purpose to have all our Militia join the Army of the united States, because the whole is not too much. We want Men, & not Money.² If Fines are accepted, Few will go besides those who are unable to pay them; & those will be discontented for being forced out merely because they are not so able as their Neighbours to produce the Equivalent. This immediately introduces the invidious Distinction between Rich & Poor, which is always attended with disagreeable Circumstances. Besides, if any Fines are levied, it must be one either by meer military Power, or in Consequence of some Law. If by the first, it is arbitrary; & cannot be countenanced by the civil Authority. If by the latter, it is in pursuance of a certain Act,³ by which the Composition is settled at three pounds; & when levied, becomes, ipso facto, the Property of the Company to which the Delinquent belongs; & consequently no military officer can appropriate it in a different manner. This being the Case, it is really the Interest of every Man willing to go, to discourage every other from going; as the Money he receives is in Proportion to the Number of Delinquents. And in this indeed consists the Absurdity of the Law, which admits of those Compositions in lieu of actual Duty. But however absurd the Law; it is not ours to counteract it. More over, this Practice will greatly retard the Inlistment in the continental Service. Because the poorer Sort, who will chiefly compose the new Levies, will, by these Means, receive so much in Fines, as to have little Inducement to enter for the sake of the Bounty. 'Tis true, you seem to have been aware of the Impropriety of distributing the Fines among the Soldiery, "as unjust & attended with many evil Consequences," and inform me that you "have forbid it within your District" and think it "more adviseable that this Money should be devoted to the purpose of procuring Arms for the State." But this, my dear Sir, cannot be done without violating Private Property, for such the Fines become as soon as collected.

I therefore called out the Militia without founding my orders upon any particular Law of this State.⁴ I did it by Virtue of the fundamental Principles of the Consitution, by which, the Commander in Chief must, in case of an actual Invasion, have authority to compel every

person capable of bearing Arms to assist in repelling it. In this View of the Matter; as I was not regulated by any particular Law; so I intended to admit of no Composition: And our People begin now to be so convinced that they must either turn out freely, or will be compelled to do it, as long as the Enemy's Troops remain in this State; that I fear the Method you propose will re-introduce that Reluctance & Backwardness of which they began to be happily cured.

For these Reasons I have taken the Liberty to stop Colonel Cripps from executing your orders for the present till I had submitted the Matter to your farther Consideration; for which I hope my Zeal for the Service, & my Duty as a civil Magistrate to the State which has committed its internal Police more immediately to my Attention, will sufficiently apologize with a Gentleman of your Ingenuity & Candour. I have the Honor to be etc.

P.S. Our Assembly has now under Consideration a new Militia Bill, which I hope will be effectual. As for the People called Quakers, they cannot be compelled to fight without violating those conscientious Scruples which they have always professed as a people. But I hope they are, in other respects valuable Subjects, & will give Government no Trouble.

AL., DLC: GW.

1. composition: an agreement to substitute the payment of a sum of money for the discharge of some other obligation.

2. See George Washington to WL., January 24, 1777, from which WL. extracted this sentence verbatim.

3. An ordinance passed by the New Jersey Convention on August 11, 1776, had established a fine of £3 for privates refusing service in the militia battalions detached to the Continental army. On August 21 the New Jersey Convention had resolved that the fines recovered from enlisted men be used by the delinquents' captains to supply their companies with arms. This disposition of fines was in conformance with an earlier militia ordinance of October 28, 1775 (*Prov. Congress*, 241, 546). On September 14, 1776, the assembly had amended and repealed parts of the ordinance of August 21 and allowed noncommissioned officers and privates to distribute the fines among themselves (*Acts* [September 13, 1776–March 17, 1777], 1). The militia troops raised on November 27 to serve in the Continental service until April 1 were operating under the existing system of fines established by the act of September 14.

4. See WL. to Matthias Williamson, November 25, 1776.

From George Washington

Morris Town, February 14, 1777. George Washington acknowledges receipt of WL's letters of February 6 and 10 and substantiates reports of enemy brutality against prisoners of war and inhabitants of the states. He suggests referring the question of the ranks of battalion officers to a board of officers and recommends that the New Jersey Assembly fix the dates of all its officers' commissions at January 1, 1777.

LS, MHi. In the hand of George Johnston.

To George Washington

Haddonfield 15th. February 1777

Sir

I received your Excellency's Letter of the 11th. Instant yesterday, inclosing a Copy of the Resolve of Congress of the 27th. of December, investing you with certain Powers, which the present Situation of our public Affairs have rendered it necessary to confer upon the continental Commander in Chief. It is sometime since I was honour'd with a Copy from the President of the Congress;¹ & I heartily congratulate my Country that they have seen the Necessity of the Measure. I could only wish that it had been done a twelve month ago.

I am sorry for the Uneasiness prevailing in the 1st Jersey Battalion, occasioned by Colonel Newcomb's Appointment to the Command of it. I hope none of the young Gentlemen in the Battalion take Umbrage at a part of his Character, for which I don't, & I dare say your Excellency would not, like him the less, that he is a religious Man. But tho' I have very little acquaintance with him, I could not help remarking that either from his advanced years, or natural Sluggishness, he wanted the Activity indispensably necessary for an officer of his Rank. I accordingly disapproved of the Appointment from the Beginning; and I cannot learn from him (for he has been at and about this place almost ever since I have been here without any apparent purpose in View) what Men he has raised, or that he knows any thing about the State of his

Regiment. He has however his Friends & Admirers; but as your Excellency's objection has been frequently made by many of the Members of both Houses; and there is an Uneasiness in the Regiment upon his Account, I doubt not your superceeding him will give general Satisfaction.

A most fatal Mistake upon which some of our Members proceed in their Appointment of Officers is, that if they have known a Man behave well as Captain, they take it for granted that he is fit for a Collonel; & if he has acquitted himself with Honour in the latter Station, he is undoubtedly qualified to be a General.

May I once more take the Liberty to mention to your Excellency Major Burr Aid deCamp to General Putnam? I think him a most promising youth, & like to do Honour to his Country.

I received a Letter from General Putnam by which I found that he was proceeding with our Militia upon such a Plan as I was fully convinced would be injurious to the Service; & therefore prevented its Execution till I had given him an Opportunity to reconsider it. I inclose a Copy of his & my Letters upon the Subject.² I fear that unless the continental Officers observe some Uniformity in their Orders for calling out our Militia, it will occasion great Perplexity.

Ensign Du clos of Colonel Maxwells Battalion was taken Prisoner in Canada,³ & is now on his Parol. As he is like to be promoted by our State to the rank of Lieut. in the new Levies, I hope his Exchange will be effected as soon as possible.

Since writing the above, I have to acknowledge the Favour of your Excellency's Letter of the 14 instant, inclosing Copy of the Deposition of Lieut. Yates, which is full to the Point;⁴ & for which I am greatly obliged to your Excellency, as well as for your chalking out the way in which I may best procure the other Proofs required.

I take the Liberty to inclose you *The impartial Chronicle* in ridicule of Gain's lying Gazette, which is a Jersey Production, & will probably afford you a little Diversion in a leisure moment. I am Sir with great
Regard your most obedient Servant

WIL: LIVINGSTON

P.S. I transmitted to the Assembly the mode your Excellency has adopted to settle the rank of officers, & it gives, as I am told, universal Satisfaction.

ALS, DLC:GW.

1. Refer to John Hancock to WL, December 30, 1776 (Nj).
2. For enclosures, see Israel Putnam to WL, February 10, 1777, and WL to Israel Putnam, February 13, 1777. The copy of Israel Putnam's letter sent to Washington is in the hand of WL (DLC:GW).
3. Ens. Francis Du Clos was among the prisoners who had been taken by the British at the battle at Trois Rivières, Canada, June 8–10, 1776.
4. Enclosure was an affidavit signed by Lt. Bartholomew Yeates on January 9, 1777, the day before he died. It recounted his treatment by British soldiers after he had been wounded near Princeton on January 3, 1777: "The soldier loaded his Musket deliberately, & shot him thro' the breast, & afterwards stab'd him in 13 places with his Bayonett. Sometime after this, either the same or another Soldier came up to him, who, perceiving some Signs of Life in him, struck him with the Club of his Musket" (DNA:PCC, 53). Brig. Gen. Hugh Mercer had met a similar fate at Princeton at the hands of British troops under Lt. Col. Charles Mawhood. This information was submitted in evidence to the Continental Congress inquiry on British brutality. Washington had provided WL with leads on the enemy's ill treatment of women in his letter of February 14: "If my memory fails me not, an Application to one Marshow near Stacks ferry and to a Tavern keeper in Pennytown will afford ample Testimony."

The Impartial Chronicle

[ca. February 15, 1777]

The IMPARTIAL CHRONICLE, or the INFALLIBLE INTELLIGENCER; upon the plan, and after the manner of, the NEW-YORK MERCURY.

LONDON, *Sept.* 25.

WE can assure the public from the most authentic intelligence, that however the rebels in America may flatter themselves with the hopes of starving the British manufacturers by the present discontinuance of their commerce with the mother country, the artificers in woollens were never more fully employed. What has occasioned so great a demand for cloths of all kinds is, the immense quantities constantly exported to the Islands of *Sumatra* and *Borneo*; the inhabitants of which are determined to dress only in British woollens, during the continuance of the present unnatural and horrid rebellion.

Oct. 25. We are informed by a letter from *Barbados* to a merchant in this city, that to encourage the English manufactories in iron and brass, this House alone may soon expect orders from the West-India

Islands, for ten thousand iron stoves, and fifteen thousand warming pans.

Oct. 28. We learn by an Indiaman loaded with tea, that the Emperor of *Indostan* has offered his Majesty five hundred Elephants out of his own stables, to assist him in suppressing the rebellion in the Colonies; but from the difficulty of subsisting these animals in America, his Majesty has very politely declined the generous offer; and a splendid embassy will be dispatched to *Delhi* with the thanks of the British Court to the *Great Mogul*, for his imperial munificence, and fraternal affection towards his brother of Britain.—To improve the present amicable disposition of so puissant an ally, to the lasting national emolument, it was moved in Council to address his Majesty, to propose a match between the Prince of Wales and the Emperor's eldest daughter; but one of the members observing that the *Mogul* could not, in his opinion, close with the overture unless his Royal Highness submitted to circumcision, the motion was withdrawn.

Copenhagen, July 4. The King of *Denmark* has actually stipulated with his Majesty, to furnish him by the middle of April next, for the service in America, with 4000 *Laplanders*, who are to be employed in winter, (when the deep snows render the light horse useless) in scouring the country and conveying dispatches in sleds drawn by reindeer, two a-breast.

Istaban, April 2. We hear that the Emperor of *Persia*, on the earnest solicitation of the Court of *London*, is to send next summer into America, 3500 of *Korazan* Archers, who have been trained up in the ancient *Parthian* manner of fighting, by discharging their arrows from their horses as they are galloping off from their pursuers. A mode of annoying the enemy which his Majesty's light horse may adopt to great advantage, as the rebels frequently compel them to fight in that attitude, or not at all.

As the rebels avail themselves of woods and forests whenever they can, Administration is determined to dispatch to *America*, before the opening of the next campaign, 7000 Ax-men, to cut down all the forests from *Georgia* to *Ticonderoga*, from the sea coast 800 miles west into the country.

It was currently reported last week that the King and Queen were *both* with child; but upon a strict inspection into the matter by a jury of matrons, of which his Grace the Archbishop of *Canterbury* was

foreman, it was found to be true only with respect to *her* Majesty; and as to our most gracious Sovereign, the detestable falsehood is discovered to have been invented by the more artful, and greedily swallowed by the weaker and more credulous abettors of the American rebellion, who fondly wished his most sacred person pregnant, and undoubtedly with twins, from the malicious hopes of his expiring in childbed.

As the British navy will always be an over-match for any fleet the rebels will be able to equip; but can, on their present construction, be of no use in the American war, after having ruined their trade and laid all their sea-port towns in ashes, a model has been presented to the Board of Admiralty by *Sir Humphry Mariterrenus* for enabling any of his Majesty's ships, under the burden of a first rate,¹ by the means of wheels and pulleys, and some internal mechanism (which the projector does not chuse fully to explain till further encouragement) to pursue the rebels on terra-firma, and to carry the British naval thunder into the remotest desarts of America. *Sir Humphry* insisted upon it to the Board, and they unanimously admitted the force of his observation, that however the rebel fortifications might otherwise damage these new constructed vessels, as they passed them in their progress through the country, it would be impossible for the art of man to sink them.

It is whispered at the court end of the town, that the Emperor of *Japan* intends to lend his Majesty 12,000 of his most veteran troops, who, to save the expence of a circuitous voyage, are to be landed on *California*; and after having desolated the western frontiers of the Continent, with the assistance of as many of the savages residing between the South Sea and the river Ohio as can be procured for that purpose, they are to form a junction with the *British* troops at *New-York*. The Emperor, it is said, is confident of being more successful in procuring those tribes of Indians to follow his standard than Administration hath hitherto been on the part of Britain; as he will undertake to convince them, that their ancestors having emigrated from *Japan*, they owe him the same allegiance and subjection which the American rebels do to his most gracious Majesty.

The British Ministry, ever attentive to the national weal, and totally divested of all self-interested motives, or the least thoughts of providing for their families or connections from the emoluments of

this unnatural war; but solely and inflexibly bent on enabling his Majesty to triumph over all rebellions (save only such as may be excited in *North Britain*)² and seriously considering that from the amazing extent of the Continent of America, the severity of the winter in the northern, and the excessive heat of summer in the southern parts, must be fatal to troops who have been bred in the temperate climes of Europe, are determined to surmount that inconvenience, by the following sagacious expedient—They intend to employ 13,000 *Moors* from the coast of *Barbara* to act from *Augustine* as far north as *New-Jersey*; and 4700 *Eskimaux* from *Hudson's Bay*, to act from *New-Hampshire* to the most southern limits of the province of *New-York*.

The most gracious SPEECH of his imperial MAJESTY the Emperor of LILLIPUT.³

My Lords and Gentlemen,

I SHOULD be as merry as a cricket were I able to tell you I had been as good as my word, that the gladiators I had sent to quell the rioters, had brought them upon their marrow-bones. But though I had persuaded myself that it was only a little *rompus*, which a couple of regiments could have drubbed into quiet, they are now grown so *despately* impudent, and so absolutely at the beck of their *Jack Straws* and *Wat Tylers*,⁴ that they positively swear they will, for the future, darn their own stockings, and make their own shoes and perriwigs, without laying out a single groat in any of our ware-houses. Nay, they have contemptuously rejected our gracious offers of spending their money for them, without giving them the trouble of doing it. They have moreover had the insolence to revive an antiquated pretence that when Kings violate the fundamentals of the constitution, as they call it, their subjects have a right to resist them; and talk a deal about the Lord knows what; of coronation oaths, and mutual compacts, of which in all my education my noble preceptor never mentioned a syllable. A doctrine which, however attended with good luck to myself, respecting a former revolution,⁵ is at present, and ought for ever hereafter, to be deemed the very quintessence of treason and rebellion. Such treason, that if it should go on, would gather like a snow-ball; endanger the bankruptcy of every chapman in *Lilliput*; shake my throne from top to bottom, and make the whole terraqueous

globe skip like a lamp-lighter. One great advantage, however, will be derived from this avowed running away from their old master. It is this. I remember many of you thought last year that I was moved by the instigation of the Devil for sending fire and faggot amongst those insurgents; and pretended conscience forsooth, for not dousing the ready rhino⁶ towards the expedition. But since those miscreants have now set up for themselves, it is evident that they intended it fifty years ago; and it being come to this pass, that either our trade must be ruined, or they be made to knock under, I suppose we shall be pot and kan in the general conviction, that the kingdom cannot be supported by keeping clear consciences and losing our traffic, stock and block.

I am happy to inform you that by the strength of good beef and pork, and the vivacity of sour crout, I have once more a chance of establishing Popery and arbitrary power in *Can*. And although from some cross accidents my General could not come to logger heads with the city of *Manbat* till the month of August, because he landed, on his arrival in June, with nine thousand troops, and the enemy had then but about six thousand, which would have occasioned our arms to be victorious without honour; yet our success in that capital, when the rebels thought it not worth defending, has crowned our banners with immortal glory, and been so decisive as to give the strongest hopes of their speedily coming cap in hand. Not Gentlemen, that we have already dispersed the mob; for that, upon my word, will cost us another year's bloody noses. But then all my neighbours swear they will stand by me, and box it out knee deep in mire and dirt before they will see me knock'd down by the rebels; and my old crony, Squire *Bourbon*,⁷ in particular, who you know has, from time immemorial, taken our family's part in all their quarrels, protests he will never leave me in the lurch.

I am now employed in settling an arbitration between two old friends who had like to have come to handy-cuffs and hope soon to see all the country round me in peace and jollity. I think, nevertheless, considering promises as pye-crusts, that it behoves us to look to our own clubs and toledoes⁸ at home. For I remember into what a wonderful frustration we were thrown by *Le Chevalier Wou'd be*, when he rushed upon us from the mountains like a whirligig, and made us want new linings to our breeches; and had he come strait forward pell

mell instead of spending his time in kissing *Jenny Cameron*, he had not left a mother's son of us to tell the story.

Gentlemen of the lower Parlour,

I will lay the reckoning for next year before you; and in settling the club, don't be squeamish if it runs higher than you expected. No mortal creature can guess what it costs to quell such execrable riots. I doubt not, however, but my faithful the public purse-keepers will cheerfully vote the cash, as yourselves, your families, and dependents, will pocket the better half.

My Lords and Gentlemen,

In this bloody squabble I can have no earthly view in the world but to save the effusion of blood. No people under the sun ever eat more beef or drank more cyder; or took more liberty to eat and drink it when they pleased, than those seditious blanket men.⁹ Their spreading their own bread and butter declares it. Their getting children by natural copulation evinces it. Their being paid for the work they do attests it. And their proneness to fight like punk, whenever you attempt to steal their victuals, or to tie them neck and heels, are as clear proofs of it, as that three blue beans are equal in number to three white ones. My desire is only to restore them to the old constitution of eating and drinking and sleeping and f—— according to my instructions; and to deliver them from despotic ringleaders of their own chusing, into your gracious hands, to bind them in all cases whatsoever.¹⁰

Naples, Nov. 1. They write from *Venice*, that the British Ambassador has represented to the Republic, that notwithstanding the numerous and formidable fleet which his Majesty employed the last year on the coast of America, to interrupt the trade of the rebels; they have nevertheless been able, by the means of shoals, creeks, and inlets, wherewith that Continent abounds, to elude the vigilance and activity of our guarda-costos; and therefore requesting of that serene State, the loan of two hundred and fifty gondolas, which the Republic has chearfully granted; and the fleet is to be commanded by the *Doga* in person.

LONDON, *Oct. 13.* Last Thursday arrived in town with a very splendid and pompous retinue, and yesterday morning had an audience with his Majesty, his Excellency MULI MAHOMET, Envoy

Extraordinary from the Ottoman Court. After the ceremonies were over, he produced to his Majesty the strongest assurances from the Grand Seignior, that he wished his Majesty a compleat victory over his revolted subjects; and after this life the immortal joys of Paradise. He then represented, that his sublime and invincible master, the top of whose throne reaches to the Heavens, would have offered his Majesty an army of Musselmens to scatter the rebels as the dust of the earth; but that the Empire of the Faithful having lately been considerably drained in the war with *Russia*, the sublime Porte had devised another expedient to assist his Majesty in triumphing over his clamorous slaves, and to compel them to lick up the dust at the foot-stool of his imperial throne. To repair the waste of his Majesty's British subjects in this horrible rebellion, to which the common mode of procreation usually practised in England was by no means adequate, his august and victorious Sovereign, at the lifting of whose sabre the whole world trembles, had commissioned him to offer his Majesty to present each member of the two Houses of Parliament, with five *Circassian* virgins of the most exquisite beauty, and his Majesty himself with a score of the like amiable blooming breeders. *It is generally believed that this delicious present, so far as it respects the Lords and Commons, will be gratefully accepted; but as to the latter part, it is whispered about that our most gracious Queen cannot be fully convinced of the necessity of the measure.*

LIST of the Forces with which his Majesty intends to open the next year's campaign in America.

British troops now in America.....	7000
Hessians.....	12000
Brunswickers.....	2000
of Hannault.....	1500
Waldeckers.....	3000
Ax-men.....	7000
Negroes.....	8500
Tories.....	6470
Light Horse.....	1500
To be reinforced by foreign auxiliaries.	
Laplanders.....	4000
Persian Archers.....	3500

Japanese.....	12000
Moors.....	13000
Eskamaux.....	4700
Hussars.....	2000
Pandours.....	2000
Croats.....	1500
Total	91670

With this terrific and horrendous armament, in conjunction with a most tremendous and irresistible fleet, his Majesty is resolved to terminate this unnatural war the next summer, as it will be impossible for the rebels to bring an equal number into the field. His Majesty has also the strongest assurances that France will co-operate with him in humbling his seditious subjects; and as his Admiral and General are still extending the arms of mercy for the gracious reception of those who will yet return to their duty and allegiance; *for Heaven's sake, ye poor deluded, misguided, bewildered, cajoled and bamboozled WHIGS! ye dumbfounded, infatuated back-best ridden nose-led about, priest-ridden, demagogue-be-shackled and Congress becrafted INDEPENDENTS, fly, fly, oh fly for protection to the royal standard, or ye will be swept from the face of the earth with the besom of destruction, and cannonaded in a moment, into nullities and non-entities and no mortal can tell into what other kind of quiddities and quoddities.*

From the LONDON GAZETTE, October 10.

RAN-AWAY from St. James's, an old servant called *Common-Sense and Honesty*, formerly belonging to his late Majesty *George II*, and by him imported from *Hanover*. He served the old King faithfully, and was of great service in procuring him the esteem and affection of all his subjects. But being constantly made a laughing stock by the Lords *Bute* and *Mansfield*¹¹ since his Majesty's demise, he took the resolution, suddenly to absent himself from Court. His present owner, it is said, is very indifferent whether he ever returns or not, having by the arts and misrepresentations of those noblemen, and others, taken a prejudice against him; but some of the people who knew the old King, and the regard he had for this useful servant, have authorised the Printer to promise Five Thousand Pounds reward, to any person who shall bring him back to the Palace, and prevail upon him to continue only one month longer in his Majesty's service.

NEW-YORK.

His Majesty, ever studious of rewarding exemplary merit, and particularly of signaling martial prowess with the most distinguishing marks of his royal approbation, has sent over the Feather of a Peacock's tail of singular length and lustre; which was last week affixed to the cap of one of the Conquerors of America (an illustrious proof of his Majesty's deep sense of that hero's unparalleled exploits against the rebels!) with all the ceremony and splendor suitable to the pomposity of the occasion.

We hear from every part of the country, that the remarkable warm weather we have had during the present winter, the like of which was never known before, has caused the wool of all the American sheep to turn into hair, as is usual with that animal in warm climates—*A manifest judgment of Providence to compel the rebels to return to their dependence upon Great-Britain, or perish for want of cloathing!*

It is generally supposed that if any thing besides the want of woollens, will oblige the Americans to sue for a reconciliation with the mother country, it will be the interposition of the Ladies, who have been so lavish in the monstrous size and longitude of their head-dress, that the materials of which their caps are composed (which are all British) will soon be expended: And then bare heads or peace upon any terms.¹²

PROCLAMATION

WHEREAS by our declarations of the 14th of July and the 19th of September last,¹³ in pursuance of his Majesty's most gracious intentions neither to rob, plunder or destroy any person or persons whatsoever who should voluntarily, and of their own free will and accord, surrender their estates and effects into our hands, and their persons to eternal bondage, all such persons were promised a free and general pardon: AND WHEREAS, notwithstanding the said declarations, and the laudable example of many who were by that means induced to betray their native country, and have in consequence thereof already reaped the unspeakable benefit of living in New-York upon salt provisions, or being despised at home by all the rest of their countrymen; several bodies of men are nevertheless determined to vindicate their natural and civil rights, by open arms, in manifest countervention of his Majesty's most gracious purpose, of reducing

America to slavery, in the most peaceable and unexceptionable manner. Now in order to the more effectual accomplishment of his Majesty's said gracious intentions; and that his mild and unlimited dominion may be established without the further effusion of British or German blood, or expenditure of English treasure; and duly considering the expediency of limiting the time in which such pardon as aforesaid shall be granted (least his Majesty's troops should the mean while be diminished by death and desertion, and the nation become bankrupt by an enormous protracted expence) and of specifying the terms upon which only the same shall and may be obtained. WE DO, IN HIS MAJESTY'S name, and by virtue of the powers committed to us as Plenipotentiaries for abolishing the constitutional rights of America, and augmenting and accumulating all grievances heretofore complained of, hereby charge and command all persons whatsoever who have taken up arms against the [. . .] and most honourable of all systems of government, *arbitrary and despotic power*, forthwith to abandon their country, to be pillaged by the British forces and foreign mercenaries; and to be peaceable and quiet spectators of whatever desolation and slaughter we shall graciously think proper to perpetrate. AND WE DO ALSO charge and command all persons who have been chosen by the people in the extremity of their distress (and after his Majesty was most graciously pleased to reject their supplications and addresses) for the traitorous purpose of counselling them in their tribulation, and finally directing their operations for opposing the necessary hostilities of Great Britain, to desist from all such nefarious actings and doings, so that we may obtain the peaceable possession of the Continent, without any more fighting or blood-shed; that the inhabitants may be delivered from the trouble of taking care of their own property—that a remission of the abominable sin of patriotism may restore to the guilty peace and tranquility of conscience, and every person instantly reap the benefit of laying out the one half of his future earnings in the toy shops of London, and hold the residue during the will and pleasure of the Crown and Parliament. AND WE DO hereby declare and make known to all men, that every person who, within SIXTY DAYS from the day of the date hereof, shall appear before proper authority, and shall claim the benefit of this pardon, and at the same time subscribe a declaration in the words following —“I AB do

promise and declare that I will remain quiet and stand motionless and unaffected as a statue while the *Hessians* destroy my property, and murder my sons in cold blood; and while the British officers ravish my wife and daughters before my face, and both co-operate by fire and sword in desolating my native country, and reducing millions of my fellow citizens to ignominious and everlasting vassalage," shall and may obtain a free and full pardon of all the treasons which he never committed, and of the forfeiture of all his estate after he has none left.

Given at New-York, the thirtieth day of November, 1776.

QUOMODO

W. QUOMODO¹⁴

We hear from *Connecticut*, that a pint of salt has been sold for [. . .] lawful money; but it must be observed that the consideration was paid in Continental currency—*An irrefragable proof as well of the immense scarcity of salt, as of the incredible depreciation of the dirty trash that was bartered away for it.*

Three of his Majesty's flat-bottomed boats, carrying two swivels a-piece and manned with ten hands, descrying four of the *American* navy of 16 guns each, near *Block Island*, immediately gave chase to the enemy; but the wind being fair, the rebel fleet out-sailed the pursuers; when suddenly turning right a-head, and the royal boats having the advantage upon the wind, they soon overtook the rebels, and after a smart engagement for three glasses,¹⁵ blew up one, sunk another, and after killing the Captain, Lieutenant, and nine-tenths of the crew of the other two, boarded them and have brought them safe into this port.

It is now fully ascertained that when the Congress first heard of the British troops taking possession of *Brunswick*, they were thrown into such consternation in the receptacle of high treason and rebellion, where they were then assembled, that *John Hancock* darted head foremost thro' the door before it could be opened, carrying with him above half a pannel; and *Samuel Adams* got out through the top of the chimney, and leapt down from the roof of the State-house; and the whole band of conspirators, without waiting for horses or carriages, ran-off a foot to Baltimore, and there immediately embarked on board of a pilot-boat, and have never been heard of since, tho' it is generally supposed they are sailed for France.¹⁶

Wednesday last five of the light horse met forty-three of the *Jersey*

militia between *Brunswick* and *Millstone* with two brass field pieces, when an engagement ensued, in which the light horse, without so much as receiving a wound, killed every one of the rebels upon the spot, and brought off the field pieces to head-quarters.¹⁷

Lately invented, a curious hydraulic instrument, which will make any pistole guinea or half Jo. weigh a twentieth part more, by clipping off a 60th part. By Major General R——¹⁸

Printed by Hugh Gaine, and given gratis, *The Mirror of Mercy, or The Primrose of Favour and Clemency*; shewing how every loyal American may preserve the full and free possession of his whole estate real and personal, by suffering the British Parliament to deprive him of nine-tenths of it; edited by his most gracious Majesty's most gracious Plenipotentiaries. *Certainly nothing can more fully demonstrate the infatuation of the rebels, and their woful seduction by a few artful and ambitious demagogues, than their not being universally convinced of their true interest by the unanswerable reasons contained in this precious and inestimable publication; though to the honour of the wise and loyal, it must be acknowledged that thousands, being perfectly cured of their obduracy by this molifying cordial, daily flock to the royal standard, and pretend no other impediment against fighting for their Sovereign, than their natural and incurable cowardice.*

Compounded and to be sold by Dr. M'K——, a medical preparation that will enable an American prisoner to subsist comfortably and grow fat upon 2 and a half pounds of beef, and 3 pounds of bread per week.

The Commander in Chief having found from repeated experiment, that notwithstanding the known bravery of the British light horse, the immense woods and numerous defiles¹⁹ in this desart country render it impracticable to prevent the ambuscades of the enemy, which has lately made our cavalry less formidable to the rebels than was expected, his Excellency has made application to his Majesty for 2000 Hussars, the same number of Pandours, and 1500 Croats; who are instantly to rush upon the enemy without knowing where they be, and to cut them down with their sabres without seeing them.

We can now inform our readers with undoubted certainty, that after the defeat of the rebels at *Princeton*, Mr. Washington rendezvoused the remains of his routed forces at *Millstone*,²⁰ and parading

them over the mouth of a subterraneous cavern, to which the Loyalists in that neighborhood had purposely directed them, the surface suddenly gave way, and his whole army sinking into the bottom of the cavern, the earth closed over them as it did over *Dathan, Korah and Abiram*.²¹ *A notable instance of the Divine vengeance against such causeless treason and rebellion!*

ADVERTISEMENT

AS his Majesty's troops now in this city intend to reserve to themselves the pleasure of setting it on fire whenever *Mr. Washington* shall compel them to evacuate it; the native inhabitants are strictly prohibited to make any premature conflagration of that metropolis; and the more effectually to prevent their depriving the army of that honour, all the citizens are strictly charged and commanded to go to bed in the dark, and to cook their victuals without fuel, or they may expect the same punishment that was inflicted on a former occasion (when the town took fire by accident) of being thrown alive into the flames.²²

R. City-Governor and absolute
Proprietary of New York.

Printed and Sold by HUGO LUCRE,²³ under the inspection and by permission of martial authority, in New-York, in Gasconading Square, opposite to Rhodomontado Alley, at the sign of The Crown against the Bible, where all persons may be supplied with False Intelligence for hard money, and with Truth upon no terms whatsoever.

Pa. Packet, February 18, 1777.

1. first rate: a war vessel of the highest class according to size and equipment.
2. In 1762 John Wilkes and Charles Churchill had written and published the *North Briton*, a political paper opposing the *Briton*, a government-financed journal. The *North Briton* had attacked Lord Bute's foreign policy.
3. The speech delivered by King George III to the House of Commons on October 31, 1776, is the butt of this satire. The speech had been reprinted in the *Pa. Packet* of February 4, 1777. The allegorical reference to George III and Great Britain derives from Jonathan Swift's *Gulliver's Travels* (London, 1726). Swift's work receives further attention in WL's undated essay entitled "Strictures on Lilliput," which appeared in the May 1791 issue of the *American Museum*.
4. Jack Straw and Wat Tyler were English rebels who resisted the poll tax of 1380.

5. The Glorious Revolution of 1688.
6. dousing the ready rhino: committing the available cash.
7. The tenuous peace between Great Britain and Bourbon Spain under King Charles III had been weakening as early as June 1776. On June 27, the Count of Aranda had written instructions to the Spanish ambassador in Paris, Marquis Grimaldi, to dispense funds secretly to the American forces.
8. toledoe: a finely tempered sword blade.
9. blanket men: libertines.
10. Paraphrase of the Declaratory Act of March 18, 1766, that was passed by Parliament in conjunction with the repeal of the Stamp Act.
11. John Stuart, third Earl of Bute, and William Murray, Earl of Mansfield.
12. WL's criticism of extravagant dress continues in later writings. Refer to "Hortentius," which appeared in the *N.J. Gazette*, December 31, 1777, and "Home-spun," which appeared in the July 1791 issue of the *American Museum*.
13. The declaration of July 14, 1776, had announced the appointment of Richard, Lord Howe, and his brother Sir William Howe as royal commissioners empowered to grant a free and general pardon "to all those, who, in the Tumult and Disorder of the Times, may have deviated from their just Allegiance, and who are willing, by a speedy Return to their Duty, to reap the Benefits of the Royal Favor." The declaration of September 19, 1776, had promised in the king's name pardons and favors for those who returned to British allegiance. Both declarations were published in the *N.Y. Gazette & Weekly Mercury*, October 31, 1776.
14. quomodo: the manner; the means. The proclamation of November 30, which had first appeared in Gaine's *N.Y. Gazette & Weekly Mercury* of December 2, 1776, was signed HOWE, W. HOWE.
15. glasses: half-hour hourglasses used at sea.
16. On December 12, 1776, Congress had adjourned to avoid possible capture by British forces which were moving toward Philadelphia. The Congress reassembled at Baltimore on December 20 and remained there until March 4, 1777 (*JCC*, 7:169).
17. This is a totally erroneous account of a skirmish near Somerset Court House on January 20, 1777, between a British foraging party and a unit under Brig. Gen. Philemon Dickinson. George Washington had written to John Hancock on January 22 that Dickinson, with about four hundred militia, had defeated an equal number of the enemy and had taken forty wagons, nine prisoners, and more than one hundred horses (Fitzpatrick, *Writings of Washington*, 7:48).
18. Maj. Gen. James Robertson.
19. defile: a narrow way or passage along which troops can march only in files or with a narrow front.
20. After the rout of the British troops at Princeton on January 3, Washington had marched his forces along the Millstone River in the direction of Morristown.
21. The account of the fate met by the rebels Dathan, Abiram, and Korah appears in Num. 16, 17.
22. On October 20, 1776, a fire had broken out in New York City, causing widespread destruction. There is no concrete evidence that the fire had been started for political motives. A further discussion of this incident may be found in George Washington to John Hancock, September 22, 1776 (Fitzpatrick, *Writings of Washington*, 6:92-93).
23. Hugo Lucre: satirical reference to Hugh Gaine, printer of the *N.Y. Gazette & Weekly Mercury*.

From Philemon Dickinson

Raritan, February 17, 1777. Brig. Gen. Philemon Dickinson encloses lists of delinquent troops.¹ He urges stronger measures to require all delinquents to turn out for military service.

ALS, CSmH.

1. Enclosures not found.

To the Assembly

Haddonfield, Feb. 17, 1777.

Gentlemen,

IT having been the constant Practice of the House of Representatives to furnish the Governor, from Day to Day, with a Copy of the Minutes of their Proceedings, I could wish the Custom was continued; as the Governor could doubtless be the better enabled to discharge his Duty to the Publick for knowing what Business was depending before the House.¹

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 67–68.

1. The assembly complied with WL's request on February 17 (*General Assembly* [August 27, 1776–June 7, 1777], 68).

To the Assembly

Haddonfield, Feb. 17, 1777.

Gentlemen,

AS an accurate Map of this State, with the Delineation of the different Counties, Townships, Districts, Roads and Rivers, would doubtless be of publick Utility, I submit it to your Consideration to provide for making an actual Survey of it except as to such Parts as can be protracted from Surveys already made, which being the Case of great Part, will considerably lessen the Expence of the Chart proposed.¹

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 68.

1. On May 15 a committee was formed to prepare an answer to WL's message; the General Assembly agreed to the committee's report later that day. WL was told that "as an actual Survey at this Time would be impracticable, on Account of the Enemy being possessed of some Parts thereof," the project should be deferred (*General Assembly* [August 27, 1776–June 7, 1777], 123).

From Israel Putnam

Princeton 18th February 1777.

Dear Sir

I received your Favour of 13th Instant by Major Livingston¹ and should have answered it sooner but was prevented by Variety of Business.

I would by no Means be thought an Advocate for pecuniary Compositions in Lieu of the actual Service of the Militia—at a Time like this no Sum can be really equivalent. I detest the Practice of admitting it and (as Members of Society) the Sect for which it was introduced. The Distribution of these Sums among the Soldiery I consider as an additional Grievance, and sincerely wish they were both exploded. By the former Part of your Letter "It was my Purpose to have all our Militia join the Army" by this I would have thought the Quakers were not excluded—but the Remark in your Postscript that the Quakers cannot be compelled to fight without violating those Conscience Scruples etc. gives me to doubt whether Money may be deemed satisfactory or these Drones of Society permitted to remain unmolested.

If Compositions are allowed, Colonel Cripps (or some other Person) must execute his Orders. If nothing is required—tender Consciences will multiply to an alarming Degree, and Backwardness indeed take Place. The Burlington Militia were reluctant chiefly on this Account—and finally brought their Quakers before me. If I had detained them their Month it must have been by keeping them constantly under Guard, but this would have been gratifying Spleen to very little Purpose. I did not ask them to fight, and they did not choose to fatigue but, were willing to submit to the Fine imposed by State, they did so and were dismissed. The Salem Militia were in like Manner uneasy

that the Consciences of any should not only tye their Hands but screen their Purses—that this might not be entirely the Case, I gave Colonel Cripps his Orders. Far be it from me to pretend to counteract any Decree of the State, however absurd. I stopped the Fines which were levyed, only till I could be satisfied of the Pleasure of the Legislature. I knew the Militia Bill was before them, doubted not this Matter would be included and thought probably a Resolution (disposing of these Compositions if any were allowed) to better Purposes might be made previous to their being collected or becoming the Property of the Soldiers. My sole View in Colonel Cripps Orders was in short to quiet the Militia and assist the Service in a Way consonant to Law. I beg to submit entirely to your Wisdom to pursue such Measures as will most conduce to these valuable Purposes. I wish however to be informed if the Law allowing pecuniary Composition be still in force—and if it be, whether all are not equally entituled to choose the Penalty or Duty or whether a Part are entirely excused.

You are doubtless before this acquainted that Major [Dick] Stockton and his Party are taken. The Prisoners were 61 including Officers the Enemy had 4 killed and 1 wounded supposed mortally—we lost one Man.² Among other Articles 63 [excellent] Muskets were brought off. These are now in the [Hands] of your Militia and if General Washington will permit I would advise that they be purchased by the State for their Use. I am Sir your most obedient Servant

ISRAEL PUTNAM

ALS, MHi.

1. Probably Lt. Col. William Smith Livingston.

2. On February 18 Col. John Neilson and a detachment of the New Jersey militia had surprised Maj. Richard Witham Stockton and his New Jersey Volunteers (Loyalists) in a skirmish near Piscataway. George Washington wrote about the incident to John Hancock and Israel Putnam on February 20 and to Philip Schuyler on February 23 (Fitzpatrick, *Writings of Washington*, 7:168–69, 174–75, 196).

From George Washington

Morris Town, February 18, 1777. George Washington encloses letters and an affidavit¹ attesting to the enemy's brutal abuse of individuals during combat and after their surrender.

LS, MHi.

1. Enclosures not found.

To the Assembly

Haddonfield, Feb. 19, 1777.

Gentlemen,

AS several Persons who had entered into Bond to the Use of this State for their good Behaviour, and to keep within the Limits therein mentioned, and not to give any Assistance to, or carry on any Correspondence with, the Enemy, have since departed this State, and thereby forfeited their respective Bonds.¹ And it being impracticable in Actions commenced on those Bonds to serve the Process on the Persons of the Obligors; nor, as the Law now stands, to attach their Estates: I would therefore recommend it to the House to pass an Act enabling the Attorney-General to file Declarations against them on their respective Bonds, and the same being advertised in the publick Papers, a reasonable Time be allowed them to enter their Appearances and plead to such Declarations; and on such Plea being put in, that a Trial be had after due Notice given in like Manner of the Time and Place; but on Failure of entering their Appearances and putting in their Plea, that the Court be authorized to pass Judgment against them by Default (as if mesne Process² had been regularly served upon them, or they had duly appeared to the Suit) and Execution be awarded against and levied upon their Estates and Effects within our Dominion, that the State may not be defrauded of its just Debts by their Departure out of it, that being the very Offence by which the Forfeiture accrued.³

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 71–72.

1. “An Act to punish Traitors and disaffected Persons,” which had passed the New Jersey Legislature on October 4, 1776, provided that suspected Loyalists who refused to take the oaths of abjuration and allegiance could be ordered to stand trial at the next court of quarter sessions and forced to post sureties against their good behavior in the interim (*Acts* [September 13, 1776–March 17, 1777], 4–6). Many Loyalists, such as Dr. John Lawrence and Stephen Skinner, posted sureties but then fled behind British lines.

2. *mesne process*: that part of the proceedings in a suit which intervenes between the primary and final processes.

3. No legislative action was taken in this sitting. WL renewed his request in the next sitting. See WL to the Assembly, May 28, 1777, for further legislative action on the confiscation of Loyalist property.

To the Assembly

Haddonfield, Feb. 19, 1777.

Gentlemen,

IT is represented to me by Colonel *Shreve*¹ that our Troops suffer much at *Burlington* for Want of proper Regulations, having neither Commissary nor Barrack-Master, and recommends Mr. *Ellis Wright*, who, he informs me, has acted as Commissary to great Satisfaction, to be appointed Deputy-Commissary for that Place; and *Joseph Hollinshead*, Esq. for Barrack-Master, the Barracks he represents as wanting some small Repairs; and that there ought to be a Provision of Straw and Wood for the Troops.²

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 72.

1. Col. Israel Shreve.

2. On February 19 the assembly informed WL that since Colonel Shreve's regiment was about to be ordered from Burlington to Princeton, “it will be improper for this House to go into the Appointment of a Commissary, and more especially as they think it is the Right of the Commissary-General, to whom they would direct Colonel Shreve to apply, if he finds his Continuance at that Place should make it necessary: That Barrack-Masters have been appointed by the Convention; and that they are informed it is the Business of the Quarter-Master to furnish Wood and Straw” (*General Assembly* [August 27, 1776–June 7, 1777], 72–73).

To George Washington

Haddonfield 19 February 1777

Sir

The inclosed Recommendation¹ is signed by Four of our Assembly & one of our Council,² who I presume would recommend no Person farther than their real opinion of his Capacity & Merit; but for my own part I am utterly unacquainted with the young Gentleman,³ & all his Connections. He assures me that he can in a few days fill a company of Horse of likely young Fellows who will not any other way enlist in the Service. I have the Honour to be with great Respect Your Excellency's most obedient Servant

WIL: LIVINGSTON

ALS, DLC:GW.

1. The enclosure was signed by Edmund Wetherby, Jonathan Bowen, Elisha Bassett, Jr., John Buck, and Jonathan Elmer.

2. WL was in error. Jonathan Elmer was a delegate to the Continental Congress, not a member of the Legislative Council.

3. Lt. Henry Fries.

To the Assembly

*Haddonfield, Feb. 20, 1777.**Gentlemen,*

SEVERAL of our Bridges, particularly that of *Pensbaukin*, and the new Bridge near *Mountholly*, want, as I am informed, to be repaired;¹ the Number of Troops and of Cattle constantly passing, render it at this Time more peculiarly inconvenient, as well as of dangerous Tendency, to be obliged to take a tedious, circuitous Route; I would therefore submit the Matter to your Consideration, as I apprehend the Laws now in Force respecting Bridges, are inadequate to the present Exigency.²

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 73.

1. On February 10 Joseph Borden had written to WL (MHi) that the bridges needed rapid repair in order to transport troops and cattle more easily. Borden had asked that WL refer this matter to the assembly.

2. Immediately after WL's message was read, the General Assembly ordered a committee to prepare a bill for repairing "such Bridges as have been lately Taken up to prevent the Enemys March" through the state (Nj). No legislation was enacted.

To George Washington

Haddonfield 20 February 1777

Sir

I received a Letter from Colonel Shreve¹ yesterday from Burlington applying for a Barrack Master & Commissary, for wood & for Straw; & informing me that the Barracks want repair;² from which I collect that the Colonel intends to make Burlington the Seat of his Residence longer than I think his Duty to the Service, requires. He has not furnished me with a Return; but I am informed that he has with him 400 Men. It is a considerable time since, that, in pursuance of a Resolve of Congress, I directed him to send his Men to join the Army under your Excellency's Command, as they were raised.³ For what particular Reason he purposes to make so long a halt at Burlington I know not. Nor would I be understood to fault his Conduct, he not being under my Direction. But my regard for the Service, & my certain knowledge that unless he has a better reason for it than I can guess, it is contrary to the said Resolution of Congress induces me to consider it as my Duty to trouble your Excellency with this Information, I am with great Respect your most humble Servant

WIL: LIVINGSTON

ALS, DLC:GW.

1. Col. Israel Shreve.

2. Letter not found.

3. See WL Order, January 20, 1777.

To the Assembly

Haddonfield, Feb. 21, 1777.

Gentlemen,

CONCEIVING it a Matter of publick Utility for the Legislatures of each of the United States to have the speediest Access to the Laws passed by the rest, as their Circumstances are in a great Measure similar, and many useful Hints might by those Means be mutually suggested, as well as all necessary Uniformity observed, I submit to your Honourable House the Propriety of applying to each of our Sister States to be furnished as soon as conveniently may be after the End of every Session, with a Copy of the Acts passed by them during that Session, engaging in Return to provide them with an Impression of ours in like Manner.¹

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 74.

1. On May 15 the assembly passed a resolve embodying WL's proposal, and on May 16 the Legislative Council concurred (*General Assembly* [August 27, 1776–June 7, 1777], 123; *Legislative Council* [August 27, 1776–October 11, 1777], 80).

To Owen Biddle

Haddonfield 22d. February 1777

Sir

On the late Irruption of the Enemy into this State, many of our public Bridges & some Boats belonging to Individuals were destroyed by Parties of your Militia.¹ This Measure was adopted to retard the Enemy's March to Philadelphia, which, it was generally supposed, they intended to attack. The Measure itself, being designed for the common Good, is not, I believe, disapproved of by any. But the manner of carrying it into Execution, as to the unnecessary Destruction made, is blamed by many, & the Authority by which the officers acted, not being known, has caused others to think it necessary to make an Inquiry.

Some Persons professing to act under Authority from your Council

of Safety² are said to have executed the trust reposed in them, (if they were so intrusted) with great Imprudence; & to have destroyed both public & private Property with great Wantonness. Capt. Charles Lawrence, Commander of a Guard Boat,³ sunk a Boat belonging to Major Westcoat loaded with Coal, at Cooper's Creek Bridge. The Bridge itself was demolished; & has been repaired by orders from General Putnam save only as to the hand-rails. The Officer of the Company of Carpenters sent to repair it, declared that the Council of Safety of Pennsylvania would repay the Expence of the reparation. They have paid some persons employed for that purpose: others they have refused to pay, & directed to apply to the Committee of New Jersey, declaring that they would pay no more. It is said that this Bridge was destroyed by the above named Capt. Lawrence who produced Orders for it signed by General Putnam, the purport of which was that he should repair to it, & *protect it*.

It is said that Colonel Matlack destroyed the Ankocus & Pennsauken Bridges; and that a party under his Command destroyed a Flat at Ankocus Ferry; & that a Wood-Boat belonging to Mr. Hugh Hollingshead was destroyed at the upper Ferry on Ankocus.

To quiet the Minds of our People, many of whom are dissatisfied at Some of the Proceedings upon that Occasion, & to preserve the greatest possible Harmony between our Sister-States, our Council think it necessary that the Matter should be enquired into; & have desired me to apply to your honourable Council of Safety for that purpose.

I must for a few days defer answering your Letter of the 17th Instant, inclosing a List of Tories confined in your State Prison,⁴ because we daily expect a Member of Our Council from Monmouth, who, I am informed, is acquainted with the Characters & offences of most of the Prisoners, & whose assistance we shall want when they are brought before us. With great respect to Your honourable Council, I have the Honour to be Sir your most humble Servant

WIL: LIVINGSTON

ALS, NN.

1. On December 8, 1776, Brig. Gen. John Cadwalader had informed the Pennsylvania Council of Safety of a request from George Washington that a party of militia destroy New Jersey bridges at Cooper's Creek and Pennsauken (*Pa. Archives*, 1st ser., 5:95). On December 11 the Continental Congress had ordered Maj. Gen. Israel Putnam, the commander at Philadelphia, to New Jersey to harass the British

army and obtain intelligence. On December 12 Congress had granted Putnam the power to burn vessels that might fall into the hands of the British (JCC, 5:1023–27).

2. George Washington had written to the Pennsylvania Council of Safety on December 10, 1776, requesting that it confiscate all boats in Cooper's and Rancocas Creeks (Fitzpatrick, *Writings of Washington*, 6:344–45).

3. The *Salamander*.

4. Refer to Owen Biddle to WL, February 17, 1777 (PHHi).

To the Assembly

Haddonfield, Feb. 22, 1777.

Gentlemen,

GENERAL *Putnam* acquaints me, that among other Articles taken from *Stockton's* Party,¹ there were sixty-three excellent Muskets, which are now in the Hands of our Militia, and that (with General *Washington's* Permission) he would advise that they be purchased by this State for their Use: As we are in Want of Arms, I could wish that Measures were immediately adopted to make them the Property of this State²—I could also wish that Major *Debart* was resolved without delay respecting the Arms purchased by him.³

I transmit to you a Letter from *George Measam*, Esq. Commissary for Cloathing for the northern Army;⁴ with a Return of Cloathing for the regular Troops of the United States at *Ticonderoga*, and the Posts depending thereon, to enable this State seasonably to provide the Cloathing of our Troops to be ordered to the northern Department, and to regulate the same with regard to Numbers, agreeable to the said Return.

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 75.

1. See Israel Putnam to WL, February 18, 1777.

2. The General Assembly resolved on February 22 that the arms taken from Maj. Richard Witham Stockton's party be purchased for the use of the militia (*General Assembly* [August 27, 1776–June 7, 1777], 77).

3. On January 27 Lt. Col. William De Hart of the Continental army had written WL that he intended to ascertain from the legislature how much he could spend to obtain arms for his regiment (NjHi). According to a resolve of February 22, Lieutenant Colonel De Hart was to be reimbursed by the General Assembly for arms he had paid for (*General Assembly* [August 27, 1776–June 7, 1777], 77).

4. Letter and return not found.

From George Washington

[*Morris Town*], *February 22, 1777*. George Washington acknowledges receipt of WL's letters of February 15 and 19. In response he notes that the dismissal of Col. Silas Newcomb was in no way related to Newcomb's religious persuasion. In accordance with WL's views, he writes that he has directed Maj. Gen. Israel Putnam immediately to put a stop to the practice of extorting fines from reluctant militia. Washington agrees to consider Lt. Col. Aaron Burr for a more permanent position and also says that he will not discourage Henry Fries in his effort to raise a troop of light horse. He thanks WL for the copy of "The Impartial Chronicle."

LS, MHi. In the hand of George Johnston.

To George Washington

Haddonfield 22d February 1777

Sir

In pursuance of the inclosed Resolution¹ I am to desire the Favour of your Excellency to explain the Nature of the Oath to be Administred by virtue of your Proclamation,² as soon as your Leisure will permit.

I have had frequent Complaints of the Troops stationed at the two Ferries at Trenton, & at another above it, respecting their Conduct towards Passengers; as that they oblige them under various Pretences to wait until they have extorted very unreasonable Sums for their Passage; & that they suffer no Boats on the Jersey side. How far the latter may be in Consequence of Orders, which tho' proper when given, may not at present be necessary, & yet thro' the Multiplicity of Business have been forgot be countermanded; or whether there be still a Necessity for continuing them; or whether it be altogether without orders, I do not pretend to determine. And all I mean by this Information is, that the Matter may be enquired into; and if any Irregularities are really committed, I am confident they will meet with your Excellency's Disapprobation & Censure.

I was just now honour'd with your Favour of the 18th. Instant inclosing Copy of Mr. Roses' Affidavit of the Enemy's Cruelty towards Adjutant Kelly, & General Stephen's Letter to Sir William Erskine for which I am greatly obliged to your Excellency. If nothing else will restrain their Barbarities, it may not perhaps be improper to let loose upon them a few of General Stephen's tawny Yagers,³ the only Americans that can match them in their bloody Work. I have the honor to be your Excellencys most humble Servant

WIL: LIVINGSTON

ALS, DLC:GW.

1. Extract from Minutes of the Legislative Council, signed by Charles Pettit, February 20, 1777 (DLC:GW).

2. Refer to Proclamation, January 25, 1777 (Fitzpatrick, *Writings of Washington*, 7:61–62). This proclamation ordered every person who had sought protection from the enemy to take an oath of allegiance to the United States within thirty days or be considered an enemy. On February 20 the Legislative Council, having considered the proclamation, resolved that the governor be requested to write Washington and ask whether the oath was to be understood as the oath of allegiance prescribed by New Jersey law. If not, the Legislative Council wanted to have a copy of the oath to which Washington referred (*Legislative Council* [August 27, 1776–October 11, 1777], 53).

3. Jaegers were skilled riflemen. "Tawny" may refer to the presence of black soldiers under Maj. Gen. Adam Stephen's command. Blacks served in Virginia brigades fighting in New Jersey in 1777.

To Caesar Rodney

Haddonfield 24 February 1777

Dear

Among other Points that I have in charge from the Congress to procure Affidavits of,¹ concerning the Conduct of the Enemy upon their Irruption into this State, is their ravishing of Women. This however true, is more difficult to prove than any of the rest, as the Person abused, as well as the Relations are generally reluctant against bringing Matters of this kind into public Notice. But I am told that the Tavernkeeper at Penny Town can prove a Rape against them, committed upon a Woman in his Neighbourhood, or is able to direct to those who can.² As this Man is near your Quarters, & it would save the Expence of bringing him hither, I wish you would send for him, &

have his Deposition taken there, & transmitted to me with all convenient Speed.

If you should still be stationed at Trenton when our Assembly rises (which I suppose will be in less than a Fortnight) I promise myself great Pleasure in seeing you in your military Character; & if there be any Wine in your Encampment (as there is no such thing here) to take a Glass with you.³ I am your most obedient Servant

WIL: LIVINGSTON

ALS, PHI.

1. See WL to George Washington, February 6, 1777. WL wrote a letter, with enclosures, to the Continental Congress on March 26. Letter not found. It probably incorporated Washington's comments on the enemy's treatment of prisoners and inhabitants of the states. The enclosures included the deposition of Lt. Bartholomew Yeates of January 9 depicting British and Hessian atrocities (NJA, 2d ser., 1:363). See WL to George Washington, February 15, 1777. On March 29, 1777, this letter was referred to the committee investigating the conduct of the British army which reported to the Continental Congress on April 18. The committee concluded that "the cry of barbarity and cruelty is but too well founded" (JCC, 7:276-79).

2. In his letter of February 14, George Washington suggested that WL interrogate the tavernkeeper, Robert Combs.

3. Rodney and WL had become friends while both were serving in the Continental Congress. In a letter to George Read, Rodney commented, "You May Readily Suppose there is nothing verry pleasing in a Cold Winter Campaign and Yet, if I Could but see those Parlimetary Robbers drove off and My old friend Livingston Restored to his Government, I Should Happy—Good God, What Havock they Have made" (Caesar Rodney to George Read, January 23, 1777, in George Herbert Ryden, ed., *Letters to and from Caesar Rodney, 1756-1784* [Philadelphia, 1933], 171).

From Oliver Spencer

Elizabeth Town, February 24, 1777. Col. Oliver Spencer acknowledges receipt of WL's letter of January 20, 1777.¹ He encloses returns of men enlisted in his battalion,² and reports many complaints from those who have not been paid. He requests payment of his own wages and compensation for money he has advanced in support of troops under his command.

ALS, MHi.

1. See WL Order, January 20, 1777.

2. Enclosure not found.

To Owen Biddle

Haddonfield 25 February 1777

Sir

A young Gentleman has applied to me for Leave to enlist a considerable Number of the Prisoners belonging to this State now in your Jail, who, he says, are willing to enter into the Service. But as I knew not the guilty from the Innocent; & the suffering the former to enlist would be really discharging them without a Tryal; & the enlisting the Latter, while in Confinement, would be taking an unjust Advantage of a Prisoner; I did not think myself authorized to countenance such a Procedure. As those people were hurried to your City by the Military at a time when the Situation of this State was such, that they could not be safely confined in it, I do not know for what particular offences they were apprehended, nor can I upon the most diligent Inquiry procure the proper Information.¹ Probably an Account of their Crimes was transmitted to your Council with their Persons. If so, I should esteem it a particular Favour to be furnished with it. We are as solicitous to relieve you from the Burden of keeping them, as you can be; but we know not what to do with them at present if we should send for them hither, for want of Evidence to discriminate the guilty from the Innocent. I am Sir your most humble Servant

WIL: LIVINGSTON

ALS, NN.

1. These prisoners had been sent to Philadelphia in January 1777. Maj. Gen. Israel Putnam had written to the Pennsylvania Council of Safety on January 6, reporting a skirmish between a force under Maj. Jonathan Mifflin and a party of two hundred Loyalists in Monmouth County. A second expedition, on January 9, involving Pennsylvania militia units under the command of Lt. Col. Francis Gurney and Col. Richard Humpton, had been sent to the Shrewsbury area. Prisoners taken in these forays had been sent to Philadelphia (*Pa. Archives*, 2d ser., 5:168–69, 177, 209). See WL to Owen Biddle, February 22, 1777.

To the Legislature

Haddonfield 25th. February 1777

To the honourable the Council, & the General Assembly of the State of New Jersey, Gentlemen

Having already laid before the Assembly, by Messages, the several matters that have occurred to me, as more particularly demanding their Attention, during the present Session; it may seem less necessary to address you in the more ceremonious Form of a set Speech. But conceiving it my Duty to the State, to deliver my Sentiments on the present Situation of Affairs; and the eventful Contest between Great Britain and America; which could not, with any Propriety, be conveyed in occasional Messages; you will excuse my giving you the Trouble of attending for that Purpose.

After deploring with you, the Desolation spread through Part of this State, by an unrelenting Enemy, who have indeed marked their Progress with a Devastation, unknown to civilized Nations; and evincive of the most implacable Vengeance; I heartily congratulate you, on that subsequent Series of Success, wherewith it hath pleased the Almighty, to crown the American Arms; and particularly on the important Enterprize against the Enemy at Trenton; and the signal Victory obtained over them at Princeton, by the gallant Troops under the Command of his Excellency General Washington.

Considering the contemptible Figure they make at present; and the Disgust they have given to many of their own Confederates amongst us, by their more than Gothic Ravages (for thus doth the Great Disposer of Events often deduce Good out of Evil) their Irruption into our Dominion, will probably redound to the public Benefit. It has certainly enabled us, the more effectually to distinguish, our Friends from our Enemies. It has winnowed the Chaff from the Grain. It has discriminated the temporizing Politician, who, on the first appearance of Danger, was determined to secure his Idol-Property, at the Hazard of the General Weal; from the persevering Patriot, who having embarked his All in the Common Cause, chooses rather to risque,—rather to lose that All, for the Preservation of the more estimable Treasure, LIBERTY; than to possess it (enjoy it, he could not) upon the

ignominious Terms, of tamely resigning his Country & Posterity, to perpetual Servitude. It has, in a word, opened the Eyes of those, who were made to believe, that their impious Merit in abetting our Persecutors, would exempt them from being involved in the common Calamity. But as the Rapacity of the Enemy was boundless; their Rapine was indiscriminate, and their Barbarity unparalleled. They have plundered Friends and Foes. Effects capable of Division, they have divided. Such as were not, they have destroyed. They have warred upon decrepid Age; warred upon defenceless Youth. They have committed Hostilities against the Professors of Literature; and the Ministers of Religion: Against public Records; and private Minuments;¹ and Books of Improvement; and Papers of Curiosity; and against the Arts and Sciences. They have butchered the Wounded asking for Quarter; mangled the Dying wheltering in their Blood; refused to the Dead the Rites of Sepulture; suffered Prisoners to perish for want of Sustenance; violated the Chastity of Women; disfigured private Dwellings, of Taste and Elegance; and, in the Rage of Impiety and Barbarism, profaned Edifices dedicated to Almighty God.

And yet there are amongst us, who, either from ambitious or lucrative Motives;—or intimidated by the Terror of their Arms;—or from a partial Fondness for the British Constitution;— or deluded by insidious Propositions;—are secretly abetting, or openly aiding their machinations, to deprive us of that Liberty, without which, Man is a Beast, and Government a Curse.

Besides the inexpressible Baseness of wishing to rise on the Ruins of our Country; or to acquire Riches, at the Expence of the Liberties & Fortunes of Millions of our Fellow-Citizens; how soon would those delusive Dreams, upon the Conquest of America, be turned into Disappointment? For where is the Fund to recompence those Retainers to the British Army; those intentional Pensioners of a bankrupt Nation? Was every Estate in America to be confiscated, & converted into Cash; the Product would not satiate the Avidity of their own Creatures; nor furnish an adequate Repast for the keen Appetites of their own ministerial Beneficiaries. Instead of Gratuities and Promotion, these unhappy Accomplices in their Tyranny, would meet with supercilious Looks, & cold Disdain; and after tedious Attendance, be finally told by their haughty Masters, that they indeed approved of

the Treason, but despised the Traitor, Insulted, in fine, by their pretended Protectors, but real Betrayers; and goaded with the Stings of their own Consciences, they would remain the frightful monuments of human Contempt, & divine Indignation; and linger out the rest of their Days in Self-Condernation and Remorse; and in weeping over the Ruins of their Country, which themselves had been instrumental in reducing to Desolation and Bondage.

Others there are, who terrified at the Power of Britain, have persuaded themselves, that She is not only formidable, but irresistible. —That her Power is great, is beyond Question. That it is not to be despised, the Dictate of common Prudence. But then we ought also to consider her, as weak in Council; & groaning with Debt: Reduced in her Trade; reduced in her Revenue: Immersed in Pleasure, enervated with Luxury; and in Dissipation and Venality, surpassing all Europe. We ought to consider her, as hated by a potent Rival her natural Enemy; and particularly exasperated at her imperious Conduct in the last War; as well as her provoking manner of commencing it: And thence inflamed with Resentment; and only watching a favourable Juncture for open Hostilities. We ought to consider the amazing Expence and Difficulty of transporting Troops & Provisions, above three thousand miles; with the Impossibility of recruiting their Army at a less Distance, save only with such Recreants, whose conscious Guilt, must, on the first Approach of Danger, appal the stoutest Heart.—These insuperable Obstacles, are known and acknowledged by every virtuous and impartial Man, in the Nation. Even the Author of this horrid War, is incapable of concealing his own Confusion and Distress. Too great to be wholly suppressed, it frequently discovers itself in the Course of his Speech.² A Speech terrible in Word; and fraught with Contradiction: Breathing Threatnings; and betraying Terror: A motley Mixture of Magnanimity, and Consternation; of Grandeur and Abasement. With Troops invincible, he dreads a Defeat; and wants Reinforcements. Victorious in America; & triumphant on the Ocean; he is an humble Dependant on a petty Prince; & apprehends an Attack upon his own Metropolis: And with full Confidence in the Friendship and Alliance of France, he trembles upon his Throne, at her secret Designs & open Preparations.³

With all this, we ought to contrast the numerous and hardy Sons of

America, enured to Toil; season'd alike to Heat & Cold; hale; robust; patient of Fatigue; and from an ardent Love of Liberty, ready to face Danger & Death. The immense Extent of Continent, which our infatuated Enemies have undertaken to subjugate. The remarkable Unanimity of its Inhabitants, notwithstanding the Exception of a Few Apostates & Deserters. Their unshaken Resolution to maintain their Freedom, or perish in the Attempt. The Fertility of our Soil in all kinds of Provision, necessary for the Support of War. Our inexhaustible internal Resources for military Stores and naval Armaments. Our comparative Oeconomy in public Expence; and the Millions we save by reprobating the farther Exchange of our valuable Staples, for the worthless Bawbles and Finery, of English Manufacture. Add to this, that in a Cause so just and righteous; we have the highest Reason to expect the Blessing of Heaven, upon our glorious Conflict. For who can doubt the Interposition of the SUPREMELY-JUST, in Favour of a people forced to occur to Arms, in Defence of every thing dear and precious; against a Nation deaf to our Complaints; rejoicing in our misery; wantonly aggravating our Oppressions; determined to divide our Substance and by Fire and Sword, to compel us into Submission.

Respecting the Constitution of Great Britain;⁴ bating certain Pre-rogatives of dangerous Tendency; it has indeed been applauded by the best Judges; and displays, in its original Structure, illustrious Proofs of Wisdom; & the Knowledge of Mankind. But what avails the best Constitution, with the worst Administration? For what is their present Government, & what has it been for years past, but a pensioned Confederacy against Reason, & Virtue, and Honour, and Patriotism, & the Rights of Man? What their Governors, but a set of political Craftsmen, flagiciously conspiring to erect the Babel DISPOTISM, on the Ruins of the antient and beautiful Fabric of LAW? A shameless Cabal, notoriously employed, in deceiving the Prince; corrupting the Parliament; debasing the People; depressing the most virtuous; and exalting the most profligate? In short, an insatiable Juncto of public Spoilers, lavishing the national Wealth; and by Peculation & Plunder, daily accumulating a Debt already enormous! And what the Majority of their Parliament, formerly the most august Assembly in the World, but venal Pensioners on the Crown; a perfect Mockery of all Representation; and at the absolute Devotion of every Minister? What

were the Characteristics of their Administration of the Provinces? The Substitution of Instructions in the Room of Law: The Multiplication of Officers to strengthen the Court-Interest: Perpetually extending the Prerogatives of the King; & retrenching the Rights of the Subject: Advancing to the most eminent Stations, men without Education, & of dissolute Manners: Employing with the People's Money, a Band of Emissaries, to misrepresent & traduce the People: And (to crown the System of Miss-rule) sporting with our Persons & Estates, by filling the highest Seats of Justice with Bankrupts, Bullies and Blockheads.

From such a Nation (tho' all this we bore, and should probably have borne for a Century, had they not avowedly claimed the unconditional Disposal of Life and Property) it is evidently our Interest to be detached. To remain safe or happy, in our Connection with her, became thenceforth utterly impossible. She is, moreover, precipitating her own Fall, or the Age of Miracles is returned; & Britain a Phenomenon in the political World, without a Parallel.

The Proclamations to ensnare the timid and credulous,⁵ are beyond Expression, disingenuous and tantalizing. In a gilded Pill, they conceal real Poison. They add Insult to Injury. After repeated Intimations of Commissioners to treat with America; we are presented, instead of the peaceful Olive-branch, with the devouring Sword. Instead of being visited by Plenipotentiaries to bring Matters to an Accommodation, we are invaded with an Army, in their Opinion, able to subdue us; and upon discovering their Error, the Terms propounded amount to this. "If you will submit without Resistance, we are content to take your Property & spare your Lives; and then (the Consummation of Arrogance!) we will graciously pardon you, for having hitherto defended both."

Considering then, their bewildered Councils their blundering Ministry; their Want of Men & Money; their impaired Credit, and declining Commerce; their lost Revenues & starving Islands; the Corruption of their Parliament, with the Effeminacy of the Nation—and the Success of their Enterprize is against all Probability. Considering farther, the horrid Enormity of their waging War against their own Brethren, expostulating for an Audience, complaining of Grievances, and supplicating for Redress; and waging it with a Ferocity and Vengeance unknown to modern Ages, & contrary to all Laws human and divine—

and we can neither question the Justice of our Opposition, nor the Assistance of Heaven to crown it with Victory.

Let us however, not presumptuously rely on the Interposition of Providence, without exerting those Efforts, which it is our Duty to exert; and which our bountiful Creator has enabled us to exert. Let us do our part to open the next Campaign, with redoubled Vigour; and until the united States have humbled the Pride of Britain, & obtained an honourable Peace, cheerfully furnish our Proportion for continuing the War: A War, on our side, founded on the immutable Obligation of Self-Defence; and in Support of Freedom, of Virtue, & every thing tending to enoble our Nature, and render a people happy. On their part, prompted by boundless Avarice, & a Thirst for absolute Sway; and built on a claim, repugnant to every Principle of Reason and Equity: A Claim subversive of all Liberty, natural, civil, moral, & religious; incompatible with human Happiness, &, usurping the Attributes of Deity; degrading Man, & blaspheming God.

Let us All therefore of every Rank & Degree, remember our plighted Faith and Honour, to maintain the Cause, with our Lives & Fortunes. Let us inflexibly persevere in prosecuting to a happy Period, what has been so gloriously begun, & hitherto so prosperously conducted. And let those in more distinguished Stations, use all their Influence and Authority, to rouse the supine; to animate the irresolute, to confirm the wavering; and to draw from his lurking Hole, the sculking Neutral, who, leaving to others, the Heat and Burden of the Day, means, in the final Result, to reap the Fruits of that Victory, for which he will not contend. Let us be peculiarly assiduous, in bringing to condign Punishment, those detestable Parricides, who have been openly active against their native Country. And may we, in all our Deliberations & Proceedings, be influenced & directed, by the Great Arbiter of the Fate of Nations, by whom Empires rise and fall; and who will not always suffer *the Sceptre of the wicked to rest on the Lot of the righteous*;⁶ but, in due Time, avenge an injured People, on their unfeeling Oppressor, and his bloody Instruments.⁷

WIL: LIVINGSTON

ALS, Nj. The speech was printed by Isaac Collins (Evans, no. 15465).

1. minument: a document, such as a deed or charter, preserved as evidence in

defense of rights or privileges belonging to a person, family, or corporation.

2. Reference is to a speech delivered by King George III before the House of Commons on October 31, 1776, and reprinted in the *Pa. Packet* of February 4, 1777. For a parody of the speech see "The Impartial Chronicle," ca. February 15, 1777.

3. Spain and France supported the Americans in the Revolution as a means of weakening England. Spanish financial assistance in the early stage of the war was secretly distributed through French sources. American commissioners to the court of France negotiated throughout 1776 to procure arms and ammunition, monetary assistance, and favorable commercial treaties (*JCC*, 5:813–17; 6:1044, 1055–58).

4. The virtues of the British Constitution had been extolled in the proclamation issued by Sir William Howe and Richard, Lord Howe on September 19, 1776, and reprinted in the *N.Y. Gazette & Weekly Mercury* of October 31, 1776.

5. Specifically, the Howe brothers' proclamations of July 14 and September 19, 1776, reprinted in the *N.Y. Gazette & Weekly Mercury* of October 31, 1776.

6. Ps. 125:3.

7. John Adams mentioned WL's speech in a letter to James Warren on March 6, 1777 (*Warren-Adams Letters* [Boston, 1917]), 1:298. John Jay wrote WL on March 22 from New York: "Your elegant Panegyrick on the amiable Character & benevolent Designs of his Britannick majesty meets with General approbation; and some do not hesitate to predict that it will stimulate your gracious prince to embrace the first opportunity of exalting you" (NNC). On August 28, 1780, the *N.Y. Gazette & Weekly Mercury* reprinted an excerpt from the sixth paragraph of WL's speech of February 25, 1777, "to shew his real Opinion of the French Nation." WL's speech was reprinted in the September 1788 issue of *American Museum*, 235–38.

To Philemon Dickinson

Haddonfield 1 March 1777

Dear Sir

There was certainly no Impropriety in your sending me a List of the Delinquents¹ in order that the Legislative Body of the State might make a Law adequate for the purpose of bringing out the militia, tho' there was no necessity for it, as they are fully convinced that the Law is inadequate.² But it was not in the Power of the Governor to take any Steps, much less *effectual ones* for that purpose, as he cannot command the continental Troops to compel them, & it would be highly improper to order part of the Militia that was willing to turn out to impel those who were not. For this Reason it was agreed at Morris Town that the militia officers should use their Discretion & if necessary apply to the officers of the continental Troops. Your application therefore to General Washington was perfectly just & shews your Attention to the Service; & if he does not [push] you to enforce the

Delinquents to turn out you have discharged your Duty & can not be blamed.³ But I could give you no Remedy. However as I was surrounded with a Crowd of People when I wrote you & perplexed with a multiplicity of Business, if I expressed myself anyways improperly sure I am that I meant not to give any offence.⁴

I am afraid that Colonel Ellis's refusing to accept the Commission of Brigadier General which necessarily consumed some time before another was appointed, will put you to the Inconvenience, of staying longer than you had purposed. But as Colonel Neilson & Colonel Potter have been since appointed & their Commissions are now sent—I hope you will be relieved as soon as Colonel Potter receives his Commission.⁵ I am Sir your most humble Servant

AD, MHi.

1. The list had been enclosed in Philemon Dickinson to WL, February 17, 1777 (MHi).

2. Between "inadequate" and the period, WL crossed out "& I believe never mean to make it otherwise."

3. See WL to Philemon Dickinson, January 14, 1777, in which WL had authorized Dickinson to compel all delinquents to join the army and continue in service until discharged.

4. WL's answer is not found to Philemon Dickinson's letter of February 17, 1777. Dickinson, answering that letter around February 23, had said he was bewildered by WL's "great surprize" at receiving the list of delinquents. He had gone on to justify his reasons for having the list compiled, particularly citing WL's letter to him of January 14.

5. Philemon Dickinson had first applied in writing to WL for a replacement on January 29, 1777 (MHi). A more urgent request to WL had followed on February 12 when Dickinson asked to be released by March 1 (*Correspondence of the Executive*, 30–31). On February 15, WL had laid this letter before the Joint Meeting, which had then chosen Joseph Ellis to replace Dickinson. Ellis had declined, and the Joint Meeting of February 21 had elected two brigadier generals, David Potter and John Neilson (*Joint Meeting*, 16–17). David Potter also had declined the appointment and returned his commission. See WL to the Assembly, March 14, 1777.

To William Livingston, Jr.

Haddonfield 1 March 1777

Dear William

After all the Admonitions I have given you, & the fair Promises you have made, I was in some hopes that in common Gratitude setting aside all [filial] Duty you could endeavour to make me forget the many painful Hours you have cost me, by behaving in such a manner as to give a father some pleasure in his declining Years, especially when it is to be done by such a Course of Conduct as tends to the real & solid Advantage of the Son & himself. But now I am distressed a new by being credibly informed that you spend the greatest part of the Day, & great part of the night too in gaming. My dear Son the Backgamon table will not fit you for¹ the Practice of the Law. It may suit officers & soldiers whose time is a burden to them but it suits not a Student² who is to maintain himself by his own Industry. For Gods sake only afford yourself a single honest serious reflection how you purpose [. . .] yourself when you appear upon the Stage of Action & I am [. . . .] If it is not worth your Consideration, [which it ought Concern] I shall very soon persuade myself that it does not deserve mine.

ADf, MHi. Mutilated.

1. After "for," WL crossed out "getting a livelihood" and substituted the phrase in the text.

2. William Livingston, Jr., apparently pursued his studies intermittently. WL had written to his son on July 15 [1769] about attending the College of New Jersey: "With respect to your entering a Sophomore & then staying another year at Elizabeth Town under Mr. Periam, I cannot at present resolve you. I think it best for us to take the opinion of Dr. Witherspoon on that subject, when we go to the Commencement. I am afraid that he does not chuse that any Collegians once admitted, should leave the College to prosecute their Studies elsewhere" (MHi). William Livingston, Jr., does not appear either on the list of graduates or on the roll of those attending but not graduating from the college.

From Thomas Wharton, Jr.

In Council of Safety Philadelphia March 1st 1777

Sir

Two Letters from your Excellency now lie before us, and have been considered with due attention.

In that of 22 Instant you referr to the Conduct of some officers from this State in destroying several Bridges in New Jersey.¹ Your Excellency may be assured that this Council do utterly disapprove of any proceedings which may have the least tendency to add unnecessarily to the distresses of our Country. We feel ourselves under the Influence of that regard to the State of New Jersey and the other States which your Excellency has so kindly expressed to this State. With respect to the Instances you Mention we beg leave to observe that altho' the parties went from this State yet they acted under the Authority and by orders of the Generals Washington and Putnam.

This Council did not concieve they had any Authority to interfere. The Critical situation things were in during the winter when the common enemy were Passing through your State, committing ravages almost without opposition, threatening desolation to every part of it, and the Loss of the many Continental Stores in this City when from your distressed situation, it was thought Proper by those in authority to retire, this Council judged it would have been betraying the Common cause had they not given all the aid in their power to the recommendations and orders of the Generals. Many things appeared necessary and it was doubtfull whether every thing that could be done would be effectual. If the persons employed committed unnecessary waste we think they ought to be called to account for their Conduct. If in executing their orders they have done public or private Injury as it was for the General service, we must referr the Injured to the Honorable Congress. In either of these Cases your Excellency may be assured we will give any assistance in our power. If any charges on this Account have been paid by us, it must have been done when the hurry of Business prevented proper Attention to the merits.

In answer to your Excellencys letter of 25th Instant² we received many of the Prisoners without any special charges having been exhibited against them, we have furnished Captain Lewis who has orders to recieve those prisoners with all the information which we have recieved concerning them, and orders to deliver them to him at Frederick Town in Maryland where they are now confined. I have the Honor to be With great respect Your Excellency's Very Humble servant

THO WHARTON JUNIOR President

LS, MHi.

1. See WL to Owen Biddle, February 22, 1777.
2. See WL to Owen Biddle, February 25, 1777.

To Robert Blackwell

Haddonfield 1st March 1777

Sir

Thursday next being appointed to be observed as a day of fasting & Prayer¹ the Governor & Council propose to attend Divine Service at your Church,² which it is thought proper to give you this Notice. I am
Sir Your humble Servant

ADf, MHi.

1. See Proclamation, January 17, 1777 (p. 200).
2. Coles Church, Colesville, Sussex County.

From Robert Blackwell

Newtown March 2d. 1777

Sir,

According to the directions of your Proclamation I have appointed to preach at Coles Church on Thursday next, at half past eleven in the morning. If your Excellency & the Council think proper to attend, we shall be glad to see you there.¹ I am Sir your humble Servant

ROBT. BLACKWELL

ALS, MHi.

1. On March 5 the legislature adjourned for the day of fasting and prayer (*General Assembly* [August 27, 1776–June 7, 1777], 93; *Legislative Council* [August 27, 1776–October 11, 1777], 59).

To John Jay

Haddonfield 3d. March 1777

Dear Sir

Mrs. Livingston informs me that master Peter is now really gone;¹ & one of his Grandfathers can inform you that he will go home with a

heavy Heart upon account of his being gone.

General Howe is lately arrived at Brunswick & the Enemy's Army reinforced with between 3000 & 4000 men. They now doubtless intend to make some bold Push to retrieve their late Disgraces. And tho' We have for some time past kept them at Bay; & so stuck to them, that they could scarcely stir for the purpose of foraging without being drove into their Quarters with loss & infamy, I fear that we are not sufficiently strong to resist, if they should all move in a Body; & I am not sure that they have yet given over their Project of visiting of Philadelphia.² Our Assembly, after having spent as much time in framing a Militia Bill, as Alexander would have required to subdue Persia, will at last make such a ridiculous Bussiness of it, as not to oblige a single man to turn out who can only bring him to consume three gallons of Spirits in Toddy per Annum less than he does at present.

Please to accept of the inclosed,³ & believe me to be your most humble Servant

WIL: LIVINGSTON

ALS, NNC.

1. Sarah Livingston Jay and her son Peter had returned from New Jersey to Fishkill, New York.

2. In a letter to Robert Morris of March 2, George Washington wrote of Sir William Howe: "His coming himself to Brunswick, his bringing Troops which cannot be Quartered, and keeping them on Ship board at Amboy, with some other corroborating circumstances did induce a firm belief in me that he would move, and towards Philadelphia" (Fitzpatrick, *Writings of Washington*, 7:223).

3. Enclosure was a copy of WL's speech of February 25.

From George Washington

Morris Town, March 3, 1777. George Washington acknowledges receipt of WL's letters of February 20 and 22. He writes that he has repeated his orders to Col. Israel Shreve to march from Burlington to Princeton.¹ He explains that it is not in his power to clarify the meaning of "an oath," as requested by the New Jersey Legislature.² In order to remedy the abuses practiced by the troops stationed at the ferries, Washington writes that he has already issued orders to place the boats under an officer and a strong guard.³ He offers WL further leads on the enemy's ravishing of women at or near Pennington.⁴

LS, MHi.

1. George Washington to Israel Shreve, March 3, 1777, in Fitzpatrick, *Writings of Washington*, 7:236.

2. "What the stile of it was," Washington writes, "as administered by the Generals to whom that business was chiefly assigned, I can not precisely tell. My Instructions to them were, to insist on nothing more than an Obligation 'in no manner to injure the States'; without adverting to the Form prescribed by any Law of this: Had I Known of any particular Form adapted to the Circumstances of its Inhabitants, I would most certainly have ordered it."

3. Orders to the commanding officer at Newtown, Pennsylvania, may be found in Fitzpatrick, *Writings of Washington*, 7:166.

4. The names Pennington and Penny Town were used interchangeably.

To George Washington

Haddonfield 3d. March 1777

Sir

I have had the Honour of receiving your Excellency's Favour of the 22d of february, & find myself extremely happy in your concurring with me in opinion against extorting Fines from the Militia; but alas that I fear will be our only chance of obliging some of the poorer sort to turn out at last; for our long expected Militia Bill in its present form, and as it will undoubtedly pass respecting that article, admits of a Composition for actual Service from £3 to £20.¹ In this Situation of things, I despair of being able to execute the Requisition of Congress received this day, of calling out the Militia to join the Army under your Command.² I cannot make our Assembly sensible of the Importance of an effectual Militia Law; or if they be, they are so unduly influenced by the Fear of disobliging their Constituents, that they dare not exert themselves with the requisite Spirit for the Exigencies of War. Add to this that so few of our Militia, (comparatively speaking) are armed, that I fear the Expectations of Congress will be greatly disappointed. Now indeed would be the time to ruin General Howes Army, if a competent force could be mustered.³ In the Name of Wonder, what is become of Connecticut,⁴ & where is General Heath?⁵ Please to accept of the inclosed⁶ & believe me to be with great Sincerety & Respect your most obedient Servant

WIL: LIVINGSTON

P.S. I have reason to think that there is a constant Communication

carried on between the County of Bergen & the City of New York, & that the latter are supplied with Provisions by the former.

ALS, DLC:GW.

1. See WL to the Assembly, March 7, 1777, for final action on a militia bill.
2. Refer to John Hancock to WL, February 25, 1777 (MHi), and its enclosure, which was a Continental Congress resolve of February 24 (*JCC*, 7:150).
3. The resolve of February 24 requested reinforcements "not only to curb and confine the enemy within their present quarters, and prevent them from drawing support of any kind from the country, but, by the divine blessing, totally to subdue them before they can be reinforced" (*JCC*, 7:150).
4. George Washington wrote to Gov. Jonathan Trumbull of Connecticut on March 6, 1777, and requested two thousand militiamen as reinforcements (Fitzpatrick, *Writings of Washington*, 7:253-55).
5. Maj. Gen. William Heath was in Massachusetts.
6. Enclosure was a copy of WL's speech of February 25, 1777.

To John Hancock

Haddonfield 4th. March 1777

Sir

I have just received your Favour of the 25th February with the Resolve of Congress of the Day proceeding requesting me to order the Militia of this State properly armed & equipped immediately to join the General. I shall with great pleasure comply with the Requisition, but considering how few of our Militia, comparatively speaking, are properly armed, with the Inefficacy of our Militia Law; & that from at least four of our Counties we can expect no assistance, I believe few of our Militia will turn out in addition to those now in Service.

I have also received from one of the continental Treasurers, Loan office Certificates for the amount of 500,000 dollars, which I shall deliver to our Loan Officer, for whom I have sent to this place for that purpose.¹ But I hope the Congress will not rely on getting any Loan of considerable value (perhaps not £5000) from this State; & I should think, unless human Nature in the other States, is very different from what I find it here, that it will not answer the purpose any where. Our People seem as heartily disposed to serve the general Cause as others; But I am confident they have not Patriotism enough to lend their money for 4 per Cent, when they can get 6 & 7; & the fees of the offices

are so trifling, when those of some other Departments, are, in the Estimation of many, beyond their Earnings, that I doubt whether the Person appointed will accept.

Please to accept of the inclosed² & beleive me to be with great Respect Your most obedient Servant

WIL: LIVINGSTON

ALS, DNA:PCC, 68.

1. Michael Hillegas, in a letter to WL of February 26, 1777 (MHi), had enclosed the five hundred thousand dollars' worth of certificates that was New Jersey's share of the first Continental loan of five million dollars. That loan had been authorized by a Continental Congress resolve of October 3, 1776 (JCC, 5:845-46). On February 7 the Joint Meeting had named Joseph Borden Continental loan officer for New Jersey to supervise the raising of money and the dispensation of the interest-bearing certificates (*Joint Meeting*, 15). The bondholders, by a Continental Congress resolution of October 3, 1776, received 4 percent interest a year.

2. Enclosure was a copy of WL's speech of February 25.

To the Assembly

Haddonfield, March 7, 1777.

Gentlemen,

I THINK it my Duty to inform you that there is an absolute Necessity for calling out the Militia of this State to join the Army under the Command of His Excellency General *Washington*, or that we are to expect the most dreadful Devastations from a cruel Enemy; and that the Militia are not at present compellable to turn out by any Law of this State, provided they pay a certain Consideration, in Lieu of actual Service.—What gives me inexpressible Anxiety is, that by the Militia Bill lately sent up to the Council, and now referred to a Conference, personal Service is again to be commuted for, by pecuniary Fines, which in Times of actual Invasion (our Case at present) must appear to every impartial Man, altogether incompetent and nugatory.¹ You will therefore excuse me for recommending to you, in the most importunate Manner, the passing a Militia Law without Delay, effectual for the Purpose of calling into the Field the Strength of this State, to oppose the meditated Progress of the Enemy. By effectual, I mean the Exaction of personal Service, or the Delinquents finding another able-bodied Man in his Room; or the

Consequences will be dreadful beyond Expression. I am not insensible, Gentlemen, either of the publick Detriment, or private Inconvenience, occasioned by such frequent Calls upon a Militia, chiefly composed of Men who subsist by Agriculture, and to whom the Pay allowed is a very inadequate Recompence for the Loss of their Labour; but as they will probably not be wanted above a Month, and this is a Season of the Year in which they can best be spared from Home, and there is an absolute Necessity for augmenting the Force now on Duty, every other Consideration ought to give Way to that of effectually obstructing the Progress of the Enemy through this State, especially as Providence seems now to have furnished us with a favourable Opportunity of preventing them from drawing farther Supplies from the Country, and probably of totally subduing them before they can be farther reinforced.²

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 93–94.

1. On February 22 the General Assembly had finally passed a bill “for better regulating the Militia” and referred it to the Legislative Council for concurrence. On March 1 the Legislative Council had requested that both houses confer by means of committees to prepare an acceptable bill. These committees were still considering the bill on March 7 (*General Assembly* [August 27, 1776–June 7, 1777], 94–96).

2. On March 12 the Legislative Council returned the amended bill to the General Assembly. The assembly agreed to it on March 13. The council concurred and the bill became law on March 15. The act increased the governor’s authority over the militia and stiffened penalties for noncompliance. It empowered the governor, as commander in chief, to call into service the entire militia or any of its detachments. On receiving a request from the Continental Congress or the commander in chief of the Continental army, the governor, with the advice of the legislature or, if the legislature was in recess, the Privy Council, could order the militia or any part of it to assist the Continental army in any neighboring state.

If necessary, militia detachments could be equipped by taking arms and other accoutrements from militiamen not ordered into service. The law set fines for refusing duty and for failing to attend musters. However, no provision was made for compelling those called to duty to provide substitutes. It allowed the authorities to exempt persons who could not purchase equipment, to impose fines on families of delinquent children or dependents, and to transmit lists of delinquents to county justices of the peace; it permitted field officers to make allowances for reasonable excuses. It also established procedures for the assessment of fines. Each assessor of fines was to be sworn in before a justice of the peace. An account of fines assessed was to be sent to the collector. If anyone failed to pay his fine, the collector was to inform a county justice of the peace, who would issue a warrant to a constable to raise the amount of the fine from the offender’s goods and chattels.

The foot militia were to receive the same pay and rations as the Continental forces. Soldiers or officers going to or from their places of training could travel on ferries at a reduced rate and pass free over toll bridges. Soldiers in active service were subject to courts-martial and to all the regulations that affected the troops of the United States. The law exempted some men in governmental posts and vital private enterprises from military duty but required them to pay a tax, the revenues from which formed a fund for the relief of disabled soldiers, war widows, and children.

This act, which was to continue in force until the end of the sitting of the next year's General Assembly, repealed former militia laws (*Acts* [September 13, 1776–March 17, 1777], 26–36).

From George Washington

[*Morris Town*], *March 8, 1777*. George Washington acknowledges receipt of the letter from WL of March 3 and its enclosure. He urges WL to press the assembly for an effective militia law.¹ He says that he expects enemy movement shortly and adds that he has endeavored to cut off the communication between Bergen and New York.

LS, MHi. In the hand of George Johnston.

1. WL had explained that legislators were hesitant to pass a stronger militia law for fear of antagonizing their constituents. Washington responded: "For Heaven's sake, entreat them to lay aside their present Opinions; and waving every other Consideration, let the Public Good be singularly attended to. Every injurious distinction between the Rich and the Poor ought to be laid aside now."

To Horatio Gates

Philadelphia 9 March 1777

Dear Sir

I have the Honor of your Favour of this Day's Date.¹ The reasons why the Governor & Council of New Jersey can grant Colonel Duykink no relief, is in the first place because they do not conceive themselves authorized by the Constitution to do it, it being properly cognizable by the Magistrates on a Habeas Corpus;² & they would chearfully have put it in his Power to have had a hearing by our Magistrates in the manner above, by removing to New Jersey,³ did they know that the Nature of his Offence rendered it proper to adopt that Measure, but 2dly They know nothing of the Crimes he stands charged with, nor by whom he is committed, & I think his own Sense of the Impropriety of

taking his Innocence for granted upon his own Declaration, must suggest to him that they cannot take the Step he soll[icit]s. I am with great Respect & Sincerity your most obedient Servant

WIL: LIVINGSTON

ALS, NHi. Mutilated.

1. Letter not found. Maj. Gen. Horatio Gates was probably at Philadelphia by January 24. The Continental Congress adjourned its sitting in Baltimore on March 4 and resumed its deliberations in Philadelphia on March 12 (*JCC*, 7:169).

2. "Habeas corpus" is the name given to a writ whose object is to bring a party before a court or judge. In New Jersey, the judge of the court of common pleas was competent to assume jurisdiction over proceedings dealing with such writs. WL and the council were correct in their opinion that the state constitution did not authorize them to release Col. John Duyckinck from confinement, and that the proper procedure was to bring the matter before the magistrates.

3. Brig. Gen. George Weedon, adjutant general at Philadelphia, on orders from George Washington, had sent John Duyckinck to the Pennsylvania Council of Safety and requested that it imprison him in Philadelphia (George Weedon to the Pennsylvania Council of Safety, February 22, 1777 [DLC: Misc. Manuscripts]).

To the Assembly

Haddonfield, March 10, 1777.

Gentlemen,

AS the Exigency of Affairs, and the Precaution that ought to be used for the Preservation and safe Custody of Things of such general Concernment as the publick Records, renders it altogether imprudent to suffer the Records at *Burlington*, to remain any longer in that Place: I would recommend it to you to pass a Bill with all possible Dispatch, to authorize some Person or Persons to remove them from thence, and to deposit them in some Place of greater Safety.¹

WIL: LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 97.

1. WL's message was taken up immediately. Later that day a committee brought in a bill "for the Preservation of the publick Records of the State of New-Jersey." The bill passed the General Assembly on March 11, 1777, and the Legislative Council on March 14 (*General Assembly* [August 27, 1776–June 7, 1777], 97–98, 99, 107; *Legislative Council* [August 27, 1776–October 11, 1777], 69). The act empowered Charles Pettit, Bowes Reed, and Joseph Newbold to remove the public records from Burlington to a safer place (*Acts* [September 13, 1776–March 17, 1777], 25).

William Livingston and the Council of Safety March 11–June 30, 1777

With the military crisis and the demise of New Jersey civil government of late 1776 in mind, Livingston pressed the legislature on March 11, 1777, for an act creating an executive body capable of acting with dispatch when the public safety was threatened. What was needed, the governor urged, was an efficient board empowered to contend with military or civil emergencies, breakdowns in local justice, and threats from the Loyalists. The legislature responded with uncharacteristic dispatch. On March 15 it created the New Jersey Council of Safety. With William Livingston as president, the Council of Safety met through much of the spring at Bordentown, Haddonfield, and Morristown.

The council moved quickly to fill the void in civil order produced by the unwillingness of local justices either to take or administer oaths of allegiance to the state. The Council of Safety thus began the nearly interminable process of issuing arrest orders, interrogating witnesses on the activities of suspected Loyalists, and remanding disaffected persons to jail. The council's activity demonstrated that the state government was functioning again. Livingston, vitriolic in his hatred of loyalism, used this opportunity to curb widespread disaffection by strongly asserting his executive powers as the head of the council.

Other problems beyond the scope of the Council of Safety remained to be dealt with. The weaknesses of the militia laws and the sluggishness of the citizens to enlist for Continental service stymied the war effort. In addition, it was necessary to reconvene county courts to try the suspected Loyalists who had been interrogated and jailed by the Council of Safety. Livingston cited these pressing problems to underscore the necessity for a special legislative sitting in May 1777. The legislators responded to his messages by strengthening the militia

laws and resuming county court sessions.

Loyalism, however, remained the biggest problem for Livingston. In June, he encouraged passage of legislation that offered clemency to Loyalists who took oaths of allegiance, while calling for the confiscation of personal property of those who refused. The law, which reflected Livingston's approach to the problem, was a skillful mixture aimed at securing the allegiance of the wavering British sympathizers while instituting a system of punishment for the irreconcilables.

The legislation adopted in this period is tangible evidence of Livingston's forceful leadership. His political style was an amalgam of moral persuasion, proper timing, and tact. His executive skill aided in the restoration of Whig authority in the war-torn state.

To the Assembly

Haddonfield, March 11, 1777.

Gentlemen,

AS the best Laws are of little Avail to the Happiness of Society unless faithfully executed; and the most salutary Measures in Danger of losing their intended Utility, unless duly expedited in their Execution; and there is at present, and will continue to be, during the Invasion of this State by the Enemy, a greater Necessity than in Times of Peace and Tranquility for an executive Body, vested with such Powers and Authorities as may appear requisite for the publick Safety, and which cannot at present be legally exercised by any Person or Persons in the State:¹ I would therefore recommend it to you, in Conjunction with the other Branch of the Legislature, to appoint a President, and, in his Absence, a Vice-President, with a Council consisting of twelve, five of whom to be a Quorum, with the following Powers and Authorities, and such farther Power and Authority as the Legislature may think necessary for the salutary Purposes thereby intended, to be exercised for the Space of six Months (unless sooner repealed by the Legislature) and no longer, *to wit*,

That every Member of such Council shall be a Justice of the Peace for the whole State, but not obliged to act as such in any civil Cause.

That the President, and in his Absence the Vice-President, with the

said Council, five of whom to be a Quorum, shall supply every Vacancy in any Office occasioned by Death, Resignation, Removal or otherwise; which Officer so appointed shall be removable by the legislative Council and Assembly in Joint-Meeting, at the next Session of Assembly thereafter, without any Impeachment; but if not then removed, shall thereafter be only removable in such Manner as he would have been had he been originally appointed in the Manner directed by the Constitution.

That the said President, and in his Absence the Vice-President, with the said Council, five of whom to be a Quorum, shall correspond with the Congress and the other States, and transact Business with the Officers of Government civil and military; and prepare such Business as may appear to them necessary to lay before the General Assembly.

That they be authorized to apprehend all Persons suspected of dangerous Designs against the State, and them to commit to any Gaol within the State taking the Examinations of Witnesses respecting the Persons suspected, and transmitting in Writing to the Officer charged with their Custody, the Cause of their Caption and Detention.

That they cause the Laws to be faithfully executed, and expedite as far as may be the Execution of such Measures as may be resolved upon by both Houses.

That they have Power to recommend it to the Speaker to call together the General Assembly when necessary, before the Day to which they shall stand adjourned.

That they be authorized to call out such and so many of the Militia of this State as they shall think necessary to aid and assist them in carrying their lawful Orders and Directions into Execution, when the civil Magistrate cannot otherwise execute them, as well as by Way of Guard for their own Security and Defence, as often as the Exigency of Affairs shall so require.

That the said President and Council shall have a Secretary, and keep fair Books of their Proceedings, wherein any Counsellor may enter his Dissent, with his Reasons for dissenting.²

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 99–100.

1. A New Jersey Committee of Safety had existed as early as August 17, 1775, but its function had been only to provide leadership during the recess of the Provincial

Congress (*Prov. Congress*, 194). The need for a stronger body had become apparent in light of the problems arising from invasion, civil war, and occupation in the late fall of 1776. The state constitution did not give the governor any specific authority to call up the militia during such a crisis. The legislation that created the New Jersey Council of Safety was designed to strengthen the executive's powers against disloyalty and disorder and to let the governor and council mobilize the military if attack threatened the state. Under provisions of an earlier law, the justices of the peace had dealt with Loyalists by tendering oaths of abjuration and allegiance to suspected persons and, if necessary, jailing offenders until the next session of the court of general sessions of the peace (*Acts* [September 13, 1776–March 17, 1777], 4–6). A major flaw in this procedure had been made manifest in towns and counties with numerous Loyalists, who had disrupted locally administered law enforcement. All members of the Council of Safety had been granted judicial powers throughout the state to insure uniform, effective action against Loyalists. For a statement on the need for a council of safety, see WL to John Witherspoon, May 7, 1777.

WL's conception of a council of safety may have been shaped by the councils of safety of other states, particularly Pennsylvania. The council created in New Jersey was similar to that of Pennsylvania in several respects: both were empowered to appoint officers, draw on the treasury for funds, and exercise judicial authority over Loyalists. The governor of New Jersey, as president of the council, played a far more important role than the president of the Pennsylvania council did, however, for the law gave the latter little independent authority and limited him to the role of presiding officer.

2. The General Assembly and Legislative Council acted with unusual speed in complying with WL's request. A joint conference committee reported a bill "for investing the Governor and a Council of twelve, with certain Powers" that was brought in and read before the General Assembly on March 13. That house passed it the next day and referred it to the Legislative Council, which passed it March 15. On March 17, committees from both houses met again in conference to advise the new council on the best means of implementing its mandate (*General Assembly* [August 27, 1776–June 7, 1777], 102–6, 110, 113–14; *Legislative Council* [August 27, 1776–October 11, 1777], 65–66, 72–73). The preamble to the act stated that "the executive Powers of Government should be strengthened and increased, and should be exercised with all possible Vigour and Efficacy at a Time when, by the Invasion of the Enemy, and other concurrent Causes, the natural Strength of Government is greatly obstructed in its usual Operation and Energy." The Council of Safety comprised the governor, five members of the Legislative Council, and seven members of the assembly. The new law incorporated most of WL's suggestions and satisfied his perception of the scope of executive power in time of crisis. For example, the law specifically made the governor president of the council. It also empowered him, with the advice and consent of the Council of Safety, to draw on the treasury for up to £1,000, provided that the governor and council were accountable to the legislature for the money. On the other hand, the final legislation either amended or disregarded some of WL's suggestions. For example, it empowered the governor, with the advice and consent of the council, to fill any "military Office" rather than "any Office." Moreover, it made no mention of the council's having authority to "correspond with the Congress and the other States." With these few exceptions WL received the broad executive powers he required to meet military situations, and begin to examine and try the disloyal (*Acts* [September 13, 1776–March 17, 1777], 40–42).

Commission to Charles Pettit

[Haddonfield, March 13, 1777]

The State of New-Jersey to Charles Pettit, Esquire, Greeting.

Whereas, in and by an Act of the Council and General Assembly, made and passed at Princeton in October last past, intituled "An Act for establishing a Court of Admiralty and Custom Houses within the State of New-Jersey," it is, amongst other Things, enacted and declared That it shall and may be lawful for the Governor, or Commander in Chief for the Time being, with the Consent of the Council, to establish, by Ordinance or Commission, a Court of Admiralty.¹ And Whereas His Excellency William Livingston Esqr. Governor and Commander in Chief in and over this State, with the Advice and Consent of the Council, did nominate and appoint you the said Charles Pettit to be Judge of the Court of Admiralty in and for this State: Therefore, pursuant to the Power and Authority given by the said Act, and the Nomination and Appointment aforesaid, You the said Charles Pettit are hereby commissioned to be Judge of the Court of Admiralty in and for the State of New-Jersey; hereby giving and granting unto you the said Charles Pettit all the Powers, Authorities, Rights, Privileges and Immunities which to the said Office or Place do of Right belong, in as full and ample Manner as any Judge of the Admiralty hath heretofore held or of Right ought to have held the same. In Testimony whereof the Great Seal of the State is hereunto affixed. Witness William Livingston Esqr. Governor, Captain General and Commander in Chief in and over the State of New-Jersey and Territories thereunto belonging, Chancellor and Ordinary in the same, at Haddonfield the thirteenth Day of March in the Year of our Lord one thousand seven hundred & seventy seven.

WIL: LIVINGSTON

DS, PHC. In the hand of Charles Pettit.

1. A court of admiralty had extensive jurisdiction over cases originating on or relating to the high seas and over questions concerning captured enemy ships or cargo (prizes). Before the Revolution such judicial bodies, called vice admiralty courts, had operated in the colonies as subordinates of the high court of admiralty in England. Commissions had been issued to royal governors to hold vice admiralty courts in New Jersey (*NJA*, 1st ser., 9:195–205, 280–82, 372–74).

The capture on January 23, 1776, of the British vessel *Blue Mountain Valley* off Sandy Hook (see Lord Stirling to WL, February 9, 1776) had created the need for an admiralty court in New Jersey independent of the authority of Great Britain. On February 2, 1776, the New Jersey Provincial Congress had appointed a committee to draft a bill to reinstitute an admiralty court (*Prov. Congress*, 344). By February 15 the committee had urged WL to request that the Continental Congress issue guidelines for the establishment of courts of admiralty in the colonies; WL had agreed to make the request and had advised the New Jersey committee to postpone drafting any legislation on the matter (*Prov. Congress*, 370–71). This issue had been debated without result in the Continental Congress on February 20 (Richard Smith Diary, February 20, 1776, in Burnett, *Letters*, 1:357). On February 29 the New Jersey Provincial Congress had resolved that the creation of an admiralty court in the province “be deferred until some future day” (*Prov. Congress*, 396). On October 5, 1776, the bill for establishing a court of admiralty and custom houses within New Jersey had become law (*Acts* [September 13, 1776–March 17, 1777], 7–8). There are no surviving admiralty court records between that date and March 13, 1777, when Charles Pettit was appointed judge of the court. Pettit appears to have been the first judge appointed to this post. As late as February 28, 1777, the court still was not fully operational (*Acts* [September 13, 1776–March 17, 1777], 17).

From David Rittenhouse

Philade. March 13. 1777 In Council of Safety

Sir

Congress having empowered us to carry on the Fortifications erecting at Billingsport in your State,¹ as the compleating them will be of great consequence to the commerce of the River delaware in which you are deeply interested, as well as the preservation of the settlements on each side of the said River, We therefore request your assistance in carrying on the said Works. We have already made great progress towards executing them and intend to send our State Regiment to assist such other workmen as we can employ at that place but as we have reason to expect an early visit from the Enemies Ships it behoves us to exert all the power we can muster to give it expedition. We do therefore request the assistance of your State to enable us to perfect it in season. If your Excelency can encourage the labouring people of your State to engage at those works they shall be paid 4/6 per day each man & found, if you think proper to send any part of your State Troops on that service they shall be allowed 1/6 over & above their pay for each days work that they perform. Colonel Jno. Bull is appointed

Colonel Commandant and superintendant of those Works.² He will wait upon your Excellency to know your determination. We have thought necessary to make this application to Your Excellency in order to forward the Works,³ confident of the good disposition which prevails with you, to cooperate with us in every necessary measure for our mutual advantage, of which this is obviously a very essential one. By Order of Council I am your Very Humble Servant etc.⁴

Df, PHHi.

1. On June 14, 1776, the Continental Congress had empowered the Pennsylvania Committee of Safety to erect fortifications at Billingsport at congressional expense (*JCC*, 5:443).

2. The Pennsylvania Council of Safety had appointed Col. John Bull on February 15, 1777 (*Pa. Colonial Records*, 11:125).

3. The original opening clause of this sentence reads, "We should not have made the application to your State if we did not meet with great difficulties in procuring a sufficient number of men to execute the business." It has been crossed out and replaced by the clause in the text.

4. WL enclosed this letter in a letter of his own to the General Assembly on March 14. WL's letter not found. The General Assembly and Legislative Council both resolved on March 15 that New Jersey aid the Pennsylvania Committee of Safety in the construction (*General Assembly* [August 27, 1776–June 7, 1777], 106, 108; *Legislative Council* [August 27, 1776–October 11, 1777], 71).

From William Maxwell

Westfield, March 14, 1777. Brig. Gen. William Maxwell reports details of a skirmish on March 8, 1777, and describes the extent of enemy losses in another engagement of February 23. He urgently renews his request that the militia be paid.¹

ALS, MHi.

1. On January 17, 1777, Maxwell had applied to the governor and legislature for the pay of the "3 or 4 months men" and the militia that had been raised on November 27, 1776, to reinforce the Continental army (MHi). Maxwell had acted after George Washington had informed him that the Continental treasury was exhausted and that the state would be a better judge of what time the men had served and how much pay had been promised.

To the Assembly

Haddonfield, March 14, 1777.

Gentlemen,

I AM to acquaint you that Colonel *David Potter* declines accepting the Office of Brigadier-General in our Militia, and has returned his Commission, assigning for Reason his Readiness to serve in his present Capacity, but his Inability to discharge the other Office suitably to its Weight and Importance, and the great Inconvenience to which he would expose himself by his Absence from Home on Account of some important Contracts, which indispensably require his personal Attendance.¹

I am further to inform you that *Samuel Tuthill*, has resigned his Office as one of the Judges of the Inferior Court of Morris County, and of Justice of the Peace, by Reason of his declining State of Health, and a Multiplicity of additional Business, occasioned by the Death of several near Connections.²

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 104–5.

1. On March 15 the Joint Meeting accepted David Potter's resignation and elected Silas Newcomb a brigadier general of the New Jersey militia (*Joint Meeting*, 17, 19).

2. Samuel Tuthill had sent his resignation to WL on February 28, 1777 (MHi).

To the Assembly

Haddonfield, March 15, 1777.

Gentlemen,

IT being of great Importance to have our Militia completely officered, and especially to have its full Number of Field-Officers; I find it so¹ deficient in that Respect, as to think it necessary to acquaint you with the State of the Battalions in that Situation, that the Vacancies may be supplied as soon as possible.

The Battalion of *Bergen*, including the Militia of the whole County, has no Lieutenant-Colonel, though it consists of upwards of fourteen Hundred Men, and ought indeed to be divided into two Battalions.²

Colonel *Thomas*,³ of one of the *Essex* Battalions, is removed into *Morris* County; and Mr. *Potter*, the Lieutenant-Colonel of it, is, as I am informed, in the Continental Service;⁴ and it has no Major.

Lieutenant-Colonel *Ward* of another of those Battalions, is a Prisoner at *New-York*, and it is also without a Major;⁵ and Colonel *Van Cortland*⁶ being Colonel Commandant both of that and another Battalion, renders it the more necessary to have each of them complete in its other Officers.

Both the first and second Battalions of *Middlesex* are destitute of Colonels; and if Colonel *Nelson* accepts his Appointment of Brigadier-General, the third will be in the same Predicament; and the Lieutenant-Colonel of it Mr. *Lott* of *Spottswood*, is said to have taken a Protection from the Enemy.⁷

Lieutenant-Colonel *Thomas Seabrook*, of the first Battalion of *Monmouth*, is said to have refused taking the Oaths to the State; and, if so, has forfeited his Commission; and the Major, Mr. *Holmes*,⁸ is High Sheriff of the County, which two Offices are incompatible, as no Sheriff ought to leave his County—He ought therefore to make his Election—In this Battalion there is no second Major.

Mr. *Brearley*⁹ is Colonel of the second Battalion, but is engaged in the Continental Service.

The first Major is *Elisha Lawrence*, Esq. who, I am informed, has accepted the Enemy's Protection, and refused taking the Oaths to Government;¹⁰ and this Battalion is also without a second Major.

Of the third Battalion *Daniel Hendrickson*, Esq. is Colonel, but is very infirm, and said to be removed into *Upper Freehold*, while the Battalion consists of the Inhabitants of *Shrewsbury*.

Isaac Smith, Esq. is Colonel of the first Battalion of *Hunterdon*, and is lately appointed second Justice of the Supreme Court, which disqualifies him from acting in his military Capacity.

The Lieutenant-Colonel of this Battalion is *Abraham Hunt*, Esq. who refuses to act; *Joseph Phillips* is the only Major. If the above Vacancies in this Battalion are supplied according to Rank, *Joab Houten* and Captain *Van Cleave* are the two eldest Captains; but the Latter, as I am informed, refused going into the Service in his Turn, as being engaged in the Loan-Office Business.¹¹

The two *Trenton* and two *Maidenhead* Companies ought to be

formed into two Companies only.

The first Battalion of *Sussex* has no Major; and the first Battalion of *Cumberland* is in the same Condition.¹²

Colonel *Charles Read*, of one of the *Burlington* Battalions, is in such a Situation with Respect to his having submitted to the Enemy, that it is not probable he will act any longer in that Office.¹³

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 108–9.

1. In an ADf (MHi), "greatly" has been crossed out after "so."
2. The Bergen militia remained intact as one battalion under Col. Teunis Dey. No lieutenant colonel was appointed until March 27, 1778.
3. Col. Edward Thomas had resigned on March 13, 1777.
4. Lt. Col. Samuel Potter was not in Continental service in 1777.
5. Samuel Hayes was elected a major of the Second Regiment of the Essex County militia on June 6, 1777 (*Joint Meeting*, 21).
6. Col. Philip Van Cortland of Second River, New Jersey.
7. WL is in error. Col. John Neilson and Lt. Col. Richard Lott were of the Second Battalion. Neilson accepted his commission as brigadier general. On June 6, 1777, Richard Lott resigned and the Joint Meeting elected John Taylor lieutenant colonel. Lt. Col. Jonathan Deare was in command of the First Battalion of the Middlesex County militia until his resignation on March 31, 1778. The Third Battalion was under the command of Lt. Col. Jacob Hyer. He was elected colonel on September 6, 1777 (*Joint Meeting*, 19–21).
8. Maj. Asher Holmes.
9. Lt. Col. David Brearley. On May 23, 1777, Samuel Forman was elected colonel of the Second Battalion (*Joint Meeting*, 20).
10. WL was misinformed. Elisha Lawrence, a major in the militia, was not a Loyalist. Another Elisha Lawrence was a Loyalist and an officer in the New Jersey Volunteers. Maj. Elisha Lawrence was elected lieutenant colonel on May 23, 1777 (*Joint Meeting*, 20).
11. The Joint Meeting of March 15 elected Joseph Phillips colonel, Joab Houghton lieutenant colonel, Joseph Brearley first major, and Benjamin Van Cleve second major of the First Battalion of the Hunterdon County militia, formerly commanded by Col. Isaac Smith (*Joint Meeting*, 19).
12. On June 6, 1777, Derrick Peterson was elected first major of the First Battalion of the Cumberland County militia (*Joint Meeting*, 21).
13. On June 6, 1777, Thomas Reynolds was elected colonel of the Second Battalion of the Burlington County militia. On March 15 the Joint Meeting ordered "That all Militia Officers, holding Commissions under the late Congress or Convention of this State, be entitled to receive Commissions of equal Rank from the Governor, without further Election" (*Joint Meeting*, 19–20).

To Josiah Hillman

Haddonfield 17 March 1777

Sir

I have received an application from the honorable the Council of Safety of the Commonwealth of Pennsylvania for a number of our Militia to assist them in carying on the fortifications begun at Billingsport for the mutual Defence of both States. I think the request so reasonable in itself & so greatly conducive to the defence of the State against an Attack by the Enemy's Fleet that I cannot hesitate to recommend it in the strongest manner. They have also promised an addition to the pay allowed by the united States, to the detachment of our Militia that shall be so employed. I therefore desire you to wait upon the Honorable David Rittenhouse Esqr. vice President of the said Council of Safety for the Terms proposed by them with the Number of Men wanted & then to procure that Number of Volunteers from the Gloucester Militia properly armed & equipped, whose Service in that Station shall be considered as in lieu of so much military Duty in any other part of this State. I am Your most humble Servant

ADf, MHi.

To David Rittenhouse

Haddonfield 17 March 1777

Sir

Your Letter respecting my procuring a detachment of our Militia to assist in the works at Billingsport, I laid before our Assembly. It is mislaid by the Clerk of the house,¹ or at lest missing at present; & I cannot precisely recollect the Terms mentioned in it. I have therefore sent Lieutenant Colonel Hillman one of the fittest Men among us (as I am informed) for procuring a Number of Volunteers of our Militia for the purpose intended, to wait upon you to know the Terms, & the number of our Men wanted to assist in the works. That number of volunteers & upon the Terms you shall furnish him with in Writing he

has my Directions to procure with all possible Dispatch² I am with great Respect your most humble Servant

ADf, MHi.

1. Jonathan Deare.
2. Col. John Bull wrote to WL on March 27 (Nj), providing him with the details of the misplaced letter.

To John Hancock

Haddonfield 17 March 1777

Sir

General Maxwell & Major Spencer are continually applying to our Assembly about the Pay of their Men;¹ & I beleive with out any Answer. Yesterday I received a Letter from the former with the following paragraph

"If it be possible let some person be sent up between the 20th & last of this month to pay off the 4 months men as their time is out the first of April. No Men ever better deserved it; they have been continually on Duty. The Militia here ought to be paid. General Washington recommends it that you should pay them both."

I should be greatly obliged to you to enable me to inform General Maxwell as soon as possible how they are to be paid. As for my paying them, I must beg to be excused, as the civil Affairs of this Government take up all my time, & there are paymasters sufficient.

I believe our Assembly will adjourn this day or to morrow but a Council of 12 of whom 5 to be Quorum with the Governor lately invested with executive Powers very similar to those of the Council of Safety of Pennsilvania, will sit for some weeks. Where at not yet determined, but it will not be here.

Pray Sir favour me with a Line in Answer to General Maxwell's application, as there is very great Uneasiness among the Men for want of Pay. I have the honor to be your most humble Servant

WIL: LIVINGSTON

ALS, DNA:PCC, 68.

1. See William Maxwell to WL, March 14, 1777, and Oliver Spencer to WL, February 24, 1777.

To John Hancock

Haddonfield 18 March 1777

Sir

On a Conference of a Committee of our Council & assembly on the pressing Application of General Maxwell for the Pay of the four Months Men & Militia of this State,¹ it is found impracticable for us from the present State of our Treasury to discharge the Arrears due to the Men. They have therefore desired me to apply to Congress on the Subject: & to urge the Necessity of their pointing out an Expedient for satisfying the Demands of the Soldiery, & allaying the Clamours at present subsisting amongst them for want of their Pay.² The house defers its Adjournment meerly to wait your Answer. I have the Honour to be Sir your most humble Servant

WIL: LIVINGSTON

P.S. The frequent Complaints of want of Punctuality in paying the Men has greatly retarded the Service.³

ALS, DNA:PCC, 68.

1. The legislature had agreed on March 17 to have a conference committee meet on the subject of the pay of the militia in Continental service. After discussing its report, both houses instructed the governor to urge the Continental Congress to satisfy the soldiers' demands (*General Assembly* [August 27, 1776–June 7, 1777], 113–14; *Legislative Council* [August 27, 1776–October 11, 1777], 73–75).

2. Contrary to WL's statement, the General Assembly adjourned on March 18 with plans to meet again at Haddonfield on May 21 (*General Assembly* [August 27, 1776–June 7, 1777], 115).

3. This letter and that of March 17 were received by the Continental Congress on March 19 (*JCC*, 7:184).

To David Rittenhouse

Haddonfield, March 18th, 1777.

SIR,

Captain Walton¹ will wait on the Committee of Safety with one Borden and his son, boatmen, and four other prisoners, Scotchmen, lately bound from Philadelphia to New York, and taken on that

account at Squam Beach.² The boatman denies his being privy to the designs of the passengers of going to New York. He has however contradicted himself in his relation to Col. Randolph, to whom he declared that he left Philadelphia without passengers, and has while here, expressed himself to the guard in a very violent manner against the Congress. The passengers confess their design of going to New York, if they could have prevailed upon the boatmen to carry them, and there to have embarked for Scotland; justifying themselves in the measure under General Washington's Proclamation,³ though it has no reference to people in their situation, and if it had, they were under no necessity of going in so clandestine a manner. They being inhabitants of your state, I send them to you for further examination by advice of our Council of Safety.⁴ The said boatman has been employed in rigging your galleys, and has been for 25 years acquainted with your river, and had been employed in New York in sinking the "*Chevaux de Frise*."

Sir, I am your humble servant,

WILL. LIVINGSTON

Correspondence of the Executive, 32–33.

1. Probably Capt. Elisha Walton.

2. For the capture of these men, refer to David Forman to WL, March 16, 1777 (Nj).

3. Reference is to Washington's proclamation of January 25, 1777.

4. The prisoners had been brought before the Council of Safety on March 18 (*Council of Safety*, 7).

From Thomas Wharton, Jr.

Council Chamber 26 March 1777

Sir

Several Prisoners from the state of New-Jersey who are confined in the Goal of this city have petitioned for a hearing.¹ But as the Council is wholly unacquainted with their cases, and it being a business not properly belonging to this state we can do nothing in it, farther than to remind you of their situation be enclosing you a List of them as it is handed to us by the Keeper of the prison. The State Prison is much

crowded, and many of the Prisoners sick, which renders it necessary to take every Step which may be proper to lessen their number.

We forbear to press this matter as we are confident your Excellency will pay a proper attention to it. I am sir Your Obedient servant

T W President

Lcy, PHHi. In the hand of Timothy Matlack.

1. For a discussion of the arrest of Monmouth County Loyalists by Pennsylvania troops, see WL to the Assembly, February 4, 1777, and WL to Owen Biddle, February 25, 1777.

From Isaac Smith

Tre-Growden March 28th: 1777

Dear Sir,

Agreable to your Direction I went up to Pennytown but found that their Qualifications had already been taken by Justice Muirhead & Justice Saxton which rendered any farther Proceedings of mine unnecessary.¹ I am informed that there are undoubtedly many more Instances of the like Kind happening to young Women but from a mistaken Modesty they conceal it.² Widow Phillips's abuse was attended with this very singular & very shocking aggravation that it was committed in the Presence of her aged Father & Mother. I am Sir, with the greatest Respect, your most obedient humble Servant

ISAAC SMITH

ALS, NjHi.

1. These directions were probably similar to those WL had issued to Caesar Rodney. See WL to Caesar Rodney, February 24, 1777. For an account of the atrocities committed by the British at Pennington, see George Washington to WL, March 3, 1777, and refer to "Extract of a Letter from an Officer of Distinction in the American Army" in Force, *American Archives*, 5th ser., 3:1376.

2. An account of the conduct of the British and Hessian troops in New Jersey cites several cases of rape "among innumerable other instances" (Force, *American Archives*, 5th ser., 3:1188). The *Pennsylvania Evening Post* of May 10, 1777, contained several sworn depositions of "the lust and brutality of the soldiers in abusing the women." In order to insure the anonymity of the victims, their names and counties of residence were omitted in the newspaper accounts.

Deposition of John Butler

[Borden Town] 1st April 1777

New Jersey Burlington¹ ss.²

John Butler of Borden Town in the County of Burlington & State of New-Jersey aforesaid being duly sworn on the Holy Evangelists of Almighty God, Deposeth and saith, That, on or about the 20th. Day of December last, Thomas Watson³ of Borden Town aforesaid did, in the Presence of this Deponent, accept the Office of an Assistant-Commissary to a certain Mr. McCullough who then acted as Commissary to the Hessian Troops in the Service of his Britannick-Majesty, which were stationed in and about said Town and commanded by Count DeDonop.⁴

That some Days after he the said Deponent saw the said Thomas Watson and his Son deliver out Beef and other Provision to the said Troops.

That he the said Deponent also saw the said Thomas Watson some Time since write and deliver to Samuel Farnsworth a Receipt for a Quantity of Indian-Corn brought in to him the said Thomas Watson by Samuel Updike, the Tenor & Purport of which said Receipt was as follow, Vizt. that he the said Thomas Watson had received the said Indian-Corn for the Use of his Majesty's Troops. And further this Deponent saith not. Sworn in Council of Safety the 1st April 1777⁵

JOHN BUTLER

WIL: LIVINGSTON⁶ President

DS, Nj. In the hand of Nathaniel Scudder.

1. Depositions usually record county, not township. The Council of Safety had moved from Haddonfield to Bordentown on March 26.

2. ss: to wit.

3. Thomas Watson had been examined by the Council of Safety on March 31. On April 9 he was charged with high treason (*Council of Safety*, 11–12, 17). No further council action ensued.

4. A Hessian brigade under Col. Count Emil Kurt Von Donop had occupied Bordentown after December 12, 1776, and had evacuated the town by December 27.

5. Formal sessions of the Council of Safety commenced on March 18. John Butler's testimony is the earliest surviving deposition taken. Depositions such as Butler's against suspected Loyalists expose the shifting loyalties in Revolutionary New Jersey from November 1776 to February 1777. Butler and other Burlington and Monmouth

citizens who testified had found themselves in a society that had no local government to impose order effectively. They had had to deal with an occupying army of British and Hessians engaged in establishing contacts with Loyalist activists in the region. These disaffected persons had supplied the British and Hessians with provisions and collected weapons for Loyalist battalions. Many neutral and even patriotic Jerseymen, able to expect little or no protection from New Jersey state civil officials or local militia, had taken protections tendered by the Howe brothers as the only alternative to anarchy. Others had faced strong pressure to give up their crops or livestock to British foragers and their agents, or to sign enlistment rolls as volunteers in Loyalist militia units then forming. Threats to property or life had caused many passive Whigs to renege on earlier affirmations to the American cause, and passive neutrals to opt for the British cause—at least until American civil government had been reestablished and news of Washington's victories at Trenton and Princeton had reached them in January 1777. Once the British and Hessian forces had withdrawn to their enclaves at Paulus Hook and New Brunswick in early January, many New Jersey citizens who had earlier wavered in their allegiance willingly testified against Loyalist activists to reaffirm their commitment to the state government.

6. WL's signature on most extant depositions suggests that he was an active participant in the proceedings of the council. He was simultaneously chief executive, judge, and secretary. He wrote arrest orders to sheriffs, remanded prisoners to jail, and requested the return of Loyalists from confinement in Maryland and Pennsylvania to face interrogation. He attended all of the Council of Safety meetings through March 25, 1778. In addition, he himself often recorded the long depositions of witnesses and the minutes of the council (Nj). The testimony made WL aware of the magnitude of the threat posed by the disloyal in areas only superficially under Whig control. WL's commitment to severe treatment of disaffection in the ensuing years may have resulted from his presence at these hearings.

Deposition of James Cox, Jr.

[Borden Town] 1st April 1777

New Jersey Burlington ss.

James Cox Junr. of Upper Freehold in the County of Monmouth & State of New Jersey aforesaid being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith, That, on or about the fifteenth Day of December last, he saw John Lawrence of the City of Burlington¹ at the House of Joseph Borden in Borden Town, who then & there did qualify sundry Persons to the Effect of the Declaration contained in the Proclamation issued by Lord and General How and bearing Date on or about the thirtieth Day of November last.²

That said Deponent did hear the said John Lawrence repeatedly enquire of such as applied for Protection, whether they had ever taken

up Arms against his Majesty, meaning the King of great Britain; And that, if they answered they had, he the said John Lawrence administered to them an Oath to the Effect abovesaid; but, if otherwise, that they obtained Protections with only subscribing the said Declaration.

That when any Person subscribed the said Declaration or swore thereto, as the Case might require, the said John Lawrence did thereupon deliver out Protections signed by a certain John Hinnock a hessian officer in the Service of his said Britannick Majesty.³

JAMES COX JUNR.

Sworn in Council of Safety 1st April 1777

WIL: LIVINGSTON President

DS, Nj. In the hand of Nathaniel Scudder. *Council of Safety* does not record the taking of this deposition on April 1.

1. John Brown Lawrence.

2. The proclamation of November 30, 1776, gave Americans sixty days to appear before a British officer and swear not to take up arms. Any who did so would receive a full pardon.

3. John Brown Lawrence was examined on April 2 by the Council of Safety (*Council of Safety*, 12).

From George Washington

Head Quarters Morris Town 1st April 1777

Sir

I have been honoured with yours of the 17th. and 26th. March. I communicated the intelligence you gave me concerning Governor Franklin, to Governor Trumbull, who will have his motions narrowly watched in future.¹

I perceive many difficulties in the execution of your Militia law, particularly in suffering an appeal to lay before a Court of Judicature. That indulgence will always be claimed by the person refusing to serve, when the fine is levied, and before the suit is determined, this Contest will probably be determined one way or other. In the mean time the service of the Soldier is intirely lost.²

Colonel Forman, who waits upon you upon public Business informs me, that he thinks it would be of considerable advantage to order out

the Militia of Monmouth Middlesex and Burlington at this time, and as it was the district in which he would have commanded, had he accepted of the Brigadiership offered to him by the State, I could wish, that he might have the power, of calling them out, vested in him. He thinks, very judiciously, that it will not only serve to distinguish the well affected from the ill, but that it will hinder the Tories from poisoning the Minds of the people; by pointing out to them the deficiencies of the Law, and how it may be evaded.

Colonel Forman further informs me, that many people who have absconded, have left behind them, Stocks of Horses, Cattle and Grain, which will not only be lost to Owners, but to the public, if some mode is not fallen upon to secure them. If your Council of Safety think it proper, the Colonel will take possession of such effects for the public use, and return you an account of them. If the owners return in future and clear up their Conduct they may receive the amount, other wise I suppose they will be confiscated to the State.

I leave a Matter to your consideration, which I think well worthy of your attention. There are still considerable Quantities of Grain and other provisions on and near the Coast, most of it in the hands of people who would willingly spare it to the Enemy whenever an opportunity offered. As descents are very easy and practicable, I think, effectual Means [...] upon to remove such provision from the [...] interior parts of the Country. Whatever direction you think proper to give in this Matter, Colonel Forman will execute.

Altho' I have particularly mentioned the Militia of Monmouth, Middlesex and Burlington, I could wish that the Brigadiers of the different districts were ordered to summon parts of thier Militia, and to order them to march (officered as the late Resolve of Congress directs) and join the Army. The Backwardness of the Continental Levies obliges me, much against my Will, to call for a further Support from the Militia. The expiration of the time of three months Men this State and the Virginia and Maryland Volunteers leaves part of our Line broken and exposed.

I thank you for your kind Congratulations on the recovery of my health, which I hope will soon be fully re-established. I have the Honor to be with the highest Regard Sir your most obedient Servant

GO: WASHINGTON

LS, MHi. Mutilated.

1. Letters not found. Regarding a letter from WL of March 17, 1777, George Washington wrote to Gov. Jonathan Trumbull on March 23: "Govr. Livingston informed me a few days ago, that he understood, that Governor Franklin, by some means or other contrived to carry on a Correspondence with Mr. Hugh Wallace in New York; And a Gentleman of the name of Livingston, who went into New York and took protection, but not liking his Situation returned again informs upon oath, that he heard that Governor Franklin, granted protections to such as would take them in Connecticut, and that one Shackles of Middletown carried on a Correspondence with Miles Sherbrook in New York. This, Livingston says, he had from Sherbrooks Clerk. I dont know that the foregoing amounts to possitive proof against Governor Franklin, but it ought at least to put you upon your guard and have him narrowly watched" (Fitzpatrick, *Writings of Wasbington*, 7:317).

2. Washington refers to the provision for appeal in "An Act for the better regulating the Militia." See WL to the Assembly, March 7, 1777.

To Thomas Wharton, Jr.

Bordentown 3d march [April 2]¹ 1777.

Dear Sir

Our State not having delivered yours from the Prisoners contained in the List inclosed in your Favour of the 26th. of February² (which I received but this day,) has affected me with singular Concern. The Difficulty of knowing how to dispose of them when they arrived here, has procrastined the affair, & given me great Anxiety. This will I hope apologize for having so long put you to the Trouble of keeping them in that Durance in which they were consigned without the Agency of this State.³ But as General Forman is now daily expected who, I am informed, is able to point out their several Delinquences, or to direct us to persons who can, I have sent Lieut. Smick with a Guard to receive them from your State, & sincerely acknowledge our Obligations to the Commonwealth of Pennsylvania, for securing such a Number of Miscreants, at a time when it was not in our Power to apply the same remedy against the Ebullitions of their Treason & Rebellion against the united States of America. I am Sir your most humble Servant

WIL: LIVINGSTON

ALS, PHC.

1. The incorrect dating was caused by the later insertion of the March 3 dateline on the letter and docket by an unknown secretary or clerk. WL was at Haddonfield,

not Bordentown, on March 3. In addition, WL addressed Thomas Wharton, Jr., in his capacity as president of the Supreme Executive Council on the docket—an appointment made after March 3. Finally, Thomas Wharton, Jr., acknowledged receipt of WL's letter of the "2nd instant" on April 5. See Thomas Wharton, Jr., to WL, April 5, 1777. The confusion was compounded by the insertion of the text of the letter in the minutes of the Supreme Executive Council of March 19, using the March 3 date (*Pa. Archives*, 1st ser., 5:251–52).

2. The correct date is March 26.

3. Nine other New Jersey prisoners, who had been apprehended by Col. David Forman in November 1776 and transported from Frederick, Maryland, had petitioned WL on March 19, 1777 (Nj), to be paroled instead of remaining in Salem County jail. On April 3 several of them were discharged after taking the oaths of abjuration and allegiance (*Council of Safety*, 13).

To George Washington

Bordentown 4th April 1777

Sir

I have to acknowledge the Receipt of your Favor of the 1st Instant by General Forman.

I apprehend your Excellency mistakes the Clause in our Militia Act respecting the Appeal in Case of a Fine. You seem to represent it as if the Delinquent was excused from paying the Fine till the Determination of the Appeal against him. But that is not the Case.¹ The Act is however extremely deficient; and it has cost me many an anxious hour to think how long it was procrastinated, & how ineffectual I had reason to apprehend it would finally prove. My only Consolation is, that my Messages upon their minutes will shew my Sense of the matter; & that I was not remiss in the strongest Recommendations to construct in such manner as would have effectually answered the Purposes intended.

As Colonel Forman was prevailed upon to accept at least for some time the Brigadiership, it was easier to comply with your Excellency's Request to invest him with the Power of calling out the Militia of Monmouth Middlesex & Burlington without giving Umbrage to the Collonels of those respective Regiments. I have accordingly directed him to detach half of those of Monmouth & Burlington to join his Brigade; & doubt not he will be of singular Service in accelerating the Muster. I had ordered out the half of Burlington above a fortnight ago,

but they are exceedingly dilatory in their Motions. Considering the Situation of Middlesex as partly possessed by the Enemy, & with what Reluctance the Inhabitants will leave their Families & Estates; & that they will probably be of as much Service at home as they can be elsewhere, I have not mentioned that County in my orders to General Forman, but given him verbal discretionary Directions concerning it.

It is above three weeks ago, I directed General Heard to collect 1/3, or if he thought proper, half, of the Militia of Sommerset Hunterdon and Sussex; and General Winds 1/3 of Bergen, Essex & Morris.

I have also ordered a proper Detachment of the Gloucester Militia to assist the State of Pennsylvania in the Works at Billingsport on the Jersey shore.²

From Cape May, considering the Remoteness of its Situation, its peculiar Exposedness to the Incursions of the Enemy should they make an attempt by the Capes; & of how few Inhabitants that County consists, I think we can expect no Assistance.

Salem & Cumberland have turned out with great Spirit; & their last Detachments being but newly returned, & from their vicinity to Philadelphia easily to be collected, should that place be attacked, I have not ordered any from those Counties; but upon your Excellency's signifying your opinion of its being necessary, I shall most chearfully do it.

The Council of Safety have no Authority to give Orders respecting the Effects of Persons absconding, tho I think it would be highly proper for our Legislature to invest them or some other Body with sufficient Power for that Purpose. They must therefore either abstain from giving any Directions in the matter, or expose themselves to Censure for acting without Law or Authority to support them.

To the like Dilemma are they reduced in the next Particular recommended by your Excellency respecting the Grain & other Provisions on the Coast, a matter undoubtedly of the last Importance. But I apprehend the General is authorized to that Purpose by Congress, & is much the best Judge when the public Safety renders it expedient to exert his Authority. God Almighty bless & preserve you, is the sincere wish of your most obedient humble Servant

WIL: LIVINGSTON

ALS, DLC:GW.

1. The militia law provided that any person who thought himself unfairly fined could demand an appeal to the next court of general quarter sessions in his county. The court could remit the fine if it had been unfairly levied (*Acts* [September 13, 1776–March 17, 1777], 33).

2. See WL to Josiah Hillman, March 17, 1777.

Deposition of Thomas Farr

[Borden Town] 5th. April 1777

New Jersey Burlington ss.

Thomas Farr of upper Freehold in the County of Monmouth and State of New Jersey aforesaid, being duly sworn on the holy Evangelist of Almighty God, deposeth and saith, that, on or about the 20th: Day of December last, the said Thomas Farr, with sundry other persons, went to Bordentown and applied for Protections; that John Lawrence Esqr. of the City of Burlington was at the same time at Bordentown in the House of Mr. Borden,¹ and in Company of two Hessians, whom this Deponent took to be Officers; that he the said Deponent saw the said Lawrence fill up a Pass, and that he the said Deponent verily believes that he this Deponent should not have been obliged to take an Oath to the Effect of the Declaration, etc. had not the said Lawrence insisted upon it, which was not by Interrogation, whether he had born arms, but by peremptorily saying that as he had been in the Service he must be qualified; and that the said Lawrence did tender and administer such oath to this Deponent. This Deponent further saith, that he heard the said Lawrence at the same Time very urgent with a certain person, to this Deponent unknown, to bring in Supplies for the Enemy; & that after being shewn by him the said Lawrence a certain paper by which sundry persons had engaged to furnish Quantities of provisions, etc.: he, the person unknown as aforesaid, did at length with apparent reluctance consent to furnish some wood. And further that he the said deponent did hear the said Lawrence, in a kind of Taunting way, say to the persons applying for protections words to the following effect, Viz. "see what your leading men have brought you to, now they are gone, and have left you in the lurch."²

THOMAS FARR

Sworn in Council the 5th April 1777 Before me

WIL: LIVINGSTON

DS, Nj. In the hand of Benjamin Manning.

1. Probably Joseph Borden.
2. The Council of Safety had examined Thomas Farr on April 5. John Brown Lawrence of Burlington was charged with high treason on April 9 (*Council of Safety*, 15, 17). Lawrence was jailed in Burlington. He was tried for treason and acquitted after 1778.

Deposition of Abraham Hendricks

[Borden Town] 5th. April 1777

New Jersey Burlington ss.

Abraham Hendricks¹ of upper Freehold in the County of Monmouth & State of New-Jersey being duly sworn on the holy Evangelists of Almighty God deposeeth and saith that some little Time before the defeat of the Hessians at Trenton he saw and read an advertisement at the House of the widow Mary Davison in Imlays Town Signed John Taylor, John Wardell and John Lawrence, which said Advertisement the said Mary Davison informed him the said Deponent was set up by John Lawrence Esqr. of upper Freehold aforesaid.

This Deponent further saith that the purport of said advertisement was to require all the Inhabitants of the County aforesaid between Sixteen & fifty years of age & capable of bearing arms to meet at Monmouth Courthouse on the 30th: day of December 1776. to take the Oaths of Allegiance to his Majesty King George the third. And further the Deponent saith not.

ABRAM. HENDRICKS

Sworn in Council the 5th. April 1777 Before me

WIL: LIVINGSTON President

DS, Nj. In the hand of Benjamin Manning.

1. Abraham Hendricks had been subpoenaed on April 3 and examined on April 5 (*Council of Safety*, 13, 15).

To Asher Holmes

[Borden Town, April 5, 1777]

New Jersey Burlington ss

The State of New Jersey to Asher Holmes Esqr. greeting: It is hereby commanded you that you take John Lawrence Esqr. of Upper Freehold and him safely keep so that you may have his body before the Governor and Council of Safety of the State of New Jersey, at Bordentown in the County of Burlington aforesaid, on the Eleventh day of April Instant, to answer Unto such things as shall be Objected against him on behalf of the said State, and have you then and there this precept.¹ Dated the fifth day of April 1777.

By Order of Council of Safety.

WIL: LIVINGSTON President

DS, NjFrHi. In the hand of John Cleves Symmes.

1. This precept was ordered issued on April 4 (*Council of Safety*, 14). A precept was a written order to compel the appearance of a witness or suspect. Orders were also issued for the apprehension of seventeen other individuals. At least two other precepts, dated April 5, were sent to Asher Holmes, the sheriff of Monmouth County, for James Grover and John Taylor, both of Middletown (NjFrHi). John Lawrence, Sr., of Monmouth was examined on April 16 and committed to Burlington jail on a charge of high treason. He was tried before the New Jersey Supreme Court on November 13, 1777, and released on bond (*Council of Safety*, 25; New Jersey Supreme Court Docket, 1775-1782 [Nj]).

To Thomas Wharton, Jr.

Borden Town 5th: [April 1777]

Sir

One Michael Millingburg a Waggoner in Ray Street will be delivered to you with this Letter, by a Guard which I send for that purpose. He arrived here last night from South Amboy or between that place and Spotswood. He brought a Scots Gentleman one Archibald Campbell¹ just arrived at New York from London, & who came from New York to Amboy & was passing on as he says to Maryland where he pretends to have an Estate, & which he left about

two years ago for Scotland for the Education of his Children. He came from New York into this State without any Flag, & was proceeding without any Pass from any officer of the united States. Him I detain till I hear from the Maryland Delegates to whom he pretends to be known.² As to Millingburgh, he carried a number of Prisoners from Philadelphia, taken by our Cruisers, (to the Enemy) who showed him no Pass nor were delivered to him by any officer. He brought with him the inclosed,³ which appears to be a Letter from a Hessian officer with the Enemy to another at Philadelphia, which Letter, Millingburgh, when questioned about it attempted to throw into the fire. I beleive him to be a great Rascal. The Letter, being in a hand illegible to me, tho' I understand enough of that Language for that purpose, I cannot take the meaning.

I fear there is a Continual Correspondence carried on with the Enemy by the way of South Amboy, by the means of this Millingburgh & other Stage-Waggoners from Philadelphia. I am With great Respect Sir your most humble Servant

WIL: LIVINGSTON

ALS, MeHi.

1. Not to be confused with the British officer, Lt. Col. Archibald Campbell.

2. William Smith and Benjamin Rumsey, Maryland delegates, wrote to WL on April 8, 1777, and described Archibald Campbell as "zealously attached to the liberties of North America" (*Correspondence of the Executive*, 51).

3. Enclosure not found.

To Thomas Wharton, Jr.

Borden Town 5th. April 1777

Sir

Since I had the Honour of writing to you this Morning, I am informed that when Millingburgh the Stage Waggoner stopp'd at Burlington, he was instantly surrounded by a Number of Tories enquiring for English Letters; & was overheard to answer, that he had brought no Letters with him save one from an Hessian officer, which had been taken from him at Bordentown but that the other Stage Waggon had them all upon which Colonel Bowes Reed ordered a

party to intercept the Waggoner. What Success his party may have, the time has not yet permitted me to learn. But I mention this Circumstance as a farther Proof of Millingburghs Infidelity to his Country, who altogether concealed that important piece of Intelligence from me this Morning. I suspect both these Waggoners are employed by your Tories, to convey & return under the Guise of public Stage Waggoners, Intelligence to & from the New York & Philadelphia Malignants. I am Sir with great Respect & Sincerity your most humble Servant

WIL: LIVINGSTON

P.S. I have not been able to learn the name of the other Waggoner.¹

ALS, NHi.

1. Thomas Wharton, Jr., wrote to WL on April 8, 1777, informing him of the imprisonment of Michael Millingburgh (*Pa. Archives*, 1st ser., 5:301).

From Thomas Wharton, Jr.

Philadelphia, April 5, 1777. Thomas Wharton, Jr., acknowledges receipt of WL's letter of April 2, and writes that nine additional New Jersey prisoners will be sent.

Lcy, PHHi. In the hand of Timothy Matlack.

From George Washington

Morris Town, April 5, 1777. George Washington notes receipt of WL's letter of April 4. He responds that he may have been mistaken in his interpretation of the militia law. He will accept any method to call out the state militia that WL thinks expedient. The removal of provisions within reach of the enemy in Monmouth County is of such importance that Washington will direct Brig. Gen. David Forman to begin this work as soon as Forman has sufficient forces.

LS, MHi. Mutilated. In the hand of Tench Tilghman.

Deposition of Isaac Potter

[Borden Town] 7th April 1777

New Jersey Burlington County ss

Isaac Potter¹ of the Township of Dover in the County of Monmouth being duly sworn depose & saith that some time in the Month of December last after being sent for by <Colonel John> Morris & threatened to be sent to the Guard house if he did not come he went to the house of <Colonel> Cook² at Toms river where he saw Joseph Salter of said County & John Williams with the said <Colonel John> Morris. That the said Joseph Salter handed to this Deponent a Paper with a Number of Signers & that the first name subscribed thereto was that of Joseph Salter. That the said Joseph Salter desired this Deponent to deliver up his Commission of which as the said Salter said the Deponent was so fond meaning as he believes the Commission which the said Salter supposed the deponent had <as Lieutenant> of a Company of Militia in the said County of Monmouth. That the Deponent did not know the Contents of the said Paper which was not read to him. That he did nevertheless sign the said Paper at the request of some of the Company present, & thinks that he should not have signed it had it not been for the said Salter and his Persuasions. That the said Salter informed this Deponent that the purport of the said Paper was to put us on the same footing we formerly were under the King. And this Deponent farther saith that at the said Meeting a certain Mr. Antil tendered him an Oath of Allegiance to the King, which the Deponent declining the said Morris told him that unless he did he would strip him of everything he had upon which & being also threatned to be sent to the Guard house, & the said Oath being explained to him by the said Salter, he at length complied & was qualified. That the Deponent then applied to the said Morris for Liberty to keep his Gun & not deliver it up & was answered by the said Morris that the said Salter was the person appointed for the purpose of taking in the Arms from the Inhabitants, & if he could settle the matter with him that was all he had to do, That thereupon this Deponent applied to the said Salter for that purpose & received for Answer if you don't bring in your Gun, I shall have no charge of it.

And this Deponent farther saith that the said Saltar said he had five hundred Pounds<seized in his>hands but as it was continental Currency it was of little value & farther this Deponent saith not.³

ISAAC POTTER

Sworn in Council the 7th April 1777 Before me.

WIL: LIVINGSTON President

ADS, Nj. Portions in angle brackets in the hand of Nathaniel Scudder.

1. Isaac Potter had been subpoenaed on April 2 to be a witness before the Council of Safety (*Council of Safety*, 12).

2. Probably Capt. John Cook.

3. Daniel Griggs also gave a deposition on April 7 against Joseph Saltar (Nj). Saltar was ordered committed to the Burlington jail on April 8. He was released subsequently and returned to his home at Toms River (*Council of Safety*, 16; *NJA*, 2d ser., 3:71, 361).

To the Keeper of the Jail at Burlington

[Borden Town, April 10, 1777]

New Jersey, Burlington Ss: The State of New Jersey To the Keeper of the Gaol at the City of Burlington,¹ in the County of Burlington aforesaid Greeting: It is hereby commanded you, that you receive into your Custody in the said Gaol the Body of Moses Mount late of the County of Monmouth and State aforesaid, charged before the Governor and Council of Safety for the State of New Jersey, with maliciously and advisedly saying and doing Things encouraging Disaffection, and manifestly tending to raise Tumults and Disorders in the State aforesaid, and with maliciously and advisedly spreading such false Rumours concerning the American Forces, and the Forces of the Enemy, as tend to alienate the Affections of the People from the Government, and to terrify and discourage the good Subjects of this State, and to dispose them to favour the Pretensions of the Enemy of the State aforesaid, and him there safely to keep, until he be thence delivered by the due Order and Course of Law.² Given under the Hand & Seal of his Excellency William Livingston, Esqr. President of the Council of Safety for the State of New Jersey, by Order of the said Council, at Borden Town, in the County of Burlington aforesaid, in

the State aforesaid, the tenth Day of April, in the Year of our Lord, one thousand, seven hundred, and seventy seven.

WIL: LIVINGSTON President

DS, Nj. In the hand of William Paterson.

1. Ephraim Phillips, the sheriff of Burlington, kept the jail. After receiving this letter, he petitioned for payment of expenses incurred in keeping prisoners (Ephraim Phillips to WL and the Council of Safety, April 11, 1777 [Nj]).

2. This order was a warrant to a jailer to hold a suspect in custody. In a letter of April 16 from the Burlington jail, Moses Mount claimed that his "Misconduct was not so much owing to himself as to some designing people" (Moses Mount to WL and the Council of Safety, April 16, 1777 [Nj]). No final disposition of his case is recorded in the minutes, but Mount subsequently served in the militia.

Examination of Abraham Hendricks

[Borden Town, April 10, 1777]

Abraham Hendricks says that in the month of December last Jesse Woodward came to this Examinants house with a Number of horsemen, & desired this Examinant to deliver his Musket upon which the Examinant told him that it was not at home, but recollecting that he had a Sword, he brought it to the said Woodward, who received it from him. That the evening before the Son of the said Woodward was at the Examinants house & endeavoured to persuade him to accept a Protection under General Howe.

ADf, Nj.

From John Duyckinck

Philadelphia, April 11, 1777. Col. John Duyckinck, in prison, petitions WL and the council for a hearing to prove himself innocent of having taken an active part against his country. He fears that conditions at a state prison at Philadelphia will endanger his health.

LS, Nj.

From Henry Waddell

Freehold 11th April 1777.

Sir

I was serv'd on Wednesday Evening last with a Summons to appear before the Governor & Council of Safety of the State of New-Jersey on this Day;¹ the Summons setting forth that I was suspected by your Excellency & the Council to be dangerous to the Government. I am extremely unhappy in being prevented, by a severe Fit of the Gout, (with which I am now confin'd to my Room) from waiting on your Excellency & the Council, as I think I can clear Myself to the Satisfaction of every One of so injurious a Suspicion. As I am unable at present to comply with the Summons, I hope that your Excellency & the Council will look upon my Excuse for not attending as reasonable & will give me another Opportunity of appearing before you & them, when I am sufficiently recover'd to bear the Fatigue of a Ride to Bordentown:² In the mean Time, I must beg that your Excellency & the Council of Safety will favour Me with the Reasons which they have for suspecting Me & with the Name of my Accuser, that I may come prepar'd for my Defence. Perhaps it may be necessary to inform your Excellency & the Council that in February last, at a Time when People in general were taking the Benefit of his Excellency General Washington's Proclamation, I waited upon General Putnam at Princeton and obtained from him his Certificate & Protection.³

I am with great Respect Your Excellency's Very humble servant

HENRY WADDELL

ALS, NHi.

1. Henry Waddell had been ordered on April 4 to appear before the Council of Safety, but had not received his summons until April 9. Similar orders had been sent to James Grover, Joseph Leonard, and others (See WL to Asher Holmes, April 5, 1777; *Council of Safety*, 14).

2. WL also received an excuse from Joseph Leonard of Shrewsbury pleading ill health; Leonard added that Waddell was suspected of hiding the Monmouth County clerk's records (Joseph Leonard to WL, April 10, 1777 [Nj]). John Taylor of Middletown wrote on behalf of James Grover, who had also been ordered to appear, asking that Grover be excused on the grounds of age and infirmity (John Taylor to WL, April 19, 1777 [Nj]).

3. Washington's proclamation of January 25, 1777, ordered all those who had

taken protection from the British under the terms of the November 30, 1776, proclamation of the Howe brothers to take the oath of allegiance to the United States before "the nearest general officer of the Continental Army, or Militia" (Fitzpatrick, *Writings of Washington*, 7:61–62).

Comment on Continental Congress Resolution¹

Borden Town 12 April 1777

The Exemption above recommended is inconsistent with the Militia Law of this State,² but if the Government of Pennsylvania will carry on the said Works with Inhabitants of their own Commonweath care shall be taken to have them exempted as above tho' they will also be liable to be called into the Field by the said Act as it now stands as becoming by their Residence here, Subjects of this State to that Purpose.

WIL: LIVINGSTON

ADfS, P11i. WL's comment is written on the bottom of the manuscript of the resolution of April 8.

1. This comment is in response to a Continental Congress resolve of April 8 which had been put before the Council of Safety by Thomas Savadge on April 12 (*Council of Safety*, 21). The resolve recommended "to the governor and council of safety of New Jersey not to call into the field such part of their militia not exceeding forty as are necessarily employed in the salt works now erecting in their State by the government of Pennsylvania provided it be not inconsistent with the laws of that State" (P11i; JCC, 7:244).

On March 31 James Mott, Jr., had written to WL that Thomas Savadge, the director of the Pennsylvania Salt Works at Toms River, Monmouth County, had not been able to complete construction since the workmen were being called out for militia service (NJ). If this practice continued, Mott wrote, the construction would stop, causing great loss to the owners and hardship to the public because of the need for salt. For a discussion of the construction of the Pennsylvania saltworks, see John Hancock to WL, November 7, 1776.

2. The militia law did not provide specific exemptions for the Pennsylvania workmen at the Pennsylvania Salt Works (*Acts* [September 13, 1776–March 17, 1777], 35).

Deposition of William Imlay

[Borden Town] 12 April 1777

New Jersey Burlington ss

William Imlay of the Township of Upper Freehold in the County of Monmouth & State of New Jersey being duly sworn on the holy Evangelists of almighty God deposeth and saith that Richard Robins came armed to the House of this Deponent on or about the eleventh Day of December last, where he the said Robins did take from the Possession of him the said Deponent two Guns and some Powder, which he delivered into the Hand of Jesse Woodward. That said Richard Robins being an Inhabitant of the Township aforesaid did assist said Jesse Woodward in impressing this Deponent with his Horses and Waggon into the british Service.

That this Deponent afterwards saw the said Robins with the Enemy at Trenton, where he the said Robins did publicly damn this Deponent for an old Presbyterian saying he was the Cause of all this Bloodshed.¹

And further the Deponent saith not.

WILLIAM IMLAY

Sworn in Council of Safety 12 April 1777 Before me

WIL: LIVINGSTON President

DS, Nj. In the hand of Nathaniel Scudder.

1. On April 17 Lewis Bestedo provided further testimony against Richard Robins (Nj). On the same day Robins was charged with high treason and committed to the Sussex County jail (*Council of Safety*, 26). Robins became a Loyalist refugee and went to Canada after the war.

Deposition of William Imlay

[Borden Town] 12 April 1777

New Jersey Burlington ss

William Imlay of the Township of Upper Freehold in the County of Monmouth & State of New Jersey aforesaid being duly sworn on the holy Evangelists of Almighty God deposeth and saith, that on or

about the eleventh Day of December last Jesse Woodward of the Township aforesaid came to the House of this Deponent, where he did receive into his Hands two Guns and some Powder taken by Richard Robins from said House.

This Deponent further saith, that said Jesse Woodward at the same Time expressed himself as follows vizt. now the Staff is in our own Hands, adding that he came by Order of General How to take his the said Deponent's Arms from him. This deponent also saith that said Woodward was armed when he came to his House, and further that he the said Woodward in Conjunction with the said Robins did impress him the said Deponent with his Horses and Waggon into the british Service, the said Woodward saying at the same Time, that if the Deponent did not agree to go to Trenton with them, the Light Horse would soon be after him and force him.

This Deponent further saith that he saw the said Woodward at Trenton with the Enemy on the Evening of the same Day where he heard him boast that he had disarmed sixteen or seventeen of the Rebels. And farther the Deponent saith not.

WILLIAM IMLAY

Sworn in Council of Safety 12 April 1777 Before me

WIL: LIVINGSTON President

DS, Nj. In the hand of Nathaniel Scudder.

To Henry Waddell

Borden Town 12 April 1777

It is expected that Mr. Waddell attend the Governor & Council of Safety as soon as possible.¹

WIL: LIVINGSTON President

ALS, NjR.

1. Waddell's letter of April 11 was enclosed in WI's reply. Arrested on July 19, 1777, Waddell took the oaths of abjuration and allegiance on August 30 (WI. to Ruleff Covenhoven, July 19, 1777 [Nj]; *Council of Safety*, 94, 127). He remained in New Jersey during the war but played no active role.

To George Washington

Borden Town 14 April 1777

Sir

Colonel Duyckinck has proferred a Petition to the Governor & Council of Safety of this State for a hearing being under terrible apprehensions of the approaching warm Season of the year in the place of his Confinement.¹ As the Judicature he has addressed, is competent to release him from confinement or order his Imprisonment in this State,² for an Offence against the municipal Laws, it is on the one hand a pity he should complain for want of Redress; & on the other improper to discharge him as he may have been so guilty, as to render himself properly a Prisoner of War, & to be dealt with by the military; I beg the Favour of your Excellency to furnish me with the Charges upon which he was ordered to Philadelphia, that we may either take cognizance of his Case, or convince him of the fruitlessness of his farther Importunity. I am with great Respect your most humble & most obedient Servant

WIL: LIVINGSTON

ALS, DLC:GW.

1. WL had laid the petition of John Duyckinck of April 11 before the Council of Safety on April 14. The council had requested that WL write to George Washington to inquire about the charges against Duyckinck (*Council of Safety*, 22).

2. Duyckinck had first petitioned WL before the creation of the Council of Safety. See WL to Horatio Gates, March 9, 1777. The Council of Safety, created on March 15, had jurisdiction in releasing prisoners from confinement.

Deposition of Lewis Bestedo

[Borden Town, April 15, 1777]

New Jersey Burlington ss.

Lewis Bestedo of the Township of Upper Freehold in the County of Monmouth & State of New Jersey aforesaid being duly sworn on the holy Evangelists of Almighty God, deposeth and saith, that on or about the ninth Day of this instant April, as he this Deponent was riding on the public Road between the dwelling House of Alexander

Howard and Crosswicks, Two Men namely Nicholas Williams and Thomas Fowler, who were till then concealed among some Bushes, started up very near to this Deponent, when said Williams cried out to him "God damn your Blood stop" and immediately said Williams & Fowler both presented their Guns at this Deponent, who instantly alighted from his Horse.

This Deponent further saith that one or both (which he cannot determine) of said Persons did fire directly at him the said Deponent, and that a Ball discharged from one of said Guns came so near his Head as that he thinks he felt it brush his Hair. Upon which this Deponent, having also a loaded Gun in his Hand, did immediately take Aim, and shot the said Nicholas Williams through the Head, of which wound he instantly died. And then rushing upon the said Thomas Fowler took him a prisoner, and conveyed him to Allen Town, where he delivered him to Capt. Wade.

This Deponent further saith that after examining the Guns of the said Williams and Fowler, although he could not determine whether they had both been discharged at that Time, yet as the Appearance of both the Pans¹ was the same, he rather inclines to think they were both then discharged.

And further the Deponent saith not.²

LEWIS BESTEDO

Sworn in Council of Safety the fifteenth day of April 1777 Before me

WIL: LIVINGSTON President

DS, Nj. In the hand of Nathaniel Scudder.

1. pan: part of the lock that holds the gunpowder.

2. On April 11 Thomas Fowler had been examined by the Council of Safety and had named nineteen men who had taken up arms for the British (Nj). As a result of Lewis Bestedo's testimony, Fowler was charged with assault with intent to murder and with high treason. He was committed to the Sussex County jail on April 16. He was moved to the jail at Burlington in July (*Council of Safety*, 19, 25, 87).

From George Washington

Head Quarters, Morris Town, 16th April 1777.

Sir

I am honored with yours of the 14th.; I dont know whether Colonel Duyckink comes under the Civil or Military Jurisdiction; but from the following State of the facts on which I ordered him to be secured, you will be able to form a Judgment, and if you think, he falls within the line of Civil Authority, I will most cheerfully give him up to you. Colonel Duyckink, some time in the Winter, came Voluntarily out of Brunswick and Surrendered himself to General Dickinson at Mill Stone; Said he had seen my Proclamation and had come to take the Benefit; that he had been ill used by the British Army; and that he was determined to remain with his Countrymen. General Dickinson sent him up to me, he told me the same Story, and I permitted him to go at large.

Some little time after this, he applied to Lord Stirling for Liberty to return again to Brunswick, who not being acquainted with circumstances, granted him permission; but before he went, General Dickinson luckily recieved information from a Person who came out of Brunswick, who told him that he heard Cortland Skinner tell Duyckink, "he was afraid it would not do & that there would be danger in the Experiment;" meaning his going out under pretence of becoming a convert. Upon this, he was stopped and carried before General Greene, who asked him what was the Reason of this Sudden Alteration in his Sentiments. He said, that he could not in conscience take the Oaths to the State, as he had taken the Oath of Allegiance to the King; that the People in the Country threatened his life, and that he thought he had better return. General Greene asked him, if he had not considered the matter of taking the oaths to the State before he came out, as he owned he had seen the Proclamation; but he gave such evasive Answers, that it convinced us, that he only came out to get intelligence and I therefore had him apprehended and sent to Philadelphia, where he has since been Confined.

He is looked upon as so dangerous a Man, by the well affected in this part of the Country, that I believe his being set at Liberty and

suffered to remain in the Country, would create great uneasiness.¹ I have the honor to be etc.

GO: WASHINGTON

LBC, DLC:GW.

1. On April 17 WL placed this letter before the Council of Safety, which decided unanimously that John Duyckinck's case properly came under military jurisdiction (*Council of Safety*, 26).

To William Maxwell

Borden Town 22d April 1777

Sir

In pursuance of a Resolution of Congress of the 14th. Instant "That it be recommended to the executive Powers of each of the united States to procure exact Returns of the continental Troops in each, & transmit the same to Congress without Delay; & requiring all officers and Soldiers of continental Army to pay the strictest Regard to the orders of the executive powers of the several States touching the Premises";¹ you are requested by the Governor & Council of this State, with all possible Dispatch to procure & transmit to them exact returns of the four Battalions of the Troops raised in this State in the Service of the united States, belonging to your Brigade.² I am Sir your most humble Servant

W.L.

ADfS, Nj.

1. WL's quotation of the resolve is not verbatim (*JCC*, 7:261).

2. Brig. Gen. William Maxwell replied to WL on April 25 (Nj). He wrote that he expected to send the returns WL had requested, and added: "There is another Return that I think you ought to have which if you require, I will get and send it Viz. what number of Men each Officer has brought into the Regts. then you will see who was taking their ease this winter and who was trying to serve their Country."

Deposition of Thomas Forman

[Borden Town] 23d April 1777

New Jersey, Burlington Ss:

Thomas Forman Esqr. of the County of Monmouth, and State of New Jersey, being duly sworn on the Holy Evangelists of Almighty God, doth depose and say, That, on or about the 12th. Day of December last, this Deponent was at the House of William Hendrickson in the County aforesaid and while he was there, Anthony Woodward, John Leonard, John Leonard, (Son of John,) Jesse Woodward,¹ John Parent, Nicholas Williams, Samuel Stillwell, and others, (of which Anthony Woodward, Jesse Woodward, Nicholas Williams, and some more were armed,) came up to the said Hendrickson, and enquired of him (the said Hendrickson) whether he had any Arms or Ammunition; and took out of the Barn of the said Hendrickson a Musket belonging to one Christopher Longstreet, whom they called a Rebel; after which they took this Deponent a Prisoner, saying he was a Rebel, and had been very active against the King, meaning the King of Great Britain, and carried him to his own House, which they searched for Arms and Ammunition. The above Persons then obliged the Deponent to go with them, telling him, as he had refused to comply with their Terms, they would take him down to Trenton, and deliver him to the British Army, which was then in Possession of the said Town. On their Way to Lawrence Taylor's Tavern they were met by William Grover, Ezekiel Forman, Thomas Woodward, (Son of Anthony),² Robert Thompson, Wm. Taylor, Son of Wm. and some others. That Anthony Woodward enquired of said Wm. Taylor, for Rebels, who answered, that he knew not of any who were embodied nearer than Freehold Court House. Some of the Company expressed a Desire to go and take them; whereupon the said Wm. Taylor said, after casting his Eye upon the Company, and viewing their Number, "You are not strong enough; go and collect more Strength, and I will join you; for damn them, I want to be revenged of them." The two Parties abovenamed then joined, & detached Part of their Body to the House of Nathanael Cook, with Orders to disarm said Cook. They then proceeded on with this Deponent to Taylor's Tavern, where they made a Stop, & were

furnished (this Deponent believes by the said Lawrence Taylor) with five or six Muskets or thereabouts. While the above Party was at the Tavern aforesaid many of them railed violently against the Congress, "damning them, that they had now run away, that they had commenced the War in Order to make Estates and aggrandize themselves, that they had made, what they termed, Congress Money, which they were changing at a great Undervalue for Gold and Silver in Order to run away with; that Franklin & Adams were then Prisoners in New York, with whom there was found three Millions of half Joannes."³ That this Deponent was dismissed at the said Tavern, after having extorted a Promise from him, that he would deliver his Musket to Anthony Woodward at the House of the said Anthony, by 12 O'Clock of the next Day. That the Party then deputed John Leonard & Anthony Woodward to procure Aid & Assistance from the British Army, for the Purpose of going to Freehold, and attacking the Militia, who were embodied at that Place, & were then in the Service of this State. That upon the Close of this Consultation and Agreement the Party broke up and dispersed, going different Ways, and in small Detachments in Order to disarm the Subjects of this State, whom they termed Rebels.

THOMAS FORMAN

Sworn in Council of Safety the 23d April 1777 before me

WIL: LIVINGSTON President

DS, Nj. In the hand of William Paterson.

1. For other testimony against Jesse Woodward, see Deposition of Abraham Hendricks, April 10, 1777, and refer to Deposition of Alexander Montgomery, April 11, 1777 (Nj). Jesse Woodward had been charged with high treason and committed to the Sussex County jail on April 15 (*Council of Safety*, 24). Woodward became a Loyalist refugee and moved to Canada after the war.

2. On June 6, 1777, an order to commit Thomas Woodward was issued to the sheriff of Gloucester County (*Council of Safety*, 60).

3. joannes: Portuguese gold coins worth thirty-six shillings each.

Deposition of William Sands

[Borden Town] 23d April 1777

New Jersey Burlington ss

William Sands of the Township of Shrewsbury in the County of Monmouth & State of New Jersey aforesaid being duly sworn on the holy Evangelists of Almighty God deposeth and saith that on or about the 25th Day of September last he this Deponent went to Deal in the Township aforesaid to teach a School, whence he was soon after called on Business to a Place near to Shark River Meeting House, where he met with Henry Weatherby of the Township aforesaid who asked him this Deponent, whether he was a Friend to Government etc., and, without obtaining a direct Answer from this Deponent, said, that he the said Weatherby thought the Times very bad and that the Measures adopted by Congress were not calculated for the public Good, or Words to that Import. Said Weatherby further said, that if he this said Deponent would a true Friend to him, he the said Weatherby would let him into a Secret. And at the same Time informed him that he the said Weatherby and others were entering into an Association, and forming a Secret Encampment in the Woods for the Purpose of aiding and assisting the British Army and that altho they the said Associators were not at that Time furnished with Arms, yet they soon expected them from the British Army and further that Samuel Wright¹ of the Township aforesaid was to be their Captain. Said Weatherby further told this Deponent that he the said Weatherby expected to see said Wright the Night following, and promised this Deponent that he would give said Wright his Character, and ask him whether this Deponent might be admitted to see him the said Wright.

This Deponent further saith, that on the Sunday following the Interview aforesaid he again went to the Place aforesaid and that he there again met with said Wetherby, who returned with this Deponent to his Lodgings at Gawan Drummond's, but that before they entered the House of the said Drummond, he the said Weatherby asked this Deponent to write him an Enlistment Roll, at the same Time informing him that a former Roll which he the said Weatherby had was full, and that he the said Weatherby was then on his Way to a

Place called Long Branch in the Township aforesaid for the Purpose of enlisting Men, who as said Samuel Wright some Time after informed this Deponent, were to seize Colonel Hendrickson, The Reverend Mr. McKnight, Capt. Flemming and sundry others, who were to be conveyed to Staten Island, where they were to receive forty Dollars Reward for each Person so taken.

This Deponent further saith, that said Wright also informed him, that he the said Wright with his Men intended if possible to continue concealed in the Woods, untill the british Troops should land, when they would join them, and cut off the provincial Guards; but, if they should be discovered, that they the said Wright and his Men intended themselves to rush upon said Guards, and if possible cut them off, and then push over to Staten Island or Long Island, and join the King's Troops there.

This Deponent further saith, that William Smith, now a Prisoner was enlisted under the said Wright, and on a certain Night went as a Pilot with this Deponent into the Woods to said Wright, where they stayed at his Cabbin as this Deponent thinks about an Hour and a half, where he the said Deponent received from said Wright a general Account of the Plan this said Wright and the Enemy intended to pursue, which was to the best of this Deponent's Memory as follows, vizt. There were a Number of Regulars to be landed from Perth Amboy with the Light Horse, at which Time the Enemy were also to make a Feint of Landing at Sandy-Hook, in Order to draw off the provincial Guards from the Shrewsbury Shores to prevent said Landing.

At the same Time an Armed Vessel was to run down southward near to Mannasquan in the Township aforesaid to land Arms and Ammunition for the Use of said Wright and his Men, who were to have three Days previous Notice and to be embodied in the Woods to receive said Supplies. The Light Horse from Amboy were to act in Conjunction with these Troops so furnished on one Side of the Provincial Guards, and the Regular british Troops on the other, that so they might entirely defeat them.

This Deponent further saith, that said Wright at the Time and Place aforesaid advised him, in Case the provincials should suspect or attempt to take him, to Come to him the said Wright and he would

protect him, and told him, that if he this Deponent wanted any Supplies, he might be free with Gawan Drummond, Samuel Longstreet, Thomas Leonard, David Knot, Jacob Wardell Senior, Richard Lippencot, Thomas Woolley & some of the Whites all of said Township, and Colonel George Taylor of Middle Town, who as said Wright declared were his Friends in the said Undertaking, and did supply such Persons, as were joined with him, with Provisions, etc.:

This Deponent further saith that he understood from the said Henry Weatherby that he the said Weatherby was to be the said Wright's Lieutenant, and moreover that the said Weatherby did at a certain Time inform this Deponent that they the said Wright and Weatherby as this Deponent understood, had enlisted a great Number of Men for the Purpose aforesaid and that if he this Deponent had been present the Night before he might have seen sixty or seventy of their Men together, who met to choose their officers.

This Deponent further saith, that he saw said Weatherby on his Return from Long-Branch, when he the said Weatherby pulled a Paper out of his Stocking, on which this Deponent thinks there were the Names of 15 or 16 Persons, whom he the said Weatherby had enlisted, among which this Deponent remembers *that* of one Hofmire a Carpenter living in the Town of Shrewsbury. This Deponent afterwards saw in the Possession of him the said Weatherby another Paper containing the Name of Thomas Shearman and others to about the Number of ten, as this Deponent thinks.²

This Deponent further saith, that although he thinks he was for a Time admitted to all the Secrets of said disaffected Party, yet he never heard any Thing of their being embodied for the Purpose of putting out Fire, or merely protecting themselves at Home, but always understood their Design was to act in Concert with the british Troops against their Country.

And further the Deponent saith not.

WM. SANDS

Sworn in Council of Safety the 23d April 1777 before me

WIL: LIVINGSTON President

DS, Nj. In the hand of Nathaniel Scudder.

1. For an account of an attempt to apprehend Samuel Wright, see Adam Stephen to WL, November 22, 1776.

2. For apprehension of and charges against Henry Wetherby, see Adam Stephen to WL, November 22, 1776, and refer to Deposition of Samuel Knott, April 24, 1777 (Nj). On April 26 Wetherby was ordered to post a bond to appear at the next court of oyer and terminer held in Monmouth County to answer the charges against him (*Council of Safety*, 38).

From Bowes Reed

April 28: 1777

Sir

I shall send up Blackwell tomorrow Morning.¹ The Witnesses live at or near Mount Holly. I gave your Excellency a list of them but least it should be mislaid shall put their Names underneath. If my Information be right, The Witnesses will prove his going with a Gaurd of Hessians round the Country and taking a Number of Cattle from the Owners against their Consent as also treating the Inhabitants with very provoking language. I am Your Excellency's most humble Servant

BOWES REED

N B Blackwell is a Butcher & engaged with the Enemy to supply them with Cattle.

Witnesses

Joseph Campion

Isaac Merrit

William Norton²

ALS, Nj.

1. WL had issued a warrant for the apprehension of John Blackwell on April 15 (Nj). Blackwell was sent under guard to the Council of Safety on April 29 (*Council of Safety*, 39).

2. All three witnesses were subpoenaed by the Council of Safety on April 29. Isaac Merrit was unable to testify, and William Norton's testimony was not taken in writing (*Council of Safety*, 40–41). For testimony against Blackwell, refer to Deposition of Joseph Campion, April 30, 1777 (Nj).

From Alexander Hamilton

Morris Town, April 29, 1777. Lt. Col. Alexander Hamilton writes that Justice John Cleves Symmes of the New Jersey Supreme Court has told him not to send prisoners to the Council of Safety, which is about to adjourn, but to keep them in Morristown until he receives WL's orders.¹ Symmes has already released two prisoners, Thomas Woolverton and Silas Howel, on bail. Four other prisoners, including Isaac Ogden, have recently been committed to jail for capital offenses.² Because disaffection has become so prevalent in certain parts of the state, Hamilton writes that George Washington wishes that examples be made of some Loyalist offenders.³

ADfS, DLC:GW.

1. Hamilton enclosed a list of prisoners subject to court-martial or a state trial (Nj).
2. Hamilton pressed for immediate trial and punishment: "Isaac Ogden in particular is one of the most barefaced, impudent fellows, that ever came under my observation. He openly acknowledged himself a subject to the King of Great Britain and flatly refused to give any satisfaction to some questions that were put to him respecting one Moses Nichols an emissary from the enemy, alleging no other reason for his refusal, than that he had given his word to be silent."
3. The last paragraph in the letter has been crossed out. It reads in part: "On the other hand it may not be useless to acquaint you, that in the course of the examination made by His Excellency's order, it appeared that private pique and resentment had had their influence in causing some innocent persons to be apprehended."

From George Washington

Morris Town, April 29, 1777. Washington encloses a resolve of the Continental Congress.¹ Pursuant to this resolution he requests that WL order out one thousand New Jersey militiamen to serve for four weeks. He also encloses a resolution of the Continental Congress of March 21, 1777,² which regulates the ratio between officers and privates. Washington writes that since Col. John Duyckinck has been a military prisoner, he will remain confined.

Lcy, DLC:GW. In the hand of Tench Tilghman.

1. Enclosure was a resolve of April 25. The Congress had resolved "that the governor of the State of New Jersey be requested forthwith to call out such part of the

militia of the said State, as General Washington shall judge necessary to reinforce the army under his command" (*JCC*, 7:300).

2. *JCC*, 7:190–91.

To George Washington

Borden Town 30th: April 1777

Sir

I learn that Mr. Fell one of the Members of the Council of this State was lately taken out of his own Bed in Bergen County by the Tories, and carried a Prisoner to New York.¹ Considering his public Utility as a very valuable Member of our Legislature and incorruptible Attachment to the Cause of american Liberty, in a County abounding with its Adversaries; the delicacy of his Constitution & advanced years, I cannot refrain from being exceedingly solicitous for his Enlargement as soon as he can be exchanged consistent with your Excellencys plan for the Exchange of Prisoners.

To the above Considerations for Mr. Fell's being redeemed from his Captivity as soon as possible, You will indulge me in superadding, that one of our Council never qualified, nor, I suppose, ever means to attend; & being chosen for a County, (Middlesex) the Inhabitants of which, from its present state, are incapable of supplying the vacancy,² the Board is by that means reduced to twelve. Another is disabled from giving his Attendance by reason of his bodily Indisposition: A third lately gone to Susquahannah, I suspect from want of a competent share of Resolution to discharge the Duties of his office. This with Mr. Fells being in the hands of the Enemy, reduces the Council to nine; & not less than seven making a Quorum, a variety of Accidents may prevent the Attendance of three out of nine; & then all Legislation is obstructed.

Considering the great Deficiency of our Battalions in point of Number, the Governor & Council of Safety have recommended it to the Speaker to call the General Assembly (which stood adjourned to the 21st of May) to meet the 7th of that month, at Haddonfield;³ where, I shall take a pleasure in learning from your Excellency, every Instance in which it is in my Power to promote the Service. I am with great Respect your most humble Servant

WIL: LIVINGSTON

ALS, DLC:GW.

1. On April 22 a Loyalist raiding party of twenty-five men had captured John Fell in northern Bergen County. He had been taken to Bergen Point and then sent to a New York jail.

2. John Wetherill of New Brunswick.

3. The General Assembly had agreed to meet at Haddonfield on May 21 (*General Assembly* [August 27, 1776–October 11, 1777], 115). The Council of Safety resolved on April 23 that the legislature should be convened to act on filling the New Jersey quota for the Continental army (*Council of Safety*, 31–32). The need for revitalization of the court system may have been another reason for the early meeting. See WL to the Assembly, May 7, 1777.

To Thomas Wharton, Jr.

Borden Town, 1 May, 1777.

Sir,

I send you one Lawrence Johnston & Thomas Coheen, both of your State. They were taken within about three miles from the Enemy's Lines at Brunswick, on their Journey to join the British Troops, & sent by Major Scudder¹ to General Putnam; and by the latter to our Council of Safety here.² Johnston appears to be an impudent determined villain, and is undoubtedly in the service of the Enemy. We can draw no confession from him, & he had so influenced Coheen who appears to be a simple ignorant youth, to deny every thing concerning the real intention of their journey, that on his first examination, he would give us no information about it, but on our promise to intercede with your State for his release after your examination of him, on condition of his making a frank confession of Johnstons design, he owned that Johnston had told him that he had been at Brunswick with the Enemy; and that he proposed to him (Coheen) to take him to Brunswick & New York where he would find Employ as a carpenter, that Coheen's father was privy to their design. That they crossed the Delaware near Pennsbury in the evening in a craft they took without Leave, for that purpose, & travelled in the night. That they endeavoured to avoid our Guards which obliged them to go by night & by an unusual route.

Tho' the young man is very backward in declaring the Truth for fear of being the instrument of affecting Johnston's Life, & his not being convinced but that it will endanger his own, yet I am persuaded that

when he receives full assurance from your State of being set at Liberty upon giving security to appear as a witness against Johnston on his trial, he will make more ample discoveries.

Johnston denies almost every particular which he confessed before Major Scudder. I enclose you the Major's Letter, & also the affidavit of William Butler Lynch,³ who has also been with the Enemy, & will probably be found at Allen Town when you want him as a witness. I am, with great Respect, Sir, Your most humble Servant

WIL. LIVINGSTON

P.S. Upon examining the prisoners separately, you will find Johnston one of the greatest Liars you ever met with. Pray let him have no conversation with Coheen, nor be present at his examination, as the young man will be intimidated by his looks.

We stand engaged to Coheen to intercede with your State for his Pardon.

Pa. Archives, 1st ser., 5:329–30.

1. William Scudder.

2. On April 29 the prisoners had reached Bordentown, where they were jailed. On April 30 the Council of Safety had asked WL to write this letter to Thomas Wharton, Jr. (*Council of Safety*, 40–41).

3. Enclosures not found.

Deposition of John Wright

1st. May 1777

New Jersey Burlington ss

John Wright¹ of Northhampton Township in the County of Burlington aforesaid being on of the People called Quakers, on his solemn affirmation declareth and saith, that sometime in the Month called December last past John Blackwell came to the House of this Affirmant to purchase from him some Cattle, as he the said Blackwell then declared, for the Use of the british Army, Part of which was stationed within about four Miles of the House of this Affirmant and that said John Blackwell did require some Cattle, the Property of this Affirmant, to be driven the next Morning to Mount Holly for the Use aforesaid at the same Time refusing to agree upon any certain Price,

and further threatning, that in Case his said Requisition was not complied with he the said John Blackwell would the Day following send a File of Men; who would have free plunder.²

This affirmant further saith, that in Consequence of the above Threatning, and to save his Effects from Plunder, he did permit four Steers to be driven to Mount-Holly aforesaid.

And further this affirmant saith not.

JOHN WRIGHT

Affirmed in Council of Safety the 1st May 1777 Before me

WIL: LIVINGSTON President

DS, Nj. In the hand of Nathaniel Scudder.

1. John Wright was subpoenaed as a witness on April 30, 1777 (*Council of Safety*, 40-41).

2. Blackwell was charged with high treason and ordered to the Burlington jail on May 1 (*Council of Safety*, 41).

To George Washington

Borden Town 2d. May 1777

Sir

In pursuance of your Excellency's Requisition of the 29 ultimo (which I had the honor of receiving last night,) for ordering 1000 of our militia to join General Heard at Pompton, I have this morning directed General Winds to detach 600 from Morris Sussex Hunterdon & Sommerset, & General Newcomb 400 from Gloucester Salem & Cumberland to continue in Service 4 weeks from the time they join the Army. I was apprehensive that if they were called out for a longer Term, they would add it to the usual Number of their other Excuses & not come out at all; and indeed as it is, I have but small hopes of their Compliance. The Regulation of Congress respecting the Proportion of officers & Privates I have transmitted to each General, with express orders to furnish their Collonels with Copies.

Colonel Hamilton (to whom my want of time will not at present permit me to write) is perfectly just in his Sentiments respecting the speedy & spirited Measures to be pursued against the Tory Criminals, in Custody, & I shall use my Endeavours to have Courts appointed for the

purpose without waiting the tedious Rotation of the usual Terms. I am with the greatest Respect your Excellencys most obedient Servant.

WIL: LIVINGSTON

ALS, DLC:GW.

To the Assembly

*Haddonfield, May 7, 1777.*¹

Gentlemen,

THE Supreme Court of this State, and several of the Inferior Courts of Common Pleas and General Quarter-Sessions of the Peace, not having been held as usual, by Reason of the Irruption of the Enemy, no Time should be lost in passing an Act to revive and continue all Process and Proceedings in the said Courts as effectually as if they had stately met and continued the said Process and Proceedings without Delay or Interruption.²

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 116.

1. WL wrote this message on May 7, but a quorum was not present until May 9. This message was the first sent to the General Assembly for its consideration after WL had been informed that the members were “ready to receive any Thing he shall please to lay before them” (*General Assembly* [August 27, 1776–June 7, 1777], 115–16).

2. The bill “to revive and continue several Courts of Justice in this State” passed both the General Assembly and the Legislative Council on May 12 (*General Assembly* [August 27, 1776–June 7, 1777], 119–20; *Legislative Council* [August 27, 1776–October 11, 1777], 77). The law provided that all court proceedings were to be “revived and continued as fully and effectually as if the said Courts had properly met” (*Acts* [May 12–June 7, 1777], 51).

To Philip Schuyler¹

Haddonfield 7 May 1777

Dear General

The inclosed to Dr. Witherspoon is on the Subject of the Guard we conferred about. As he is one of our Delegates I thought it best to

be particular to him. But I shall be obliged to you & my New York Friends,² for pushing the matter. After perusing Dr. Witherspoons Letter you will be pleased to seal & deliver it. My best respects to our Friends at Mrs. Brocks;³ & tell our nocturnal Musician that notwithstanding my want of ear last Saturday night,⁴ I should be meerly ravished in my present Solitude, (not a member having yet made his appearance) with his [rara]-melodious Allegros. I am your most obedient

WIL: LIVINGSTON

P.S. Pray favour me with an answer as soon as possible, because if the guard petitioned for cannot be obtained, I would lose no time in calling one from the militia bad as it will be.

ALS, NN.

1. Maj. Gen. Philip Schuyler was in Philadelphia because he had left his command of the Northern Department and traveled to Philadelphia to defend himself against congressional criticism. He had been reprimanded by the Continental Congress on March 15, 1777, for "ill-advised and highly indecent" comments in a letter to it of February 4, 1777, protesting the dismissal of his surgeon. He had arrived in Philadelphia by April 1. Congress had appointed Maj. Gen. Horatio Gates to take command at Ticonderoga on March 25, and placed Schuyler in command of Continental forces at Philadelphia on April 10. A committee had been appointed on April 18 to inquire into his conduct (*JCC*, 7:180–81, 202, 230, 250–51, 279–80, 298).

2. WL refers to the New York congressional delegation. Schuyler was also a New York delegate to the Continental Congress.

3. Reference to his acquaintances who frequented a club in New York City run by Mrs. Walter Brock.

4. May 3.

To John Witherspoon

Haddonfield 7th. May 1777

Dear Sir

Most of our Magistrates not having qualified, and the far greater part of those who have, neglecting to discharge their Duty respecting the Execution of our Treason Act,¹ in consequence of which Toryism and Disaffection threatned to become triumphant; induced me to recommend it to our Legislature to constitute a Council of Safety to carry the above Act in particular, & the Laws of the State in general into

execution. Such a Council has accordingly been appointed; & they intend to sit in every County where the Conduct of the Inhabitants has made their Visitation more peculiarly necessary. By their sitting at Borden Town they have given a considerable Check to the Malignants in the County of Burlington, where they had increased to a formidable Degree; & I doubt not their Circuit thro' the State will be attended with the most salutary Effects in the Suppression of our internal Enemies. But before they had finished their Business in that District, the Recommendation of Congress respecting the Completion of the Battalions in the Service of the united States induced the Governor & Council of Safety to recommend it to the Speaker to call the Assembly a fortnight before the day to which they stood adjourned. As soon as the Session is over, they will resume their office of apprehending all offenders against the Treason Act; and probably will occasionally sit as a Council of Safety during their Attendance on the Assembly as Members of the Legislature. It is absolutely necessary for them to have a Guard not only to apprehend and confine Delinquents, but for their own personal Security as well against the Attempts of the Criminals they send for upon Complaints received, and such as are continually sent to them by the continental officers, as against any Surprise that may be made by secret Enemies with which every County doth more or less abound. From these Considerations the Law constituting the Council of Safety authorizes them to order a Guard from the Militia to attend them. But it appears from Experiment that such a Guard is not to be depended upon. At one time while we were at Borden Town they suffered five of the most notorious offenders to escape. At another Time, upon an Alarm given by one of the out Sentries, the greatest part of them refused to turn out; and at another, of twenty six Men, of which Number they then consisted, only six could be found; the rest having gone home without Leave; not to mention that we run a risque of having many among the Guard itself tainted with Toryism; & are thence in perpetual Danger of being betrayed. Nor will the most immaculate, considering their Connections with the contaminated, act with the same Vigour & Fidelity as Strangers. I should therefore be extremely glad if the Congress would allow us a Guard of about 25 or 30 of the continental Troops to attend us here during the Session, & then to proceed with the Council of Safety

in their Progress thro' the State. I am confident it would greatly inspirit our Friends, & awe our Enemies; and with out it many Members of our Council, it is my opinion, will be discouraged from giving their attendance, apprehending themselves in perpetual danger of being carried off by the Tories; and unless that Body discharge the Trust reposed in them with Vigour, & strike a Terror into the disaffected, I tremble for the Consequences. Among others all Security to the Friends of the American Cause must be destroyed; & the natural Effect of this, must be the Extinction of all Zeal in seconding & promoting it. Their Attachment, if it continues, will be an inactive useless Principle; & the Malcontents, embolden'd by Impunity, will take Encouragement to proceed to the most audacious & pernicious Extremities. I could therefore earnestly wish the honourable Congress woud indulge me with the Guard above mentioned, as I sincerely think they will be more usefully employed in the common Cause in the way proposed, than they can be in open Battle against our British Enemies.²

If you think proper I should be obliged to you for consulting General Schuyler on the Subject, as I suppose he has the Direction of the Troops on their March to head Quarters. I am your most humble Servant

WIL: LIVINGSTON

ALS, DNA:PCC, 68.

1. "An Act to punish Traitors and disaffected Persons" had passed the New Jersey Legislature on October 4, 1776 (*Acts* [September 13, 1776–March 17, 1777], 4–6).

2. Upon receipt of WL's letter on May 8 the Continental Congress resolved to dispatch a contingent of Continental troops to New Jersey and place it under the command of WL (*JCC*, 7:335).

To the Assembly

Haddonfield, May 9, 1777.

Gentlemen,

I HEREWITH transmit you a Letter from the Honourable *John Hancock*, Esq. President of the Congress, of the 16th of *April* last, enclosing Resolves of Congress, recommending it to the Legislatures of the several States to complete their respective Battalions.¹

I also lay before you the Returns of the four Battalions raised in this State for the Service of the United States,² by which you will see the Necessity of the most speedy Exertions for completing their Complement, either by adopting the Measures recommended by Congress for that Purpose, or by devising such other Ways and Means as you shall think the best calculated for supplying the Deficiency.³

I also submit to your Consideration a Letter from Brigadier-General Heard⁴ which amounts to a Demonstration of the Insufficiency of our Militia Law for the Purposes thereby intended.⁵

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 116.

1. On April 14 the Continental Congress had passed several resolutions designed to help in meeting the troop quotas of the states (*JCC*, 7:261–63). John Hancock had enclosed these resolves in a circular letter to the thirteen states on April 16 (DNA:PCC, 12A).

2. Enclosures not found.

3. On May 10 a joint legislative conference committee was appointed. It reported to the Legislative Council on May 12 and the General Assembly on May 13. The joint committee felt that some parts of the Continental Congress resolutions “do not come properly under the consideration of the Legislative Department of this State, and ought therefore to be referred wholly to the executive Branch.” At the same time, addressing itself to the substance of the Continental Congress request, the General Assembly ordered a committee to bring in a bill “for completing the four Battalions of this State in the Continental Service.” The resulting legislation became law on May 28 (*General Assembly* [August 27, 1776–June 7, 1777], 117–19, 121–22, 127, 132; *Legislative Council* [August 27, 1776–October 11, 1777], 76–78, 83, 85).

The act provided that servants and apprentices could be enlisted into any of the four battalions to serve until the quota could be filled with those inhabitants who were not obligated for periods of personal service. Inhabitants enlisting their servants or apprentices were to be paid for lost time. Any two militiamen responsible for the enlistment of one able-bodied recruit for Continental service would be exempted from active service in the militia for the duration of the enlistment. Any two exempted persons procuring a recruit would also be excused from paying taxes that they would otherwise be subject to as exempted persons. No enlistee could be imprisoned for a small debt (*Acts* [May 12–June 7, 1777], 51–53).

4. On April 15 Brig. Gen. Nathaniel Heard had written to WL: “I am sorry to inform you of the backwardness of the Militia turning out. There is not above 600 Men out now from Hunterdon, Sommerset & Sussex when there out to have been 2000 at least according to the Orders gave” (NjR). Heard had previously written to WL on April 1 that the captains of several companies of the Hunterdon County militia were refusing to do their duty. In the letter of April 1, Heard had gone on to detail the problems in compelling people to give up their protections from the British: “The militia law points out no mode of what is to be done with such people” (*Cor-*

response of the Executive, 45–46). The Council of Safety had ruled on April 3 that the governor should request that (1) the companies in question meet to elect officers, and (2) the magistrates in Somerset County bring before them persons who had taken protections and compel them to take oaths of abjuration and allegiance (*Council of Safety*, 13).

5. A bill to supplement the militia law of March 15, 1777, became law on June 5 (*General Assembly* [August 27, 1776–June 7, 1777], 128; *Legislative Council* [August 27, 1776–October 11, 1777], 92). Officers and soldiers who deserted would be tried by court-martial according to procedures of the Continental army. The brigade commander could suspend execution of a sentence until the governor reviewed it and either pardoned the soldier or ordered the sentence carried out. The governor, with the advice and consent of the Privy Council, could order militia guards to be employed in the name of public safety in any part of the state. Guards were to be paid by state treasury warrants. If an officer did not take the oaths of abjuration and allegiance, he would be cashiered if convicted by a court-martial. Officers who took protections from the enemy but later swore the oaths of abjuration and allegiance could be reelected, though the governor could withhold commissions from those he thought remained suspect. An officer neglecting to call out his company to active duty when his commanding officer directed him to do so would forfeit £10. Assessors or collectors neglecting their duty in enforcing the law were subject to fines and could be replaced (*Acts* [May 12–June 7, 1777], 66–71).

To the Assembly

Haddonfield, May 9, 1777.

Gentlemen,

THE Enemy being determined to contaminate the *British* Name with every Species of Infamy rather than abandon their frantick Purpose of enslaving a free and unoffending People, have lately adopted the base and unmanly Practice of encouraging our own rebellious Subjects to kidnap the Members of our Legislature. In Pursuance of this System, a Band of Rebels of the County of *Bergen*, have surprized in his Bed, and with brutal Violence hurried to *New-York*, the Honourable *John Fell*, Esq. an aged and venerable Member of the Legislative Council of this State; and there delivered him into the Hands of the *British* Tormentors.¹ The Treatment he is like to meet with, we may easily image to ourselves from the most authentick Proofs how others of our People, less obnoxious to their Resentment, have been used by them. To check the farther Prosecution of this dishonourable Plan, and in Justice to the unfortunate Sufferer himself, (of whose meritorious Services to his Country none of us are ignorant)

as well as in Vindication of the Honour of this State, I would earnestly recommend it to you, in Conjunction with the Council, to consent by Resolution, that the Governor and Council of Safety do forthwith cause to be apprehended and imprisoned, such and so many of the *nominal* Council of his *Britannick* Majesty within this State, and disaffected to it, with as many other disaffected Persons as they shall think sufficient to induce the Enemy to release the said *John Fell*; and them to treat in like Manner as he shall be treated, until they agree either to exchange or discharge him.²

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 117.

1. See WL. to George Washington, April 30, 1777.

2. A committee of conference was created on May 13 and 14 to consider this matter. It reported to the Legislative Council on May 31 and to the General Assembly on June 2, proposing that an act be passed to give the governor and Council of Safety the power “to apprehend and imprison such and so many Persons disaffected to the State as they shall think sufficient to induce the Enemy to release such of the Subjects of this Government as have been kidnapped and carried off to them and there detained” (*General Assembly* [August 27, 1776–June 7, 1777], 120–21, 136–37; *Legislative Council* [August 27, 1776–October 11, 1777], 79, 87).

Immediately after this report had been given, the General Assembly considered a bill “rendering more effectual two certain Acts therein mentioned.” On June 3 the bill was debated paragraph by paragraph, and on June 4 it was passed by both houses (*General Assembly* [August 27, 1776–June 7, 1777], 137–38, 140; *Legislative Council* [August 27, 1776–October 11, 1777], 91).

“An Act for rendering more effectual two certain Acts therein mentioned” strengthened two previous acts, “An Act to punish Traitors and disaffected Persons” and the act creating the Council of Safety. The act included the provision on retaliation from the original committee report based on WL’s message of May 9. It also made it lawful that prisoners “be treated in like Manner as the Enemy treat such Prisoners of this State, until they shall be released and set at Liberty to return to their respective Places of Abode” (*Acts* [May 12–June 7, 1777], 62–65).

To George Washington

Haddonfield 9th May 1777

Sir

Mr. Dillwyn will produce to your Excellency the Leave of the Governor & Council of this State to return to England, & to apply to your Excellency for a Flag to enable him so to do. As to the Propriety or

Expediency of suffering any Person to go from hence to England, as that must depend on particular Circumstances, best known to you; and as to any Injunctions of Secrecy that may be proper to exact from the Gentleman, (who has sustained an unexceptionable character amongst us) is wholly submitted to your Excellency, by your most humble Servant

WIL: LIVINGSTON

ALS, DLC:GW.

To the Assembly

Haddonfield, May 10, 1777.

Gentlemen,

I HEREWITH lay before you Mr. *Hopkinson's* Account of the Expences of the Great Seal of this State, and of the Balance due to him as one of the Delegates of this State in Congress, which it concerns the Honour of the State to discharge with all convenient Dispatch.¹

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 118.

1. Francis Hopkinson had designed or helped to design the great seal of New Jersey under a mandate provided by a legislative resolution of October 3, 1776. WL's seal at arms had been employed until the great seal was completed. Hopkinson's account included amounts paid to Pierre Eugène Du Simitière and others employed on the project. Immediately after reading WL's message and Hopkinson's account, the General Assembly ordered that the treasurer pay the amount and that Hopkinson be thanked "for his Attention in providing the Great Seal for this State" (*General Assembly* [August 27, 1776–June 7, 1777], 6–7, 33, 118; *Legislative Council* [August 27, 1776–October 11, 1777], 10–11, 28–29).

To the Assembly

Haddonfield, May 10, 1777.¹

Gentlemen,

MR. *Boudinot* being appointed Commissary-General of Prisoners in the Army of the United States of *America*,² represents it to me as

absolutely necessary for him to be immediately provided with an Account of all the Expences and Disbursements of the different States in Favour of the several Prisoners taken from the King of *Great-Britain*, in order that the Accounts may be ready for Settlement with General *Howe* whenever we shall be called upon for that Purpose— And that he is therefore instructed by His Excellency General *Washington* to beg the Favour of the Governor to order all such Accounts, as well those that have already been paid as those which are yet due, made by our State in Favour of such Prisoners, to be immediately transmitted to him, Mr. *Boudinot*, at Head-Quarters, with the several proper authenticated Vouchers for the same.³

It is evident from the Nature of the Requisition that the Opportunity of the present Session ought not to be lost without preparing and transmitting the Accounts and Vouchers requested from this State, and as it will require some Time to collect them from different Parts, I would recommend it to you immediately to appoint a Committee for that Purpose.⁴

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 119.

1. This message was read before the General Assembly on May 12.

2. On June 6, 1777, the Continental Congress issued Elias Boudinot a commission dated April 15 as commissary general of prisoners with the rank of colonel (*JCC*, 8:422).

3. Washington had offered Boudinot the post of commissary of prisoners on April 1, 1777, explaining that the duties would include distributing British prisoners to places of confinement and appointing persons to oversee living conditions. Washington had written that the “most troublesome” part of the office would be to obtain accounts of the expenses already incurred for the care of the prisoners. The accounts of prisoner expenses which Boudinot was to collect from the states were necessary to facilitate a general exchange of prisoners with the British (Fitzpatrick, *Writings of Washington*, 7:343).

4. On May 17 the legislature agreed to collect expense accounts relative to prisoners. It created committees in both houses to collect and adjust all public accounts with the Continental Congress and the states of Pennsylvania and New York. The legislature resolved to allow “a reasonable Compensation” for the transaction of this business (*General Assembly* [August 27, 1776–June 7, 1777], 125; *Legislative Council* [August 27, 1776–October 11, 1777], 81).

From John Taylor

Cranburry May 10th 1777.

May it please your Excellency—

I have information that the person sent under Guard to your Excellency hath been enlisting men for the English Army. The wife of one of the Guards by name Thompson, came out of Brunswick last wednesday and gave intelligence that this John Brown had brought five Recruits into Brunswick, two of whom, she had seen; he was taken by a party of our Horsemen near the Lines of the Enemy, and the enclosed petition was found in his pocket.¹ He formerly lived in Philidelphia with one Cliffin² a Blacksmith on Society Hill. This Thompson whose wife I before mentioned was well acquainted with him in Philidelphia; and informed me that said Brown then went by the name of John Lee, he has been engaged in the business of a Gunsmith this last summer at Bound-brook; From his conduct since he has been at this post as Prisoner, and from his former Character I think that he is a deceitful man, and dangerous to the state. Mr. Thompson will be able to give your *Excellency* some information concerning this man.

This morning before the Guard marched, Brown confessed to me that his name was John Lee, and that he carried five men into Brunswick which before he utterly denied.

The Serjeant of the Guard will be much obliged to your Excellency for a discharge as soon as it will be convenient.³ From your Humble Servant & at command

JOHN TAYLOR commanding officer at Cranbury.

ALS, NN.

1. Enclosure was a petition from John Brown [Lee] to Sir William Howe, offering his service as a guide (NN).

2. William Cliffin.

3. John Lee, alias Brown, was examined by the Council of Safety on May 12 and remanded to prison (*Council of Safety*, 44).

From George Washington

Morris Town, May 11, 1777. George Washington writes that he has received WL's letters of April 30 and May 2. He has already requested that Col. Elias Boudinot demand John Fell's release in exchange for one of three New York Loyalists: Hugh Wallace, Col. Frederick Philipse, or James Jauncey. Washington was informed by Brig. Gen. David Forman that New Jersey Quakers and disaffected persons were defying the militia law.

LBC, DLC:GW.

To Philip Schuyler

Haddonfield 13 May 1777

Dear General

The Prisoner mentioned in the inclosed Papers,¹ (who retained his real Name of *Lee* while he continued an honest man, & assumed that of Brown as soon as he turn'd a villain) the Council of Safety wou'd consign to your Excellency; if after perusal of the Papers & from what I shall add, you should think proper to accept of the Present.

The Thompson mentioned in Major Taylor's Letter could give us very little Information concerning the Prisoner—None that was material. Lee confessed before the Council that he went with the five Recruits from Northampton County in Pennsylvania to Brunswick, knowing their Design of joining the Enemy; but pretends that he went with a Design of getting Admittance by their means & then making Discovery respecting the Enemy's Situation; & that when he was taken near their Lines, he was on his way to us to report his Discoveries.

His Petition to General Howe he acknowledges to have dictated (write he says he cannot) for the purpose of more effectually disguising his real Design with the Enemy. He is full of self-contradiction; & with the military, will hang himself without any other Evidence. He is undoubtedly one of How's Recruiters, & for the sake of a speedy Example, I cou'd wish him tryed by a Court martial. He dreads the thought of being sent to Philadelphia; for which Reason I am the more

inclined to do it. His quondam master will I believe give him a hanging Character. If you decline having him sent to you, You will be pleased to return the Papers. It wou'd be a great Pity not to hang him; & yet he may not be able to obtain that Piece of Justice in our Courts. I am Sir your most humble Servant

WIL: LIVINGSTON

ALS, NN.

1. See John Taylor to WL, May 10, 1777.

From Philip Schuyler

Philadelphia 15th May 1777.

Dear Sir

Last Evening I was honored with Your Excellency's Favor of the 13th instant.

The Papers which it enclosed evince Lee to be a dangerous Character and as he was taken near the Enemies Lines and as he has been, as Mrs. Thompson declares, with them, he will fall within the Cognizance of the Military.

Your Excellency & the Council of Safety will therefore please to send him to this Town, his Confession to Major Taylor makes it necessary that the Major should attend with him, together with Thompson & his Wife And You will please to order such Other persons to Attend as may be necessary.

I am Dear Sir, with Every Friendly Wish, Your Excellency's most Obedient Humble Servant.

PH: SCHUYLER¹

LBC, NN.

1. On May 15 the Board of War ordered Schuyler to resume command of the Northern Department (JCC, 7:364).

To Philip Schuyler

Haddonfield 15 May 1777

Dear General

I send you Brown alias Lee under Guard. You had not my Letter before you when you honoured me with your Answer, or you would not have desired me to send Thompson & his wife. I acquainted you that the former could say nothing to the purpose; & the latter was in Brunswick in the Power of the Enemy & cannot be had: and if Brown's having been in Brunswick is all that she is wanted to prove; the Prisoner will confess the fact. Should you think it necessary to have Major Taylor, after you have examined Brown, upon your signifying it to me, I will send for him.¹

I now inclose you the original Petition found upon the Prisoner, & am with great Respect your most humble Servant

WIL: LIVINGSTON

ALS, NN.

1. On May 19 and 20, 1777, a court-martial was held at Philadelphia, and John Lee, alias Brown, was found guilty of spying and treason. The court recommended mercy. The report of the court-martial was returned to the Board of War on May 21 by the Continental Congress. On May 22 the Board of War reported that the court had advised that mercy be granted John Lee, alias Brown, because of his "Ignorance and Illiteracy." Consideration of the Board of War's report was postponed. No further action is recorded (*JCC*, 7:374; 8:382-83).

Affirmation of Joseph Hugg

[Haddonfield, May 17, 1777]

Gloucester County ss.

Joseph Hugg Esqr. of the Town of Gloucester County aforesaid and State of New-Jersey being duly affirmed according to Law, on his said Affirmation doth declare and say, that on or about the seventeenth Day of December last he this Affirmant was in Company with John Henschman of the County aforesaid when, after some previous Conversation, the said Henschman did endeavour to dissuade this Affirmant from his Purpose of going on with the provincial Troops

who were then quartered in Haddonfield, to oppose the british Forces at Mount Holly, and that the said Henchman did at the same Time declare that he had seen the Hessian Forces at Mount-Holly whose Numbers were so great & their martial Appearance such, that the Provincial Troops, with which he this Affirmant was engaged, would not be able to stand against them for the Space of two Minutes.¹

This Affirmant further saith, that said Henchman told him that if he this Affirmant would leave the Provincials & return home there was yet a little Time left & that, if he would stop where he was, he might secure both his Person and Property.

In Answer to which this Affirmant declared to the said Henchman that he had left his Wife and Family for the Purpose, & was determined to proceed against the Enemy. Upon which the said Henchman asked this Affirmant, if he could not feign himself to be Sick as an Excuse for Returning home; which said Proposal was by this Affirmant rejected with Disdain, with the following Declaration vizt. that he this Affirmant had rather die the next Morning than be guilty of such a Piece of Deception, or Words to that Import.

And further this Affirmant saith not.

Jos. HUGG

Affirmed in Council the 17 day of May 1777 Before me

WIL: LIVINGSTON President

DS, Nj. In the hand of Nathaniel Scudder.

1. On May 15 John Sparks had been summoned to give testimony against John Hinchman. Although he had been unable to provide evidence, he had offered a list of other possible witnesses, including Joseph Hugg and Thomas Denny (*Council of Safety*, 46). Samuel Hugg, Thomas Denny, and John Estaugh Hopkins also provided evidence against Hinchman. The former particularly pointed out that Hinchman was especially sympathetic to British recruitment efforts in the area (Deposition of Thomas Denny, May 16, 1777, Affirmation of Samuel Hugg, May 17, 1777, and Affirmation of John Estaugh Hopkins, May 23, 1777 [Nj]). John Hinchman appeared before the Council of Safety on June 5 and refused to take the oaths of abjuration and allegiance. He took a bond and was ordered to appear at the next court of general quarter sessions in Gloucester County (*Council of Safety*, 59). Hinchman became a Loyalist and took refuge with the British army in 1777.

To the Assembly

Haddonfield, May 17, 1777.

Gentlemen,

SEVERAL of the Counties have, since the first Election in Virtue of our new Constitution, been deprived, by Death and otherwise, of a complete Representation, both in Council and Assembly.

A Member of Council for *Middlesex* has never qualified, nor attended.¹

The County of *Somerset* has lost one of it's Members in Assembly by the Lot of Mortality: So has the County of *Salem*.²

By Means to which your honourable House is no Stranger, *Bergen* is deprived of one of it's Members; and *Essex* and *Monmouth* are in the like Predicament.³ To the above Misfortune of *Essex* is superadded that of being bereft of the Usefulness of another Representative in your Debates, by your appointing him a Delegate in Congress, which they will consider as a Diminution of their Representation in our Legislature during the Time that he is detained from it by his Attendance in that august Assembly.⁴

I therefore think it my Duty to remind you of the Necessity as well as Justice of giving the Counties above enumerated, an Opportunity of supplying their respective Vacancies by a speedy Election.⁵

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 125–26.

1. For a discussion of vacancies in the Legislative Council, see WL to George Washington, April 30, 1777.

2. By this date, two Somerset County representatives, Alexander MacErwen and Jacob Bogart, had died. Elisha Basset, Jr., a representative of Salem County, had died sometime after April 15, 1777 (*General Assembly* [August 27, 1776–June 7, 1777], 144).

3. Henry Garritse of Acquackanonk, Essex County, and John Covenhoven of Freehold, Monmouth County, both had sworn allegiance to Great Britain (*General Assembly* [August 27, 1776–June 7, 1777], 62, 91).

4. On November 30, 1776, Assemblyman Abraham Clark of Essex County had been reappointed a delegate to the Continental Congress by the Joint Meeting (*Joint Meeting*, 12).

5. A bill to regulate elections passed both houses on June 4 (*Legislative Council* [August 27, 1776–October 11, 1777], 84, 88–89, 90; *General Assembly* [August 27, 1776–June 7, 1777], 127, 131, 136, 141). The law established election procedures,

including the setting of places of elections, the duties of the town clerk, the method of selecting candidates, their property qualifications, and the oaths they were to take. In addition, the law provided that if a member of either house of the legislature should die or be removed, the governor or vice-president of the council or the speaker of the assembly should issue orders for new elections for their respective houses (*Acts* [May 12–June 7, 1777], 54–61). In accordance with this law, the General Assembly on June 6 ordered the speaker to instruct the sheriffs of Somerset and Salem counties to hold elections to fill the vacancies of deceased assemblymen (*General Assembly* [August 27, 1776–June 7, 1777], 144). Roeloff Sebring and William Ver Bryck, elected to the General Assembly from Somerset County, took their seats on September 4. Edward Keasbey took his seat on September 8 as a representative from Salem County (*General Assembly* [August 27, 1776–June 7, 1777], 153, 157).

To the Assembly

Haddonfield, May 17, 1777.

Gentlemen,

THE Insufficiency of the Salary provided for a Secretary to the Council of Safety has hitherto disabled them from procuring any Person properly qualified for that Office. This not only obliges the Members of that Council to go through all the Drudgery of Clerkship, which is beneath the Dignity of that Board, but instead of being a Saving to the State, creates an additional Expence by diverting them from more important Business, by the perpetual Intervention of what is properly within the Department of a Secretary, and consequently prolongs their Sittings.¹

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 126.

1. The clerk of the Council of Safety was to receive fifteen shillings per day plus a small amount for entering the minutes (*Acts* [September 13, 1776–March 17, 1777], 23, 41). Prior to WL's request, the members of the Council of Safety, including Nathaniel Scudder, William Paterson, and WL, wrote the minutes and took depositions. The Legislative Council appointed Elisha Boudinot secretary on April 8. In a letter of April 18, Boudinot declined the office. On May 1, however, Boudinot attended as secretary and recorded part of that day's minutes only. The council members resumed taking the minutes at the next session, May 12. On November 14, 1777, the Council of Safety appointed William Livingston, Jr., to the position without salary (*Council of Safety*, 21, 39, 42, 160).

To the Pennsylvania Board of War

Haddonfield 21 May 1777

Sir

The Prisoners hereafter mentioned confined in your State Prison & Subjects of this State, were apprehended in January last in the County of Monmouth as disaffected; & are said to have inlisted in the Service of the united States, on Condition of their being set at Liberty.¹

This State cannot set them at Liberty, being confined in your Prison; & it is presumed you will not desire to detain them on our Application to have them before us to examine into the nature of their Crimes. We therefore apply to have them delivered to the Guards who will wait on you with this, & such of them as we can legally discharge, and who have inlisted in the Service, we shall take care to deliver to the proper officer to see them join their respective Battalions.

Their names are

John Allen	David Rogers
Jonah Newland	William Newland
Benjamin Woolley	John Sears
William Parker	William Tomson
Thomas Parent	John Wright
Jonathan Burdge	Henry Minks
James Compton	Stout Havins
William North	John North

With such others as were taken by Major Mifflin. I am Sir your most humble Servant

WIL: LIVINGSTON

P.S. Tho' we are furnished with the above Lists as of persons who have inlisted; some of them have already been discharged: We therefore mean those of them who are still confined with you.²

ALS, NjMoHP.

1. Lt. Gilbert Imlay had petitioned WL and the Council of Safety on May 19 to obtain the release of the prisoners who had enlisted in his company of Continental troops on the condition of being set free (Nj). On May 21 the Council of Safety had asked WL to "issue the necessary Orders for that purpose" (*Council of Safety*, 50).

2. Fifteen prisoners were returned from Philadelphia and brought before the Council of Safety on May 23. Seven enlisted in the Continental service, and eight were returned to prison (*Council of Safety*, 53–55).

To Richard Bache

Haddonfield, 22 May, 1777.

Sir,

Messrs. Stocom & Parker will wait on you with this. The former is owner of a negro slave called Joe, & the latter of a negro called Scipio. Both of the slaves were some time since taken up by our Militia officers in the County of Monmouth on Suspicion of intending to join the Enemy, & were among a number of other Prisoners hurried to your Jail in Philadelphia.¹ On Examination of the matter by the Governor and Council of Safety of this State, it appears that the suspicions against them were not well founded, & the Board accordingly agreed to have the negroes delivered to their respective masters on their discharging the Expenses that have accrued for their support & maintenance, & giving their respective Bonds to this Government for their good Behaviour in future. The latter they have complied with; and the former they promise to perform on the Receipt of their slaves.² This is therefore to request you to order the Person who has them in Custody to deliver them to their masters on their paying the Expenses they have occasioned by their keeping. I am, Sir, Your most humble Servant,

WIL. LIVINGSTON.

Pa. Archives, 1st ser., 5:348.

1. Capt. John Dennis of the Monmouth County militia had written to WL on May 12 (Nj) explaining that he had apprehended the two slaves and sent them to a Philadelphia prison in February.

2. The Council of Safety had questioned Captain Dennis about the slaves on May 12. Peter Parker and John Slocum appeared before the Council of Safety on May 22 (*Council of Safety*, 43, 51–52).

Commission for Court in Sussex County

[Haddonfield, May 24, 1777]

The State of New-Jersey To Robert Morris, Esqr. Chief Justice of the State, Isaac Smith, and John Cleves Symmes, Esqrs. Justices of the Supreme Court of Judicature in and for the State of New Jersey, and John Barber, Mark Thompson, Isaac Van Campen, Anthony Broderick, Archibald Stewart, Thomas Anderson, Samuel Kennedy, Jacob McCollum, Isaac Martin, Jephtha Byron, Timothy Symmes, and Edward Dunlap, of the County of Sussex Esquires, Greeting: Reposing especial Trust and Confidence in your Integrity, Prudence, Learning, and Ability, you, or any three or more of you, whereof the said Robert Morris, Isaac Smith, or John Cleves Symmes to be one, are hereby assigned and commissioned Justices to enquire in the County of Sussex, by the Oaths of good and lawful Men of the said County, by whom the Truth of the Matter may be the better known, of all and all Manner of High-Treasons, Petit-Treasons, Misprisions of Treasons, Murders, Burglaries, Robberies, Housebreakings, Grand Larcenies, Petit-Larcenies, Thefts, Trespasses, Forestallings, Reagrations, Ingrossings, Extortions whatsoever, and of all and singular other Felonies, Breaches of the Peace, Misdeeds, and Offences whatsoever concerning the Peace and good Order of the State; and also of and concerning all Justices of the Peace, Sheriffs, Bailiffs, Constables, Gaolers, and other Officers whatsoever, who in the Execution of their Offices or any of them have unlawfully demeaned themselves, or shall presume unlawfully to demean themselves, or who have been or shall be negligent or remiss in the County aforesaid; and of all and singular Articles and Circumstances, and of all other Things whatsoever by whomsoever and howsoever done and perpetrated, or which shall happen in the said County, howsoever to be done or attempted in any wise more fully than is herein expressed; and to inspect all Indictments and Presentments whatsoever, so before you or any three or more of you (whereof the said Robert Morris, Isaac Smith, or John Cleves Symmes always to be one,) taken, or to be taken or made, or taken or made before others, and legally brought before you; and to make and continue the Process thereupon against all and singular the Persons so

indicted or to be indicted, until they be apprehended or taken, or surrender themselves: And to hear and determine all and singular the Crimes, Offences, and Mis-doings, and the Indictments and Presentments aforesaid; and the Gaol in the said County of Sussex to deliver, doing therein that which to Justice appertaineth, according to the Laws, Statutes, and Ordinances of this State, saving unto the State the Amercements and other Things to it thereof belonging. And by Virtue of these Presents the Sheriff of the County aforesaid is commanded, that at such certain Days and Places, which you or any three or more of you (whereof the said Robert Morris, Isaac Smith, or John Cleves Symmes always to be one) shall make known to him, he cause to come before you such and so many good and lawful Men of his Bailiwick, by whom the Truth of the Premises may be better known and enquired of. And the said Sheriff, and the Coroners, Justices of the Peace, and other the Officers and Ministers of Justice and Liege Subjects of the State in the said County are hereby commanded and enjoined to be aiding, assisting, and obedient to you or any three or more of you (whereof the said Robert Morris, Isaac Smith, or John Cleves Symmes always to be one) in the Execution of this Commission. Hereby giving and granting unto you the said Robert Morris, Isaac Smith, John Cleves Symmes, John Barber, Mark Thompson, Isaac Van Campen, Anthony Broderick, Archibald Stewart, Thomas Anderson, Samuel Kennedy, Jacob Mc.Collum, Isaac Martin, Jephtha Byron, Timothy Symmes, and Edward Dunlap, or any three or more of you, (whereof the said Robert Morris, Isaac Smith, or John Cleves Symmes always to be one,) as full and ample Power, Jurisdiction, and Authority as any Judges and Justices of Oyer and Terminer and General Gaol Delivery in New Jersey have had, exercised, and enjoyed by any former Commission for that Purpose, although the same may not be fully and particularly expressed herein.¹ This Commission to continue in force for three Months from the Date hereof and no longer. In Testimony whereof the Great Seal of the State is hereunto affixed. Witness William Livingston, Esquire, Governor, Captain General, and Commander in Chief in and over the State of New Jersey, and territories thereunto belonging, at Haddonfield, the twenty fourth Day of May, in the Year of our Lord, one thousand, seven hundred, and seventy seven.

WIL: LIVINGSTON

DS, Nj. In the hand of William Paterson.

1. Once each year, at specified times and places, a New Jersey Supreme Court justice was to go into each of several counties to which he was assigned to try by jury those cases eligible to be presented before the supreme court. The judgments on these cases were then to be issued at the next regular session of the supreme court. The supreme court judge was to be assisted by two or more justices of the peace of that particular county. This group participated in two separate and distinct courts. The commission of oyer and terminer gave them authority to try by jury those suspected traitors and felons who had been indicted by grand juries. The commission of general gaol delivery empowered the courts to try all other prisoners then in jail. These separate commissions collectively granted full criminal jurisdiction. These two courts, originally established in New Jersey by a royal ordinance of 1724, were collectively known as "circuit courts." For a discussion of the duties and functions of the supreme court justices, see Commission to Robert Morris, February 4, 1777.

To the Assembly

Haddonfield, May 27, 1777. WL recommends that the General Assembly appoint a committee to employ someone to repair muskets to help ease a weapons shortage in the militia.¹

General Assembly (August 27, 1776–June 7, 1777), 131–32.

1. The supplemental militia law of June 5 provided for employment of workmen to repair and clean public arms at the treasury's expense (*Acts* [May 12–June 7, 1777], 70–71).

To the Assembly

Haddonfield, May 28, 1777

Gentlemen,

SEVERAL of the Subjects of this State have, by the Artifices of the Enemy, or their own criminal Hopes of enriching themselves by the Spoil of their Fellow-Subjects, been seduced from their Allegiance to it, and drawn over to join the *British* Troops in their hostile Attempts against it. There are others, who partly through Violence when in the Power of the Enemy, and partly by the Address of their Emissaries since, have so far been active against their Country, as to think it most prudent to secrete themselves within it to Escape the Punishment due to their Offences. A Majority of each Class of these pitiable Creatures, having had Time for serious Reflection, are convinced of their Folly,

and probably many of them struck with the Horror of their Treason. The former are moreover groaning under the Tyranny of their Task-Masters, and find it impossible to live on Promises of future Grandeur, without present Sustenance to satisfy a craving Appetite: The latter are weary of a doleful Exile in Caves and Forests, and both ready to return to a Participation of the inestimable Blessings of Liberty enjoyed by the loyal and uncorrupted Subjects of this State, could they be assured of a Pardon for their past Misdemeanors.—And as it would reflect Honour on the Community to extend Mercy with the one Hand, while it brandished the Sword of Justice in the other; and sound Policy requiring the reclaiming of every one, not absolutely incorrigible, I would recommend to the Honourable House the passing a general Act of Indemnity for all the above Criminals who shall accept the Benefit of it by surrendering themselves within a certain Time therein to be limited;¹ and at the same Time, the Instant Seizure and Conversion into Cash of all their Personal Estate, to be kept for their Use in case they return and surrender themselves within the Term prescribed; but on Failure thereof to be sequestered for the publick Emolument.²

The salutary Effects that will result from such an Act of Grace, are, I think, too obvious to require any Elucidation. I will however observe that while our Enemies pursue that Measure, and we neglect it, we contend upon unequal Terms. That by the Pardon recommended, many would return; and to atone for their past Delinquency, give the amplest Proofs of the Sincerity of their Conversion by being peculiarly active in their Country's Cause.

The Seizure of their Effects in case of their Refusal to surrender is necessary to give Efficacy to the Act. Because while subject to their own Disposition, and their Families draw their Support from them, they have the less Inducement to embrace the proffered Clemency. And the *immediate* Seizure of them is necessary, as the Refugees will otherwise find Means to secure or alienate them by their Agents; but their being secured to the Publick, and declared finally forfeited unless the Owners return within the Time limited, will either produce to the Commonwealth the personal Service, or the personal Estates of the present Proprietors.

Depend upon it, Gentlemen, that spirited Measures are absolutely

necessary; and that spirited Measures, if not too long procrastinated, will do the Business.³

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 133–34.

1. On May 27, the day before WL's message, the General Assembly had created a committee to bring in a bill to pardon certain fugitives. Both houses passed the amended bill on June 5 (*General Assembly* [August 27, 1776–June 7, 1777], 132, 134, 136, 142; *Legislative Council* [August 27, 1776–October 11, 1777], 89, 91). The preamble of "An Act of free and general Pardon" recognized that some subjects of the state had left their families and friends to join the British army, and were guilty of treason. But the legislature was "desirous that no Means should be left unessayed to prevent the Effusion of Blood," and wanted to give the fugitives "an Opportunity of returning to their Allegiance, who shall testify their Desire to be restored to the inestimable Rights of Freeman." Offenders were voluntarily to appear before a state judge or justice to take the oaths of abjuration and allegiance (affirmations for Quakers) before August 1. Each offender was then to receive a certificate that fully pardoned him of all treasonous offences specified in "An Act to punish Traitors and disaffected Persons" of October 4, 1776, and restored him "to all the Rights, Liberties and Privileges of other the good Subjects of this State" (*Acts* [May 12–June 7, 1777], 71–74).

2. Offenders failing to comply with the act of June 5 would forfeit their personal estates. Commissioners were to dispose of the perishable part, sell all the property if it was in danger of falling into the hands of the enemy, and give the proceeds to the state treasurer. Personal effects not in danger were to be held temporarily for the owner if he returned, or eventually disposed of in a way established "by some future Law of the Legislature." If any of the commissioners for the counties named in the act refused their commissions, the governor and Council of Safety were authorized to appoint other persons (*Acts* [May 12–June 7, 1777], 72–74).

3. New Jersey was among the first states to punish disloyalty through property confiscation. On August 2, 1776, the New Jersey Convention had resolved that county committees sell all perishable goods from the estates of persons who had left their homes and joined the enemy, and that the funds received, as well as other goods and estates, be kept in safe custody until further legislative direction (*Prov. Congress*, 531). See WL to the Assembly, February 19, 1777 (p. 243), for WL's initial request for authorization to seize property of Loyalists who had fled the state. Other states began confiscation before the Continental Congress recommendation of November 27, 1777 (*JCC*, 9:971). However, confiscation of Loyalist estates did not become an important source of public revenue until later in the war.

To John Witherspoon

Haddonfield 29 May 1777

Dear Sir

I received sometime since a Letter dated at the war office the 11 of May from Richard Peters Esquire¹ (inclosing a Resolution of Congress of the preceeding day respecting Capt. Gamble² & Doctor Stapleton) “desiring me to enquire into the Conduct of those persons, & transmit the Result of my Enquiries to Congress.”³

In Consequence of this Application, I immediately wrote to Major Kelsey at Princeton⁴ as the most proper I was acquainted with in that place to make the desired Inquiry, directing him to advise on the Subject with Major Scudder⁵ posted in the neighbourhood, & to transmit to me, the Result, with all convenient Speed.⁶ His Answer to this, I inclose you⁷—and am your most humble Servant

WIL: LIVINGSTON

ALS, DNA:PCC, 68.

1. Letter not found.

2. Thomas Gamble.

3. Enclosure was a Continental Congress resolution of May 10 that had ordered, “That the Board of War take steps to enquire into the conduct of Captain Gamble, a prisoner at Princeton, and particularly of Dr. Stapleton, who has been permitted to attend Captain M’Pherson, a prisoner of the 17th British regiment, at the same place: That they write to Governor Livingston relating to the conduct of the said Dr. Stapleton, and transmit to General Washington the result of their enquiries, and desire him to give such order, respecting the said doctor, as may be consistent with the laws of nations and the public weal; and that they give orders for the immediate removal of the said officers and doctor from Princeton and the line of communication” (*JCC*, 7:344–45).

4. Maj. Enos Kelsey. Letter not found.

5. Maj. William Scudder.

6. On May 30 WL’s letter was read before the Continental Congress and referred to the Board of War (*JCC*, 8:406). No further correspondence on this matter between WL and the Continental Congress is recorded in the *JCC*.

7. Enclosure not found.

From Susannah Livingston

Persipiney 30th. May [1777]

Dear Sir

The Cloaths that were in the speckled bag was intended for John Mantoch, if Mama did not mention it, she ascribes it to her hurry. The bag contained two old Shirts, two old nanking waistcoats, 3 pr. of Breeches, 3 pr. of coarse brown thread stockings.

Mama received your Letter of the 17th.,¹ last evening, & is very busy preparing to go to Elizth: Town again, she will answer it by the first opportunity, at present we know of none, tho Mama desired me to write.

We are pretty near settled here, very contrary to our own Inclinations, tho' as it was the Advice of the Gentlemen of the Army, we thought it best for if any thing should have befallen us, our Conduct would have been condemned.²

Billy said Mr. Petit wrote him it was not worth his while to come to Haddonfield, upon which he gave over all thoughts of it,³ & when Mama wrote his going was uncertain as it depended on his being able to get a Horse. I am Sir with much Affection Yours

S.L.

Excuse Haste & Errors.

ALS, MHi.

1. Letter not found.

2. Uncertainty about movements of the enemy in northern New Jersey in the early spring of 1777 had prompted military advisers to suggest that the Livingston family relocate. They had been living at the Stirling estate at Basking Ridge. See Susannah French Livingston to WL, February 7, 1777.

3. William Livingston, Jr., was a deputy surrogate serving under Charles Pettit.

To the Assembly

Haddonfield, June 2, 1777. WL requests that copies of the returns of the New Jersey Continental troops he had sent to the assembly be sent on to the Continental Congress.¹

General Assembly (August 27, 1776–June 7, 1777), 136.

1. See WL to the Assembly, May 9, 1777 (p. 324). After WL's message was read, the General Assembly ordered that the returns be sent back to WL. A letter of June 7 from WL to the Continental Congress, enclosing the returns, was received by the Continental Congress on June 9 and referred to the Board of War (*JCC*, 8:428). Letter and enclosures not found.

To the Assembly

Haddonfield, June 4, 1777.

Gentlemen,

AS it is of the utmost Importance that the four Battalions raised by this State for the Service of the United States should be completed as soon as possible; and consequently that the Act lately passed for that Purpose¹ should, with the greatest Dispatch, be circulated through every Part of the State; I would earnestly recommend it to the House to adopt the most effectual Measure for that Purpose without any Loss of Time.—I am the more solicitous on this Occasion, because I have Reason to think that far the greatest Number of the printed Copies of that Act still remain in the Printer's Hands,² and may, after the End of the Session, continue to lie there for a considerable Time, unless some Measure be speedily adopted for circulating it through the State.³

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 141.

1. See WL to the Assembly, May 9, 1777 (p. 324).

2. Isaac Collins.

3. No legislative action was taken.

To the Assembly

Haddonfield, June 7, 1777.

Gentlemen,

THE Act of free and general Pardon¹ is now printed, and ready to be distributed; but unless some Directions are given for that Purpose before the House rises, there is Reason to think that the greatest Part of the Impression will lay at the Printer's Office, till the Term to which the Pardon is limited is elapsed.—By this Means the benevolent Intention of the Legislature in passing the Act, will be defeated; and many Offenders who would have taken the Benefit, had it been in their Power to have arrived at the Knowledge of it, remain obnoxious to its Penalties; and what appears in Speculation, as a Fountain of universal Access, be in Reality, a *Fountain sealed*.² I would therefore recommend it to the House, to employ a fit Person, immediately to distribute a sufficient Number of Copies in such Parts of the State in which they are most likely to fall into the Hands of those for whose Benefit the Act is intended.³

WIL. LIVINGSTON.

General Assembly (August 27, 1776–June 7, 1777), 145.

1. See WL to the Assembly, May 28, 1777.

2. WL derived this analogy from Song of Sol. 4:12.

3. On June 7 the General Assembly informed WL that “although the Members of this House when retired to their respective Counties will no Doubt facilitate that necessary Measure as soon as possible, yet they are of Opinion that it may be necessary to employ some Persons, whose immediate Business it shall be, and request that His Excellency will please to employ such Persons, as soon as convenient, and this House will make Provision for defraying the Expence thereof” (*General Assembly* [August 27, 1776–June 7, 1777], 145).

Order in Council of Safety

[Haddonfield, June 9, 1777]

State of Newjersey

In Council of Safety. Whereas in and by a certain act of the Legeslature of this State, passed at Haddonfield the fourth day of this present

requested, which every Ferry Man and Innkeeper is hereby Enjoined to do.

Dated at Haddonfield the ninth Day of June, in the year of our Lord one thousand Seven Hundred and Seventy Seven.⁴

WIL. LIVINGSTON President

D, Nj. Entered in the manuscript minutes of the Council of Safety (Nj).

1. See WL to the Assembly, May 9, 1777 (p. 326).

2. This paragraph was taken almost verbatim from section three of the June 4 law (*Acts* [May 12–June 7, 1777], 63).

3. This oath was provided for in "An Act for the Security of the Government of New-Jersey" passed September 19, 1776, and amplified in "An Act to punish Traitors and disaffected Persons" of October 4, 1776 (*Acts* [September 13, 1776–March 17, 1777], 2–6).

4. This message was printed as a proclamation in the *Pa. Packet* of July 1.

From Henry Brockholst Livingston

Head Quarters Albany June 10th. 1777

Dear Sir,

I do myself the pleasure to advise You of my arrival here on the 3rd Instant after a very hot & fatiguing Journey. Every One in these parts seemed happy that General Schuyler was reinstated in the Command. The Interview between him & Gates was more friendly than I expected. Yesterday the Latter obtained leave to quit this Department & is now on his way to Philada.¹ General St. Clair, an Officer of worth & experience takes the Command at Tyonderoga, until General Schuyler can so arrange matters here, as to go up himself, which will not be until the close of this Month. Our Force at Tye is encreasing fast & I hope will soon be able to cope with any that can be brought against it.² There has been a Treaty with the Six Nations at this place. They continue friendly & make many protestations of Neutrality. Few of those tribes, I beleive, will ever take an active part against us. We cannot yet procure any certain Account, whether any of the British Army have left Canada.³ Armed Vessels are building on Lake George, to prevent their penetrating by that Quarter.

The Tories, who have given so much Trouble in these parts, are pretty well subdued. Some have been executed & others now under

Sentence of death.

A few days more will determine the Choice of Governor for this State. Many will be Candidates for this Office. General Schuyler in my humble Opinion will be the Man. His Abilities & Integrity set him for the Office. I see a Letter Yesterday from Mr. Jay to Mr. Gansevoort,⁴ in which he desires that the People of this County may be informed that he would rather continue in the Office he now holds, than be chosen Governor, which he had been informed they had in contemplation. I have been told he has wrote similar Letters to the other Counties at the same time recommending General Schuyler. George Clinton will be Lieut. Governor.⁵ With my respects to the Family if You are at home. I am Your Affectionate Son.

HARRY B. LIVINGSTON

ALS, MHI.

1. For a discussion of the origins of the controversy over the command of the Northern Department, see W1. to Philip Schuyler, May 7, 1777. Maj. Gen. Horatio Gates, who was given the choice of remaining subordinate to Schuyler or transferring to Washington's army, left the Northern army and hurried to Congress to complain about this turn of events.

2. Fort Ticonderoga and its outposts, garrisoned with two thousand soldiers in the spring of 1777, had been short of both the men and supplies needed to defend it. On April 29 the Congress had directed Washington to urge the eastern states to raise regiments for the defense of Ticonderoga. Congress authorized Gates to employ carpenters to build small craft for the defense of Lake George. On June 15 a captured British spy informed Maj. Gen. Arthur St. Clair that Ticonderoga was to be the object of a major attack (*JCC*, 7:306-7).

3. The British forces in Canada under the command of Gen. John Burgoyne had not departed. They were finishing their preparations for an invasion southward. The plan included the seizure of Fort Ticonderoga and a junction with Sir William Howe at Albany. Their objective was to bisect the colonies with a chain of posts from the St. Lawrence to the Atlantic. Burgoyne arrived in Canada on May 6, 1777. Sir Guy Carleton, the English governor of Canada, was to arrange for supplies and transports. Col. Barry St. Leger was to lead a diversionary force with an expedition across Lake Ontario to Oswego and the Mohawk Valley. Burgoyne waited in June for heavy rains to abate before advancing southward.

4. John Jay to Leonard Gansevoort, June 5, 1777 (Richard B. Morris, ed., *John Jay, The Making of a Revolutionary: Unpublished Papers, 1745-1780* [New York, 1975], 412-13, n. 1).

5. Among the leading candidates for governor of New York in 1777 were Philip Schuyler, George Clinton, John Jay, and John Morin Scott. Schuyler was the choice of the conservatives, who also backed Clinton for lieutenant governor. When Jay heard that supporters in Albany planned to vote for him, he let it be known that he

preferred to remain the state's chief justice, and he recommended Schuyler for governor. The Albany Committee of Correspondence supported Schuyler, and Jay predicted that Schuyler would win. Polling was completed at the end of June, with Clinton elected both governor and lieutenant governor.

To John Hancock

Haddonfield 11 June 1777

Sir

I had the Honour a few days since to transmit to you, [in] pursuance of a Recommendation of Congress,¹ the Returns of [three] of our Battalions, having not then received that of Colonel Shrieve's;² or at Least a very imperfect one. Last night I received it, made out agreeably to the mode I had directed. It is malancholy to observe the number of Deserters. I do myself the Honor to inclose you the Return last mentioned. Our Assembly adjourned last Saturday;³ & I am just setting out to meet the Council of Safety at Morris Town,⁴ where, I shall be happy to receive the Recommendation of Congress respecting any thing in which I can be of Service to the General Cause.⁵ I am With great Respect your most humble Servant

WIL: LIVINGSTON

ALS, DNA:PCC, 68.

1. See WL to the Assembly, May 9, 1777 (p. 324).
2. The Second Battalion was commanded by Col. Israel Shreve.
3. The General Assembly had adjourned on Saturday, June 7, 1777 (*General Assembly* [August 27, 1776–June 7, 1777], 148).
4. WL and the Council of Safety had last met in Haddonfield on June 11, 1777. The Council of Safety reconvened at Morristown on June 17, 1777 (*Council of Safety*, 60–62).
5. The Continental Congress received this letter on June 12 and referred it to the Board of War (*JCC*, 8:460, n. 2).

From John Hancock

Philadelphia, June 12, 1777. Hancock urges WL to implement immediately a Continental Congress resolve outlining preparations necessary for the defense of the Delaware River.¹

LBC, DNA:PCC, 12A.

1. The Continental Congress had resolved on June 11 that WL be asked to order out five hundred of the state militia to assist in completing fortifications under construction at Billingsport. On June 12 Hancock wrote WL two letters urging him to implement the resolve. For a copy of the second letter refer to *Correspondence of the Executive*, 63.

From Robert Morris

Newtown June 14th. 1777

Sir

Enclosed your Excellency has a list of the Convictions, and the Judgments thereon at this very tedious, and I would have said premature, Court, if the Council had not thought expedient on mature deliberation to have appointed it.¹ I had the pleasure to find Mr. Justice Symms² here at my arrival, and confess if I had supposed the Council would have spared him for the business, I would not have travelled post³ over the mountains, through the rain and late into the night on so very short a notice.⁴

Judges young in office, and not appointed for their legal erudition, Associates but reputable farmers, doctors, or shopkeepers, young Officers, no Council, nor Clerk, for want of timely notice, which was not even given to the Sheriff; & this in a disaffected County. Both Witnesses and Criminals to be collected from all parts of the state. Thus circumstanced was a court of the highest expectancy ever held in New Jersey, a Court for trial of a number of state Criminals, some for high-treason: a Crime so little known in New Jersey, that perhaps the first Lawyer in it would not know how to enter Judgment under our Constitution.⁵ It would make an excellent paragraph in Gains veritable Mercury.⁶ No other printer would venture to publish it. In England where treason and rebellion are, from immemorial usage, become familiar terms, twelve learned Judges from the three first Courts in the world, the members of privy Council and the first Gentlemen in the Kingdom would have been sent on such an errand, and attended by old and experienced Officers and the ablest council at the Bar. Witnesses prepared, Criminals to try, and seasonable notice given. But there the law is sistimatically administered and the ministers of it have settled forms of practice under an old Constitution well understood.

And here we have a new modeled Government, incomplete in parts, young in practice and contingencies unprovided for. Seriously Sir, with due submission to the Council, I should have thought, that for a court of such consequence, the members of Council and some of the bar ought to have been joined in the Commission, and requested to attend.

We have sat with great patience, and have now closed the third week. Had it not been for the negligence, or villany of a rascally Gaoler, in suffering John Eddy, the only Person Indicted for high treason to escape yesterday morning,⁷ I flatter myself we should have acquitted ourselves with tolerable success, and I hope have given satisfaction to the good people.

This escape has given me much uneasiness, as I fear it will be undeservedly attributed to the inattention of the Court. If the Gaoler was not privy to the escape, which did not appear, he is perhaps too severely punished.⁸ The Court in fixing his punishment had a retrospective Eye to past abuses of this sort, and thought an early example of severity would be likely to prevent them in future. He appears to be a young simple fellow unacquainted with the duty of his office and not fully instructed by the Sheriff, who has been almost daily cautioned on the subject. This Gaolers Case is recommended to the mercy of your Excellency & Council, at such season as you shall judge expedient to exercise it. Mr. Attorney General⁹ will inform you of the particular demerits of the other convicts. Some of them may hereafter be intitled to partial pardons. I wish I could say they were at this time.

The little time the members of the Court had for considering the Commission after my arrival, hurried us into a matter, which on further consideration I confess I am not satisfied with. I mean the short time between the teste¹⁰ and return for the pricipe¹¹ for the grand Jury. In England I observe 15 days was ordered, on mature deliberation, of all the Judges acting under the special commission of 1746. What the practice has been in New Jersey we do not know, as the Clerk has none of the former circuit papers. If we have erred, it is partly chargeable on the council for appointing the Court so shortly after issuing the Commission, and they are bound to get the legislature to cure it. Had I had half an hours time for thinking of the matter, it should have been otherwise.

In your letter notifying me of this Court,¹² you observe that my not attending the Court at Burlington had given uneasiness. Whatever private individuals might have thought, I am persuaded no member of the legislature had the least right to expect my attendance—200 Miles a day is rather hard travelling, and even that would not have done, unless they suppose me possess'd of the Spirit of divination. I accepted my present office to manifest my resolution to serve my Country. I mean to do the duty of it, while I hold it, according to my best Judgment. Whenever the legislature think they can fill it more advantageously, the tender¹³ of my commission shall not disappoint them.

The Court ran without adjournment, as it was not supposed they would have occasion to set again, unless Eddy should be retaken. If this should be the case, I hope one of the other Justices will be able to attend. I fear I shall not. I wish the legislature before another Court sits would take under Consideration the Judgment in high treason, old Indictments at the suit of the King, and some other difficulties in formal practice which the Attorney General will mention to you.¹⁴ I have the honor to be Your Excellencys very humble Servant

ROBT MORRIS

ALS, DLC: Misc. Manuscripts.

1. See Commission for Courts in Sussex County, May 24, 1777.
2. John Cleves Symmes.
3. post: with speed or haste.
4. Only one justice of the supreme court was required at a session of the circuit court.
5. The state constitution referred to this crime only indirectly by enabling the governor and Legislative Council to grant pardons to persons found guilty of treason. High treason was itself explained in an act of October 4, 1776, "to punish Traitors and disaffected Persons." High treason was any speech, writing, or action intended to "maintain and defend the Authority, Jurisdiction or Power of the King or Parliament of Great-Britain." Spying, correspondence, and provisioning British forces were also considered treasonous (*Acts* [September 13, 1776–March 17, 1777], 4–6). The laws of Great Britain provided that the offender be dragged to the gallows and hanged by the neck, that his inner organs be cut out and burned while he was still alive, and that his head be severed and his body divided into four parts. Women convicted of treason were to be burned alive (William Blackstone, *Commentaries on the Laws of England* [Dublin, 1775], 4:92–93).
6. Hugh Gaine's *N.Y. Gazette & Weekly Mercury*.
7. John Eddy had been charged with enlisting men for the British service. Lt. Col.

Alexander Hamilton wrote WL on April 21, describing Eddy as “an offender of some magnitude” (DLC:GW).

8. The jailer was apparently Henry Shizzler, who had been ordered jailed by the court of oyer and terminer of Sussex County for negligence in Eddy's escape. The Council of Safety was petitioned to remit part of Shizzler's sentence, and the board determined on July 9, 1777, that the matter be referred to the governor and Privy Council (*Council of Safety*, 81). No further action was recorded.

9. William Paterson.

10. teste: the presentation of evidence or proof.

11. precipe: a writ requiring that something be done or that reason be given for its not being done.

12. Letter not found.

13. tener: tenure. Morris's commission stated that according to the state constitution he was to continue in office as chief justice for seven years.

14. In a speech before the legislature on September 3, 1777, WL proposed that a punishment be established for treason. Refer to WL to the Legislature, September 3, 1777 (*General Assembly* [September 3–October 11, 1777], 158–61).

From Charles Pettit

Burlington June 16. 1777

Dear Sir

You will receive herewith a Draught of a Commission of Oyer & Terminer which I have made from one of the old Forms; it is a Translation as liberal as the Change of Style will admit. I send also by Way of Cover the Draught of the late Commission for Sussex,¹ so that you may have an Opportunity of comparing them. On farther Consideration (tho' I have had no Opportunity of examining Books) I am better satisfied that the Court of Oyer & Terminer may be legally held under such Commission if it were only by virtue of the Act for reviving & establishing the Courts of Justice²—the only Doubt that remains is the appointment of Assistant Justices to those of the Supreme Court, as it may be said they ought to be elected by the Council and Assembly; if so, it might be well at their next Meeting to elect a Set of Associates for each County.

The late Movements of the Enemy has put the Militia pretty generally in Motion except in this County, where but few have yet turned out; something more may yet perhaps be done with them, especially as they hear their Neighbors are going with Chearfulness and confident of Success. Friday and Saturday³ we were not quite free

from alarming apprehensions, knowing but little of the Enemies Strength, what course they would take, or what Numbers of Militia would turn out to aid our Army; but we now imagine they will not reach far westward of Brunswick. I have, however, moved away the Boxes I was sometime ago desired to prepare, with their Contents, leaving nothing but a few Conveniencies for current Business.⁴ You will know what I mean by this Description.

You will scarcely expect anything in the News Way from me, as the Attention of everyone is now so fixed on the Transactions of the Part of the Country you are nearer to than I am. I may, however mention a Report we had on Saturday last (which seemed to come Straight, and has not been contradicted) that the Enemy had invested Egg harbour Inlet, and taken out two Sloops and a larger Vessel outward bound.⁵ I am, with great Respect, Dear Sir, Your most obedient humble Servant

CHAS PETTIT

ALS, Nj.

1. See Commission for Courts in Sussex County, May 24, 1777.

2. There was no specific appointment of judges to assist the New Jersey Supreme Court justices in holding a court of oyer and terminer.

3. June 13 and 14.

4. For the relocation of the public records, see WL to the Assembly, March 10, 1777.

5. On June 19 Pettit followed up his letter to WL with a request that WL consider ordering some militiamen to the Egg Harbor inlets. Though militia from the Trenton area initially had turned out with great zeal, Pettit reported that they might do so with more reluctance in the future because of apprehension over possible British raids. He did not expect much support from the Burlington County militia, sensing that an "Alarmful Influence has been too much spread among the People" (Nj). Little Egg Harbor was a major privateering port offering refuge to privateering vessels chased by British men-of-war. The latter usually would not dare to enter the hazardous shallow inlets.

Appointment of Isaac Arnett

Morris Town 18 June 1777

Council of Safety To Isaac Arnet Greeting Resposing especial Trust & Confidence in your Ability Prudence & Integrity We do by these presents by virtue of an Act of the Legislature of the State of

New Jersey entitled an Act of free & General Pardon, & for other Purposes therein mentioned passed the fifth day of this present month of June¹ appoint you the said Isaac Arnet one of the Commissioners in the County of Essex (in the room of Robert Clark² who has refused to perform the Duties enjoined on him by the said Act) to Inventory & dispose of the personal Estate & Effects of certain Offenders described in the said Act agreeable to the Directions therein mentioned.³

WIL: LIVINGSTON President

ADS, MHi.

1. For the provisions of this law see WL to the Assembly, May 28, 1777.

2. Robert Clark had been named one of five commissioners of Essex County in the "Act of free and general Pardon" (*Acts* [May 12–June 7, 1777], 73).

3. On July 28, 1777, Isaac Arnett returned this commission with a note written on the lower portion refusing the appointment because of "indispensable business."

To George Washington

Morris Town 18 June 1777

Sir

I take the Liberty to inclose you a Discharge from Capt. Wetherby¹ to one Sharp a Soldier in the Service of the united States; and Sharp's Affidavit of his having paid the Capt. 100 Dollars to obtain it.² I cannot learn with any certainty to whose Battalion, Wetherby belongs, but am told that he belongs to Colonel Forman's.³ If he was an officer in one of the Regiments raised by this State, I should agreeable to a Resolution of Congress of the 14 of April last, have spared your Excellency the Trouble of ordering an Inquiry in the Matter.⁴ I am with great Respect your Excellency's most humble Servant

WIL: LIVINGSTON

ALS, DLC:GW.

1. Capt. Benjamin Wetherby. Washington, in a letter of July 12, 1777, informed WL that Wetherby had been dismissed from the service. The general had been told by Brig. Gen. David Forman that he believed Wetherby had been enlisting men for the enemy (MHi).

2. Enclosures not found.

3. Brig. Gen. David Forman.

4. A Continental Congress resolve of April 14 had recommended that state executives inquire into the conduct of all officers recruiting men for the state Continental battalions. See WL to the Assembly, May 9, 1777 (p. 324).

To John Hancock

Morris Town 19 June 1777

Sir

Your Favour of the 12th. Instant with the Requisition of Congress of the 11th. for five hundred of the Militia of this State to assist in compleating the works now erecting at Billingsport, I received last night; & have this morning directed General Newcomb in Cumberland County, to order them out of his Brigade. I have the Honor to be with great Respect Sir your most obedient & very humble Servant

WIL: LIVINGSTON

ALS, DNA:PCC, 68.

From Joseph Hedden, Jr.

Newark, June 21, 1777. Joseph Hedden, Jr., transmits to WL a list¹ of Newark women whose husbands have gone over to the enemy in New York. Hedden makes a recommendation for a judicial appointment and asks about the treatment of a suspected British spy.

ALS, Nj.

1. Enclosure was a list of fourteen women (Nj).

Order in Council of Safety

[*Morris Town*] *June 24, 1777.* Invoking a New Jersey law passed June 4, 1777,¹ WL orders Maj. Samuel Hayes or the commanding officer at Newark to send the wives and children of some men who have defected to the British into the enemy lines.²

AD, Nj.

1. WL's authorization may be found in *Acts* (May 12–June 7, 1777), 63.

2. Maj. Samuel Hayes reported to WL on June 30 that the removal had been completed (Nj).

From Philemon Dickinson

Boundbrook 26 June 1777

Dear Sir

I recieved your Excellency's Letter¹ by Mr. Runyan,² which together with the Information received from several Members who attended the joint Meeting at the time of my being chosen,³ has given me the fullest satisfaction. I do accept the Commission of Major General as a mark of the Approbation of my conduct from the honorable Council & assembly of this State, & shall upon all occasions, endeavour to render the most essential services in my Power.

Neither my own Health, nor the Situation of my Family would permit me to accept a commission that should oblige me to do duty as I formerly did—but whenever there is a general call for the Militia, I will attend, & continue as long as the Militia remain out, or his Excellency shall think proper. I have been informed by many Gentlemen of both Houses, the appointment was made with that view.⁴

His Excellency General Washington last Evening required me to send up General Heard with about 500 Men to Pompton, to take his old Station.⁵ As I apprehend it will come with more propriety from your Excellency, beg the favor of you to send such an order. Should your Excellency upon a similar Occassion, in future think it proper for me to issue such an Order, you will be pleased to signify the same to me.

Several Persons in the Counties of Burlington & Hunderton I am informed, have an Inclination to form themselves into a Troop of Horse, as there are not any in that part of the State, & their utility being sufficiently known to your Excellency, should be glad you would give Permission for raising a Troop.

Capt. Gamble⁶ of Burlington County has offer'd to raise a Troop should your Excellency think proper to Commission him, he says young Mr. Borden will accept a Cornecy,⁷ & I am told Mr. Israel Carle

of Hunderton County will take the Lieutenancy—perhaps there may be some Laws respecting this matter, that I am not acquainted with—whatever they are, they must be known to your Excellency—but as we have an immediate & pressing occasion for a number of Light Horse, beg leave to request you will be pleased to give this matter immediate dispatch. This Letter is wrote in great haste, & upon a shattered Table, & in a crowded room, therefore your Excellency will be pleased to excuse any inaccuracy's.

As his Excellency has dismissed the Militia, upon their Promise of an immediate return if necessary, I shall tomorrow go to Trenton for a few days, if nothing material happens. I have the honor to be, your Excellencys most obedient Servant

PHILEMON DICKINSON

P.S. Mr. Runyan informed me, your Excellency would send my Commission by the first conveyance.

ALS, NjHi.

1. Letter not found.
2. Probably Reune Runyan.
3. The Joint Meeting elected Philemon Dickinson a major general in the state militia on June 6 (*Joint Meeting*, 21).
4. Dickinson had discussed his wife's illness in a letter to WL of February 12, 1777 (*Correspondence of the Executive*, 30–31).
5. Lt. Col. Tench Tilghman, Washington's aide-de-camp, had ordered Brig. Gen. Nathaniel Heard to march from Pompton to Morristown on June 14 (Fitzpatrick, *Writings of Washington*, 8:249, n. 62).
6. Maj. William Gamble.
7. cornetcy: this rank in the cavalry was equivalent to the rank of ensign in the infantry.

To Philemon Dickinson

Morris Town 27 June 1777

Dear Sir

I recieved yours of yesterdays date; & am glad to find you have accepted the Commission of Major General to which office this State has appointed you as a Testimony of its Approbation of your Conduct in your late Department of Brigadier General. But I am at a loss to

conceive what Mr. Runyan could mean by informing you that I would send your Commission by the first Conveyance. He must certainly have misunderstood me, as I know your Commission was made out before I left Haddonfield, & inclosed in a Letter to you by Mr. Pettit which he undertook to send.

I do not know that your appointment was made upon any Conditions, nor can I conceive that the Joint meeting has any such Power. I must necessarily consider every military officer of this State as under the Direction of the Commander in Chief, tho' the state of Health & family Circumstances of every subordinate General Will always have their weight with me respecting the Duty I shall require of them. Neither can I give such standing orders as you hint at with relation to General Heard. In Case of an Invasion every general is required by the supplement to the Militia Law to call out to militia in his department without waiting for orders from the Commander in Chief.¹ What the Act does not give them it does not I presume intend that the Commander in Chief shall delegate to them. Particular orders [. . .] depend upon particular Circumstances.

I heartily agree with you in opinion as to the Ability of the light horse, & it has given me pain to find the Legislature so reluctant in making proper Provisions for them. But I do not know that I have any authority to raise them. They seem to stand on the same footing with the Infantry, that when they are raised I am only to commissionate the officers chosen by the Company. I hear General Heard is returning with a Number of Men to Pompton, where it is undoubtedly necessary to have a considerable guard or the County of Bergen is in danger of becoming totally disaffected. I am your most humble Servant

ADf, MHi.

1. WL refers to section 29 of "An Act for the better regulating the Militia," passed March 15, 1777 (*Acts* [September 13, 1776–March 17, 1777], 30–31).

APPENDIX 1

From New York to New Jersey: Selected Documents

Advertisement

THE subscriber proposing to remove into the Province of New-Jersey, by the first of May next, and to decline all Business in this Province, except that of going the River-Circuits, desires his Clients to call for their Papers upon Mr. James Linn, in New-York, paying the Costs hitherto accrued:—To him also those indebted to the Subscriber for Costs in Suits already finished, are requested to pay the same with all convenient Speed; and all Persons writing to him from the more Northern Parts of the Province, may direct to him *at Elizabeth-Town, in New-Jersey, to the Care of James Linn, Esq.; Attorney at Law, in New-York.*

WILLIAM LIVINGSTON

To Paparel Bloodgood

Elizabeth Town 9 December 1772

Sir

As I purpose next Spring to build a house on my farm about a mile from this Town nearby according to the plan I inclose you, I should be glad to know if you cou'd undertake the work, & to have your Calculation of the Expencc. I am not however determined to build it by the great¹ at least not altogether, nor yet by the day, but perhaps partly the one way & partly the other. But of that I shall be able to judge better when I have your Estimate. I should be glad at any rate to have it so far finished by next fall as to be able to move in it.² I have none of the materials at present except the Boards which are 4 or 5 years old. If you can undertake it I must desire [. . .] of you to take a View

of Mr. Walton's [. . .] house at Hoornes Hook,³ & to take the [. . .] of the rooms & make a Draught of such other things as will be of service to you for [. . .] completing of the building proposed. I must also request you to make a Draft of the Stair Case & pantries in Colonel Roger Morris's house near Harlem⁴ & such other Conveniencies in it as you may think⁵ proper to note down. When you have done this I should be glad to see you here, & the sooner the better, as the proper time for cutting the Timber for the frame is near at hand.

ADf, MHi, Mutilated.

1. by the great: at a fixed price for the whole amount.
2. WL moved into the completed residence by April 1774. Refer to Unknown Person to WL, April 18, 1774 (MHi).
3. Jacob Walton lived in a large home built in the early 1770s at the bend of the East River near Hell's Gate in New York City. This site, on Eighty-eighth Street, is now occupied by Gracie Mansion.
4. The Roger Morris home, a Georgian house built in 1765, is now called the Morris-Jumel mansion.
5. After "think," WL crossed out "worthy of imitation" and replaced it with the phrase in the text.

To Henry Insley

Monday 9 May 1774

Sir

You will please to come to me to morrow Morning to account for the following Articles which I am informed you wrong'd me of while in my Service excepting the last which I have reason to think your wife took.

1 rug
 1 Brass candle stand
 1 pair of Snuffers
 1 mustard cup
 1 blew & white mug
 Some Ivory handled knives & forks
 Several pine Boards
 1 pair of Tongs
 3 or 4 dozen Bottles of Madeira Wine

I blew & white cotton hanckerchief

If do not come & settle the matter & also the Affair of the pair trees, I am determined to apply to a Magistrate. Yours

WIL: LIVINGSTON

ALS, NN.

Legal Opinion¹

Eliz Town 1 June 1773

I have perused the Case relative to the Treasurer and As to the first question whether the Bond is good I know of no reason to the Contrary. It does not oblige to the performance of any thing illegal; but increases an antecedent obligation to discharge a duty. Bonds for the faithful discharge of offices are not new.

To the Second how the Treasurer is to be brought to an Account. I think the Governor & Council may order the Attorney General to put the Bond in Suit. There is a Precedent in Lillys Entries, 145 of a Declaration for Queen Anne by the Attorney General upon a Bond given to King William.² The Stat. 33 H. 8. ch. 39 directs how obligations to the King are to be made, which Bonds so made are to have the Effect of a Statute Staple.³ From the present Case I suppose this Bond is not according to the Statute, but if it be not, I cannot conceive that the variation will make it void, tho' it should not have the Effect of a Statute Staple. See a good deal of Learning upon Bonds given to the King & the manner of prosecuting them in Barons Gilberts, Treatise of the Court of Exchequer⁴ [. . .] & onwards.

To the third point. If the Freeholders of New Jersey cannot be Jurors how can he be called to an Account for Misconduct whether there was a Bond or not in the Case. The Courts in New Jersey cannot compel a Jury out of another Province. Nor do I see how the Freeholders of New Jersey are so immediately interested in the question as to disqualify them; & from the Necessity of the Case I should think they may be Jurors.

ADf, MHi.

1. There is no official record indicating that the New Jersey General Assembly had

requested Wl. to give it legal counsel. No extant correspondence among his contemporaries mentions his being consulted. The assembly did not meet between September 26, 1772, and October 10, 1773.

2. John Lilly, *A Collection of Modern Entries of Select Pleadings in the Courts of King's Bench, Common Pleas, and Exchequer* . . . (London, 1723).

3. statute staple: a security or bond taken by a merchant in certain English towns.

4. Sir Geoffrey Gilbert was chief baron of the English Exchequer from June 1, 1725, to October 14, 1726. His work, *Historical View of the Court of Exchequer, and of the King's Revenues, there answered* (Savoy, 1738), was enlarged and republished as *Treatise of the Court of Exchequer: in which the Revenues of the Crown . . . are clearly explained* . . . (London, 1753).

To an Unknown Person

[Elizabeth Town 7th March 1774]

. . . From this sequestered Corner of the Globe you will not I presume look for News. Our assembly according to their humble abilities, & their lack of equal opportunities, with the most heroic Emulation make proportionable Blunders with yours. They have however at least one man of Sense & public Virtue among them; & of his sense & public Virtue the World has had the same proof, which of such Characters it will never fail to have, that he is perpetually traduced & misrepresented in the weekly papers.¹ Ask Capt. McDougald how far a Man ought to sacrifice his Fortune & Character in serving a Country that will not be served, & in opposing a Majority which notwithstanding such opposition will be triumphant; or whether there be any future Crown for political as there is for religious Martyrdom?²

Our protracted Session has produced as profitable a Harvest as could well be expected from the abilities of such Husbandmen.

Gov: Gentlemen, the Treasury has been robb'd

Ass: Many people Sir, are of that opinion

G: But Sam Ford has robbed it

A: That is more than we know

G: But I have laid before you the Proofs & papers

A: The papers Sir we have read, but the Proofs we can't find

G: They contain striking Circumstances

A: They don't strike us

G: You have a Lawyer among you who puzzles the Evidence³

A: There is no Evidence Sir to be puzzled

- G: It is as clear as the Sun
A: When he is behind a Cloud
G: The Gentlemen who have discovered from the Counterfeiters of money by the methods they took who robbed the Treasury, ought to be rewarded
A: They ought to be hanged
G: But the Council joins me in saying so
A: All Councils join all Governors in all things
G: But Sam Ford is a Scoundrel
A: So he is
G: Then he has robbed the Treasury
A: *Negatur Consequentia*⁴
G: He had more money than we can otherwise account for
A: That is the Case with many an honest man
G: He kept a mistress in London
A: So did your E
G: One of The Witnesses has sworn that he saw him thro a key hole cut the Bills from the Sheets in which they were printed
A: The Bills in the Treasury whar not in Sheets
G: Thats an unlucky circumstance But he is a Villain & therefore the worst must be presumed against him
A: The Witnesses against him are villains & therefore to be presumed to testify falsely
G: They testified with death staring in their faces
A: They testified with life offered if they would testify it Swift death threatened if they did not
G: Sam Ford was a great Villain
A: So was Tom Bell
G: Do you then deny that he has robbed the Treasury?
A: We do not
G: Why then don't you own it
A: That implies knowledge
G: Will you then admit it at my request
A: Yes if you will pay the Reward we have [. . .] for the discovery of the Thief!
G: Then you won't believe that he had robbed it?
A: We don't care who robbed it?
G: What then do you want?

- A: The money
 G: From whom do you want it, from Sam Ford?
 A: From the man to whom we intrusted it
 G: Then demand it of him
 A: We don't know how to set about it unless you turn him out
*virtu*⁵

ADf, MHi. This is an extract from the ADf.

1. James Kinsey. Letters critical of Kinsey appeared under the name of "Grace Ford" and the pseudonym of "A Somerset Freeholder" in weekly issues of *Rivington's New-York Gazetteer* from January 27 through February 24, 1774. "Civis" replied on March 3 to the attempts to "injure the character of J. K."

2. Alexander McDougall of New York City, leader of the New York Sons of Liberty, had been arrested for libel in 1770 for writing a piece critical of the New York Assembly. John Morin Scott defended him, and WL served as associate counsel (Milton M. Klein, "The American Whig: William Livingston of New York" [Ph.D. diss., Columbia University, 1954], 670-72).

3. This may refer to an alleged consultation between Stephen Skinner and the solicitor general of Great Britain, Alexander Wedderburn. Refer to Larry R. Gerlach, "Politics and Prerogatives: The Aftermath of the Robbery of the East Jersey Treasury in 1768," *New Jersey History*, vol. 90 (Autumn 1972), 155.

4. *negatur consequentia*: the sequence is negated, the logic does not follow.

5. The rest of this unpublished dialogue is lost.

APPENDIX 2

List of Additional Documents

These and other documents will appear in a microfilm edition.

1772

- [January–December] From Whitehead Hicks, MHi
June 17 From Eleazar Wheelock to WL and [William Smith, Jr.], NhD
August 23 From Walter Rutherford, MHi
December 26 From David Clarkson, MHi

1773

- [January–December] From David Clarkson, MHi
February 20 From Thomas Randall, MHi
25 From David Clarkson, MHi
March 3 From David Clarkson, MHi
24 From William Willcocks, MHi
July 14 From Walter Rutherford, MHi
October 6 From John Johnson, MHi
15 From James Rivington, MHi

1774

- January 5 From John Kelly, MHi
10 From John Kelly, MHi
31 From Peter Jay, NNC
April 11 Agreement, NNTr
14 From Whitehead Hicks, MHi
18 From Unknown Person, MHi
May 12 From Thomas Smith, MHi

1775

- January 5 From “A Freeholder of Essex, and real Lover of Liberty” to Members of Essex County

Committee of Correspondence [Elias Boudinot, Stephen Crane, John De Hart, WL, Joseph Riggs, Jr., William Peartree Smith],
Rivington's New-York Gazetteer

April 23 From Richard Duncan to Goldsbrow Banyar,
 James De Lancey, WL, Augustus Van Cort-
 landt, MHi

July 22 From David Clarkson, MHi

1776

June 5 From Mathias Ward, MHi

21 From David Farington, MHi

29 From George Washington, DLC:GW

30 From Philemon Dickinson, MHi

July 2 From Thomas Cadmus, David Cundit, Philip
 Van Cortland, Mathias Ward, MHi

3 From Hugh Mercer, NN

3 From Lewis Ogden, MHi

4 From Woodbridge Committee, MHi

5 From John Duyckinck, DLC:GW

6 From Elisha Boudinot, MHi

6 From Jonathan Deare, MHi

7 To New Jersey Militia Colonels, MHi

7 From Joseph Reed, MHi

7 To Abraham Ten Eyck, MHi

8 From Benjamin Flower, MHi

8 From Dirck Middagh, MHi

8 To Dirck Middagh, MHi

9 To Jacob Arnold, MHi

9 From Lewis Ogden, MHi

9 From Samuel B. Webb, MHi

10 To Thomas Johnson, MHi

- 11 From William Paca, MHi
- 11 To Joseph Reed, MHi
- 12 From David Farington and Bryant McCormick, MHi
- 13 From Clement Biddle, MHi
- 14 From Hugh Mercer, MHi
- [15] From Edward V. Dongan, Nj
- 15 From Lord Stirling, MH
- 17 From Thomas Cadmus, Jr., MHi
- 19 From Joseph Reed, NN
- 20 From David Palmer, MHi
- 21 From [] Stone, MHi
- 25 From Hugh Mercer, MHi
- 28 To Hugh Mercer, MHi
- 30 From Samuel Griffin, PHi
- August 6 To John Dickinson, PHi
- 8 From William Smallwood, MHi
- 10 From John Dickinson, MHi
- 12 From Joshua Mersereau, MHi
- 13 To John Dennis, MHi
- 14 From John Dennis, MHi
- 17 From Philemon Dickinson, MHi
- 17 From Edward Thomas, MHi
- 20 From John Cadwalader, MHi
- 20 To John Dickinson, PHi
- 21 Memorandum on Troop Deployment, MHi
- 21 From Hugh Mercer, MHi
- 22 To Philemon Dickinson, MHi
- [23–26] From James Ewing, MHi
- 23 From Hugh Mercer, MHi

- 24 From William Burnet, Sr., MHi
- 24 From Jacob Ford, Jr., MHi
- 24 From Hugh Hughes, MHi
- 25 From Abraham Quick, MHi
- 25 From Abraham Quick, MHi
- 26 From Walter Livingston, MHi
- 27 From William Scull, MHi
- 28 From William Burnet, Sr., MHi
- 28 From Daniel Roberdeau, MHi
- 29 From Jacob Ford, Jr., MHi
- 29 From William Hooper, MHi
- 30 From Joseph Reed, MHi
- 30 From Daniel Roberdeau, MHi
- 31 To Philemon Dickinson, MHi
- 31 WL Order, NN
- September 1 From Edward Thomas, MHi
- 2 From William Hooper, MHi
- 7 From Henry Brockholst Livingston, MHi
- 9 From Francis Lewis, MHi
- [11] From William Hooper, MHi
- 12 From William Hooper, MHi
- 14 From Hugh Mercer, MHi
- 14 From Peter Tallman, Nj
- 16 From Daniel Neil, Private collection of
Herbert Bernstein, Vineland, N. J.
- 17 From James Kinsey, MHi
- 17 From Samuel Sarjant, MHi
- 18 From Philemon Dickinson, MHi
- 19 From Clement Biddle, Nj
- [20] From Cavalier Jouet, MHi
- 23 From Philemon Dickinson, MHi
- 25 From Stephen Skinner, MHi

- 28 From Elias Boudinot, MHi
- 29 From Dr. John Lawrence, Nj
- 30 From Archibald Kennedy, Nj
- October 1 From William De Hart, Nj
- 3 From Clement Biddle, MHi
- 3 From William Oake, MHi
- 5 From Theophilus Elmer, Nj
- 5 From George Washington, DLC:GW
- 11 From Jacamiah Smith, MHi
- 16 From Francis Hopkinson, MHi
- 17 From Hugh Mercer [to WL?], MHi
- 17 From Israel Shreve to WL and the Legislature,
Private collection of Herbert Bernstein,
Vineland, N. J.
- 18 From Four Continental Officers to WL and
the Legislature, PHi
- 18 From William Winds to WL and the
Legislature, NjHi
- 18 From William Maxwell to WL and the
Legislature, *Correspondence of the Executive*,
15–17
- 19 From William Winds to WL and the
Legislature, Nj
- 20 From William Maxwell, MHi
- 21 From William Paterson, MHi
- 23 From Arthur St. Clair, Nj
- 27 From Hugh Mercer, MHi
- 28 Petition of Prisoners, MHi
- 30 From Hugh Mercer, MHi
- [October–November] From William Oake, MHi
- November 5 From John Cleves Symmes, MHi
- 5 From John Cleves Symmes, MHi
- 6 From William Hooper, MHi
- 7 From William Richards, MHi

- 7 From Thomas Wharton, Jr., MHi
 - 8 From Alexander Carmichael, MHi
 - 12 From Jacob Ford, Jr., Nj
 - 14 From John Hancock, MHi
 - 14 From John Witherspoon, Nj
 - [17–22] From E. Anderson, MHi
 - 18 From Samuel Tucker, MHi
 - 19 From Francis Hopkinson, MHi
 - 21 To the Assembly, *General Assembly* (August 27, 1776–June 7, 1777), 43
 - 21 To the Assembly, *General Assembly* (August 27, 1776–June 7, 1777), 43–44
 - 21 From Lord Stirling, MHi
 - 21 From Lord Stirling, MHi
 - 21 From Matthias Williamson, MHi
 - 23 From George Washington, MHi
 - 25 From Samuel Chase, George Clymer, and James Wilson, NHi
 - 27 From Joseph Borden, NN
 - 28 From David Rittenhouse, MHi
 - 29 WL Order, MHi
 - 29 From John Witherspoon, MHi
 - December 1 From George Washington, DLC:GW
 - 2 From Richard Smith, Nj
 - 21 From George Washington, DLC:GW
 - 25 From John Hancock, DNA:PCC, 12A
 - 28 From Lord Stirling, MHi
 - 30 From Charles Coxe, MHi
 - 30 From John Hancock, Nj
- 1777
- January 10 From John Hancock, DNA:PCC, 12A
 - 12 From Catherine W. Livingston, MHi

- 17 From William Maxwell to WL and the
Legislature, MHi
- 19 From Benjamin Hallsey, MHi
- [24] From William Maxwell to WL and the
Legislature, NjP
- [24] From William Maxwell to WL and the
Legislature, Nj
- 25 From William Allison, MHi
- 27 From William De Hart, NjHi
- 28 From James Kinsey, MHi
- 29 From Philemon Dickinson, MHi
- 30 To the Assembly, *General Assembly* (August
27, 1776–June 7, 1777), 54
- 31 From George Washington, DLC:GW
- February [1–28] Memorial of the Sussex County Grand Jury,
MHi
 - 3 To George Washington, DLC:GW
 - 4 From Edward Sherburne, MHi
 - 6 From Nathaniel Scudder, MHi
 - 9 From James Sullivan, NjMoHP
 - 10 To George Washington, DLC:GW
 - 11 From Samuel Breese, MHi
 - 12 From Philemon Dickinson, *Correspondence of
the Executive*, 30–31
 - 12 From David Forman, MHi
 - 15 From Lewis Ogden, MHi
 - 17 From Owen Biddle, PHHi
 - [18] From Joseph Borden, MHi
 - 19 From Edmund Wetherby and Four Other
Subscribers, DLC:GW
 - 21 Petition of Samuel Forman and Brigade
Officers to WL and the Legislature, Nj
 - 22 From Joseph Borden, MeHi
 - [23] From Philemon Dickinson, MHi

- 23 From Lord Stirling, MHi
- 25 From John Hancock, MHi
- 26 From Michael Hillegas, MHi
- 28 To the Assembly, *General Assembly* (August 27, 1776–June 7, 1777), 89
- 28 From Philemon Dickinson, MHi
- 28 From Joshua Mersereau, MHi
- 28 From Samuel Tuthill, MHi
- March 2 From Lewis Ogden, MHi
- 3 From James Mease, MHi
- 6 From Philemon Dickinson, MHi
- 8 From Nathanael Greene, MHi
- 8 From Lord Stirling, MHi
- 9 From George Washington, MHi
- 10 From Jacob Arnold, Nj
- 10 From Israel Putnam, MHi
- 11 From Tench Tilghman, MHi
- 13 From Abraham Clark, MHi
- 14 From Philemon Dickinson, MHi
- 14 From Frederick Frelinghuysen, MHi
- 16 From David Forman, Nj
- 17 From Israel Shreve, Nj
- 19 Petition of Daniel Grandin and Others to WL and the Legislature, Nj
- 22 From John Jay, NNC
- 24 From Kenneth Anderson, Jr., NjP
- 26 From Thomas Jones, Nj
- 27 From John Bull, Nj
- 28 From Seven Battalion Officers to WL and the Council of Safety, Nj
- 28 From James Wilson, Nj
- 30 From Enos Kelsey, Nj

- 31 From James Mott, Jr., Nj
- April 1 Deposition of James Cox, Jr., NjP
 - 1 From Nathaniel Heard, *Correspondence of the Executive*, 45–46
- [1–30] From Francis Hopkinson, *Correspondence of the Executive*, 56
- [1–8] Petition of William and Mathew Paterson to WL and the Committee of Safety, Nj
 - 5 From Charles Pettit, Nj
 - 7 From Samuel Forman, Nj
 - 7 Deposition of Daniel Griggs, Nj
 - 7 From Nathaniel Heard, Nj
 - 8 From Nathaniel Heard, PHi
 - 8 From Benjamin Rumsey and William Smith, Nj
 - 8 From Thomas Wharton, Jr., *Pa. Archives*, 1st ser., 5:301
- 10 From Joseph Leonard, Nj
- 10 From Francis Wade, Nj
- 11 Deposition of Alexander Montgomery, Nj
- 11 From Ephraim Phillips, Nj
- 11 To Israel Putnam, NN
- [15] From Elisha Boudinot, NjP
 - 15 From Nathaniel Heard, NjR
 - 15 WL Order, Nj
 - 16 To [Asher Holmes], CSmH
 - 16 Petition of Moses Mount to WL and the Council of Safety, Nj
 - 17 Deposition of Lewis Bestedo, Nj
 - 19 From John Taylor, Nj
 - 21 From Alexander Hamilton, DLC:GW
 - 22 Deposition of Timothy Lake, Nj
 - 23 Deposition of John Andrews, Nj

- [23] Deposition of William Sands, Nj
- 24 Deposition of Samuel Knott, Nj
- 24 Petition of Eight Persons in Newark to WL and the Council of Safety, Nj
- 24 To Thomas Wharton, Jr., *Pa. Archives*, 1st ser., 5:320
- 25 From William Maxwell, Nj
- 25 From Israel Putnam, PPAmP
- 26 From Elisha Boudinot and Alexander MacWhorter, NjHI
- 29 From James Talman, Nj
- 30 Deposition of David Burton, Nj
- 30 Deposition of Joseph Campion, Nj
- May 7 From John Taylor, Nj
- 10 From Joseph Beavers, Nj
- 10 Memorial of Timothy Shaler to WL and the Council of Safety, Nj
- 12 Memorial of John Dennis to WL and the Council of Safety, Nj
- 13 From Ebenezer Hazard, MHi
- 14 From Richard Smith, OM
- 15 From John Taylor, Nj
- 16 Memorial of Mary Allen to WL and the Council of Safety, Nj
- 16 Deposition of Thomas Denny, Nj
- 16 From John Cleves Symmes, NjR
- 17 Affirmation of Samuel Hugg, Nj
- 19 Memorial of Gilbert Imlay to WL and the Council of Safety, Nj
- 19 From David Brearley, *Correspondence of the Executive*, 60-61
- 21 Deposition of Daniel Griggs, Nj

- 21 Memorial of Garret Rapalje to WL and the Council of Safety, Nj
- 21 Affirmation of Thomas Woodward, Nj
- 22 From Elias Dayton, MHi
- 23 From William Heath to WL and Jonathan Trumbull, MHi
- 23 Affirmation of John Estaugh Hopkins, Nj
- 27 To the Assembly, *General Assembly* (August 27, 1776–June 7, 1777), 131
- 27 Memorial of James Talman to WL and the Legislature, Nj
- 28 From Caleb Dod, Nj
- June [1–30] Petition of Stephen Fleming and Three Other Prisoners, Nj
 - 2 Certificate of Election of Militia Officers, Nj
 - 4 Examination of Richard Morgason, Nj
 - 12 From John Hancock, *Correspondence of the Executive*, 63
 - 12 From Nathaniel Lewis, MHi
 - 13 From Charles Pettit, MHi
 - 17 From Thomas Randall, MHi
 - 19 From Charles Pettit, Nj
 - 20 From Henry Brockholst Livingston, MHi
 - 21 From John Blanchard to WL and the Council of Safety, Nj
 - 21 From Samuel Potter, MHi
 - 21 From Samuel Potter, MHi
 - 23 From Reubin Sayre, Nj
 - 24 Petition of Edward Thomas, Nj
 - 25 From Elias Boudinot, NjP
 - 25 From Henry Brockholst Livingston, MHi
 - 27 From Samuel Kennedy, Jr., MHi

- 28 Memorial of William Green to WL and the
Legislative Council, Nj
- 29 From John Cleves Symmes, Nj
- 30 Memorial of John Clawson to WL, the
Legislature, and the Council of Safety, Nj
- 30 From Samuel Hayes, Nj
- 30 From Joseph Hedden, Jr., to WL and the
Council of Safety, Nj
- 30 From Henry Brockholst Livingston, MHi
- 30 From John Cleves Symmes, PHi

BIOGRAPHICAL DIRECTORY

THIS DIRECTORY identifies most persons whose names appear in the notes and documents. When no information exists, when sources conflict irreconcilably, or when the documents or footnotes give all the known data, names are omitted.

The profiles give birth and death dates when available. They also include places of residence. These ideally have three elements: town or locality, township, and county. If only two place-names appear, the first is a township.

Profiles also include military and civil offices and posts held during the revolutionary era. Dates of appointment and resignation appear when available. Entries for prominent national figures provide only the career information that connects them with William Livingston; information on Americans of national stature can be found in the *Dictionary of American Biography* and the *Biographical Directory of the American Congress, 1774–1961* (Washington, D.C., 1961). Major British figures were traced through the *Dictionary of National Biography*.

New Jersey inhabitants generally were identified through the following sources: Kenn Stryker-Rodda, *Revolutionary Census of New Jersey: An Index, Based on Ratables, of the Inhabitants of New Jersey during the Period of the American Revolution* (Cottonport, La., 1972); William Nelson, ed., *Marriage Records, 1665–1800, NJA*, 1st ser., vol. 22 (Paterson, 1900); William Nelson et al., eds., *Calendar of New Jersey Wills, NJA*, 1st ser., vols. 23, 30, 32–37 (Paterson and elsewhere, 1901–1942); *New Jersey Genealogical Magazine*; John E. Stillwell, *Historical and Genealogical Miscellany: Data Relating to the Settlement and Settlers of New York and New Jersey*, 5 vols. (New York, 1903–1932).

American military figures were researched in the following works: Francis B. Heitman, *Historical Register of Officers of the Continental Army during the War of the Revolution, April, 1775, to December, 1783*

(Washington, D.C., 1914); National Society of the Daughters of the American Revolution, *DAR Patriot Index* (Washington, D.C., 1966); William S. Stryker, comp., *Official Register of the Officers and Men of New Jersey in the Revolutionary War* (Trenton, 1872); Fred Anderson Berg, *Encyclopedia of Continental Army Units: Battalions, Regiments and Independent Corps* (Harrisburg, 1972); Marion and Jack Kaminkow, comps., *Mariners of the American Revolution* (Baltimore, 1967); William T. R. Saffell, *Records of the Revolutionary War* (Baltimore, 1894); New Jersey, Department of Defense, Revolutionary War Records, Archives and History Bureau, New Jersey State Library, Trenton. British officers were traced through Worthington Chauncey Ford, comp., *British Officers Serving in the American Revolution, 1774-1783* (Brooklyn, N.Y., 1897); Philip R. N. Katcher, *Encyclopedia of British, Provincial, and German Army Units, 1775-1783* (Harrisburg, 1973).

Identifications of Loyalists were derived from the following: Lorenzo Sabine, *Biographical Sketches of Loyalists of the American Revolution with an Historical Essay*, 2 vols. (Boston, 1864); E. Alfred Jones, *The Loyalists of New Jersey: Their Memorials, Petitions, Claims, Etc. from English Records*, Collections of the New Jersey Historical Society, vol. 10 (Newark, N.J., 1927); William S. Stryker, *The New Jersey Volunteers (Loyalists) in the Revolutionary War* (Trenton, 1887); Esther Clark Wright, *The Loyalists of New Brunswick* (Fredericton, New Brunswick, Canada, 1955); Index to Transcribed Copies of Loyalist Muster Rolls, Bureau of Archives and History, New Jersey State Library, Trenton.

Information on New Jersey political personalities was found in William Nelson, comp., "New Jersey Civil List, 1664-1800," typescript, New Jersey Historical Society, Newark. Also searched were *Prov. Congress*, *Council of Safety*, *General Assembly*, *Legislative Council*, *Joint Meeting*, and David A. Bernstein, ed., *Minutes of the Governor's Privy Council, 1777-1789*, NJA, 3d ser., vol. 1 (Trenton, 1974).

ABARCA Y BOLEA, PEDRO PABLO (CONDE DE ARANDA) (1719-1798): Spanish soldier and diplomat; ambassador to Paris, 1773-1787.

ADAMS, ABIGAIL (MRS. JOHN) (1744-1818): married John Adams, 1764.

ADAMS, JOHN (1735-1826): Mass.; Continental Congress, 1774-1778.

ADAMS, SAMUEL (1722-1803): Mass.; Continental Congress, 1774-1782.

ALEXANDER, WILLIAM (LORD STIRLING) (1726-1783): Basking Ridge, Bernardston, Somerset Co.; married Sarah Livingston, WL's sister, 1748; col., Continental army, Nov. 1775; brig. gen., Mar. 1, 1776; maj. gen., Feb. 19, 1777.

ALLEN, ANDREW (1740-1825): Pa.; Continental Congress, 1775-1776; became a Loyalist.

ALLEN, ETHAN (1738-1789): Vt.; lt. col., N.H.; led capture of Ft. Ticonderoga, May 10, 1775; taken prisoner by British at Montreal, Sept. 25, 1775; exchanged for Col. Archibald Campbell, May 6, 1778; col., Continental army, May 14, 1778; retired, 1779.

ALLGER, DAVID: capt., British army, 7th Regt. of Foot, Royal Fusiliers; captured Oct. 1775 at Chambly; exchanged.

ALSTON (ELSTONE), DAVID: Woodbridge, Middlesex Co.; Loyalist; justice of the peace, 1773; capt., N.J. Volunteers, 1777; property confiscated and sold.

ANDERSON, EPHRAIM: Hunterdon Co.; maj., Hunterdon militia until Oct. 28, 1775; adj., Continental army, Nov. 27, 1775-Nov. 10, 1776; capt., Nov. 29, 1776; killed at Short Hills, June 26, 1777.

ANDERSON, THOMAS: Newton, Sussex Co.; justice of the peace, 1773, 1775, Feb. 28, 1777; Sussex Committee of Correspondence, July 16, 1774.

ANSTRUTHER, WILLIAM: British capt.; captured at Montreal, Nov. 1775; exchanged, 1776; maj., Col. Donkin's Garrison Batt., Oct. 26, 1779.

ANTILL, JOHN (ca. 1745-ca. 1813): Monmouth Co.; Loyalist; lawyer; secretary,

N.J. Supreme Court; surrogate; keeper of the records and clerk of the Legislative Council; took refuge on the H.M.S. *Phoenix*, Mar. 1776; raised 2d Batt., N.J. Volunteers with his brother-in-law, Lt. Col. John Morris of Shrewsbury; maj., 1778-1780; estate forfeited; settled in Nova Scotia, Canada.

ARANDA CONDE DE. See ABARCA Y BOLEA, PEDRO PABLO.

ARNETT (ARNET), ISAAC (1726-1801): Elizabethtown, Elizabeth, Essex Co.

ARNOLD, BENEDICT (1741-1801): Conn.; col., Continental army, Sept. 1, 1775; brig. gen., Jan. 10, 1776; maj. gen., Feb. 17, 1777; deserted to British, Sept. 25, 1780.

ARNOLD, JACOB (1749-1827): Morris Co.; paymaster, capt., Morris militia, 1775-1780; sheriff, Morris, 1780, 1786.

ASHÉ (ASH), WILLIAM: British army; capt., 33d Regt. of Foot; taken prisoner in raid on Staten Island; exchanged.

AYERS (AYRES), JONATHAN (1722-1782): Stow Creek, Cumberland Co.; Provincial Congress; justice of the peace, Sept. 6, 1776.

BACHE, RICHARD (1737-1811): Philadelphia, Pa.; merchant; born in England; married Benjamin Franklin's daughter, Sarah, 1767; traded in West Indies and Newfoundland; committee on nonimportation agreements; Pa. Committee of Correspondence; Board of War.

BARBER, JOHN: Sussex Co.; justice of the peace, judge, 1769, 1770, 1775, Sept. 13, 1776.

BARNET, WILLIAM. See BURNET, WILLIAM.

BASSETT, ELISHA, JR. (1722-1777): Salem Co.; General Assembly, 1776-1777.

BAYARD, JOHN (1738-1807): Pa.; maj., Pa. militia, 1775; col., 1776-1779.

BIDDLE, CLEMENT (1740-1814): Philadelphia, Pa.; lt. col., deputy quartermaster gen., flying camp, July 8-Dec. 1, 1776; commissary gen. of forage, July 1, 1777-June 1780.

BIDDLE, NICHOLAS (1750-1778): Pa.; capt., Continental navy; commanded the

brig *Andrea Dorea*, May 1776; the frigate *Randolph*, Oct. 1776; mortally wounded Mar. 7, 1778, in encounter between the *Randolph* and the *Yarmouth* in the West Indies.

BIDDLE, OWEN (1737-1799): Pa.; Quaker; merchant; Pa. Committee of Safety, 1775-1776; president, Pa. Board of War, Mar. 1777; deputy commissary of forage, June 1777; Council of Safety for Philadelphia, Oct. 13-Dec. 6, 1777.

BLACKWELL, ROBERT (1748-1831): Gloucester Co.; Anglican clergyman.

BLANCHARD, JOHN: Essex Co., and Hanover, Morris Co.; Essex Co. Committee of Correspondence, Dec. 1774; capt., Morris militia; capt., troop of light horse from Elizabethtown, Essex Militia; commanded his troop on an expedition to Staten Island, Feb. 12, 1776; resigned before June 2, 1777.

BOARD, JOSEPH (1737-1831): Bergen Co.; capt., Bergen militia, 1775; stationed at Bergen Neck, July and Aug. 1776.

BOGART, JACOB (d. 1777): Bridgewater, Somerset Co.; Somerset Committee of Correspondence; justice of the peace, 1775; General Assembly, 1776-1777.

BONNELL, ISAAC (1737-1806): Perth Amboy, Middlesex Co.; Loyalist; sheriff, Middlesex, June 1775-July 1776; arrested and held under guard at Cranbury, July 1776; fled to British lines; commissioned Lt., Prince of Wales Regt., 15th Regt. of Foot, 1777; some of his property was confiscated, but Perth Amboy estate passed to his children; settled in Nova Scotia, Canada, after the war.

BORDEN, JOSEPH (1719-1791): Bordentown, Chesterfield, Burlington Co.; commissioner to Stamp Act Congress, 1765; col., Burlington militia, resigned, July 26, 1776; judge and justice, Sept. 11, 1776; Continental loan officer for N.J., Feb. 7, 1777.

BOTT, WILLIAM (d. 1793): Springfield, Elizabeth, Essex Co.; innkeeper; Essex Committee of Correspondence, 1774; adj. gen., N.J. militia, July 12, 1776; col., Nov. 28, 1776.

BOUDINOT, ELIAS (1740-1821): Elizabethtown, Elizabeth, Essex Co.; brother of Elisha Boudinot; Essex Committee of Correspondence, June 1774; Provincial Congress; unofficial aide-de-camp to WL, July-Aug. 1776; col., commissary gen. of prisoners for the Continental army, Apr. 15, 1777; resigned, May 11, 1778; Continental Congress, Nov. 20, 1777-July 7, 1778, 1781-1783.

BOUDINOT, ELISHA (1749-1819): Newark, Essex Co.; brother of Elias Boudinot; clerk, Newark Committee of Correspondence, 1775; clerk, circuit courts, Sept. 5, 1776-Oct. 1777, 1780-1782; clerk, Privy Council, Dec. 1777; commissary of prisoners for the state of N.J., Dec. 12, 1778.

BOWEN, JONATHAN: Greenwich, Cumberland Co.; Provincial Congress; purchased clothing for the army in Cumberland Co. in 1776; General Assembly, 1776-1778, 1782-1783, 1785-1786, 1796, 1799, 1800; Council of Safety, 1777-1778.

BRAXTON, CARTER (1736-1797): Va.; Continental Congress, Aug. 1775-Aug. 1776, 1777-1783.

BREARLEY, DAVID (1745-1790): Trenton, Hunterdon Co.; brother of Joseph Brearley; lawyer; lt. col., col., Monmouth militia; lt. col., Continental army, Nov. 28, 1776; chief justice, N.J. Supreme Court, 1779-1789.

BREARLEY, JOSEPH (1742-1805): Maidenhead, Hunterdon Co.; brother of David Brearley; capt., Continental army, Oct. 28, 1775-Feb. 1777; maj., Hunterdon militia, Mar. 15, 1777.

BRODERICK, ANTHONY: Hardyston and Newton, Sussex Co.; justice of the peace, Sussex, 1775; judge and justice of the peace, Sept. 13, 1776; judge, common pleas, Sept. 24, 1777; General Assembly, 1779.

BROWN, JOHN. See LEE, JOHN.

BUCK, JOHN: Deerfield, Cumberland Co.; Provincial Congress; purchased clothing for the army in Cumberland Co., 1776; General Assembly, 1776-1778; Council of Safety, 1777-1778; Legislative Council, 1779.

BUCKNER, MORDECAI (1721–1800): Va.; col., Continental army, Feb. 1776; cashiered, Feb. 9, 1777.

BULL, JOHN (1731–ca. 1824): Pa.; col., 1st Pa. Batt., Continental army, Nov. 25, 1775–Jan. 1776; supervised construction at Billingsport, 1777; col., Pa. state regiment, May 2–June 17, 1777; adj. gen. of Pa., June 17, 1777, to close of war.

BURBECK, WILLIAM (1716–1785): Mass.; lt. col., Mass. artillery, May 19, 1775; lt. col., Knox's Regt., Continental artillery, Dec. 10, 1775; dismissed May 25, 1776; superintendent and comptroller of department for manufacture and examination of munitions, 1777–1783.

BURDGE, JONATHAN: Monmouth Co.; Loyalist; taken prisoner in Jan. 1777; dismissed by Council of Safety after taking oath to state, Apr. 24, 1777; examined by Council of Safety and pledged to join Continental army, May 23, 1777; deserted, reward offered by Privy Council for his capture, Oct. 1778.

BURGOYNE, JOHN (1722–1792): British gen., 1772; sent to America, May 1775; returned to Great Britain, Nov. 1775; sent to America, spring, 1777; lt. gen., Aug. 29, 1777.

BURNET (BARNET), WILLIAM, SR. (1730–1791): Newark, Essex Co.; father of William Burnet, Jr.; Newark Committee of Correspondence, May 1775; surgeon, Col. Philip Van Cortland's 2d Regt., Essex militia, Feb. 17, 1776; judge and justice of the peace, Sept. 6, 1776; surgeon, Continental army, Feb. 1–Apr. 10, 1777; chief physician and surgeon, general hospital, Apr. 11, 1777; hospital physician and surgeon, Oct. 6, 1780; chief physician and surgeon, hospital department, Continental army, Eastern Department, Mar. 5, 1781–Feb. 1, 1782; hospital surgeon, Feb. 1, 1782–Nov. 3, 1783; Continental Congress, Dec. 11, 1780–Apr. 1, 1781.

BURNET (BARNET), WILLIAM, JR.: Second River, Newark, Essex Co.; doctor; son of William Burnet, Sr.; surgeon, Continental army, Dec. 8, 1775; surgeon, N.J. militia and State Troops, 1780–1781.

BURR, AARON (1756–1836): capt. and aide-de-camp to Brig. Gen. Benedict Arnold, 1775; maj. and aide-de-camp to Washington, spring, 1776; aide-de-camp to Gen. Israel Putnam, June 22, 1776; lt. col., Malcom's Regt., Jan. 4, 1777; resigned, Mar. 3, 1779.

BUTE, LORD. See STUART, JOHN.

BUTLER, JOHN: Bordentown, Burlington Co.; contractor and commissioner for the purchase of clothing in Burlington Co., 1780, 1781.

BYRON, JEPHTHA: Sussex Co.; justice of the peace, Feb. 28, 1777, 1782.

CADMUS, THOMAS, JR. (1736–1821): Newark, Essex Co.; lt. col., Essex militia, 1776–1777.

CADWALADER, JOHN (1742–1786): Pa.; col., 1776; brig. gen., Pa. militia, April 5, 1777.

CAMP, CALEB (1736–1816): Newark, Essex Co.; chairman, Newark Committee of Observation, Dec. 1, 1774; Provincial Congress; 1st maj., Essex militia, 1775; paymaster, Feb.–June 1776; General Assembly, 1776–1782; speaker, 1778–1779.

CAMPBELL, ARCHIBALD (1739–1791): British army officer who had served in America, 1757–1764; lt. col., 71st Regt., 1773; captured at Boston, Mar. 1776; exchanged for Lt. Col. Ethan Allen, May 1778.

CAMPFIELD (CANFIELD), JABEZ (1737–1821): Morristown, Morris, Morris Co.; surgeon and chief physician, Continental army, Jan. 1, 1777, to end of war.

CARLE, ISRAEL (1757–1822): Trenton, Hunterdon Co.; capt., light horse, Hunterdon militia, Sept. 17, 1777.

CARLETON, SIR GUY (1724–1808): maj. gen., British army, 1772; governor of Quebec, 1775–1777.

CARMICHAEL, ALEXANDER (1734–1808): Morristown, Morris, Morris Co.; lt., Morris militia, light horse, July 1776; resigned to become sheriff, Morris Co., ca. Nov. 1776.

CHAMBERS, ALEXANDER (1716-1798): Trenton, Hunterdon Co.; merchant; commissioner, Western Division; commissary of military stores, N.J. militia; justice of the peace, Sept. 7, 1776; receiver gen. of clothing; resigned, 1778.

CHAMBERS, ROWLAND (1744-1821): Bridgewater, Somerset Co.; capt., Somerset militia, 1776; Somerset jailer, 1776.

CHAPPLE, RICHARD: Parsippany, Hanover, Morris Co.; ironworker; pvt., Morris militia.

CHARLES III (1716-1788): King of Spain, 1759-1788.

CHASE, SAMUEL (1741-1811): Md.; Continental Congress, 1774-1778, 1784-1785.

CHETWOOD, JOHN (1736-1807): Elizabethtown, Elizabeth, Essex Co.; Essex Committee of Correspondence, June 1774; Elizabethtown Committee of Correspondence, Nov. 1774; Provincial Congress; N.J. Committee of Correspondence, 1775.

CHURCHILL, CHARLES (1731-1764): English poet and satirist; published the *North Briton* with John Wilkes.

CLARK (CLARKE), ABRAHAM (1726-1794): Elizabethtown, Elizabeth, Essex Co.; lawyer, sheriff, Essex, 1767; Essex Committee, 1774; Provincial Congress, appointed assistant secretary, Oct. 9, 1775; Continental Congress, June 22, 1776-Dec. 1, 1778, 1779-1783, 1787-1789; General Assembly, 1776, 1783-1785; Legislative Council, 1778.

CLARK, ROBERT: Elizabeth, Essex Co.

CLINTON, GEORGE (1739-1812): N.Y.; Continental Congress, May 15, 1775-July 8, 1776; brig. gen., N.Y. militia, 1775; brig. gen., Continental army, Mar. 1777; gov., N.Y., June, 1777.

CLINTON, SIR HENRY (1730-1795): Member of Parliament, 1773; maj. gen., British army, 1772; second in command of British forces in North America, Sept. 26, 1776; commander in chief, 1778-1782.

CLYMER, GEORGE (1739-1813): Pa.; Continental Congress, 1776-1778, 1780-1783.

COLLINS, ISAAC (1746-1817): Burlington, Burlington Co.; official printer for Gov. William Franklin, 1770-1776; official printer, state of N.J., Feb. 18, 1777; printer, *N.J. Gazette*, Dec. 1777.

COMBS, JONATHAN, JR. (1748-1803): South Ward, New Brunswick, Middlesex Co.; pvt., Middlesex militia.

COMBS, ROBERT: Pennington, Hopewell, Hunterdon Co.; tavernkeeper.

COMPSON, THOMAS (1741-1797): Andover, Newton, Sussex Co.; ironworker at Andover Furnace; pvt., N.J. militia.

CONDUCT, SILAS (1738-1801): Morristown, Morris, Morris Co.; Morris Committee of Correspondence, May 1775; Provincial Congress; clerk, peace and pleas, Sept. 20, 1776; Legislative Council, Sept. 1776-1780; Continental Congress, 1781-1784.

CONWAY, JOHN (1742-1802): capt., Continental army, Nov. 21, 1775; maj., Oct. 29, 1777; lt. col., to Mar. 17, 1780.

COOK, GEORGE: Morris Co.; ironworker; pvt., Morris militia.

COOK, JOHN: Monmouth Co.; capt., Monmouth militia; 2d maj., Oct. 13, 1777; killed at Toms River, July 19, 1780.

COOPER, JOHN (1729-1785): Woodbury, Deptford, Gloucester Co.; Provincial Congress; treasurer, West Jersey, Oct. 1775-Aug. 1776; Continental Congress, Feb. 14-June 22, 1776; Legislative Council, 1776-1780.

CORNBURY, LORD. See HYDE, EDWARD.

CORNWALLIS, CHARLES (1738-1805): maj. gen., British army from 1775; commander of the forces which invaded and occupied N.J., Nov.-Dec. 1776; defeated at Princeton, Jan. 3, 1777; 2d in command of British forces in North America, 1778.

COVENHOVEN, JOHN: Freehold, Monmouth Co.; Lower Freehold Committee of Correspondence, June 6, 1774; Freehold Committee of Observation, Mar. 6, 1775; Provincial Congress; vice president, Provincial Congress, June 29, 1776; General Assembly, 1776, 1781-1782, 1792; captured by Loyalists, 1776.

COVENHOVEN, RULEF (1706-1786): Monmouth Co.; sheriff or constable, Monmouth.

COX, JAMES, JR. (1753-1810): Upper Freehold, Monmouth Co.; lt., Monmouth militia.

CRANE, STEPHEN (1709-1780): Elizabethtown, Elizabeth, Essex Co.; provincial assembly, 1766-1773; mayor, Elizabethtown, 1772-1774; Legislative Committee of Correspondence, 1774; Essex Committee of Correspondence, 1774-1775; Provincial Congress; Continental Congress, 1774-1776; judge and justice, Sept. 5, 1776; Legislative Council, 1776-1777, 1779.

CRANE, WILLIAM (1747-1814): Elizabethtown, Elizabeth, Essex Co.; ens., N.Y. Continental line, June 1775; 1st lt., Aug. 1775; capt., Col. Oliver Spencer's Regt., Continental army, before May 19, 1777; capt., troop of horse, Apr. 20-May 20, 1780; maj., Essex militia, June 1780; maj., Col. Silvanus Seely's Regt., State Troops, July 15-Oct. 15, 1781.

CRIPPS, WHITTEN (WHITTON) (1740-1796): Lower Penns Neck and Mannington, Salem Co.; lt. col., Salem militia, June 20, 1776; col., Nov. 27, 1776; General Assembly, 1777-1779.

CUYLER, HENRY (d. 1776): N.Y. and N.J.; Loyalist; N.Y.C. merchant with property in Sussex and Somerset; on parole in Newark.

DARE, DAVID: sgt., Continental army, Feb. 7, 1776; ens., Nov. 29, 1776; retired, Sept. 26, 1780.

DAVENPORT, CORNELIUS (1739-1815): Morris Co.; tavernkeeper; pvt., Morris militia.

DAY, TIMOTHY: Essex Co.; tavernkeeper at or near Acquackanonk.

DAYTON, ELIAS (1737-1807): Elizabethtown, Elizabeth, Essex Co.; col., Essex militia, 1775; col., Continental army, Feb. 9, 1776; helped to lead expedition capturing the *Blue Mountain Valley*, Jan. 23, 1776.

DEARE, JONATHAN (ca. 1739-1796): New Brunswick, Middlesex Co.; born in England, resided also in Princeton; clerk,

provincial assembly, 1775; Provincial Congress; Perth Amboy Committee of Correspondence, 1775; 1st maj., Middlesex militia; lt. col., July 25, 1776; resigned, Mar. 31, 1778; clerk of the peace and pleas, Sept. 19, 1776; clerk, General Assembly, 1776-1777; Middlesex clerk, 1777-1779; Legislative Council, 1777-1779.

DE HART (D. HART, D'HART), JOHN (1729-1795): Elizabethtown, Elizabeth, Essex Co.; lawyer; Essex Committee of Correspondence, June 1774; Continental Congress, Sept. 5, 1774-Nov. 22, 1775, Feb. 14, 1776-June 13, 1776; chief justice, N.J. Supreme Court, Sept. 4, 1776, declined to serve.

DE HART, WILLIAM (1746-1801): Morris, Morris Co.; Morris Committee of Correspondence, 1774; Provincial Congress; maj., Continental army, Nov. 7, 1775; lt. col., Jan. 1, 1777; resigned, Nov. 20, 1781.

DEMPSTER, JOHN HAMILTON: capt., *Blue Mountain Valley*, a British transport seized by Lord Stirling, Jan. 23, 1776.

DENNIS, BENJAMIN (1740-1779): Monmouth Co.; capt., Monmouth militia, Mar. 3, 1776, until at least Feb. 23, 1778.

DENNIS, JOHN (d. 1778): Monmouth Co.; capt., Monmouth militia, 1777; died a prisoner at N.Y., Jan. 15, 1778.

DENNIS, JOHN (1726-1806): New Brunswick, Middlesex Co.; chairman, New Brunswick Committee of Safety, 1775; Provincial Congress; treasurer, East Jersey, Oct. 1775-Sept. 1776; judge and justice, Sept. 19, 1776.

DENNY, THOMAS: Woolwich, Gloucester Co.; lt., Gloucester militia, 1776-1777; commissioner for purchase of clothing and paymaster, Gloucester Co., 1776-1777; judge and justice, Sept. 11, 1776.

DEY, TEUNIS (1726-1787): Saddle River, Bergen Co.; provincial assembly, 1761-1776; Bergen Committee of Correspondence; col., Bergen militia, 1775-1777; General Assembly, 1776, 1783.

D'HART, JOHN. See DE HART, JOHN.

DICK, SAMUEL (1740-1812): Salem, Salem Co.; physician; Provincial Con-

gress; col., Salem militia, June 20, 1776; General Assembly, 1776-1777; collector of customs, West Jersey, Dec. 12, 1778.

DICKINSON, JOHN (1732-1808): Pa. and Delaware; brother of Philemon Dickinson; Pa. delegate, Continental Congress, 1774-1776; col., brig. gen., Pa. militia.

DICKINSON, MARY CADWALADER (MRS. PHILEMON): married Philemon Dickinson, July 14, 1767.

DICKINSON, PHILEMON (1739-1809): Hunterdon Co.; brother of John Dickinson; Provincial Congress; col., Hunterdon militia, 1775; brig. gen., N.J. militia, Oct. 19, 1775; maj. gen., N.J. militia, June 6, 1777; served to end of war.

DILLWYN, WILLIAM: Burlington, Burlington Co.; brother of Quaker missionary, George Dillwyn; West Jersey Council of Proprietors; land speculator and member of the Burlington Company; settled in England.

DONOP, COUNT CARL EMIL KURT VON: Hessian col.; commanded Yaeger Corps that arrived at N.Y. Aug.-Oct. 1776; wounded at Red Bank, Oct. 22, 1777; died Oct. 29.

DRAKE, JACOB, JR. (1732-1823): Morris Co.; Morris Committee of Correspondence, 1775; Provincial Congress; col., Morris militia, 1776-1777; General Assembly, 1776-1778; Council of Safety, 1777-1778.

DRUMMOND, GAWEN (GAWAN): Shrewsbury, Monmouth Co.; innkeeper.

DRUMMOND, ROBERT (1736-1789): Acquackanonk and Newark, Essex Co.; Loyalist; capt., Essex militia, 1776; Provincial Congress; voted against the N.J. Constitution, July 2, 1776; justice, Sept. 5, 1776; became lt. col., N.J. Volunteers; property confiscated; settled in England after the war.

DUANE, JAMES (1733-1797): N.Y.; Continental Congress, 1774-1783.

DU CLOS, FRANCIS: ens., Continental army, Dec. 9, 1775; taken prisoner at Trois Rivières, Canada, June 8-10, 1776;

exchanged; 1st lt., Nov. 29, 1776; retired, Sept. 26, 1780.

DUNHAM, AZARIAH (1718-1790): Piscataway and New Brunswick, Middlesex Co.; lt. col., Middlesex militia; resigned, Aug. 1, 1776; commissioner, Eastern Division, 1776.

DUNHAM, STEPHEN: Kingwood, Hunterdon Co.; lt., Hunterdon militia, Feb. 7, 1776; resigned, July 1776; declined ensign's commission in Continental army, Nov. 29, 1776; lt., Hunterdon militia, 1778; foragemaster, 1778-1779.

DUNLAP, EDWARD: Newton, Sussex Co.; Sussex Committee of Correspondence, July 16, 1774; paymaster, Sussex militia; assistant commissary of issues; commissary of issues, N.J. militia; justice, May 24, 1777.

DURKEE, JOHN (1728-1782): Conn.; lt. col., Continental army, Jan. 1, 1776; col., Aug. 12, 1776.

DU SIMITIÈRE, PIERRE EUGÈNE (ca. 1736-1784): artist; born in Geneva, Switzerland; immigrated to America in 1765; curator, American Philosophical Society, 1776-1781.

DUYCKINCK (DUYCHINCK), JOHN: South Brunswick, New Brunswick, Middlesex Co.; 1st maj., Middlesex militia; maj., detached militia, July 18, 1776; lt. col., Middlesex militia, Aug. 1, 1776; resigned, Aug. 3, 1776; col., Middlesex militia, Aug. 9, 1776; convicted of desertion to the enemy, 1777.

DYER, ELIPHALET (1721-1807): Conn.; Continental Congress, 1774-1779, 1780-1783.

EDDY, JOHN: Newton, Sussex Co.; Loyalist; prisoner charged and indicted for high treason at Newton; escaped, June 13, 1777; judgment of forfeiture upon inquisition, 1779.

EGBERT, ABRAHAM: Staten Island; probably a spy for American army.

ELLIOT, ANDREW: N.Y.; Loyalist; collector of the customs for the port of N.Y. from about 1764 to the Revolution; N.Y. estate confiscated.

ELLIS, JOSEPH: Gloucester Co.; sheriff, 1775; col., Gloucester militia, Oct. 1775; mustermaster, Continental line, Oct. 26, 1775; commissioner to purchase ammunition and other military stores for the Western Division, Oct. 28, 1775; resigned June 17, 1776; reappointed mustermaster, Continental line, Feb. 5, 1776; commissary and paymaster, Western Company of artillery, State Troops, Mar. 1–June 17, 1776; brig. gen., N.J. militia, Feb. 15, 1777; declined, Feb. 21, 1777; General Assembly, 1778.

ELMER, JONATHAN (1745–1817): Hopewell, Cumberland Co.; physician; brother of Timothy Elmer; sheriff, Cumberland, 1772; Provincial Congress; clerk of the peace and pleas, Sept. 6, 1776; Continental Congress, Nov. 1776–1778; Legislative Council, 1780.

ELMER, THEOPHILUS (1727–1783): Fairfield, Cumberland Co.; uncle of Jonathan Elmer and Timothy Elmer; provincial assembly, 1772–May 1775; judge, oyer and terminer, May 18, 1775; succeeded Jonathan Elmer in N.J. Provincial Congress; Legislative Council, 1776–1777; Council of Safety, 1777–1778; General Assembly, 1779–1780.

ELMER, TIMOTHY (1748–1780): Fairfield, Cumberland Co.; brother of Jonathan Elmer; freeholder, 1776; justice of the peace, Sept. 6, 1776; capt., Cumberland militia, Oct. 5, 1776; maj., State Troops, Feb. 1, 1777; 1st maj., Cumberland militia; General Assembly, 1779.

ELSTONE, DAVID. See ALSTON, DAVID.

ERSKINE, SIR WILLIAM (1728–1795): col., British army, 80th Regt. of Foot, Royal Edinburgh Volunteers; quartermaster to Cornwallis at the battle of Princeton; maj. gen., 1779.

EVERSON, GEORGE: Springfield, Elizabeth, Essex Co., and Hanover, Morris Co.; quartermaster, Essex militia, Jan. 22, 1776.

FAESCH, JOHN JACOB (1729–1799): Pequannock, Morris Co.; Swiss immigrant to America, 1764; ironmaster, Mt. Hope Iron Mine; supplied ironware and ammunition to the Continental army; jus-

tice of the peace, Sept. 20, 1776; moved to Morristown, 1780.

FAIRHOLME, JOHNSTON: N.J.; Loyalist; apprehended at George Washington's directions, July 1776; paroled by the Provincial Congress and ordered to remain at Trenton; allowed subsequently to live at Bordentown, July 13, 1776.

FARNSWORTH, SAMUEL: Chesterfield, Burlington Co.

FARR, THOMAS: Upper Freehold, Monmouth Co.; pvt., Monmouth militia, 1778–1780.

FELL, JOHN (1721–1798): Franklin, Bergen Co.; father of Peter Fell; judge, court of common pleas, 1766–1774; Bergen Committee of Correspondence, May 12, 1775; Provincial Congress; Legislative Council, 1776–1777; taken prisoner by Loyalists, April 22, 1777; incarcerated in N.Y.C. provost jail; paroled, Jan. 7, 1778; released, May 11, 1778.

FELL, PETER (1754–1791): Paramus, Bergen Co.; son of John Fell; maj., N.Y. state militia, 1778; lt. col., Bergen militia, Mar. 27, 1778–1779; resigned, Oct. 5, 1779.

FISHER, HENDRICK (1697–1779) Bound Brook, Bridgewater, Somerset Co.; provincial assembly; judge, oyer and terminer, 1767–1770; justice of the peace; chairman, Legislative Committee of Correspondence; vice president, N.J. Committee of Safety, 1775–1776; president, Provincial Congress, 1775; vice president, Provincial Congress, 1775–1776; commissioner, Eastern Division, 1776.

FITZGERALD, JOHN: Va.; capt., Continental army, Feb. 8, 1776; lt. col. and aide-de-camp to George Washington, Nov. 1776–July 6, 1778.

FITZ RANDOLPH, JAMES: Woodbridge, Middlesex Co.

FLOWER, BENJAMIN (d. 1781): Pa.; commissary of military stores, July 16–Dec. 1776; col., Continental army, Jan. 1777–1781.

FLOYD, WILLIAM (1734–1821): N.Y.; Continental Congress, 1774–1777, 1778–1783.

FORD, JACOB, JR. (1738-1777): Morris, Morris Co.; sheriff, judge, and justice of the peace, 1764-1768; col., Morris militia, Jan. 13, 1776; owned gunpowder mill, 1776; col., State Troops, Nov. 27, 1776; died of pneumonia at Morristown, Jan. 10, 1777.

FORDICE, ELIZABETH HUDGINS (Mrs. SAMUEL): married Samuel Fordice (1734-1824).

FORMAN, DAVID (1745-1797): Freehold, Monmouth Co.; col., Heard's Brigade, June 1776; sent to reinforce Washington at N.Y.; suppressed Loyalist uprising in Monmouth, Nov. 1776; col., Continental army, Jan. 12, 1777-July 1, 1778; brig. gen., N.J. militia, Mar. 5, 1777; resigned, Nov. 6, 1777.

FORMAN, EZEKIEL: Monmouth Co.; Loyalist; posted bond, July 1, 1776, before the Provincial Congress; fined for unspecified violation of bond, Aug. 20, 1776; defected to serve the British, 1776-1778; captured and condemned to death, 1778; released and sent to Pa., where he settled.

FORMAN, SAMUEL (1714-1792): Upper Freehold, Monmouth Co.; lt. col., Monmouth militia, Oct. 25, 1775; col., May 23, 1777.

FORMAN, THOMAS (1740-1825): Upper Freehold, Monmouth Co.; justice of the peace, Mar. 15, 1777.

FOWLER, THOMAS: New Hanover, Burlington Co.; arrested for high treason and committed to Sussex jail, July 1777.

FRANKLIN, BENJAMIN (1706-1790): Pa.; father of William Franklin; Continental Congress, 1775-1776; commissioner to the court of France, Sept. 26, 1776.

FRANKLIN, WILLIAM (1731-1813): son of Benjamin Franklin; gov., N.J., 1763-1776; arrest ordered by Provincial Congress, June 15, 1776; held in Conn. until exchanged, 1778; president, Board of Associated Loyalists, 1780; returned to England at end of war.

FRELINGHUYSEN (VRELINGHUSEN), FREDERICK (1753-1804): Hillsborough, Somerset Co.; Provincial Congress; aide-de-camp to Gen. Philemon Dickinson,

summer, 1776; maj., Feb. 15, 1776; lt. col., Feb. 28, 1777, Somerset militia; clerk, peace and pleas, Sept. 13, 1776; resigned command to become delegate, Continental Congress, Nov. 6, 1778-1779, 1782-1783.

FRIES (FRIEZE), HENRY: Upper Freehold, Monmouth Co.; lt., Continental army, Nov. 1775; captured at the battle of Trois Rivières, Canada, June 8, 1776.

GAINES, HUGH (1726-1807): N.Y.; Whig printer; fled to Newark with his press when the British occupied N.Y.C.; left Newark, 1776; defected to British-held N.Y. to print the *N.Y. Gazette & Weekly Mercury* as a Loyalist newspaper.

GAMBLE, THOMAS: lt., British army, Sept. 26, 1762; lt., 16th Regt. of Foot, Nov. 28, 1770; capt., American Regt., British army, Nov. 14, 1771; capt., 47th Regt., Aug. 1, 1775; captured by Americans; exchanged; maj., Nov. 1778.

GAMBLE, WILLIAM: Burlington Co.; born in Dublin, Ireland; capt., 1st Regt., Burlington militia, Aug. 13, 1775; brigade maj., Gen. Philemon Dickinson's Brigade, N.J. militia, Sept. 14, 1776; justice of the peace, June 6, 1777; retired from service, 1779.

GANSEVOORT, LEONARD (1751-1810): Albany, N.Y.; lawyer; Albany Committee of Correspondence until 1775; N.Y. Provincial Congress; county clerk, Albany, 1777.

GARDNER, WILLIAM: British soldier, 10th Regt. of Foot; captured July 1776.

GARRITSE (GARRETSE, GARRISON, GARRISTE, GERRITS), HENRY: Acquackanonk, Essex Co.; Essex Committee of Correspondence; provincial assembly, 1772-1775; Provincial Congress; General Assembly, 1776-1777, 1782-1788; took a protection from the British, 1776.

GATES, HORATIO (ca. 1728-1806): brig. gen., Continental army, June 15, 1775; maj. gen., May 16, 1776; commander, Ticonderoga, Mar.-May 1777; commander, Northern Department, Aug. 4, 1777.

GEORGE II (1683-1760): king of Great Britain, 1727-1760.

GEORGE III (1738–1820): king of Great Britain, 1760–1820.

GERRITS, HENRY. See GARRITSE, HENRY.

GREENE, NATHANIEL (1742–1786): brig. gen., Continental army, June 22, 1775; maj. gen., Aug. 9, 1776; in command of troops in N.J. with headquarters at Ft. Lee, Oct. 1776; quartermaster gen., Mar. 2, 1778–Aug. 3, 1780.

GRIGGS, DANIEL: Dover, Monmouth Co.; pvt., Monmouth militia, 1775; pvt., Continental army; justice of the peace, June 6, 1777.

GRIMALDI, JERÓNIMO (1706–1789): Spanish ambassador to Paris in 1776.

GROVER, JAMES: Middletown, Monmouth Co.; Monmouth Committee of Correspondence, July 19, 1774; judge and justice, Sept. 5, 1776; ordered apprehended by the Council of Safety, Apr. 4, 1777; took oath of allegiance and discharged, Aug. 30, 1777.

GROVER, WILLIAM: Upper Freehold, Monmouth Co.; Loyalist; crossed over to British lines at Allentown, N.J., 1776; taken prisoner, tried, and banished to Morristown, 1780; property confiscated and sold; went to England.

GUELICK (GULICK), JOCKMAN (JOAKEM, JOCKHUM): New Brunswick, Middlesex Co.; lt., capt., Middlesex militia; capt., Somerset militia.

GURNEY, FRANCIS (1735–1815): Pa.; lt. col., Continental army, Aug. 21, 1776; wounded at Iron Hill, Sept. 3, 1777; resigned, Oct. 22, 1777.

HALL, JOSIAH (d. 1810): Hanover, Morris Co.; capt., Morris militia, 1776; capt., State Troops, Jan. 1777.

HALSTED (HALSTEAD), MATTHIAS: Elizabethtown, Elizabeth, Essex Co.; ens., Continental army; quartermaster, Dec. 1775–Aug. 1776; brigade maj., staff of Gen. William Winds; maj. and aide-de-camp, staff of Gen. Philemon Dickinson; justice of the peace, Nov. 24, 1779.

HAMILTON, ALEXANDER (1757–1804): N.Y.; capt., Provincial Company, N.Y. artillery, Mar. 14, 1776; lt. col. and aide-de-camp to George Washington, Mar. 1, 1777–Dec. 23, 1783.

HAMPTON, JOHN (1745–1822): Gloucester Co.; lt., capt., Gloucester militia; captured at New Brunswick, Oct. 26, 1777; exchanged, Oct. 1780.

HANCOCK, JOHN (1737–1793): Mass.; Continental Congress, 1775–1780; president, Continental Congress, May 24, 1775–Nov. 1, 1777.

HAND, JONATHAN (1728–1789): Cape May Co.; provincial assembly, 1771–1775; judge, oyer and terminer, May 18, 1775; Legislative Council, 1776; justice of the peace, June 6, 1777; General Assembly, 1778.

HANKINSON, KENNETH (1731–1807): Freehold, Monmouth Co.; capt., Heard's Brigade, Feb.–June 16, 1776; capt., Monmouth militia, 1776–1777.

HARING, JOHN (1739–1809): Orange Co., N.Y.; brigade maj. to Gen. George Clinton, 1776–1777; Continental Congress, 1774–1775, 1785–1788.

HARRIS, JACOB (1751–1798): Hopewell, Cumberland Co.; physician, Continental army; surgeon's mate, Nov. 28, 1776; surgeon, Nov. 15, 1782.

HARRISON, ROBERT HANSON (1745–1790): Va.; lt. col. and aide-de-camp to George Washington, Nov. 5, 1775–Mar. 25, 1781.

HART, JOHN (ca. 1707–1779): Hopewell, Hunterdon Co.; provincial assembly, 1761–1771; Provincial Congress; Continental Congress, June 22–Aug. 30, 1776; speaker, General Assembly, 1776–1778.

HART, JOHN D. See DE HART, JOHN.

HATFIELD (HETFIELD), ABNER (ABNOR) (1739–1784): Essex Co.; pvt., Essex militia.

HATFIELD (HETFIELD), MOSES (1747–1803): Elizabethtown, Elizabeth, Essex Co.; merchant; ens., Essex militia, 1776.

HATFIELD, SMITH. See HETFIELD, SMITH.

HATFIELD, JOHN. See HETFIELD, SMITH.

HAYES, SAMUEL (1728–1811): maj., Essex militia, July 18, 1776; 1st maj., June 6, 1777.

HEARD (HERD), NATHANIEL (1730–1792): Woodbridge, Middlesex Co.; col.,

N.J. militia, Nov. 1775; brig. gen., commanding Heard's Brigade attached to Continental army; brig. gen., N.J. militia, Feb. 1, 1777; served to end of war.

HEATH, WILLIAM (1737-1814): Mass.; maj. gen., Mass. militia, June 20, 1775; brig. gen., Continental army, June 22, 1775; maj. gen., Aug. 9, 1776; served to end of war.

HEDDEN, JOSEPH, JR. (1728-1780): Newark, Essex Co.; Newark Committee of Observation; justice of the peace, Sept. 5, 1776; judge, common pleas, Mar. 15, 1777.

HENCHMAN, JOHN. See HINCHMAN, JOHN.

HENDRICKS, ABRAHAM: Upper Freehold, Monmouth Co.; wagonmaster.

HENDRICKS, CONRAD (d. 1784): Monmouth Co.; Loyalist; capt., N.J. Volunteers; fled to New Brunswick, Canada, after the war.

HENDRICKSON, DANIEL (ca. 1737-1797): Shrewsbury and Upper Freehold, Monmouth Co.; col., Monmouth militia, July 9, 1776; resigned; recommissioned, Nov. 20, 1777; taken prisoner, June 9, 1779.

HERD, NATHANIEL. See HEARD, NATHANIEL.

HETFIELD, ABNER. See HATFIELD, ABNER.

HETFIELD, MOSES. See HATFIELD, MOSES.

HETFIELD (HATFIELD), SMITH (JOHN) (1749-ca. 1800): Elizabethtown, Elizabeth, Essex Co.; Loyalist; carpenter; served as guide for forays into N.J.; helped in capture of several prominent N.J. Whigs; estate confiscated and sold, 1779; settled in New Brunswick, Canada, after the war.

HEWES, JOSEPH (1730-1779): N.C.; Continental Congress, 1774-1777, 1779.

HICKS, JOHN: Upper Alloways Creek, Salem Co.; physician; arrested and brought to the Provincial Congress at Trenton, July 10, 1776; paroled and confined to Trenton until July 13, 1776; took oath and was released.

HILLEGAS, MICHAEL (1729-1804): Pa.; joint treasurer, Continental Congress,

1775; treasurer, 1776; treasurer of U.S., 1777-1789.

HILLMAN, JOSIAH: Gloucester, Gloucester Co.; lt. col., Gloucester militia, July 18, 1776.

HINCHMAN (HENCHMAN), JOHN: Gloucester Town, Gloucester Co.; Loyalist; Quaker; part owner of copper mine; judge, oyer and terminer, 1768-1775; provincial assembly, 1768, 1769, 1775; examined by Council of Safety, May 1777; refused to take oath, June 5, 1777; took refuge with the British army at Philadelphia, 1777; accompanied army to N.Y.; property confiscated and sold; settled in Nova Scotia, Canada, after the war; later returned to N.J.

HOAGLAND (HOOGLAND), OKEY (OAKLEY): Chesterfield, Burlington Co.; capt., Burlington militia; 2d maj., Feb. 1, 1777; 1st maj., Mar. 15, 1777; lt. col., Apr. 18, 1778.

HOCKLEY, THOMAS: Pa.; col., Chester Co. militia.

HOFMIRE, SAMUEL. See HOPMIRE, SAMUEL.

HOLLINGSHEAD, JOSEPH: Burlington and Evesham, Burlington Co.; justice of the peace, May 15, 1777.

HOLMES, ASHER (1740-1808): Freehold, Monmouth Co.; mustermaster and commissioner for payment of bounty, June 14, 1776; Monmouth Committee of Observation, 1774-1775; maj., Monmouth militia, Nov. 28, 1776; col., Mar. 27, 1778; sheriff, Monmouth, 1777.

HOLMES, JAMES: Sussex Co.; surgeon, Sussex Batt., N.J. minutemen, Oct. 28, 1775; surgeon, Continental army, Dec. 21, 1775.

HOLMES, JOSEPH (1736-1809): Middletown, Monmouth Co.; Provincial Congress; N.J. Committee of Safety, 1775; General Assembly, 1776; Legislative Council, 1777-1779.

HOOGLAND, OKEY. See HOAGLAND, OKEY.

HOOPER, WILLIAM (1742-1790): N.C.; Continental Congress, 1774-1777.

HOOPS, ROBERT: Trenton, Hunterdon Co., and Sussex Co.; justice of the peace, Hunterdon, 1774; acted as militia commissary, 1775; capt., maj., Hunterdon militia, 1776; deputy commissary gen. of issues, Continental army, July 1–Aug. 6, 1777; Legislative Council, 1777.

HOPKINSON, FRANCIS (1737–1791): Bordentown, Chesterfield, Burlington Co.; writer; Legislative Council, 1774; Continental Congress, June 28–Nov. 30, 1776; member, Marine Committee, July 12, 1776; justice, N.J. Supreme Court, Sept. 4, 1776; chairman, Navy Board at Philadelphia, Nov. 18, 1776; designer of the Great Seal of N.J., 1777.

HOPMIRE (HOFMIRE), SAMUEL: Shrewsbury, Monmouth Co.; carpenter; pvt., Monmouth militia.

HOUGHTON, JOAB (1725–1798): Hopewell, Hunterdon Co.; capt., Hunterdon militia, 1776; lt. col., Mar. 15, 1777; justice of the peace, Feb. 3, 1777.

HOWE, RICHARD (LORD HOWE) (1726–1799): British vice admiral, 1775; brother of Sir William Howe; commander in chief, North American Station, 1776; resigned command, 1778.

HOWE, SIR WILLIAM (1729–1814): British gen.; brother of Richard, Lord Howe; Member of Parliament, 1758–1780; lt. gen., 1772; commander of the colonies, Oct. 10, 1775; resigned command, 1778.

HUBLEY, ADAM (d. 1793): Pa.; capt., Continental army, Oct. 27, 1775; maj., Dec. 6, 1776; lt. col., Mar. 12, 1777; retired, Jan. 17, 1781.

HUDDLESTON, RICHARD: British officer and surgeon, Royal Fusileers, 7th Regt. of Foot; arrived in Quebec, July 1773; fought at St. Johns and Chambly, Oct. 1775; taken prisoner; exchanged, Dec. 1776.

HUGG, JOSEPH (ca. 1741–1796): Gloucester, Gloucester Co.; Provincial Congress, 1775–1776; county clerk, 1776; clerk, peace and pleas, Sept. 11, 1776; commissary for N.J. militia, Dec. 1776–1781; justice of the peace, June 6, 1777, 1782, 1783.

HUGG, SAMUEL: Gloucester, Gloucester Co.; capt., Western Company, artillery, State Troops, Mar. 1, 1776; resigned, June 1777.

HUGHES (HUGHS), ELIJAH (1744–1797): Lower Precinct, Cape May Co.; justice of the peace, 1753, 1771; Provincial Congress; clerk of the peace and pleas, Sept. 5, 1776, declined; deputy surrogate, Sept. 5, 1776.

HULBERT, JOHN: N.Y.; capt., Continental army, June 28, 1775–Jan. 5, 1776; lt. col., col., N.Y. militia.

HUMPTON, RICHARD (d. 1804): Pa.; lt. col., Continental army, July 16, 1776; col., Oct. 25, 1776; brevet brig. gen., Sept. 30, 1783–Nov. 3, 1783.

HUNT, ABRAHAM (1740–1821): Trenton, Hunterdon Co.; Trenton Committee of Correspondence, 1775; lt. col., Hunterdon militia, 1775; commissioner, Western Division, 1776; resigned, 1777.

HYDE, EDWARD (LORD CORNBURY) (1661–1723): gov., N.Y. and N.J., 1702–1708.

HYER, JACOB: Windsor, Middlesex Co.; lt. col., Middlesex militia, Aug. 9, 1776; col., Sept. 6, 1777; resigned, Oct. 2, 1778.

IMLAY, GILBERT (ca. 1754–1828): lt., N.J. militia; 1st lt., Continental army, Jan. 11, 1777–July 24, 1778; moved to Ky., 1783.

IMLAY, WILLIAM: Upper Freehold, Monmouth Co.; ens., lt., Monmouth militia to Mar. 14, 1777; accused of accepting protection of the enemy, Feb. 1777; sent to prison at Haddonfield by order of Col. Samuel Forman and charged with refusing to bear arms, Mar. 15, 1777.

JAUNCEY, JAMES (d. 1777): N.Y.; Loyalist; imprisoned at Middletown, Conn., 1776.

JAY, JOHN (1745–1829): N.Y.; son-in-law of WL (married Sarah Livingston, Apr. 28, 1774); Continental Congress, 1775–1776, 1778, president, Dec. 10, 1778–Sept. 28, 1779; N.Y. Provincial Congress, 1776; chief justice, N.Y., 1777–1779; minister plenipotentiary to Spain, Sept. 27, 1779.

JAY, PETER AUGUSTUS (1776-1843): WL's grandson; eldest son of John Jay and Sarah Livingston Jay.

JAY, SARAH ("SALLY") (MRS. JOHN) (1756-1802): WL's daughter; married John Jay, Apr. 28, 1774.

JEFFERSON, THOMAS (1743-1826): Va.; Continental Congress, 1775-1776.

JERALEMON, TEUNIS: Newark, Essex Co.; 1st Lt., Essex militia.

JOEYET, CAVALIER. See JOUET, CAVALIER.

JOHNSON, PHILIP (1741-1776): Elizabethtown, Elizabeth, Essex Co.; Lt. col., Heard's Brigade, June 14, 1776; killed at the battle of Long Island, Aug. 1776.

JOHNSTON, GEORGE: Va.; capt., Continental army, Sept. 21, 1775; maj., Aug. 13, 1776; Lt. col. and aide-de-camp to George Washington, Jan. 20, 1777-Aug. 15, 1777.

JOHNSTON, SAMUEL: Hunterdon Co.; justice of the quorum, 1768; judge, oyer and terminer, 1768-1770; justice of the peace, 1768, 1771; judge, court of common pleas, Sept. 7, 1776.

JOLINE, ANTHONY (d. 1783): Boonton, Hanover, Morris Co., and Princeton, Somerset Co.; ironworker.

JOUET (JOYET, JOEYET), CAVALIER (CHEVALIER) (ca. 1737-1810): Elizabethtown, Elizabeth, Essex Co.; wealthy Loyalist; collected intelligence and acted as guide for British; imprisoned; paroled in Basking Ridge area; forfeited his estate, Feb. 17, 1779; settled in England, 1783.

KEARNEY (KEARNY), MICHAEL, JR. (1751-1791): Perth Amboy, Middlesex Co.; Loyalist; merchant; arrested; examined, July 9, 1776; paroled to Trenton and then confined to town of Burlington; escaped to N.Y. and served with N.J. Volunteers; returned to Perth Amboy at end of war.

KEARNEY (KEARNY), PHILIP (1733-1798): Perth Amboy, Middlesex Co.; Loyalist; brother-in-law of Cortlandt Skinner; arrested; examined, July 9, 1776; paroled and confined to Hunterdon Co.; escaped

to N.Y., 1777; Lt. col., N.J. Volunteers; Middlesex property forfeited, 1779; settled in Newark after the war.

KEASBEY (KEASBY), EDWARD (1726-1779): Salem, Salem Co.; Provincial Congress; justice of the peace, Sept. 11, 1776; General Assembly, 1777; Legislative Council, 1777.

KELSEY, ENOS: Somerset Co.; 2d maj., Somerset militia; resigned to accept appointment as quartermaster and commissary, Mar. 30, 1777; judge and justice, Sept. 13, 1776; maj., State Troops, Nov. 27, 1776.

KENNEDY, ARCHIBALD (d. 1794): Bergen Co.; Loyalist; capt., Royal Navy, until 1765; held large estate, "Pavonia," near Paulus Hook; arrested, 1776; confined to Morristown area until parole, 1780; settled in England after the war and became the 11th Earl of Cassilis, 1792.

KENNEDY, SAMUEL: Sussex Co.; justice of the peace, Sept. 13, 1776, 1781; General Assembly, 1780.

KINSEY, JAMES (1732-1802): Burlington Co.; born in Philadelphia; practiced law in Pa. and N.J.; N.J. provincial assembly, 1772-1775; Burlington Committee of Correspondence, 1774; Continental Congress, Sept. 5, 1774-Nov. 22, 1775.

KNOTT, DAVID (ca. 1732-1788): Shrewsbury, Monmouth Co.; township committee of Shrewsbury, 1775-1776.

KNOTT (KNOT), SAMUEL: Shrewsbury, Monmouth Co.

KNOX, HENRY (1750-1806): Mass.; col., Continental army, regt. of artillery, Nov. 17, 1775; brig. gen. and chief of artillery, Dec. 1776; maj. gen., 1781.

LAW, ISAAC. See LOWE, ISAAC.

LAWRENCE, CHARLES: capt., Pa. navy, Apr. 6, 1776; commanded the barge *Salamander*; resigned, Feb. 28, 1778.

LAWRENCE, ELISHA (1740-1811): Monmouth Co.; Loyalist; son of John Lawrence, Sr.; sheriff, Monmouth, 1775; Lt. col., N.J. Volunteers, 1776; property confiscated; settled in Nova Scotia, Canada, after the war.

LAWRENCE, ELISHA (1746-1799): Upper Freehold, Monmouth Co.; brother of John Brown Lawrence; maj., Monmouth militia, Oct. 25, 1775; lt. col., May 23, 1777.

LAWRENCE (LAURENCE), JOHN, SR. (1709-1794): Upper Freehold, Monmouth Co.; Loyalist; lawyer and land surveyor; father of Dr. John Lawrence; judge, oyer and terminer, 1766; justice of the peace, 1768; confined to the house of Renssellier Williams, July 1776; imprisoned in Burlington, 1777; remained in N.J. until his death.

LAWRENCE (LAURENCE), DR. JOHN (1747-1830): Monmouth Co. and Middlesex Co.; born, Monmouth Co.; Loyalist; son of John Lawrence, Sr.; physician; practiced in Perth Amboy; arrested, July 1776; directed to remain at Trenton; paroled to Morristown; fled to N.Y.; returned to Monmouth Co., 1783.

LAWRENCE, JOHN BROWN (1726-1796): Burlington and Mansfield, Burlington Co.; brother of Lt. Col. Elisha Lawrence (1746-1799); Loyalist; provincial assembly, 1761-1768; judge, oyer and terminer, Burlington, 1772; Legislative Council, 1771-1775; arrested and imprisoned at Burlington; accused of treasonable intercourse with the enemy; acquitted; settled in Canada after the war.

LEE, CHARLES (1731-1782): British officer, had served in British and Polish armies; 2d maj. gen., Continental army, June 17, 1775; captured at Basking Ridge and imprisoned in N.Y., Dec. 13, 1776; supplied Howe with information while he was incarcerated.

LEE, JOHN: alias John Brown; suspected Loyalist; ordered imprisoned, May 12, 1777; court-martialed, May 19-20, 1777; clemency recommended; joined British army.

LEE, RICHARD HENRY (1732-1794): Va.; Continental Congress, 1774-1780, 1784, 1787; president, 1784.

LEONARD, JOHN, SR.: Upper Freehold, Monmouth Co.; Loyalist; taken before the Provincial Congress, June 1776, on a

charge of influencing the people against the measures of Congress; posted bond; marched with about one hundred men to join the British army at Trenton, Dec. 1776; procured provisions, forage, and supplies for the British army; estate forfeited, May 15, 1779; moved to New Brunswick, Canada.

LEONARD, JOHN, JR. (ca. 1758-1816): Middletown, Monmouth Co.; Loyalist; probably son of John Leonard; ens., N.J. Volunteers; estate forfeited, 1780.

LEONARD, JOSEPH: Middletown and Shrewsbury, Monmouth Co.; Loyalist; ordered arrested, Apr. 1777; estate forfeited, 1778-1780.

LEONARD, THOMAS (b. ca. 1715): Freehold, Monmouth Co.; Loyalist; owned extensive property in Monmouth; sheriff, Monmouth; maj., N.J. Volunteers, 1778; Monmouth property confiscated and forfeited, May 13, 1779; fled to New Brunswick, Canada, after the war.

LEWIS, FRANCIS (1713-1803): N.Y.; merchant; immigrated from Wales, 1735; Stamp Act Congress, 1765; Continental Congress, 1774-1779; N.Y. Provincial Convention, 1775; N.Y. Provincial Congress, 1776-1777.

LEWIS, WILLIAM: Nottingham, Burlington Co.; lt. col., Burlington militia, Sept. 28, 1776.

LINN, JAMES (1749-ca. 1820): Bedminster, Somerset Co.; married Mary Livingston, WL's daughter, 1771; admitted to bar, 1772; practiced in Trenton; Provincial Congress; judge and justice, Sept. 13, 1776; Legislative Council, 1777; capt., Somerset militia; 1st maj., Feb. 3, 1776-June 28, 1781.

LIPPINCOTT (LIPPENCOT), RICHARD (1745-1826): Shrewsbury, Monmouth Co.; Loyalist; jailed, Oct. 1776, for trying to conceal a person sent from N.Y. to N.J. by Sir William Howe to distribute proclamations; escaped from jail in Burlington; joined the British in N.Y., Dec. 1776; ens., N.J. Volunteers, Dec. 1776; resigned, Apr. 1777; recruited a company of Loyalists, 1780.

LIVINGSTON, HENRY ("HARRY") BROCKHOLST (1757-1823): son of WL; pvt., Essex militia, Jan. 1776; aide-de-camp to Gen. Philip Schuyler, May 11, 1776; unofficial aide to Maj. Gen. Arthur St. Clair, June-July 1777; aide to Gen. Benedict Arnold, Sept.-Oct. 1777; maj., June 5, 1776; lt. col., Oct. 4, 1777.

LIVINGSTON, JAMES (1747-1832): N.Y.; col., Continental army, Nov. 20, 1775-Jan. 1, 1781.

LIVINGSTON, JOHN LAWRENCE (1762-1781): youngest son of WL; appointed midshipman, American navy, Apr. 1780; served on the *Saratoga*; lost at sea, 1781.

LIVINGSTON, ROBERT R. (1746-1813): N.Y.; cousin of WL; Continental Congress, 1775-1776, 1779-1781, 1784; chancellor, N.Y., 1777-1801.

LIVINGSTON, SARAH. See JAY, SARAH.

LIVINGSTON, SUSANNAH ("SUKEY") FRENCH (MRS. WILLIAM) (1723-1789): wife of WL; married, Mar. 2, 1747; daughter of Philip French.

LIVINGSTON, SUSANNAH (b. 1748): daughter of WL; married John Cleves Symmes, 1794.

LIVINGSTON, WILLIAM, JR. (1754-1817): Hanover, Morris Co.; WL's son; intermittently served as WL's secretary; deputy surrogate, Sept. 5, 1776; secretary, Council of Safety, Nov. 14, 1777.

LIVINGSTON, WILLIAM SMITH (1755-1794): N.Y.; maj., N.Y. militia; aide-de-camp to Maj. Gen. Nathanael Greene, Aug. 12, 1776-Jan. 14, 1777; lt. col., Jan. 14, 1777-Oct. 10, 1778.

LONGSTREET, GILBERT (1750-1787): Upper Freehold, Monmouth Co.; lt., capt., State Troops, July-Dec. 1776; lt., Monmouth militia.

LONGSTREET, SAMUEL: Shrewsbury, Monmouth Co.; 1st lt., Monmouth militia, Mar. 6, 1776.

LOTT, RICHARD (1723-1784): Spotswood, Perth Amboy, Middlesex Co.; lt. col., Middlesex militia, Aug. 16, 1776; resigned, June 6, 1777.

LOWE (LOW, LAW), ISAAC (1731-1791): N.Y. and N.J.; Loyalist; merchant in N.Y.C.; Stamp Act Congress; Continental Congress, 1774-1775; N.Y. Provincial Congress, 1775; actively aided British, spring, 1776; property confiscated, 1779; went to England after the war.

LOWRIE (LOWREY), THOMAS (1737-1806): Hunterdon Co.; commissary, Continental army, Dec. 8, 1775; lt. col., Hunterdon militia, June 19, 1776, to at least 1777.

LUCE, NATHAN. See LUSE, NATHAN.

LUDWICK (LUDOWICK, LUDWIG), CHRISTOPHER (1720-1801): born in Germany; emigrated to America, 1753; served as baker for the flying camp, 1776; engaged in espionage for the Continental army; in charge of Hessian prisoners at Elizabethtown, Nov. 1776.

LUSE (LUCE), NATHAN (1747-1813): Roxbury, Morris Co.; capt., Heard's Brigade, State Troops, June 1776; capt., lt. col., Morris militia, 1776-1782.

LYNCH, THOMAS, JR. (1727-1776): S.C.; Continental Congress, 1774-1776.

MCCOLLUM, JACOB: Newton, Sussex Co.; chairman, Sussex Committee, 1775; justice of the peace, Feb. 28, 1777; judge, common pleas, Sept. 24, 1777; General Assembly, 1778.

MCCULLOUGH, JAMES: Hackensack, N.J.; Loyalist; from Ireland; accompanied 17th Regt. of Foot to America; discharged as sgt., 1764; fled to N.Y.; acting commissary to Hessians; lt., N.Y. Loyalist militia, Feb. 2, 1780; Bergen property confiscated, Oct. 3, 1778; fled to England after the war.

MCDUGALL, ALEXANDER (1732-1786): N.Y.; N.Y. Provincial Congress; col., Continental army, June 1775; brig. gen., Aug. 9, 1776; court-martialed for insubordination, 1782; Continental Congress, 1781-1782, 1784-1785.

MACERWEN (MACEOWEN), ALEXANDER (d. 1777): Somerset Co.; appointed to purchase clothing in Somerset for the army, 1776; General Assembly, 1776.

McFARLAN, JAMES: British army, enlisted man, 55th Regt. of Foot; deserted.

McKEAN, THOMAS (1734-1817): Delaware; Continental Congress, 1774-1783.

McKNIGHT, CHARLES: Monmouth Co.; minister of the Presbyterian churches in Shrewsbury and Middletown.

McPHERSON, JOHN: British army; capt. lt., 17th Regt. of Foot, Sept. 8, 1775; capt., Aug. 28, 1776; captured.

MACKIE, PETER: Morris Co.; lt., Morris militia, 1776-1777.

MANLEY, JOHN (1737-1807): New Brunswick, Middlesex Co.; wagonmaster for the N.J. militia.

MANNING, BENJAMIN (1744-1801): Piscataway, Middlesex Co.; Middlesex Committee of Observation, 1775; General Assembly, 1776-1778; Council of Safety, Mar. 1777.

MANSFIELD, LORD. See MURRAY, WILLIAM.

MARGESON (MARGISON), RICHARD. See MORGASON, RICHARD.

MARTIN, EPHRAIM (1733-1806): Hardyston, Sussex Co., and Bernardsville, Somerset Co.; col., Sussex militia, Mar.-Apr. 1776; col., Heard's Brigade, June 14, 1776; wounded at the battle of Long Island, Aug. 27, 1776; justice of the peace, Sept. 13, 1776; col., Continental army, Nov. 28, 1776, to at least 1779.

MARTIN, ISAAC: Hardyston, Sussex Co.; justice of the peace, Sept. 13, 1776; lt., capt., acting col., Sussex militia, 1776; appointed to recruit men and apprehend deserters in Sussex Co. by the Council of Safety, Oct. 18, 1777; judge, common pleas, 1779.

MATLACK, TIMOTHY (ca. 1734-1829): Pa.; col., Pa. militia, 1775-1777; Pa. Council of Safety, 1776.

MAWHOOD, CHARLES: British officer; lt. col., 17th Regt. of Foot; served at Boston, Dec. 1775; at the battle of Princeton, 1777; col., commander of the 72d Regt. of Foot, 1778.

MAXWELL, WILLIAM (ca. 1733-1796 or 1798): Greenwich, Sussex Co.; Provincial Congress; col., Sussex militia; col., Continental army, Nov. 1775; brig. gen., Oct. 23, 1776; resigned, July 25, 1780.

MEASAM, GEORGE: maj. and commissary of clothing, Continental army, Oct. 16, 1776.

MERCER, HUGH (ca. 1725-1777): Va.; physician and soldier; col., Continental army, Jan. 11, 1776; brig. gen., June 5, 1776; commanded the flying camp in N.J.; wounded at the battle of Princeton; died, Jan. 12, 1777.

MERRIT, ISAAC: Northampton, Burlington Co.

MERSEREAU, JOSHUA (1728-1804): Staten Island, N.Y.; civil official and patriot; left Staten Island for N.J., July 1776; gathered intelligence for the militias of Pa. and N.J.; left N.J. for Pa. after the British occupation of N.J., 1776; still engaged in intelligence work in 1780.

MIDDAGH, DIRCK: Bridgewater, Somerset Co.; 2d maj., Somerset militia, Feb. 3, 1776; lt. col., Feb. 28, 1777.

MIFFLIN, JONATHAN (1753-1840): Pa.; brigade maj. to Gen. Thomas Mifflin, June 29, 1776; deputy quartermaster gen., June 30, 1777-1781.

MILLIDGE, THOMAS (1735-1816): Hanover, Morris Co.; Loyalist; justice of the peace, Morris, 1775; sheriff, Morris, 1776; fled to N.Y., late 1776; maj., N.J. Volunteers, Dec. 1776; property confiscated; settled in Nova Scotia, Canada, after the war.

MINARD, BENJAMIN (1742-1835): Pequannock, Morris Co.; capt., Morris militia; ironworker.

MINKS, HENRY: pvt., Continental army, enlisted in Morris Co., Dec. 15, 1776; on rolls as absent, Apr. 28, 1777, whereabouts unknown.

MONTGOMERY, ALEXANDER: Upper Freehold, Monmouth Co.; lt., Burlington militia, Oct. 6, 1777.

MONTGOMERY, HUGH: Philadelphia, Pa.; capt., Pa. navy.

MONTGOMERY, RICHARD (1738-1775): N.Y.; brig. gen., Continental army, June 22, 1775; maj. gen., Dec. 9, 1775; killed at Quebec, Dec. 31, 1775.

MOORES, DANIEL (1728-1792): Woodbridge, Middlesex Co.; Woodbridge Committee of Observation, 1775.

MORGASON (MARGESON, MARGISON), RICHARD: suspected Loyalist; committed to prison, Morris Co., for high treason, June 1777.

MORRIS, JOHN (b. 1735): Middlesex Co. and Monmouth Co.; Loyalist; had served in the British army; lt. col., N.J. Volunteers, 1776-1782; Middlesex estate forfeited May 17, 1779; settled in Trois Rivières, Canada, after the war.

MORRIS, ROBERT (1734-1806): Philadelphia, Pa.; born in England; merchant; Philadelphia Council of Safety, 1775; Continental Congress, Nov. 1775-1778.

MORRIS, ROBERT (1745-1815): Bergen Co., New Brunswick, Middlesex Co.; clerk of the peace and pleas, Sept. 6, 1776; chief justice of N.J. Supreme Court, Feb. 5, 1777; resigned, June 1779.

MORRIS, ROGER: N.Y.; Loyalist; born in England, served with 48th Regt. of Foot in America until 1764; reached rank of col.; property confiscated, moved to England.

MOTT, JAMES, JR. (1739-1823): Middletown and Dover, Monmouth Co.; General Assembly, 1776-1779.

MOUNT, MOSES: Freehold, Monmouth Co.; pvt., State Troops, 1776; guilty of misdemeanors; ordered jailed in Burlington, Apr. 10, 1777; pvt., Monmouth militia, 1778.

MOWAT, HENRY: lt., British navy, 1775-1776; commanded the ship *Canceaux*.

MUIRHEAD, ANDREW: Hopewell, Hunterdon Co.; justice of the peace, Feb. 3, 1777.

MUN, THOMAS: Pequannock, Morris Co.; ironworker.

MURRAY, WILLIAM (LORD MANSFIELD) (1705-1793): Great Britain; judge; lawyer; acting speaker, House of Lords, 1770; became Earl of Mansfield, Oct. 31, 1776.

NEIL (NEAL), DANIEL (ca. 1745-1777): capt. lt., capt., Eastern Company, artillery, N.J. militia, from Mar. 1, 1776; killed at Princeton, Jan. 3, 1777.

NEILSON (NELSON), JOHN (1745-1833): New Brunswick, Middlesex Co.; capt., N.J. militia, 1775; col., Middlesex militia, Aug. 31, 1775; brig. gen., N.J. militia, Feb. 21, 1777.

NEWBOLD, JOSEPH: Chesterfield, Burlington Co.; Provincial Congress; General Assembly, 1776.

NEWCOMB, SILAS (1723-1779): Cumberland Co.; col., Heard's Brigade, June 14, 1776; col., Continental army, Nov. 28, 1776; brig. gen., N.J. militia, Mar. 15, 1777; resigned, Dec. 4, 1777.

NORTH, WILLIAM: arrested in Monmouth Co., Jan. 1777, as a disaffected person; imprisoned in Philadelphia; enlisted in the Continental service on condition that he be released.

OGDEN, ISAAC: Newark, Essex Co.; Loyalist; brother of Samuel Ogden; Essex Committee of Correspondence, June 1774; Provincial Congress; in Morris and Essex jails, 1776-1777; fled to N.Y.; went to England, 1783; settled in Quebec and became a judge.

OGDEN, LEWIS (1730-1798): Newark, Essex Co.; Provincial Congress; Newark Committee of Correspondence, May 1775; N.J. Committee of Safety, Oct. 1775; moved to N.Y., 1786.

OGDEN, MATTHIAS (1754-1791): Elizabethtown, Elizabeth, Essex Co.; brother of Robert Ogden; served as brigade maj. in the expedition to Canada; wounded at Quebec, Dec. 31, 1775; lt. col., Continental army, Mar. 7, 1776; col., Jan. 1777.

OGDEN, ROBERT (1746-1826): Elizabethtown, Elizabeth, Essex Co.; brother of Matthias Ogden; commissary of issues

at Elizabethtown; commissary of prisoners, N.J.; Continental army, Dec. 25, 1779.

OGDEN, SAMUEL (1746-1810): Boonton, Hanover, Morris Co.; brother of Isaac Ogden; ironmonger; supplied Continental army at Middlebrook with camp kettles and other iron manufactures, 1778-1779; moved to N.Y.C., 1783.

OLDEN, JOSEPH: Windsor, Middlesex Co.; coroner, Middlesex, 1770, 1771; judge, common pleas, and justice of the peace, 1779, 1784, 1789.

PACA, WILLIAM (1740-1799): Md.; Continental Congress, 1774-1779.

PAINE, ROBERT TREAT (1731-1814): Mass.; Continental Congress, 1774-1778.

PANTON, JOHN: pvt., Continental army, May 6, 1777.

PARENT, JOHN: pvt., Monmouth militia, 1780.

PARKER, WILLIAM: Shrewsbury, Monmouth Co.; taken prisoner as a Loyalist in Monmouth Co., Jan. 1777; entered the Continental service as a pvt. in return for pardon of treasonable offenses, May 1777.

PATERSON, WILLIAM (1745-1806): Raritan, Bridgewater, Somerset Co.; Provincial Congress; attorney general, N.J., Sept. 4, 1776-1783; Legislative Council, 1776; Council of Safety, 1777.

PERIAM, JOSEPH (1742-1780): Elizabethtown, Elizabeth, Essex Co.; tutor at the College of N.J. (Princeton), 1762-1769; schoolmaster, grammar school in Elizabethtown, 1769; quartermaster, Continental army, Nov. 28, 1776-Sept. 26, 1780.

PETERS, RICHARD (1744-1828): Philadelphia, Pa.; secretary, Board of War, June 13, 1776; member, Board of War, Nov. 27, 1777-Dec. 1781.

PETTIT, CHARLES (1737-1806): Trenton, Hunterdon Co.; brother-in-law of Joseph Reed; secretary, Provincial Congress; General Assembly, 1776-1778; secretary

of state, Sept. 4, 1776; resigned, Oct. 7, 1778; principal surrogate, Sept. 5, 1776; judge, N.J. Court of Admiralty, Mar. 13, 1777.

PHILIPSE, FREDERICK (d. 1785): N.Y.; Loyalist; died in England.

PHILLIPS, JOSEPH (1718-ca. 1785): Maidenhead, Hunterdon Co.; maj., Heard's Brigade, Mar.-June 14, 1776; lt. col., Hunterdon militia, Aug. 1, 1776; col., Mar. 15, 1777.

PIATT, JACOB (1747-1834): ens., Continental army, Dec. 15, 1775; lt., Nov. 29, 1776.

PINKERTON, DAVID (1737-1781): Trenton, Hunterdon Co.; commissioner, Western Division; purchased camp equipage, lead, and arms for the West Jersey militia, summer, 1776.

POTTER, DAVID (1745-1805): Hopewell, Cumberland Co.; justice of the peace, Sept. 6, 1776; col., Cumberland militia; col., State Troops, Nov. 27, 1776; brig. gen., N.J. militia, Feb. 21, 1777; declined appointment, Mar. 15, 1777; taken prisoner, Sept. 25, 1777; later exchanged.

POTTER, SAMUEL (1727-1802): Elizabethtown, Essex Co.; capt., Continental army, Mar. 8-Nov. 1776; lt. col., col., Essex militia, Feb. 3, 1777-Oct. 2, 1778.

PRESCOTT, RICHARD: Great Britain; brig. gen.; served in Canada, 1773-1775; captured at Montreal, Nov. 11, 1775; exchanged, Sept. 25, 1776; lt. gen., 7th Regt. of Foot, Royal Fusiliers, from 1777 to the end of the war.

PUTNAM, ISRAEL (1718-1790): Conn.; col., May 1, 1775; maj. gen., Continental army, June 19, 1775.

PUTNAM, RUFUS (1738-1824): Mass.; lt. col., Continental army, May 18, 1775; col. of engineers, Aug. 5, 1776; col., Continental army, Nov. 1776-1783.

QUICK, ABRAHAM (ca. 1732-1805): Somerset Co.; col., Somerset militia until Sept. 9, 1777; justice of the peace, Nov. 26, 1777.

READ, CHARLES: Evesham, Burlington Co.; justice of the peace, Sept. 11, 1776;

col., Burlington militia; col., State Troops, Nov. 27, 1776.

REED (READ), BOWES (1740–1794): Burlington Co.; brother of Joseph Reed; lt. col., Heard's Brigade, June 14, 1776; col., Burlington militia, Sept. 28, 1776–Mar. 31, 1778; clerk, N.J. Supreme Court, Sept. 6, 1776; justice of the peace, May 15, 1777.

REED (READ), JOSEPH (1741–1785): brother of Bowes Reed; moved to Philadelphia, 1770; Philadelphia Committee of Correspondence, 1775; president, Pa. Provincial Congress, 1775; col., Continental army, 1776; military secretary and aide to Washington; adj. gen., Continental army, June 5, 1776–Jan. 22, 1777; Continental Congress, 1777–1778.

REYNOLDS, BROUGHTON: Elizabethtown, Elizabeth, Essex Co.; Loyalist; immigrated to N.J. from England, 1764; ran the tavern Marquis of Granby until 1771; fled to N.Y.C.

REYNOLDS, THOMAS (1729–1803): lt. col., Burlington militia; col., June 6, 1777; captured and paroled; resigned, Dec. 18, 1782.

RHEA, DAVID (d. 1821): Upper Freehold, Monmouth Co.; maj., lt. col., Continental army, Nov. 8, 1775–Sept. 26, 1780.

RICHARDS, JOHN (d. 1778): New Barbadoes, Bergen Co.; Loyalist; arrested on order of the Provincial Congress, July 1776; paroled; fled to N.Y.; killed on a visit to home, Jan. 1778; property confiscated and sold.

RIGGS, JOSEPH, JR. (1720–1799): Newark, Essex Co.; judge, oyer and terminer, 1770–1774; Essex Committee of Correspondence, June 11, 1774; judge and justice, Sept. 5, 1776; judge of common pleas and justice of the peace, May 15, 1777.

RITTENHOUSE, DAVID (1732–1796): Philadelphia, Pa.; astronomer, engineer, and mathematician; munitions and armaments specialist; vice-president, Pa. Committee of Safety, 1776–1777; president, 1777.

ROBBINS, RICHARD. See ROBINS, RICHARD.

ROBERTSON, DANIEL: capt., 84th Regt., Royal Highland Regt. of Foot, June 14, 1775.

ROBERTSON, JAMES (ca. 1720–1788): maj. gen., British army; military gov. of N.Y., 1779.

ROBINS (ROBBINS), RICHARD (d. 1785): Upper Freehold, Monmouth Co.; Loyalist; summoned before the Provincial Congress and sent to Gloucester jail, June 1776; posted bond, July 1776; fined Aug. 1776; jailed again at Sussex, July 1777; was moved at his request to Burlington, July 1777; property forfeited; died at Prince Edward Island, Canada.

RODNEY, CAESAR (1728–1784): Delaware; Continental Congress, 1774–1778, 1782, 1783; brig. gen., maj. gen., Delaware militia, 1777.

ROSENCRANS (ROSECRANTS, ROSECRANTZ, ROSEKRANZ), JOHN (1724–1786): Walpack, Sussex Co.; civil official; capt., Sussex militia; col., May 23, 1777.

ROSS, JOHN: Bonhamtown and Woodbridge, Middlesex Co.; Middlesex Committee; clerk, Woodbridge Committee of Observation, Jan. 1775; commissioner, Eastern Division, June 17, 1776.

RUMSEY, BENJAMIN (1734–1808): Md.; Md. Convention, Dec. 29, 1775; Md. Council of Safety, 1776; Continental Congress, 1776–1778; chief justice, Md. Court of Appeals, 1778–1805.

RUNYAN, REUNE (1741–1811): Morris, Morris Co.

RUTHERFURD, WALTER (1723–1804): N.Y. and N.J.; Loyalist; lived in N.Y.C. but had extensive landholdings in N.J.; lived at his Hunterdon estate during the war; refused to take oath; confined as a disaffected person, Aug. 1777.

RUTLEDGE, EDWARD (1749–1800): S.C.; brother of John Rutledge; Continental Congress, 1774–1777.

RUTLEDGE, JOHN (1739–1800): S.C.; brother of Edward Rutledge; Continental Congress, 1774–1776.

SABRIESKIE, PETER. See ZABRISKIE, PETER.

ST. CLAIR, ARTHUR (1736–1818): Pa.;

born in Scotland; col., Pa. militia, 1775; col., Continental army, Jan. 3, 1776; brig. gen., Aug. 9, 1776; maj. gen., Feb. 19, 1777.

ST. LEGER, BARRY (1731-1786): lt., British army, 1754; capt., 1756; col., 1777; maj. gen., 1781.

SALTAR, JOSEPH (1732-1820): Toms River and Shrewsbury, Monmouth Co.; lt. col., Monmouth militia; resigned, Oct. 21, 1775; Provincial Congress; ordered to appear before the Council of Safety; jailed at Burlington, Apr. 1777; released.

SARJANT, SAMUEL: Perth Amboy, Middlesex Co.; helped to appropriate blankets belonging to the barracks in Perth Amboy for the Continental forces, Feb. 1776; judge and justice of the peace, Oct. 8, 1776.

SAVADGE, THOMAS: Pa. militia; director of the Pennsylvania Salt Works at Toms River.

SAXTON (SEXTON), JARED (1737-1785): Hopewell, Hunterdon Co.; justice of the peace, 1776; General Assembly, 1779-1780.

SCHUYLER, PHILIP (1733-1804): N.Y.; Continental Congress, 1775-1777; maj. gen., Continental army, June 19, 1775, in command of the Northern Department; temporarily replaced by Horatio Gates, Mar. 1777; command reinstated, May 15, 1777; relieved of command, Aug. 4, 1777; replaced by Horatio Gates.

SCOTT, JOHN BUDD: Sussex Co.; 1st maj., Sussex militia, Oct. 27, 1775; capt., Continental army, Dec. 11, 1775.

SCOTT, JOHN MORIN (1730-1784): N.Y.; one of the "New York Triumvirate"; brig. gen., N.Y. militia, June 9, 1776-Mar. 1777; N.Y. Council of Safety, May 8, 1777.

SCUDDER, NATHANIEL (1733-1781): Freehold, Monmouth Co.; physician; Monmouth Committee of Safety, 1774-1775; Provincial Congress; col., Monmouth militia, Nov. 28, 1776; Legislative Council, 1776; Council of Safety, 1777; Continental Congress, 1777-1779.

SCUDDER, WILLIAM (1739-1793): maj., Middlesex militia, Aug. 9, 1776; lt. col., Sept. 6, 1777.

SEABROOK, THOMAS (1738-1805): Freehold, Monmouth Co.; maj., lt. col., Monmouth militia, 1775.

SEBRING, ROELOFF (1729-1782): Hillsborough, Somerset Co.; capt., Somerset militia, 1775; justice of the peace, Sept. 13, 1776; General Assembly, 1777-1779.

SELCOAT (SILCOAT), NATHANIEL: iron-monger; pvt., Morris militia.

SERGEANT, JONATHAN DICKINSON (1746-1793): Princeton, Western Pct., Somerset Co.; lawyer; Somerset Co. court official and judge; Provincial Congress; Continental Congress, Feb. 14-June 22, 1776, and Nov. 30, 1776-Sept. 6, 1777; resigned and moved to Pa.

SEXTON, JARED. See SAXTON, JARED.

SHEARMAN, THOMAS (1760-ca. 1834): Shrewsbury, Monmouth Co.; pvt., Monmouth militia, 1777-1783.

SHERBROOK, MILES: Essex Co.; Loyalist; property forfeited, 1779-1780.

SHERMAN, ROGER (1721-1793): Conn.; Continental Congress, 1774-1781.

SHREVE, ISRAEL (1739-1799): Gloucester Co.; lt. col., Continental army, Oct. 31, 1775; col., Nov. 28, 1776-Jan. 1, 1781.

SHREVE, SAMUEL (1750-1815): Gloucester Co.; maj., Gloucester militia, Sept. 28, 1776; lt. col., Feb. 5, 1777.

SHREVE, WILLIAM (1737-1812): Mansfield, Burlington Co.; maj., Sept. 28, 1776; lt. col., Mar. 15, 1777; col., Apr. 18, 1778.

SILCOAT, NATHANIEL. See SELCOAT, NATHANIEL.

SINNICKSON (SINICKSON), ANDREW (1719-1790): Salem Co.; judge and justice, Sept. 11, 1776; Legislative Council, 1776, 1778-1779.

SKINNER, CORTLANDT (1727-1799): Perth Amboy, Middlesex Co.; Loyalist;

brother of Stephen Skinner; attorney general of the colony; speaker, provincial assembly, 1766, 1767; Perth Amboy representative, 1768, 1772; fled N.J., Jan. 1776; brig. gen., N.J. Volunteers, Sept. 4, 1776-1782; settled in Great Britain after the war.

SKINNER, STEPHEN: Perth Amboy, Middlesex Co.; Loyalist; brother of Cortlandt Skinner; judge, Middlesex; treasurer, N.J., 1762-1774; provincial council, 1774; imprisoned and paroled, July 1776; fled to N.Y., spring, 1777; maj., N.J. Volunteers, 1778; lands confiscated and forfeited, 1784.

SKINNER, THOMAS (b. ca. 1725): N.Y.C. and Perth Amboy, Middlesex Co.; Loyalist; arrested and examined, July 9, 1776; confined to Cranbury; freed, Aug. 1, 1776, after taking oath.

SLOCUM, JOHN: Shrewsbury, Monmouth Co.

SMITH, ISAAC (1740-1807): Hunterdon Co.; Trenton Committee of Correspondence, 1775; judge and justice, Sept. 7, 1776; col., Hunterdon militia, 1776-1777; justice, N.J. Supreme Court, Feb. 15, 1777.

SMITH, JACAMIAH (JEREMIAH): Elizabethtown, Elizabeth, Essex Co.; lt. col., Essex militia, Feb. 23, 1776; resignation accepted, Nov. 28, 1776, because of his appointment as high sheriff of Essex Co.

SMITH, RICHARD (1735-1803): Burlington, Burlington Co.; lawyer; Continental Congress, Sept. 5, 1774-June 12, 1776; Legislative Council, 1776; treasurer of N.J., Sept. 5, 1776-Feb. 15, 1777.

SMITH, ROBERT: Burlington, Burlington Co.; judge, 1766, 1767; a signer of bills of credit, 1776.

SMITH, WILLIAM (1728-1814): Md.; Md. Committee of Correspondence, 1774; Md. Committee of Observation, 1775; on committee appointed by the Continental Congress to constitute a naval board, 1777; Continental Congress, 1777-1778.

SMITH, WILLIAM, JR. (1728-1793): N.Y.C.; friend of WL; attorney, author, historian; a pre-Revolutionary Whig leader in N.Y.C.; inactive Loyalist; went to Canada after the war.

SMITH, WILLIAM PEARTREE (1723-1801): Elizabethtown, Elizabeth, Essex Co.; mayor, Elizabethtown, for several years; judge, oyer and terminer, 1770-1774; chairman, Essex Committee of Correspondence, 1774; Provincial Congress.

SMYTH, JOHN (1722-1786): Perth Amboy, Middlesex Co.; lawyer and colonial court official; treasurer, East Jersey, 1774; taken prisoner, released on parole, 1776; fled to N.Y.; settled in London after the war.

SOBRIESKIE (SOBRISKIE), PETER. See ZABRISKIE, PETER.

SPARKS, JOHN: Greenwich, Gloucester Co.; Provincial Congress; justice of the peace, Sept. 11, 1776, Sept. 28, 1781.

SPENCER, OLIVER (1736-1811): Elizabethtown, Elizabeth, Essex Co.; maj., Essex militia, Feb. 23, 1776; lt. col., Nov. 28, 1776; col., Feb. 3, 1777; col., Continental army, Jan. 15, 1777-Jan. 1, 1781.

STELLE (STEELE), THOMPSON (1745-1812): Piscataway, Middlesex Co.; capt., paymaster, Middlesex militia.

STEPHEN, ADAM (1718-1791): Va.; col., Continental army, Feb. 13, 1776; brig. gen., Sept. 4, 1776; maj. gen., Feb. 19, 1777, until his dismissal from service, Nov. 20, 1777.

STERLING, JAMES (1742-1818): Burlington Co.; maj., Burlington militia, Sept. 28, 1776-Feb. 1, 1777.

STEVENS, JOHN (1715-1792): Lebanon, Hunterdon Co.; father of John Stevens, Jr.; Legislative Council, 1770-1782.

STEWART, ARCHIBALD (1736-1795): Newton, Sussex Co.; justice of the peace, 1769, 1770, Apr. 17, 1775; Provincial Congress.

STILLWELL, SAMUEL: Upper Freehold, Monmouth Co.; joined Royal Army in

1776; estate forfeited, 1779; settled in New Brunswick, Canada, after the war.

STIRLING, LORD. See ALEXANDER, WILLIAM.

STOCKTON, RICHARD (1730-1781): Princeton, Windsor, Middlesex Co.; brother-in-law of Elias Boudinot; lawyer; Legislative Council, 1767-1776; Continental Congress, June 22, 1776-Dec. 2, 1776; captured by Loyalists near Freehold, Nov. 30, 1776; imprisoned in N.Y.C.; signed a protection from the British; retired to "Morven," his mansion at Princeton.

STOCKTON, RICHARD WITHAM (d. 1801): Princeton, Windsor, Middlesex Co.; Loyalist; called "Double Dick"; joined N.J. Volunteers, Aug. 1776; maj., Dec. 3, 1776; taken prisoner on Feb. 18, 1777, by Col. John Neilson; imprisoned at Philadelphia and Carlisle, Pa.; court-martialed, Aug. 15, 1780; sentence remitted; settled in New Brunswick, Canada, after the war.

STOPFORD, JOSEPH: British army; maj., 7th Regt. of Foot, Royal Fusiliers, Oct. 27, 1772; lt. col., Aug. 29, 1777; lt. col., 15th Regt. of Foot, Jan. 31, 1778; col., Nov. 20, 1782.

STOUT, BENJAMIN (1745-1799): N.Y.; Loyalist; merchant.

STUART, JOHN (LORD BUTE) (1713-1792): secretary of state under George III, 1761; resigned, 1763.

SULLIVAN, JOHN (1740-1795): N.H.; Continental Congress, 1774-1775, 1780-1781; brig. gen., Continental army, June 22, 1775; maj. gen., Aug. 9, 1776-Nov. 30, 1779.

SWAN, JEDEDIAH: Elizabeth, Essex Co.; Elizabethtown Committee of Correspondence, Dec. 1, 1774; capt., Essex militia; justice of the peace, Sept. 6, 1777, 1782, 1787, 1792.

SYMMES, JOHN CLEVES (1742-1814): Walpack, Sussex Co.; Provincial Congress; col., Sussex militia; Legislative Council, 1776-1777, 1780-1785; judge and justice of the peace, Sept. 13, 1776;

associate justice, N.J. Supreme Court, Feb. 15, 1777-1783; married WL's daughter, Susannah, 1794.

SYMMES, TIMOTHY (1744-1797): Walpack, Sussex Co.; quartermaster, Sussex militia; justice of the peace, May 23, 1777; judge, common pleas, Sept. 24, 1777.

TAYLOR, GEORGE: Middletown, Monmouth Co.; Loyalist; col., N.J. militia, July 18, 1776-Nov. 28, 1776; deserted to the enemy; estate confiscated, May 1779; raised company of Loyalists, June 1779; refugee in N.Y. in Oct. 1783; settled in New Brunswick, Canada, after the war.

TAYLOR, JOHN (1716-ca. 1798): Middletown, Monmouth Co.; Loyalist; appointed by Lord Howe as commissioner of the peace; ordered apprehended and confined by the Provincial Congress, July 25, 1776; subsequently released; ordered apprehended by the Council of Safety, Apr. 16, 1777, and committed to the Burlington jail; took oath of allegiance, July 25, 1777.

TAYLOR, JOHN (1751-1801): Middlesex Co.; capt., Middlesex militia, Jan. 10, 1776; maj., Aug. 16, 1776; lt. col., June 6, 1777.

TAYLOR, ROBERT (b. 1730 or 1740, d. 1789): Gloucester Co.; maj., Gloucester militia, 1775; col., Feb. 5, 1777; resigned, Sept. 16, 1777; lt. col., Gloucester militia, June 28, 1781.

TEN EYCK (TEN EYCKE, TEN EYKE), ABRAHAM (d. 1817): Bridgewater, Somerset Co.; lt. col., col., Somerset militia, Feb. 3, 1776-1779.

TERHUNE, ABRAHAM: South Brunswick, New Brunswick, Middlesex Co.; South Brunswick Committee of Observation, Jan. 16, 1775; 1st lt., Middlesex militia, July 1776.

THOMAS, EDWARD (1736-1794): Elizabethtown, Elizabeth, Essex Co.; col., Essex militia, 1775.

THOMAS, JOHN (1724-1776): Mass.; physician; lt. gen., Mass. Troops, May 25,

1775; brig. gen., Continental army, June 1775; maj. gen., Mar. 1776–June 2, 1776; died of smallpox during Canadian campaign.

THOMPSON, MARK (1739–1803): Sussex Co.; miller; Provincial Congress; judge and justice, 1775–Sept. 13, 1776; lt. col., N.J. minutemen, Feb. 15, 1776; col., Sussex militia, July 10, 1776; col., N.J. militia, July 18, 1776; resigned prior to June 6, 1777; General Assembly, 1779.

THOMPSON, WILLIAM (1736–1781): Pa.; col., Pa. militia, June 25, 1775; col., Continental army, Jan. 1, 1776; brig. gen., Mar. 1, 1776; captured, Trois Rivières, Canada, June 1776; exchanged, 1780.

THOMSON, CHARLES (1729–1824): Philadelphia, Pa.; secretary to the Continental Congress, 1774–1789.

TILGHMAN, TENCH (1744–1786): Md. and Pa.; capt., Pa. Batt. of the flying camp, July 1776; military secretary, Aug. 8, 1776; lt. col., aide-de-camp, and military secretary to George Washington, Apr. 1, 1777–Dec. 23, 1783.

TOMSON, WILLIAM: arrested in Monmouth Co., Jan. 1777; agreed to join the Continental service in return for pardon, May 23, 1777.

TONKIN, SAMUEL: Woolwich, Gloucester Co.; lt. col., Gloucester militia; resigned, Feb. 1777.

TRUMBULL, JONATHAN (1710–1785): Conn.; gov., 1769–1784.

TRYON, WILLIAM (1725–1788): N.Y.; last royal gov., 1771–1779; returned to N.Y. under British occupation; fought in British army; col., 70th Regt. of Foot, British army, 1778.

TUCKER, SAMUEL (1721–1789): Trenton, Hunterdon Co.; sheriff, Hunterdon, 1764; provincial assembly, 1768–1769, 1772–1776; judge and justice of the peace, 1768–1775; Trenton Committee of Correspondence, 1775; president, Provincial Congress, 1775–1776; president, N.J. Committee of Safety, 1775–1776; justice, N.J. Supreme Court, Sept. 4, 1776; resigned, Feb. 15, 1777; tem-

porarily accepted British protection, Dec. 1776; took oath of allegiance, Mar. 10, 1778.

TUCKER, WILLIAM (b. 1735): Trenton, Hunterdon Co.; capt., Hunterdon militia, June 19, 1776; commissioner, Western Division.

TUTHILL, SAMUEL: Morris, Morris Co.; doctor; judge, Morris, 1760, 1768; clerk, Morris Co., 1766–1776; Morris Committee of Correspondence, June 1774–1775; judge and justice, Sept. 6, 1776; resigned, Feb. 28, 1777.

UPDIKE, SAMUEL: Chesterfield, Burlington Co.

VALENTINE, WILLIAM: Middletown, Monmouth Co.; pvt., Monmouth militia; examined by Council of Safety for boarding a British vessel without orders; found not guilty of helping the enemy and given oaths, Mar. 29, 1777.

VAN CAMPEN, ISAAC: Walpack, Sussex Co.; justice of the peace, 1769, 1770, 1775–1776; Provincial Congress; judge and justice, Sept. 13, 1776.

VAN CLEVE, BENJAMIN: Maidenhead, Hunterdon Co.; justice of the peace, Sept. 7, 1776; 1st lt., Hunterdon militia; capt., Heard's Brigade, June 14, 1776–Dec. 1, 1776; maj., Hunterdon militia, Mar. 15, 1777; resigned, Nov. 13, 1777, to become a member of the General Assembly.

VAN CORTLAND (VAN CORTLANDT), PHILIP (d. ca. 1800): Newark and Second River, Essex Co.; Provincial Congress; col., Essex militia; col., Heard's Brigade, June 14, 1776; served in N.Y., June and July 1776; justice of the peace, Mar. 15, 1777.

VANDINE, MATTHEW (b. 1752 or 1763, d. 1838): Roxbury, Morris Co.; pvt., sgt., Morris militia.

VAN EMBURGH, JOHN: New Brunswick, Middlesex Co.; 2d maj., Middlesex militia, Nov. 28, 1776; 1st maj., June 6, 1777; taken prisoner at Toms River, May 14, 1780; escaped shortly afterwards.

VAN NESTE (VANEST, VAN NESS), PETER (1737–1816): Sandyston, Sussex Co.; justice, Sept. 13, 1776.

VAN VOORST (VAN VORST), CORNELIUS (1728-1818): Bergen Co.; justice of the peace; lt. col., Bergen militia, June 29, 1776; resigned before Mar. 3, 1778.

VER BRYCK, WILLIAM (1737-1824): Hillsborough, Somerset Co.; justice of the peace, 1773, and Sept. 13, 1776; capt., Somerset militia, May 3, 1775; 2d maj., June 6, 1777; 1st maj., Sept. 9, 1777-Nov. 6, 1777; General Assembly, 1777; judge, common pleas, Nov. 17, 1779.

VRELINGHUSEN, FREDERICK. See FREDERICK FRELINGHUYSEN.

WADDELL, HENRY (1746-1811): Monmouth Co.; lawyer; capt., Monmouth militia; resigned, July 2, 1776; suspected Loyalist; became Episcopal minister in Shrewsbury, Middletown, and Trenton after the war.

WADE, FRANCIS: Allentown, Upper Freehold, Monmouth Co.; capt., col., deputy quartermaster, and quartermaster gen. from as early as Nov. 1777 to June 1782.

WALLACE, HUGH (d. 1788): N.Y.; Loyalist; member of the N.Y. Provincial Council; arrested and confined to the limits of Middletown, Conn., about 1776; estate confiscated; went to England.

WALTON, ELISHA (1746-1813): Freehold, Monmouth Co.; ens., Monmouth militia; 2d lt., Heard's Brigade, State Troops, Aug. 1776; discharged at Freehold, Dec. 15, 1776; capt., Monmouth militia, prior to Feb. 13, 1777; taken prisoner while in command of his company, Feb. 13, 1777; was compelled to accept protection, which was later withdrawn; 1st maj., Mar. 27, 1778; maj., State Troops, June 1779.

WALTON, JACOB (1733-1782): N.Y.C.; Loyalist; merchant; provincial assembly; ordered arrested, June 1776; died in N.Y.C.

WALTON, MARK (1754-1808): Pequannock, Morris Co.

WARD, ANDREW (1727-1799): Conn.; lt. col., Continental army, Dec. 20, 1775; col., State Regt., May 14, 1776; brig. gen., Conn. militia, 1777-1783.

WARD, ARTEMUS (1727-1800): Mass.; gen. and commander in chief, Mass. troops, May 19, 1775; maj. gen., June 17, 1775; resigned, Mar. 22, 1776.

WARD, MATHIAS: Newark, Essex Co.; lt. col., Essex militia, Feb. 9, 1776; prisoner of war at N.Y., Mar. 15, 1777.

WARDELL, JACOB, SR.: Shrewsbury, Monmouth Co.; apprehended by militia for furnishing provisions to the enemy; fined by the N.J. Convention, July 30, 1776.

WARDELL (WARDEL), JOHN: Shrewsbury, Monmouth Co.; Loyalist; judge, oyer and terminer, 1766-1771, 1773; arrested, Nov. 1776, on suspicion of recruiting for the British; sent to a Philadelphia prison; ordered before the Council of Safety, Apr. 4, 1777; joined British army in N.Y.; Monmouth property confiscated, 1779; returned to N.J. about 1787.

WARREN, JAMES (1726-1808): Mass.; speaker, Provincial Congress; speaker, Mass. House of Representatives; paymaster gen., Continental army, 1775-1776; Navy Board, Eastern Department, 1776-1781.

WASHINGTON, GEORGE (1732-1799): commander in chief, Continental army, June 15, 1775.

WATERBURY, DAVID (1722-1801): col., Continental army, May 1, 1775; brig. gen., Conn. Regt., June 3, 1776; captured, Oct. 1776; exchanged, Oct. 1780.

WATKINS, JOHN W. (1757-1813): N.Y.; 2d lt., Continental army, Feb.-Nov. 1776; capt., Mar. 11, 1777-Oct. 12, 1777.

WATSON, THOMAS: Chesterfield, Burlington Co.; suspected Loyalist.

WEATHERBY, EDMUND. See WETHERBY, EDMUND.

WEEDON, GEORGE (d. 1793): lt. col., Continental army, Feb. 13, 1776; acting adj. gen., Jan. 13, 1777; brig. gen., Feb. 21, 1777.

WESTCOTT, RICHARD (1733-1825): Great Egg Harbor, Gloucester Co.; 1st maj., col., Gloucester militia to Mar. 31, 1778.

- WETHERBY (WEATHERBY), EDMUND: Lower Penns Neck, Salem Co.; judge, Salem, 1761, 1763; sheriff, Salem, 1774, 1776; General Assembly, 1776-1777, 1786, 1789; Council of Safety, 1777; justice of the peace, Mar. 11, 1777.
- WETHERILL (WETHERELL), JOHN (d. 1784): New Brunswick, Middlesex Co.; provincial assembly; Provincial Congress; col., Middlesex militia; resigned, Aug. 1, 1776; justice of the peace, Sept. 19, 1776.
- WHARTON, THOMAS, JR. (1735-1778): Philadelphia, Pa.; merchant; Provincial Committee of Safety, 1775; president, Pa. Council of Safety, 1776-1777; president, Pa. Supreme Executive Council, Mar. 5, 1777.
- WHITE, ANTHONY WALTON (1750-1803): New Brunswick, Middlesex Co.; maj., aide-de-camp to George Washington, Oct. 1775; lt. col., Feb. 9, 1776; lt. col., Light Dragoons, Continental army, Feb. 13, 1777.
- WILLIAMSON, MATTHIAS (1716-1807): Elizabeth, Essex Co., and Hanover, Morris Co.; col., N.J. militia, Oct. 27, 1775; brig. gen., Sept. 6, 1776-Feb. 1777; assistant quartermaster gen., 1777-July 24, 1779.
- WILLIS, WILLIAM (1754-1793): Morris Co.; ironworker; pvt., Morris militia.
- WILSON, JAMES (1742-1798): Pa.; Continental Congress, 1775-1776, 1782-1783, 1785-1787.
- WINANS (WYNANTS), ISAAC (d. 1780): Elizabethtown, Elizabeth, Essex Co.
- WINDS, WILLIAM (1727-1789): Morristown, Morris, Morris Co.; lt. col., Continental army, Nov. 7, 1775; col., Mar. 7, 1776; col., Morris militia, Nov. 30, 1776; brig. gen., N.J. militia, Mar. 4, 1777-June 10, 1779.
- WITHERSPOON, JOHN (1723-1794): Presbyterian clergyman; president, the College of N.J. (Princeton), 1768-1794; Somerset Committee of Correspondence, July 28, 1775; Provincial Congress; Continental Congress, June 22, 1776-Dec. 1, 1779.
- WOLVERTON, THOMAS: Newton, Sussex Co.; capt., N.J. minutemen; capt., Sussex militia; arrested as suspected Loyalist, Apr. 1777.
- WOODRUFF, ISAAC (1722-1803): Elizabethtown, Elizabeth, Essex Co.; Elizabeth Committee of Observation, 1774-1775; commissioner, Eastern Division, 1776; judge and justice of the peace, Nov. 20, 1777; General Assembly, 1778.
- WOODWARD, ANTHONY: Upper Freehold, Monmouth Co.; known as "Little Anthony"; accepted protection of the British army, 1776; took oath of allegiance before the Council of Safety, Mar. 19, 1777; charged with malicious behavior and spreading false rumors, June 6, 1777; jailed for high treason, Aug. 4, 1778; property confiscated, 1779; moved to Canada after the war.
- WOODWARD, JESSE: Upper Freehold, Monmouth Co.; Loyalist; Quaker; joined the British at Trenton, 1776; employed by Maj. Gen. Charles Cornwallis to contract for stores and forage for the Royal Army; removed to New Brunswick, Canada, 1783.
- WOOLLEY, BENJAMIN: Shrewsbury, Monmouth Co.; Loyalist; judgment of forfeiture upon inquisition; property sold, 1779-1780.
- WOOLLEY, THOMAS: Shrewsbury, Monmouth Co.; apprehended by Brig. Gen. David Forman on order of George Washington; appeared before Council of Safety, Apr. 3, 1777; took oath to the government; discharged.
- WRIGHT, ELLIS: Burlington, Burlington Co.
- WYNANTS, ISAAC. See WINANS, ISAAC.
- WYNKOOP, CORNELIUS D. (1734-1792): N.Y.; maj., Continental army, June 30, 1775; lt. col., Aug. 2, 1775; col., Mar. 8-Nov. 1776; served afterwards as col., N.Y. militia.
- WYTHE, GEORGE (1726-1806): Va.; Continental Congress, 1775-1777.
- YEATES (YATES), BARTHOLOMEW (d. 1777): Va.; ens.; 2d lt., Continental

army, June 15, 1776; wounded at the battle of Princeton; died, Jan. 9, 1777.

ZABRISKIE (SABRISKIE, SOBRIESKIE, SOBRISKIE), PETER: Hackensack, Bergen Co.; merchant; judge and justice, 1766-1774; Bergen Committee of Correspondence, 1774; Bergen Committee of Safety, 1775; acted as guide to Gen. George Clinton, Dec. 20, 1776; captured by

Hessians, Mar. 1780 at Hackensack; exchanged, 1780.

ZEDWITZ, HARMAN (HERMAN): born in Prussia; lt. col., Continental army, Mar. 8, 1776; court-martialed, Aug. 25, 1776, for spying; accused of reporting information to British in accordance with an agreement made in a letter to Gov. William Tryon; dismissed from army and imprisoned; released, July 14, 1779.

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To William Hooper, August 29, 1776

I received yours of yesterdays date just after I had got into my new Habitation which is a Marque Tent in our Incampment here. You wou'd really be astonish'd to see how grand I look, while at the same time I can assure you I was never more sensible (to use a New-England Phrase) of my own *nothingness* in military affairs. . . .

I have not been able hitherto to learn the particulars of Colonel Zedwitz's Debated Crime. The Report here is that he was bribed by Gov. Tryon to poison the well in the fortress he commanded & that the Letters were intercepted & the poison was actually found in his Chest; but it is folly to depend upon reports.

To George Washington, March 3, 1777

I cannot make our Assembly sensible of the Importance of an effectual Militia Law; or if they be, they are so unduly influenced by the Fear of disobliging their Constituents, that they dare not exert themselves with the requisite Spirit for the Exigencies of War. Add to this that so few of our Militia, (comparatively speaking) are armed, that I fear the Expectations of Congress will be greatly disappointed. Now indeed would be the time to ruin General Howes Army, if a competent force could be mustered. In the Name of Wonder, what is become of Connecticut, & where is General Heath?

Deposition of William Imlay, April 12, 1777

William Imlay of the Township of Upper Freehold in the County of Monmouth & State of New Jersey being duly sworn on the holy Evangelists of almighty God deposeth and saith that Richard Robins came armed to the House of this Deponent on or about the eleventh Day of December last, where he the said Robins did take from the Possession of him the said Deponent two Guns and some Powder, which he delivered into the Hand of Jesse Woodward. That said Richard Robins being an Inhabitant of the Township aforesaid did assist said Jesse Woodward in impressing this Deponent with his Horses and Waggon into the british Service.

That this Deponent afterwards saw the said Robins with the Enemy at Trenton, where he the said Robins did publicly damn this Deponent for an old Presbyterian saying he was the Cause of all this Bloodshed.

And further the Deponent saith not.