New Jersey in the American Revolution 1763-1783

A Documentary History

EDITED BY LARRY R. GERLACH

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Contents

Preface		xiii
Abbreviations		xix
	I. Reform and Resistance	1
1.	Daniel Coxe to Joseph Reed, April 12, 1764	5
2.	The New Jersey Committee of Correspondents to Joseph Sherwood, September 10, 1764	7
3.	Robert Ogden to Samuel White, June 20, 1765	9
4.	"Caesariensis" on Stamp Collectors and the Stamp Act Congress, September 3, 1765	10
5.	Richard Stockton to Robert Ogden, September 13, 1765	12
6.	"A. Lawyer" [Elias Boudinot] on the Suspension of Legal Proceedings, October 1765	14
7.	Cortlandt Skinner to Thomas Boone, October 5, 1765	16
8.	The Essex County Stamp Act Resolves, October 25, 1765	18
9.	"The Effigy of a Wretch" Hanged in New Brunswick, October 29, 1765	19
10.	Copy of a Letter from Trenton in New Jersey, November 5, 1765	20
11.	The Stamp Act Resolves of the New Jersey Assembly, November 30, 1765	22
12.	"A Lover of Liberty" to the Woodbridge Sons of Liberty, February 1766	24
13.	The Resolutions of the Woodbridge Sons of Liberty, February 26, 1766	27
14.	Richard Smith to the Committee of Correspondence of the New York City Sons of Liberty, March 15, 1766	28

CONTENTS

15. Woodbridge Celebrates the Repeal of the Stamp Act, June 5, 1766 30

II. Taxes and Troops 32

1. Richard Stockton to Samuel Smith, March 21, 1767 34
2. British Soldiers Riot in Elizabethtown, July 27, 1767 38
3. Samuel Allinson to David Cooper, January 1, 1768 40
4. The Petition of the New Jersey Assembly to George III, May 6, 1768 42
5. Governor William Franklin to Lord Hillsborough, November 23, 1768 44
6. Residents of Gloucester County to Robert Friend Price and John Hinchman, October 3, 1769 46
7. The Resolution of the New Jersey Assembly Supporting the Boycott to Oppose the Townshend Duties, October 18, 1769 48
8. The Address of the Magistrates, Freeholders, and Inhabitants of New Brunswick to Major Charles Preston, May 14, 1770 49
9. The Essex County Nonimportation Resolves, June 5, 1770 50
10. Protest Activities at the College of New Jersey, July, 1770 52
11. Public Coercion of Importers in Middlesex County, August 1770 53
12. The Mansfield Township Resistance Resolutions, August 13, 1770 55
13. "Cethegus" on Nonimportation, September 25, 1770 57
14. Hunterdon County Freeholders to John Hart and Samuel Tucker, May 1771 59
15. Aaron Leaming to his Cape May Constituents, May 26, 1771 61

III. The Common Cause 65

1. The Committee of Correspondence of the New Jersey Assembly to the Boston Committee of Correspondence, May 31, 1774 67
2. The Essex County Resolves on the Boston Port Act, June 11, 1774 69
3. James Kinsey to Elias Boudinot, June 14 and July 2, 1774 73
4. The Resolves of the New Brunswick Convention, July 23, 1774 76
5. "B. N." on the Continental Congress, July 25, 1774 78
6. "Z" on the Nature of the Imperial Controversy, July 29, 1774 82
7. The Reverend John Witherspoon, "Thoughts on American Liberty," August 1774 85
8. Samuel Allinson to Patrick Henry, October 17, 1774 87
9. The Essex County Grand Jury to Chief Justice Frederick Smyth, November 1, 1774 89
10. "Z" on the Continental Congress, November 19, 1774 91
11. The Call for the Election of Essex County Committees of Observation, November 28, 1774 95
12. The Elizabethtown Association Resolutions, December 6, 1774 97
13. Governor William Franklin to Lord Dartmouth, December 6, 1774 99

CONTENTS

14. The Cumberland County Committee Proceedings on the Greenwhich Tea Party, December 22-23, 1774 100
15. "A Freeholder" to the Essex County Committee, January 5, 1775 102

IV. The Die is Cast 105

1. "Y" to "Z" on Political Apostasy, January 5, 1775 106
2. Governor William Franklin to the General Assembly, January 13, 1775 109
3. *The Testimony of the People Called Quakers,* January 24, 1775 111
4. The New Jersey Assembly's Endorsement of the Action of the Continental Congress, January 24, 1775 113
5. "A Jersey Farmer" Proposes a Loyalist Association, January 26, 1775 114
6. The Nottingham Petition to the Legislature, January 30, 1775 115
7. The New Jersey Assembly's Petition of Grievances to George III, February 13, 1775 117
8. John Hatton, Jr., to Thomas Hatton, February 17, 1775 120
9. "Essex" to "D.C." on Intercolonial Unity, March 25, 1775 125
10. Chief Justice Frederick Smyth to the Middlesex County Grand Jury, April 4, 1775 127
11. Elias Boudinot to the Morris County Committee, April 30, 1775 132
12. Jemima Condict on the Outbreak of Warfare, October 1, 1774-May 1, 1775 134
13. Jonathan Elmer, Address to the Inhabitants of Cumberland County, May 1775 135
14. The Bergen County Association, May 12, 1775 139
15. Charles Clinton Beatty to Elizabeth Beatty, May 28, 1775 140

V. From Resistance to Rebellion 142

1. The New Jersey Provincial Association, May 31, 1775 143
2. "A Jersey Farmer" on Securing the Rights of Englishmen, June 14, 1775 145
3. Minutes of the Shrewsbury Township Committee, June 19, 1775-February 29, 1776 147
4. Daniel Coxe to Cortlandt Skinner, July 4, 1775 151
5. Richard Cayford Proclaimed "An Enemy to the Rights of America," July 22, 1775 153
6. John Conway to the Provincial Congress, July 31, 1775 153
7. Governor William Franklin to Lord Dartmouth, August 2, 1775 155
8. Charles Pettit to Joseph Reed, August 10, 1775 156
9. Enforcement of the Association in Sussex County, August 10-11, 1775 158
10. A Burlington County Petition to the Legislature on Reconciliation, November 1775 160
11. John De Hart to the General Assembly, November 13, 1775 161
12. The Reverend Philip Vickers Fithian Describes the Martial State of South Jersey, November 13, 1775 163

13. The New Jersey Assembly Resolves Against Independence, November 28, 1775 164
14. Cortlandt Skinner to William Skinner, December 1775 165
15. "Lycurgus" on Independence, December 4, 1775 167
16. Thomas Randolph Tarred and Feathered, December 6, 1775 169
17. The Recantation of Ezekiel Beach, December 23, 1775 170
18. A Tory Roundup in Sussex County, December 26, 1775 171

VI. Empire or Independence 172

1. The "Plain Dealer" on Political Divisions, January 2, 1776 174
2. The Political Creed of "Shary O'Brion," January 22, 1776 175
3. The Salem County Petition to the Provincial Congress on Suffrage Reform, February 1776 178
4. Joseph Brearley to David Brearley, March 7, 1776 179
5. Charles Pettit to Joseph Reed, March 25, 1776 181
6. [Ebenezer Elmer?], Valedictory Address to Captain Joseph Bloomfield's Company of Continental Forces, March 26, 1776 183
7. Chief Justice Frederick Smyth to the Middlesex County Grand Jury, April 1776 186
8. The Middlesex County Grand Jury to Chief Justice Frederick Smyth, April 1776 190
9. "Cimon" on the Necessity of Independence, April 1776 192
10. Elias Boudinot versus John Witherspoon on Independence, April 18, 1776 195
11. The Reverend John Witherspoon, "On the Controversy About Independence," April-May 1776 198

VII. From Colony to State 201

1. John Stevens to Governor William Franklin, June 1776 202
2. A Loyalist Petition to the Provincial Congress Against Independence, June 1776 203
3. Elias Boudinot, "Thoughts on the present State of American Affairs," June 11, 1776 205
4. The Provincial Congress Orders the Arrest of Governor William Franklin, June 14-15, 1776 209
5. The Instructions for the New Jersey Delegates in the Continental Congress to Vote for Independence, June 22, 1776 210
6. The Constitution of the State of New Jersey, July 2, 1776 212
7. Abraham Clark to Elias Dayton, July 4, 1776 218
8. Princeton and Trenton Celebrate American Independence, July 8-10, 1776 219
9. Joseph Barton to Henry Wisner, July 9, 1776 221
10. An Ordinance for Punishing Treason and Counterfeiting, July 18, 1776 222
11. Abraham Clark to Elias Dayton, August 6, 1776 223
12. Jonathan Elmer, Address to the Residents of Cumberland County, August 7, 1776 225

13. Governor William Livingston to the New Jersey State Legislature, September 11, 1776 228

VIII. The Loyalist Opposition 231

1. James Moody, The Making of a Loyalist, 1774-1777 234
2. The Reverend Thomas Bradbury Chandler, Flight into Exile, May 15-25, 1775 237
3. "A Mechanic" to Bernardus La Grange, June 1776 239
4. The Reverend Jonathan Odell to the Reverend Thomas Bradbury Chandler, January 7, 1777 242
5. Tory Prisoners Describe Conditions in the Morris County Jail, July 1777 246
6. Joseph Hedden, Jr., to Governor William Livingston, July 9, 1777 248
7. William Franklin to Governor Jonathan Trumbull, September 15, 1777 249
8. Robert Lawrence to the Legislature on Martial Law, October 7, 1777 252
9. Robert Morris to Gouverneur Morris, December 11, 1777 254
10. John Cleves Symmes to Governor William Livingston, January 7, 1779 256
11. A Writ Ordering the Sale of Confiscated Property in Monmouth County, April 29, 1779 259
12. Samuel Ryerse to George Ryerse, May 19, 1781 260
13. Governor William Livingston to Robert Livingston, April 22, 1782 263
14. John Rutherfurd to A Member of the Legislature, May 17, 1783 265
15. Hunterdon County Residents Petition to the Legislature to Banish Loyalists, 1783 268
16. The Monmouth County Association to Oppose the Return of Loyalists, 1783 270
17. Bernardus La Grange, A Loyalist Testimonial, November 1783 272
18. Cortlandt Skinner, The Odyssey of a Loyalist, March 25, 1784 275

IX. War and Peace 280

1. Margaret Morris, A Woman's View of the War, December 6, 1776-January 11, 1777 282
2. An Aide-de-camp to General Washington Recounts the Battle of Trenton, December 22-27, 1776 287
3. An Octogenarian Jerseyman Recalls the Battle of Princeton, January 1-3, 1777 291
4. The Reverend Alexander MacWhorter on British Brutality, March 12, 1777 296
5. Ebenezer Hazard, Journey Through Wartorn New Jersey, August 5-14, 1777 298
6. The Reverend Nicholas Collin on the Ravages of War, February-June 1778 302
7. General George Washington Recounts the Battle of Monmouth Court House, July 4, 1778 306

8. Colonel Sylvanus Seeley Describes the Battles of Connecticut Farms and Springfield, June 7-23, 1780 309
9. The Killing of Hannah Caldwell, June 7, 1780 312
10. "A British Officer" on Guerrilla Warfare, June 20, 1780 313
11. Residents of Trenton Celebrate the Victory at Yorktown, October 31, 1781 314
12. Residents of Princeton Celebrate the End of the War, April 21, 1783 317
13. William Peartree Smith to Elias Boudinot, April 1783 319
14. David Bonnel, Sr., Inventory of Property Losses, May 25, 1789 322

X. Citizen Soldiers 325

1. Philip Vickers Fithian to Elizabeth Fithian, July 19, 1776 326
2. Andrew Hunter, Jr., The Life of an Army Chaplain, August 6-September 1, 1776 329
3. [William Churchill Houston?], The Campaign Journal of a Militiaman, November 29, 1776-June 30, 1777 332
4. Governor William Livingston to Brigadier General Philemon Dickinson, January 14, 1777 336
5. A Woman in Arms, March 20?, 1777 337
6. Colonel Elijah Hand to Colonel Charles Mawhood, March 22, 1778 337
7. Colonel Joseph Ellis to Governor William Livingston, March 23, 1778 339
8. "Belinda" Encourages Women to Reject Reconciliation and Support the War, May 6, 1778 340
9. Lieutenant Shepard Kollock to Colonel John Lamb, May 15, 1778 342
10. "Molly Pitcher" at the Battle of Monmouth Court House, June 28, 1778 343
11. Memorial of the Officers of the New Jersey Brigade to the Legislature, April 17, 1779 344
12. Dr. James Thacher Describes the Hardships of the Winter Encampment at Morristown, December 1779-March 1780 345
13. Formation of a Women's Relief Society, July 4, 1780 348
14. Lieutenant Colonel Francis Barber to Colonel Jonathan Dayton, February 28, 1781 350
15. John C. Post, Pension Petition to the Legislature, [undated] 352
16. Samuel Sutphen, Wartime Experience of a New Jersey Slave, ca. 1834 354

XI. Government at War 361

1. The New Jersey State Loyalty Oath, September 19, 1776 363
2. John Bray to Andrew Bray, December 17, 1776 364
3. A Bergen County Oath of Allegiance, January 28, 1777 365
4. General George Washington to the New Jersey Legislature, January 31, 1777 366

5. Governor William Livingston, Speech to the Legislature on the State of the State, February 25, 1777 368
6. Thomas Powell on Inflation, August 15, 1777 373
7. Governor William Livingston to John Hancock, October 4, 1777 374
8. The Magistrates of Trenton to General George Washington, January 2, 1778 375
9. Residents of Cape May to Governor William Livingston, March 10, 1778 377
10. Samuel Allinson to Governor William Livingston, July 13, 1778 379
11. Governor William Livingston to Samuel Allinson, July 25, 1778 384
12. General George Washington to Governor William Livingston, March 3, 1779 387
13. Colonel John Taylor to Governor William Livingston, September 25, 1779 389
14. Abraham Skinner to Governor William Livingston, September 9, 1780 391
15. Essex County Residents to the General Assembly on Tory Raiders, 1781? 393
16. Residents of Monmouth County to the General Assembly on the State of the Economy, May 12, 1781 395
17. Residents of Monmouth County to the General Assembly on Vigilantism, December 1781 397
18. Residents of Essex County to the General Assembly on Trade with the Enemy, [undated] 399

XII. An Imperfect Union 402

1. John Witherspoon, Speech in the Continental Congress on the Necessity of Confederation, July 30, 1776 404
2. New Jersey Legislature, Proposed Amendments to the Articles of Confederation, June 15-16, 1778 407
3. Nathaniel Scudder to John Hart, July 13, 1778 412
4. New Jersey Legislature, Ratification of the Articles of Confederation, November 20, 1778 415
5. John Fell to Governor William Livingston, March 25, 1779 416
6. "A True Patriot" on Increased National Authority, February 8, 1781 418

XIII. The Spirit of '76 420

1. Isaac Collins Announces the First Newspaper in New Jersey, December 5, 1777 423
2. "Cato" on the Characteristics of Representatives, January 7, 1778 425
3. "Cato" on the "Importance of a Liberal Education to Civil Society," January 14, 1778 427
4. "An Elector" Compares the British and American Systems of Government, March 4, 1778 429

5. "Hortentius" [William Livingston] Satirizes the British Political System, September 9, 1778 431
6. John Cooper Advocates the Abolition of Slavery, September 20, 1780 437
7. "A Freeman" on the Electoral Process as a Safeguard of Liberty, October 4, 1780 440
8. "A Whig" Opposes the Manumission of Slaves, October 4, 1780 442
9. "A Friend to Justice" Supports the Manumission of Slaves, November 8, 1780 445
10. "Homo Sum" Advocates Gradual Emancipation Rather than Immediate Abolition, March 21, 1781 448
11. The Reverend John Witherspoon on the Relationship Between Religion and Civil Society, April 1783 452
12. Governor William Livingston on the Republican Challenge, May 19, 1783 455
13. Ashbel Green, Sr., to Ashbel Green, Jr., June 26, 1840 456

Index 463

Preface

During the nearly two hundred years that have passed since the formal declaration of independence in July 1776, historians have written countless books and articles concerning the creation of the American republic. As a result, we surely know more about the American Revolution than any other national rebellion in history. And yet, ironically, as our comprehension of the Revolution increases, our appreciation of what that momentous event meant to individual members of the revolutionary generation wanes. Thus on the eve of the Bicentennial of American independence, the general public knows a great deal about the causes, course, and consequences of the Revolution but relatively little about the hopes and fears, triumphs and tribulations of a people who lived through nearly three decades of rebellion, warfare, and nation-building. The available literature offers detailed and sophisticated analyses of virtually every aspect of the Revolution, but only infrequently allows modern readers to experience vicariously the temper of the times or to develop a sense of intimacy with and empathy for the men and women of the Revolution. The problem is twofold. Biographies, attempts to personalize the revolutionary experience, are limited by resources to a small leadership elite—the Jeffersons, Franklins, Washingtons—to the exclusion of the average citizen upon whom the ultimate success of the Revolution depended. More important, we have come to rely upon what historians tell us happened rather than reading the historical record for ourselves.

As the historian knows, it is only through an examination of the records of the past—the writings of those who lived during the latter third of the eighteenth century—that one can begin to understand the nature and meaning of the American Revolution. Although historical studies enhance our knowledge of the Revolution by systematically ordering, analyzing, and interpreting vast quantities of material, there is no substitute for reading what contemporaries

themselves had to say about the world in which they lived. Histories are not history: we can never recover the sights and sounds of the past. But we can recapture the views of a surprisingly large segment of the revolutionary generation. Knowingly or not, in their personal writings they spoke to posterity. Neither professional journalists reporting for the record nor historians interpreting events for the edification of future generations, they were just ordinary people who, for whatever reasons, penned accounts of their participation in and reaction to the events of their day. Like people at any time and any place, they were both impartial and prejudiced, knowledgeable and uninformed, candid and dishonest. However imperfect, such documentary evidence is the stuff from which histories are made and the key to a proper understanding of the Spirit of '76.

This volume provides a convenient compilation of documents basic to an understanding of the American Revolution in New Jersey. Materials have been selected from the widest possible range of sources—correspondence, diaries, memoirs, newspapers, broadsides, town records, committee minutes, legislative journals. (Pamphlet literature has been excluded because of limitations of space.) The documents are divided into two general portions: the coming of the Revolution and the War for Independence. The first seven sections, chronologically unfolding the origins and course of the rebellion, constitute a documentary history; the last six consist of a collection of documents illustrative of the development of selected topics. More specifically, the volume focuses upon the evolution of the protest-independence movement, the transition from royal to republican government, the maintenance of civil authority during time of war, the division between rebel and royalist, the travails of warfare, and the experiment in self-government at the state and national levels under the Articles of Confederation. The emphasis throughout is less upon public events (e.g., battles) and policies (e.g., laws) than upon the personal reactions of individuals and communities to the revolutionary experience.

This compendium is designed to meet the needs of both research scholars and general readers. For the historian, the volume makes readily available materials previously printed in a variety of publications as well as records from diverse archives that either have never been published or have not been reprinted since original publication in newspapers or contemporary tracts. For the layman, the documents will hopefully provide greater appreciation of our revolutionary heritage by making available the important records of the day, by viewing the Revolution from the perspective of participants rather than modern historians, and by enabling each reader to evaluate the documents and thus become his own historian.

The editor of historical documents faces an initial crucial decision: whether to render a faithful transcription of the original document or to make textual alterations in accordance with modern language standards. The rationale for the former procedure is threefold: the historian has an obligation to present the records of the past as they were written instead of as he would have them written; the archaic and variant spellings along with vagaries of syntax meaningfully impart the flavor and style of a bygone era; any modification of a document leads logically to a complete modernization of the text. On the other hand, advocates of the latter method contend that authenticity is not

synonymous with antiquarianism (does use of the ampersand instead of the word *and* matter?); that documents are printed for the use of contemporaries and ought therefore to be readily intelligible to modern readers (who would or could read Shakespeare in the original?); and that, after all, the substance of a document is more important than its structure. Ultimately, editorial policy must be determined by the primary purpose of a documentary project.

Because this collection is intended for the use of general readers as well as scholarly investigators, I have endeavored to provide reproductions of documents that are both readable and reliable. No attempt has been made to impose artificial consistency upon the selections. Save for minor editorial revisions, previously published documents appear here as first printed; manuscripts conform to the originals. Most texts are presented in full; deletions are indicated by either an ellipsis (. . .) or an explanatory note enclosed in brackets. The terms "illegible" and "torn" enclosed in brackets indicate, respectively, undecipherable words and missing portions of a manuscript. Despite the temptation to "improve" upon another's writing, I have "corrected" neither syntax nor spelling, even in the often irregular phonetic renditions of proper names. However, obvious typographical errors in printed materials have been silently corrected. Alterations in punctuation have been made only when deemed necessary to clarify especially convoluted prose. Confusing or unconventional abbreviations and contractions have been expanded. When necessary the first letters of sentences have been capitalized and terminal punctuation added; similarly, periods have been supplied for all abbreviations (Mr. for Mr). Superscript letters have been reduced to line, dashes used either for ornamentation or in lieu of periods have been removed, italics used for effect instead of emphasis have been deleted, and capitalized or italicized salutations in published documents have been reduced to lower case or set in roman type. The dateline, salutation, and complimentary close of correspondence remain in their original form; in all cases datelines appear at the heads of letters. Readers will no doubt find inconsistencies, perhaps even contradictions, in the editing of this volume. Notwithstanding general guidelines, I have opted for flexibility in editing each document according to its individual characteristics rather than imposing rigid, arbitrary standards upon the entire collection.

Because this volume is intended for use by persons who have little or no prior knowledge of revolutionary New Jersey, the editorial apparatus is rather elaborate. Headnotes provide context for individual documents, while footnotes explain textual material that might be unfamiliar to the general reader. The numerous cross-references facilitate placing the selections in the proper historical contexts; repetition of information in footnotes enables readers to comprehend each document independently. The brief introductions to each section are meant to serve only as guides to the documents and not as a concise history of New Jersey in the American Revolution.

Readers who wish to explore further the history of revolutionary New Jersey may draw upon a wealth of material. The following general studies are especially recommended: Richard P. McCormick, *New Jersey from Colony to State, 1609-1789* (Princeton, 1964) and John E. Pomfret, *Colonial New Jersey: A History* (New York, 1973), for the Revolution seen from the perspective of the

colonial era; Larry R. Gerlach, *Prologue to Independence: New Jersey in the Coming of the American Revolution* (New Brunswick, 1975), for the origins of the Revolution; Leonard Lundin, *Cockpit of the Revolution: The War for Independence in New Jersey* (Princeton, 1940), Alfred Hoyt Bill, *New Jersey and the Revolutionary War* (Princeton, 1964), and David A. Bernstein, "New Jersey in the American Revolution: the Establishment of a Government Amid Civil and Military Disorder, 1770-1781" (Ph.D. diss., Rutgers University, 1970), for the wartime experience of the state; and Richard P. McCormick, *Experiment in Independence: New Jersey in the Critical Period, 1781-1789* (New Brunswick, 1950) for the period of the Confederation government through the adoption of the federal Constitution. Those who wish to delve deeper into documents will want to consult the massive collection of sources compiled by William A. Whitehead, et al., *Archives of the State of New Jersey,* First and Second Series (48 vols., Newark and elsewhere, 1880-1949). Germane to the Revolution are "Documents Relating to the Colonial History of the State of New Jersey, 1757-1776," 1st ser., 9-10; "Journal of the Governor and Council, 1756-1775," 1st ser., 17-18; and "Extracts from American Newspapers Relating to New Jersey, 1762-1782," 1st ser., 25-29 and 2d ser., 1-5. Also valuable are the *Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey* (Trenton, 1879); *Minutes of the Council of Safety of the State of New Jersey* (Jersey City, 1872); *Selections from the Correspondence of the Executive of New Jersey, from 1776 to 1786* (Newark, 1848); and David A. Bernstein, ed., *Minutes of the Governor's Privy Council: 1777-1789* (Trenton, 1974).

A project such as this is truly a collaborative effort. Publication of these documents would not have been possible without the assistance and encouragement of William C. Wright, associate director of the New Jersey Historical Commission. This is unquestionably a better book in every respect because of his perceptive comments and corrections. The editorial skills of Lee R. Parks, assistant editor of the New Jersey Historical Commission, grace the entire volume. At the beginning of the project Dean Richard P. McCormick of Rutgers University offered important advice concerning editorial policy. Mark E. Lender and Dennis P. Ryan read Sections IX-X and VIII respectively at an early stage and made valuable suggestions for improvement. While much of the merit of this work is attributable to others, I alone am responsible for any deficiencies that remain.

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Larry R. Gerlach
University of Utah
October 1974

Abbreviations

List of Abbreviations and Shortened References to Published Sources

American Archives	Peter Force, comp., *American Archives . . .* (9 vols., Washington, D.C., 1837-1853).
Executive Correspondence	*Selections from the Correspondence of the Executive of New Jersey, from 1776 to 1786* (Newark, 1848).
Journals of the Continental Congress	Worthington C. Ford, et al., eds., *Journals of the Continental Congress, 1774-1789* (34 vols., Washington, D. C., 1904-1937).
NJA	William A. Whitehead, et al., eds., *Archives of the State of New Jersey.* First and Second Series (48 vols., Newark and elsewhere, 1880-1949).
PCCS Minutes	*Minutes of the Provincial Congress and the Council of Safety of the State of* New Jersey (*Trenton, 1879*).
PNJHS	*Proceedings of the New Jersey Historical Society* (1845-1966). Title changed in 1967 to *New Jersey History.*
Rivington's New-York Gazetteer	*Rivington's New-York Gazetteer; or, the Connecticut, New-Jersey, Hudson's-River, and Quebec Weekly Advertiser.*

Votes and Proceedings	*Votes and Proceedings of the General Assembly of the Province* [*State*] *of New Jersey.* The minutes of the lower house of the legislature published under various titles and in various places after the conclusion of the legislative sessions. Herein the title will be given uniformly as *Votes and Proceedings* followed by the dates of the session and the place of publication.
Works of John Witherspoon	John Witherspoon, *The Works of John Witherspoon* (9 vols., Edinburgh, 1804).
Writings of George Washington	John C. Fitzpatrick, ed., *The Writings of George Washington* (39 vols., Washington, D. C., 1931-1944).

I

Reform and Resistance

The origins of the American Revolution are traceable far back into Anglo-American history. To a certain extent, the English historical experience itself presaged the Revolution. Heirs to the English political traditions embodied in Magna Carta and the Bill of Rights and expressed in the Civil War and the Glorious Revolution, colonial Americans cherished the concepts of representative government, civil liberties, and the right of revolution. Moreover, Americans were not a colonial people. They were not conquered subjects but freemen (mostly British) who for a variety of reasons removed to North America and transplanted the basic heritage of their homeland. They were not subjugated (except for Africans) but guaranteed the traditional political rights of Englishmen and nurtured in their economic development by a remarkably benign imperial administration. Then, too, profound social, economic, intellectual, and institutional changes occurred in the North American provinces during the seventeenth and eighteenth centuries—changes that separated Americans from their British brethren as effectively as the Atlantic Ocean, and may even have made secession from the empire inevitable. In attitudes and aspirations as well as birth and residence, most colonials on the eve of the Revolution (even those who became Loyalists) were decidedly more "American" than "British." These ill-defined, long-range preconditions for rebellion became a specific formula for revolution when, beginning in 1763, a number of volatile precipitants were added to the matrix of Anglo-American relations.

The catalyst was the French and Indian War, which raged in North America from 1754 to 1763. That war, the last of a series of armed conflicts between Great Britain and France for empire in America, simultaneously revealed serious deficiencies in the existing British imperial system and created a host of new administrative problems. To administer a newly acquired frontier region that extended west to the Mississippi River, the British government

created two resident departments of Indian affairs to supervise Indian-white relations; issued the Proclamation of 1763 to regulate western expansion by establishing the crest of the Appalachian Mountains as the temporary boundary between white settlements and Indian territory; and dispatched 7,500 regular troops to the trans-Appalachian west to pacify both potentially hostile Indians and recently conquered Frenchmen as well as to provide for the general defense of the frontier. Long-term problems with the seaboard colonies likewise drew the attention of imperial administrators. The British government instituted a series of reforms in the revenue service and the commercial codes to curtail rampant American smuggling (extensive New Jersey trade with the enemy during the war prompted a brief naval blockade of the colony in 1758) and to facilitate the collection of customs duties; extended the 1751 prohibition of New England legal tender to the rest of America through the Currency Act of 1764 to counter colonial monetary malpractices, curb spiraling inflation caused by wartime emissions of currency, and stabilize the exchange rate between provincial paper money and the British pound sterling; and made the provisions of the annual Mutiny Act applicable to Americans in 1765 to provide for the governance and maintenance of the peacetime army.

It was, of course, one thing to formulate a program of imperial reform and quite another to finance it. At the end of the French and Indian War the British government faced a financial crisis of unprecedented proportions. The national debt had doubled during the conflict, standing in January 1764 at £130 million with an annual interest of nearly £5 million. The citizenry at home was already heavily overtaxed, the fiscal obligations of the colonies were modest, Parliament awarded some £1 million to the colonies as partial reimbursement for wartime expenditures, and the war had originated in and been fought primarily for America; as a result, the ministry of George Grenville not surprisingly looked westward for an additional source of revenue.

In order to raise sufficient revenue to defray one-third of the estimated £350,000 required to finance the occupation army and the Indian departments, Parliament passed the so-called Sugar Act. By reducing the duty on French West Indian molasses from six to three pence per gallon, the act was intended to discourage smuggling and thus encourage the payment of the excise through legitimate commerce. But even before the adoption of the measure in April 1764 it was obvious that an additional, more substantial and reliable source of income would be necessary. As early as the spring of 1763 Grenville let it be known that he favored the imposition of stamp duties, a taxing device that had been earlier used to good effect both in England and America (New York and Massachusetts in the 1750s). Grenville's plan was subsequently codified in the Stamp Act of March 1765, a prodigious 117-section statute that imposed stamp taxes graduated from a halfpenny to £10 on enumerated items ranging from newspapers to legal documents, playing cards to college diplomas, advertisements to almanacs. Although the colonials were not expected to welcome the various administrative reforms and the new revenue measures, surely no one in England or America could have predicted the magnitude of the opposition or the course it would eventually take.

Initially each colony registered its protest against the imperial revenue acts in a distinctive manner and for different reasons. While the mercantile colonies

were quick to denounce the Sugar Act, opposition developed slowly elsewhere. New Jersey, having only modest trade with the West Indies and virtually no direct commerce with Europe, was but slightly affected by the measure. Hence, New Jersey, along with Maryland and New Hampshire, made no official comment concerning the measure. But Jerseymen were caught in a steadily worsening economic situation as a result of a postwar recession. Of the mainland colonies, New Jersey had the largest debt at the end of the French and Indian War. To compound matters, the steady retirement of wartime emissions of paper money produced a devaluation of currency, and a chronic adverse trade balance drew money out of the colony. Recent parliamentary legislation banned provincial legal tender, the traditional remedy to such problems. As a result, the relatively slight opposition to the Sugar Act in New Jersey was limited almost exclusively to economic objections (Doc. 1). However, as indicated by the self-styled Committee of Correspondents, by the fall of 1764 there was growing concern about both the direction of the new imperial program and the constitutionality of imperial taxation (Doc. 2). Those concerns crystallized into united American protest during the Stamp Act crisis.

The passage of the Stamp Act initially evoked little adverse reaction in New Jersey. There were some private complaints, but nothing to indicate the widespread, united public reaction to come. That is not surprising since the colony possessed relatively few merchants, lawyers, or printers—the three occupational groups that would bear the brunt of the tax. Indeed, the Jersey assembly, meeting from May to June 1765, failed to emulate the famous May 29-30 protest resolves of Patrick Henry and the Virginia House of Burgesses and declined the June 8 invitation from the Massachusetts House of Representatives to send delegates to an intercolonial congress in New York City in October (Doc. 3).

But opposition to the tax grew perceptibly in New Jersey as elsewhere during the summer of '65. New Jersey was spared the violence and disorders that racked neighboring colonies, but the resignation by William Coxe from his post as provincial stamp distributor on September 2 served, as "Caesariensis" knew, as a reliable barometer of political temper of the colony (Doc. 4). Public pressure to send deputies to the general congress also mounted (Doc. 5). Finally, at the last possible moment, Speaker of the House Robert Ogden summoned a rump session of the assembly to meet at Robert Sproul's tavern in Perth Amboy; the dozen or so members who attended the meeting selected Ogden, Hendrick Fisher, and Joseph Borden, Jr., to represent New Jersey at the Stamp Act Congress. From October 7 to 24, delegates from eight colonies and Delaware labored to fashion addresses to king, Lords, and Commons as well as a series of resolutions protesting the Stamp Act and asserting colonial rights.

By the fall of 1765 the covert, largely private, and individual opposition to the Stamp Act had become overt, public, and general. At a meeting of lawyers held in Perth Amboy on September 19, members of the New Jersey Bar unanimously resolved not to use stamps or stamped paper in conducting their legal transactions (Doc. 6), an effective means of passive resistance soon adopted by attorneys throughout America. Two days later there appeared the one and only issue of the *Constitutional Courant,* a pseudo newspaper consisting mainly of inflammatory essays by "Philopatriae" and "Philoleutherus" that

were reprinted in the press from Pennsylvania to Massachusetts. (Apparently published by James Parker at his printing office in Woodbridge, the paper was nonetheless not produced by Jerseymen.) Although the radical tone of the strident publication did not reflect popular sentiment in New Jersey, people began to band together to demonstrate solidarity in opposing the act. In communities throughout the colony, citizens gathered in mass meetings to avow their determination to prevent the execution of the hated statute (Doc. 8). Lest such declarations be dismissed as mere rhetoric, an effigy representing Robert Ogden, who refused to sign the resolves of the Stamp Act Congress, and symbolizing anyone who failed to oppose the Stamp Act, was destroyed in New Brunswick (Doc. 9). Even though the conservative defenders of the royal regime deplored the lawlessness and feared the repercussions of civil turmoil, they, too, harbored resentment against recent imperial programs (Doc. 7). And at the first opportunity, the Jersey assembly officially sanctioned resistance to the tax by adopting a series of protest resolutions on November 30 (Doc. 11).

November 1, the day the statute was to become operative, came and went. So intense and so pervasive was the determination to prevent its implementation that some people thought any attempt to execute the act would cause bloodshed (Doc. 10). The Stamp Act was a dead letter in America.

While the British government labored to resolve the imperial crisis during the winter of 1765-1766, Americans maintained their defiance. The Jersey scene was typical. Lawyers adhered to their September agreement and thus legal transactions and procedures requiring the use of stamps ground to a halt; merchants launched a boycott of British manufactured goods to exert pressure on influential English merchants; and community professions of solidarity continued. In February, as the spirit of resistance began to wane with the passage of time, Jerseymen, at the behest of the New York City Liberty Boys, began to organize themselves as Sons of Liberty. Their purpose was twofold: to coordinate protest activities by establishing regular communications with chapters in other parts of the province, and to assume direction of local protest activities (Doc. 13). Sentiment was not unanimous in support of the Sons of Liberty (Doc. 14). Instead of raising the level of resistance, a growing number of residents preferred a moderate position while awaiting the determination of Parliament (Doc. 12).

In seeking a solution to the uprising in America, the ministry of the Marquis of Rockingham faced a delicate dilemma. Since the Stamp Act could obviously not be enforced in the colonies, it would have to be rescinded. But how could Britain accomplish the repeal of the measure without appearing either to have capitulated to the pressure of lawlessness or compromised parliamentary authority over the colonies? When repeal of the obnoxious statute finally came in March 1766, it was based upon economic expediency (the tax was not commensurate with the cost of enforcement and the colonial boycott cramped British commerce) and coupled with the Declaratory Act, an unequivocal declaration of parliamentary supremacy over America "in all cases whatsoever." Despite the official rhetoric of repeal, the fact remained that determined colonial resistance had forced Great Britain to rescind one of the cornerstones of its reform edifice.

The long-awaited and much-anticipated news that Parliament had repealed

the Stamp Act was received with delight and relief in America. Communities held celebrations throughout New Jersey (Doc. 15). But whatever the public posture of Jerseymen, privately their joy must have been tempered by the magnitude of the Stamp Act crisis. What had begun as opposition to a specific tax bill had turned into concerted resistance to British authority — resistance that had taken the form of peaceful protest and economic coercion, violence and extralegal activities. Repeal of the Stamp Act, while it resolved the immediate imperial imbroglio, did not answer the larger issue of the constitutional relationship between Parliament and America that had risen to the fore during the preceding year.

1 Daniel Coxe to Joseph Reed

[Joseph Reed Papers, 1:16, New-York Historical Society.]

An Anglican by confession and a lawyer by profession, Daniel Coxe V (1741-1826) was a descendant of one of the oldest and most prominent families of colonial New Jersey. He was admitted to the bar in 1761; by 1772 he had built one of the most lucrative law practices in the province. A member of the Board of Proprietors of West Jersey, the private land company that owned extensive tracts of land in the western division of the colony, he also owned in excess of 1000 acres of land in New York and New Jersey. He served on the provincial council from 1771 to the Revolution, when his Loyalism forced him to flee, first to New York City and then to England, where he spent the rest of his life. Presbyterian Joseph Reed (1741-1785), like Coxe, was a resident of Trenton and an attorney. Upon graduating from the College of New Jersey (later Princeton University) in 1757, he studied law with Richard Stockton in Princeton and was admitted to the bar in 1763. From 1763 to 1765 he pursued legal studies at the Middle Temple in London. After his marriage in 1770 to Esther De Berdt, daughter of London mercantile magnate Dennys De Berdt, Reed removed to Philadelphia, where he later emerged as a leader of the Revolution in Pennsylvania. Because of their involvement in commercial enterprises, Coxe and Reed were especially aware of and concerned with the economic implications of imperial measures.

Trenton April 12th 1764

Dear Sir,

. . . What in the name of Sense has possess'd the English Nation or rather its parliament, for I find a paragraph in the last papers that a Scheme is on foot for Obliging Us to furnish 500,000 Proc[lamation][1] among the Colonies. My God! What

Madness this is; think they that We are in any Ways able to raise that Sum or half of it? How are We to do it? Our Trade is confin'd & limitted, the only Channel by which Wealth can flow into us. Money We have not in Specie, that is all gone to England in remittances to pay for our dry Goods &c. What also have We to supply its place; they will not take our produce instead, neither will they admitt Us any Manufacturies, or give any kind of encouragem[en]t to it, but on the other hand check all such Schemes. I sincerely believe half the Sum in Gold & Silver could not be found in the Country, take it all together, and unless We are allow'd a paper Currency without severe restrictions, they need not sent Tax gatherers, for they can gather nothing. Never was Money so very Scarce as now hardly so much so that You may venture almost at 20% in the pound without success. It is time that We may aford more considerable than We have yet paid in Taxes, but to effect that let our Luxuries & Superfluities pay for it and strike at a [notor]ious Evil at once; so far may work for our Good. But at the same time We should not be debarr'd from inlarging our Commerce & Trade, in favor to the West Indies Whose Members (or rather those Who enjoy great Estates there & are Members in parliament) would Sacrifice every other part of North America to aggrandize their own Estates. A Young Child seeks from its parents that Assistance it wants and which from them it has a right to expect as its natural Guardian. America is but in its Infant State, unable of itself to bear any heavy Burdens, tho' it may [illegible] more than We have already, provided We were free from the Debts the late Warr has Occasion'd, and which lay heavy on Us. Our Settlements here are generally upon the Coast; A large Country is at our Back, which if once Inhabited might be a Mine of power to England; what can bring this about but the encouragement of Trade & as many Manufactures as possible that would least interfere with those of our Mother Country. This would introduce vast numbers of people & consequently extend our settlements Westward. England now expends immense Sums of Money to Norway & Sweden for their Iron, Masts, &c. Why cannot She be supply'd with those Articles from hence, for it's well known we are able to do it nearly. A Vast Inland Trade might be open'd towards the Lakes, that would not only Consume Quantitys of English Manufacturies, as Dry Goods &c., but very probably inlarge our West India Trade too. Since Canada has been in our Hands, What prodigious increase has been made in the furr Trade. These seem to be Considerations that ought rather to induce [them?] to be very tender & carefull of Us for some time to come, and not to send over Among Us a Sett of Rascalls for Duty Officers, who will knaw upon our Vitals, by depriving Us of our Substance, add to this the numberless Offices that will be created—but they seem somehow to be afraid We may grow too Strong for Infancy, & apprehend our Indepen'cy, or perhaps more truly they seem to understand little of Us, our Interest, or their own, respecting Us, and what will become of Us I cannot tell if such be their present temper. . . .

I am Dr. Sir,
Yr. Obt. Hble. Servt.[2]
DANL. COXE

1. Beginning in 1704 distinction was made between the value of colonial currency (pound proclamation) and the basic British monetary unit (pound

sterling); the former circulated on the authority of the provincial government, while the latter was backed by a specified amount of gold or silver coinage prescribed by law. The exchange rate between the two currencies fluctuated throughout the eighteenth century, but sterling always had a higher valuation. In 1704 the differential (the proclamation rate) was £100 sterling to £133 proclamation.

2. The customary complimentary close was "I am, Dear Sir, Your Most Humble and Obedient Servant" or some variation thereof.

2 The New Jersey Committee of Correspondents to Joseph Sherwood

[Jacob Spicer Letter Book, Spicer Papers, New Jersey Historical Society.]

A Quaker lawyer of Austin-Freyers, London, Sherwood held the post of colonial agent for New Jersey from 1760 to 1766. (The colonial agency was an unofficial albeit important element in imperial administration. Since the colonies were not directly represented in Parliament, the legislature of each colony hired a lobbyist, usually a prominent English merchant or lawyer, to promote the interests of the province within the British government.) Sherwood owed his appointment in part to the experience gained as the assistant to his predecessor, Richard Partridge, and in part to his influence with Samuel Smith and the "Quaker faction" in New Jersey (a loose coalition of West Jersey Friends led by Quaker assemblymen). As members of the legislature, the "Committee of Correspondents" was understandably disturbed about what appeared to be parliamentary encroachments upon the wide latitude enjoyed by the assembly in matters pertaining to local government—especially the crucial power of taxation.

September 10th 1764

If any thing comes on the Stage next Session of Parliament either for repealing the Duties laid on the Trade of the Northern Colonies and prohibiting a paper Currency at last Session, or for adding any thing new by way of Tax on this Colony, the Committee of Correspondents direct that you will humbly & Dutifully Set forth In the name and on Behalf of this Colony[1] that we look upon all Taxes laid upon us without our Consent as a fundamental infringement of the Rights and priveleges Secured to us as English Subjects and by Charter;[2] and that our paper Currency hath always kept its [value][3] and being prohibited from having any more but upon Terms of not being a Legal tender let the Necessity be ever so pressing we esteem a very great provincial hardship, for these among other Important Reasons that it will not

only Cramp us in our Business with one another & the English Merchants, but Impede the Growth of the Settlement of this province, and very probably greatly obstruct his Majesty's Service upon any future emergency. You are Desired to enlarge and make the necessary proofs as Occasion may require.

The more Active and Expensive part of the Opposition we expect will be upon the other Colonies who are abundantly more Concerned in Trade, yet it is Necessary so far to Cooperate with them as to Show the Colonies are unanimously of One Mind.

CHARLES READ[4]
SAMUEL SMITH[5]
JACOB SPICER[6]

1. I have found no official legislative authorization for the action of the committee; apparently Read, Smith, and Spicer were acting on their own initiative.

2. The "Charter" refers to the "Concessions and Agreements" issued by the New Jersey proprietors in 1665 which stipulated that the governor and council were "not to impose, nor suffer to be imposed, any tax, custom, subsidy, tallage, assessment, or any other duty whatsoever upon any colour or pretence, upon the said Province and inhabitants thereof, other than what shall be imposed by the authority and consent of the General Assembly." Aaron Leaming and Jacob Spicer, comps., *The Grants, Concessions, and Original Constitutions of the Province of New Jersey* (Philadelphia, 1752), p. 20. Although subsequent changes in the nature of the propriety and the transfer of governance to the crown in 1702 nullified the provisions of the "Concessions," the old charter remained a powerful symbol of governmental authority and political prerogatives.

3. The manuscript is torn here; "value" is probably the missing word since Jersey money had a deserved reputation for stability.

4. In 1739 Charles Read, Jr., (1715-1773) moved from Philadelphia to Burlington, where he continued his extensive involvement in mercantile, legal, and political activities. He was an ironmaster, lawyer, merchant and shipper, slaveowner, and landowner. His writings on agriculture earned him membership in the American Philosophical Society (1758). During a lengthy public career he served as customs collector for the port of Burlington (1732-1773), assemblyman from Burlington City (1751-1758), councillor (1758-1773), surrogate for both East and West Jersey, deputy secretary of the province, and associate justice (1753-1754 and 1763-1773) and chief justice (1754 and 1764) of the supreme court. An Anglican, he was politically allied with the Quaker faction.

5. Samuel Smith (1721-1776), Quaker merchant and large landowner from Burlington, was a veteran of Jersey politics. The leader of the Quaker faction, he held the posts of West Jersey treasurer (ca. 1751-1775), assemblyman for Burlington City (1754-1763), and councillor (1763-1775). An historian by avocation, Smith wrote the classic *History of the Colony of Nova Caesaria or New Jersey* (Burlington, 1765). He was the brother of Richard Smith (see Doc. 14, headnote).

6. Jacob Spicer (1716-1765), Cape May merchant and landowner, represented his county in the legislature from 1743 until his death. He was often associated with the Quaker faction in the assembly.

3 Robert Ogden to Samuel White

[Printed in William A. Whitehead, et al., eds., *Archives of the State of New Jersey*, First and Second Series (48 vols., Newark and elsewhere, 1880-1949), 1st ser., 9:496. Hereafter the *Archives* will appear *NJA*; reference will be to the First Series unless otherwise indicated.]

Robert Ogden II, an Elizabethtown attorney who served as both a justice of the peace and an East Jersey surrogate, represented Essex County in the assembly from 1761 to 1765. He held the post of Speaker of the House from 1763 to 1765, during which time he attended the Stamp Act Congress. He resigned his seat in November 1765 to avoid certain censure from his colleagues for refusing to sign the protest resolves of the Congress. Samuel White, Harvard graduate, Taunton lawyer, and legislator since 1749, was Speaker of the Massachusetts House of Representatives. It was White who formally signed the circular letter of June 8 inviting the legislatures of the various colonies to appoint three representatives to meet with delegates from the other provinces in New York on the first Tuesday in October to discuss the hardships placed upon America by the recent revenue acts and to join in "a General and united Dutiful, Loyal and Humble Representation of their Condition to his Majesty, and the Parliament, and to implore Relief."

Burlington, June 20, 1765[1]

Sir,

Yours of the 8th Instant came opportunely to my Hands on the last Day of the Sitting of our Assembly.[2] Having communicated it to them, they took it into deliberate Consideration, and desired me to inform, through you, the General Court of the Massachusetts, That though they are not without a just Sensibility respecting the late Acts of Parliament affecting the Northern Colonies, yet apprehending, whatever Reasons may be thought proper to be urged against them may be better received after some Time elapse; our Assembly, on that Account, & because the Trade of this Province is insignificant in comparison of others, are unanimously against uniting on the present Occasion.[3] They, however, cannot but wish such other Colonies as think proper to be active, every Success that they can loyally and reasonably desire.[4]

I am, Sir, Your most Hum. Servt.
ROBT. OGDEN, Speaker

1. The date is misprinted as 1764 in *NJA*.

2. The journals of the New Jersey assembly make no mention of either the presentation or consideration of the Bay Colony's proposal.

3. It would appear that the assemblymen regarded the Sugar Act of 1764, rather than the Stamp Act, as the primary concern of the Massachusetts legislature; clearly the former statute would have a greater impact on mercantile New England than on agrarian New Jersey.

4. A year later, on June 27, 1766, the assembly took exception to Odgen's account, arguing that because the circular letter was presented after some members had gone home it was not considered by a "full house." Moreover, the legislators charged that Ogden had at first "agreed to send, nay urged, that Members should be sent to the intended Congress, but changed his Opinion upon some Advice that was given to him" and declared that "this sudden Change of Opinion, displeased many of the House." Hinting at collusion between Governor William Franklin and the Speaker, the assemblymen denied that the Massachusetts message had been given "deliberate Consideration" or that they had "unanimously" declined participation in the Congress. *Votes and Proceedings, June 11-28, 1766* (Woodbridge, 1766), p. 49. However, Jacob Spicer, veteran assemblyman from Cape May, explained the refusal of the house to send delegates to New York by the "expectation" that Great Britain would "find her Trade Cramped" as a result of the "restraint and duties" laid on the colonies and that "her own Interest might incline her to mediate a reformation." Spicer is saying what was said in document two—that the commercial colonies would be most affected and that their response would induce Britain to rescind or modify the measure. (Spicer to William Bayard, July 2, 1765, Letter Book, Spicer Papers, New Jersey Historical Society.)

4 "Caesariensis" on Stamp Collectors and the Stamp Act Congress

[*New-York Gazette; or, the Weekly Post-Boy*, September 12, 1765.]

Throughout August and September the men assigned to the crucial office of stamp distributor for the various colonies succumbed to public pressure and resigned. On September 2, Philadelphian William Coxe, who owed his appointment as stamp distributor for New Jersey to the influence of Governor William Franklin and his famous father Benjamin Franklin, quit his post. It is unlikely that "Caesariensis" knew of the resignation when he penned his letter; most likely his commentary was intended, directly or indirectly, to effect Coxe's removal. While most Jerseymen shared his opposition to the Stamp Act, few people would have seconded the writer's radical assertions that Parliament

had no legislative authority over America and that the crown was the lone constitutional link between the mother country and the colonies.

September 3, 1765

Every real friend of liberty, who understands the constitution of the American colonies, must receive great pleasure from the accounts lately published in the News-Papers respecting the resignation of several of the stamp officers. The apparent necessity of their conduct, must be a sufficient excuse to the authority by which they were appointed; and the important effects which such a step may have upon the liberties of America, in its present alarming situation, will make it appear meritorious in the eyes of their countrymen: it is therefore much to be wished, that this laudable example may be universally imitated. The advice given in the New-York Gazette, of last week, to all the stamp officers, who have not yet resigned,[1] is certainly very wholesome, and appears to be given in the spirit of *Christian Orthodoxy;* but I view this resignation in so important a light, that I cannot but subjoin another argument to those made use of by my friend; and it is this, if every stamp officer, upon the continent of North-America, does not take example by those who have already resigned, it will inevitably produce a disunion among the colonies, which, of all things, must be the most fatal; for let it be depended upon, that hereafter the conduct of the stamp officer will give the true political complexion of every colony; if the stamp officer cannot execute his office with any degree of comfort and reputation, and thereupon resigns, then it will be evident that the inhabitants of that colony are sensible of the imposition, and spurn at it; if on the other hand, they supinely submit to the unconstitutional exaction, and suffer the unrighteous taskmasters to live at ease, it may be certainly concluded, that the inhabitants of such colony are insensible, and see not, or at least regard not the difference between freedom and slavery; this will necessarily create contempt and hatred: the submissive colony will not only appear to the others, in the most groveling and despicable light, but also, with great propriety, will be esteemed amongst its most formidable enemies; no possible means can be devised so effectual to enslave the whole, as for a part servilely to put their necks to the Yoke. It is therefore evident that every stamp officer, who does not wish the total subversion of the present constitution of North-America, ought immediately to resign his office. I am more especially interested in the prosperity of the colony of New-Jersey, where I live, and have the happiness of some property. And altho' I glory in being a member of a community so submissive to government, and which has such loyalty and affection for the person, family and government of his present most gracious majesty king George the third; yet it would pain me to the Heart, to see this hitherto happy province, tamely submit to be enslaved by its fellow-subjects. It is true, our legislative body did not judge it expedient to come into the measures proposed the last year, by some of the provinces, for petitioning the parliament of Great-Britain. What was the reason of such omission, I cannot determine, as I am not a member of the legislature; but I have always commended their conduct in that instance; for it is to me a plain and evident absurdity to petition any body of men against the passing a law to bind me, when at the same time, I conceive that such law, if passed *by them,* cannot bind me. If the inhabitants of the moon, for instance, should happen to

hear that the commons of Great-Britain had resolved *nem. con.*[2] that their vellum should be stamped; no one would expect them to petition the said commons against it. And the fate of the petitions which were sent, is quite sufficient to shew our brethren of the other colonies, that they, in the form they were sent, might better have been spared, or at least, that our omitting a step in New-Jersey, which was of no service to those who thought proper to take it, ought to secure our Assembly from some unkind insinuations which have appeared in print on that occasion. I am not for silence, or slavish submission; no, let us act like Freemen, like Englishmen, who know the limits of their freedom. Let us petition our gracious sovereign, whose paternal regard, is equally extended to his American, as his other subjects; his authority we glory in submitting to; he is king of Great-Britain; and blessed be God, king of America too: but the parliament of Great-Britain is not the legislature of America; we have by our constitution complete legislation independent of the lords and commons of Great-Britain, of which the king, by his several governors, is the head. I hope all the Provinces will unite in sending their several humble petitions to his majesty, without delay; whose royal heart, I doubt not, will be touched with reasonable complaint of so great a body of his faithful subjects, and that ample redress will be given us; but in such petitions let all submission to, dependence upon, or connection with, the commons, and lords of Great-Britain, in a legislative way, be carefully and absolutely disclaimed. In the mean time, all ye stamp officers resign: resign, as you will answer the contrary at your Peril, to your sovereign lords and masters, the incensed mob.

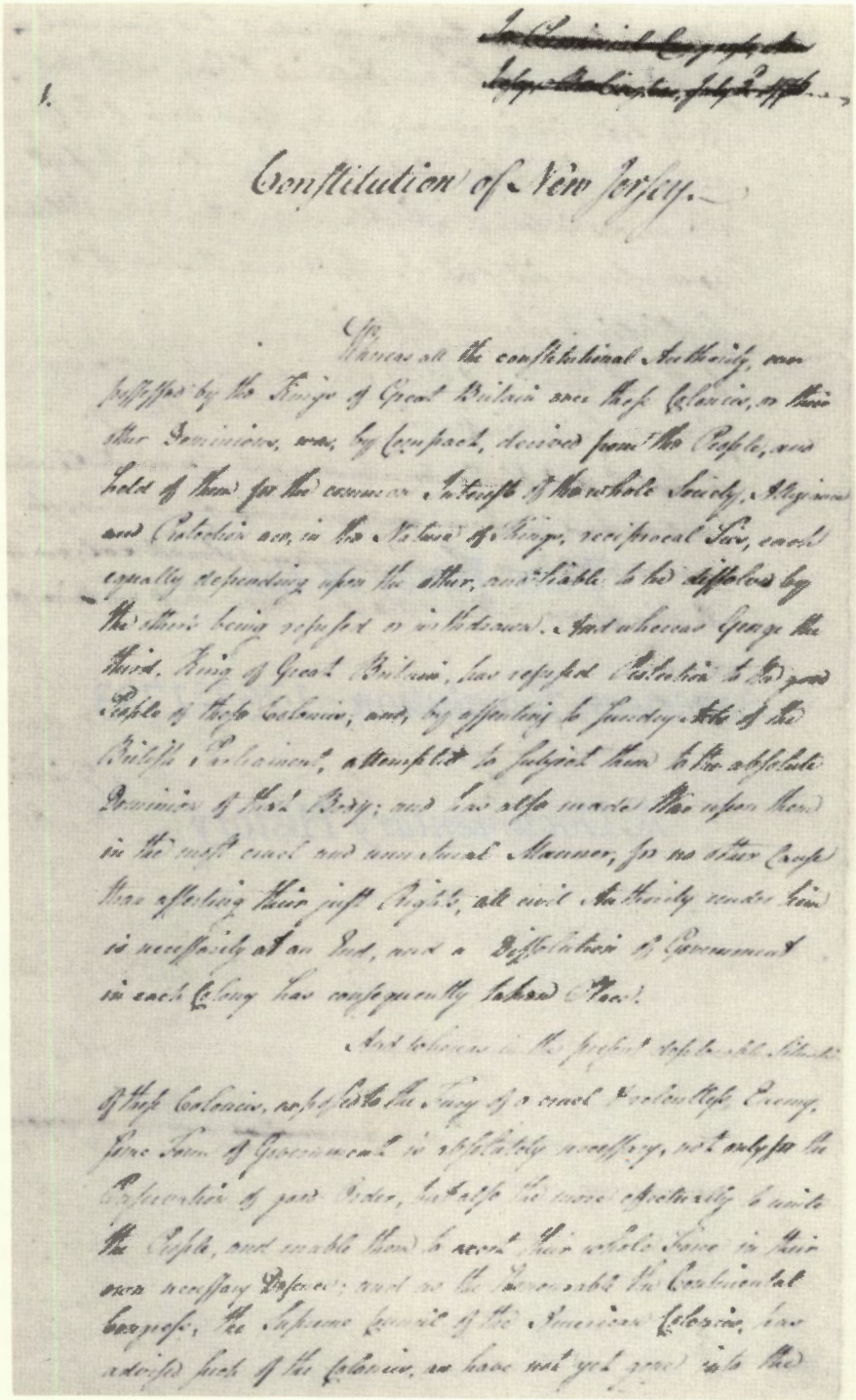
CAESARIENSIS[3]

1. On August 30 the *Gazette* issued a call for all stamp collectors to resign their commissions.
2. *nemine contradicente:* unanimously, without a dissenting vote.
3. The sentiments expressed in this essay correspond strikingly to those contained in a letter from Richard Stockton to Robert Ogden on September 13, 1765 (see Doc. 5). Is Stockton "Caesariensis"?

5 Richard Stockton to Robert Ogden

[Revolutionary Era Manuscripts, 49, New Jersey Historical Society.]

Support for the proposed Stamp Act Congress grew steadily during the summer of 1765. By the end of September seven colonies—Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, and South Carolina—plus the Three Lower Counties on the Delaware (now the state of Delaware) had made arrangements to send delegates to the conference. The



1.

Constitution of New Jersey.

Whereas all the constitutional Authority, ever possessed by the Kings of Great Britain over these Colonies, or their other Dominions, was, by Compact, derived from the People, and held of them for the common Interest of the whole Society, Allegiance and Protection are, in the Nature of Things, reciprocal Ties, each equally depending upon the other, and liable to be dissolved by the other's being refused or withdrawn. And whereas George the third, King of Great Britain, has refused Protection to the good People of these Colonies, and, by assenting to sundry Acts of the British Parliament, attempted to subject them to the absolute Dominion of that Body; and has also made War upon them in the most cruel and unnatural Manner, for no other Cause than asserting their just Rights, all civil Authority under him is necessarily at an End, and a Dissolution of Government in each Colony has consequently taken Place.

And whereas in the present deplorable Situation of these Colonies, exposed to the Fury of a cruel & relentless Enemy, some Form of Government is absolutely necessary, not only for the Preservation of good Order, but also the more effectually to unite the People, and enable them to exert their whole Force in their own necessary Defence; and as the Honourable the Continental Congress, the Supreme Council of the American Colonies, has advised such of the Colonies, as have not yet gone into the

JOSEPH CRILLEY

FIRST PAGE OF THE 1776 NEW JERSEY CONSTITUTION. Courtesy Archives and History Bureau, New Jersey State Library.

New Hampshire legislature declined to name representatives; the governors of Virginia, Georgia, and North Carolina refused to summon their assemblies and no extralegal appointments were made as was done in Delaware. Only New Jersey's participation was in doubt; Richard Stockton's letter came at the right time to promote action. Stockton (1730-1781) was a dominant figure in prerevolutionary New Jersey government and politics. A member of the first graduating class of the College of New Jersey (now Princeton University) in 1748, he studied with the eminent Judge David Ogden and soon became one of the leading lawyers in the middle colonies. Besides attending to a lucrative private practice, he trained a host of brilliant young lawyers including Elias Boudinot, William Paterson, Joseph Reed, Benjamin Rush, and Jonathan Dickinson Sergeant, all of whom became leading Whigs. Stockton served on the provincial council from 1768 to 1776 and on the supreme court as an associate justice from 1774 to 1776; he declined the opportunity of becoming the state's first chief justice in 1776 and narrowly missed being elected its first governor. An ardent Presbyterian, he was active in local church affairs and sat on the board of trustees of his alma mater. Stockton quickly moved to the forefront of the protest-independence movement in New Jersey, capping his involvement by serving in the Continental Congress in 1776 and signing the Declaration of Independence.

Princeton, Sept. 13th, 1765

D[ea]r Sir

. . . . I confess that I am much concerned about the present State of our Public Affairs. You see the spirit that the Stamp Act has raised throughout the Colonies. The People certainly ought to complain when they are oppressed. The unbounded License of some to the Eastward,[1] ought to be discountenanced by every friend to his Country; yet the Stamp Act cannot be extended here but in diametrical Opposition to our Constitution: wherefore I am humbly of Opinion that the Representatives of the People ought not to be silent. They ought to complain constitutionally. They should complain to the King; not to the Parliament whose Authority they do not and ought not to acknowledge. Upon mature Deliberation therefore I think that our Assembly ought to send Deputies at the Congress to be held this Fall at New York. If your House does not do it, we shall not only look like a speckled Bird among our Sister Colonies, but we shall say implicitly that we think it no Oppression. I always approved, you know, of your not petitioning the Parliament. That was in my Opinion, a very wrong step. It was acknowledging some Authority they had over Us. But humbly & sensibly petitioning the King I think might be of great service; and I doubt not, if there is such a Change in the Ministry as may be expected, but the Act will be repealed. Suppose you should apply to half Doz[e]n Members; and sign a Request to the Gov[erno]r to call you immediately, that you may reconsider the propriety of sending Deputies to New York. This, out of Love to my Country, and Regard to the House of Assembly, especially it's Speaker, I suggest. Burn my Letter after reading it over twice, and considering It maturely. I wish I had one hour with you, this week, but I cannot.

Adieu, and believe me your respectful friend and most h[umb]l[e] Ser[van]t,

RICHD. STOCKTON[2]

1. The New England colonies.
2. Internal evidence suggests that Stockton may be "Caesariensis." See Doc. 4, note 3.

6 "A. Lawyer" [Elias Boudinot] on the Suspension of Legal Proceedings

[An undated manuscript copy of this letter in the hand of Elias Boudinot is in the Elias Boudinot Papers, I, Library of Congress; it was published, with alterations by the printer, in the *New-York Gazette; or, the Weekly Post-Boy,* October 24, 1765 and reprinted *NJA,* 24:660-62. The text below is that of the original, not the published letter.]

Since the Stamp Act imposed a wide range of graduated duties upon numerous legal documents and transactions, Jersey lawyers were directly affected by the tax. Yet their respect for due process and order ruled out the more extreme forms of protest. Summoned by "the Principal Gentlemen of the Profession," attorneys from all parts of the province gathered in Perth Amboy on September 19 to declare their opposition to the statute and thwart its execution. The result was a course of peaceful yet forceful resistance that suspended legal activities (except for criminal proceedings) pending repeal of the Stamp Act. One of the participants was Elias Boudinot (1740-1821), an Elizabethtown lawyer who coupled firmness with prudence in playing a leading role in the politics of protest in both Essex County and the colony. In essentials, his political philosophy mirrored that of Richard Stockton, with whom he had studied law and whose sister, Hannah, he married in 1762. His career included service as trustee of the College of New Jersey (now Princeton University) from 1772 to 1821; commissary general of prisoners (1777); member of the Continental Congress (1781-1784); president of Congress (1782-1783), member of the Federal Congress (1789-1795); director of the Philadelphia Mint (1796-1805); and first president of the American Bible Society (1816). The following is the only extant firsthand account of the lawyers' meeting.

[October 1765]

Sir,

At a Time when every person, who is in the least accessary to the Countenancing or forwarding that Enemy of our Peace (the Stamp Act) is justly rendered Odious to every friend of Liberty, common Benevolence will lead the generous Mind to prevent such a Curse from falling on the Innocent: therefore it is, that the Public are again troubled with the following simple Detail of the Proceedings of the Gentlemen of the Law in this Colony and the Behaviour of the Chief Justice,[1] on

the Occasion, which, I am sorry to say, has not been candidly given in a late publication.[2]

The Unhappy State of the whole Continent in general and some of the Colonies in particular, flowing from this most extraordinary Instance of Ministerial Influence, had determined the principal Gentlemen of the Profession,[3] to obtain a general Meeting of the Lawyers, at Amboy in September last, in order to consult on some necessary Measures, whereby at once, to bear a publick Testimony ag[ains]t such oppressive Measures and at the same Time, by easing the Minds of the People, to prevent any undue & indecent Behaviour to the lawfull Authority of the Government, as far as our Influence should extend.

After the Gentlemen attending had taken their Seats, (a President being chose) the Nature of the Act was opened, together with a State of the Colonies and the Effect it would naturally produce in them. We then proceeded to a free discussion of every Point worthy of Observation, and [torn] on the whole the following Question was Stated & put to Vote: "Whether, if the Stamps should arrive in the Province, the Gentlemen present (as Lawyers) would make Use of them for any Purpose, or under any Circumstances whatever?" It gives me Pleasure to say (as it must to every lover of his Country) that it was carried in the Negative, without a dissenting Voice: And a Number of the Gentlemen respectively undertook to answer for the greatest part of the absent Members.

This was the whole of the Transaction on this Day. But the next Day, the Chief Justice requested our Attendance on some Matters he was desirous of laying before Us. When assembled, His Honour informed Us, that he would be glad of our advice on a few Questions he had to propose; but first informed us that he had heard it was reported that he had Solicited and endeavoured to obtain the Office of Stamp Distributor for the Colony. In answer to which, he observed that the Impropriety of such a Step in him, was a sufficient Testimony of the falsity of the report. But in order to settle the Matter, he declared upon his Honour, that he had neither directly, or Indirectly solicited, or any ways attempted to obtain that office, which he hoped would satisfy Us, as well as the Inhabitants of the Colony on this Subject. He then proposed the following Questions: "Whether, if the Stamp'd Paper was ready to be distributed at Burlington, by the first of November, We would take the trouble of sending there for them." Each Gentleman present, gave his Answer separately, but all to the following purpose: "That they would by no means do any thing that should bear the least appearance of Opposition to the rightfull Authority of the Government, yet as it was in our Choice, to use the Stamps or refuse them, they would entirely give up the Advantage arising from their Profession, rather than join in enslaving their Country." The next Question was "As the Act pointed out the Governor & Chief Justice as Persons to whom the Distributor was to be accountable, if the Governor should insist on the Chief Justice's taking the Burden of that Office of Distributor upon him, whether, it would be consistent with his Duty & Interest to accept of it?" To which it was unanimously agreed, that there was no Words in the Act, that gave the Governor the least Authority to appoint such an Officer, and if there was, that the Chief Justice should be the last Man to accept it, as it would be the direct Means to render him odious to the People & uncomfortable in his Administration.

On this the Chief Justice applauding the Coolness of these Deliberations & recommending peaceable Measures as the most likely means of obtaining a repeal of

this Act, returned Us his Thanks for our Kindness & dismissed Us. The whole of the Chief Justice's Behaviour being evidently in Confidence, treating Us as his private friends, I was much surprised to find these Questions made publick, especially in the form they have appeared to the World, tending Obliquely to charge the Chief Justice with endeavouring to Solicit an Office so detestable to all the Colonies, I therefore could do no less, in Justice to every one concerned, than to give this plain State of the Matter, that every thing might have its due weight.

A. LAWYER

1. Frederick Smyth (see Sec. III, Doc. 9, headnote).
2. A distorted account of the meeting appeared in the *Pennsylvania Journal and Weekly Advertiser* on October 3.
3. Most likely Judge David Ogden of Newark and attorney Philip Kearny of Perth Amboy.

7 Cortlandt Skinner to Thomas Boone

[Printed in William A. Whitehead, *Contributions to the Early History of Perth Amboy and Adjoining Country . . .* (New York, 1856), 102-3. I have not been able to locate the manuscript of this letter or of other valuable items cited by Whitehead from his extensive personal collection, much of which was deposited in the New Jersey Historical Society.]

Cortlandt Skinner (1727-1799) was a man of great wealth and political influence. He was a member of the Board of Proprietors of East Jersey (vice-president), a prominent lawyer, provincial attorney general, assemblyman from Perth Amboy (1763-1776), and Speaker of the House (1765-1770, 1772-1776). A devout Anglican and political conservative, he was tied by blood and marriage to the close-knit group of East Jersey merchants, shippers, lawyers, and landowners known as the Perth Amboy Group—the single most influential interest group in the colony. His unswerving loyalism prompted his flight from the province in January 1776, his organization of the royalist New Jersey Volunteers during the War for Independence, and his exile in England. Thomas Boone served as governor of New Jersey from 1759 to 1761, whereupon he became the chief executive of South Carolina. He remained governor of South Carolina until 1776, but spent the last three years of his administration in England, defending his conduct in a protracted row with the Commons House of Assembly stemming from his dissolution of the legislature in 1762 to negate the election of Christopher Gadsden. In the following letter Skinner underscores the

economic reasons for opposition to the Stamp Act as well as the general notion that imperial policies were contrary to American interests.

October 5th, 1765[1]

Every thing here is in the greatest confusion, and the first of November dreaded. The laws of trade had ruined the merchants, and drained the colonies of their silver. Little was left after paying the duties, to pay their debts in England. Without money no clothing can be got, and woollens must be had in this climate; great attention was therefore given to manufactures on which considerable advances are made, but the want of wool and manufactures, are difficulties not easily removed. Discontent was painted in every man's face, and the distress of the people very great, from an amazing scarcity of money, occasioned by the sudden stagnation of trade. At this time (and a more unlucky one could not have been chosen) the Stamp Law and Mutiny Bill found their way through parliament.[2]

Upon these laws all restraints were broken through, and the papers will abundantly show you the violence and fury of the people. Great pains have been taken by some writers to expose the laws, and show the people that they are deprived of all liberty, and contributed not a little to the outrages that have been committed. The increased jurisdiction of the Courts of Admiralty, and the restraint on the press by the Stamp Law, have been the subjects and employment of their pens, which they have taken care to dip, if not in gall, yet abundantly in scurrility and abuse, if not in *treason*. With great difficulty the people have been restrained in this province, but how long it will be in the power of the magistrates to prevent disorder I know not. As the day approaches on which the Stamp Law is to take effect, fresh causes present themselves to fear great disturbance. . . .[3]

It is hoped that with the new ministers[4] will follow a change of measures, and that the interest of Britain with respect to her colonies will be better understood, and the colonies relieved both from duties and stamps. I wish it may prove so; for if the interest of Britain is adhered to, it will be best advanced by encouraging the colonies in their trade to the West Indies. While that continues, agriculture will be their only employment, and they will not then (as it will not be in the interest) think of manufactures; but solely attend to the improvement and settlement of lands. Without trade they have no money, and every body knows that all the money they can get will not pay for the necessary clothing from Britain; consequently they cannot pay taxes. But the wealth flowing from trade will be more for the interest of Britain than all the taxes that can be imposed on the colonies. . . .[5] The protection of the colonies is made the pretence for taxing them. This is assistance indeed. Garrisons may be necessary at Quebec and Montreal, but what occasion is there for garrisons and forts hundreds of miles in the Indian country? These are so far from protecting, that they are the very cause of our Indian wars, and the monstrous expenses attending them. Before we had these forts we had no wars with the natives, they were our friends, and will be so again when we withdraw the French settlers and our garrisons from their country.[6] Their quarrel with us is, that we will take their lands, and treat them as a conquered people. All we want with them is their trade, which we can never enjoy with any advantage until we remove their jealousy. When this is done we shall live in all the security we have heretofore enjoyed, when a few

independent companies were sufficient for the continent. And why cannot we do without so many regiments when every enemy is removed at least a thousand miles from our borders?

But independence is suggested and made the pretence, more than a fear of Indian inroads. Those who make these suggestions are enemies to their country, and are most likely to put the thought into the heads of the colonists by the very means they take to *prevent* dependence. Separate governments and an encouragement to agriculture and settlement, will effectually fix it. Taxes and a restraint on the West India trade are most likely to force the colonists into manufactures and put independence into their heads. *They are in the high road to it now, and though 'tis true that they have not strength to effect it, but must submit, yet 'tis laying the foundation for great trouble and expense to Britain, in keeping that by force which she might easily do without, and alienating a people which she might make her greatest prop and security.*[7]

1. The printed date in Whitehead, 1755, is a typographical error.
2. It should be noted that the Stamp Act would not have been a drain on American specie; all revenue raised by the act was to be spent in the colonies.
3. Whitehead's deletion.
4. The Rockingham ministry, established in July 1765.
5. Whitehead's deletion.
6. In point of fact, the English settlers had been at war with the western Indians (save for the Iroquois confederacy of the Six Nations, which sided with the British) for most of the past three-quarters of a century as allies of the French: King William's War (1689-1697), Queen Anne's War (1702-1713), King George's War (1740-1748), the French and Indian War (1754-1763), and Pontiac's Rebellion (1763-1764).
7. Whitehead's transcription ends here; these may be his italics.

8 The Essex County Stamp Act Resolves

[*Supplement to the New-York Gazette; or, the Weekly Post-Boy,* October 31, 1765.]

The mass meetings held to protest the Stamp Act were vitally important for both the procedural and ideological development of the subsequent independence movement. These local, grass-roots gatherings were to provide the foundation of the extralegal political organization that first paralleled and then replaced the duly constituted royal government of New Jersey; because they were open to all, they increased the opportunity to participate in political

activities, advanced the concept of popular sovereignty, and increased the political consciousness of the people. In a word, such gatherings promoted the democratic revolution. Moreover, as the Essex resolves reveal, Jerseymen preferred peaceful community pressure to violence as a means of registering opposition to the Stamp Act.

October 25, 1765

At a general Meeting of the Freemen, Inhabitants of the County of Essex, in New-Jersey, at the free Borough of Elizabeth, on the 25th Day of October, in the Year of our Lord 1765, being the Anniversary of the happy Accession of his present Majesty King George the Third, to the Crown of Great-Britain, &c. upon which Occasion the said Freemen unanimously, and with one Voice declared.

First. That they have at all Times heretofore, and ever would bear true Allegiance to his Majesty King George the Third, and his royal Predecessors, and wished to be governed agreeable to the Laws of the Land and the British Constitution, to which they ever had, and forever most chearfully would submit.

Secondly. That the Stamp Act, prepared for the British Colonies in America, in their Opinion, is unconstitutional; and should the same take Place, agreeable to the Tenor of it, would be a manifest Destruction and Overthrow of their long-enjoyed, boasted and invaluable Liberties and Privileges.

Thirdly. That they will, by all lawful Ways and Means, endeavour to preserve and transmit to Posterity, their Liberty and Property, in as full and ample Manner as they received the same from their Ancestors.

Fourthly. That they will discountenance and discourage by all lawful Measures, the Execution and Effect of the Stamp-Act.

Fifthly. That they will detest, abhor, and hold in the utmost Contempt, all and every Person or Persons, who shall meanly accept of any Employment or Office, relating to the Stamp Act, or shall take any Shelter or Advantage from the same; and all and every Stamp Pimp, Informer, Favourer, and Encourager of the Execution of the said Act: and that they will have no Communication with any such Person, nor speak to them on any Occasion, unless it be to inform them of their Vileness.

9 "The Effigy of a Wretch" Hanged in New Brunswick

[*New-York Gazette; or, the Weekly Post-Boy*, October 31, 1765.]

The identity of the individual represented by the effigy is uncertain. It may have been, as is commonly thought, William Coxe, who resigned his commission as stamp distributor on September 2. But the language of the account

suggests House Speaker Robert Ogden as the target of outrage. The object of popular resentment because of his refusal to sign the resolves of the Stamp Act Congress which had adjourned on October 24, Ogden was, according to Robert R. Livingston of New York, "burnt in Effigy in almost all the Towns of East Jersey" and elsewhere in the province (Livingston to ?, November 2, 1765, Livingston Papers, Bancroft Collection, New York Public Library, Astor, Lenox, and Tilden Foundations). Cognizant of the hostile climate of opinion, Ogden promptly resigned his seat in the assembly when the legislature met on November 26. Of course the demonstration went beyond condemning one man; it was also intended to serve as a warning to anyone who dared openly support the Stamp Act.

New-Brunswick, October 29, 1765

This morning, on an eminence in this city, was hung the effigy of a wretch, who on a late solemn occasion, subtilly procured himself an employment, and at once shewed the wickedness and dirtiness of his head, and the vileness and rancour of his heart, by basely betraying that important trust. . . .[1] Papers denoting his horrid crime were affixed to his breast, and from his mouth hung labels expressing such words and sentiments, as may well be supposed to come from the lips of such an abandoned miscreant in his last moments. The Figure is to hang all day, and in the evening will be attended by all true sons of freedom, to a funeral pile erected on the common, where it will be reduced to ashes, amidst the acclamations of the beholders.

May such be the fate of every vile traitor, in whatever sphere they move! may they live despised! die unpitied! and if they are remembered, let that remembrance only increase the detestation of posterity.

This signal act of justice, (tho' we own the object almost too low for resentment) will however, we think, evince to the neighbouring colonies, that neither the dirty insinuations of pimps and pandars, nor the frowns of power, have been as yet, able to extinguish the spirit of liberty in the province of New-Jersey.

1. Ellipsis in the original newspaper account.

10 Copy of a Letter from Trenton in New Jersey

[Dartmouth Papers, 100, Staffordshire County Record Office, Stafford, England.]

Neither author nor recipient of the letter has been identified. The writer

was probably Joseph Reed, who, after completing his legal studies at the Middle Temple in London, had returned to Trenton in May 1765. While in England, he had, through his future father-in-law, Dennys De Berdt, become acquainted with several ranking political figures including William Legge, Earl of Dartmouth. He may have been writing directly to Dartmouth, but it is more likely that the recipient was De Berdt who passed the letter on to the earl. The writer was not the only Jerseyman who felt that, should peaceful protest fail, Americans would resort to arms to oppose the Stamp Act.

Novr. 5th 1765

You will have so much Complaining I dare say in all your Letters from Hence that it must be by now an old Subject & Consequently very disagreeable. For my own part I am at a Loss what to think; at present we are in a State of suspence looking with an anxious earnestness for relief, & the most moderate among us dread the Consequences of High measures.

Our People of all Ranks & Orders seem ripe for Violence and Confusion unless some method is fallen upon to pacifie them, & you will see & Hear by the Publick Papers to what a Prodigious Height the Iregularities of the Populace have been Carried.

The Stamps have never been Landed in Philadelphia or this Province & it Has been very lucky they have not as the destruction of them which would certainly have been the Case would have look'd like and Insult upon our Mother Country.[1] The resolutions of the merchants will be too Publick to be long a Secret from you, all Law Business had ceased in these Provinces since the first of November so that except in Criminal Procedings we are in a State of General Suspence [&] Outlawry: No debts can be recovered nor Contracts compli'd with, but as the party pleases. A general scarcity of money has been Complain'd of for some months but our present situation is a deplorable one for a Civilized Country.

It is reported that besides the resolutions of importing no more Goods unless the Act is repeal'd, that the Flax seed usually exported to Ireland will be stop'd, by which means the Linnen Manufactory must suffer greatly. In short the Spirit of the People is to [resist][2] the Treatment they have meet[3] with by every possible means. The officers appointed to Carry the Act into execution have all been obliged to resign and one who was hardy enough to stand out the Polulace determined to bury Him alive, & actualy carried their Violence so far as to shut Him up in a Coffin & put Him under Ground, when He found Himself obliged to Comply.

There is this difference between our Mobs & yours in England, & a material one it is, that every man above 16 & under 60 is obliged to keep a Gun & other Arms, so that instead of being an undisciplined Multitude, they are formidable not only for their Numbers but their knowledge of Fire Arms & Resolution to make use of them.

In the light I view it at present I do not think it possible to carry the Act into execution without the Loss of many Lives and a great deal of Bloodshed. We hope something will be done for us when the Parliament meets. Should our applications be rejected, our Situation will be Shocking & they who have money Here will not be much better off.[4]

1. Stamps and stamped paper for New Jersey arrived on October 5 and were stored aboard a British warship in Delaware Bay. Subsequent shipments were also placed aboard naval vessels; no stamps ever reached the colony.
2. This word appears "resent" in the manuscript; it seems likely that the copyist made an error in transcription.
3. That is, "met"; probably a transcription error.
4. The transcriber copied only the portion of the letter printed here.

11 The Stamp Act Resolves of the New Jersey Assembly

[*Votes and Proceedings, November 26-30, 1765* (Woodbridge, 1765), pp. 7-8.]

Prior to the Stamp Act Congress, the legislatures of Virginia, Maryland, Pennsylvania, Delaware, and Rhode Island adopted resolutions protesting the exaction. Upon conclusion of the intercolonial conclave, most of the other assemblies immediately did likewise; only Georgia, New Hampshire, and North Carolina failed to issue a declaration of rights and grievances. Sections 2-6 of the Jersey resolves are identical with their numerical counterparts in the declarations of the Stamp Act Congress; section 7 of the former corresponds verbatim with section 10 of the latter remonstrance. It should be noted that the New Jersey resolutions, unlike those adopted elsewhere, were exclusively constitutional in nature. That no economic arguments were advanced in opposition to the Stamp Act by the assembly reflects the agrarian complexion of the provincial economy.

November 30, 1765

Whereas the late Act of Parliament, called the Stamp-Act, is found to be utterly subversive of Privileges inherent in, and originally secured by Grants and Confirmations from the Crown of Great-Britain to the Settlers of this Colony:[1] In Duty therefore to ourselves, our Constituents and Posterity, this House thinks it absolutely necessary to leave the following Resolves on our Minutes.

1. *Resolved, Nemine Contradicente,*[2]

That his Majesty's Subjects inhabiting this Province, are, from the strongest Motives of Duty, Fidelity, and Gratitude, inviolably attached to his Royal Person and Government; and have ever shewn, and we doubt not ever will, their utmost Readiness and Alacrity for acceeding to the constitutional Requisitions of the Crown, as they have been from Time to Time made to this Colony.

2. *Resolved, Nem. Con.*

That his Majesty's liege Subjects in this Colony, are entitled to all the inherent Rights and Liberties of his natural born Subjects, within the Kingdom of Great-Britain.

3. *Resolved, Nem. Con.*

That it is inseparably essential to the Freedom of a People, and the undoubted Right of Englishmen, that no Taxes be imposed on them, but with their own Consent, given personally or by their Representatives.

4. *Resolved, Nem. Con.*

That the People of this Colony are not, and from their remote Situation cannot be represented in the Parliament of Great-Britain; and if the Principle of taxing the Colonies without their Consent, should be adopted, the People here would be subjected to the Taxation of two Legislatures; a Grievance unprecedented, and not to be thought of without the greatest Anxiety.

5. *Resolved, Nem. Con.*

That the only Representatives of the People of this Colony, are Persons chosen by themselves; and that no Taxes ever have been, or can be imposed on them, agreeable to the Constitution of this Province, granted and confirmed by his Majesty's most gracious Predecessors, but by their own Legislature.

6. *Resolved, Nem. Con.*

That all Supplies being free Gifts;[3] for the People of Great-Britain to grant to his Majesty the Property of the People of this Colony, without their Consent, and being represented; would be unreasonable, and render useless Legislation in this Colony in the most essential Point.

7. *Resolved, Nem. Con.*

That the Profits of Trade arising form this Colony, centering in Great-Britain, eventually contributes to the Supplies granted there to the Crown.

8. *Resolved, Nem. Con.*

That the giving unlimitted Power to any Subject or Subjects, to impose what Taxes they please in the Colonies, under the Mode of Regulating the Prices of Stampt Vellum, Parchment and Paper, appears to us unconstitutional, contrary to the Rights of the Subject, and apparently dangerous in its Consequences.

9. *Resolved, Nem. Con.*

That any Incumbrance, which in Effect restrains the Liberty of the Press in America, is an Infringement upon the Subjects Liberty.[4]

10. *Resolved, Nem. Con.*

That the Extention of the Powers of the Court of Admiralty within this Province, beyond its antient Limits, is a violent Innovation of the Right of Trials by Jury,----a Right which this House, upon the Principles of their British Ancestors, hold most dear and invaluable.

11. *Resolved, Nem. Con.*

That as the Tranquility of this Colony hath been interrupted through Fear of the dreadful Consequences of the Stamp-Act, that therefore the Officers of the Government, who go on in their Offices for the Good and Peace of the Province in the accustomed Manner, while Things are in their present unsettled Situation, will, in the Opinion of this House, be entituled to the Countenance of the Legislature; and it is recommended to our Constituents, to use what Endeavours lie in their Power, to preserve the Peace, Quiet, Harmony, and Good-Order of the Government,

that no Heats, Disorders or Animosities, may in the least obstruct the united Endeavours that are now strongly engaged for the Repealing the Act abovementioned, and other Acts affecting the Trade of the Colonies.

1. The "Concessions and Agreements" of 1665. See Doc. 2, note 2.
2. Without opposition, unanimously.
3. Supplies are taxes; the concept here is that the people, through their elected representatives, can only give money (revenue) to the crown—it cannot be extracted or forced from them.
4. Strange as it may seem for a colony without a newspaper or flourishing printing profession, New Jersey was the only province to register official opposition to the Stamp Act as an infringement upon the freedom of the press.

12 "A Lover of Liberty" to the Woodbridge Sons of Liberty

[New Jersey Manuscripts, 151, New Jersey Historical Society.]

While nearly all Jerseymen opposed the Stamp Act, there were many who feared that the excesses of the protest activities would hinder rather than help secure a redress of grievances. To such people, law and order took precedence over the specific points of contention. The document that follows is a rough draft of one of "Two papers sent to the sons of Liberty at Woodbridge Feby. 1766." I have incorporated interlinear revisions and corrections into the present text. The identity of the writer is unknown. However, his sentiments are most consonant with the law-and-order, nonviolent attitude current among the Quakers of Woodbridge, a conspicuous minority in a zealous Whig community.

[February 1766]

When the people Enter into Associations & Unite in Opposition to any Particular Measure of Government, It must be presumed that they are justly Alarmed, that something is Attempted Ag[ains]t their Liberty or property, not Warranted by the Constitution Under Which they Live. I will not Argue w[h]ether This is the Case or no at this time. I will rather suppose that the Late Laws especially that Called the Stamp Act, are destructive of Commerce in gen[era]l & American Liberty in particular. But altho I suppose this, and am satisfyed of the truth of it, I am to

Consider that Others are to be Convinced of the Same truth, and that I ought to use reason & Argum[en]t with my Country men that differ in Opinion from me, to bring them over to My Sentiments. Every reasonable man knows that this must be his Conduct in All Cases whenever there Arises Differences of Opinion, and whenever the Leading Men or Ministers of a Kingdom are to be Addressed for this purpose, it is to be done with the greatest Decency as well as firmness. There is a Wide Difference to be used in the Mode of Argum[en]t When I address my Neighbour on a Levell with myself, or My Superior in Station & fortune. We all know, that the Same sentiments must be Delivered in different Language Otherwise Our Attempts will be in Vain; and we Shall Appear rediculous, however just our reasons for Complaint may be. This will hold good in All private disputes but when Government is to be addressed, and Relief from it to be Asked Still greater Care is to be used. We ought not only to weigh our words, but Also put a Guard up on our Actions, that they may not give the Lye to our Expressions. While we firmly & With Respect demand the repeal of a Law Lett us not Appear to trespass upon our Constitution, & Unhinge the Government; while we make Professions of Loyalty to our Prince, lett him not see that We are Guilty of treason A[gains]t him, and ready to overthrow our Constitution. We should in short, take Care that that Spirit of Liberty which is now so Effectually Roused Should not from the Views of bad men degenerate into Licentiousness. History will furnish us with too many Instances in which Zealots have ruined the Cause of Liberty & religion too; We Cannot be too Watchfull over those nor be too Carefull of our selves Lest we run into Error. The Assertors of Liberty in this Country however they may be Distinguished, Should be very Carefull of this. While they Associate in Opposition to one Law, they Should not sett themselves Above, or act in defiance of All the rest; to be Governed by Law is the height of Liberty. Other Governm[en]t is tyranny, Other Liberty Licentiousness. Those who proscribe rules for their & neighbours Conduct & Use threats upon non Compliance are Enemys to publick freedom as well as those who, Set fines upon their fellow Subjects for their Differences of Opinion. I shudder on the [illegible] of the powers of Governm[en]t & traitors to their Country. The Late Advertisem[en]t[1] in this province Ag[ains]t the Retailers of Tea, Shows a Licentious Spirit Among some at the same time that the Spirited Conduct of the sons of Liberty has Shown, that Liberty was their point in View by the publick Manner in which they disown'd the fact and the publick Testimony they have given of their Abhorrance of Such Licentious proceedings. They have hitherto been in due [bounds?] & no Violence by words or Acts hath as yet Sully'd their proceedings.[2] I wish they so may Continue to Act & never Catch a Spark of that fiery Zeal that has possession of the Eastern Gov[ernmen]ts. It is with Real Concern I see them Stepping from one Violent Measure to Another. Impatient they Cannot Rest satisfyed with having prevented the Execution of the Act, and wait the Determination of his Majesty & his Parliam[e]nt on this joint Address of All his Colonys,[3] but with the Greatest Imprudence they endeavor to Perswade the Govern[men]t at home that they are ripe for Rebellion, have shutt their Ears to All Remonstrance and Determined to bully the Govern[men]t in to their Sentiments & Even take the field in Support of their Opinion.[4] How Ridiculous, are Such publications, how presuming in the Inhabitants of one County in a Colony, to bid Defiance to the power of Brittain. It surely is not, I know it is not the Intentions of my Countrymen to throw off their Dependance on their Mother Country. I am

Satisfyed of their Affection & Attach[men]t to Britton, and that they oppose the Stamp Act & have petitioned a repeal of it as ruinous to their property & an Injury on their Constitution & Opening the Door to a taxation of their Estates by the House of Commons in Which they are not Represented. For a repeal of this Law they have Petitioned King Lords & Commons & in the Meantime Resolved not to permitt An Execution of it. This surely was going Length[s] eno'. We show'd our Resolution Sufficiently thus to oppose an Act of the Legislature of Great Brittain. But while this Matter is Deliberated in that Great Assembly, What right have We? how Indecent is it in us? to Make Continual publications of Assemblys in this & that place & of the Arbitrary Resolutions that were then taken To Make puffs of our power, & what we will Do if Matters are not Managed as we Choose or Direct? Would not now Modesty become us? Even if such things Come to the Extremity of taking the field (Which God forbid) Have we so approved ourselves on any Day that will justify this Vaunt? or Can we have such Assurances of our resolution, that we shall not think on the trial? A brave man is Ever modest, he never brags, but shows what he will Do, is Always patient, & good Natured, & Shows his Resolution when it is Necessary to exert it. On the Other hand, the Coward hides his fears under a Multitude of Words. Conscious of his want of spirit he ever bullys—he Swaggers, & he talks big & as it is his wish, so he hopes his Words & Looks will frighten his Adversary & prevent a trial of his Resolution. Is not the Conduct of the people of Wallingford Like this? Who are they or what are they, that talk thus & putt fines on their fellow Subjects. The Colonys of New England first raised the hand of Violence & their Townships Seem to Veigh with one another which Shall go furthest in Licentiousness. The example they have Sett, has Already hurt; and may in its Consequences ruin the Cause of Liberty. But Little better Could be Expected from Colonies ever head strong & unruly, who seem Desirous to remove them selves as far from the Civil as their fathers Did from the Religious Constitution of their Country.[5] The Same Spirit endeavours to raise its head here. Directors of Colleges Seized with the Same frenzy & aided by a few needy Attornies throw out poison among the people. They endeavour to raise imaginary fears, hoping that the people when once raised, will follow their Guide and that from the Confusions that must follow in ye Gov[ernmen]t they May gain some Advantage to themselves. But Let Us Calmly judge for ourselves and we shall not be Caught in their trap. We shall see that Opposition will be better made by Supporting the more generous of the Laws and avoid tumultuous Assembly. The Spirit of Liberty will be kept Awake by Calm Reason; and no Licentious proceedings will Stain our Charecters. We have Shown our Aversion to the Stamp Act & that we Cannot, we will not submit to it. Our Lawyers have nobly Declared Ag[ains]t it & Sacrificed their Interest for the peace of their Country. Lett us follow their Example and do nothing that will distress peace & good order. Lett us View the Riotts & Violence to fellow subjects in the Other Gov[ernmen]ts Calmly & with out heat & we shall never give into the like proceed[in]gs. The Indiscretion of this Man, or Absurd sentim[en]t of Another should move our Compassion, but never raise our Indignation so as to induce us to a breach of the publick peace & a Violation of the Law—That Law without which freedom cannot subsist, That Law on which we rely to protect our property & to which we appeal on every assertion we make for our Liberty.

A LOVER OF LIBERTY

1. I know of no such advertisement.

2. I have inserted this sentence, a marginal notation in the original, into the text since that apparently was the author's intent.

3. The petition of the Stamp Act Congress.

4. The writer is referring to a series of bold declarations issued by the New England Sons of Liberty during the winter of 1765-1766, perhaps the most audacious being the assertion of the Wallingford, Connecticut, Liberty Boys on January 31: "That we will oppose the same [the Stamp Act] to the last extremity, even to take the field." *Connecticut Courant,* February 3, 1766.

5. A reference to the migration of Separatists (the "Pilgrims") and Puritans to New England in the 1620s and the 1630s because of opposition to the Church of England (Anglican).

13 The Resolutions of the Woodbridge Sons of Liberty

[*New-York Gazette; or, the Weekly Post-Boy,* March 6, 1766.]

Chapters of the Sons of Liberty appeared in New Jersey in February and March 1766, largely because of prompting by the New York City Liberty Boys. Most popular and effective in the Middlesex County communities of New Brunswick and Woodbridge, the Jersey Sons were important in further galvanizing opposition to the Stamp Act and providing greater unity to the resistance movement. Eschewing the radicalism that marked the activities of Sons in other colonies, the Jersey organizations accurately reflected the resolute yet moderate temperament of the province in the imperial crisis. Nonetheless, they embodied both the potential for more extreme forms of protest should the stamp tax be retained and the actuality of an agency capable of enforcing the measures of the popular front at the local level.

Woodbridge, February 26, 1766

Sir,[1]

Please to insert the following Resolves in your next Paper.

AT a Meeting of the SONS of LIBERTY, of Woodbridge, in New-Jersey, they have come into the following RESOLVES.

I. RESOLV'D, That we yield hearty and unfeigned Obedience to His Majesty King GEORGE the Third.

II. RESOLV'D, That we maintain and abide by all and singular the Constitutional Laws of our Mother Country; but no other Laws or Impositions whatsoever.

III. RESOLV'D, That as we are of the unanimous Opinion of our Countrymen, that the STAMP ACT is unconstitutional, we will pay no Sort of Regard to it; but are resolv'd to oppose it to the utmost, with our Lives and Fortunes, if the glorious Cause of Liberty requires it.

IV. RESOLV'D, That a Committee of five Persons be immediately chosen, to act in Conjunction with the several Committees of our neighbouring Townships in the County of Middlesex, in Order that the respective Committees of the several Townships may form a Committee out of their own Body, to act in Conjunction with the several Committees of the neighbouring Counties in the Province of New-Jersey, that we may be in actual Readiness on any Emergency.[2]

V. RESOLV'D, That our Committee are hereby authorized to transact all Affairs relating to the Stamp Act, any Three of which acting, shall be decisive.

VI. RESOLV'D, That we commit these Resolves to the Press, without any Design to Dictate to our neighbouring Towns or Counties, but only to communicate our Sentiments, for them to improve upon; and shall be ever ready to hear other Proposals that they shall think more conducive to the public End aim'd at, namely, the Union of the Provinces throughout the Continent.

P. S. We have taken the above Measures, in Consequence of a Letter from a Committee of the Sons of Liberty of the City of New-York, recommending such a Step as a necessary Precaution against the Stamp Act.

1. John Holt, publisher of the paper.
2. The identities of the committeemen are not known.

14 Richard Smith to the Committee of Correspondence of the New York City Sons of Liberty

[Miscellaneous Manuscripts, 502, William L. Clements Library, University of Michigan.]

Support for the Sons of Liberty was not nearly as widespread in the more rural areas of West Jersey as in the towns of the eastern division. The counties of south Jersey were especially cool toward the organization, owing mainly to the presence of a sizable Quaker population. Still, the resistance movement had firm supporters in the West, among them some members of the Society of Friends who, like Richard Smith, placed political above religious convictions. Richard Smith, Jr. (1735-1803), maintained an extensive law practice in Burlington and Philadelphia in addition to performing the duties of county clerk for Burlington. Despite his Quaker professions, Smith played an active role in the

protest movement both at the local level and as a delegate to the Continental Congress from 1774 to 1776. He was a brother of Samuel Smith (see Doc. 2, note 5).

Burlington, Saturday, 15 March 1766

Gentlemen

Yours of the 14th February I Receiv'd last Wednesday Evening & Immediately Communicated [torn] Sentiments to such Gentlemen of this Town as have shown [torn] proper Contempt of the Stamp Act. Unfortunately for the Ass[istance you] desire, the Numbers of these are few, not owing to any Regard to [torn] for there is no Man now, I am well persuaded, whose Affections are not with the good Cause in which you are Engaged but to other Considerations particularly a large Number of the People called Quakers whose Religious Principles interfere with Vigorous Measures.

I Acquiesced in the Opinion of those I consulted, that We could not, at present, meet & enter into the necessary Resolves without feeling the Want of that Weight & Solidity which Numbers always add to a Cause, & which We could wish to Accompany Ours. Two of these Gent[leme]n Thomas Rodman & Robert Smith Esq[uire] Judges of ye Common Pleas[1] Authorize me to Assure You That their Court has been always open & Nothing has hindered Business but the Late Resolutions of the Lawyers. The Justices of the Sessions[2] have not ceased to grant Tavern Licenses & transact their other Affairs.[3]

No Man can be a more hearty Enemy to the Stamp Act & to ye other Iniquitous Measures respecting America, adopted by George Grenville & his unfeeling Abettors, than myself. Long before the second of November[4] took Place, I formed a deliberate Resolution both as a publick Officer & as a private Individual, of paying no Regard to that *faux Pas* of Parliament, & have Accordingly acted upon that Principle. I need no other Justification for this Conduct than the Want of proper Jurisdiction in ye Makers of the Act; a Matter Notorious to all America & I believe to all Considerate Impartial People in Britain & other parts of Europe. But if ye Parliament of ye Island of G. Britain had Enjoyed a legal Acknowledged Authority to lay Taxes upon America I was of Opinion That the Infernal Matter Contained in the Stamp Act was alone sufficient to render it void & not binding upon the Subjects, having always Understood it to be a Capital Maxim, That when An Act of Parliament or An Act of Assembly strikes directly at the Main Pillars of the Constitution & is besides Contrary to Natural Justice, such an Act must be a mere Nullity as ye Legislators have Exceeded their Trust which was Confined in ye Nature of it, to ye Benefit of their Constituents.

That a Minister should dare to lay such an Act as the Stamp Act before the King, the Lords & Commons for their Approbation & that such an Approbation should be Actually given, Naturally induces a Melancholy Reflexion of the Weakness of Human Nature & of the All prevailing Power of Corruption & when a wicked senseless Ministry, or any Ministry for the Time being, can do & Undo at their Pleasure We May Indulge a Hope from the Influence of the present Sett of Men who it seems, wish us well.[5]

Nonetheless I agree in Sentiment with You That our Existence as Freemen

depends (under the Divine Favour) intirely upon our own Virtue, Union & Steadiness in ye defence of our Inestimable Rights & Priviledges, & I am also of Opinion That if We lose a Tittle of them without the utmost Force of Opposition We shall well deserve the Chains prepared for Us.

I am Gentlemen
Your most obt Servt
RICHARD SMITH[6]

1. Rodman and Smith were judges of the court of common pleas for Burlington County, a tribunal that had jurisdiction in civil suits. Rodman later served in the assembly from 1767 to 1768.

2. The court of quarter sessions consisted of a quarterly meeting of certain justices of the peace in each county to handle a variety of civil matters.

3. Despite the determination to suspend all legal and judicial activities in the civil sphere until the Stamp Act was repealed, business was transacted as usual in some parts of the province; lawyers and judges simply ignored the statute. This was increasingly the case by the spring of 1766 after news of the likelihood of repeal reached the colonies.

4. Smith is referring to the fact that the Stamp Act was to have become operative on November 1, 1765.

5. The references are to the Grenville ministry, responsible for passage of the Stamp Act, and the Rockingham ministry, pledged to its repeal.

6. Smith's signature is crossed out in the manuscript, and a postscript apparently from the Burlington Sons of Liberty committee of correspondence is appended. Unfortunately, the postscript is also lined through and is not legible; the complimentary close lacks signatures but is plural in form.

15 Woodbridge Celebrates the Repeal of the Stamp Act

[*Supplement to the New-York Gazette; or, the Weekly Post-Boy*, June 19, 1766.]

When the long-awaited news that the Parliament had rescinded the Stamp Act finally reached Philadelphia on May 19, communities throughout the Mid-Atlantic colonies responded with a series of public celebrations. Giving vent to the pent-up frustrations and anxieties attendant to nearly a year of concerted protest, the celebrants also took advantage of the occasion to reiterate the reasons for their opposition to the Stamp Act and, as in Woodbridge, to praise those deemed responsible for securing repeal. Most Jersey Whigs sent news of their activities to John Holt, whose paper favored popular causes.

Woodbridge, (East-New-Jersey) June 5, 1766

Mr. Printer:

Yesterday being the Birth-Day of our most gracious Sovereign, George the third, the Sons of Liberty belonging to this Town, assembled at the Liberty Oak, on the Square, making a Company of many Hundreds, to celebrate the same, and publicly to testify their Joy at the Justice and Equity of the British Legislature, in repealing the American Stamp Act. The Morning was ushered in with the Beat of Drum, and Sound of Trumpet, by which the Sons of Liberty were soon assembled. A large Ox was roasted whole, and Liquor of different Kinds in great Plenty provided for the Company. His Majesty's Colours were displayed in different Parts of the Square, and Liberty Oak was handsomely decorated. The Ladies likewise, genteely dressed, graced the Entertainments of the Day, dined principally upon Plumb Puddings in Honour to the Queen, and afterwards regaled themselves with Plumb Cake, Tea, &c. In the Evening the Town was illuminated, and a large Bonfire made as near Liberty Oak as the Safety of that ancient Tree would admit of; when the following toasts were drank: 1. George the third. 2. The Queen. 3. The Royal Family. 4. To the Memory of the Duke of Cumberland.[1] 5. The present Honest Ministry.[2] 6. The House of Lords. 7. The Parliament. 8. Pitt and Freedom.[3] 9. Lord Camden.[4] 10. All those who distinguished themselves to obtain a Repeal of the Stamp Act. 11. America's Friends in Great Britain. 12. America's Friends in Ireland. 13. The Sons of Liberty in America. 14. The noble Assertors of Liberty in St. Christophers and Nevis.[5] 15. The Liberty of the Press. 16. May the Gentlemen of the Law prosecute their Business with Moderation.[6] 17. Peace and Happiness to those who treat their Debtors with Lenity. 18. Prosperity to the Jerseys. The whole Rejoicings were conducted with the unmost Regularity and Decorum, not the least Accident happening; and we flatter ourselves his Majesty has no loyaler Subjects, either in Europe or America, as the most firm Loyalty seemed to glow in every Breast, and each endeavored to excel in honouring the Day.

1. William Augustus, Duke of Cumberland, uncle of George III who in the early summer of 1765 negotiated the formation of the Rockingham ministry, which eventually repealed the Stamp Act. Cumberland died on October 31, 1765. That a toast was offered to him reveals great perception of British politics.

2. The ministry of Charles Watson-Wentworth, Marquis of Rockingham, which replaced the Grenville administration in July 1765 and sponsored repeal of the Stamp Act.

3. William Pitt, chief critic of the Stamp Act and champion of American resistance to the tax in the House of Commons.

4. Charles Pratt, Baron Camden, outspoken opponent of both the Stamp Act and the Declaratory Act in the House of Lords.

5. St. Christopher (St. Kitts) and Nevis were the only West Indian colonies to resist implementation of the Stamp Act; that Jerseymen knew of the events transpiring on these distant islands in a day of primitive communications indicates a high level of political awareness.

6. There was growing resentment against lawyers because of allegedly excessive fees and litigations; the suspension of legal activities for nearly nine months because of the Stamp Act greatly compounded the problem.

II

Taxes and Troops

The year 1767 dawned on an uneasy Anglo-American empire. The Stamp Act troubles had been forgotten by no one on either side of the Atlantic. Americans like Richard Stockton of New Jersey pondered the whys and wherefores of the imperial problem (Doc. 1); British ministers like Charles Townshend searched for ways to raise revenue and make administrative reforms in America without causing another crisis.

Abstract concerns became realities in June when Parliament adopted a new program for the colonies. Americans were now to pay import duties on a variety of commodities including glass, "painters' colours," paper, and tea; a new American Board of Customs Commissioners, headquartered in Boston, was to ensure closer supervision of colonial commerce; provincial courts were to grant writs of assistance (general search warrants) to aid in the apprehension of smugglers. And in December vice-admiralty courts (maritime tribunals that operated without juries) were established at Boston, Philadelphia, and Charleston to supplement the existing court at Halifax and thus facilitate enforcement of the mercantile regulations.

The response to the Townshend program in America was essentially a replay of the protest against the Stamp Act. Although New Jersey was the only colony without a newspaper, Jerseymen read the New York and Philadelphia press, and those papers came alive with denunciations of the new taxes. Merchants launched a boycott of British goods, and the legislatures, led by the Massachusetts House of Representatives, petitioned the crown for a redress of grievances. But whereas in 1765 Americans had objected to the imposition of internal taxes, they now, as John Dickinson's famous "Letters from a Farmer in Pennsylvania" proclaimed, denied the right of Parliament to levy any taxes on America (see Sec. III, Doc. 6, headnote). The controversy had been raised to a more perilous level.

II TAXES AND TROOPS

As with Grenville's economic reforms, New Jersey was but little affected by the Townshend program because of the nature of her economy. While displeased with the new policies, especially the prospect of paying new taxes, most people disapproved of what they considered to be the excessive defiance of New England (Doc. 3). However, the assembly sent a petition of protest to the king (Doc. 4) as the Massachusetts legislature suggested, and eventually endorsed economic sanctions as an effective means of securing repeal (Doc. 7). After all, such tactics had previously been successful. Opposition to the Townshend duties grew steadily in the province (Doc. 5); by the fall of 1769 some residents even took it upon themselves to instruct their assemblymen on imperial issues (Doc. 6).

Ironically, concerted protest and violence occurred in New Jersey after Parliament rescinded all but one of the Townshend duties in April 1770. Initially, the resistance to the Townshend program aimed at securing total removal of the imposts, but partial repeal (the tax on tea was retained as a symbol of parliamentary authority) induced merchants to abandon the boycott. When the traders of Newport, Rhode Island, announced the resumption of business as usual in May, Jersey merchants were quick to denounce such perfidy and to declare their adherence to the boycott (Doc. 9). But when the New Yorkers also defected in June, Jerseymen became outraged. Students of the College of New Jersey (now Princeton University) turned from academics to protest activities (Doc. 10), residents of commercial towns like Woodbridge and New Brunswick physically abused importers (Doc. 11). Even inhabitants of rural communities like Mansfield avowed their commitment to the continuation of resistance (Doc. 12). But New Jersey could not stand alone; other provinces steadily joined the defection and by September the nonimportation movement was over in the colony (Doc. 13).

Following on the heels of the Stamp Act crisis, the controversy over the Townshend duties served to heighten other tensions subsisting between New Jersey and the British government. The economic dislocations and inflation attendant on the French and Indian War found expression in the acute shortage of specie and paper money that plagued the colony after 1763 (see Sec. I, Doc. 1). Repeated pleas by government officials and private citizens for permission to issue new currency were to no avail as the Privy Council, invoking a narrow interpretation of the Currency Act of 1764, persistently vetoed money bills passed by the Jersey legislature on the grounds that the colonies could not emit legal tender. In turn, the currency controversy intensified other, more explosive issues related to the garrisoning of royal troops within the province.

Although New Jersey had neither an exposed frontier nor a hostile Indian population and was far removed from scenes of the warfare between France and Britain that raged intermittently in North America during the eighteenth century, the colony bore a large military burden. New Jersey not only contributed men, money, and munitions to fight the French, but also provisioned and quartered a large number of troops passing through the province en route to and from the battle zones. Unable to accommodate such forces, the colony suffered considerably from the expense, inconvenience, and physical destruction concomitant with massive troop movements; predictably the presence of soldiers created tension and turmoil between the military personnel and the civilian

population. To help alleviate the problem, the legislature in 1758 authorized the construction of five 300-man barracks in Elizabethtown, Perth Amboy, New Brunswick, Trenton, and Burlington. The decision to build the facilities was fortunate, for the decision of the British government in 1763 to station troops in the western territories acquired from France meant that a steady stream of soldiers traveling to and from the wilderness would be cantoned temporarily in New Jersey. A new problem emerged in 1765 when Parliament extended the Quartering Act to North America, requiring that the entire cost of quartering and provisioning troops be defrayed by the colony in which they were stationed.

To show their displeasure at what appeared to be an unreasonable attitude on the part of the British government regarding paper currency, the New Jersey legislature first threatened and then actually withheld the funds necessary to supply the royal troops. Although relations between soldiers and citizens were on the whole exemplary (Doc. 8), the sporadic incidents that occurred exacerbated the entire problem (Doc. 2). As relations with Britain deteriorated, Jerseymen increasingly feared the political dangers posed by the presence of a standing army (Doc. 14) and resented the expense involved in maintaining peacetime garrisons (Doc. 15). (Actually as well as proportionally, New Jersey hosted more British soldiers than any other American colony from 1765 to 1770.) The withdrawal of all British forces from New Jersey in November 1771 resolved the military problem; the currency issue lingered until the enactment of legislation acceptable to the Privy Council in 1774.

Despite repeal of most of the Townshend duties and the subsequent demise of colonial resistance, the Anglo-American situation remained explosive. Britain could not permit continued colonial challenges to its legislative supremecy; Americans would not admit the legitimacy of parliamentary taxation. The constitutional stakes in the imperial dispute were near the point of being nonnegotiable. Moreover, the annual contests between governor and assembly in New Jersey over soldiers and currency contributed measurably to the growing spirit of resistance to British authority and feeling of alienation from the empire that would come to a head in the years 1775-1776. In short, it would take little to transform resistance into rebellion.

1 Richard Stockton to Samuel Smith

[Dartmouth Papers, 822, Staffordshire County Record Office, Stafford, England. I have supplied paragraphing for a lengthy text that originally consisted of only two paragraphs.]

Samuel Smith, an attorney and wealthy merchant of the Old Jewry section of London, was well versed in colonial administration by virtue of his service as agent for North Carolina from 1759 to 1764. Richard Stockton, then

in Britain on a mission to persuade the Reverend John Witherspoon to accept the presidency of the College of New Jersey (now Princeton University), probably met Smith through a mutual friend, Dennys De Berdt. It is not certain whether Smith on his own initiative passed on the letter to Lord Dartmouth, or whether Stockton intended Smith to be an intermediary and thus was really directing his comments to the man who was then under consideration for appointment as the first secretary of state for the American Department with jurisdiction over colonial affairs. In any event, Stockton's thoughts about the economic and political problems plaguing the empire as well as his reasoned proposals to resolve them illustrate that not all Jerseymen were narrow provincials who were unable to perceive the larger, more fundamental issues confronting Britain and her American colonies. Taxation and commerce were only the immediate causes of imperial contentions; the underlying problem was the future relationship between the mother country and the developing provinces.

Channel Row, Dorset Court, Westminster, March 21st 1767

Dear Sir,

. . . . Ever since I have been in this Country, upon every Occasion, I have made it my Business to examine into the Cause of the Poverty, Riches, Luxury and Grandeur of the different Inhabitants, and to consider the natural Operation of these several Causes and Effects upon the public Good. I have endeavoured to compare together the public Debt of the Nation, the current Expences of Government, and the Ways and Means by which they are to be discharged: And I must confess, that no Method among yourselves appears to me to have been left untried. Every Stream of national Supply seems to have been fathomed; and, from an unhappy Necessity, you are now exhausting the very Fountains themselves.[1] The amazing Luxury of these Kingdoms has raised the Price of all kinds of Provisions, and, as necessarily, that of every Manufacture: A Step further, & your Neighbours will be able to undersell you; and then the Issue will be dreadful. It is a Reflection not more disagreeable than true in Fact, that the unhappy Causes of these Distresses are not likely to cease; but, it is to be feared, may become more & more operative. From whence then, in any future Period, is that tremendous Load of national Debt to be discharged? From whence is the Principal to be paid off, when the most fruitful Invention cannot now find an Expedient sufficient to answer the annual Interest with the necessary Expences of Government? What Rock is there in the Wilderness, which being smitten by the Rod of some auspicious Minister, some chosen Chief, filled with like Benignity and Wisdom as the renowned Leader of Israel, will send forth the most plentiful and salutary Streams? Such a one I verily believe there is; and I shall endeavour to point out where it lies. . . .

That the Continent of America has for sometime been able to bear a Part in the public Expences, I know has of late been frequently asserted; but, I conceive, without sufficient Reason. No Inhabitant of this Country, who has not been upon the Spot and thoroughly examined the matter, can conceive the Difficulties in carrying on a Trade with these Kingdoms, for want of an adequate Medium of Remittance.[2] The Trade of the continental Colonies has constantly languished under improper

Restrictions; and the Measure of their Distress, for about a Year past, has been filled up to the Brim by the prohibiting Act of Parliament respecting their Bills of Credit.[3] The Farmer has no Sale for his Produce: The Culture of their Lands thereby becomes neglected; and further Settlements are discouraged. The Inhabitants, by these means, become sour & disgusted with the Mother Country, and are indisposed to obey her Commands: And indeed it is antinatural to suppose, that Children will yield a chearful Obedience to the Commands of their Parents, unless those Commands are sweetened with Moderation and Kindness. Taskmasters were once justly denominated cruel, who required Bricks to be made, and at the same time prohibited Straw. The Restrictions upon the Trade with the foreign West Indies is the capital Matter now complained of by the Continent of America; and no Device, within the Compass of human Reason, would I believe at this Time so effectually promote the mutual Interest of the whole British Empire as the taking them off.[4] The continental Trade would be put upon its natural Footing, would increase with great Rapidity, and must all finally center in this Kingdom; for even an American Farmer will scarcely wear a Coat or ride upon a Saddle, that does not come from England, if he can find Means to procure them. As the natural and necessary Consequences of this Step would be a prodigious Increase of Trade & Settlement; so a considerable Department of the Army and Navy would be required for their Protection and Defence. The Inhabitants themselves knowing the Necessity would desire it; their Increase of Wealth would enable them; and their Temper, conciliated by the Kindness of the Mother Country, would incline them to contribute *liberally* to their Support.

I know the Genius of America perfectly well. The Inhabitants, like the Stock from which they sprang, are generous and brave: they can easily be led, but not so easily driven. I will not undertake to determine the Extent of the Jurisdiction of the Parliament of G. Britain: it is like some other Arcana of the English Government, which had better never be decided upon, or even debated. But I will venture to determine upon another Point, which I think very clear; and that is, upon the Colonies being made able, in the manner I have before pointed out, that their several Legislatures, in a manner best suited to the different Circumstances of their Constituents, will contribute as largely to the general Expences of Government as can reasonably be desired or wished by this Country. Under all the Inconveniences of former times, they have constantly complied with the Requisitions of the Crown in furnishing Men and Money for the public Cause; unless in one or two Colonies, where the Governors were injuriously tied down by a Set of arbitrary Instructions from a Proprietary & thereby prevent from giving their Assent to such Bills as were offered him by the Assemblies for the Subsistence and Cloathing of the Troops.[5] And even in these Colonies, the Claim of Right had a temporary Suspension, and they submitted to the proprietary Injunctions, lest the common Cause should suffer.

The more effectually and speedily to bring about these desirable Ends, I would think that a Measure, which has been hitherto much pursued, should be altered; and that is, the filling the principal offices of the provincial Governments with Persons of no Fortunes, Connections, or Influence in that Country; and indeed it may be said, as to far the greater Part of them, of no Fortunes, Connections, or Influence in *any* Country. Hence the People receive them ungraciously, put no Confidence in them, and are ever suspicious of their Designs. Whereas if Men of Fortune, Character & Influence, resident there, were appointed to all the highest Offices in the several

Governments, they, having the Confidence of the People, and their own Estates being upon the same Footing with those whom they governed, would have it in their Power, with great Ease, to bring the People to such Measures as would be calculated for the general Good, without those Heats & Animosities so frequently complained of. It is an absurd Objection, that such Persons would be more likely to give up Points, which the Crown would choose to retain; because as they hold their Offices during the King's Pleasure, no man would accept of an Office with a Design of being turned out; which he would be sure of, when he disobeyed his Master's Commands.

The Propriety of the general Scheme of Regulation for the Colonies above proposed, is not, in the least attacked by saying, that it would soon render them rich, numerous and powerful, and thereby perhaps induce them to attempt a State of Independency upon the Mother-Country. And had not this Objection been really and frequently made & published to the World, one would not have thought, that so strange & inconsistent an Idea could have entered into the Mind of Man. Did ever a prudent Father refuse to cultivate the rising Genius of his Son through Fear, that finally he might be as great a Man as himself, and so despise his Father? Would it be thought an expedient Step for the Parliament of G. Britain to lay some peculiar Burdens upon the Trade of Liverpool, for instance, lest in some future Period it might vie with the City of London? One would rationally suppose, that a wise Governor would be equally pleased with the Prosperity of every Part of his Dominions, and that such Prosperity would equally contribute to his Glory and Power. It is impossible to conceive any future Period, in which America would not choose a Government on the Principles of the British Constitution; and almost as impossible to think of a Time, when the Power and Trade of this Country would not be necessary for it.

But even suppose, for Argument's Sake, that the last of these cases should, in any future time, happen; is it yet possible to suppose that America would wantonly detach herself from so mighty a Friend, whose Antiquity and Reputation would always dignify her, and who would continue to bear a great Part of the Expences in supporting her King—and that very King she must always chuse to be governed by? The very Idea is so absurd, that I take it for granted any Man who used it intends, as far as it is in his Power, to oppress America, and either to make the Inhabitants Slaves, or excite them to Rebellion. I remember Dr. Davenant,[6] in writing upon this subject, says, that "nothing but such an *arbitrary* Power as shall make them *desperate*, can bring them to rebel."

I would also enforce the Propriety of the Plan I have above proposed, from the Loss and Danger of obtaining the same End in any other way. Let us suppose that some Furiosos in Politics had their way, and that the Parliament should immediately proceed to enact Laws for the laying internal Taxes of any or every kind in the Colonies. Suppose also, what very lately happened, and therefore is not impossible, that they should refuse a Compliance;[7] it then must be supposed, that, instead of the lenient and wise Measures adopted on the late Occasion, that a sufficient military Force from this Country was sent over to compel a Submission. Let Fire and Sword, and all the Desolations of War, run over that fair Continent. Let their large and populous Cities be knocked about their Ears; and let the *English Colonies* be fully & completely conquered by *English Troops*. What then? Why, an ample Proof is exhibited to all Nations under Heaven, that England, notwithstanding all the

scandalous Insinuations to the contrary, has retained so much of her antient military Prowess, as to be able to subdue the whole Continent of No. America, although inhabited by a hardy Race of Men, sprung from its own Stock. And if she is able to conquer *her own People;* let *all others* continue to fear & tremble. Besides, it is supporting our antient Characteristic, that when we have none else to fight with, we will fight with one another.

But remember, they are *English* Colonies which have *fallen;* and those very Colonies too, by the Possession of which England has advanced from the Figure she made in the Days of Queen Elizabeth to her present Grandeur. America is fallen truly! but, as was said by a great Man the last Year, "she has fallen like a strong Man; she has embraced the Pillars of State," and perhaps will pull down the Constitution of this Country about her Ears. Her Fall has rendered a great Part of the Shipping of this Kingdom useless, has ruined many industrious Merchants, and reduced to Beggary *one half* of the Manufacturers; has raised Insurrections among the Distressed; and completely fitted this delightful Island for the *devouring Paw* of its envious Neighbours. I have greatly exceeded the Bounds I proposed to myself, and have yet left the Subject unfinished. It is so important and so animating, that I could write a Volume upon it. But now I have only to assure you, that I am,

Dear Sir,
Your most obedt. hble Servt.
RICHD. STOCKTON

1. For a discussion of Britain's economic problems and her efforts to obtain revenue from America, see Sec. I, introduction.
2. See Sec. I, Doc. 1.
3. The Currency Act of 1764.
4. The Revenue (Sugar) Act of 1764.
5. The proprietary colonies of Pennsylvania and Maryland.
6. Charles Davenant, author of the influential *True Picture of a Modern Whig* (1701).
7. The Stamp Act crisis of 1765-1766.

2 British Soldiers Riot in Elizabethtown

[*New-York Journal; or, the General Advertiser,* August 6, 1767.]

Arriving in New Jersey in September 1766, the Twenty-eighth Regiment, a unit with a well-deserved reputation for troublesomeness, resided in the colony for nine months without incident. But just prior to its departure, trouble broke out when the regimental commander, Colonel John St. Clair, demanded that the

provincial government reimburse him and fellow officers who had secured private quarters in Elizabethtown because of an alleged lack of suitable facilities in the barracks. Governor William Franklin's refusal to absorb such personal expenditures provided the immediate background to the melee started by the angry officers in Elizabethtown on July 27. While the confrontation itself was relatively minor and stemmed from inadequate communication between the soldiers and local officials, the men of the Twenty-eighth Regiment left behind a citizenry that was deeply resentful and fearful of the military.

Elizabeth-Town, (New-Jersey) July 28, 1767

This town was last night alarmed by a riot committed by several of the officers of the 28th regiment (late from Montreal) the particulars of which are as follow, viz.

The officers being under arms to march with the troops quartered here, by 4 o'clock this morning, to join their regiment at Amboy, in order to embark for Europe. Between 12 and 1 o'clock at night they assembled in a body, and marched through the several parts of the town, with drums and fifes. As the inhabitants had used them so very ungenteely as to make them pay their debts, which they had generally been obliged to do according to law; the officers seemed determined upon revenge. They first broke a window in the meeting house, afterwards attacked the court house and gaol, by breaking the windows and endeavouring to break open the doors, swearing vengeance against the gaoler,[1] who was under-sheriff and constable, and had frequently been obliged to do his duty upon them. As they attacked the house in this manner, the gaoler got up, and desired them to desist, which they refused, he then, to deter them, pointed out of the window a fusee[2] loaded with small shot, the end of which was seized, and endeavoured to be wrested from him; upon which he fired among them, and wounded one of the rioters in both legs, as afterwards appeared. The gaoler then released the prisoners, for his assistance, and rung the bell;[3] the officers then marched off, but soon returned with a body of soldiers, some with bayonets fixed. The Inhabitants by this time alarmed began to assemble. The gaoler finding some assistance had come, open'd the doors for their reception, when the officers and some of the soldiers entered with them, and a fray ensued, but happily no lives were lost. The inhabitants continuing to collect, the officers thought fit to abscond, and it being by this, near the time for their departing, they joined their companies, which began their march a little after four. Some of the magistrates however assembled, before they left the town, and demanded the assistance of the commanding officer, Capt. Johnson, then present, at the head of his men, but were refused. The Col. Sir John St. Clair, happily being at Amboy, the magistrates then proceeded thither, leaving the soldiers and their officers on their march behind them, the magistrates in expectation of their arriving soon after at Amboy, applied to the chief justice,[4] for his warrant to apprehend the rioters. But were surprised to hear that they had deserted their men upon the road, and had in a private manner conveyed themselves on board one of the transports. Upon which the chief justice then applied to the commanding officer at Amboy, who immediately ordered them on shore, and being brought before the chief justice and magistrates of this town, it was thought proper, as they were then bound home, to accept of their humble submission and acknowledgment, and satsifying the persons particularly injured, with submission, which was made in a public humble manner. The said rioters

after paying the damages at £25, and asking pardon of the gaol-keeper, were again set at liberty, and embarked for their voyage, tho' many thought the punishment not adequate to the atrociousness of the transaction that brought it on, yet it is a pity, that men, who call themselves men of honour, should leave a place with such an odious name behind them. The other part of the regiment who were quartered at Amboy, embarked on board the transports the same day, and to their honour be it said, that during their continuance there, they have in general behaved with honour and integrity.

1. An accepted spelling of "jail" in the eighteenth century was "gaol"; hence "gaoler" is "jailer." It was also commonly spelled "goal" and "goaler."
2. A fusee or fusil was a small flintlock musket.
3. The customary signal for an alarm.
4. Frederick Smyth (see Sec. III, Doc. 9).

3 Samuel Allinson to David Cooper

[Letter Book, Allinson Papers, Alexander Library, Rutgers University.]

Burlington attorney Samuel Allinson (1739-1791) had a keen interest in politics and the law. Commissioned in 1762 as one of the surrogates for West Jersey, his legal talents were put to good use in compiling a new edition of provincial laws, *Acts of the General Assembly of the Province of New Jersey 1702-1775* (Burlington, 1776). Adhering faithfully to the tenets of his Quaker religion, Allinson strenuously opposed both the institution of slavery and secession from the empire in 1776. David Cooper (1724-1795), who became Allinson's father-in-law in 1773, was also a member of the Society of Friends. A prosperous Woodbury farmer, he represented Gloucester County in the assembly from 1761 to 1768. Through measures sponsored as an assemblyman and pamphlets written as a private citizen, he worked for the manumission of slaves. As spokesmen for the sizable Quaker population in New Jersey, Allinson and Cooper consistently coupled criticism of imperial policies with disavowal of violent or extralegal protest measures.

1st 1st Mo. 1768[1]

Dear Friend,

... The last Chronicle[2] has or will show thee that our most important & interesting political Matters are now handled in a pathetick & Masterly Manner by

Farmers; & for aught I know, one of them lives at Woodbury: if so I should be glad he would admit me into the secret by adding to the present signature a "W" in [the] future, for however it may reflect on the World, it's most certain, we read a piece with much more attention & sooner discover its excellencies when we know & regard the Author.[3] I wish the last Chronicle may be read & I am confident it will be read, in England with attention; I suppose thou hast heard the Schuylkill Farmer is Dickenson.[4]

The New England governm[en]ts seem to me too forward and imprudent, but it is in character for them, their subscriptions are too declaratory of an Independency, & as the tendency of their conduct wou'd render them in a manner useless to the Mother Country, must greatly alarm her. I hope no such resolutions will be seen of our or the neighbouring provinces. G[rea]t Brit[ai]n will certainly see her interest in relieving the present distresses of the Colonies in due time if we behave prudently. An emission of Money upon the plan published in the Chronicle some time ago[5] is now much talked of & approved by most that I have heard speak on the subject; I hear S. Smith[6] begins to give into it, or is one of the number; for my part I fear the consequences, as every one will be at liberty to take or refuse it, w[hic]h in the end very probably [will] occasion a depreciation to the ruin of many & injury of all. I think if the governors were petitioned to call the assemblys, that they might severally remonst[ra]te & petit[io]n the King for a repeal of the restraining Act. At this time it wou'd be look'd upon in a good light as showing our dependence, submission & regard for G. B. & wou'd probably obtain the desired end.

I fear the consequence of setting up to act in contradiction to & independent of the ruling authority of our Mother Country, for altho an Instance in this way will not be equal to the N.E. proceed[in]gs, as we hereby admit the force of the law against us, yet it is evading that law and shows them we will do without them. I do not mean slavishly to submit to every burden they shall impose without endeavouring to relieve ourselves in the best manner we can but am against taking any independent measures until we have endeavoured even more than once to obtain redress by dutiful & constitutional applications for it, if then we are refused & thereby brot into extreme difficulties, we may plead the most powerful excuse for taking those Measures to relieve ourselves. My Wife sends her love to Patty &c.

I am thy affect[iona]te Friend
S. A.

1. The first day of the first month, or January 1.

2. The *Pennsylvania Chronicle, and Universal Advertiser,* launched in competition with the *Pennsylvania Gazette* and the *Pennsylvania Journal; and the Weekly Advertiser* on January 26, 1767, by Joseph Galloway, foremost attorney in the province, and Thomas Wharton, wealthy Quaker merchant. The publisher of the paper was William Goddard, who may have produced the *Constitutional Courant* in New Jersey in 1765. The *Chronicle* of December 2, 1767 contained an essay by "Philo-Patriae," a variant of a pseudonym used in the *Courant.*

3. Cooper denied authorship of the essay.

4. John Dickinson, whose "Letters from a Farmer in Pennsylvania to

the Inhabitants of the British Colonies," contesting the Townshend program, appeared in twelve successive installments in the *Chronicle* from December 2, 1767, to February 15, 1768.

5. Allinson is referring to a proposal to issue provincial currency without the stipulation that it circulate as legal tender, thus complying with the Currency Act of 1764.

6. Samuel Smith of Burlington, Quaker merchant and member of the provincial council.

4 The Petition of the New Jersey Assembly to George III

[*Votes and Proceedings, April 15-May 10, 1768* (Woodbridge, 1768), pp. 36-39.]

Although official news of the Townshend duties reached North America in September 1767, it was not until early the following year that organized, intercolonial protest began. Once again Massachusetts took the lead, petitioning the king to repeal the legislation on January 20 and inviting the other assemblies to follow suit on February 11. Eventually every colony protested the measure, but only the Virginia House of Burgesses, which adopted a moderate remonstrance on April 14, acted upon the Bay Colony's proposal before the Jersey assembly. Because they were acting in advance of their counterparts elsewhere, the Jersey legislators deliberately modeled their petition after the form and content suggested by the Massachusetts circular letter of February 11. Moreover, not wishing to arouse interference from Governor William Franklin, the solons took great pains to conceal both their consideration of the Massachusetts missive and the formulation of the petition; in fact, Franklin did not learn of the assembly's action until the official journals of the session were printed. In addressing their protest to the king instead of Parliament and in forwarding the petition to London agent Henry Wilmot instead of the governor, the legislators circumvented the normal channels of imperial administration. And in acting promptly and forthrightly on the Massachusetts proposal, the assemblymen demonstrated greater commitment to intercolonial unity than during the Stamp Act crisis. Nonetheless, although the legislators were resolute in stating their grievances, they were equally firm in professing loyalty to the crown. New Jersey was opposed to specific laws, not to the British imperial system.

House of Assembly of New Jersey May 6th 1768

Most Gracious Sovereign,

We your Majesty's loyal Subjects, the Representatives of your Colony of New Jersey, confiding in your Majesty's paternal Affection for your People, humbly implore Permission to approach the Throne, and to present our Supplications in Behalf of ourselves and our Constituents, your Majesty's faithful and afflicted Subjects.

Before that happy Period, in which the Empire of the British Dominions, was, by the favour of divine Province, for the Felicity of those Dominions, and of Europe in general, established in your illustrious House; our Ancestors, with the Consent of the Crown, removed from their native Land, then abounding in all Blessings, but that perfect Security of Liberty, and that merciful Spirit of Administration, which render your royal Family so justly dear to your remotest Subjects; ventured with their helpless Relatives, through a vast Ocean, and trusted themselves with their tender Companions to the inhospitable and unknown Wilderness of this new World; the Horrors of which no Consideration could render tolerable, but the Prospect of enjoying here that compleat Freedom, which Britons never thought could be purchased at too great a Price.

The Subjects thus emigrating, brought with them, as inherent in their Persons, all the Rights and Liberties of natural-born Subjects within the Parent State: In Consequence of these, a Government was formed, under which they have been as constantly exercised and enjoyed by the Inhabitants, and repeatedly and solemnly recognized and confirmed by your royal Predecessors, and the Legislature of Great-Britain.

One of these Rights and Liberties, vested in the People of this Colony, is the Priviledge of being exempt from any Taxation, but such as is imposed on them by themselves, or by their Representatives; and this they esteem so invaluable, that they are fully persuaded, no other can exist without it.

Your Majesty's signal Distinction is, that you reign over freemen, and your peculiar Glory, that you reign in such a Manner, that your Subjects, the disposers of their own property, are ready and willing whenever your Service calls upon them, with their Lives and Fortunes, to assert your Cause.

Your People of this Colony, who share in the Blessings flowing from your Wisdom and Virtue, most gratefully sensible of their Obligation to so excellent a Prince, humbly hope they never have been deficient in duly acknowledging them. Whenever it has been necessary that Supplies should be levied within this Colony; Requisitions by your Majesty, or by your royal Predecessors, conformable to the Rights and Liberties of this your People have been made, and by them loyally and liberally complied with.

We beseech your Majesty to do them the Justice to believe, that they can never fail on any future Occasion, to demonstrate their Devotion to your Majesty; nor can they resign without unutterable shame and Grief, the Honour and Satisfaction of voluntarily and cheerfully expressing, in the strongest Manner their Circumstances will admit, their unfeigned affection for your Majesty's Person, their distinguished Duty to your Government, and their inflexible Resolution to maintain your Authority, and defend your Dominions.

Penetrated with these Sentiments, this your People, with the utmost Concern and Anxiety, observe, that Duties have been lately imposed on them by Parliament,

for the sole and express Purpose of raising a Revenue: This is a Taxation upon them, from which they conceive they ought to be protected, by that acknowledged Principles of the Constitution, that Freemen cannot be legally taxed but by themselves, or by their Representatives; and that they are represented in Parliament, they not only cannot allow, but are convinced, that from their local Circumstances they never can be.

Very far is it from our Intention, to deny our Subordination to that august Body, or our Dependance on the Kingdom of Great-Britain; in these Connections, and in the Settlement of our Liberties, under the auspicious Influence of your royal House, we know that our Happiness consists; and therefore, to confine those Connections, and to strengthen this Settlement, is at once our Interest, Duty, and Delight: Nor do we apprehend, that it lies within our Power, by any Means more effectually to promote these great Purposes, than by zealously striving to preserve in perfect Vigour, those sacred Rights and Liberties, under the inspiriting Sanction of which, inconceivable Difficulties and Dangers opposing, this Colony has been rescued from the rudest State of Nature, converted into a populous, flourishing and valuable Territory; and has contributed in a very considerable Degree, to the Welfare of Great-Britain.

Most Gracious Sovereign,

The incessant Exertion of your truly royal cares, to procure your People a Prosperity equal to your Love of them, encourages us with all Humility to pray, that your Majesty's Clemency will be graciously pleased to take into Consideration our unhappy Circumstances; and to afford us such Relief, as your Majesty's Wisdom shall judge to be most proper.

By order of the House
CORTLANDT SKINNER Speaker

5 Governor William Franklin to Lord Hillsborough

[*NJA*, 10:69-70.]

William Franklin (1730-1813), natural son of the famous Benjamin Franklin, served as governor of New Jersey from 1763 to 1776. Wills Hill, the Earl of Hillsborough, became the first secretary of the newly created American Department charged with superintending the affairs of the colonies early in 1768. Franklin is writing in response to Hillsborough's charge that he had flagrantly disobeyed orders in not preventing (by dissolution if necessary) the assembly from considering the Massachusetts circular letter of February 11 that called for united protest against the Townshend duties. The governor pointed out in the course of a lengthy rebuttal, of which this text is an excerpt, that he did not

receive Hillsborough's instructions on the matter until the legislative session had concluded, that he had no prior knowledge of the assembly's action, that the conduct of the New Jersey house was in keeping with that of the other provincial assemblies, and that the secretary of state was either badly misinformed about or ignorant of American affairs. The protest movement was a tremendous strain on William Franklin. As governor he was obliged to enforce the law and uphold royal authority, but he personally disapproved of many imperial measures (such as the Stamp Act) and genuinely desired to promote the welfare of New Jersey. Faced with serving two rival masters—the crown and the colony—Franklin could never fully satisfy both.

Burlington New Jersey Novr. 23d 1768

My Lord,

. . . My Motive in giving your Lordship so particular an account of the Transactions of the Assemblies of New York and Pennsylvania, is not to palliate or justify the Conduct of the Assembly of New Jersey, but merely to shew that they have not been singular on the occasion, and that even the Colonies which his Majesty thought had set them an Example to the contrary, had acted in a manner nearly similar. Indeed I think it my Duty to assure your Lordship, while I am on this Subject, that it is my firm Opinion, That there is scarce an Assembly man in America, but what either believes that the Parliament has not a Right to impose Taxes for the Purposes of a Revenue in America, or thinks that it is contrary to Justice, Equity and Sound Policy to exercise that Right, under the present Circumstances of the Colonies, supposing it ever so unquestionable.

The Disputes between Great Britain and her Colonies on this Head are of the utmost Importance to the British Interest, and tho' they have now subsisted for several years seem not the nearer being settled. The Parliament, it is true, did by an Act passed in the 6th year of his present Majesty, declare that they had full Power & Authority to make Laws binding upon the Colonies in all Cases, whatever;[1] and this Act, tho' it was far from satisfying the Minds of the Colonists as to the Point of Right, yet they in general quietly acquiesc'd in it, upon a Supposition that the Parliament would be contented with having made that Declaration of their Power, and never attempt to exercise it more in raising a Revenue within the Colonies. But when an Act passed last year "for granting certain Duties in the Colonies & Plantations in America,"[2] it immediately rekindled the Flame that had subsided from the Time of the Stamp Act, and has occasioned as general Dissatisfaction and Uneasiness as ever prevailed among any People. A Military Force has been sent over, which I believe, will have the good Effect to prevent such scandalous Riots, and Attacks on the Officers of Government, as had before prevail'd in the Town of Boston, and probably be a Means of hind[e]ring (for some Time at least) any public Opposition being given to the Execution of Acts of Parliament.[3] But this does not remove the principal Difficulty. Mens Minds are sour'd, a sullen Discontent prevails, and, in my Opinion, no Force on Earth is sufficient to make the Assemblies acknowledge, by any Acts of theirs, that the Parliament has a Right to impose Taxes on America. And tho' the People may, for a while, avoid publickly opposing Duties and Taxes laid on them by Great Britain, yet I apprehend that, as long as this Temper continues, they

will do all in their Power, in their private Capacities, to prevent the consumption of British Manufactures in the Colonies, that the Mother Country may thereby lose more in her Commerce than she can possibly gain by way of Revenue. . . .

I have the Honor to be, with the greatest Respect,
My Lord, Your Lordship's
most obedient & most humble Servant
WM. FRANKLIN

1. The Declaratory Act of 1766.
2. The Townshend duties.
3. On October 1, 1768, two regiments of infantry with artillery arrived in Boston to aid civil authorities in quelling the growing disorders.

6 Residents of Gloucester County to Robert Friend Price and John Hinchman

[New Jersey Miscellaneous Manuscripts, 336, Frank L. Stewart Collection, Glassboro State College Learning Resource Center.]

The tendency for constituents to "instruct" their elected representatives on imperial affairs indicates the intensity of popular opposition to the Townshend duties and the degree to which the people looked to the legislature for leadership in protesting the exactions. (The assembly did not act on this appeal; it was not a petition to the house but "instructions" to legislators.) Such action on the part of residents of Gloucester County is especially revealing because of the predominance of Quakers in the area, a group that theoretically shunned active involvement in secular contentions. Robert Friend Price of Gloucester Town was the foremost political figure in the county prior to the Revolution. Besides representing Gloucester in the assembly from 1761 to 1776, he held the posts of justice of the peace, high sheriff, and judge of the county court of oyer and terminer. Although he was conspicuous in the extralegal protest movement prior to 1776, he balked at independence and charted a neutral political course with the onset of the Revolution. John Hinchman, like Price, was a wealthy landowner and a member of the Society of Friends. A member of the Council of Proprietors of West Jersey, he likewise served as high sheriff, justice of the peace, judge of the county court of quarter sessions, and assemblyman from 1769 to the Revolution. He, too, was initially active in the popular movement, but became a Loyalist in the spring of 1776.

October 3, 1769

Gentlemen

As We have Chosen You to ye most important of Trusts, Even that of Guardians & Defenders of our Liberties, Privileges, & Property, We think it expedient at this time to intimate what we shall expect from You at this Alarming Crisis; When ye other Colonys are Struggleing with ye utmost Ardour to preserve American Freedom, it is our desire that ye Representatives of New Jersey may Zealously Unite with them & not appear as unconcern'd Spectators, Therefore

That You Endeavour to have Resolves entered on ye Journals of ye House similer to those of ye Assemblys of divers other Colonys, with respect to raising a Revenue on America by Act of Parliament, Suspending Legislation, Sending for Persons from hence to England for their Tryals, Our Sole right of Taxing our Selves, And ye necessity of Uniteing with ye other Colonys in defence of our Rights &c. This is a Debt due to posterity, that should our Constitutional Privileges be Torn from us, it may appear not to have been with ye Approbation of our Representatives.[1]

That You Countenance every Measure that will tend to Encourage & promote Industry. Frugality, & American Manufactures, & wean from ye Extravigant fondness people too generally have for foreign Comoditys, this appearing ye most probible means in our power of Transmitting Freedom to our Posterity[2]. . . .

[Fifty-two signatures affixed.][3]

1. In May 1769 the Virginia House of Burgesses adopted a series of resolves protesting recent imperial measures; copies of the resolutions were sent to the other legislatures in hopes that they would follow suit. Despite receipt of the Virginia resolves and the instructions of Gloucester residents, the New Jersey assembly, satisfied with its earlier statement of grievances (see Doc. 4), made no new resolutions.

2. Because of the post-1763 recession and the shortages caused by boycotts against Britain, Jerseymen after 1765 increasingly supported a program of economic austerity and increased domestic manufacturing.

3. The following notation is appended to the text: "At a Meeting of ye Board of Justices & Freeholders at Glo'ster ye day above mentioned Samuel Harrison Esqr. Reported ye above instructions which were read & approved of by ye sd. Board Neme:Con: & Ordered to be Signed by their Clerk, And a number of ye Principle Inhabitants of sd. County being allso present approved & signed it likewise."

7 The Resolution of the New Jersey Assembly Supporting the Boycott to Oppose the Townshend Duties

[*Votes and Proceedings, October 10-December 6, 1769* (Burlington, 1770), p. 16.]

A boycott of British manufactured goods, a tactic seemingly used to good effect during the Stamp Act crisis, spread slowly throughout America in 1768 and 1769. By the end of 1769 only New Hampshire had not instituted some form of economic coercion aimed at securing repeal of the Townshend duties. Because New Jersey had virtually no direct trade with England and only a small mercantile community, the colony was not immediately caught up in or affected by the nonimportation agreements. It was only when Philadelphia adopted economic sanctions in the spring of 1769 that the boycott took hold in Jersey. The legislative resolution which follows is the first official recognition of the existence of the boycott in New Jersey; in making its sentiments public, the assembly once again asserted itself as the leader of the resistance movement in the province.

House of Assembly, October 18, 1769

Upon Motion made by Mr. Hinchman,[1] *Resolved, Nemine Contradicente.* That the Thanks of this House be given to the Merchants and Traders of this Colony, and of the Colonies of New-York and Pennsylvania, for their disinterested and public spirited Conduct, in witholding their Importations of British Merchandize, until certain Acts of Parlament, laying Restrictions on American Commerce, for the express Purpose of raising a Revenue in America, be repealed; And that Mr. Speaker[2] be directed to write to the respective Committees of Merchants in said Colonies, transmitting them a Copy of this Resolve.

1. John Hinchman of Gloucester, who perhaps acted in response to instructions from his constituents. See Doc. 6.
2. Cortlandt Skinner.

8 The Address of the Magistrates, Freeholders, and Inhabitants of New Brunswick to Major Charles Preston

[*New-York Gazette; or, the Weekly Post-Boy,* May 28, 1770.]

During the nearly three years the Twenty-sixth Regiment was stationed in New Jersey, not a single altercation of any significance took place between soldiers and the civilian population. The excellent record was due in part to the pains taken by commanding officers to keep their men under tight discipline since civilian-military disturbances were a prime fear of the military establishment. Moreover, most Jerseymen, especially those in the barracks towns, desired peaceful relations with the military because they recognized the economic benefits the community derived from the garrisons. On May 14, 1770, just prior to the departure of the Twenty-sixth from the province, Major Charles Preston, commander of the detachment cantoned in New Brunswick, and the ranking members of the host community bade each other a public farewell. The nature of their remarks reveals the amicable relations that had subsisted between the troops and the townspeople—a relationship that was more typical than the outbreaks of violence (see Doc. 2).

New York, May 28 1770

We are informed from Brunswick, that a little before the Troops (now arrived here) left that Place, several Gentlemen waited on the Commanding Officer, and paid their Compliments to him in the following Address. . . .

["]Sir

Prompted by a pleasing Reflection on the Tranquility we have enjoyed from the Harmony that has uniformly subsisted between the Inhabitants, and the Troops quartered in the Barracks here under your immediate Command, for now near three Years, we wait upon you in Order to express our unfeigned Satisfaction. We look upon it as our Duty, and we are confident we speak the Sentiments of the whole Inhabitants of this Place and Neighborhood, when we return you our most cordial thanks for the Humanity and Benevolence which have been manifest in every Part of your Conduct, as well as the laudable Disposition you have constantly shewn to encourage that Harmony which has been productive of the utmost Peace and good Order, without the least Infringement on our Rights and Privileges. Thus impressed, permit us, Sir, with our most sincere Wishes for your Honour and Happiness in future Life, to offer you this public Acknowledgment of our Regard and your Merit.["]

To which the Major returned the following answer.

"Gentlemen,

I return you my most sincere Thanks for the Honour you have done me, by your kind and obliging Address and receive with the greatest Pleasure this public Testimony of your Approbation of my Conduct, and of the Behaviour of the Troops under my Command. Permit me to assure you, that the general good Disposition of

the Inhabitants of this Place, has rendered any Efforts of my Part, to preserve a Friendship and Harmony between them and the Troops, entirely unnecessary, and will always claim my Gratitude and best Wishes for their Prosperity."

Afterwards the Major, together with other Officers quartered in this Place, at the Request of the Gentlemen who presented the Address, dined with them at the White-hall Tavern, where a genteel Entertainment was provided.

It is very remarkable (says our Correspondent) that since the Arrival of the Troops in this Place, now within two Months of three Years, only two Men out of one Hundred and Sixty of which they consisted have died, one a natural Death, and another by Accident; and that during that Time upwards of fifty Children have been born in the Barracks.

9 The Essex County Nonimportation Resolves

[*New-York Journal; or, the General Advertiser,* June 7, 1770.]

Ironically, widespread protest against the Townshend duties and zeal for the boycott of British goods occurred in New Jersey only after the repeal in March 1770 of all the import duties except the tax on tea. With the near total revocation of the exactions, merchants in the leading commercial communities in the colonies rapidly abandoned the nonimportation agreements. But not Jerseymen. Agrarian Jersey was not so adversely affected by the suspension of mercantile activities as were other colonies, and thus the province could better afford to adhere to the boycott and insist upon complete revocation of the duties. As the resolutions adopted by the mass meeting held in Elizabethtown indicate, the residents of New Jersey preferred to hew a hard line and thus joined in the denunciation of Rhode Islanders who had resumed business as usual in May.

At a Meeting of the Freeholders, Merchants, and Traders of the County of Essex, at Elizabeth-Town, on Tuesday the 5th of June, 1770.

Whereas the present critical State of public Affairs, loudly calls on every Member of the Community, to use his utmost Influence in order to support the invaluable Liberties, handed down to him by his Ancestors: The Merchants, Traders and Freeholders, of the County of Essex, having seriously considered the disinterested Efforts of the Merchants and Traders of the neighbouring Colonies, to save their sinking Country, by entering into an Agreement, not to import Goods from Great Britain, until the Acts of Parliament, passed for the express Purpose of raising a Revenue in the Colonies, should be totally repealed, which if continued, appears the most probable Means of accomplishing the valuable End so nobly designed. And it

being represented to us, that some few Individuals in several of the neighbouring Colonies, from Motives inconsistent with, and injurious to the Common Cause of Liberty, in order to raise their own private Fortune, are using their Influence to break thro' this laudable and patriotic Agreement; and which if violated or broken thro', would forever hereafter discourage their Friends in Great Britain and elsewhere, from exerting themselves in our Behalf, or putting any Confidence in our most solemn Assurances: By which Means we shall be always considered as a wavering, disunited People, and fit Subjects for every Imposition. And as by this important Agreement of the Merchants only, they have themselves, plighted their Faith to the Public, that they would invariably adhere to the same, which has hitherto prevented other Branches of the Community from adopting Measures for the like salutary Purposes. Therefore as we now think it incumbent on every Individual to exert himself in supporting the Common Cause, have unanimously entered into the following Resolutions:

1st. That the said Non-Importation Agreement, appears to be founded on the truest Policy, and is a legal and constitutional Method of discovering our Sense of the several Acts of the British Parliament, passed for the express Purpose of raising a Revenue in the Colonies as aforesaid; and that those adhering thereto, are entitled to the Approbation and Thanks of every Freeholder in the Colonies.

2dly. *Res.* That as it appears that the Enemies of our happy Constitution in Great Britain, have prevented the full Effect of the said patriotic Agreement, by industriously propagating a mistaken Opinion of a Disunion in the Colonies, with Respect to the said Agreement; and an Incapacity, as well as want of Firmness in supporting so self-denying a Scheme, and having prevailed on the Manufacturing Towns to withhold their Interest, and suspend their Clamours, assuring them, that in Case those Impositions could be continued another Year, that we should be obliged to discontinue this necessary Measure, and thereby be ever afterwards exposed to their unreasonable Restrictions and Impositions. We do therefore unanimously agree to make known our Sentiments, that the said Agreement should be firmly adhered to, until the said Acts of Parliament be totally repealed.

3dly. *Res.* That we will do every Thing in our Power to carry into farther Execution so generous a Plan.

4th. *Res.* That we will not ourselves or by others, receive, purchase, sell or otherwise use, any of the Manufactures or Merchandize imported from Great Britain, contrary to said Agreement; and that we will not trade or have any commercial Intercourse with such Persons, who shall import Goods, or Cause them to be imported, or with any Person who shall purchase Goods or other Merchandize so imported, but that we will use every lawful Means in our Power, to hinder the Sale of such Goods, in any Way whatsoever.

5th. *Res.* That we are determined, that we will at all Times, be ready to join in any Measures that shall be entered into by the Colonies in general, to carry the Design of said Agreement into the fullest Execution; or if necessary to render the Inconveniencies occasioned thereby to Individuals, more equal and tolerable.

6th. *Res.* That we do highly approve and applaud the spirited Behaviour of our Boston, New-York and Philadelphia Brethren, in renouncing all Commerce and Intercourse with the Traders and Inhabitants of Newport in Rhode-Island, who have so perfidiously deserted them in this glorious Struggle: And we do agree to observe the same Rules of Conduct, they have so properly adopted, with respect to the said

Traders and Inhabitants of Newport.

7th. *Res.* That we are well convinced that these are the general Sentiments of all the Freeholders and Inhabitants of this Province; and we will readily concur with them in any farther Measures they may propose, for the Support of an Agreement, upon which the Preservation of the Liberties of America so essentially depend.

8th. *Res.* And lastly, that we will at all Times, do every Thing in our Power to preserve good Order and Decorum in this Province, and to strengthen the Hands of Government, agreeable to our invaluable Constitution.

10 Protest Activities at the College of New Jersey

[Extracts of letters from Princeton and New Brunswick published in the *New-York Gazette; or, the Weekly Post-Boy*, July 16 and 30, 1770.]

The defection of New York City merchants from the nonimportation movement in early July 1770 further aroused the anger of Jerseymen at the prospect of the demise of the boycott and steeled their resolve to persevere. The small village of Princeton, home of the College of New Jersey (now Princeton University), was again the scene of public demonstrations. The collegians, as well as the faculty and administration, had consistently supported protest activities directed against post-1763 imperial measures; predictably the annual September commencement exercises combined academic and partisan orations. Although neither authors nor recipients of the extracts that follow have been identified, James Madison, Jr., future president of the United States and a member of the College of New Jersey class of 1771, corroborated the reports in a letter to his father: "We have no publick news but the base conduct of the Merchants in N. York in breaking through their spirited resolutions not to import, a distinct account of which I suppose will be in the Virginia Gazette before this arrives. Their letter to the Merchants in Philadelphia requesting their concurrence was lately burnt by the Students of this place in the college Yard, all of them appearing in their black Gowns & the bell Tolling." He added that all twenty-two members of the class of '70 had agreed to attend commencement exercises in September dressed "in American Cloth." (James Madison, Jr., to James Madison, Sr., July 23, 1770, William T. Hutchinson and William M. E. Rachal, eds., *The Papers of James Madison* (8 vols. to date, Chicago, 1962-), 1:50).

[Princeton, July 13, 1770]

This Afternoon the Students at Nassau Hall, fired with a just Indignation on reading the infamous Letter of the Merchants in New-York,[1] to the Committee of

Merchants in Philadelphia, informing them of their Resolutions, to send Home[2] Orders for Goods contrary to their Non-Importation Agreement, at the tolling of the College Bell, went in Procession to a Place fronting the College, and burnt the Letter by the Hands of a Hangman, hired for the Purpose, with hearty Wishes, that the Names of all Promoters of such a daring Breach of Faith, may be blasted in the Eyes of every Lover of Liberty, and their Names handed down to Posterity, as Betrayers of their Country.

[New Brunswick, July 24, 1770]

We are credibly informed from Princeton, "That the senior Class at Nassau-Hall, have unanimously agreed to appear at their ensuing Commencement, dressed in American Manufactures." How happy ought we to esteem ourselves, when we see some of our Youth, who will probably fill some of the highest Stations in their Country, when their Fathers have fallen asleep, so early declaring their Love to their Country; and we hope this will meet with that Esteem which is their Due, and that many at this critical Juncture, will follow their laudable Example, in encouraging our own Manufactures.

1. On July 7 New York merchants decided to abandon the nonimportation agreement and promptly apprised merchants in the other major commercial centers of their decision. How the collegians came to possess the letter directed to the Philadelphia merchants has not been determined; presumably it was being delivered by express rider.
2. That is, to Britain.

11 Public Coercion of Importers in Middlesex County

[The following reports appeared, respectively, in the *New-York Gazette; or, the Weekly Post-Boy,* August 6, 1770, and the *New-York Journal; or, the General Advertiser,* August 9, 1770.]

During the Stamp Act disorders and the early stages of the protest against the Townshend duties, New Jersey was spared the acts of violence that racked other colonies. But the perfidy of merchants in general and the apostasy of New York City traders in particular in abandoning nonimportation in 1770 roused the passions of Jerseymen to new heights. This was especially true in Middlesex County, hotbed of radical activities in the province. Public demonstrations, formal resolutions and petitions, and economic sanctions were

deemed sufficient to make a point with the mother country; something more immediate and telling, however, was necessary in dealing with those Americans who violated the program of the popular front.

ADVERTISEMENT

We hear from ours and the Country's Friends in Woodbridge, that they Keep in Readiness in some convenient Place near the Centre of the Town (to wit, near Execution Dock, and not far from Liberty Oak,) a sufficient Quantity of Tar and Feathers, in order to ply those atrocious V—s, those vile Miscreants, who have violated their so often plighted Faith; and through the avaricious Humour of raising a private fortune on the Ruins of the Public, have perfidiously broke through the general and salutary Non-Importation Agreement. It is said ducking in Execution Dock will be added, as Occasion may require.[1]

New York, August 9

Last week Mr. Applegate and Mr. Abrahams, of this City, went to the City of Brunswick,[2] in New-Jersey, having with them for Sale, a Quantity of Pine Apples, Limes, &c. The people of Brunswick finding them to be Subscribers for Importation, treated them so roughly, that they judged it not Safe to appear publickly, and being unable to sell their Fruit, a great Part of it spoil'd upon their Hands;[3] they were glad to get off privately to avoid the Effects of the People's Resentment, which Mr. Abrahams was not so luckly to escape at Woodbridge, on his Return, where he was much insulted, and duck'd in a Creek, and was likely to have been much worse used if he had not made his Escape.[4] We hear that two Merchants of this City, Subscribers for Importation, who a few Days ago set out on a Journey to Philadelphia, at Woodbridge were both heartily duck'd, but the Particulars we have not heard.[5]

1. Dr. Moses Bloomfield of Woodbridge later contended that the advertisement was "the Production of a very few, if more than one Man only," avowing that the "respectable" residents of the community "never did, nor ever will do, or cause to be done, any Thing inconsistent with Law or Liberty" and that they "do highly disapprove" of the notice. Letter of September 18, *New-York Gazette; or, the Weekly Post-Boy*, September 24, 1770.

2. New Brunswick.

3. The August 16, 1770, issue of the *New-York Journal; or, the General Advertiser* carried the following notice: "Mr. Applegate denies that he was insulted or obliged to conceal himself in Brunswick, and by that Means hinder'd from doing his Business, as mentioned in our last."

4. The following report appeared in the *Pennsylvania Journal; and the Weekly Advertiser* on August 9, 1770: "We hear that one of the New-Yorkers, who had signed for Importation, passing through New-Jersey, was stopped in his career at Woodbridge, and was there genteelly ducked to cool his courage: On his return to New-York he made a most piteous story, which, we hear, so sensibly touched the humane and generous hearted Importers, who would sell their country for gold, that on this *lamentable occasion* they had some thoughts of raising a subscription for to enable their brother to prosecute—perhaps the

whole country." Was this Abrahams?

5. On August 13, 1770, the *New-York Gazette; or, the Weekly Post-Boy* published the following report: "Last Week two New-York Importers, in crossing a Brook in New-Jersey, on their Way to Philadelphia, the Bridge sunk under them, and they both were handsomely ducked. How enormous must be the Guilt of those who would betray the Liberties of the Public, to advance their private Fortunes, when even a public Bridge is not able to support the Weight of their Eniquities? May this be the Fate of every Wretch who would sell his Country for a Mess of Pottage."

12 The Mansfield Township Resistance Resolutions

[Mansfield Township Minute Book, 101-2, New Jersey Historical Society.]

The determination to maintain the boycott of British goods until all the Townshend duties were repealed played an important role in some communities in further refining the extralegal political organizations formed at the local level during the Stamp Act troubles. The action of the residents of Mansfield Township, a predominantly Quaker community in Burlington County, is especially important. First, the residents took action as a town meeting, rather than an extralegal assemblage, in an attempt to cloak the protest movement with the mantle of legitimacy. Second, in establishing a special committee to enforce the nonimportation agreement, the citizens of Mansfield moved perceptibly toward the assumption of governmental powers and anticipated the committees of observation created by the Continental Congress in 1774.

At a meeting of the most respectable Freeholders and Inhabitants[1] of the Township of Mansfield, County of Burlington and Province of New Jersey, Conven'd by Advertisement at the usual place of Doing Publick business, August the 13th 1770.

Whereas the Merchants and Freeholders of the City of New York have most basely and in direct violation of their Publick faith Plighted to the other Colonies broke through their Non-Importation Agreement to the great encouragement of the Enemies to American Freedom, and manifest injury of their Fellow-Subjects, We the Freeholders and Inhabitants of the Township afores[ai]d, well knowing the very fatal Consequences that must inevitably result from a general Importation of Merchandize from Great Brittain at this Critical Juncture do Resolve.

1st That we owe and will maintain all due Allegiance to our rightfull Sovereign George the third King of Great Brittain France & Ireland &ca.

2d That we are as much the natural Subjects of the Dominion of Great Brittain

as any born within the Realm, and that as such we have an undoubted Right to all the Priviledges of its happy Constitution.

3d That one of the Capital Priviledges of the British Constitution is that of the Subjects being taxed by his Representative only and that the Late Act of Parlament imposing a duty on Tea Glass &ca. [is] unconstitutional & Oppressive.[2]

4th That as a Testamony to the World of our disapprobation of the New-Yorker's Conduct we will not purchase nor suffer to be Purchased by any under our direction any Goods or Merchandize from the Inhabitants of the Colony of New-York nor of any Person or Persons that Shall or may purchase, procure or receive them directly or Indirectly from thence, untill the aforesaid Act imposing a duty on Tea &ca. is totally repealed.

5th That we will not Purchase nor suffer to be purchased by any under our direction any Goods or Merchandize from any Pedlar or Petty Chapman,[3] but will always strictly inquire into their Authority to Sell or vend Goods, as it cannot possibly be ascertain'd of whom they Purchase or from whence they Receive them.

6th That any Person or Persons who may be Suspected of having in Possession any Goods or Merchandize Imported in, brough[t] from or through the Province of New York, who Shall refuse when requested by any Person or Persons hereafter appointed for the purpose to give an Acco[un]t in what manner they came by such Goods &ca. shall be deem'd Guilty of a violation of this agreement, and his her or their names shall be publish'd in order that they may be handed down with deserv'd infamy to Posterity.

7th That we will exert ourselves by every legal & Constitutional means in our power to aid & Assist all those generous Friends of American Freedom who nobly sacrafice their Private Interest to Serve the Public Good.

8th That Robert Field, William Potts, Peter Talman, Clayton Newbold, & John Black be a Committee to examine into the Trade; the Majority to hear all Complaints determin[e] & Punish Offenders according to the true intent & meaning of these Resolutions, also to correspond with other Committees as occasion may require, and to Publish these resolves with part or all of the other Towns in the County when and where they may think proper.[4]

9th That all these resolves with the Advertisement preparative thereto be entered on the record of the Town and strictly adher'd to untill the same shall be made Void by a general Town Meeting to be call'd by the Committee aforesaid.

1. Freeholders were white adult males who, possessing a specified amount of property, were qualified by law to vote in elections; inhabitants were residents who did not meet suffrage requirements.
2. The Townshend duties of 1767.
3. A roving retailer of small goods.
4. Each committeeman held elected governmental positions in the town; all were Quakers.

13 "Cethegus" on Nonimportation

[*New-York Gazette; or, the Weekly Post-Boy*, October 8, 1770.]

For all their spirit and resolve, New Jerseyans were fighting a losing battle in attempting to hold the line on economic sanctions against Great Britain. With the defection of Philadelphia merchants on September 20, New Jersey stood alone among the middle colonies in supporting the boycott. Soon thereafter, nonimportation in Jersey was abandoned for essentially the reasons explained by "Cethegus." In the end the boycott proved a two-edged sword, working acute hardship on Americans who lacked the economic resources to sustain the sanctions over a prolonged period.

New-Jersey, September 25, 1770

Messrs. Printers.[1]

Before the late War,[2] the People of this Country were very little known or considered in England, nor indeed was our Importance fully understood, either by our Fellow Subjects or ourselves, before the ever memorable Period of the Stamp-Act. By the oppressive Acts of the British Legislature, we were then roused out of a supine Inattention to the common Interest and combined Strength of the Continent, and led to form an Estimate of our Powers, to feel our own Consequences, and to impress a new, and that a very high Idea of our Importance to the Mother Country. We exerted ourselves with Vigour and with Unanimity. The Effect was proportioned to our Wishes.

The Means by which our Deliverance was supposed in a great Measure to be wrought, was a cordial Agreement to cease the Importation of British Goods. By this Means the Manufacturers, Mechanics and their Connections, who before this Time had scarcely ever extended their Views further than the Merchant who bought their Goods, finding their Employment at an End, thro' the Stoppage of Orders from this Country, were taught to revere our Interest, and conspired with the Merchants to forward a Repeal.

Upon new Acts of Oppression, the same Means have been attempted, and we flattered ourselves that we might hope for the same Success. But alas! a different Prospect is now presented. After more than three Years we seem as far from the Completion of our Hopes, as when we set out; and what is infinitely worse, we seem to have lost Sight of that friendly Union, which prevailed during our former Struggle. Instead of that unanimous Resolution and universal Concord of Sentiment, by which we were then united as one Man to oppose the Enemies of our Liberty, an Opposition of Measures, a Contradiction of Opinions, Party Spirit, mutual Rancour and Complaints, and every Mark of a divided People are gaining too much Ground. If these continue we are undone. Divided among ourselves we shall be an easy Prey to the Enemies of our Freedom.

As it has been with great Anxiety that I have observed this Temper, and as some Cause must have produced it, I should think myself happy if my Attempts to point out and remove that Cause, should be crowned with Success.

To what can it be owing that our Agreements are broken? For I cannot account for it from any religious Quarrel, as that seems to have subsided; nor from any Party Spirit, because it was but the other Day the common Principles, and indeed the Glory of every Party to adhere to them. The true Cause, I apprehend, is in the Agreement itself. From one Extreme we have pass'd to another; from not regarding to over-rating our own Importance. Flushed with the new acquired Idea of our Consequence, and elate with Victory, we supposed that the Parliament of Great-Britain might be brought to our own Terms, by the same Means at all Times, without making any Allowance for obstinate Perseverance or favourable Accidents on their Part.[3] We entered precipitately into a Non-Importation Agreement, so extensive, that it was calculated after some Time to defeat itself, unless speedy Redress was obtained. The Parliament has persevered, the English have found other Markets for their Goods: Accident have favoured them, and we are left to struggle with Impossibilities. It is vain to think that we can hold Breath always, and as vain to think that we can, not only turn the Course of our Trade, but annihilate it altogether. The Notion is chimerical, and accordingly our Agreements have come to nothing, and that merely from the Circumstances of their being too extensive. I shall not enquire, whether the not obtaining Redress is owing to the Treachery of Boston.[4] It is not obtained, and our Agreements cannot be persevered in. It is true, this could not be foreseen at first; and therefore the entering into them was not so imprudent as may be supposed by some Persons. It was not known that we should need to persevere so long; and it is owing in a great Measure to unexpected Demands from other Parts of the World, that so long a Struggle has been necessary. Besides, the Experiment had but once been tried, and it had then succeeded. I could wish too that we had persevered a little longer; that we had, if possible, tried one more Session of Parliament; for we certainly derived Advantages from the Agreement, even in a commercial View, and it was rather early to give over, as soon as these commercial Advantages were at an End. But the Die is cast; and we have only to chuse, whether to unite in maintaining an Agreement of a more restricted Nature, or to go on disputing about a Shadow, which cannot longer be realized. It is indeed possible to drop all Trade with England, and it is possible for us to go naked too; but it cannot be expected. We may go on reproaching and complaining of each other; we may widen still more the Differences which already prevail amongst us, and we may perhaps forever destroy all Hopes of recovering that Union, on which our Safety depends; but we cannot possibly maintain so extensive an Agreement for any Length of Time. Is there not reason to hope that we might all unite once more, in maintaining an Agreement not to import dutiable Articles? Most People are of Opinion that it had been better to have made this Agreement at first; but they would not seem to relax from their Resolutions: It would look as if all our Agreements would come to nothing. But surely it would be better to correct our Mistake, than to persevere, or rather to pretend to persevere, beyond what we are able. Whilst we are attempting something which is within the Verge of Possibility, we may be feared; but when we offer to go beyond this, we shall really be despised, for our Enemies are sensible that we shall do nothing. What I fear, and I think I have Reason to fear it, is, that our intestine Divisions will grow so high, as to drive some through Party spirit to import even dutiable Articles; and then adieu to Liberty! We have not yet bowed our Neck to the Yoke, but the Instant we consent to pay these Duties, we submit to Slavery. Because the Outworks have been deserted as untenable, let us be the more cautious,

that we be not driven from the Fortress; and let us be exceedingly careful to unite as one Man in its Defence.

Yours, &c.
CETHEGUS[5]

1. Samuel Inslee and Anthony Carr.
2. The French and Indian War, 1754-1763.
3. The reference is to the boycott instituted during the successful protest against the Stamp Act in 1765-1766.
4. The "treachery of Boston" refers to the increased belligerence of the Bostonians in flaunting imperial authority, which resulted in British troops being sent to the Massachusetts capital in October 1768; it was thought by many that the provocative action of the Bay Colony served only to induce Great Britain to take a harder line against America.
5. It is not certain which "Cethegus" the writer has in mind; probably Marcus Cornelius, the Roman general and magistrate who died in 196 B.C.

14 Hunterdon County Freeholders to John Hart and Samuel Tucker

[West Jersey Manuscripts, New Jersey Historical Society. This document is inaccurately transcribed and printed in *NJA*, 10:269-73.]

It was to be expected, given the nature of the arguments raised against the Stamp Act and Townshend duties, that Jerseymen would begin to challenge the presence of troops in the province on political and constitutional as well as economic grounds. That a group of West Jersey farmers would consider it necessary to address their elected representatives on the matter indicates the seriousness of their convictions about the threat to civil liberties and public morals posed by a standing army. (No action was taken since the letter was an instruction rather than a petition.) "Honest John" Hart (1713?-1779), Hopewell farmer, served in the assembly from 1761 to 1771. He also performed the duties of justice of the peace and judge of the county court of common pleas. An ardent Whig, he was a member of various local patriot organizations as well as the Provincial Congress (1775-1776) and the Continental Congress (1776), where he signed the Declaration of Independence. Samuel Tucker (1721-1789), Trenton merchant and landowner, held the government posts of justice of the peace, high sheriff of the county, and assemblyman from 1769 to 1776. He was extremely active in the protest-independence movement at both the local

and provincial levels (president of the Provincial Congress in 1775-1776), but adopted a political posture in late 1776 that has been interpreted as either prudent neutrality or Loyalism.

[May 1771]

Gentlemen

Whereas we understand his Excellency the Governor has adjourn'd the House of Assembly in order to consider further on divers Affairs presented to the House last Session: In which Interval the Members might have an opportunity to Consult their Consituents—

We therefore without the least Defection in our Zeal for His Majesty, or desire to promote Contention between the Different Branches of the Legislative Body in this Province; yet desirous that our Liberties may be secur'd to us, do agree with the Resolution taken by the Assembly at their last Sitting; and approve the Reasons given to His Excellency for not complying with several Requisitions made respecting Incouragement for the Augmenting his Majesties Regular Troops in this Province and Granting supplies towards their Support.

Moreover we your Constituents Subject these following Queries to your further Consideration.

1st. Whether to have the King's troops station'd among us in Time of Peace is Constitutional and Agreeable to our Rights and Priviledges?[1]

2nd. Whether they are or can be of any use to us, or whether any proper officer of this Government has the Command of them in any Case of Immergency?

3rd. Whether Regular Troops does not spread Vice and Immorality in a Country where they are maintained in Idleness?

4th. Is it consistent with Honour and Justice to support those who do us no Service?

5th. Whether there is not Danger that a Military Power may in Time interrupt the Proper Influence and Management of Civil Administrations?

We think Gentlemen the Consideration of these Things with what you have already urged will Constrain you to abide by your former Resolutions, and that you will Continue to make the Ease, Safety, Interest and Morals of the Province the Subject of Your Zealous Attention.

Sign'd by the Freeholders of Hunterdon May 1771[2]

1. It should be noted that the army barracks at Trenton (then in Hunterdon County) had not been occupied since the conclusion of the French and Indian War in 1763.

2. The document was signed by Hezekiah Stout, Moses Hart, William Sherd, Nehemiah Paxton, Nathaniel Stout, Benjamin Stout, Joab Houghton, Henry Van Kirk, Andrew Stout, James Mattison, Abraham Stout, William Chamberlin, and William Bryant. It is open to question whether a memorial signed by thirteen individuals, five of whom were members of the Stout family and most or all of whom were John Hart's fellow-communicants in the Hopewell Baptist Church, represents a consensus of Hunterdon residents; nonetheless,

such sentiments are representative of the concerns about—and fears of—the army which were rapidly gaining currency among Jerseymen.

15 Aaron Leaming to his Cape May Constituents

[Aaron Leaming Papers, f.2, 709, Frank L. Stewart Collection, Glassboro State College Learning Resource Center.]

The dispute between Governor William Franklin and the assembly over the supplying of the barracks came to a head in 1770-1771: the lower house adamantly refused to authorize any more funds for the soldiers, and the chief executive prorogued the legislature. Aaron Leaming II (1715-1780), who represented Cape May in the assembly from 1745 to 1771, was one of the leading opponents of military expenditures. In fact, throughout his long legislative career, Leaming, one of the wealthiest residents of the county, consistently resisted public appropriations of any kind. In explaining his position to his constituents, he demonstrates how Jerseymen viewed the problem of troops within the context of post-1763 imperial developments.

May 26, 1771

Dear & worthy Gentlemen

The Affair now between the Governor and Assembly appears to me to be more Delicate in its nature and of Greater consequence than any thing that has been agitated in the House since I have had the honour of being your Representative.

As you have undoubtedly a great deal depending it is necessary you should be fully informed of this Subject which I shall endeavour to explain [in as few words as I can to be intelligible].[1]

It should Seem that the People in Great Britain had little knowledge of these Colonies before the commencement of the War in 1755. The Theater of that war being in North America Necessarily called to these parts from Great Britain a large number of General Officers and other Gentlemen of Rank and consequence at home. These Gentlemens business lay mostly in the Great Cities; either with the Governors or other [of] the principal Gentlemen of them places; or if they were travelling they Generally took that rout and were advised to those places where they could be sure of the best accomodations. In all these places the utmost abilities of the inhabitants were exerted to make their entertainment agreable. Some of these were Scot[c]hmen who had been long used to the Barrens and poverty of that nation; many of them were English, and All of them had been bred up in the firm belief that America was a mere desart of poverty and distress, and the Inhabitants little if any better than Savages. But when they saw the Rich Tables and Beads that were dressed for them, and that North America raised 20,000 men and enabled England to give Law to

France and Spain: From one Extreme they immediately fell[2] upon another. From considering us as the Seat of Poverty and distress they immediately eyed us as the Seat of Riches and happiness and without making the proper allowances and distinguishing that these were entertainments prepared for them by men of the greatest fortune in the place. And without considering that the raising them men was the Overflowing of Our Zeal for the kings service for Conquering Canada which was an Object our Ancestors had always aimed at or without considering that we had Mortguaged our Country for 20 years to come. They esteemed all this as the overflowing of our Riches and Seemed to think that all the country lived in that Splendid manner. And when these Officers wrote or went home they all agreed in representing us in that Flourishing happy and Oppulent State.

The People in England then considered us in a manner very different from what they had ever done before. They grew jealous that we Should in time rival England itself; That Too much Liberty had made us too rich; That while England was involved with a weight of Taxes they were never to see the end of, we their fellow Subjects were rich and almost free from Taxes. It then became a matter of Patriotism how they Should ease themselves of their Taxes, and lay the burthen upon us. On this Plan George Greenville[3] midwifed into the world the Stamp act. This put us upon an enquiry what were our priviledges; when we found we had a right to be Taxed by none but ourselves. It also put the parliament upon Asserting powers their Ancestors never claimed. They admitted it was the birth right of an Englishman to be taxed by none but themselves; but they Set up this absurd idea that we were virtually represented in the house of Commons, & therefore they might Tax us. However Heaven reserved Mr. Pit[t][4] to Save us at that time. Still there was a party that was for continuing the taxes and claim upon us. Charles Townsend was the foremost of these; and he procured the present Revenue act: Which tho it is repealed in part, the duty on tea is reserved as a continuance of their claim to tax us at pleasure.

On Occasion of these 2 acts I believe all of the Assemblies on the continent asserted their Right and Priviledges by Resolves.[5] The acts created Some riots which centered mostly in the colonies Eastward of New-Jersey. These Riots Mr. Bernard[6] who then happened to be Governor of Boston, represented home as Rebellion: And this representation was very pleasing to some, as it was made a handle of by that party that was against Mr. Pit[t], who was our friend.

These acts also produced Associations by the american merchants, not to import or Use Goods of British Manufacture. These Associations the Parliament (or rather the Ministry) termed unwarrantable combinations to distress the trade of England. And the Ministry took advantage of this to Send a Fleet and Army to North America. This Fleet drew up in a Line before Boston and the Army made a regular discent, as if it was an Enemys Town. But when they came into it, they found the City in perfect Tranquility, except the disturbance that they themselves made. However, after about a years Stay in the place the insolence of the Soldiers created two Riots, at which the Soldiers fired upon the Townsmen; by which Six of the inhabitants lost their lives.[7]

As the Chief Stand was made in these Northern colonies, they quartered Troops in Pennsylvania and all the Eastern colonies.

The professed design of these troops are, to keep us in Subjection to the Crown & parliament of Great Britain. We acknowledge Subjection to the Crown of Great

Britain, but none to the Parliament. They are our fellow Subjects. And this is the Contest between us.

When these Troops were Sent here, the parliament passed an Act that the Several colonies where they resided, Should furnish them with Salt, vinegar, Small beer, firewood & candles.[8]

At first there was about 240 troops quartered in this Colony. We did not Chuse to Submit to the Act of Parliament, nor refuse the Grant: But in hopes they would soon to be drawn out of this province, we annually provided for them, by Acts of Our own. And they keep increasing the troops upon us, 'till now they amount to 431 tho the province was & is in profound peace.

This money we committed to Six Barrack masters of Our own appointing: Who managed it So as to wrong the province out of a great deal, which frauds being discovered we removed all the Barrack masters, and granted £500 to the Governor for the Use of the troops, to be disposed of as the Governor pleased.[9] He Appointed a Commissioner with a Sallary of £50 a year. His accounts we have seen but did not approve them fully as we find he is a good manager for himself.

As all the Colonies are now in profound peace; and the Associations of the Merchants broke; and the troops are not removed; we see no end of their being continued upon us. And have therefore refused all further Supplies.

Upon that refusal I advised them to Assign for reasons, "That we esteemed the Troops dangerous to Liberty" and place our Defence upon that principle. But the wiser Members of the house that Observed *that* would immediately engage us with the parliament which its likely it would: So they concluded to plead the poverty of the colony: Which they could do with great truth.

In handling this contest the Governor has not only treated us with an Air of Great Superiority But has unfairly charged us with falsifying our declarations to the king in our resolves & addresses and told us that we were Setting ourselves up in Opposition to the king & parliament.

This was very ungenerous. To the king we owe all allegiance. To the Parliament we Owe none. They are our Fellow Subjects And we cannot transfer our Allegiance to them.

If we Submit to them the right of raising Taxes upon us, or of placing troops here to keep us in Subjection to the[10]

1. Brackets enclose material crossed out in the manuscript.
2. "Feel" in the manuscript; probably a slip of the pen.
3. Grenville.
4. William Pitt, outspoken critic of the Stamp Act, who in 1766 became a member of the House of Lords by virtue of appointment as the Earl of Chatham.
5. See Sec. I, Doc. 11 and Sec. II, Doc. 4 for the Jersey resolves.
6. Francis Bernard, governor of New Jersey from 1758 to 1760, chief magistrate of Massachusetts Bay from 1760 to 1769.
7. The reference is to the Boston Massacre. Relations between soldiers and citizens in Boston, which had steadily gone from bad to worse since the troops first arrived in October 1768, reached a climax the night of March 5, 1770. In circumstances that are not at all clear, a detachment of soldiers fired into the midst of a belligerent crowd, killing three men and mortally wounding

two others. At a trial held in October of that year, two of the soldiers were found guilty of manslaughter and released after suffering burning of the hand; the other five were acquitted.

8. The Mutiny (Quartering) Act of 1765.

9. The assembly appointed barracks masters in June 1765; control over expenditure of funds for the military was given to Governor Franklin in September 1770.

10. The manuscript ends here at the bottom of a page; presumably the rest of the draft has been lost.

III

The Common Cause

Except for a few isolated disturbances in New England such as the Boston Massacre of May 1770 and the destruction of the British revenue schooner *Gaspee* in Rhode Island in June 1772, the substantial revocation of the Townshend duties ushered in a period of relative calm in relations between Britain and the American colonies. But beneath the surface, fundamental tensions were evident. As with the repeal of the Stamp Act in 1766, removal of the Townshend duties did nothing to resolve the overriding issue of the proper constitutional relationship between Parliament and the provinces. Thus the imperial interlude of 1770-1773 was in reality the lull before the storm that would inevitably erupt should Britain try to exert effective sovereignty over America.

The storm eventually broke in Boston in late 1773 with cataclysmic repercussions. The Tea Act of May 1773 precipitated the shattering of the uneasy calm. In granting rebates and marketing privileges to the financially troubled British East India Company, Parliament made it possible for the firm to sell its tea in Ireland and America at a greatly reduced price. A boon to consumers, the act nonetheless soon aroused violent protest. Honest merchants objected to the virtual monopoly of the extensive colonial tea trade that would accrue to East India factors; even smugglers of cheap Dutch tea could no longer compete with the legitimate traders. More important, in the purchase of East India tea Americans faced compliance with the Townshend tea tax of 1767. It was mainly the latter consideration that prompted a group of Massachusetts radicals on the night of December 16 to disguise themselves as Indians, illegally board three British tea ships, and steep some 340 chests containing 90,000 pounds of the baneful leaf in the brine of Boston Harbor.

The response of the British government to the latest act of colonial defiance was swift and resolute. To punish the Bostonians, on March 31, 1774, Parliament passed the Boston Port Act, closing the port of Boston pending

restitution to the East India Company for the destroyed tea. More interested in preventing disorders than in punishing the Bostonians, Parliament passed in May and June three additional acts designed to curb the rebelliousness of the Bay Colony. The Massachusetts Government Act altered the structure of the Bay Colony's government and broadened the powers of the royal governor. The Impartial Administration of Justice Act provided for the appointment (instead of election) of local juries and if necessary a change of venue for trials involving crown officials. The Quartering Act authorized the use of public or unoccupied buildings to house British soldiers where barracks were inadequate or non-existent.

Instead of pacifying the Americans, the Massachusetts Acts, dubbed "coercive" and "intolerable" by the colonials, escalated hostilities. Predictably, Massachusetts took the lead in organizing resistance to the acts. On May 13 the Boston Committee of Correspondence dispatched a circular letter requesting the other colonies to join the "common cause" by suspending all commerce with England; on June 17 the Massachusetts House of Representatives issued a formal call for a continental congress to meet in Philadelphia on September 1 to discuss the general state of imperial affairs.

Jerseymen deplored the conduct of the Boston mob but considered the response of Parliament to be far more offensive. Although most people regarded the Boston Port Act as proof of British hostility and oppression, they adopted a cautious attitude instead of taking rash action to resist encroachments upon American liberties. Speaking for the assembly (which was not in session at the time) as well as for most citizens, the legislative committee of correspondence on May 31 pledged support for the beleaguered Bostonians but declined to take any direct action pending the meeting of a general congress (Doc. 1).

There now emerged in June and July the grass-roots committee system that would eventually serve as the structural apparatus of the movement for independence in 1776. On June 11 residents of Essex County met in Newark to discuss the current crisis. They pledged solidarity with the Bostonians, agreed to a series of resolves protesting the Massachusetts Acts, selected a committee to correspond with like committees in other counties, and urged the other counties to follow suit and to participate in a province-wide meeting (Doc. 2). Although some Whigs preferred legislative action to mass meetings (Doc. 3), the response to the Essex invitation was overwhelming; only Cape May and Cumberland failed to elect county committees and to record their particular views of the imperial situation. The movement to fashion a unified, coordinated mode of opposition culminated in the general convention that met June 21-23 in New Brunswick. In addition to remonstrating against the coercive acts and launching a campaign to raise cash and commodities for the Massachusetts martyrs, the seventy-two delegates from the various county committees named five men to represent the province in the intercolonial congress (Doc. 4).

The Continental Congress was the prime topic of discussion in New Jersey during the summer of 1774. Despite a clear consensus in favor of a general conference, Jerseymen debated the nature of the impending assembly (Doc. 5), the principal issues at stake (Doc. 6), and the proper course of action to be pursued by the intercolonial body (Doc. 7).

When the Congress convened in Philadelphia on September 5, the

congressmen themselves, representing all the colonies except Georgia, were uncertain how to proceed. During nearly two months of intensive debate, the more radical delegates slowly came to dominate the sessions. In the end the Congress adopted addresses to the people of Great Britain and Canada as well as America, issued a declaration of colonial rights and grievances, and proposed a total boycott of British goods. Its most important action, however, was the creation of the Association, which called for the formation of local committees of inspection and observation to enforce compliance with the economic sanctions. Before adjourning on October 26, the Congress agreed to reconvene on May 10 if American complaints had not yet been resolved.

The First Continental Congress was a turning point in the development of the resistance movement. For the first time there existed a national deliberative body to direct intercolonial activities. Moreover, by imposing the Association the Philadelphia conclave presented Americans with a crisis of allegiance: should they obey the duly constituted government or the extralegal Congress? The result was a brief period of political adjustment as people grappled with the alterations in the nature and scope of the resistance organization. While some Jerseymen enthusiastically endorsed and implemented the congressional program (Docs. 11 and 12), others censured the congressmen (Doc. 10) and committeemen (Doc. 15); some, like Samuel Allinson, sought to take advantage of the times to strike additional blows for human freedom (Doc. 8), while others sought glamorous ways of demonstrating political faith (Doc. 14). All in all, the recommendations of the Congress became the orders of the day during the latter months of 1774 because of popular belief in their efficacy (Doc. 9), the inability of the royal regime to prevent them (Doc. 13), and the lack of a viable conservative alternative.

By the end of 1774 the Boston radicals' destruction of East India tea and the equally rash passage of the Massachusetts Acts had raised the Anglo-American conflict to a new, more dangerous height. The controversy over the constitutional relationship between the mother country and the colonies had been joined anew; moreover, the enthusiastic support of the blockaded Bostonians and the formulation of a national program of resistance by the Continental Congress had forged unprecedented intercolonial solidarity. Most Americans were now united in a common cause.

1 The Committee of Correspondence of the New Jersey Assembly to the Boston Committee of Correspondence

[Minutes of the Boston Committee of Correspondence, 8:709-10, Bancroft Collection, Manuscripts and Archives Division, The New York Public Library, Astor, Lenox, and Tilden Foundations.]

On March 12, 1773, the Virginia House of Burgesses took an important step in the development of effective intercolonial communications by forming a standing committee of correspondence empowered to act on behalf of the colony when the legislature was not in session. New Jersey, the last of the colonies to accept Virginia's invitation to form a similar committee, named a nine-member panel on February 8, 1774. It was this committee that met in New Brunswick on May 31 to respond to the emergency message of the Boston Committee of Correspondence regarding the Port Act. Apparently James Kinsey of Burlington, Stephen Crane of Essex, and Edward Taylor of Monmouth did not attend the meeting; at least they did not sign the response to the Boston letter. Although all signers were from West Jersey, the pledge of solidarity was the first step toward the creation of a province-wide concept of a common cause and a sense of intercolonial unity.

New Brunswick, May 31st 1774

Gentlemen,

Yours of the 13th Ins[tan]t enclosing a Copy of the late Act of Parliament for blocking up the Harbour of Boston and the Resolutions of the Town Meeting in consequence thereof is now before us. It is with the deepest concern we View the proceedings of Administration and late Act of Parliament respecting Boston, and look not only upon ourselves but all the other Colonies to be equally concerned with you in that Terrible and Unconstitutional Act. We propose at so alarming an Event to request our Governor to call the Assembly & hope you will find us disposed, to join you in appointing Deputies to attend a Congress, Petitioning the King or in adopting any other legal mode for obtaining redress that may be thought most Eligible or most likely to succeed.

We hear that the severall Committees of Merchants and private Men of property in the different Colonies propose a Congress of their deputies for the purpose of a Non Importation & perhaps a Non Exportation Agreement,[1] & Submit to you whether a Congress from the several Assemblies to Meet at the same Time would not be an Eligible mode of proceeding. We would by all Means recommend Moderation and firmness for we look upon this to be the Crisis that will determine us Freemen or Slaves. Whatever Measures you adopt, you'll please to communicate them to us with all convenient speed, and direct your Letters to James Kinsey Esqr. at Burlington. May a kind Providence Interpose & avert the impending ruin.

We are with great Esteem, Gentlemen your sincere Friends, and willing to be your fellow sufferers in the Cause of Liberty.

HENDRICK FISHER[2]
SAMUEL TUCKER[3]
JOHN WETHERILL[4]
ROBERT FRIEND PRICE[5]
JOHN HINCHMAN[6]
JOHN MEHELM[7]

1. On May 21 a group of Philadelphia merchants known as the Committee of Nineteen declined to participate in an economic boycott prior to the holding of a general congress; two days later its New York City counterpart, the Committee of Fifty-one, came to the same decision.

2. German-born Hendrick Fisher (1697-1779) of Bound Brook was the dean of Jersey legislators, representing Somerset County continuously from 1745 to 1776. A farmer and mechanic by occupation, he also served as judge of the county court of common pleas. Active in the affairs of the Dutch Reformed Church, he was a trustee of Queen's College (now Rutgers University). Fisher was an ardent Whig, representing New Jersey at the Stamp Act Congress in 1765, serving on the county committee of correspondence in 1774, and exercising leadership in the Provincial Congress as both president (1775) and vice-president (1775-1776).

3. Samuel Tucker (1721-1789), a merchant and large landowner from Trenton, served as assemblyman from Hunterdon County from 1769 to 1776. A justice of the peace as well as sheriff of the county, the Presbyterian Tucker was nonetheless active in protest politics as member of the county committee of correspondence (1774), standing committee of correspondence for New Jersey (1774), vice-president (1775) and president (1775-1776) of the Provincial Congress, and signer of the state constitution of 1776. Still, he was a suspected inactive Loyalist (probably a neutral) during the War for Independence.

4. Presbyterian John Wetherill (?-1784), a South Brunswick farmer, represented Middlesex County in the legislature from 1749 to 1776. He served on the county committee of correspondence in 1774 and in the Provincial Congress from 1775 to 1776.

5. Quaker Robert Friend Price was an assemblyman from Gloucester County from 1769 to the outbreak of the Revolution.

6. John Hinchman, like Price a member of the Society of Friends, represented Gloucester in the lower house from 1769 to 1776.

7. Upon immigrating from Ireland to America, John Mehelm taught school in Berks County, Pennsylvania, before taking up farming near Tewksbury, New Jersey. He served as assemblyman from Hunterdon County from 1772 to 1776, service that did not prevent him from sitting in the Provincial Congress from 1775 to 1776.

2 The Essex County Resolves on the Boston Port Act

[New Jersey Manuscripts, AM 13951, Firestone Library, Princeton University. The rough draft of the resolves printed here differs substantially from the abbreviated account published in the *Pennsylvania Journal; and the Weekly Advertiser* on June 29, 1774 and reprinted *NJA*, 29:406-8.]

The Essex meeting demonstrates the degree to which participatory democracy had become part of the process of protest politics in New Jersey. On June 7 a public advertisement was issued inviting all county residents, even those excluded by law from involvement in normal political activities, to gather in Newark to discuss the state of affairs. Throughout the meeting pains were taken to ensure that all views were presented and that the ultimate action of the gathering represented as nearly as possible the sentiments of the population as a whole. Such action did much to convert citizens to the cause, cloak the extralegal activities with an aura of legitimacy, and maximize popular support for the resistance movement.

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.

The Meeting was opened by unanimously choosing Stephen Crane[1] Esq. Moderator & Elisha Boudinot[2] 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 [of] the Question, It was then unanimously voted: That every Gentleman 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 the 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.[3]

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 unalienable 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 Freedom—a basis which we fondly hoped would have been Coëxistant with humanity. With horror & astonishm[en]t we have lately beheld America (not withstanding all the

advantages of Friendness, so often eventually experienced between her & Her Parent State) most unreasonably & injuriously deprived of her original Priviledges & Immunities; her powers of distinct Legislation & taxation under the immediate Controul of the Crown & its Governors, invaded & destroyed; her Trade & Navigation not only limited, so as to be virtually useless, but a power claimed & actually exerted of totally preventing & abolishing the same. And finally, we are Apprehensive of the long dreaded Era, too fast advancing, which has so often been foretold 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 Parliament for blocking up the port of Boston & regulating the government of the Massachusetts Bay, not only engage 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 ag[ain]st 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 priviledges & Immunities, we heretofore have, now do and ever hereafter most heartily rejoyce in rendering all the 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.

2nd. That the late act[s] 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.

4th. That this Body will readily & cheerfully 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.

5th. 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 & impowered 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 impowered to meet with the said County Committees and to nominate & appoint Delegates to represent this Province in general Congress.

6th. 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 Garritse,[4] Joseph Riggs,[5] William Livingston,[6] William Peartree Smith,[7] John De Hart,[8] John Chetwood,[9] Isaac Ogden[10] & Elias Boudinot[11] Esquires.

7th. That the Minutes of this Meeting be given to the Chairman and that these Resolves be printed in the public Newspapers.

1. Stephen Crane (1709-1780) of Elizabethtown was one of the foremost political figures in Essex County, holding the positions of high sheriff, judge of the court of common pleas, mayor of Elizabethtown, and assemblyman from 1766 to 1776 (he was Speaker from 1770 to 1772). The Presbyterian lawyer was a staunch Whig from the outbreak of the Stamp Act troubles through the Revolution.

2. Elisha Boudinot (1749-1819), a Newark lawyer, was the younger brother and close confidant of Elias Boudinot.

3. The customary methods of voting in New Jersey were voice vote and show of hands. However, the ballot came into use at about this time; the first recorded instance of balloting in the province occurred in a Somerset County mass meeting in December 1774.

4. Garritse, an Acquackanonk (now Passaic) farmer, represented Essex County in the assembly from 1772 to 1776.

5. Nothing is known about Riggs.

6. See Doc. 3, note 7.

7. William Peartree Smith was an independently wealthy landowner and merchant from Elizabethtown and a close personal friend of William Livingston. An ardent Presbyterian, he was a principal patron of the College of New Jersey (now Princeton University). He served in the Provincial Congress in 1775.

8. See Doc. 4, note 8.

9. Anglican John Chetwood was an Elizabethtown lawyer; he served in the Provincial Congress in 1775.

10. Isaac Ogden, son of Judge David Ogden of Newark, was a lawyer and sergeant of the New Jersey Supreme Court. Although he was a member of the Provincial Congress in 1774, he became a Loyalist at the outbreak of the Revolution.

11. Boudinot, from Elizabethtown, was one of the leading lawyers in New Jersey and an intimate associate of Stephen Crane and William Peartree Smith.

3 James Kinsey to Elias Boudinot

[Boudinot Papers, I, Library of Congress.]

While virtually all Jerseymen believed that some action was necessary to counteract the Massachusetts Acts, they were divided as to the best course to pursue. In the two letters to Elias Boudinot which follow, James Kinsey, who preferred that the legislature maintain its direction of the protest movement, not only surveys the options available but also reveals the behind-the-scenes maneuvering that helped forge a united front in the province. Kinsey (1731-1803), a prominent Burlington lawyer, enjoyed great popularity as a champion of legislative prerogatives during his tenure as assemblyman from Burlington County from 1772 to 1775. Despite membership in the Society of Friends, he served on the Burlington County Committee of Correspondence and in the Continental Congress from 1774 to 1775. When the resistance movement became transformed into a fight for independence, Kinsey abandoned political activities. He took up politics once again after the war, and served as chief justice of the state supreme court from 1789 to 1803.

June 14, 1774

Dear Sir

. . . . Such of Our Committee[1] Who Met at Brunswick were of opinion that It was Necessary to Call a Meeting of the Ass[embl]y & signed a petition in which they Ran into the blunder of the Philadelphians who Mentioned that they looked on the Boston Port Bill &c to be a bad thing which they beheld with anxiety and Wanted a Meeting to Devise Measures to get Relief from it. All this is Very true and if I had Not Seen the petition in the last Mondays paper I should Not have thought it possible that any Gentlemen who were in Earnest for a Meeting should Mention A fact to the Gov[erno]r which wou[l]d Effectually Prevent him in granting their Request—his Commission in My Opinion Wou[l]d be the forfeit if he did for *that Reason.*[2] I am greatly distressed and wou[l]d do anything to Serve the people of Boston; in truth We are All equally Concerned. The Letters I have Rec'd propose a Congress. The Committee of Correspondence are Not Authorised to Attend it. I drew a petition only Mentioning that being of Opinion the publick Business of the province Required a Meeting of the Legislature. We requested a Meeting of the Ass[embl]y in August Next which was the Time We met last at [Perth] Amboy. The Gov[erno]r has promised that when the *Speaker* & about 8 or Nine Members request it he would be willing Always to do it—see in one of his Messages. I Applied to the Speaker[3] who has refused to Sign it Alledging he does not think the Affairs of *this Colony* require it but the Massachusetts Bill and advising to Lett Colonys *more interested* take the lead so that we Cannot take any part with the Other Colonies before October Next. Now tho I wou[l]d not willingly do any thing More than what the Common Interest & prudence require and tho I wou[l]d be as much against any Rash Hotheaded Measures as anybody, Yet Something ought to be done to shew it to be the Universal Sentiment of America Not to submitt to taxation and that we Apprehend the Boston

Port Bill is Unjust Cruel & Oppressive and if Acquiesced with Must be of exceeding bad Consequence; in truth to do everything to relieve our Brethren which We shou[l]d expect were we in the same Situation. To Sneak in time of Danger is too Mean & to Shrink from one's duty because of Consequences where all we have at Stake is the Basest Cowardice. You are Concerned as Much as Me. Cannot You get a petition drawn & Crane[4] [&] Garritse[5] to sign it? Forward it to the Bergen Members & Morris[6] & Get it Signed by All & Returned to Me in a fortnight that we may petition with at least a Majority of the House. All this If You think the Measure Right; If Not I Wou[l]d Not wish it. I have heard but of two things proposed in the present Alarming Situation of America. The first is a Non Importation agreement; the second is a Congress and the United petition of the Colonies for Redress. The first I am affraid so much Interferes with the private Expectations & Interest of individuals that I deem it impracticable at least until the other is tried. What More Can be done sett down and bestow some Attention on the Subject and give Me your advice. What does Mr. L____[7] 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[8] and that I think the present times shou[l]d; and that it is his duty. If I had the same Abilities I shou[l]d hold myself inexcusable. . . .

July 2, 1774

It seems to be the Universal Opinion that it is Necessary to have a general Congress of Deputies from the Several provinces in America. The Mode of fixing on these Deputies is Not so Well Settled. By some Resolutions of Your County It is proposed to Elect Deputies from each County & they to Chuse others to Attend the Congress. In Boston & penns[ylvani]a the Members of Ass[embl]y Appoint some of their own body to that service. The Mode appears to Me Not Material, at least Not so Much so as to have the province Represented for which reason I Did intend to have requested a Meeting of our Committee of Correspondence soon and to propose to them to request the several Members of Ass[embl]y to Assemble and fix on some of them to Attend the Meeting of the Congress but am prevented through Apprehension of hind[e]ring perhaps a More Eligible Method. It is Evident a Mode must be adopted as extraordinary as the Occasion whether petitions or Agreements Made by the deputies as you proposed or by the Assembly will have Most Weight here and at home I Know not but Incline to think that If the Assembly Men will Meet It will be the Most agreeable to what has been hitherto done as well as More practicable. I Confess I think More proper persons might be selected from people out of the House and It wou[l]d be most agreeable to Me that they shou[l]d be so Chosen if it Can be Effectually Carried into execution. I have presented a petition to the Gov[erno]r to Call the Ass[embl]y, but the Scattered situation in which the Members live is such that I Got only Six signers. Pray Speak to Crane to get three or four More & send it speedily but Not to Mention to purposes We want to Consider of or as the Pennsylv[ani]a freeholders did Mention a fact in their petition which wou[l]d Alone have Caused the Gov[erno]r to have refused it.

I had laid a Scheme to have got the Assembly Called in August and believe I should have Effected it, If It had not been for the publication of the Letter from one

of our Committee Who Met at Brunswick. I shall forbear taking any Steps Untill I hear from you. If You think It will be improper or interfere with any Views Your People May have at heart for the publick Service I will most willingly desist & pray Consult such of them as You think You can *Safely* trust. I applied to the Speaker to Sign a petition to the Gov[erno]r Who refused it. We rec[eive]d Your Letter signed by S. Crane which I gave to Mr. Ellis.[9] No body seems willing here to Step forward and I think it not proper for me to do it indeed I am pretty Confident it will be in the power of some Evill disposed persons to Do the province disservice if I shou[l]d Attempt that to do which is really requisite Without Rushing into More Ought only to be expected from me. I hear Burlington County intend to Meet. If they do I will endeavor to Get some persons to Attend that May take the Lead to do what is Necessary & prevent Improprities. Pray write to Me in this Subject that I may not do you Prejudice. . . .

Your Friend &c,
J. KINSEY

1. The legislative committee that met in New Brunswick on May 31. See Doc. 1.

2. One of the committeemen who met at New Brunswick on May 31 wrote an account of the meeting which was published in the *Pennsylvania Gazette* on June 8. The unidentified writer blundered by revealing that they had decided to ask the governor to summon the legislature in August to take action on the current crisis. Kinsey realized that if Governor William Franklin knew the purpose of the session, he would probably not call the General Assembly.

3. Cortlandt Skinner, who also represented Perth Amboy in the assembly.

4. Stephen Crane, representative from Essex County, 1766-1776.

5. Henry Garritse, farmer from Acquackanonk (now Passaic), who served as assemblyman from Essex County, 1772-1776.

6. That is, the legislators from the counties of Bergen (John Demarest and Theunis Dey) and Morris (Jacob Ford and William Winds).

7. William Livingston (1723-1790), Presbyterian lawyer from New York who "retired" to his mansion, "Liberty Hall," near Elizabethtown in 1772. Livingston later represented New Jersey in the Continental Congress from 1774 to 1776, at which time he was elected the first governor of the state of New Jersey.

8. The reference is generally to Livingston's deep involvement in the political wars of New York and particularly to his attack upon the proposed Anglican domination of King's College (now Columbia University) in the 1750s.

9. Probably Daniel Ellis (1728-1794) of the city of Burlington. A wealthy landowner and lawyer, Ellis adopted a moderate Loyalist stance with the onset of the Revolution.

4 The Resolves of the New Brunswick Convention

[*Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey* (Trenton, 1879), pp. 25-27. Hereafter *PCCS Minutes.*]

The gathering of county committeemen in New Brunswick marked the first colony-wide extralegal conference in New Jersey. While their authority and responsibility were essentially local, the delegates brought unprecedented unity to the protest movement and paved the way for the truly united action that would be provided a year later by the Provincial Congress (see Sec. V, Doc. 1). The New Brunswick gathering also marked a turning point in the structural organization of the popular front. By going beyond a declaration of rights and grievances to the appointment of delegates to the First Continental Congress and the institution of a campaign to provide relief for the people of Boston, the conclave assumed temporary direction of the resistance movement; eventually the extralegal organization would replace the legislature as coordinator of protest activities in New Jersey.

[July 23, 1774][1]

At a general meeting of the Committees of the several Counties of the Province of New Jersey, at New Brunswick, on Thursday, the 21st July, and continued to the Saturday following. Present, seventy-two Members.

Stephen Crane,[2] Esquire, in The Chair.

The Committees taking into their serious consideration the dangerous and destructive nature of sundry Acts of the British Parliament, with respect to the fundamental liberties of the American Colonies, conceive it their indispensable duty to bear their open testimony against them, and to concur with the other Colonies in prosecuting all legal and necessary measures, for obtaining their speedy repeal. Therefore, we unanimously agree in the following sentiments and Resolutions:

1st, We think it necessary to declare that the inhabitants of this Province, (and we are confident the people of America in general) are, and ever have been, firm and unshaken in their loyalty to his Majesty King George the Third; fast friends to the Revolution settlement;[3] and that they detest all thoughts of an independence on the Crown of Great Britain; Accordingly we do, in a most sincere and solemn manner, recognize and acknowledge his Majesty King George the Third to be our lawful and rightful Sovereign, to whom under his royal protection in our fundamental rights and privileges, we owe, and will render all due faith and allegiance.

2d. We think ourselves warranted from the principles of our excellent Constitution, to affirm that the claim of the British Parliament, (in which we neither are, nor can be represented) to make laws, which shall be binding on the King's American subjects, "in all cases whatsoever,"[4] and particularly for imposing taxes for the purpose of raising a revenue in America is unconstitutional and oppressive, and which we think ourselves bound in duty to ourselves and our posterity, by all constitutional means in our power, to oppose.

3d. We think the several late Acts of Parliament for shutting up the port of Boston, invading the Charter rights of the Province of the Massachusetts Bay, and subjecting supposed offenders to be sent for trial to other Colonies, or to Great Britain; the sending over an armed force to carry the same into effect, and thereby reducing many thousands of innocent and loyal inhabitants to poverty and distress; are not only subversive of the undoubted rights of his Majesty's American subjects, but also repugnant to the common principles of humanity and justice. These proceedings, so violent in themselves, and so truly alarming to the other Colonies, (many of which are equally exposed to Ministerial vengeance,) render it the indispensable duty of all, heartily to unite in the most proper measures, to procure redress for their oppressed countrymen, now suffering in the common cause; and for the re-establishment of the constitutional rights of America on a solid and permanent foundation.

4th. To effect this important purpose, we conceive the most eligible method is, to appoint a General Congress of Commissioners of the respective Colonies; who shall be empowered mutually to pledge, each to the rest, the publick honour and faith of their constituent Colonies, firmly and inviolably to adhere to the determinations of the said Congress.

5th. *Resolved,* That we do earnestly recommend a general non-importation and a non-consumption agreement to be entered into at such time, and regulated in such manner, as to the Congress shall appear most adviseable.

6th. *Resolved,* That it appears to us, to be a duty incumbent on the good people of this Province, to afford some immediate relief to the many suffering inhabitants of the town of Boston.

Therefore, the several County Committees do now engage to set on foot, and promote collections, without delay, either by subscriptions or otherwise, throughout their respective counties; and that they will remit the money arising from such subscriptions, or any other benefactions, that may be voluntarily made by the inhabitants, either to Boston, or into the hands of James Neilson, John Dennis, William Ouke, Abraham Hunt, Samuel Tucker, Dr. Isaac Smith, Grant Gibbon, Thomas Sinnicks, and John Carey, whom we do hereby appoint a Committee for forwarding the same to Boston, in such a way and manner as they may be advised will best answer the benevolent purpose designed.

7th. *Resolved,* That the grateful acknowledgments of this body are due to the noble and worthy patrons of constitutional liberty, in the British Senate,[5] for their laudable efforts to avert the storm they behold impending over a much injured Colony, and in support of the just rights of the King's subjects in America.

8th. *Resolved,* That James Kinsey,[6] William Livingston,[7] John DeHart,[8] Stephen Crane,[9] and Richard Smith,[10] Esquires, or such of them as shall attend, be the Delegates to represent this Province in the General Continental Congress, to be held at the City of Philadelphia, on or about the first day of September next, to meet, consult, and advise with the Deputies from the other Colonies, and to determine upon all such prudent and lawful measures as may be judged most expedient for the Colonies immediately and unitedly to adopt, in order to obtain relief for an oppressed people, and the redess of our general grievances.

Signed by Order,
JONATHAN D. SERGEANT, Clerk.[11]

1. The undated resolutions were probably adopted on the final day of the meeting.

2. Crane had earlier chaired the Essex County mass meeting. See Doc. 2.

3. The Glorious Revolution of 1688-1689, which brought William and Mary to the throne, provided for a Protestant succession, and produced the English Bill of Rights.

4. As asserted by Parliament in the Declaratory Act of 1766 which accompanied the repeal of the Stamp Act.

5. That is, the House of Lords.

6. Kinsey, Burlington lawyer and assemblyman, had favored the calling of the General Assembly instead of convening a popular convention to choose delegates. See Doc. 3.

7. A transplanted New Yorker, Livingston became active in Jersey politics in 1774. See Doc. 3, notes 7 and 8.

8. De Hart (1729-1795), a distinguished Elizabethtown lawyer, represented New Jersey in both the First and Second Continental Congress. He was subsequently named as a congressional delegate again in February 1776, but resigned shortly thereafter in June 1776. One of the few Anglicans at the forefront of rebel ranks, he was a member of St. John's Church in Elizabethtown, whose pastor was an archloyalist, the Reverend Thomas Bradbury Chandler.

9. A representative from Essex County since 1766, Crane was one of the most influential members of the lower house.

10. Smith, a prominent Quaker lawyer from Burlington, was active in the protest movement although the Society of Friends instructed its members to maintain a position of neutrality during the imperial crises.

11. Sergeant (1746-1793), studied law with Richard Stockton after graduating from both the College of New Jersey (now Princeton University) and the College of Philadelphia (now University of Pennsylvania) and established practice in Princeton. A strong Whig, he was a member of numerous local radical committees in addition to serving in the Provincial Congress from 1775 to 1776 (he held the posts of secretary and treasurer) and the Continental Congress from February to June 1776. He probably resigned the latter post in order to serve on the committee that drafted the state constitution of 1776.

5 "B.N." on the Continental Congress

[*New-York Journal; or, the General Advertiser,* August 4, 1774.]

The calling of the Continental Congress was unprecedented in the annals of American history, the nature and scope of the conclave far surpassing that of the earlier Stamp Act Congress. Surely the unidentified writer who penned the essay that follows bespoke the questions troubling many of his fellow

Jerseymen. Unfortunately, few accepted the offer to discuss the impending Congress in the press.

From New Jersey, July 25, 1774

Mr. Printer

If you think the following tends to promote the interest of America, please to give it a place in your weekly paper. B. N.

It seems now to be a matter past doubt, that there will be a general congress of delegates from the several British colonies in America. A very important assembly it will be. The weal of America, yea and of Britain too, will very much depend upon their proceedings. Never in this country, has more depended upon an assembly of men, than depends upon this. Liberty or oppression, if not abject slavery, depends upon the turn that things shall now take. The contest between Britain and the colonies runs high. Matters are now come to a crisis. Something must be done by America: And nothing considerable can be done till there is a general congress. The eyes of all America will be on this assembly. The provinces are ripe for doing something: They want to know what. How much depends upon the wisdom and integrity of these delegates! How fatal to us all, if by any means they give a wrong turn to our affairs! If they should not agree, so that the colonies might unite in some proper measure, America is undone; or at best thrown into the utmost confusion.

It should not be deemed arrogance, or presumption, for any person in a modest and rational manner, to suggest what is thought proper to be done at the general congress. On the contrary, 'tis very desirable that numbers from various parts of our land, would impartially offer their sentiments on this head. The delegates must certainly desire to know the mind of the country in general. No rational man will think himself so well acquainted with our affairs, as that he cannot have a more full and better view of them. No human mind is capable of taking in all things: We by degrees obtain the knowledge which we have. No delegate, before he meets the rest should think he knows the state and interest of all the provinces, so fully and clearly as that he cannot know them better. No delegate should go with a full persuasion that he has so formed the proper plan of proceeding, as that he will by no means alter. Every wise man will alter for the better, as he sees opportunity. Yet 'tis very desirable that every member of that important assembly should have as general and complete a view of our affairs, and what is proper to be done, as he possibly can, before he meets in general congress. And for this reason the more there is suggested in our public papers the better, if it is done in a becoming manner.

The delegates should go to the congress with hearts deeply affected with the weight and vast importance of their business: With a proper concern, if not anxiety of mind, considering how much is depending, and how difficult it may be to determine matters in the best manner. Every wise man will have a modest diffidence as to his own abilities, in managing such arduous affairs. In this view let it not be thought amiss, if I say, they should go to the great congress with a proper dependance on the Father of Lights and Mercies, who gives wisdom liberally to those who ask him. And no doubt many will pray for them.

When the delegates are met, several things will lie before them, as matters of consideration, inquiry, or debate. Some of these will be matters of great importance, others of less. One important inquiry no doubt will be, *in what manner shall we make our application to Great Britain?* Shall we petition as humble supplicants? Or shall we insist on things as our *right*? Shall we apply for all that we deem our rights and privileges? Or only for relief in those matters that now press us? Shall our application be made by this general congress? Or shall this assembly only point out and advise what the several provincial Assemblies or Houses of Burgesses shall apply for?

Another considerable head of enquiry respects our trade. Shall we stop importation only, or shall we cease exportation also? Shall this extend only to Great Britain and Ireland, or shall it comprehend the West India islands? At what time shall this cessation begin? Shall we stop trade till we obtain what we think reasonable, and which will secure us for time to come; or shall it be only till we obtain relief in those particulars which now immediately oppress us? Shall we first apply for relief, and wait for an answer before we stop trade, or shall we stop trade while we are making application?

'Tis the general voice of the colonies that we cannot submit to be taxed by the British Parliament; but we by no means refuse to bear our proper, a reasonable part in our public expences. [*We ourselves being sole judges of the propriety and reasonableness of all requisitions that may be made, and of the mode of levying and applying all we shall think proper to raise.*][1] If we can have all our natural privileges of trade, we are willing to bear our proper part of the burden of expences. We are willing to let Britain know this; we ought now to express our readiness to it. Therefore another important enquiry may be, *in what manner shall we pay our part of the public expence*? This matter once settled, and our proper privileges, and natural rights of trade secured, then peace, most agreeable peace, is established between Britain and the colonies. Jealousies will be then removed, and cordial friendship continue. The mother country and her offspring colonies will then go on to prosper, and numerous blessings [will] attend them both. 'Tis true this matter cannot be settled by the congress, because it will be a work of time, and must be by mutual agreement between Britain and the colonies: Yet it may be highly expedient for the congress to consider this matter, and propose what may be proper for the several provincial Assemblies to offer, or comply with. The several provinces ought to be agreed in this matter; and they cannot so well agree as by a general congress.

Another enquiry among the delegates, no doubt will be, *whether we shall offer to pay for the tea that has been destroyed*?[2] This should be freely and calmly debated. What will be proper in point of equity? What may be proper in point of prudence or expediency? What consequences will they in Britain draw from our offering to pay for it? In point of equity the following queries may take place. Was the *act of Parliament* that brought the tea here, an unconstitutional *act, tending* to produce the pernicious consequences that have flowed from it? Was the East India company previously warned by several members of Parliament, and told they would suffer loss by sending their tea here? Has not that unconstitutional act of Parliament, and the East India company's conduct, been the proper and unavoidable cause of ten times more danger to America, than the East India company have sustained? If the company must be made whole, is it not as reasonable that the expense should lie upon Britain as America, since a *British act* was the faulty cause of it, and the destruction of the tea, was not the act of America, nor of particular cities, as such,

but of mobs?

Some queries of less importance, may respect the mode of the delegates proceeding among themselves. Shall the congress be open to all that can see or hear, or shall the delegates be by themselves? Shall they allow their debates to be taken down in short hand? Shall they keep minutes of their proceedings and votes, to be afterwards printed, as is done in provincial Assemblies, that the colonies may know how each member stood affected, and voted?

The delegates from the province ought to be the most hearty friends to America, men that will give up their own private interest for the public good, when these two come in competition. He that will not do this is no real friend to the public. This important assembly will be in danger from false or pretended friends. There are a few in almost every province, who, from one reason or other, would be glad to bring America to submit to the ministerial unconstitutional measures which we are now threatened with. If any of these persons, under disguise, should be sent to the congress (as possibly some may) they will, under shew of friendship, try to embarrass and confound the measures proposed. They will act as *Hushai* did with *Absalom*.[3] It may be difficult, sometimes, in the congress, to know whether a man opposes a proposition from a true regard to the good of his country, according to his view of things; or whether he does it to undermine the whole design. The members of this important assembly should not be too jealous of each other; that will destroy free debate. They must receive and treat one another as open hearted friends; but not be so off their guard as if they were certain there was no enemy among them.

Considering the vast importance of this congress, the long train of most interesting consequences that may follow from their advice or determinations; considering the need they have of wisdom, as well as integrity, it might be proper for the several provinces to observe a day of fasting and prayer about the time that the delegates meet; and if the provinces as such do not, yet it may be proper for as many persons, or societies, as can, to do it. There are two reasons why this may be proper: First, because human wisdom comes down from the Father of lights and mercies, and human determinations are over-ruled by the great God, who is a prayer-hearing God. A greater statesman and politican than will meet in this convention, has left us this observation: "There are many devices in the heart of man, but [it is] the *counsel of the Lord* that shall stand." Secondly, in a political view, such a day of fasting would win people's attention to the importance of the intended congress, and fit them to receive, and be ready to act, upon the determinations of that important assembly.

If what I have offered should induce any friends to America to offer their sentiments upon the fore mentioned queries, or others of the like nature, and be a means, though in the least degree, to assist any of the delegates at the intended convention, it will be a sufficient compensation for what I have here done.

1. Material in brackets was probably inserted by the printer of the *Journal*, John Holt, an ardent Whig.

2. That the Congress should determine whether or not restitution should be made for the tea destroyed during Boston's "tea party" in December 1773 is a novel suggestion. According to John Adams, William Livingston and John Witherspoon tried unsuccessfully to get the New Brunswick conference to

instruct the New Jersey congressional delegation to oppose payment to the East India Company.

3. Hushai the Archite, and Absalom, third son of King David. Specifically, the reference is to the treachery of Hushai who, feigning loyalty to the rebel Absalom, counselled delay in attacking David in hopes that the rebellion of the self-proclaimed king and his dissident followers would be crushed by his father. See 2 Sam. 13:1-39, 14:1-24, 15:7-37, 17:1-14, 18:1-17.

6 "Z" on the Nature of the Imperial Controversy

[*New-York Gazette; and the Weekly Mercury,* August 15, 1774.]

Perhaps to most New Jerseyans the primary task of the Continental Congress would be to resolve the thorny issue of imperial taxation. There were two dimensions to the dispute. The first problem stemmed from the nature and purpose of the tax. During the Stamp Act crisis Americans had challenged the constitutionality of internal taxes (taxes designed primarily to raise revenue) but not external taxes (duties imposed on imports and exports whose principal purpose was to regulate commerce). Of course the attempt to distinguish between "internal" or revenue taxes and "external" or regulatory taxes was specious because a measure could easily do both. The Townshend duties brought the issue to the fore. Hoping to overcome the American objections to the Stamp Act, Charles Townshend devised a series of import duties that would also raise revenue. The result was the colonial denial of the authority of Parliament to levy any taxes on America. That was the crux of the issue, for in reality the debate over "internal" and "external" taxes was secondary to the larger question of the constitutional power of taxation. In protesting against the Stamp Act and Townshend duties, Americans contended that they could be taxed only by their elected representatives: since they were not actually represented in the House of Commons, Parliament had no right to impose taxes on the colonists. On the other hand, the British argued that the Americans were represented in Parliament in spirit if not in fact because its members acted in the best interests of the nation as a whole. The controversy over "actual" and "virtual" representation, like that over "internal" and "external" taxation, was further complicated because many Americans were unable to vote for their legislators just as numerous Britons were unrepresented in Parliament. The essay that follows is the most extensive discussion of the taxation-representation problem written by a resident of New Jersey during the pre-revolutionary era. Ironically, it is an anachronistic discussion, for by the summer of 1774 the stakes of the imperial contest had shifted from taxes to the more fundamental matter of sovereignty. Nonetheless, the cautious, moderate views

expressed by the unidentified author capture the prevalent political mood of the province.

New-Jersey, 29th July, 1774

To the INHABITANTS of New-Jersey,

Friends and Countrymen:

We are involved in a dispute with the mother-country, that is of the most serious nature. It is now brought to a crisis, and upon our conduct at this time every thing will depend.

If we calmly view the controversy we shall find that both sides are wrong; the Parliament is carrying their authority or right of taxation farther than is consistent with the rights of the colonists; the colonists too far in denying ALL authority of Parliament.

To draw the line is difficult, but yet, I apprehend a calm, prudent and steady perseverance in what is right, not making extravagant and improper demands, will bring about a reconciliation. We have lost the distinction between internal and external taxation, and absurdly call every impost upon trade a taxation; but if we would restore words to their proper meaning, we should find that TAXES are certain portions of our estates taken from us by the legislative authority, for the public service, and are to be paid whether we will or not; that on the other hand DUTIES are certain rates, set on certain articles of luxury; and are either intended as prohibitions of those articles, and therefore laid high, or are set so low as to raise a revenue to the state, and are levied only on the consumer; so that under this species of taxation every person contributes as he pleases, but none are compelled; hence a wide difference in the taxes if we may with propriety call the last by that name.

The duty on Tea has raised this mighty contest, fomented I fear by men whose interest it is to discourage the trade with Britain for this article of luxury, because it will deprive them of their enormous gains in their trade with the Dutch, to whom they make no scruple to pay duties tho' their consciences will not permit them to pay any to the state that protects them, even while they are carrying on their destructive commerce.[1]

Let us, my countrymen, be steady in our duty to Great-Britain, and at the same time that we carefully guard our liberties; let us not deny the authority of Parliament where it alone can have jurisdiction, and thereby break that bond of union, which has made the empire we belong to so great and glorious. In short, while we contend for our rights, let us not attempt to deprive them of theirs, by denying that we are bound by the acts of the British legislature, in laying duties upon any foreign articles imported to us; we in fact declare an independancy inconsistent with our interest, and with every idea of a colony, which in itself carries the idea of dependance. Instead therefore, my countrymen, of persisting in the absurd denial of the authority of Great-Britain, in imposing any duties upon Tea or other articles of luxury and foreign produce; let us endeavour to draw a line which will put an end to the present, and [prevent][2] future contests between us and the mother-country.

We are a part of a very great and powerful empire, and tho' from our great distance from the mother-country, we cannot be represented in Parliament, and have therefore a representation of our own; yet this doth not destroy or take away all

authority of the mother-country, but only abridges its power in such instances, wherein from the nature of the thing it cannot be a complete judge. Hence it follows naturally that it would be improper for Parliament to tax our estates, because they cannot know what sums we are able to pay, nor in what mode it would be proper to raise it, and therefore this should be left to our own Representatives: so on the other hand our jurisdictions are limited, and we cannot regulate trade or extend our authority to any matter out of our colonies; indeed, if we could we should from our situations, the different geniuses of the people of these colonies and many other things, never be able to pass laws that would be uniform (which they ought to be), but our different interests would lead us to different regulations, inconsistent with the central good; our laws would clash and be often repugnant to those of the mother-country: hence it follows that the restraining and regulating trade by prohibitions, by duties, &c. must rest with the mother country, where only a universal and superintendant power can be lodged.

This then being a true state of our situation, instead of denying ALL authority in Parliament; let us contend warmly that our estates should be taxed only by our Representatives in General Assembly; let us acknowledge that as parts of one great empire, we are ready to support and maintain it by contributing our portion to the national expence, but that our own Representatives are the only judges of the mode of laying and raising the taxes for this purpose. That on the other hand Parliament from the nature and necessity of the thing, must and ought to have the right of regulating and restraining trade, and laying such duties (let it be for revenue or what it will) on articles of luxury and foreign growth and manufactures. With these sentiments, let us guard against the madness of some men, who are inflaming our minds and hurrying us into an open rupture with our mother-country. Let us instead of denying the authority in the mother-country instruct our Represenatives in General-Assembly and those who shall meet in the intended General Congress, to use every means in their power to conciliate this dangerous controversy, to procure an exemption of our effects from Parliamentary taxation, and leave Parliament to a full exercise of their power as to laying duties and restraints on trade.

Should we thus distinguish between INTERNAL and EXTERNAL taxation, and speedily make the proposal; so just and reasonable a request, we have the greatest reason to believe will not be denied: on the contrary, we may safely presume that his Majesty and his Ministers as well as Parliament will hearken to the justice of our request, and readily accept of our proposals. On the other hand think, my countrymen, of the danger attending an obstinate perseverance in so generally denying the authority of Parliament, that with the confusion it has and will introduce, we may in the heat and hurry of our spirits inflamed by men, who perhaps are without consequence but in times of tumult and disorder, be involved in the horrors of a civil war, and to the ruin of our liberty be compelled to submit by force.

Z.[3]

1. To avoid compliance with the tea tax retained when Parliament repealed the other Townshend duties, American merchants began to smuggle cheap Dutch tea. The Tea Act lowered the price of the East India Company tea to a

level where smuggling became unprofitable and legitimate merchants could not compete with East India tea retailers.

2. Printer's insertion.
3. Is "Z" John Lawrence? See Sec. IV, Doc. 1, note 2.

7 The Reverend John Witherspoon, "Thoughts on American Liberty"

[John Witherspoon, *The Works of John Witherspoon* (9 vols., Edinburgh, 1804), 9:73-77. Hereafter *Works of John Witherspoon.*]

The Reverend Dr. John Witherspoon (1723-1794), an ardent Presbyterian and a zealous Whig, maintained discreet public silence on imperial affairs from his appointment to the presidency of the College of New Jersey (now Princeton University) in 1768 until early 1775. Nonetheless, his personal sentiments were not lost on his associates or students, and the college at Princeton soon became widely recognized as either the paragon of patriotism or the seat of sedition, depending upon one's politics. In 1775 Witherspoon became actively involved in political activities and quickly rose to the forefront of the radical ranks. He unequivocally proclaimed his position to posterity in signing the Declaration of Independence. The undated, unpublished essay that follows was probably written in August—certainly after the New Brunswick meeting of July 21-23 and before the Congress convened on September 5. It succinctly states the position of the more radical Jersey Whigs not only in its uncompromising attitude on the current crisis but also in its decidedly "national" perspective and militancy on the whole matter of Anglo-American relations. Witherspoon is definitely writing here as an American, not as a Jerseyman or a colonial.

[August 1774]

The Congress is, properly speaking, the representative of the great body of the people of North America. Their election is for a particular purpose, and a particular season only; it is quite distinct from the assemblies of the several provinces. What will be before them, is quite different from what was or could be in the view of the electors, when the assemblies are chosen. Therefore those provinces are wrong, who committed it to the assembly as such, to send delegates, though in some provinces, such as Boston and Virginia, and some others, the unanimity of sentiment is such, as to make it the same thing in effect.

It is at least extremely uncertain, whether it could be proper or safe for the Congress to send, either ambassadors, petition or address, directly to king or parliament, or both. They may treat them as a disorderly, unconstitutional meeting

—they may hold their meeting itself to be criminal—they may find so many objections in point of legal form, that it is plainly in the power of those who wish to be able to do it, to deaden the zeal of the multitude in the colonies, by ambiguous, dilatory, frivolous answers, perhaps severer measures. It is certain that this Congress is different from any regular exertion, in the accustomed forms of a quiet, approved, settled constitution. It is an interruption or suspension of the usual forms, and an appeal to the great law of reason, the first principles of the social union, and the multitude collectively, for whose benefit all the particular laws and customs of a constituted state, are supposed to have been originally established.

There is not the least reason, as yet, to think that either the king, the parliament, or even the people of Great Britain, have been able to enter into the great principles of universal liberty, or are willing to hear the discussion of the point of right, without prejudice. They have not only taken no pains to convince us that submission to their claim is consistent with liberty among us, but it is doubtful whether they expect or desire we should be convinced of it. It seems rather that they mean to force us to be absolute slaves, knowing ourselves to be such by the hard law of necessity. If this is not their meaning, and they wish us to believe that our properties and lives are quite safe in the absolute disposal of the British Parliament, the late acts with respect to Boston, to ruin their capital, destroy their charter, and grant the soldiers a licence to murder them, are certainly arguments of a very singular nature.

Therefore it follows, that the great object of the approaching Congress should be to unite the colonies, and make them as one body, in any measure of self-defence, to assure the people of Great Britain that we will not submit voluntarily, and convince them that it would be either impossible or unprofitable for them to compel us by open violence.

For this purpose, the following resolutions and recommendations are submitted to their consideration:

1. To profess as all the provincial and county rulers have done, our loyalty to the king, and our backwardness to break our connection with Great Britain, if we are not forced by their unjust impositions. Here it may not be improper to compare our past conduct with that of Great Britain itself, and perhaps explicitly to profess our detestation of the virulent and insolent abuse of his majesty's person and family, which so many have been guilty of in that island.

2. To declare, not only that we esteem the claim of the British Parliament to be illegal and unconstitutional, but that we are firmly determined never to submit to it, and do deliberately prefer war with all its horrors, and even extermination itself, to slavery rivetted on us and our posterity.

3. To resolve that we will adhere to the interest of the whole body, and no colony shall make its separate peace, or from the hope of partial distinction, leave others as the victims of ministerial vengeance, but that we will continue united, and pursue the same measures, till American liberty is settled on a solid basis, and in particular, till the now suffering colony of Massachusetts Bay is restored to all the rights of which it has been on this occasion, unjustly deprived.

4. That a non-importation agreement, which has been too long delayed, should be entered into immediately, and at the same time, a general non-consumptive agreement, as to all British goods at least, should be circulated universally through the country, and take place immediately, that those who have retarded the non-importation agreement, may not make a profit to themselves by this injury to their country.

5. That some of the most effectual measures should be taken to promote, not only industry in general, but manufactures in particular; such as granting premiums in different colonies for manufactures which can be produced in them; appointing public markets for all the materials of manufacture; inviting over and encouraging able manufactures in every branch; and appointing societies in every great city, especially in principal sea-ports, to receive subscriptions for directing and encouraging emigrants who shall come over from Europe, whether manufacturers or labourers, and publishing proposals for this purpose, in the British newspapers.

6. That it be recommended to the legislature of every colony, to put their militia upon the best footing; and to all Americans to provide themselves with arms, in case of a war with the Indians, French or Roman Catholics, or in case they should be reduced to the hard necessity of defending themselves from murder and assassination.

7. That a committee should be appointed to draw up an earnest and affectionate address to the army and navy, putting them in mind of their character as Britons, the reproach which they will bring upon themselves, and the danger to which they will be exposed, if they allow themselves to be in the instruments of enslaving their country.

8. That a plan of union should be laid down for all the colonies, so that, as formerly, they may correspond and ascertain how they shall effectually cooperate in such measures as shall be necessary to their common defence.

8 Samuel Allinson to Patrick Henry

[Letter Book, Allinson Papers, Alexander Library, Rutgers University.]

Predictably the discrepancy between the rhetoric of white colonials who feared enslavement from Britain and the reality of black African slavery in America become increasingly obvious to thinking people. The issue of slavery was not an abstraction to residents of New Jersey. Most of the approximately 8,000 Negroes (12 percent of the population) who lived in the province were slaves, making New Jersey the second largest slave colony (New York was first) north of Maryland. With the increased concern about matters of personal liberty after 1765, New Jersey Quakers, drawing on the tradition established by the famous John Woolman, stepped up their efforts to ameliorate the plight of those in bondage through manumission if not abolition. Formal petitions to the legislature were to no avail, as the assemblymen declined to broach the controversial issue during times of imperial crisis. Undaunted, Friends applied pressure upon men of political influence in the Congress as well as in New Jersey. Representative are the thoughts of Samuel Allinson (see Sec. II, Doc. 3), who in the letter below shrewdly called upon Patrick Henry of Virginia five months before Henry's renowned liberty-or-death speech.

Bur[lingto]n 10th Mo. 17th 1774

Resp[ecte]d Friend

Altho' a stranger to thy person, I am not quite so to thy character, which emboldens me to take the freedom of addressing thee on a subject that often occurs to me as an important one: I mean the case of the poor Negroes in Slavery. A case which never called louder for a candid consideration & just conclusions, than at a time when many or all the Inhabitants of N. America are groaning under unconstitutional impositions destructive of their Liberty. How far the present troubles may be brought up on a people so highly favoured by the Almighty as these colonies have been since their first settlement, as a punishment in kind for this very thing, is not for a Mortal to determine, but the history of Mankind shows, that National injustice has drawn down Divine vengeance upon a whole people, until the evil has been expiated. We complain of the violence done to the Constitution by which we, as Englishmen, claim many immunities; but seem to forget th[a]t there is a more general Constitution framed & delivered to us from heaven, by which all Mankind are included & enjoined, that whatsoever we would that men should do unto us, we should do even so unto them & we are expressly told "The Law and the prophets were for this end."

Let us consider whether a Negro is not entitled to the same essential justice with ourselves, in "one of the gifts of God to man at his creation, when he embued him with the faculty of free Will." I hope it is unnecessary to cite Authorities or add arguments to convince thee that Slavery is not warranted by the true principles & spirit of our Constituion, is contrary to Reason; & inconsistent with the decrees of the Divine Legislator: and tho' it has been permitted by Him for purposes we know not, Let me submit to thy considera[tio]n whether, in this enlightened Age, it will not be remembered to the lasting disgrace of so respectable a body of Men as the Congress,[1] if they should spend so much Time to secure their own liberties, & Leave no vestiges of their regard to those of their *fellow Men*, in bondage to themselves?

Can we think that The Father of Mankind will approbate our endeavours to obtain our own rights, whilst we act inconsistent with ourselves? Or, is there not the greatest reason to believe, That "The same measure which we mete shall be measured to us again?"

Can we say, that a limited Slavery is injurious & disagreeable to ourselves, &, by our practice declare, that *absolute Slavery* is not unjust to a race of fellow Men because they are black?

Excuse me for dropping these hints, & let me beg thee to consider; that a fairer time never offered, to give a vital blow to the shameful custom of Slavery in America. I shall not suggest in what manner; if the Congress turns their attention to the liberty of those who are under oppression amongst themselves (which surely they ought) they cannot lay a better foundation for their own, than by, at Least, declaring their sentiments against the future infraction of the rights of others. "He that will have Equity, shall do Equity." I am pleased to observe in the Resolutions of some of the Colonies one resolve, "That they will not import or buy any more Negroes" &c.,[2] under a hope that it will not be temporary, limited to the continuance of the present troubles, least we should be like the people of old, who humbled themselves & did that which was right in the sight of Omnipotence whilst under affliction, but soon after they were relieved, turned again to folly, & committed the same wickedness.

Do not think me too serious, or that I make this Matter of more importance than

it is. The Judgments of the Lord are in the Earth, & I wish we may not only learn & practise righteousness in the present, but endeavour for its future continuance.

The People called Quakers have lately agreed, in their society capacity, to exclude any one of their Members who shall import, buy, or sell a Negro; & to set aside from religious servises amongst themselves, all such who shall *detain* in bondage those they have, who, by the Quarter[l]y & Mo[nthl]y Meetings to w[hic]h such Members belong, are thought *fit for Freedom*, & advise their being set at liberty. I mention not this boastingly, for indeed we have nothing to boast of.[3]

The emminent abilities thou art possess'd of are talents committed to thee for improvement & use; & is it not probable, that all the good in thy power to do with them, will be required at thy hands? The present circumstance of things, furnishes an ample field both for reflection and action, & it is my earnest wish, that Wisdom may preside in your counsels & frame your conclusions; that "peace on earth & good will to Men" may be the happy issue of all our labours; & no measures mimical thereto can be justified, upon the principles of Christianity or the practice of our Saviour.

For a Stranger so long to detain thy attention, an apology may be thought necessary & I shall refer to the matter to make it: The manner thou wilt excuse, since the intention I hope appears to be good.

I am thy real friend
SAML. ALLINSON

1. The Continental Congress; Henry was a delegate.
2. The Virginia Association of August 6 contained a pledge neither to import nor purchase imported slaves after November 1, 1774. The Continental Association, modeled on that of Virginia, contained a similar provision effective December 1.
3. Despite admonitions from the Yearly Meetings and pressures exerted in local Monthly Meetings, few Jersey Quakers freed their slaves before the 1780s.

9 The Essex County Grand Jury to Chief Justice Frederick Smyth

[*New-York Journal; or, the General Advertiser,* November 17, 1774.]

By the fall of 1774 the arguments and episodes of the past ten years had made the spectre of British tyranny a tangible reality to many Americans. Attempts by crown officials and sympathizers to convince the people that their fears were groundless and that the real threat to liberty came from extralegal

protest activities generally fell on deaf ears. That, at least, is what happened when Chief Justice Frederick Smyth of New Jersey lectured the Essex County Grand Jury on the politics of the day. Smyth (1731 or 1732-1815) served as chief justice and member of the provincial council from 1764 until the outbreak of the Revolution. Throughout the turmoil of the prerevolutionary decade, the Anglican Smyth, admired for his personal honor and integrity, was able staunchly to defend his native Britain without incurring the wrath of the popular leaders. In 1776 Smyth removed to New York and then, later, to Philadelphia where he spent the rest of his life.

[November 1, 1774]

The Address of the Grand Jury, for the Body of the County of Essex, at a Court of Oyer and Terminer and General Gaol Delivery, held at Newark, in the said County, the first Tuesday of November, 1774.

May it please your Honour,

As your Honour's charge[1] from the bench was not so properly directory to us, with respect to our duty, as the grand inquest of the county, as matter of instruction for the regulation of our own personal conduct amidst the present commotions of the continent; we think ourselves obliged, from the *singularity* of the charge, and its *paternal tenderness* for our welfare, to express our gratitude for your honour's friendly admonitions, (which doubtless derived great solemnity from the place in which they were delivered) and at the same time to inform you, how far we have the misfortune to differ from you in sentiment, both as to the *origin* and *tendency* of the present uneasiness, so generally diffused through all the colonies. If we rightly understood a particular part of your Honour's charge, you were pleased to tell us, that while we were employed in guarding against "imaginary tyranny, three thousand miles distant;" we ought not to expose ourselves to a "real tyranny at our own doors." As we neither know, Sir, nor are under the least apprehension of *any tyranny* at our own doors, unless it should make its way hither from the distance you mention, and then we hope, that all those whom the constitution has entrusted with the guardianship of our liberties, will rather strive to obstruct than accelerate its progress; we are utterly at a loss for the idea thereby intended to be communicated. But respecting the *tyranny at the distance of three thousand miles,* which your Honour is pleased to represent as *imaginary,* we have the unhappiness widely to differ from you in opinion. The effect, Sir, of that tyranny is too severely felt to have it thought altogether *visionary*. We cannot think, Sir, that taxes imposed upon us by our fellow subjects, in a legislature in which we are not represented, is an imaginary, but that it is a *real* and *actual* tyranny; and of which no nation whatsoever can furnish a single instance. We cannot think, Sir, that depriving us of the inestimable right of trial by jury—seizing our persons, and carrying us for trial to Great-Britain, is a tyranny merely *imaginary*. Nor can we think with your Honour, that destroying charters, and changing our forms of government, is a tyranny altogether *ideal;*[2] That an act passed to protect, indemnify and screen from punishment such as may be guilty even of murder is a *bare idea;*[3] That the establishment of French laws and popish religion in Canada, the better to facilitate the arbitrary schemes of the British ministry, by making the Canadians instruments in the hands of power, to reduce us to slavery, has no other than a *mental* existence.[4]

In a word, Sir, we cannot persuade ourselves that the fleet now blocking up the Port of Boston, consisting of ships, built of real English Oak and solid iron, and armed with cannon of ponderous metal, with actual powder and ball; nor the army lodged in the town of Boston, and the fortifications thrown about it (substantial and formidable realities) are all *Creatures of the Imagination.* These, Sir, are but a few of the numerous grievances, under which America now groans. These are some of the effects of that deliberate plan of tyranny, concerted at "three thousand miles distance," and which, to your Honour, appears only like the *baseless fabrick of a vision.* To procure redress of those grievances, which to others assume the form of odious and horrid realities; the continent, as we learn, has very naturally been thrown into great commotions, and as far as this county in particular has taken part in the alarm—we have the happiness to represent to your Honour, that in the prosecution of measures for preserving American Liberties, and obtaining the removal of oppressions, the people have acted in all their popular assemblies, (which it is the right of Englishmen to convene whenever they please) with the spirit, temper, and prudence becoming freemen and loyal subjects.

To trespass no longer on your Honour's patience, we conclude with our hearty wishes, that while the great cause of Liberty is warmly, and at the same time so peaceably vindicated, by all honest Americans, as essentially necessary to public happiness, no bias of self interest, no fawning servility towards those in power, no hopes of future preferment, will induce any man to damp their laudable and patriotic ardour; nor lend his helping hand to the unnatural and diabolical work, of rivetting those chains which are forging for us, by the same *actual tyranny,* at the distance of three thousand miles.

1. Smyth's statement has apparently been lost.
2. The Massachusetts Government Act of May 20, 1774.
3. The Impartial Administration of Justice Act of May 20, 1774.
4. The Quebec Act of May 20, 1774.

10 "Z" on the Continental Congress

[*Rivington's New-York Gazetteer; or, the Connecticut, New-Jersey, Hudson's-River, and Quebec Weekly Advertiser,* December 1, 1774. Hereafter *Rivington's New-York Gazetteer.*]

The action of the Continental Congress affirmed the apprehensions and aroused the anger of those who either supported the royal regime or feared the

repercussions of excessive extralegal political activity. Ardent royalists such as the Reverend Thomas Bradbury Chandler of Elizabethtown, who wrote the famous pamphlet *What Think Ye of the Congress Now?*, attacked the Congress in an attempt to discredit the entire protest movement. But other conservatives, who believed that a redress of grievances could be achieved only in an atmosphere of law and order, argued that willful, self-interested congressmen had intensified rather than lessened Anglo-American tensions. It was the action of the First Continental Congress that prompted conservative Jerseymen to begin to question the ultimate course of the resistance movement. As noted by the writer of the following letter, the protest movement was both liberal and illiberal at the same time: while men sought to protect their liberties, they often denied the same rights to those who held differing political views.

New-Jersey, Nov. 19 [1774]

My Friends and Countrymen,

I had once some hope that the resolutions of the Congress, would have been such as to produce some good to the colonies, but I find my fears verified by their proceedings: chosen, on one side, they seem to have had no other view, than to please their electors, and to forward confusion amongst us. They have formed no system by which the present differences might be solved, and future contentions avoided, but deliberately have made bad worse, left us no retreat, nor the mother country any opening to advance to a reconciliation.

With sovereign contempt, they have overlooked the legislature of Great Britain, and appealed to the people;[1] will not this people take offence at the indignity so manifestly shewn to their legislature, and receive the appeal with disgust? especially when they see that we have forbid all intercourse with them, and that with as much seeming authority as if we were an independent state, and determining on a rupture with them? Nay, will not this conduct be construed as open enmity to the British name? Again, with the greatest assurance they have arraigned the Lords and Commons of the highest injustice, in altering the form of our government, though perhaps for the better, and yet have taken upon themselves, to declare the old established forms in others, *unconstitutional, dangerous* and *destructive to the freedom of American legislation*, because they have a Legislative Council. Thus by raising new contentions, and drawing us into new controversies, what end can this serve, but to create confusion? From confusion, my Countrymen, is to be reared the new republic.

Again, they have warmly resolved against the laws of trade, the officers of the customs, the authority of Judges of the Admiralty, &c. Perhaps in some instances the laws of trade may be severe, and the appointment, and exercise of the offices of Judges of the Admiralty and of the customs may be real matter of complaint; but why did they not ask redress of the Legislature of Great-Britain?[2] I suspect that feeling their influence, and elated with power, new and unconstitutional, they apprehended the application would be successful, and their authority at an end; they therefore have made their appeal the people, hoping to stir up rebellion and strife again;[3] they have tickled you by increasing the number of your committees, that you may appear to have a great share in this new government, and at the same time

that they hold out to you an abhorrence of the laws of trade, and take upon themselves to give power to Heaven knows who, to inspect the entries at the custom-house, and by the eleventh article of the association,[4] these committee men have a large field to range in, and may hold up the most respectable character among us to *contempt*, and turn him over *to be treated as an enemy of his country*.

Had an Act of Parliament formed such an Inquisition, by giving power to any man or set of men; to observe the conduct of their fellow-subjects, and as a majority should determine, their neighbour should be exposed insult and contempt at their pleasure, how should we have heard of the liberty of the subject, his right to trial by his peers, &c. &c. Yet these men, at the same time they arraign the highest authority on earth, insolently trample on the liberties of their fellow-subjects; and without the shadow of a trial, take from them their property, grant it to others, and not content with all this, hold them up to contempt, and expose them to the vilest injuries.

View again the conduct of these men while they declare a non-importation from Great Britain and Ireland, of any goods, wares and merchandizes; of molasses, &c. from the West Indies; of wines from the Madeira and Western-Islands, and thereby in effect prohibit an exportation of the iron, lumber, wheat, pork, beef, flour, and corn, of the middle colonies, and particularly of this, as the places to which all these are shipped, can give us no return but in the articles our congress prohibited us to import; yet rice, the staple of Carolina is to be exported without restraint or limitation. Why this distinction? Is it because the delegates of that colony had more regard for the interest of the people they represented? Or, that our delegates could take what liberties they pleased with us? Or, what was the reason?[5] When unreasonable partiality appears in men—when they take much pains, use studied language and appeal to Heaven for the uprightness of their intentions, we have just cause to suspect; for the sincerity of our intentions is best shewn by our actions, it wants not the parade of words; the plainest language is best, and requires no appeal to Heaven to induce our belief.

Yet this congress, in all their publications, (except the letter to General Gage)[6] have paid more attention to sounding words, and taken more pains to convince the world that they are scholars, than to shew a disposition to settle our differences. In short, when they appear averse to conciliating measures, and shew a disposition to create confusion, and hum us into war and bloodshed, it is manifest they are actuated by motives inconsistent with the peoples interest: For examples of their inclination to war, let me appeal to their adopting the Suffolk Resolves,[7] and to their own inconsistent minutes for a determination upon confusion and mischief, particularly upon that arrogant resolve, wherein they require the repeal of many laws of trade, &c. "as essentially necessary in order to restore harmony, between Great-Britain and the American colonies." Can the people who they stile spirited and brave, stoop to such humiliating terms? Could this resolve then have been made with any other view than to affront a brave people, and prevent them from hearing and redressing real grievances? It is natural, my countrymen, for men who feel themselves suddenly cloathed with unlimited powers to have a desire to continue that authority they have by accident acquired, and to keep the ball up, for if once it comes to the ground, then authority vanishes, and the people will no longer be dupes to their ambition.

All changes in government, my Countrymen, are dangerous to the people. We have insensibly and in the hurry of our zeal, departed from our constitution, and

entered a new mode of governing, as inconsistent with liberty, as it is opposite to monarchy; in short, we have slid into a republic, when we did not mean it, and out of fear of a distant and ideal tyranny, we have created a dangerous and real one among ourselves. We have no instances of laws so severe, or any regulations so inimical to liberty as the resolves of this Congress, who themselves double-faced on every occasion: read their cajoling letter to the Canadians;[8] again, see how these Canadians are painted in another place as fit tools, from "*antient prejudices* to act with *hostility* against" the true protestant colonies, whenever a wicked "ministry shall choose to direct them."[9] See the article that is used through the whole of their proceedings to keep you in a ferment, and you will trace the thirst of dominion thro' every page. It is not so much, my Countrymen, that the mother country is inclined to tyranny, as it is to those among us, who desire rule, and who want to lord it over us, and therefore keep up a controversy that sooner or later will end in our ruin.

As we have already done what we ought not to have done, and left undone those things which we ought to have done, let us shun the rock these pilots would run us upon; let us in time return to our constitution, and by our representatives, like honest men, state our grievances, and ask relief of the mother state; let us do this with that plainness and decency of language that will shew at once our sincerity, and remove every suspicion that we have the least intention or desire to be independent. Let us remember that our burden has been light, that the mother state has ever protected us, by her arms, and her renown among the nations of the world—nay, let us remember, that these men who are most forward and noisy patriots in the great towns, have acquired wealth, in forbidden trade, and have even in that trade been protected by the name of Britain, and ought to be suspected and detested by us, as we have too long been duped by them.

Let us shun an association artfully designed to entangle us, and fear not the threats contained in it. Let us remember ourselves, our children, our country; and while we are attentive to our liberties, let us not forget our duty.

Z.[10]

1. On October 21 the Congress adopted a strident "Address . . . to the People of Great Britain" informing Britons of the "plan for enslaving your fellow subjects in America" that had been devised by "wicked Ministers and evil Counsellors" and asking them to assist in the struggle to secure the rights of Englishmen.

2. On October 14 the Congress issued a lengthy "Declaration and Resolves" which not only enumerated fundamental American rights and privileges, but also condemned virtually every imperial measure instituted since 1763 (most of which affected maritime activities).

3. As a corollary to the address to the British nation, the Congress on October 21 also issued a "Memorial . . . to the Inhabitants of the British Colonies in America." This mildly worded statement explained the reasons for opposition to the mother country and denied any desire to go beyond a redress of grievances.

4. The eleventh article of the Continental Association called for the creation of committees of observation and inspection in every community to enforce the program of the Congress.

5. The South Carolina delegates refused to sign the Association unless rice and indigo, crucial to the economic prosperity of their colony, were exempted from the list of forbidden exports.

6. General Thomas Gage, commander in chief of the British army in North America, who in May had replaced Thomas Hutchinson as governor of Massachusetts.

7. The endorsement of the Suffolk Resolves on September 17 signaled the rise of radical fortunes in the Congress. Adopted by residents of Suffolk County, Massachusetts, on September 9 and delivered to the Congress by express rider Paul Revere, the resolves constituted a de facto declaration of rebellion. The resolutions declared that the Coercive Acts were unconstitutional and thus ought to be ignored, recommended that economic sanctions be imposed against Britain, urged the people to form their own militia units and prepare to defend their liberties on the battlefield, and advised the people of Massachusetts to create their own government, which would be empowered to collect taxes and withhold the same from the royal regime.

8. In an October 26 letter "To the Inhabitants of the Province of Quebec," the Congress speciously argued that the Quebec Act of 1774 deprived the former French subjects of their civil liberties and invited them to join the common cause. But the Frenchmen wanted no part of the British colonial quarrel.

9. The memorial to Americans and address to Britons both noted the enmity between the French Canadians and the British colonials.

10. Is "Z" John Lawrence? See Sec. IV, Doc. 1, note 2.

11 The Call for the Election of Essex County Committees of Observation

[*New-York Gazette; and the Weekly Mercury,* December 5, 1774.]

Essex County took the lead in implementing the Continental Association in New Jersey. Since enforcement of the Association depended upon the effectiveness of the local committees of observation and inspection, care was taken to ensure that the men named to the committees had the confidence and support of the members of the local community. As the stakes of the imperial contest became greater, it was increasingly imperative that the popular front enjoy the widest possible base of support; the multiplication of local organizations increased the opportunity of popular participation in political activities. Moreover, the creation of extralegal agencies charged with compelling obedience to illegal measures was a direct challenge to the law-enforcement powers of the provincial government and presented the people with their first serious crisis of allegiance in deciding whether to obey vigilantes or magistrates.

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

County of Essex, Nov. 28, 1774

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. 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." 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.[1] 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.; 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.[2] 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, 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.[3]

STEPHEN CRANE[4]	ISAAC OGDEN	JO. RIGGS, JUN.
JOHN DE HART	W. P. SMITH	JOHN CHETWOOD
WILLIAM LIVINGSTON	ELIAS BOUDINOT	HENRY GERRITS[E]

1. Or Acquackanonk.
2. Acquackanonk tavern owner.
3. Jerseymen were still uncertain about the relative roles to be played by the established legislature and extralegal organizations in the development of the resistance movement. While hoping that the assembly would assume a position of leadership by appointing delegates to the second Congress, the Essex gathering made provision for the representatives to be chosen by county committeemen as had been done previously (see Doc. 4). The lower house did reassert itself in January by endorsing the action of the Continental Congress and naming congressmen (see Sec. IV, Doc. 4), but it eventually was replaced by a Provincial Congress as the coordinator of protest activities (see Sec. V, Doc. 1).
4. For biographical sketches of committeemen, see the notes for Doc. 2.

12 The Elizabethtown Association Resolutions

[*New-York Gazette; and the Weekly Mercury*, December 19, 1774.]

In keeping with the ethos of the protest movement, the Association and other recommendations of the Continental Congress became operative through public endorsement at mass meetings throughout New Jersey. The popular gatherings greatly advanced the notion that legitimate political authority derived not from formal governmental institutions but from the people at large. The committees of correspondence that were simultaneously created by popular election functioned as an agency of local governance as well as an instrument of intraprovincial communication. The public destruction of opposition literature, a common ritual at protest meetings, symbolized both the power of the popular front and the fate of those who dared openly oppose it.

[December 6, 1774][1]

At a meeting of the freeholders of Elizabeth-Town, in Essex-county, on Tuesday the first day of December, 1774,

Stephen Crane Esq; in the Chair.

The committee of correspondence for the county of Essex, having produced the ASSOCIATION lately entered into by the delegates of the American colonies, met in General Congress; the same was read to and then unanimously approved and adopted by the whole assembly: Who were pleased at the same time, to signify their thanks to the delegates of this colony, for their faithful services.

It was then proposed, that pursuant to the eleventh article of the said

Association, a large committee should be now chosen for the purposes therein mentioned: Which was also agreed to, and the following persons were accordingly appointed, viz. Jonathan Hampton, Matthias Williamson, Elias Dayton, Isaac Woodruff, William Barnet, William Herriman, Oliver Spencer, George Ross, Edward Thomas, Cornelius Hetfield, John Blanchard, Ephraim Tyrrel, Abraham Clarke, Robert Ogden, jun. Jeremiah Smith, Richard Townly, jun. Samuel Shotwell, David Miller, Thomas Woodruff, John Clawson, Jonathan Dayton, Ephraim Marsh, Recompence Stanbury, Jedediah Swan, William Parsons, Samuel Potter, William Bott, Jonathan Williams, Christopher Marsh, Isaac Wynants, Daniel Halsey.

After which the committee of correspondence informed the assembly, that having executed the services for which they had been particularly appointed they had thought proper to dissolve themselves; in order that the inhabitants of the respective precincts of the county might have the opportunity of a new choice. Whereupon Stephen Crane, John De Hart, William Livingston, William P. Smith, Elias Boudinot, and John Chetwood, Esqrs, being of the late committee, were unanimously re-elected for the borough of Elizabeth;[2] and at the same time authorized to instruct the representatives of this county, when convened in General Assembly, to join in the appointments of delegates for this colony, to meet in General Congress at Philadelphia: But if the said Assembly should 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.

The above business being finished, the assembly unanimously voted—That two certain pamphlets lately published; the one entitled, *A Friendly Address &c.*[3] and the other under the signature of *A Farmer,*[4] as containing many notorious fals[e]hoods, evidently calculated to sow the seeds of disunion among the good people of America; grossly misrepresenting the principle of the present opposition to parliamentary taxations; vilifying the late Congress; and intended to facilitate the scheme of the British ministry for enslaving the colonies, be publicly burnt, in destestation and abhorrence of such infamous publications: And the same were accordingly committed to the flames, before the court-house, with the universal approbation of a numerous concourse of people.

1. There is confusion about the date of the meeting. The report says that the meeting occurred on "Tuesday the first day of December," but December 1, 1774 fell on Thursday; the first Tuesday in the month was the sixth. The call for county committees (see Doc. 11.) stipulated that the Elizabethtown meeting was to be held on December 6, hence my feeling that the report should have read "the first Tuesday in December."

2. See Doc. 2

3. *A Friendly Address to all Reasonable Americans on the Subject of our Political Confusions: in which the necessary consequences of Violently opposing the King's Troops, and of A General Non-Importation are Fairly Stated* (New York, 1774), written by the Reverend Thomas Bradbury Chandler, rector of St. John's in Elizabethtown.

4. The reference here is undoubtedly to "A. W. Farmer," the pseudonym of the Reverend Samuel Seabury of Westchester County, New York. The publication in question could be either *Free Thoughts on the Proceedings of the Continental Congress . . .* (New York, 1774) or *The Congress Canvassed . . .* (New York, 1774).

13 Governor William Franklin to Lord Dartmouth

[*NJA*, 10:503-4.]

William Franklin, like most royal governors, faced the dilemma of attempting to serve two masters during the imperial crises. On the one hand he was charged with the maintenance of law and order and preserving the authority of the mother country; on the other, he sincerely wished to further the interests of New Jersey and personally disliked many of the measures instituted by Britain after 1763. Above all Franklin and his cohorts felt a growing isolation and inability to act. Without a police force and unable to utilize the militia (the militia was composed of protesters), he could only keep up a facade of authority and forward intelligence to his superiors.

Perth Amboy Decr. 6th 1774

My Lord,

I had the Honor, on the 29th. of Octr. to write your Lordship a few Lines from New York, enclosing a Pamphlet containing Extracts from the Votes and Proceedings of the Continental Congress held at Philadelphia; since which I have been honoured with your Lordships Dispatch of the 7th. of September . . . .

Altho' the Proceedings of the Congress are not altogether satisfactory to many of the Inhabitants of the Colonies, yet there seems at present little Reason to doubt but that the Terms of Association will be generally carried into Execution, even by those who dislike Parts of it. But few have the Courage to declare their Disapprobation publickly, as they well know, if they do not conform, they are in Danger of becoming Objects of popular Resentment, from which it is not in the Power of Government here to protect them. Indeed the Officers of Government in all the Colonies (except at Boston)[1] have but little or no Protection for themselves.

It must afford every good Subject Pleasure, should the Result of their Proceedings be found (as your Lordship wishes) "such as not to cut off all Hope of that Union with the Mother Country which is so essential to the Happiness of both." But it seems apprehended by many sensible and moderate Men here, that it will be the Opinion of the Mother Country that the Congress has left her no other alternative than either to consent to what must appear humiliating in the Eyes of all

Europe, or to compel Obedience to her Laws by a Military Force. The Necessity for either it was hoped, by all good Men, that the Congress would have prevented, by framing and proposing some Plan of Constitutional Union, which, though it might not have been deemed perfect, or such as the Mother Country could altogether have acquiesced in, yet might have served as a Foundation for an amicable Settlement of our unhappy Differences. But, tho' a Plan for that Purpose was proposed by a Member of the Congress, and even entered on their Minutes, with an Order referring it to further Consideration, yet they not only refused to resume the Consideration of it, but directed both the Plan and Order to be erased from their Minutes, so that no Vestige of it might appear there.[2] I have, however, obtained a Copy of it, which I send enclosed to your Lordship, as I am told it has been much handed about at New York, and greatly approved of by some of the most sensible Men in that City.

I have the Honour to be, with the greatest Respect & Regard,
My Lord, Your Lordship's most obedient & most humble Servant
WM. FRANKLIN

1. Franklin is referring to the presence of the British army at Boston; actually the military afforded scant protection to the Massachusetts government since the troops could not be used to suppress civil disorders without the approval of the radical-dominated legislature.

2. Joseph Galloway's "Plan of a Proposed Union between Great Britain and the Colonies" was defeated on September 28 when a motion to defer consideration of the proposal passed by a vote of six colonies to five. Outraged first by the defeat of his plan and then by its omission from the congressional journals, Galloway, a prominent Pennsylvania lawyer and a close personal friend of Governor Franklin, published his scheme for colonial governance in pamphlet form for popular distribution.

14 The Cumberland County Committee Proceedings on the Greenwich Tea Party

[*Dunlap's Pennsylvania Packet; or, the General Advertiser,* January 9, 1775.]

New Jersey was the scene of several "tea parties" in 1774. In January and again in June students of the College of New Jersey (now Princeton University) committed quantities of the baneful leaf, everywhere a symbol of British oppression, to bonfires. But the most famous conflagration occurred in the small Cumberland County village of Greenwich. In mid-December Captain Allen's brig

III THE COMMON CAUSE

Greyhound entered Delaware Bay bound for Philadelphia with a shipment of tea from Rotterdam. For reasons unknown (perhaps he was forewarned of the hostile climate of the Quaker city), Allen put into the Cohansey River and dropped anchor off Greenwich. The controversial cargo was clandestinely unloaded and stored in the cellar of Daniel Bowen's "store-house" for safekeeping. The account that follows describes the fate of the tea and the reaction of the community.

[December 22-23, 1774]

At a general meeting of the inhabitants of the county of Cumberland, in New-Jersey held at Bridge-town, on Thursday, the 22d day of December, 1774.

The articles of the Association entered into by the American Continental Congress being publickly read, were unanimously approved of; whereupon it was resolved, that a committee of thirty-five persons be appointed to carry the same into execution throughout the county; accordingly the following persons were chosen, viz.: Abraham Jones, Thomas Maskell, Ephraim Harris, Silas Newcomb, Ephraim Seely, Daniel Elmore, Jonathan Ayres, Elijah Hand, David Bowen, and Joshua Brick, Esquires; Messieurs John Wheaton, Benjamin Mulford, Abijah Holmes, Thomas Brown, Joel Fithian, Daniel Maskell, John Gibbon, Michael Hoshell, Thomas Daniel, Jonathan Smith, William Aul, Joseph Sheppard, Isaac Preston, Samuel Leek, Mark Ryley, John Buck, Ezekiel Foster, Joseph Newcomb, Jonathan Lore, John Terry, Gideon Heaton, Richard Wood, Joshua Ewing, John Laning, and Thomas Ewing.

As soon as the committee were chosen, they were publickly informed, that a quantity of Tea had been secretly landed at Greenwich, and that the inhabitants of that town had taken the alarm, and had chosen a *pro tempore* committee of five persons, to take care of the same until the committee of the county was chosen; the general committee then withdrew, in order to consider what should be done in the affair, and came into the following resolution, namely, That this Committee, being ignorant of the principles on which the said tea was imported, or whence it came, and not being able to get information thereof, by reason of the importer's absence, do think it best to have it privately stored, and agree to meet at ten o'clock to-morrow, in order to take care of the same. Accordingly they met the next day agreeable to appointment, and found to their surprize that the tea had been destroyed, by persons unknown, the night before, at the time the committee were sitting at Bridgetown;[1] whereupon the committee further entered into the resolves following:

I. That we entirely disapprove of the destroying the abovementioned tea, it being entirely contrary to our resolves.

II. That we will not conceal, nor protect from justice, any of the perpetrators of the above fact.[2]

Extract from the minutes of the Committee,

THOMAS EWING,[3] Clerk

1. The Reverend Philip Vickers Fithian (see Sec. V, Doc. 12, headnote), an eyewitness to the tea burning, made the following notation in his diary for Friday, December 23: "Last night the Tea was, by a number of persons in disguise, taken out of the House & consumed with fire. Violent, & different are the words about this uncommon Manoeuvre, among the Inhabitants. Some rave, some curse & condemn, some try to reason; many are glad the Tea is destroyed, but almost all disapprove the Manner of the destruction." Robert G. Albion and Leonidas Dodson, eds., *Philip Vickers Fithian: Journal, 1774-1776* (Princeton, 1934), p. 248.

2. Those responsible for the destruction of the tea did in fact escape prosecution. A civil suit to recover damages filed against seven individuals by the owners of the tea dragged on in the courts until the outbreak of the Revolution precluded its completion. And, although the identity of the tea burners was common knowledge in Cumberland County, it proved impossible to secure a criminal indictment from the local grand jury.

3. Thomas Ewing (1748-1782), Greenwich physician.

15 "A Freeholder" to the Essex County Committee

[*Rivington's New-York Gazetteer . . .*, January 5, 1775.]

Whereas some Jerseymen were disturbed by the general recommendations of the Continental Congress, others were more concerned about the unqualified latitude given local committees of inspection and observation to enforce the provisions of the Association. The sweeping power of these local vigilante groups, which operated without legal sanction and without regard for due process, was a distinct threat to the civil liberties of the citizenry. As "A Freeholder" recognized, the popular front embodied the paradoxes of liberality and illiberality, freedom and constraint; as the resistance movement gathered momentum, many people began to wonder wherein lay the most serious threat to freedom—the actions of the British or of local radicals.

[January 5, 1775]

Gentlemen,[1]

Your notice to the Freeholders of Essex, of the 28th of November, was conveyed to me by Holt's paper of Thursday last,[2] and as your motive for convening us is declared to be, in conformity to the *wise* and *prudent* resolves of the Congress, of which I had before heard, I determine to read their resolves with the greatest attention, and therefore sent Tom, with my best horse, who soon brought me the extracts of the proceedings of the Congress. I eagerly sat down to read them, but,

alas! how was I disappointed; instead of *wise* and *prudent*, I found nothing but rude, insolent and absurd resolves, calculated to answer no end, but to stir up strife and encrease confusion among us, and to unite every spirited Briton against us. Even Burke and Barre,[3] if they have the least regard for national honour, must be rouzed by the humiliating terms this Congress make a preliminary to Great Britain. When I voted for you, Gentlemen, last summer, and a Congress was appointed and deputies sent, I hoped to hear that something had been done to secure our liberties and make up the breach with the mother country, but by this Congress the *liberty* we *had* is taken from us, and the breach widened. Pray, Gentlemen, how can you *ask* us, nay *confidently* tell us, that we will "*unquestionably* carry into execution, &c., the *wise* and *prudent* resolutions entered into by the delegates of this continent in general congress?" Did I think them *wise* and *prudent*, or *believed* that you can think them so, I would *unquestionably* support them; but when this Congress, instead of healing differences, create confusion; when under the pretence of limiting the power of King, Lords and Commons, they create a power unknown to our constitution, a mere inquisition, what do they make of us? Do you and they apprehend us to be fools and that we are implicitly to be *led* as you direct? We know what it is to be governed by acts of Parliament, and never thought ill of them, until we were *alarmed* into other sentiments, and although we may wish, and will take all lawful ways to get those restained, repealed, or amended, that affect liberty, yet we never can submit, nor I hope will any of us approve of men, "whose business it shall be to *observe* the conduct of all persons touching this association;" nor do I think that you will find many so "*lost in a sense of public virtue*," and a regard for his neighbours, as to obey you or any set of men, clothed with the dangerous power to "hold up to public notice, as unfriendly to the liberties of his country, and thenceforward to break off all dealings with" any man that you, or the majority of you, shall think fit to *post* in the public papers, as an enemy to his country.[4] To such an inquisition I shall never subscribe, and by heavens, I had rather submit to acts of Parliament implicitly, nay to the *will* of a King, than to the *caprice* of Committee-men; in the two first cases I shall face with my neighbours, and shall be allowed to speak at least; in the last I shall not dare to think or act, but I shall be in danger of being held up as an enemy of my country, and tarring and feathering is the least I am to expect. Am I to be a slave? I will then be a slave to a King and a Parliament. I will never have it said, that I voted for, or consented to my own executioners, inquisitors, *observers*, committeemen, or what you please to call yourselves, or your function in office. Let me ask you seriously, and particularly five of you who are lawyers,[5] how can you so bare-facedly ask me to do this thing, when you *know* it is an open violation of our constitution, and that the powers committeemen will acquire by the Congress resolve, are unlimited, not to be defined, for they are to make such regulations, as they shall think *proper* to enforce the association, so they will have it in their power to rule and proscribe as they please. How can you say, that you cannot in the least doubt "our ready and immediate compliance with this article," and blasphemously tell us that "the salutary affects to arise from this association, must, *under God*, depend upon the fidelity of Individuals," when we know the Almighty cannot approve of it, he is a God of order and mercy, and in this association there is neither order nor mercy; you know it can have no other end than to cloath you and your succeeding Committee-men with absolute power, and so far from relieving us, that the measure will make us worse than slaves to you committee-men, and for this you "depend upon the fidelity of individuals?"

While I live, I will not bow my neck to such servitude, I will oppose the measures of a King and his Parliament, whenever they are dangerous to my Liberty, but I will never give my voice for measures, by which the constitution of my country is thus wantonly to be altered, and by which men are to be cloathed with power to revenge themselves upon their neighbours without controul, and the poor victim of their mad zeal, malice or wrath, is to be exposed to infamy and disgrace, unheard, without the form of a trial, and against the laws of this country.

Reflect, Committee-men, for a moment, on the tendency of this resolve, in the powers it invests you with, shudder at the consequences; use not these powers, [nay?] not *sparingly*, as we are to kill our sheep.[6] Let not the prospect of unlimited power turn your heads, but animate your zeal for liberty, and desire to prevent tyranny, alter not the constitution of your country, and usurp not powers you will not allow to, nay, such as the King and Parliament *dare* not attempt. I have thought proper, thus to deliver my sentiments, and should have done it in the first paper, succeeding your notice, and before the intended meeting, had not my defiance from a printer prevented;[7] but that the freeholders of the province, and of this county in particular, may consider of the dangerous step you have advised them to take and in time may drop the absurd and destructive measure of Committee-men and Delegates, and constitutionally by their representatives, ask redress of such real grievances, as they labour under, I have published my *resolves*, which, by the by, are equally, if not more constitutional, rational, *wise and prudent*, than either the resolves of the Congress or your notification; and I sincerely wish, that my fellow-freeholders would look before they leap; without the first, I am sure the last will endanger their *necks*, etc.

A FREEHOLDER OF ESSEX, *and real* LOVER OF LIBERTY

1. The communication is addressed to "Messrs. S. Crane, John De Hart, William Livingston, W. P. Smith, Elias Boudinot, Jo. Riggs, jun., &c."

2. See Doc. 11.

3. Edmund Burke and Colonel Isaac Barre, American defenders in the House of Lords.

4. The writer is quoting from the eleventh article of the Association, which called for the creation of the committees and outlined their duties.

5. Crane, De Hart, Livingston, Ogden, Boudinot, and Chetwood were the lawyers on the committee.

6. The seventh article of the Association proposed restrictions on the slaughter and exportation of sheep in an effort to bolster American self-sufficiency during the boycott of British goods.

7. The author may have been turned down by John Holt, whose radical *New York Journal* published the call for the Essex meeting. James Rivington's paper, on the other hand, was open to all political writers but catered especially to those of a conservative viewpoint.

IV

The Die is Cast

In the course of a burgeoning rebellion, rising political temperatures caused positions to solidify during the early months of 1775. For the first time opposition to the popular front began to coalesce. Governor William Franklin (Doc. 2) as well as private citizens (Doc. 6) called upon the legislature to resolve the dispute between Britain and America, which had escalated to the point where armed confrontation was a distinct possibility. Men who had previously supported protest against specific pieces of parliamentary legislation now shrunk from a clash with the mother country over the issue of sovereignty (Doc. 1). Quakers, caught in an increasingly untenable conflict between religious persuasions and secular politics, opted for a position of prudent neutrality (Doc. 3). Some defenders of the royal regime like Chief Justice Frederick Smyth publicly reminded the people of the virtues of law and order and the consequences of civil disorder (Doc. 10), while others challenged the actions and arguments of the protesters (Doc. 8) and called for unity in countering the challenge to imperial authority (Doc. 5).

In spite of deepening divisions among the populace, the resistance movement continued to grow. Whatever their misgivings, most Jerseymen were convinced of the need for united opposition to the actions of the British government (Doc. 9). The New Jersey assembly, hoping for an accommodation of Anglo-American differences and yet wishing to maintain intercolonial solidarity, endorsed the measures of the Continental Congress (Doc. 4) and sent a catalogue of colonial grievances coupled with a plea for reconciliation to the king (Doc. 7). But despite the apparent success of their efforts, even the most ardent Whigs were uneasy. Elias Boudinot, for one, feared that the excesses of the more radical citizens would discredit the popular movement or intensify the conservative backlash (Doc. 11). And people of all political persuasions feared that the imperial dispute would move from the halls of government to the

battlefield, that Great Britain would seek a military rather than a political solution to the American problem.

Such foreboding proved justified. During the winter of 1774-1775 the British government worked out a plan to resolve the controversy by coupling conciliation with coercion. By early March the package was complete: for the future, Lord North pledged that Parliament would refrain from colonial taxation if Americans provided adequately for their own defense and civil government; for now, Britain would strengthen military and naval forces in North America and blockade those colonies adhering to the Association. As George III had declared in September 1774: "The dye is now cast, the colonies must either submit or triumph." To that much maligned monarch the issue was simple: America was in a state of rebellion.

Rebellions are seldom resolved peacefully, and the spectre of war that had long haunted young Jemima Condict, a semiliterate New Jersey farm girl, became a reality in the early morning hours of April 19 (Doc. 12). The exchange of musket fire between British regulars and Massachusetts militiamen at Lexington and the subsequent skirmish at Concord ignited the volatile atmosphere; from New Hampshire to Georgia colonials took up arms to avenge the spilling of American blood. The "shot heard round the world" echoed throughout New Jersey. Whigs gained the upper hand even in counties such as Bergen, where strong hostility toward the Continental Congress and bitter religious division within the Dutch Reformed Church undermined political unity (Doc. 14). Men everywhere made ready to meet any military contingency (Doc. 13).

By the summer of 1775 the dispute between Britain and America had reached the point of no return. After a decade of vacillation and capitulation, the British government had resolved to draw the line. There was really no alternative. The issue was no longer the merit of parliamentary legislation or the wisdom of imperial policies, but the sovereignty of Great Britain over the North American colonies. As Lord North observed in February 1775: if the American dispute "goes to the whole of our authority we can enter into no negociation, we can make no compromise." The Americans were equally determined to resist, with arms if necessary, what they considered infringements of their constitutional rights and encroachments upon their traditional spheres of home rule. The die had indeed been cast.

1 "Y" to "Z" on Political Apostasy

[*Supplement to the New-York Journal; or, the General Advertiser,* January 12, 1775.]

IV THE DIE IS CAST

As the constitutional chasm between Britain and America widened and the protest movement assumed the characteristics of an incipient rebellion, some Jerseymen who had supported past opposition to imperial policies began to lose their enthusiasm. Resistance was one thing; rebellion quite another. Politics now began to divide friends, families, and former compatriots. Typically, as the following commentary illustrates, in the emotion-charged ideological atmosphere that obtained in New Jersey and elsewhere during the winter of 1774-1775, people found it difficult to impute sincere motives to those of differing opinions; suspicion, distrust, even paranoia were among the ruling passions of the day.

To Z.

An honest man's the noblest work of God.
POPE

Elizabeth Town, Jan. 5th, 1775

When a person departs from principles he has heretofore, on a similar occasion, openly avowed, it makes people suspect that there is some secret motive to influence him. I would just beg leave to ask you, Why this sudden change in your politics?

In the time of the memorable stamp act, you was one of the foremost to espouse the cause of your country; you was not that sycophant to men in power; not that enemy to meetings of the people; to consult for the preservation of their rights and liberties that you now are; for then you attended one with the rest of your profession, at which you held forth, and denied the omnipotence of the British Parliament;[1] neither were the names of delegate or Congress ungrateful to your ear: At the time above alluded to, you attended a convention of the representatives of your colony at a publick house for the express purpose of appointing delegates to meet in congress; and even went so far (if I am not misinformed) as to act as their clerk.[2] But now the case is altered, meetings of the people and appointments of committees, in your opinion, are illegal; delegates and congresses are unconstitutional, and the resolves and proceedings of the best and wisest men in America, entered into upon the noblest principles, the good of their country, are not to be regarded, or adhered to. But on the other hand acts of Parliament, or rather edicts of the British ministry, for blocking up the port of Boston, for robbing the people of Massachusetts Bay of their charter (which is, and ought to be, as sacred as magna charta), depriving those people of the trial by jury, the palladium of British liberty, and for carrying them to Great Britain to be tried for offences committed in America (an act made to shelter villains from the hands of justice), and the act for introducing popery and French laws in America, meet with your warmest patronage and support; and I make no doubt that if the ministry and British Parliament should in their great wisdom take it in their heads to pass an act for abolishing Christianity and introducing the alkoran[3] and Mahometan religion into America, it would likewise partake of your approbation; for, as it is a proverb among the Turks, that, one renegadoe is worse than ten Turks; so it has always been one among the Christians, that one apostate is worse than ten infidels.

In your last performance, inserted in Rivington's paper of the first of last month, addressed to the people of New Jersey, you endeavored to set the proceedings of the

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Congress, in a ridiculous light;[4] you say, "*that chosen on one side, they seem to have had nothing else in view than to please their electors and forward confusion among us.*" What you mean by chosen on one side, I cannot divine; but if you mean that a few placemen did not give their votes for them, or that the inhabitants of your great city, did not attend any of the meetings for choosing committees, tho' nine-tenths of them approve of what was done, and of the opposition to the acts of Parliament; I say if either of these be your meaning, I readily agree that they were chosen on one side.

But at the same time you know, and must confess, that never men were chosen with more honour to themselves than the congress were, or executed the great trust reposed in them by their constituents, with more wisdom, spirit and integrity. And it has been a matter of surprise to me, as well as to others, that you, in your all-sufficiency, have not issued your mandate, to convene together all placemen and pensioners, the only friends of government (as you stile yourselves), when you might form a monarchical congress, in opposition to the grand continental *republican* congress; then you could in the *plainest language* represent to your masters, the ministry and Parliament of Great Britain, that you were a set of the cleverest, the worthiest, the loyalest and the honestest fellows in America; that the rest of your fellow subjects in America were a parcel of republican traytors; that their grievances were ideal, and had no existence, but in their own clamours. Then you might *form a system by which the present differences might be solved* but what sort of a system it would be, I leave your "*friends and countrymen, the people of New Jersey*" to judge; for my part, I am afraid it would be a system of slavery.

In the next place, you seem to be apprehensive that the people of Great Britain will receive the appeal to them with disgust, because (as you say) the Congress have overlooked their legislature with sovereign contempt, and ask whether *that people will not take offence at the indignity so manifestly shewn them.* I answer you, they will not. They will receive it with that conscious dignity becoming freemen, appealed to by a brave and spirited people, tenacious of their just rights and liberties, and who are oppressed by the machinations of a wicked and abandoned ministry, aided by a corrupt and venal part of their legislature.

I shall pass over the rest of your performance unnoticed; as every person possessed of the least discernment, can see your drift, and that it is a piece of mere declamation, manifestly intended to create jealousies, and divide the people in the colonies; who, I am sure, have more understanding and integrity, than to be led away by the idle fears and apprehensions of any anonymous ministerial writer—especially when opposed to the united wisdom of the Grand Continental Congress.

But before I conclude, I shall just beg leave to ask, how, in the name of wonder, you came to let the following sentence drop from your pen? "*All changes in government, my brethren, are dangerous to the people.*" There I agree with you; it is what the people of America are now guarding against, and the cause in which the brave Bostonians are now suffering; those eleven words have overthrown all you have already written, or hereafter shall write, on the disputes between the colonies and the mother country: But truth, tho' involuntary, will come out, and I shall not hereafter look upon you to be that enemy to the liberties of your country, that you have affected to seem, but rather as an opposer of the tyrannical measures of the British ministry.

As the Congress, in all their proceedings, have done what they ought to have

done; and you, in all your's, have done what you ought not to have done; let me intreat you, as a friend, and as you regard your reputation and the approbation of your American brethren, to reform and turn from your evil ways; for, believe me, you will not, for your doughty performances, be closetted by your sovereign, nor be made a Privy Counsellor; you will neither be made a Knight of the Garter, a Knight Banneret, nor a Knight of the Bath; neither will you be made even one of the poor Knights of Windsor. You will not receive the thanks of the House of Lords or Commons; nor if I had my will, should you get (what you are seeking after and expect) either place or pension.

Y.

1. The meeting of lawyers in Perth Amboy on September 19, 1765 which resulted in an agreement by the attorneys not to use stamps or stamped paper in their legal transactions.
2. John Lawrence (1726-1796), assemblyman from Burlington City from 1761 to 1768, served as clerk of the meeting. Is Lawrence "Z"? A wealthy lawyer, devout Anglican, and former mayor of Burlington, Lawrence became a Loyalist exile in December 1776.
3. Alcoran: The Koran.
4. See Sec. III, Doc. 10.

2 Governor William Franklin to the General Assembly

[*Votes and Proceedings, January 11-February 13, 1775* (Burlington, 1775), pp. 5-7.]

The current imperial crisis weighed especially heavily upon the shoulders of Governor William Franklin. Cognizant that he lacked the authority and ability to stem the tide of resistance, he looked for a way to counter the popular front. Extralegal organizations and activities had proliferated in part because the legislature, which had largely directed the protest movement in the past, had not sat since March 1774; yet to call the assembly was to risk escalating the problem by means of legislative endorsement of the congressional program. Deciding to gamble, Franklin summoned the General Assembly in January 1775. His opening message to the solons reveals his strategy: by stressing the responsibilities of the representatives and the stakes at hand, he hoped to dissuade the assembly from sanctioning the action of the Continental Congress. In particular, he endeavored to break the united front of opposition by inducing the lower house to send a separate remonstrance to the king instead of acquiescing in the congressional petition. He realized neither objective (see Docs. 4 and 7).

January 13, 1775

Gentlemen of the Council, and Gentlemen of the Assembly,

It would argue not only a great Want of Duty to His Majesty, but of Regard to the good People of this Province, were I, on this Occasion, to pass over in Silence the late alarming Transactions in this and the neighbouring Colonies, or not endeavour to prevail on you to exert yourselves in preventing those Mischiefs to this Country, which, without your timely Interposition, will, in all Probability, be the Consequence.

It is not for me to decide on the particular Merits of the Dispute between Great-Britain and her Colonies, nor do I mean to censure those who conceive themselves aggrieved for aiming at a Redress of their Grievances. It is a Duty they owe themselves, their Country, and their Posterity. All that I would wish to guard you against, is the giving any Countenance or Encouragement to that destructive Mode of Proceeding which has been unhappily adopted in Part by some of the Inhabitants in this Colony, and has been carried so far in others as totally to subvert their former Constitution.[1] It has already struck at the Authority of one of the Branches of the Legislature in a particular Manner. And, if you, Gentlemen of the Assembly, should give your Approbation to Transactions of this Nature, you will do as much as lies in your Power to destroy that Form of Government of which you are an important Part, and which it is your Duty by all lawful Means to preserve. To you your Constituents have intrusted a peculiar Guardianship of their Rights and Privileges. You are their legal Representatives, and you cannot, without a manifest Breach of your Trust, suffer any Body of Men, in this or any of the other Provinces, to usurp and exercise any of the Powers vested in you by the Constitution. It behooves you particularly, who must be consitutionally supposed to speak the Sense of the People at large, to be extremely cautious in consenting to any Act whereby you may engage them as Parties in, and make them answerable for Measures which may have a Tendency to involve them in Difficulties far greater than those they aim to avoid.

Besides, there is not, Gentlemen, the least Necessity, consequently there will not be the least Excuse for your running any such Risks on the present Occasion. If you are really disposed to represent to the King any Inconveniences you conceive yourselves to lie under, or to make any Propositions on the present State of America, I can assure you, from the best Authority, that such Representations or Propositions will be properly attended to, and certainly have a greater Weight coming from each Colony in it's separate Capacity, than in a Channel, of the Propriety and Legality of which there may be much Doubt.

You have now pointed out to you, Gentlemen, two Roads—one evidently leading to Peace, Happiness, and Restoration of the publick Tranquility—the other inevitably conducting you to Anarchy, Misery, and all the Horrors of a Civil War. Your Wisdom, your Prudence, and your Regard for the true Interests of the People, will be best known when you have shewn to which Road you give the Preference. If to the former, you will probably afford Satisfaction to the moderate, the sober, and the discreet Part of your Constituents. If to the latter, you will, perhaps for a Time, give Pleasure to the warm, the rash, and the inconsiderate among them, who, I would willingly hope, violent as is the Temper of the present Times, are not even now the Majority. But it may be well for you to remember, should any Calamity hereafter befal[l] them, from your Compliance with their Inclinations, instead of pursuing, as you ought, the Dictates of your own Judgment, that the Consequences of their

[not] returning to a proper Sense of their Conduct, may prove deservedly fatal to yourselves.

I shall say no more at present on this disagreeable Subject, but only to repeat an Observation I made to a former Assembly on a similar Occasion. "Every Breach of the Constitution, whether it proceeds from the Crown or the People, is, in its Effects, equally destructive to the Rights of both. It is the Duty, therefore, of those who are intrusted with Government, to be equally careful in guarding against Encroachments from the one as the other. But *It is* (says one of the wisest of Men) *a most infallible Symptom of the dangerous State of Liberty, when the chief Men of a free Country shew a greater Regard to Popularity than to their own Judgment.*"[2]

WM. FRANKLIN

1. The implementation of the Continental Association.
2. Franklin is quoting from his November 30, 1765, address to the assembly in which he criticized the legislators for their conduct during the Stamp Act crisis.

3 The Testimony of the People Called Quakers

[*Pennsylvania Gazette*, February 22, 1775.]

The burgeoning protest movement and the action of the Continental Congress placed New Jersey Quakers, especially numerous in the western and southern portions of the province, in a delicate situation. Religious scruples forbade participation by members of the Society of Friends in the extralegal activities of the popular front, but community pressures (social ostracism and threats of violence) induced an increasing number of Quakers to give at least tacit—and sometimes overt—support to the common cause. To alleviate the tensions between Friends and radicals, the Philadelphia Yearly Meeting, comprised of Quaker leaders from Pennsylvania and New Jersey, issued *The Testimony of the People Called Quakers* outlining the neutrality-based-on-conscience position of Friends. Willing to render unto Caesar, they would fight neither for nor against the state.

The Testimony of the People called Quakers

Given forth by a Meeting of the Representatives of said People, in Pennsylvania

and New-Jersey, held at Philadelphia, the twenty-fourth Day of the first Month, 1775.

Having considered with real sorrow, the unhappy contest between the legislature of Great-Britain and the people of these colonies, and the animosities consequent thereon; we have by repeated public advices and private admonitions, used our endeavours to dissuade the members of our religious society from joining with the public resolutions promoted and entered into by some of the people, which as we apprehended, so we now find have increased contention, and produced great discord and confusion.

The Divine Principle of grace and truth which we profess leads all who attend to its dictates to demean themselves as peaceable subjects, and to discountenance and avoid every measure tending to excite disaffection to the King, as supreme Magistrate, or to the legal authority of his government; to which purpose many of the late political writings and addresses to the people appearing to be calculated, we are led by a sense of duty to declare our entire disapprobation of them—their spirit and temper being not only contrary to the nature and precepts of the gospel, but destructive of the peace and harmony of civil society, disqualify men in these times of difficulty, for the wise and judicious consideration and promoting of such measures as would be most effectual for reconciling differences, or obtaining the redress of grievances.

From our past experience of the clemency of the king and his royal ancestors, we have grounds to hope and believe, that decent and respectful addresses from those who are vested with legal authority, representing the prevailing dissatisfactions, and the cause of them, would avail towards obtaining relief, ascertaining and establishing the just rights of the people and restoring the public tranquility; and we deeply lament that contrary modes of proceeding have been pursued, which have involved the colonies in confusion, appear likely to produce violence and bloodshed, and threaten the subversion of the constitutional government, and of that liberty of conscience, for the enjoyment of which our ancestors were induced to encounter the manifold dangers and difficulties of crossing the seas, and of settling in the wilderness.

We are, therefore, incited by a sincere concern for the peace and welfare of our country, publicly to declare against every usurpation of power and authority, in opposition to the laws and government, and against all combinations, insurrections, conspiracies, and illegal assemblies: and as we are restrained from them by the conscientious discharge of our duty to Almighty God, "by whom Kings reign, and princes decree justice," we hope thro' his assistance and favour to be enabled to maintain our testimony against any requisitions which may be made of us, inconsistent with our religious principles, and the fidelity we owe to the King and his government, as by law established; earnestly desiring the restoration of that harmony and concord which have hitherto united the people of these provinces, and been attended by the divine blessing on their labours.

Signed in, and on behalf of the said meeting,

JAMES PEMBERTON, Clerk at this time.

4 The New Jersey Assembly's Endorsement of the Action of the Continental Congress

[*Votes and Proceedings, January 11-February 13, 1775* (Burlington, 1775), pp. 16-17.]

At first it appeared that Governor William Franklin's eloquent appeal for moderation (see Doc. 2) would prevent endorsement of the Continental Congress by the assembly. But the Jersey congressional delegates were determined to see that their labors to effect a united colonial front of opposition had not been in vain. After considerable lobbying with their fellow representatives, they carried the day without formal dissent from opponents of the Congress. Their success was predictable because almost all Jerseymen believed that intercolonial solidarity was the key to obtaining satisfaction from the British government, because the province could ill afford to stand alone while the other colonies fell in behind the Congress, and because the assemblymen wished to maintain their collective position as nominal head of the protest movement in the colony.

January 24, 1775

Mr. Crane and Mr. Kinsey[1] also laid before the House the Proceedings of the Continental Congress held at Philadelphia in September last, which were read; On the Question, Whether the House approved of the said Proceedings? It passed in the Affirmative.

Resolved, That this House do unanimously approve of the Proceedings of the Congress—such as are of the People called Quakers excepting only to such Parts as seem to wear an Appearance, or may have a Tendency, to Force (if any such there be) as inconsistent with their religious Principles.

Resolved unanimously, That James Kinsey, Stephen Crane, William Livingston, John D'Hart and Richard Smith Esquires,[2] or any three of them, be, and they are hereby appointed to attend the Continental Congress of the Colonies, intended to be held at the City of Philadelphia in May next, or at any other Time and Place,[3] and that they report their Proceedings to the next Session of General Assembly—instructing the said Delegates to propose and agree to every reasonable and constitutional Measure for the Accommodation of the unhappy Differences at present subsisting between our Mother Country and the Colonies, which the House most ardently wish for. . . .

Ordered, That Mr. Speaker[4] do transmit a Copy of the foregoing Resolutions to the Speakers of the Assemblies of New-York and Pennsylvania.

Resolved unanimously, That the Thanks of this House be given to James Kinsey, Stephen Crane, William Livingston, John D'Hart, and Richard Smith, Esquires, for their faithful and judicious Discharge of the Trust reposed in them at the late Continental Congress.

1. Stephen Crane and James Kinsey, delegates to the First Continental Congress.

2. This is the same delegation as was sent to the first Congress. See Sec. III, Doc. 4.

3. Prior to adjournment, the first Congress resolved to meet in May 1775 if the dispute with Britain had not been resolved by that time.

4. Cortlandt Skinner.

5 "A Jersey Farmer" Proposes a Loyalist Association

[*Rivington's New-York Gazetteer. . .*, January 26, 1775.]

Opponents of the popular front, whether staunch royalists or conservatives dedicated to law and order, began to band together in the aftermath of the First Continental Congress. However, their activities were loosely organized, covert, and clandestine. The counter-association proposed by "A Jersey Farmer" never got beyond the stage of rhetoric; there were no formal Loyalist organizations in New Jersey until the summer of 1776.

[January 26, 1775]

Mr. Rivington:[1]

I am a plain countryman, and know that many of my good honest neighbours disapprove of most of the late measures and proceedings of the Congress, as well as myself; and some of them having expressed a desire, that some person would draw up a paper declarative of their sentiments, they would sign it, as the only method now left them of disavowing their ever having countenanced, or concurred in the late measures. I take the liberty, through the channel of your *useful paper,* to convey the following (to them, and others in like circumstances) which they may adopt or modify to their liking. I am,

Your most humble servant,
A Jersey Farmer

A Proposal for an Association; Humbly offered
to all Lovers of good order and government, in America

We the subscribers, having taken into our most serious consideration the grievances complained of, by the tendency and operation of certain acts of the British Parliament, relative to America, with the modes and measures adopted by *many* of the inhabitants of this country for obtaining redress; by appointing town and county meetings, provincial congresses, and lastly, a *congress* of deputies from

the different provinces; all of which, but especially the last, did enter into many resolves, (in our opinion) highly derogatory to the honour and dignity of our most gracious Sovereign, the supreme legislative authority of Great Britain, and subversive of the legal constitution, good order and government of this country; and which, if adhered to, will in the end probably be productive of the most dreadful calamities, and "*mournful events,*" to this country in general, and to those people in particular, who shall obstinately persist in carrying the resolves and associations of the late congress in execution.

Therefore we think it a duty we owe to ourselves, our King, and our country, to declare our disapprobation of the resolves, association, and proceedings of the said late congress, and also of the committees since attempting to carry the same into execution: SUCH resolves and association, with many their concordant circumstances, being, in our opinion, highly illegal, and of ruinous tendency to this country. And, as we never voted or assented to the resolves or proceedings of any town or county meetings, "*except such as by law established,*" we do not hold ourselves bound by, or pay any regard or obedience to any resolutions or regulations of any congress or committee whatever; that are inconsistent with our acknowledged allegiance to our most gracious Sovereign, the laws of Great-Britain, or those of the province in which we live: but to these the known laws of the land, we not only know and will cheerfully pay just obedience; but if necessary, will expend our lives and fortunes in defence and support of the same; in opposition to all innovators and disturbers of the public peace and good order of government. NOTHING DOUBTING, but that whatever grievances we labour under, when constitutionally represented by our lawful *Assemblies,* to his Majesty and the British Parliament, they will carefully listened to, and readily removed, if compatible with the general interest of the whole EMPIRE.

1. James Rivington, New York City bookseller and printer, who in April 1773 commenced publication of the *New-York Gazetteer.* Given his conservative temperament and willingness to open the newspaper to writers of all political persuasions at a time when the popular press was dominated by Whigs, Rivington soon came to be regarded as the chief oracle of Tory sentiment. The target of much verbal abuse and a commercial boycott, Rivington fled to Britain after a band of Connecticut radicals destroyed his press in November 1775. He later returned to New York, publishing a paper during the British occupation of the city.

6 The Nottingham Petition to the Legislature

[Manuscript Collection, 70, New Jersey State Library.]

Despite their firm convictions and deep-seated fears, opponents of the resistance movement were generally unwilling to incur the wrath of the popular front by publicly stating their position. An exception was the petition sent to the legislature by residents of Nottingham Township in Burlington County urging the assemblymen to disavow extralegal proceedings and work for a reconciliation with Great Britain. The remonstrance, signed by members of the Society of Friends, is undoubtedly an accurate reflection of the pacifistic sentiment of the overwhelmingly Quaker community (see Doc. 3).

Jany. 30, 1775

The Petition of the Freeholders Electors of the Township of Nottingham in the County of Burlington Sheweth

That your Petitioners are greatly alarmed at the Unhappy dispute, between Great Britain and her American Colonies, which is now brought to the most Alarming crisis, and in all Probability will Involve this once Happy Country in all the Horrors of a *Civil War,* Unless timely Prevented by the Immediate Interposition of the Legislatures of the Colonies. Happy in our Connection with our parent State, we are Sorry that any Circumstances Should have Interrupted that harmony, and mutual Confidence, which have been productive of Such beneficial Effects to both Countries. We are convinced, that the *Real Interests* of both are Inseperable, and Earnestly wish, that Such Measures may be Adopted, as may tirminate the present Unnatural Di[s]putes, and Reestablish Tranquillity and Union, on a Solid and Constitutional foundation. It is with Pleasure we find Assurances given by his Excellency, of our Sovereign's Disposition to Receive our Representations, and doubt not, but the Representatives of this Province, will embrace so favourable an Oppertunity, of Exerting themselves in Endeavouring to remove the Cause of the Present Distractions, by making to Government, Such Equitable proposals, as may be Honourable for Great Britain to Receive, and Just and Safe for us to Offer. As we Desire Equal securaty and Advantage, from our Connection with Great Britain, with his Majesties Subjects within the Realm, we think it Reasonable to bear (Independent of the Expences of our Internal Government) Some part of the Public Expences necessary for the defence of the Empire, in proportion to our Circumstances and Situation. We could wish that Such a proposal was made, as the basis of a Lasting Reconciliation, and we would Chearfully acqui[e]sce in Such Regulations, as our Representatives may think proper to adopt for that purpose. Such Regulations as have Already been taken, for the Securaty of our Liberties, we will for the Sake of internal quiet faithfully observe, but we Disavow all *Violent Proceedings,* and will Indeavour at all times to Approve our Selves, Loyal Subjects of our Gracious Sovereign, friends to the Liberties of our Country and promoters of peace and good Order. We therefore pray that the Honourable House would please to take the Primisses into their Consideration, and persue Such Measures as they may think proper, and your Petitioners as in duty bound will pray.

[Twenty-one signatures affixed.]

7 The New Jersey Assembly's Petition of Grievances to George III

[*Votes and Proceedings, January 11-February 13, 1775* (Burlington, 1775), pp. 58-61.]

While William Franklin was unable to dissuade the assembly from endorsing the action of the Continental Congress, his recommendation that a dutiful petition be sent to the crown was not without effect (see Doc. 2). The assemblymen, including ardent Whigs, were bitterly divided over the nature and content of the memorial. The end product, adopted by a vote of 20-2, is a sweeping catalogue of colonial grievances past and present and an accurate reflection of the political temperament of the province. Few were applicable to New Jersey. When the governor angrily refused to send the petition to the crown, it was forwarded to the London agent who, ironically, was Benjamin Franklin.

House of Assembly, Feb. 13, 1775

Most gracious Sovereign,

We, your Majesty's most dutiful and loyal Subjects, the Representatives of the Colony of New-Jersey, in General Assembly convened, beg Leave to approach your Royal Presence to express our unfeigned Attachment to your Majesty's Person, Family and Government, and to return you our most humble Thanks for your gracious Assurance signified to us by our Governor, That "the Representations or Propositions of your Colonies will be attended to."

Firmly persuaded of your Majesty's Solicitude for the Happiness of your Subjects in the remotest Parts of your Dominions—from the above gracious Assurance—we cannot but encourage ourselves in the Prospect of your Royal Interposition for our Relief from the Grievances under which your American Subjects have been so long labouring.

We do with the greatest Sincerity assure your Majesty, that our Complaints do not arise from a Want of Loyalty to your Royal Person, or a Disposition to withdraw ourselves from a constitutional Dependance on the British Crown; but from well grounded Apprehensions that our Rights and Liberties are intimately affected by the late Measures, in their Consequences pernicious to the Welfare and Happiness both of Great-Britain and your Majesty's Colonies. The Grievances of which we complain are,

A standing Army has been kept in these Colonies, ever since the Conclusion of the late War,[1] without the Consent of our Assemblies; and this Army, with a considerable naval Armament, has been employed to enforce the Collection of Taxes.

The Authority of the Commander in Chief, and, under him, of the Brigadiers General, has, in Time of Peace, been rendered supreme in all the civil Governments in America.[2]

The Commander in Chief of all your Majesty's Forces in North-America, has, in Time of Peace, been appointed Governor of a Colony.[3]

The Charges of usual Offices have been greatly increased, and new, expensive and oppressive Offices have been multiplied.

The Judges of Admiralty and Vice-Admiralty Courts are impowered to receive their Salaries and Fees from the Effects condemned by themselves.

The Officers of the Customs are impowered to break open and enter Houses without the Authority of any Civil Magistrate founded on legal Information.[4]

The Judges of Courts of Common Law have been made entirely dependant on one Part of the Legislature for their Salaries, as well as for the Duration of their Commissions.

Counsellors, holding their Commissions during Pleasure, exercise Legislative Authority.[5]

The Agents of the People have been discountenanced, and Governors have been instructed to prevent the Payment of their Salaries.[6]

Assemblies have been frequently and injuriously dissolved, and Commerce burdened with many useless and oppressive Restrictions.

By several Acts of Parliament made in the fourth, fifth, sixth, seventh and eighth Years of your Majesty's Reign, Duties are imposed on us for the Purpose of raising a Revenue,[7] and the Powers of Admiralty and Vice-Admiralty Courts are extended beyond their ancient Limits, whereby our Property is taken from us without our Consent; the Trial by Jury, in many Civil Cases, is abolished; enormous Forfeitures are incurred for slight Offences; vexatious Informers are exempted from paying Damages to which they are justly liable, and oppressive Security is required from Owners before they are allowed to defend their Rights.

Both Houses of Parliament have resolved, That the Colonists may be tried in England for Offences alledged to have been committed in America, by Virtue of a Statute passed in the Thirty-fifth Year of Henry the Eighth;[8] and, in Consequence thereof, Attempts have been made to enforce that Statute.

A Statute was passed in the Twelfth Year of Your Majesty's Reign, directing that Persons charged with committing any Offence therein described, in any Place out of the Realm, may be indicted and tried for the same in any Shire or County within the Realm, whereby Inhabitants of these Colonies may, in sundry Cases by that Statute made capital, be deprived of a Trial by their Peers of the Vicinage.[9]

In the last Session of Parliament, an Act was passed for blocking up the Harbour of Boston; another impowering the Governor of the Massachusetts-Bay to send Persons indicted for Murder in that Province to another Colony, or even to Great-Britain for Trial, whereby such Offenders may escape legal Punishment; a third, for altering the Chartered Constitution of Government in that Province; and a fourth, for extending the Limits of Quebec, abolishing the English and restoring the French Laws, whereby great Numbers of British Freemen are subject to the latter, and establishing an absolute Government and the Roman Catholick Religion throughout those vast Regions that border on the Westerly and Northerly Boundaries of the free Protestant English Settlements; and a fifth, for the better providing suitable Quarters for Officers and Soldiers in His Majesty's Service in North-America.[10]

To a Sovereign, who "glories in the Name of Briton," the bare recital of these Acts must, we presume, justify the loyal Subjects who fly to the Foot of his Throne, and implore his Clemency for Protection against them.

Although all the Grievances above enumerated do not immediately affect the People of this Colony, yet as, in their Consequences, they will be deeply involved, we cannot remain silent and unconcerned.

Should our Properties be liable to the Disposal of those of our Fellow-Subjects, in whose Election we have no Voice, we conceive it evident that we have no Property but at their Will and Pleasure.

And should we be carried for Trial to Places where it is impossible for the Accused to compel the Appearance of his Witnesses, Innocence will be no Security from Punishment.

Nor is the Jurisdiction lately given to the Courts of Admiralty, which deprive your Majesty's American Subjects of Trial by Juries of the Vicinage, less repugnant to the Fundamental Principles of the Common Law.

All which necessarily tend to reduce us to a State of Servitude, from which our Affection for the English Constitution, and Duty to ourselves and our Posterity, loudly call upon us to avert by all lawful Means in our Power.

The Colony of New-Jersey, during the late glorious War, though not immediately affected, because surrounded by your Majesty's other more extensive and opulent Colonies, complied with every Royal Requisition for Aid, and cheerfully exerted itself at a very considerable Expence, whereby it incurred a heavy Debt, under a great Part of which it at present labours.[11]

And as this Colony hath always, according to its Ability, cordially defrayed the Charge of the Administration of Justice, and the Support of the Civil Government; your Majesty may be assured, that it will ever be ready, not only to defray the same Charge, but also to contribute, when constitutionally required, to every reasonable and necessary Expence for the Defence, Protection and Security of the whole British Empire.

We do solemnly and with great Truth assure your Majesty, that we have no Thoughts injurious to the Allegiance which, as Subjects, we owe to you as our Sovereign—that we abhor the Idea of setting ourselves up in a State of Independency—and that we know of no such Design in others.

We therefore most earnestly beseech your Majesty to interpose your Royal Authority for the Redress of the above Grievances, and to vouchsafe us a gracious Answer to this our humble Petition.[12]

That the Omnipotent Being, "by whom Kings Reign and Princes decree Justice," and who hath placed your Majesty on the Throne of your Ancestors, to which they were called by the Suffrage of a free People to protect them against Popery and arbitrary Power, may bless you with every Felicity both Temporal and Eternal—and that the Colonies may vie with the most faithful of your Subjects in every dutiful and loyal Attachment to your Royal Person, Family and Government—is and always will be the sincere and fervent Prayer of your Majesty's loyal and dutiful Subjects, the Representatives of the Colony of New-Jersey.

1. The French and Indian War, 1754-1763.

2. This charge is not true; the army could not act without authorization from the civil establishment.

3. The reference is to General Thomas Gage, who replaced Thomas Hutchinson as governor of Massachusetts in May 1774.

4. The reference is to writs of assistance, in effect search warrants that did not stipulate the time, place, or object of a search. However, the writs were

issued by civil officers and a magistrate was to accompany the customs official during the search.

5. The members of the provincial council, who functioned both as advisers to the governor and as the upper house of the legislature.

6. During the eighteenth century, the assemblies gained sole control over the appointment and payment of the London agents. Increasingly after 1763 the British government tried to enforce the requirement that the agency be the representative of all the branches of the colonial government.

7. The Sugar Act of 1764, the Stamp Act of 1765, the Revenue Act of 1766, and the Townshend duties.

8. "An act for the trial of treasons committed out of the King's dominions" (35 Henry VIII c. 2), passed in 1543 provided for the trial of persons charged with treason to be held in England regardless of where the alleged offense occurred.

9. No such act was ever passed by Parliament. In 1768 Parliament resolved that Americans charged with treasonous acts could be tried in England under the 1543 statute of Henry VIII, but the resolve did not have the force of law. Because the destruction of the British revenue schooner *Gaspee* in Rhode Island waters in 1772 was considered by some legal authorities to be an act of treason, the royal commission (which included New Jersey Chief Justice Frederick Smyth) created to investigate the incident was empowered to send indicted persons to Britain for trial. Although the identity of those responsible for the burning of the *Gaspee* was common knowledge, Rhode Islanders would not testify against their fellow provincials and so no one was ever indicted. Henry VIII's treason statute was never applied to Americans.

10. The Massachusetts Acts (the "Coercive Acts") and the Quebec Act of 1774.

11. In truth, the province's compliance was less than prompt, cheerful, or complete.

12. George III received the petition, but took no notice of it.

8 John Hatton, Jr., to Thomas Hatton

[Dartmouth Papers, 1286, Staffordshire County Record Office, Stafford, England.]

This letter from John Hatton, Jr., to his uncle, the Reverend Thomas Hatton, Anglican cleric of Waters Upton, Shropshire, England, is the most comprehensive rebuttal to the popular front penned by a Jerseyman during the prerevolutionary decade. It is significant—and representative of the conservative position—that Hatton believed the protesters to be not only misguided in their actions but also utterly misinformed about the issues of the

day. The younger Hatton was the son of the controversial collector of the customs for the port of Salem and Cohansey from 1764 to 1776; father and son both became staunch Loyalists in 1776. Thomas Hatton undoubtedly is responsible for passing his nephew's letter on to Lord Dartmouth, secretary of state for the American Department.

New Jersey 17th February 1775

Honored Sir,

. . . . This Country at present is in a most disordered State, and the Friends of Government are very precariously situated. The present unnatural Contest will soon produce a total stagnation of Trade. The importations from Brittain are already stopped and the other Branches of Foreign Trade will soon undergo a similar fate, So that thro' the present Struggles for Liberty (as they are called) their Trade will be Confined with their own hands to a Coastways Commerce; and like the Tribe of Zebulon[1] originally they will only Import the Comodities of some Neighbouring Tarshish.[2]

It perhaps may not have been in your way to understand the *True foundation* of the present dispute, for the Public Prints[3] in England, if they bear any resemblance to the American, contain very eronious Information.

The political Zealots of America contend that the Parliament cannot bind the Colonies without confining the Laws entirely to the Regulation of Commerce, and that the imposition of 3d [per] lb. on Tea is a Revenue Law and not a Restriction of Trade, and is meant to establish a precedent for future Revenues.[4] That if the Parliament have a Right to take a penny from them they have a Right to all they have, their having this right is denied and the asserting it (say the American Patriots) is a Novel Scheme. That the punishment of Boston is unprecedented and Cruell,[5] the Act for removing Officers and Soldiers to England for Trial when charged of Committing any Misdemeanor is Illegal,[6] and that the Roman Catholick Religion is established in Canada, contrary to the Oath of the King at the Coronation and repugnant to the fundamental Laws of the Nation.[7]

Having thus communicated to You the Objections which the Sons of Liberty (as they call themselves) Make to the Measures of Government I shall acquaint You with the Answers given by the Sons of Loyalty amongst which Class You will be pleased to Number Me.

Since they speak of Novelties in Politicks the greatest of that Stamp is the denying the Authority of the Brittish Parliament. It is an opinion broached a few years ago. There is not a single Reign since that of Cha[rles] 1st,[8] (under whose immediate Successor many of the American Charters were granted)[9] but has produced Laws to raise Revenue in America, if We except the short and troublesome Reign of King James from his Accession to his Abdication,[10] besides admitting for a Moment (what I heartily deny) that the Parliament has only a Right to Regulate the Trade of these Colonies, a question will arise how that Trade can be regulated? The usuall method in all Countries I conceive is by duties, bounties and prohibitions, without which no Trade can be regulated. The assertion that the Claim of the Parliament to raise Revenues as well as regulate the Trade is no Novelty! Tho' the American Patriots assert this palpable falsity their Friend Lord Chatham[11] in the

House of Lords knows better. He is satisfied the Parliament have not only Claimed but exercised that power, his Lordship therefore only labours to prove in one of his Speeches that the power was exercised by Custom and not established by Law. I will not contend whether the Tea Act is a Revenue or a Regulating Bill. It is immaterial, it is the Act of the Three Estates of the Realm,[12] and as such should be obeyed. I am not so well informed of the designs of Government to say that they left the Tax on that Article to establish a precedent, but I am certain it stands in no need of precedents. A Cursory view of Carkesses Book of Rates[13] will present many precedents. It will show Cha[rles] 2nd Taxed Indico, Logwood &ca.; Geo[rge] 2nd[14] Wine; and other Monarchs raised other Revenues, all of which are Collected in America at this day. And in respect to their Assertion that if the Parliament have a right to take a Penny they may take all they have, I must adopt the Answer of a worthy Divine of the Church of England at New York,[15] who amidst the general Torrent of Sedition called upon the "True Sons of the Church" to examine the Articles of their Faith, and adhere to the well-composed Homilies on Obedience and Rebellion. He answered that the Parliament had a Right to take a Penny and even their Quota for the Support of Government and defence of the Land out of their Pocketts by a Revenue on Trade, yet they had no Right to take all they had. The first would be the height of Justice and Reason, the latter would be devoid of both. A Father (continues he) has a Sovereign Authority over his Son so as to send him on a reasonable Errand, and he is bound to Obey. But the Father has no right to Command the Son to Committ any thing Criminal, and if he should he is justifiable in disobeying. For the falacy of the Arguments against the punishment of Boston as Cruell and Unprecedented, the removing Persons charged with Offenses on Government Accounts to England for Trial, and the Establishing the Roman Catholick in Canada as Illegal, I appeal to the Candour of the Judicious. The History of Brittain furnishes precedents for the Punishment, and Justice cryed aloud for the punishment of Boston. It is not Cruell, it is no more than adequate to the Offences. Nay such was the Clemency demonstrated in the Port Bill that it enacted that when Peace and Obedience was restored, the India Company[16] satisfied, and it appeared that the Trade of Brittain might be carried on with Peace and safety, his Majesty might immediatly give that preverse People Relief without waiting for Parliamentary concurrence.

As to their being Condemned unheard (as some have Objected), tho' it be allowed that the general Laws of our Constitution will not admit any Person to suffer before he be legally Tried, Yet the Parliament on extraordinary occasions dispences with those Laws, like the King, in cases of high Treason, stops the Habeus Corpus Act. Besides whilst a regular Trial was holding on the People of Boston more Injury would have been done—their Evils were contagious, and they would have become Ungovernable. Their unjustifiable proceedings were published with Applause in their own Prints, and the most respectable Officers, the Governor[17] & ca. confirmed it. It was therefore highly proper immediately to Punish and to Crush a sedition bordering on Rebellion in the Bud. The Act to remove Persons charged with Offences in pursuance to the Revenue Laws to England or the other Colonies for Trial is consonant to Justice and established by precedents in the Annals of Brittain. When they cannot have an equitable and fair Trial in Boston it was proper they should be Removed to a place where they could have such a Trial, and it would have been Injustice to have required Officers to do their duty and then deliver them into the Hands of a Bostonian Jury to Sacrifice them. That the Roman Catholick Religion

is established in Canada is an egregious falsehood, tho' asserted by the infalliable Congress.[18] It has been pretty plainly proved that it is only tolerated, And what is more a provision is Made for the Support of a Protestant Clergy, and the Introduction of the Brittish Laws when it may appear eligible. If the Parliament had not Tolerated the Roman Catholick Religion, their Bishop and his Suffregans, it would be a manifest Breach of the Public Faith, reflected on our National honour, and perhaps brought heavier Marks of Resentment. If any one doubts these Assertions let him Consult the Articles of Capitulation of the City of Quebeck[19] demanded by the French Commandant[20] and Granted by General Townsend[21] the surviving Officer on whom the Command devolved on the death of Wolfe[22] and wounding of Moncton[23]—also that part of the Definitive Treaty relative to the Cession of Canada,[24] and lastly the Quebeck Bill.

You see, Sir I have been every elaborate in the Answers to the suggestions of the Faction. I have had the Advantage of Reading every Political Tract published on either side, an advantage few persons in England, especially in Country Places, I presume can have. I suppose I have Trespassed on your Patience by this discussion—Pardon me Sir, I think it but reasonable that my Friends should understand the true foundation of the dispute, and I will Trouble You no further than just to Enquire if the Bostonions are really Aggreived whether they have sought the proper means of Redress? Have they submitted to these pretended Greivances, and humbly supplicated the Throne for Releif? No, they have not behaved with such decency. They have denied the Authority of the Parliament, shut up the Courts of Justice, Wrested the Command of the Militia from the Kings Governor, forced his Majesty's Counsellors to resign their Employment, made continual depredations on both Public and Private Property, and with the rest of the People of America broke off all Commercial Intercourse with Great Brittain. I need not ask your Opinion on these Measures.

Every honest Man must heartily detest and Abhor them in the same Proportion that he honours God "*by whom Kings Reign and Princes decree Justice.*" The Sons of Liberty (I use the phrase out of Courtesy) tho' they have been continually adding Fuel to the Unnatural Fire, which yet hostiley burns between Brittain and her Colonies, And suppressing those Moderate Publications which would have Opened the Eyes of the People, are not so Elated as formerly. Many of the leading Men Recommend Amicable Measures. The Quakers have Apostatized (as they term it) from the good Cause, And in their Annual Manifestos have forbid the Members of their Society from joining in the Public Resolve.[25] This is called Apostatizing by some, but, I call it Conversion. But what chagrins the Sons of Faction most is the refusal of the Assembly of New York to Approve the proceedings of the Congress,[26] and the Merchants of that place in general threaten a total declension from the Party, and I have no doubt but firm and Resolute Measures on the part of the Government will soon Restore Peace and good Order, and Establish the Supreme Authority of the Brittish Parliament over all its dominions, so essential to the Welfare of the whole. . . .

Honored Sir,
Your affectionate Nephew
And most humble Servant
JNO. HATTON JUNR.

1. Zebulun: one of the twelve tribes of Israel.

2. Biblical authority is unclear, referring only to the "ships of Tarshish" (I Kings 10:22). Presumably the reference is to the great mercantile city of Tartesus which periodically sent large merchant fleets throughout the Mediterranean region.

3. That is, newspapers.

4. The Tea Act of May 1773.

5. The Boston Port Act of March 1774.

6. The Impartial Administration of Justice Act of May 1774.

7. The Quebec Act of May 1774.

8. Charles I, first deposed and then beheaded as a result of the English Civil War, was king from 1625 to 1649.

9. During the reign of Charles II (1660-1685), New York, East and West New Jersey, the Carolinas, Connecticut, Rhode Island, and New Hampshire were either chartered or granted recognition as distinct political entities.

10. James II reigned from 1685 to 1688; he fell victim to the Glorious Revolution, which saw William and Mary assume the throne.

11. William Pitt, defender of American opposition to the Stamp Act, who upon replacing Lord Rockingham as chief minister in 1766 was elevated to the peerage as the Earl of Chatham.

12. That is, of the crown, the House of Lords, and the House of Commons.

13. Charles Carkesse, *The Act of Tonnage and Poundage, and Rates of Merchandize* . . . (London, 1702). Hatton probably has in mind *A supplement to the Act of Tonnage and Poundage, commonly called the Book of Rates . . . containing a collection of the statutes and parts of statutes, relating to his Majesty's Customs, which have passed, since the 11th of King George the First* . . . (London, 1737).

14. George II was king of Great Britain from 1727 to 1760.

15. From the contents of this letter, it would seem that Hatton is referring to Samuel Seabury, author of the widely circulated "Westchester Farmer" pamphlets; however, he may have in mind either Charles Inglis, Myles Cooper, or even Thomas Bradbury Chandler.

16. The British East India Company, whose tea was destroyed in the Boston Tea Party of December 1773.

17. Massachusetts Governor Thomas Hutchinson.

18. The First Continental Congress, which met in Philadelphia during September and October 1774 to protest the Massachusetts ("Coercive") Acts.

19. The French stronghold of Quebec fell to the British on September 18, 1759, marking the turning point of the French and Indian War (1754-1763).

20. Jean Roch de Ramezay.

21. Brigadier General George Townshend.

22. Brigadier General James Wolfe.

23. Colonel Robert Monckton.

24. The Treaty of Paris, February 1763, which ended the French and Indian War.

25. See Doc. 3.

26. In January 1775 the New York assembly refused either to endorse the action of the First Continental Congress or to appoint delegates to the Second Continental Congress scheduled to be held in May.

9 "Essex" to "D.C." on Intercolonial Unity

[*New-York Journal; or, the General Advertiser,* April 20, 1775.]

The popular front in New Jersey was not a monolith: its ranks were comprised of individuals of diverse backgrounds and perceptions. But in addition to their common opposition to imperial policies, these disparate elements were convinced that the redress of grievances for which they struggled could be achieved only through unified purpose and program. In the essay that follows, "Essex" discusses the necessity of forging and maintaining a united front, pleads for unity, and warns of the consequences of division. He recognizes that the key to the common cause is the Continental Congress—a popular body that provided for the first time "national" perspective and leadership to the resistance movement.

New-Jersey, March 25, 1775

Dear Sir,[1]

Since the writing of No. 1,[2] we have been agreeably entertained with intelligence from London, favorable to the good cause, in which, not only these colonies, but Great-Britain and all her other dependences are so deeply interested. I congratulate you, and the rest of the friends to the constitution, on the receipt of these, and every other appearance in our favour. Permit me to enumerate a few of these: For a proper and general attention to them, would do much toward strengthening our union, and defeating the base designs of those who oppose the general good. And the first thing to be remarked, is the greatness of the union subsisting among ourselves, on which, under providence, depends our greatest hope of success. This union appeared remarkably, in the sentiments of all the colonies respecting the propriety and necessity of appointing Delegates to meet in general Congress. And since, in their appointing so many men, who, when met, were so exactly suited to one another in sentiments, as they in fact were. For when Representatives are properly chosen, without bribery or any other undue influence, they naturally carry with them the sentiments of their electors, from whom they also receive the outlines of their conduct in general directions. When these Delegates met, they began their solemn and important business by bowing themselves before the great Sovereign of the universe, to whom they could with a pure conscience appeal, as to the justice of their cause. And on whom they, in the use of proper means, depended, for all that assistance, which was necessary to ensure success. And for this they humbly implored the divine clemency and goodness. At the same time, or as near it, as the provinces could judge, there were many hundreds of congregations of their constituents beseeching Almighty Goodness for the same divine aid. They believed their cause was His, and could therefore go boldly to the throne of grace.

Here, Sir, is union. A continent on their knees imploring the alliance of a God! This is an appearance favourable to us. And in this view the enemies of America might do well to remember the advice of Gamaliel.[3] Let us revolve in our minds

the proceedings of this Congress, and see what appearances here are favourable to us. Caution, justice, loyalty, knowledge, moderation, wisdom, benevolence, deliberation, humanity, resolution, fortitude, self denial, self defiance, piety, and, to crown the whole, a remarkable union in all these. Antient Rome in her highest pitch of power and glory, never produced an Assembly of worthies better qualified to govern an empire than these. The desire of this Congress appears evidently to be, that all the disturbances, divisions, conclusions, ill will and oppression in the whole of his Majesty's dominions should cease; and that peace, union and harmony, with constitutional liberty, and a just dependence of one part on the other, should exist throughout the whole of this great empire, which they desire should be governed, in all its parts, by his present Majesty George III. and a Protestant succession in his family, together with such other legislative powers as are, by the British constitution, and Provincial charters, established.

No wise and good men, I conceive, when once truly and sufficiently acquainted with their designs, as stated above, can wish that they should be defeated. If we pursue this union in the resolutions of the Congress to their being put into execution in the several united provinces, we shall find that it prevails against all opposition, and that the opposers of congressional measures are comparatively but very few. I do not at present recollect more than three towns in the opposition in all the four provinces of New-England, and those none of the the most considerable. The names, in tenderness to the virtuous part of their inhabitants, are here omitted. However, considering the measures taken with them by their wiser neighbors, it is very probable they will soon be brought to a sense of their error, and will return to their duty.

In this and the southern provinces, I believe, the opposition is as full as small. Some few places in the province of New-York are delinquent; but they appear to be returning to their duty. The city and county of New-York have been esteemed by far the most so; but by a late fair trial it appears that there are more than five to one in favour of the Congress.[4] And this probably will break the heart of all the opposition in America. The news from Great-Britain and the West-India islands, so favourable to us, will contribute much to the same valuable purpose. Some indeed have lately attempted to land goods in America contrary to the association of the Congress, but such is the vigilance of those excellent inspectors, the committees of New-York and Elizabeth Town, and such the awful guilt of the delinquents, that they could not be hid. They have confessed their fault and laid a heavy fine upon themselves for their base conduct.[5] Another person concerned in the same dark affair is also detected, and will, it is thought, be sufficiently punished. In fine, if we continue to pursue the wise measures of the Congress, the merchants and manufacturers in England and the West-India islanders will do all in their power to procure a redress of all our grievances. And we have a great, great reason to hope, that by the favourable interposition of Divine Providence their united endeavors will soon produce the desired effect.

I remain, dear Sir, your's and the constitution's friend,
ESSEX

1. Identities unknown, but "Essex" sounds very much like Elias Boudinot. Is "D. C." Daniel Coxe (see Sec. I, Doc. 1)?

2. On March 18, "Essex" wrote to "D. C." of the "strong party too near the Throne" that was "opposing the general good of the nation, to the great danger of the King, the Protestant succession and interest, and even the very existence, of the empire as such" by invading "the rights of mankind in every part of the empire." "In this view of things," he concluded,"no wonder if we should esteem those Traitors to the King who are using their utmost efforts to undermine his throne, by destroying its basis, the Constitution. Hence, Loyalty itself justifies us in opposing such men and such measures. This view justifies all the military preparations now making in America. The stronger we are in these, the safer is the Empire. We mean to act only on the defensive. We ought by no means to strike the first blow, nor to provoke those who would. This is certainly a great point to carry against those who call us Rebels, and would make us so, if they could. I know you will strictly adhere to the wise directions of our loyal Congress, according to which, while you encourage the doubtful and instruct the ignorant, you will punish the guilty and thereby greatly oblige your humble Friend." *New-York Journal; or, the General Advertiser,* April 6, 1775.

3. A Pharisee, a doctor of the law, who urged caution and moderation when the irate Sanhedrin (high Jewish tribunal) sought to slay the apostles for their forthright testimony to Christ. Acts 5:33-40.

4. At an election on March 16, 1775, sponsored by the Committee of Sixty, residents of New York City voted by a margin of 825-163 to send delegates to the Second Continental Congress.

5. In late February the Elizabethtown Committee of Observation launched an investigation of the illegal landing of cargo from the ship *Beulah* while anchored off Sandy Hook. Subsequently, the offenders, New York City Quaker merchants John and Robert Murray, confessed their misdeeds to the New York committee and were pardoned.

10 Chief Justice Frederick Smyth to the Middlesex County Grand Jury

[Frederick Smyth Papers, American Philosophical Society Library.]

In contrast to John Hatton, Jr., (see Doc. 8), Chief Justice Frederick Smyth was less concerned about the specific actions and arguments of the popular front than about the long-range implications of disrespect for government and disregard for laws. After a routine charge to the Middlesex County Grand Jury, Smyth delivered a lengthy disquisition on the subject of law and order. His remarks constitute a classic statement of political conservatism; in his mind, respect for government and the rule of law were the cornerstones of civilized society. Pointing out the crucial distinction between liberty and license,

Smyth expressed fears that the excesses of the extralegal political organizations would lead not to redress of grievances and reconciliation but to either chaos or tyranny. Whatever his conclusions about the legitimacy of the protest movement, Smyth spoke for all politically conscious Jerseymen who wondered how far one could go in challenging royal authority before the contest became a matter of rebellion instead of resistance.

April 4, 1775

Gentlemen of this Grand Jury.

. . . . I might now Gentlemen dismiss you from the Bar and leave you to your own Consultations; but I am persuaded I should disappoint your expectations, if at this public Meeting, I should pass unnoticed some late transactions in this and the Neighbouring Provinces, which must have excited the most allarming apprehensions in the minds of every Friend of Government, every Man who has the real happiness and Welfare of his Country at heart.

I address myself to you Gentlemen as a Body of Men of whom I have an opinion for integrity and understanding and as Persons of weight and Authority in this County, whose conduct may influence numbers, whose sentiments may be adopted by your Neighbours, and whose example will I trust be much more prevelant than the dictates of noisy forward declaimers in the pretended cause of Liberty.

Believe me, Gentlemen I have no other motive for delivering my sentiments to you on the subject of our present unhappy Commotions and dissensions than to discharge the duty I owe to my Station in this Province, to inculcate the necessity of obedience to Government on the principles of our excellent Constitution, an unfeigned Zeal for the authority of established Law, and a hearty desire to Contribute my endeavours to promote unanimity, order, harmony and Peace among all ranks of People.

Having premised thus much, I hope, Gentlemen, the freedom with which I shall deliver my opinion will not be ill taken, even tho' I should oppose the general popular bent and current of the People; for if People unhappily misguided and bewildered are hastening towards a precipice, they ought surely to be thankful to anyone who will hang out lights to save them from destruction.

We all know full well the source and occasion of the present unhappy Commotions and dissensions in the Colonies; we know also what lamentable effects a spirit of defiance and violence has already produced in one Province;[1] and indeed so black a Cloud at present hangs over the Colonies in general that it is time for every wise and cautious Man seriously to Consider how best to shelter himself before the Storm breaks out.

This Province for many years past, even in times of public Commotions and disturbance, has been distinguished for the quiet, orderly and regular behaviour of its inhabitants, and might have been thus laudably distinguished to this Day, but for the extraordinary Zeal and industry which has been shown of late by too many amongst us in what is called the common cause of Liberty, and the Freedom of their Country. So true is the remark that People are often led by the mere sound of Names without fixing any Ideas, at least any adequate or proper Ideas, to such Names or sounds. Thus for instance with the cry of American Liberty—the common cause of Liberty ringing in our Ears, We have been invited to battle, bloodshed and

destruction. The Cause of public Liberty must have a place in a System of Politics, and so must the common cause of humanity in a System of Morals. But wise and good Men know that it is perfectly consistent with our regard to the public cause of liberty, as well as the public cause of humanity, to regard ourselves, our families, our properties, and our Domestic comforts and that violent and illegal Measures even in the most necessary struggles for Liberty can never be justified till all legal and moderate ones have failed.

Think not however, Gentlemen, that I have a wish to damp that ardor for legal Liberty so Natural and so becoming the Character of British Subjects, or that I am desirous to divert your Minds from a Concern for and attention to the common rights of your fellow Subjects as Members of Society; but let this Concern and attention be well founded, let them be founded in reason and cool reflection. Every individual hath an interest in the public tranquility, which once destroyed all private rights will sink and be absorbed; and if Liberty and the Common rights of the Subject are really the objects in view, let it be remembered that Liberty is never more in danger than when it vergeth into Licenciousness—Liberty must ever be founded in Law, and protected by it.

I doubt, Gentlemen, this word *Liberty* so much talked of, and at this Time thought to be so much in danger, is not properly understood even by those who pretend to be the warmest advocates for it. The Idea I conceive we ought to have of real legal Constitutional Liberty, is, that it consisteth in the enjoyment of our lives, our persons and our properties in security; to be free Masters of ourselves and our possessions, as far as the known Laws of our Country will admit; to be liable to no punishment, no confinement, no loss, but what those Laws subject us to! This I take to be a description of a free People, this the degree of Liberty which by the British Constitution is the Birthright of every subject of that Constitution.

If we then as British Subjects may Claim and are justly intitled to these invaluable Priviledges, he is the true Patriot, he is the Real Friend of Liberty, who shall attentively Watch and carefully point out every attempt to abridge or violate any of these known and established rights, tho' the attempt should be made under the specious pretence of acquiring New Priviledges or Strengthening and conforming those we now possess.

Allow me therefore Gentlemen to express my fears that the Town and County Meetings held of late in the Provinces,[2] so far from being productive of the good effects pretended by some, and so eagerly expected by others, will in the event become most dangerous expedients, and be fatal precedents, if not timely checked, to overturn the Rights and priviledges of the People and totally destroy the Peace of the Community; for I consider these Meetings, with the Election of Committees, whilst the Power and Authority of such Committees remain undefined by Law, to be a most dangerous popular encroachment upon the established Constitution.

Some degree of good order and decorum may perhaps have hitherto been observed in these public Meetings in this Province; but when we consider the Language and sentiments held forth at some of those Meetings in other Governments, when we consider the progress of human passions inflamed in a popular cause, uncontrolled by Power or unawed by Authority, is it to be expected that there will always, if ever be found coolness and moderation enough at such Meetings to resolve, that, hitherto will we go and no farther? I think Gentlemen I have sufficient ground for my apprehensions from what we know have been the

transactions of Committees in other Colonies—and indeed History sufficiently evinceth that it is of the most dangerous consequence so far to give way to popular clamors, as to make the least breach in the Constitution thro' which Million[s] of abuses and encroachments will certainly in Time force their Way. It is a great excellency of our Constitution that the Duty and Authority of every officer of the Government is nearly if not absolutely ascertained by established Law. But the mischief to be dreaded from popular Meetings or Assemblies of the People assuming Power over their fellow Subjects, be what will the occasion or pretence for the exercise of such Power, is, that when once they have begun the exertion of such Power they never set down quietly with a certain share of Power, or propose to declare what share of Power is their due, or to what extent it shall operate, 'till by degrees tho' perhaps under the pretence of preserving Liberty, absolute Power Tyranny and Arbitrary sway is introduced and established, and manifold instances may be produced to show that a Tyranny of the People has been the worst and most fatal of Tyranny. Therefore Gentlemen whatever New Plans or popular devices may at this time be struck out by Committees or others under the specious pretence of extending enlarging or securing your Liberties, if they shall be found in their operation really to infringe the legal established Constitutional rights of the Subject, the good People of this Province ought not to be bound by such devices. And surely, Gentlemen, you will not suffer yourselves to be so far captivated with the Novelty of these Devices, as to assist, by your approbation of them, in overturning a Constitution, under which you and your forefathers have lived in all the security and happiness which Men can reasonably expect to enjoy in Society. Beware Gentlemen, lest whilst you are contriving every Mode of Opposition to what is called a System of Tyranny three thousand Miles distant, you do not by your conduct give countenance to a real Tyranny and Arbitrary Power at your own Doors.

Perhaps it may be thought that tho' some irregularities may have been committed in this and other Provinces through the influence of Committees, they are not of such a nature as to Warrant this allarming Language. Believe me Gentlemen my apprehensions are more for your sakes than my own—you have much more at Stake in the present Conflict than I have but these are times when every Man ought to speak out freely and deliver his sentiments. We are now in boisterous Weather—certain Persons seem to have a desire to seize the helm, of whose skill and designs I have some doubts; and if the Vessel is among Rocks and sands, the voice of a Passenger, or even the meanest of the Crew, who in the hour of danger can give good advice ought to be attended to. For my Part, I know no other rule to go by, than the Laws of the Land and the Principles of the Constitution; and if they are trampled upon and overturned, mischiefs of the worst kind must necessarily follow. Let us then bring the Conduct and proceedings of Committees in general to this Test, and see if we have any ground for apprehension by their continuance. I speak of Committees in general; for tho' perhaps those in this Province have not yet gone into such excesses as in other Governments, yet as they have all the same Authority for their proceedings, it must depend upon their own will and pleasure how far they will proceed, or where they shall Choose to stop.

I will not recount any of their proceedings, but content myself with asking a few plain questions, the answer[s] to which will demonstrate whether they ought to be approved of by me, or countenanced and supported by you, and the good People of this Province. Has any one been deprived of any rational enjoyment of his life thro'

the influence of Committees? Has any Mans person been insulted or abused thro' the influence of Committees? Has any Man been deprived of his Property? Has any Man been punished? Has any Man been confined thro' the influence of Committees? Has the Liberty of Speech or the Liberty of the Press been restrained thro' the influence of Committees? In short have they enjoined the People what is not by Law enjoined or prohibited the People what is not by Law prohibited? But after all for what purpose are Committees now kept up? That they are not absolutely necessary even in a Political point of view, is apparent, for it is well known that many Towns, I believe some Counties,[3] in this Province are without them, and find their affairs go full as well. If they are to be considered, or if they consider themselves, as public Censors of the Manners and behavior of the People; let it be known that you Gentlemen, as Grand Jurors, are the only Censors of the Manners and Morals of the People known in the Law. And to this Censorial Office you are called by the Constitution, but the authority Usurped by Committees is a perfect Stranger to the Law and the Constitution.

I observed before, Gentlemen, that we all know the occasion of our present unhappiness in the Colonies. The cause generally assigned is the cause of Liberty. I wish in the end it may not become a struggle with our Parent state for Power.

Much, perhaps too much has been said on the subject of the Legislative Authority claimed by the Parliament of Great Britain over the Colonies. Much, perhaps too much also hath been said and done to stimulate the People against this claim. I shall content myself with only observing that exasperated as the Colonies at present seem to be against the British Parliament, we all know the Parliament, as the Supreme Legislature of the State, has been in the exercise of the Power of making Laws to bind the Colonies from time to time, almost ever since the settlement of the Colonies and with which the Colonies have constantly acquiesed till of late years. And indeed it cannot be disputed but that in every Government there must be a supreme and absolute Power, which Supreme Power is above every Soul contained in the same society or Government; that the Supreme Power in every Government and Nation is the Legislative Power of making and altering those Laws of it, by which every Man is to be bound, and to which he is to yield Obedience; and that by our Constitution this Supreme and absolute Power is lodged in Parliament.

Time was, Gentlemen, when the Colonies knew, felt and acknowledged their best security in the Power of Parliament. Parliament in the Political Constitution, like the Heart in the Natural Body, has from Time to Time transmitted spirit and vigor to every part of the Body Politic, whereby the whole structure of the British Government of which these Colonies must be considered a Part, has been Nourished, invigorated and supported. And the Colonies, firmly united with Great Britain, are then Members of a Constitution the envy of the World, are parts of a State composed of the freest, bravest and greatest People under the Sun. These considerations, one would think, should dispel all Murmurs, Jealousies and discontents in the Colonies, and instead of harbouring the most distant thought of a seperation from Great Britain, the principal grievance which the Colonies ought to lament is, that their distant local situation from Britain makes renders it inconvenient for them to participate in a share of the Supreme Government. This circumstance may have occasioned Measures to be taken, of which the Colonies may have cause to complain; but their Complaints have been fully Stated and will be heard. Instead therefore of keeping up a spirit of Clamor, murmur and discontent, I might add downright

defiance, avowed resistance and open violence, every friend of his country, every friend to Peace order and good Government will ardently wish that some prudent measure of accommodation, worthy a grateful and loyal People, may be proposed worthy the dignity and wisdom of our Parent State to attend to. Then may we hope that every black Cloud which now hangs over the Colonies, will be dispersed; that past Offences will be no more remembered, but joy be seen in every face, content be felt in every heart; that the Sceptre of Great Britain will continue to be held over the Colonies for their protection and security, and not like a Rod of Correction for the Punishment of Offences; that the Inhabitants of the Colonies convinced of their happiness as subjects of a Monarch whose Gracious Language to his People is, that he has, that he can have no interest seperate from the Interest of his subjects, will therefore vie with each other in every testimony of active Loyalty where it is so justly due. I will conclude Gentlemen with my fervent Wish that all the subjects of the Dominion, convinced of the necessity of an happy union, May be of one heart and one mind to contribute to the Support of our Excellent Constitution, and that it may long, very long, continue, the uninterrupted source of good Government, good Laws, Liberty, Peace and Plenty to all without distinction, who are intitled to the Blessings of that Constitution.

1. The "Coercive Acts" directed toward Massachusetts, which were passed by Parliament in the spring of 1774 as a result of the Boston Tea Party.
2. The popular meetings called to endorse the action of the Continental Congress and implement the Association during the winter of 1774-1775.
3. Ten county committees were operative by April 1775; there is no evidence of such organizations in Bergen, Cape May, and Sussex Counties.

11 Elias Boudinot to the Morris County Committee

[Edwin A. Ely Collection, New Jersey Historical Society. The manuscript is a rough draft; I have incorporated interlinear and marginal additions and revisions into the text as was the author's intent. The document is not signed, but is in Elias Boudinot's hand.]

In the spring of 1775 Elias Boudinot, Elizabethtown lawyer, stood among the leaders of opposition to Great Britain in New Jersey. A strong Whig, a wealthy and respected member of his community, and the possessor of a prudent political sense, Boudinot played an important role in shaping the course of the resistance movement. It was in part because Boudinot and the other popular leaders were not radicals and were willing to counsel moderation that

the popular front enjoyed such wide support in the province. In advising the Morris County committee, Boudinot, speaking for the Essex committee, follows a cardinal tenet of political organization: never risk unnecessarily alienating persons whose positions are not yet firm.

Sunday Evening April 30 1775

Gentl[emen]:

We have been much surprized, by an Information just received from a Mr. Morrell[1] of Chatham given to his Brother of this Town, that there is a determination of a considerable number of your County, to raise a Liberty Pole at Chatham to morrow and from thence they are to proceed to Mr. Thomas Eckley's[2] where it is supposed they intend to offer Violence to his Person on account of some imprudent Expressions said to be inimical to the Liberties of this Country; and that this determination is in Consequence of an Example said to be set by our People here, with regard to Dr. Chandler.[3]

Deeply impressed therefore with a sense of the unhappy Consequences that must necessarily attend a Proceeding of this kind with regard to our Common Cause, we are at the Trouble & Expence of an Express to you on this occasion, beseeching you immediately to exert your selves to prevent a Measure that if adopted by the friends of Liberty will be such a Stain to our Characters as Men & Christians, that it may in the End deter every good Man from joining with us. It is our honor that while we are engaged in so glorious a Struggle for what is more dear to us than Life, that even our very Enemies in the midst of us enjoy that Peace & Liberty which we so ardently wish for ourselves.

As to the Precedent alledged to be drawn from our Example respecting Dr. Chandler, nothing can be more untrue. The fact stands thus. A Number of men from a small distance from the Town having been under Arms all day towards Evening some of them became rather intoxicated with Liquor and being urged by a Person who was incapable of the exercise of his reason, (and we are afraid in order to answer some private design) marched away suddenly to Dr. Chandler's House, without the least suspicion of the Committee as to their design. They were immediately followed by the Committee who arrived [in] time enough to send them back before they entered the Doctors Yard, by which means all violence was prevented. And we are unanimous in discountenancing every Act of Violence to the Person or Property of any man whatever as a Measure essentially necessary to our union & Success and directly contrary to your & our Resolutions. And as there is no opposition to our publick Measures either with you or us we cannot think that Liberty Poles & unnecessary Meetings can be necessary or any ways serve the common Cause and if the People will undertake & carry on any publick Measure without the advice of the Committees chosen by themselves it will be impossible to perfect any Plan for the general good.

These are our Sentiments wrote in a great hurry, which we communicate to you as Brethren, from the earnest desire we have to preserve a similarity of Sentiment and Practice among all the Friends of Liberty in this Colony.

1. Jacob Morrell, Chatham merchant.

2. Thomas Eckley, an Englishman who had a farm in Hanover and was an outspoken critic of the American protest movement.

3. The Reverend Dr. Thomas Bradbury Chandler (1726-1790), rector of St. John's Anglican Church in Elizabethtown. Chandler was the object of contention because of his religious as well as political activities (see Sec. III, Doc. 12, note 3). The prime mover of an attempt to secure the appointment of a resident Anglican bishop for the colonies, Chandler first sparked and then fanned a blazing pamphlet controversy between Churchmen and Dissenters over this highly emotional issue with his *An Appeal to the Public in behalf of the Church of England in America* (New York, 1767). An archconservative, he also became a chief spokesman for the Tory community in opposing the colonial challenge to British authority. With such publications as *What Think Ye of Congress Now? Or an Enquiry How Far the Americans are Bound to Abide by and Execute the Decisions of the Late Congress* (New York, 1775), he was the most prominent Loyalist pamphleteer of the middle colonies. The threat of violence from the radicals prompted him to quit America for England in May 1775.

12 Jemima Condict on the Outbreak of Warfare

[Jemima Condict Diary, New Jersey Historical Society.]

Whatever their political differences, all residents of New Jersey feared the prospect of war between Britain and America. Perhaps they thought less about armies and strategies and battles than about the personal horrors of death and destruction. That such thoughts troubled young Jemima Condict, a semiliterate Presbyterian maiden who lived on a small farm in the Newark Mountains, testifies to the pervasiveness of the fear of warfare. At the time she kept her diary, she was probably in her early twenties.

[October 1, 1774-May 1, 1775]

Saturday october first 1774. It seams we have troublesome times a Coming for there is great Disturbance a Broad in the earth & they say it is tea[1] that caused it So then if they will Quarel about such a trifling thing as that What must we expect But war & I think or at least fear it will be so. . . .

Monday[2] Wich was Called Training Day I Rode with my Dear father Down to see them train there Being Several Companys met together. I thought It Would Be a mournfull Sight to see if they had Been fighting in earnest & how soon they will Be Calld forth to the feild of war we Cannot tell for by What we Can hear the Quarels are not like to be made up Without bloodshed. I have jest Now heard Say that All

hopes of Conciliation Betwen Briten & her Colonies are at an end for Both the king & his Parliment have announced our Destruction: fleet and armies are Prepareing with utmost diligence for that Purpose.

April 23rd [1775]. As every Day Brings New Troubels So this Day Brings News that yesterday very early in the morning They Began to fight at Boston.[3] The regulors We hear Shot first there; they killd 30 of our men A hundred & 50 of the Regulors. . . .

Monday May first [1775]. This day I think is a Day of mourning. We have word Come that the fleet is coming into Newyork also & to Day the men of our Town is to have a general meeting to Conclud upon measures Which may Be most Proper to be taken; they have Chose men to act for them & I hope the Lord will Give them Wisedom to Conduct wisely & Prudently In all Matters.

1. The Tea Act of 1773 set off a chain-reaction that led to the Boston Tea Party, which in turn led to the passage of the Coercive Acts by Parliament and thence to the convening of the First Continental Congress in Philadelphia on September 5.

2. Date unknown since the entries in the diary are irregular and often undated. However, it would seem that the notation was made in late March or, as is more likely, in mid-April. The comment about the actions taken by the king and Parliament probably refers to the decisions made in February to couple the offer of a compromise on parliamentary taxation of the colonies with an augmentation of military and naval forces in America. News of such decisions would have taken approximately six weeks to reach the colonies. Moreover, the next entry in the diary is dated April 23.

3. The skirmish at Lexington and Concord between British regulars and colonial militiamen that occurred on April 19. News of the incident reached New York City by express rider at 4 p.m. on April 23 and spread immediately by word of mouth through northern New Jersey.

13 Jonathan Elmer, Address to the Inhabitants of Cumberland County

[Personal Papers: Jonathan Elmer, Library of Congress.]

Dr. Jonathan Elmer (1745-1817) established practice in his native Cumberland County after graduating from the first medical class of the College of Philadelphia (now University of Pennsylvania) in 1769. Like the other members of the large and influential Elmer clan, Jonathan was an active Whig.

He served as a delegate to the New Jersey Provincial Congress in 1775 and later that year entered military service to aid in the war for independence. His address to the people of Cumberland County in the spring of 1775 is a poignant distillation of the views held by most ardent Jersey Whigs—that the crux of the Anglo-American controversy was taxation, that the blame lay with British ministers rather than George III, that hopes of reconciliation were slight, and that men were willing to take up arms to defend their liberties.

[May 1775][1]

Gentlemen

Before we enter on the business of our present meeting, which will be laid before you by the Committee, give me leave to say a few words to you on the present situation of public affairs.

America has never seen a more *critical* period than the present. A daring and resolute retailer of Lord Bute's popish & despotic system of politics has, for a series of years past, assiduously endeavored by every imaginable artifice to enslave us;[2] but the freeborn Colonists who have extended the British Empire over this once savage land fired with the love of liberty, have resolutely opposed every attack hitherto made to infringe their constitutional rights & privileges.

As nothing in the present alarming situation of affairs can be entered upon by honest men with spirit & resolution till they are first convinced of the *Justice* of their cause, let us without prejudice seriously enquire whether the present struggles of America are defensible on principles of equity & the british Constitution? If we are wrong we ought to give up honourably before force extorts a submission; if we are right let us act like true patriots & hold out to the last be the consequence what it will.

The original source of our present disputes is reducible to this single question: Has the parliament of Great Britain a right to Tax America internally? If they have we are wrong in opposing them; if they have not we are under indispensible obligations to resist, and that they have no such right will appear fully evident from the following single consideration. It is a truth too obvious to admit of being disputed that two perfect rights can never interfere, for to suppose they could would be to suppose that two persons might have a just right to one & the same thing which is inconsistent. If therefore the parliament has a just right to demand our property we cannot in justice withhold it; & if they have a right to take from us one penny without our consent, by this same rule they have a right to take all we have. From which the consequence is demonstrably evident that we have no property at all, for, to use the words of the celebrated *Mr. Locke* "what property has any man in that which another has a right to take from him when he pleases"?[3]

It being evident then that the parliament has no right to impose taxes on America, it follows that their claim is no better founded that the robber's who demands my money with a pistol at my breast. For no proposition in Euclid[4] is more capable of demonstration than that such a man has as good a right to the money in my pocket as the parliament to tax us without our consent. We are therefore justified by the fundamental principles of our constitution, by reason, by nature, yea by God himself in opposing with all our might the payment of every such demand. The cause

we are engaged in is good. We are only contending for our constitutional rights & privileges & that Liberty wherewith God hath made us free, & may he enable us to persevere therein with unshaken resolution till we gain the point. For we are actually reduced to the horid alternative either to acknowledge ourselves tenants at will to the British parliament or resolutely oppose them & matters seem to have gone so far that unless we tamely submit a civil war must inevitably ensue.

A base & venal parliament stands constantly ready to rivet on us those chains which Lord North[5] hath forged. In vain has Chatham[6] plead, in vain has Camden[7] reasoned, & in vain has Burke[8] exhausted the powers of eloquence in demonstrating our right of exemption from parliamentary Taxation, they are perpetually overruled by a majority so that we have nothing to expect from parliament but a mean compliance with every demand of the ministry. And as they have declared their intention of enforcing their measures with the Sword & as hostilities are actually begun in our Sister Colony of Massachusetts Bay[9] our only dependance now is on our own strength & unanimity & with confidence I speak it if we will but be firm & united we shall undoubtedly succeed.

The parliament may persist in making Laws but the whole power of Great Britain will never be able to enforce our compliance with them.

Courage then my friends! Let us convince the world that Britons will be Britons still in every age & every clime; That we value our Liberties as dearer than our Lives. No nation or people under heaven ever drew the Sword in support of a juster or nobler cause than that in which we are now engaged. I would therefore fain persuade myself that no one present entertains the least scruples about heartily engaging in defence of our common Liberties. It is not our Sovereign we are opposing. It is not King George we mean to resist; we acknowledge ourselves his loyal subjects, we solemnly declare our firm attachment to his royal person family & interest & are willing to risque our lives in support of his Crown & dignity; but tis his corrupt & despotic ministry we oppose & I hope are all firmly resolved to oppose even at the expense of our lives & fortunes & I make no doubt but resolution & unanimity in so good a cause will render us invincable.

Remember my friends, the success that crowned our Opposition to the Stamp Act. Call to mind the heroism of our ancestors who fled from Tyranny & persecution to this uncultivated land, fearing less from savage beasts & savage men than from slavery the worst of savages. Let us think of our posterity and transmit to them the fair inheritance of Liberty handed down to us from our glorious progenitors. Let us continually place before our eyes the shining example of those good old English patriots who by boldly opposing the arbitrary designs of their Sovereign King James the 2d. & snatching the iron rod of Slavery out of the hands of royalty itself saved the nation from destruction & secured to their successors those blessed privileges which they have enjoyed ever since the revolution under King William the 3d.[10] May the complicated Idea kindle the same flame of genuine patriotism in each of our breasts that glowed in theirs that we upon this trying occasion may sacrifice every private consideration to the public good: For, to use the words of a celebrated american patriot:[11] "Whoever would give up *essential liberty* to purchase a little *temporary safety* deserves neither *liberty* nor *safety*."

If the parliament's claim of internal taxation be established either by our own consent or a military force that moment we are transformed into slaves. All our property will be at the absolute disposal of the house of Commons. Death itself is an

event devoutly to be wished for in comparison of such a state. Let us then act wisely, of two evils choose the least & resolve rather to *die* in the glorious cause of Liberty than *live* ignoble slaves.

> And shall we tamely yield ourselves to bondage?
> Bow down before those proud imperious Tyrants,
> And bid them tread upon our slavish Necks?
> No; Let this faithful *freeborn English* hand,
> First dig my grave in liberty & honor,
> And tho' I found but *one* more thus resolv'd
> That *honest* man & I would die together.

1. There is confusion as to the date of Elmer's speech. Early accounts stated that it was delivered on May 16, 1775. But Robert P. Elmer, owner of the manuscript, who in 1943 deposited with the Library of Congress a typescript "copied . . . in its entirety and with all variations in spelling and the like," asserted unequivocally that the original "distinctly, in large letters, says only May 1774." Whatever the date on the document (a slip of the pen could have caused an error), Jonathan Elmer cannot have made the remarks in 1774. In the first place, he refers to a meeting of the Cumberland committee; no such organization was formed in the county until December 1774. Second, the outbreak of armed conflict in Massachusetts he mentions is logically the fighting at Lexington and Concord rather than the passage of the Boston Port Act. Third, Elmer was too close to the political pulse of the community to have uttered such incongruous statements; there is no evidence that any Jerseyman so boldly advocated taking up arms in the spring of 1774.

2. The references are to George III and John Stuart, the Earl of Bute, who, in addition to being chief minister, was the king's alter ego and political tutor during the early years of his reign.

3. John Locke, the famous English philosopher. The quotation is from his *Two Treatises of Government* (1690).

4. Euclid, third century B.C. Greek mathematician best known for his *Elements*, a treatise on geometry. Elmer is referring to the logic of geometric principles.

5. Frederick, Lord North, the Earl of Guilford, who served as prime minister from 1770 to 1782.

6. William Pitt, who took the title Earl of Chatham in 1766.

7. Charles Pratt, Lord Camden, defender of American interests in the House of Lords.

8. Edmund Burke, member of the House of Lords and political philosopher who championed the American cause during the Stamp Act and Townshend duties crises.

9. The skirmishes at Lexington and Concord.

10. The Glorious Revolution of 1688-1689 in which Protestants William and Mary took the throne at the expense of Catholic James II.

11. Benjamin Franklin.

14 The Bergen County Association

[New Jersey Broadside Collection (Political), Alexander Library, Rutgers University.]

Bergen was one of the last counties in New Jersey to agree to the Continental Association. Strong opposition to the programs of the popular front had always existed in this rural region inhabited largely by the traditional-minded Jersey Dutch. Politics here was especially fragmented, partly because of the schism between the Coetus (supporters of an American-trained clergy) and Conferentie (advocates of the Amsterdam Classis) factions in the Dutch Reformed Church. The early months of 1775 found some towns supporting the Association and others denouncing it. But the shots exchanged at Lexington and Concord brought converts to the cause. The unique broadside that follows exemplifies the ethnic heterogeneity of colonial New Jersey. Since a substantial number, perhaps even a majority, of Bergen residents were of Dutch extraction, it is likely that most important public announcements were printed in both Dutch and English.

May 12, 1775

Being fully convinced that the Preservation of the Rights and Privileges of the British Colonies in America, now depends on the firm Union of their Inhabitants, in a vigorous Prosecution of the Measures necessary for their Safety; and dreading a State of Anarchy and Confusion, which will necessarily attend the present Struggle for our Liberty, unless the proper Steps are taken to preserve Regularity and Unanimity among us:—We the Freeholders and Inhabitants of the County of Bergen, being greatly alarmed at the avowed Design of the British Ministry, and the Acts of Parliament for raising a Revenue in America, independent of the Provincial Assemblies, and being extremely shocked and grieved at the unhappy Consequences which have attended the Attempts to enforce the late unconstitutional Acts of the British Legislature, DO resolve, that we will not submit to those Acts of Parliament which impose Taxes on us without our consent, and deprive us of our Constitutional Rights and Privileges; and therefore do associate under the Ties of Honor, and Love to our Country, that we will abide by and endeavour to carry into Execution, all Constitutional Measures whatsoever, which may be advised by the Continental Congress, and recommended by the Provincial Convention, for the Purpose of preserving our Constitution and opposing the several oppressive Acts of Parliament, until a Reconciliation on Constitutional Principles (which we most ardently desire) may be effected between Great-Britain and the American Colonies: And that we will in all Things follow the Advice of the County Committee for the Purpose aforesaid, and for the Preservation of Peace and good Order, and the Safety of Individuals and Security of private Property.

[Paragraph in Dutch deleted]

15 Charles Clinton Beatty to Elizabeth Beatty

[Charles Clinton Beatty Letters, Firestone Library, Princeton University.]

Charles Clinton Beatty (1756-1776) was the son of the Reverend Charles Beatty of Pennsylvania. The political sentiment of the entire Beatty family was proclaimed when the youngest of the six boys, born in 1766, was named William Pitt Beatty. Charles attended the Reverend Enoch Green's classical school in Deerfield, New Jersey, before moving on to the College of New Jersey (now Princeton University), where he graduated in 1775. An enthusiastic Whig, he marched off to war in January 1776 commissioned as a second lieutenant in the Fourth Pennsylvania Battalion. A few months later he was killed when a friend accidently discharged a loaded rifle. His sister, Elizabeth, was four years his elder. The martial spirit and Whig politics permeated the college at Princeton, whose alumni in great numbers fought for American independence.

Nassau-Hall May ye 28th 1775

Dear Cleona,[1]

I have just done reading your letter and to shew my punctuality and my great regard for you would not let a moment pass 'till I had answered it. I had need to make some apologies & must confess I hardly used you, Dear Cleona, genteely, affection being out of the question, when I went quite a different road [than] amongst my relations and friends. I ought to have given you the preference, but the mind of man is delighted with novelty and is soon cloyed with a sameness of objects.

But how can your patriotic spirit be so dull, when all around is war and bloodshed—certainly you have heard of the skirmishes at Boston, and can you not sympathize with the distressed people there? You need not speak here without it is about Liberty. Every man handles his Musket and hastens in his preperations for war. We have a company in College of about 50 Officers and all among ourselves, another company they have in town. I have spent a very agreeable vacation—seen a good deal of the country and made many acquaintances. Seen Dicky Howel[2] in Newcastle and had the company of four fine ladies from that [town] to Philad[elphi]a. I heard from Arke[3] since I returned, and he like a warrior is out every day exercising at Elizabeth Town, and intends to defend his Country. He is very well, seems to be contented & Mr. Spinage[4] likes him much. Aunt *Mills* & Hacket[5] have moved there so that he has now some friends it is to be hoped there. Our Class to shew their patriotism intend commencing in Homespun, How I shall get mine I cannot tell, perhaps your goodness can find some scheme. But it is time to conclude. Yours sincerely,

CLINTON

1. "Cleona" was Charles's nickname for Elizabeth; she was commonly called "Betsey" by the family.

2. Richard Howell (1754-1802) a young Bridgeton, Cumberland County, lawyer; he was a classmate of the Reverend Philip Vickers Fithian, who married Betsey Beatty in 1775. Howell later served as governor of New Jersey (1792-1801).

3. Erkuries Beatty, who was three years younger than Charles. While Charles studied in Princeton, Erkuries labored as an apprentice to Elizabethtown carriage maker Benjamin Spinning. The younger Beatty also served in the Pennsylvania Line during the revolutionary war, remaining in the military until 1792 when he retired to Princeton and commenced a long and highly distinguished political career.

4. Spinning; see above note 3.

5. Mary Reading Mills, wife of the Reverend William Mills, and Elizabeth Reading Hackett, wife of John Hackett.

V

From Resistance to Rebellion

As Daniel Coxe assessed the state of Anglo-American affairs on July 4, 1775, he, like other reflective Jerseymen, could scarcely fathom the political changes of the previous decade (Doc. 4). In July 1765 opposition to the Stamp Act was just beginning; by July 1775 that resistance had become armed rebellion. And as he looked to the future, Coxe could not foresee that the rebellion would soon become a revolution and that exactly one year hence his worst fears would find expression in the Declaration of Independence.

During the summer and fall of 1775 the rebellion took shape. The bloody clashes between American and British soldiers on battlefields from Bunker (Breed's) Hill to Quebec dispelled any doubts about the nature of the contest between the colonies and the mother country. The Continental Congress abandoned its more deliberative function and assumed active direction of the insurrection. The Congress raised an official American army under the command of George Washington (June), issued a formal declaration of war against Great Britain (July), ordered the construction of a navy (October), appointed a special committee to conduct relations with foreign powers (November). Simultaneously the Provincial Congresses and local committees usurped ever greater governing powers in the individual colonies. The British government responded in kind. On August 23 George III officially proclaimed the American colonies to be in a state of rebellion, and in succeeding months the government made plans to suppress the revolt. To men on either side of the Atlantic the only real question now was whether the outcome of the contest would be reconciliation or independence.

In New Jersey, as elsewhere, the transition from resistance to rebellion developed on several planes. On one level steps were taken to repel the incursions of the British army. Military preparations proceeded apace, thanks to the eagerness of ordinary citizens to take to the field in defense of American

liberties (Doc. 6). Everyone knew, as "A Jersey Farmer" observed, that passive resistance was now passé; swords, not olive branches, would decide the imperial dispute (Doc. 2). By the fall of 1775 New Jersey resembled an armed camp (Doc. 12).

On another, more significant level, the popular front began to assume the role of a revolutionary organization. On May 23, 1775, the First Provincial Congress, attended by representatives from every county, met in Trenton to direct the political-turned-military contest. In addition to providing for the formation and supply of militia units, the Congress, the capstone of the extralegal political hierarchy that had developed in the province since the previous summer, issued a formal Association to unite Jerseymen in a common cause and solidify support for the rebellion (Doc. 1). During the succeeding months the popular front, with primary political control residing in local committees, with ease replaced the duly constituted governmental structure as the source of effective authority in the province (Doc. 3). Steps were taken to insure compliance with the directives of the Provincial Congress and suppress overt opposition to the insurrection through political persuasion (Doc. 9) and force of arms (Doc. 18). Subjected to public ostracism (Doc. 5) as well as physical abuse (Doc. 16), most dissenters came to regard prudence as the better part of valor (Doc. 17).

But far more important than the preparation for and direction of armed resistance was the larger issue of the ultimate course of the rebellion. With the passage of time, the revolt assumed a life and momentum of its own; it became increasingly difficult for supporters of the rebellion to deny the logic of their convictions and conduct. A former friend of the royal government like Charles Pettit felt his political sentiments increasingly incompatible with his privileged position as provincial surrogate and clerk of the council (Doc. 8). Although all signs pointed toward a war for independence, even the most ardent Whigs were reluctant to confront the momentous issue openly or with much enthusiasm. When activist John De Hart resigned his seat in the Continental Congress for personal reasons, he did so with regret and apprehension at the steady escalation of the imperal dispute (Doc. 11). And while "Lycurgus" clearly favored secession from the empire, he could only broach the subject circuitously (Doc. 15). Governor William Franklin, who saw which way the rebellion was going, could only stand by helplessly as British authority rapidly eroded (Doc. 7). While the assembly (Doc. 13) dismissed the fears of independence felt by some residents (Doc. 10), defenders of the royal regime knew well that New Jersey was on the eve of a revolution (Doc. 14).

1 The New Jersey Provincial Association

[*PCCS Minutes*, pp. 176-77.]

The creation of a Provincial Congress marked a watershed in the course of the rebellion in New Jersey. Its origin lay in the crisis created by the skirmish at Lexington Green. Acting upon the April 24 suggestion of a Princeton town meeting that a provincial congress be established, the Provincial Committee of Correspondence, concerned by the "alarming and very extraordinary conduct of the British Ministry" and the "several acts of hostility that have been actually commenced," on May 2 called upon the counties to appoint delegates to attend a colony-wide convention to be held in Trenton on May 23 "in order to consider of and determine such matters as may then and there come before them." The eighty-five men who attended the historic gathering of the First Provincial Congress moved quickly beyond emergency measures to assume the mantle of legitimate governmental authority in the colony. The extralegal political apparatus in New Jersey had been completed; a revolutionary government was taking shape. That fact was not lost on Jerseymen who, with the issuance of the Provincial Association, were forced to decide where their primary allegiance lay. Many faced a difficult decision: to sign the Association was to commit treason, but to refuse to sign would be to incur the wrath of the local committee. Still, as the Association makes clear, the purpose of the rebellion was defense of political liberties and not independence.

May 31, 1775

We, the subscribers, freeholders and inhabitants of the Township of in the County of and Province of New Jersey, having long viewed with concern the avowed design of the Ministry of Great Britain to raise a revenue in America; being deeply affected with the cruel hostilities already commenced in the Massachusetts Bay for carrying that arbitrary design into execution; convinced that the preservation of the rights and privileges of America depends, under God, on the firm union of its inhabitants; do, with hearts abhorring slavery, and ardently wishing for a reconciliation with our parent state on constitutional principles, solemnly associate and resolve, under the sacred ties of virtue, honor and love to our Country, that we will personally, and as far as our influence extends, endeavour to support and carry into execution whatever measures may be recommended by the Continental and our Provincial Congress, for defending our Constitution, and preserving the same inviolate.

We do also further associate and agree, as far as shall be consistent with the measures adopted for the preservation of American freedom, to support the magistrates and other civil officers in the execution of their duty, agreeable to the laws of this Colony; and to observe the directions of our Committee, acting according to the Resolutions of the aforesaid Continental and Provincial Congresses; firmly determined, by all means in our power, to guard against those disorders and confusions to which the peculiar circumstances of the times may expose us.

2 "A Jersey Farmer" on Securing the Rights of Englishmen

[*Pennsylvania Journal; and the Weekly Advertiser*, June 14, 1775.]

At Runnymede in 1215, King John of England agreed to accept the Magna Carta (Great Charter) drawn up by a group of feudal barons who, by the terms of the document, hoped to insure their rights under their feudal contract with the king. Provisions for enforcement of the charter by force if necessary (the section 64 referred to below) were also made. The chief significance of the document at the time was the assertion of the supremacy of law over the monarch; in time the charter became a cornerstone of English constitutionalism. That "A Jersey Farmer" would invoke the memory and precedent of Magna Carta to rally support behind the Second Continental Congress illustrates the degree to which the Americans were imbued with the history and traditions of the mother country in striving to preserve their rights as Englishmen.

[June 14, 1775]

Friends and Fellow-Subjects,

How fashionable soever might have been the doctrine of *Passive Obedience* and *Non-Resistance* in those dark times of ignorance and barbarism, when the laity had no more instruction than to repeat the Lord's Prayer, nor the clergy any more reading than would save them from hanging; it is, in this lettered and enlightened age, so generally exploded, that save a few Tories, who are pensioned out of their consciences, or a few Gowns and Cassocks, who are looking for an American mitre,[1] no man is fond of broaching so gross an absurdity. It is certainly the voice of unbiassed, uncorrupted reason, that whatever one man has a right to enjoy, no other man has a right to take from him; and that consequently the first has an undoubted right to repel the invasion of the latter. And what does it matter whether this invasion is made under the character of King, Highway-man, or Robber; since it is not from the person of the invader, but from the nature of the invasion itself, that the injury receives its complexion, and on which the right of the resistance is founded? And as this is the undoubted right of all mankind, it is, with respect to Englishmen, reduced to absolute certainty, by a most memorable clause in the great Charter, whereby four out of twenty-five Barons may shew the King *his miscarriage*, and on his not *amending* it, may, with the residue of the twenty-five and commonalty, redress themselves by force. It is true the Americans have no Barons to *shew the King his miscarriage;* but the Barons appointed for that purpose by Magna Charta being thereto appointed as representatives of the people aggrieved, it is evident, from the nature of our local circumstances, that we must have a right to appoint, in the room of such Barons, a representation for the same purpose; and that such representatives must have the same right to lay our grievances before the Throne, and the aggrieved in default of redress by the Prince, have a right, in the same manner, to redress themselves. In the light of this representation, I consider the Continental Congress,

being expressly chosen to present our grievances to his Majesty, and to supplicate him to remove our complaints. To this purpose they are undoubtedly the Barons of North-America, on whom the united confederated Colonies depend for counsel and protection, agreeable to the security granted to the subject by the 64th Section of Magna Charta above referred to, and which, it being probably in a few of your hands, I chuse to give you at large.

[Paragraph quoting the 64th section of Magna Carta deleted.]

This, my Countrymen, is the security granted to you and me, and by this are confirmed all the Rights and Privileges of an English subject, and which the present Administration seem determined to destroy. It may indeed be said, that we do not belong to the Massachusetts Bay, and that New-Jersey is not attacked. But can you be so supine as to suppose that you will continue to enjoy those estimable rights of Magna Charta, when other Colonies are bereft of them; and that the Massachusetts is the only Colony to be punished? Have not they done more for the parent state than any Colony on the continent? Did they not, the war before last, with very little assistance, take Cape-Breton,[2] the Dunkirk of North-America, the giving up of which procured a peace for the Mother Country? Did they not the last war[3] send seven thousand troops into the field, under the King's General, until the final conquest of Canada? Notwithstanding all this, you see their capital blocked up; their charter multilated, and an armed force ready to execute the arbitrary measures of the minister, who covers himself under a purchased majority in Parliament. Hostilities being actually begun in the Massachusetts,[4] you cannot expect to fare better than your Sister Colony. Your trade is already restrained,[5] and you are daily to expect open violence to enforce unconstitutional taxation. Thus we have lived to see our most sacred Rights daringly invaded; but we will not live to see them destroyed. The wound by which our Liberty falls ought first to reach our hearts; and the rich torrents of our blood be shed as a libation on the pile of expiring freedom.

The power of the People can never be lost or impaired, unless they are wanting to themselves; what they could once do, they can and ought to do now. Let us, therefore, cordially unite under the Continental Congress, and look to them as the English formerly did to their barons, and I am confident, in so good a cause, we shall have the protection of Heaven which is the sincere desire, and prayer of

A JERSEY FARMER

1. That is, the clergy of the Church of England who favored the creation of an Anglican bishopric in America.

2. King George's War (1740-1748), the North American phase of the War of the Austrian Succession, saw an English expeditionary force, organized by Governor William Shirley of Massachusetts and commanded by William Pepperel of the same colony, take the key French fortress of Louisburg on Cape Breton Island in 1745.

3. The French and Indian War, 1754-1763.

4. The author is referring to the skirmishes at Lexington and Concord, but three days after the appearance of the letter the first pitched battle between British and American Forces occurred on Bunker (Breed's) Hill.

5. An attempt to turn the boycott of British goods against the Americans,

the New England Restraining Act of March 30, 1775, forbade the New England colonies to trade outside the empire. On April 13 Parliament extended the provisions of the act to New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina when it was learned that they had entered into the Association.

3 Minutes of the Shrewsbury Township Committee

[The Minutes for the period June 19—September 2, 1775 are located in the American Revolution Manuscripts of the Monmouth County Historical Association; those for October 6, 1775 to May 6, 1776 are to be found in the East Jersey Manuscripts, 26, New Jersey Historical Society.]

The success or failure of the resistance movement ultimately depended upon the effectiveness of the local committees of inspection. The minutes of the Shrewsbury, Monmouth County, committee are the most comprehensive record available of the activities of a local revolutionary organization in New Jersey. Although the committeemen faced special problems because of the sizable Quaker population in the community, their duties were typical of those performed by committees throughout the province. Of special significance is the wide range of tasks which fell to the committee; with the power of legislation, adjudication, investigation, and enforcement, the vigilante organization truly exercised the essential functions of government.

[19 June 1775—29 February 1776]

[June 19, 1775] In Consequence of an Advertisement signed by Josiah Holmes Chairman, the following Committee Men for the Township of Shrewsbury mett at the House of Mr. Shaw to put into execution the resolutions of the Province Congress of New Jersey as far as relates to themselves.

Josiah Holmes	Daniel Hendrickson
John Little	Nicholas Vanbrunt
Corn[elius] Lane	Samuel Breese
Corn[elius] Vanderveer	Garrat Longstreet
David Knott	Samuel Longstreet
Benja[min] Dennis	Thomas Morford

They unanimously upon motion placed Josiah Holmes in the Chair & Voted Samuel Breese Clerk.[1]

It appears to this Committee that in this township we have 755 male inhabitance which divided by 75 makes 9 companies Quallified by Province Congress as to age & That these Nine companies make a Regiment. . . .

[October 6] Ordered that publick advertisements[2] be put up for the Officers of the Several districts in this Township to render in the names of all that still retain the province arms contrary to the sense of the advertisement published by the late committee dated 16th September 1775 for them to be proceeded against & also a full account must be taken of all the province arms in this township into whose hands they are by the Captains or their order of each district & that he take receipts from all holding them that do train[3] & that a Copy of this order be served upon the Colonel.

Ordered that Col[one]l Samuel Breese ask the assessor about his assessment and acquaint the Chairman of the sum of his information.

Whereas the riotous & numerous meetings of negroes at unlicenced houses is pernicious in its self & may be of pernicious consequences, if the Col[one]l is informed of any such meetings he is desired to use his malitia as many as he finds necessary to secure the Negroes & give the names of the delinquents to be proceeded against agreable to Law.[4]

Ordered that all these proceedings be publickly advertised in two of the most publick places in this township. . . .

[October 16] Whereas the Meeting togather of Servants Negros and other Disorderly Persons at Unli[c]enced Taverns and other Bad Houses is attended with Great Mischiefs and Dammage not only to the Masters But to all the Neighbourhood and may Be of more fatal and pernicious Consequence to the Community in General —Therefore in Order that the penaltys of the Law may Be More Duly Inflicted on all Such Offenders, Resolved that the Collonell Shall order a party or parties of the Malitia to Attend at Such Suspected places at proper times to Search for and to Apprehend all Such transgressors of the Law.

Ordered that the Above Resolve Be Made publick By Advertisement. . . .

[November 13] Captain James Mount Being about to Sail in Ballast to the West Indies Requested the Committee to Appoint proper persons to Search his Vessel the Day of her Sailing to See that the Rules of the General Congress were Duly Observed.

Resolved that John Hartshorne, Henry Marsh, and Josiah Holmes or any two of them Attend the said Service.

Whereas Divers Complaints are Made against the Shop keepers and Retailers of Goods and Merchandise that they take an Exorbitant Advance on Sundrey Articles[5] therefore

Resolved that if any Person or Persons Can Well Support Such Charge, that they attend the Committee on the 11th of December next at the House of Jeremiah Bonham Where Due attention Will Be Given to their Complaints and Such Redress as the Rules of the General Congress hath provided Shall be had. The accused must have proper notice Before a final Conclusion.

Ordered that this Resolve Be published by Advertisement in this town.

Resolved that Mr. Little Wait on Mr. John Wardel & Mr. Richard Pole and Let them know that the Committee Request a Sight of the Letters they Lately Rec[eive]d from England. . . .

[December 11] Whereas this Committee is Informed that Suspected Persons are Buying up Wheat In order for transportation and Actualy Have Sent off a Vessel

Loaded with it to What place and for What purpose to this Committee Unknown and are Also Informed the Same Vessel or Some Other is Expected to Be in Shrewsbury River in order to Load With Wheat: Therefore Resolved that the Collonel Order a partie of the Malitia to Be Ready to Secure Such Vessel or Vessels Untill Such time the Committee are Well Assured and Satisfied that the Rules of the General Congress are not transgressed and that Such Exportations are not for the Use of our Enemies. And also that the Chairman Wait on Colonel Breese with a Coppy of this Resolve. . . .

[December 26] Whereas Information to this Committee is Made that a Sloop is Come on Shore at Manasquon Loaded with fresh provisions Intirely; Such as Beef in Quarters hogs and fowls &c. and that there is Great Reason to Suspect that the Cargo was Intended for the Use of the Enemy at Boston as the persons on Bord of Said Vessel Refuse to give any Account of themselves or of their Intention Therefore

Resolved That David Knott and James Davis Be a Sub-Committee to Repair to the Spot and Make Enquirie Concerning the above Affair and if they find Sufficient Reason therefore to Secure the Cargo at Least and if Necessary Some or all of the Persons untill a heareing Be had Before this or the County Committee and if Assistance Be Wanting that they Call upon Capt. Longstreet and Capt. Shepherd to Attend With a Sufficient party of the Malitia. . . .

[January 15, 1776] As at this time of Difficulties when publick Musters are Necessary and Many other kinds [of] publick Meetings [illegible] that the Method of Enoculateing for the Small pocks will Be pernicious Therefore the Committee Strongly Recomend to the Inhabitants of this town and to all Docters to Refrain from Enoculation Dureing these times of troubles[6]. . . .

[February 12] Resolved that Capt. Vanbrunt have permission to purchase gun powder and Led &c. for the Use of the Malitia of this town.

Resolved that Orders Be Sent to Garret Longstreet the Assessor to proceed Imediately in Assessing the Quota of this town of the ten Thousand pounds formerly ordered by Congress and that if the proper Account of Estates and Rateables Cannot Be Had ni[e]ther from the town Assessor or Collector nor County Collector then to take account thereof from the Inhabitance.

Resolved that All Arms in the Hands or at the Command or Disposal of Negros Either free or Slaves Shall Be taken and Secured By the Malitia Officers of the Several Districts Untill the present troubles are Setled and that Such arms Shall Be Lodged in the Hands of the Colonel who Shall give Reciepts to the owners.

Resolved that it is the Opinion of this Committee that the Arms in the Hands of all Such as Refuse to Subscribe [to] the Association Should Be properly Secured So that they may not fall into the hands of our Enemies.

Resolved Unanimously that it Be Recomended to the Members of the Monthly Meeting of friends Called Quakers that for the future They forbear to pass Censure (By Reading off in their Me[eting]) on any person or Persons officers or Others for Acting in Conformity to their Milatary Stations and that the Chairman Serve the Meeting with a Copy of this Resolve.

Resolved that the former Resolve of the 13th of Novr. Last Concerning Shop Keepers &c. Be Re-advertised and that the Complaints Be handed to any future Committee.

Resolved that it Be Recomended to all Society of Christians that they Discourage as Much as possible at this Melancholy time all publick Entertainments,

Assembly, Dancings, and Such Like proceedings and also to Every Inhabitant and all Majestrates to Endeavour to their Utmost to have the Laws against Gaming hourse Raceing &c. put in Execution.

Resolved that publick advertisement Be Set up in this town Informing the Inhabitance that a Committee of Observation is to Be Chosen at the next town Meeting on the Second tewsday in March.

Resolved that the Chairman, John Little and Jeremiah Bonham Be a Sub Committee or any two of them to act Untill the Last Day of this Month to Which Day this Committee is adjourned. . . .

[February 29] Resolved that as Samuel Right of Squancum Appears to Be a person Unfriendly to the Libertys of these Colonys and in interest With Our Enemies: That he Be publickly Advertised as Such and Layed Under Common Restriction In Such Cases Made Use of. And that the Malitia Officers Make Strict Search & Enquiry for arms & Amunition in his Hand or Custody and Safely Secure them Untill farther Order.

Resolved that All Slaves Either Negros Molattos or Others that Shall Be found off their Master or Mistresses premises any time of the night after the Daylight is Gone May Be taken Up By any person Whatsoever and Secured Untill a fine of ten Shilling[s] Be paid By the Master or Mistress to the person takeing them up and in failure of payment of Such fine the Slave Shall Be Delivered to the Minute Men to Be kept Under Guard Untill he Shall Receive fifteen Lashes on the Bare Back for Which the Master Shall pay the Sum of four Shillings provided that Such Slaves as have Leave from their Masters in Writeing Shall not Be Liable to the above penalty.

Charles Brook Being Charged with Selling goods at Unreasonable prices and Appearing and the Evidence Being Examined But some Evidence not attending the Matter is Refered to the next Meeting of the Committee.

Resolved that the Chairman Informe the County Committee By Letter of Such proceedings of this Committee as M[a]y Be thought Necessary to Informe them of. . . .

1. Information concerning the place of the meetings and the members in attendance has been deleted from the remainder of the minutes. In addition to the men listed above, Jeremiah Bonham, James Davis, Gavine Drummond, Henry Green, Thomas Leonard, and John Polhemus served on the committee during the period covered by these records. It is significant, given the attention accorded to the prominent personages of the Revolution such as Jefferson and Franklin, that there is virtually no biographical information available about the grass-roots leaders of the Shrewsbury rebellion. In their anonymity, they are typical of the countless nameless and faceless men and women upon whose shoulders the success or failure of the Revolution rested.

2. The lack of mass communications media, especially acute in rural communities such as Shrewsbury, meant that committeemen had to rely upon public advertisements and the word-of-mouth process to transmit directives to the people.

3. That is, participate in militia drills.

4. As the imperial crisis reached the point of armed confrontation, rebel leaders were haunted by the spectre of uprisings of slaves and servants (the

former were mostly black, the latter mostly white). Rumors of Negro plots and insurrections, more fanciful than substantive, circulated throughout New Jersey in 1775 and 1776. As a result, steps were taken to disarm servants and slaves, prevent them from gathering in large groups, and restrict their activities at night. Although the problem was not so serious in the middle colonies as in the South, the concentration of sizable numbers of blacks in Bergen, Monmouth, and Somerset Counties did prove worrisome to local Jersey Whigs.

5. Inflated prices charged by merchants to profit from the shortages caused by the boycott of British goods was a persistent problem for committeemen in all parts of the province.

6. There was widespread opposition to inoculation in colonial America, the more so during times of public crisis because of fears that exposure to disease might start an epidemic.

4 Daniel Coxe to Cortlandt Skinner

[*NJA*, 10:654-55. This is a copy of Coxe's letter enclosed by Governor William Franklin in his letter to Lord Dartmouth of August 2. See Doc. 7.]

The increased intensity of the protest-turned-rebellion and the outbreak of actual fighting between Britons and Americans struck fear in the hearts of many Jerseymen, especially those who held positions with the royal government or occupied the highest rungs of the socioeconomic ladder. To Daniel Coxe (see Sec. I, Doc. 1), who fit both descriptions, the growing rebellion was an intensely personal matter: he feared a social as well as a political revolution, an upheaval that could utterly destroy his privileged place in society. In other words, the activities of the rebels angered ideological conservatives like Thomas Bradbury Chandler (see Sec. VIII, Doc. 2) and Frederick Smyth (see Sec. IV, Doc. 10) but frightened men like Coxe and Cortlandt Skinner (see Doc. 14).

July 4th 1775

Dear Sir

Such is the present infatuated Temper of the Times, and the Minds of Men daily increasing in Madness and Phrensey, that they are ready to enter upon the most daring and desperate attempts. A prostration of Law and Government naturally opens the Door for the licentious and abandoned to exercise every malevolent Inclination. What then have men of Property not to fear and apprehend, and particularly those who happen and are known to differ in sentiment from the generality? They become a mark at once for popular Fury, and those who are

esteemed Friends to Government denoted for Destruction. They are not even allowed to preserve a neutrality, and passiveness becomes a Crime. Those who are not for us are against us is the Cry, and Publick necessity calls for & will justify their Destruction, both Life & Property. In short those deemed Tories have every thing to fear from the political persecuting Spirit now prevailing. The Lex Talionis[1] is talked of should Genl. Gage[2] exercise any Severity on those Prisoners lately taken in forcing the Entrenchments on Bunker's Hill and every man who may be deemed disaffected to the present measures of America must make attonement for their sufferings. This I can assure you is mentioned as a matter determined upon, and I doubt not in the least of its being put in Execution should the General proceed against those unhappy people as is expected he will, in Terrorem.[3] This is an impending Storm that ought, if possible, to be averted, and could Genl. Gage but be informed of the probable, and, as I really believe, a certain, consequence of such a proceeding, I should imagine it might, as it ought to, be an inducement for him to suspend taking any present measures against them, otherwise than as keeping them safe as Prisoners. It is a matter of such importance to all of us that I think the General should be immediately advertised of it some how, but how is the question? Was a safe communication open by the Post I should not hesitate one moment to write to him, but that is impossible I believe. I can think of no better method than for the Governor to write, and from whom it will come with more propriety, and, perhaps, some opportunity may be known to or contrived by him that we are ignorant of this way. I write to you rather than the Governor as less suspicious, and beg you will communicate to him my apprehensions, they are serious and ought to be attended to. If a Blow should be once struck anywhere, you must know that it will be a sufficient precedent to carry it through, and must come to your own door as well as your Friends and therefore think every precaution should be taken to avert the Horrid evil. I entreat you then to attend to it while it is possible, or perhaps it may be too late bye and bye. Your own prudence will dictate to you the propriety of keeping this Letter to yourself should it get Safe to you a Risque I must run by the Post as no other opportunity offers.

I am Dr. Sir
Yours sincerely, in haste,
D.C.

1. *Lex talionis:* law of retaliation.
2. General Thomas Gage, commander in chief of the British army in North America from 1763 to 1775 and, since April of 1774, governor of Massachusetts Bay.
3. *In terrorem:* as a warning.

5 Richard Cayford Proclaimed "An Enemy to the Rights of America"

[*Pennsylvania Gazette*, August 9, 1775.]

Social ostracism was one of the most effective means devised by the rebels to cow opponents. By declaring someone to be an enemy to the liberties of America, committeemen could transform a formerly respected member of the community into a social outcast, a political leper. The often subtle, invidious pressures brought to bear on such a person were often sufficient to bring about conversion to the popular cause. Richard Cayford, owner and operator of Cayford's Inn in Bridgeton, undoubtedly also paid a heavy economic price for his dissent.

Cumberland County, July 22, 1775

The Committee of the county of Cumberland, in New-Jersey, having from time to time received information of the inimical conduct of Richard Cayford, with respect to the present unhappy disputes between Great-Britain and America, met on the 21st day of July instant, and, having sent for the said Cayford, informed him of the charges that lay against him, and by the testimony of unexceptionable evidences, examined before the Committee in his presence, made it appear that he had repeatedly acted in opposition to the general measures pursued by the united American colonies, and endeavoured to instil[l] into others his own pernicious principles, that he had repeatedly impeached the first military characters in America, and dissuaded the unwary from learning the military art, branding those who had exerted themselves in those laudable exercises with the epithets of rebels, rascals, &c. &c. names which Americans detest! And it did not appear to the Committee, by any confession of the said Cayford, that he thought he had done amiss; and therefore, agreeable to their duty, they do in this manner hold him up to the public, that every person may break off all dealings with him, and avoid him as an enemy to the rights of America. By order of the Committee,

THOMAS EWING, Clerk

6 John Conway to the Provincial Congress

[Provincial Congress Papers, 60, New Jersey Historical Society.]

The tocsin of war rang loudly in New Jersey. Indeed, the willingness of men

from all ranks and stations to take up arms was an important impetus behind the rapid development of revolutionary political organizations in the province. After all, men like John Conway who volunteered for military service were announcing a political decision. Beyond the description given in the letter below, nothing is known of Conway except that he was a member of the Woodbridge Township Committee of Inspection. His application to the Congress was successful: he was commissioned a captain in the First New Jersey Regiment in November 1775 and retired in January 1781 with the rank of lieutenant colonel.

Woodbridge, July 31st 1775

Gentlemen,

As the unhappy dispute between Great Britain and these Colonies is advancing to a serious and Alarming Crisis, by which your Honourable Board will probably be under the necessity of raising Forces for the defence of our just and natural Rights and Liberties; should that be the case, you will doubtless appoint the Officers. I therefore presume (tho' undistinguished and unknown to your Board) to offer myself a Candidate, earnestly entreating your favour & encouragement. Being bred to the Sea almost from my Infancy, I confess I am ignorant and inexperienced in the Art of War, having never been in actual service, but as I fear that is too generally the case with the Inhabitants of this Province, I hope that consideration alone, will not exclude me from your notice. This I declare, that I am sincerely attached to the Rights & Liberties of British America, and am determined to support and defend them as far as my Interest and Capacity will extend, at the hazard of my life, for which end I have kept myself out of employ for some Months past, in which Time I have been constantly improving myself in Military Discipline, neither do I intend to go to Sea 'till the dispute is settled; Mr. Smith[1] and Mr. Deare,[2] to whom I have the honour of being known, can give you any other particulars, to whom I beg leave to refer. I have only to add, that should my application meet with the desired success, any Commission you may please to Honour me with, I shall make it my constant study to Merit as much as possible by a faithful discharge of the trust reposed in me. Be the fate of my Wishes Fortunate, or unfortunate, I hope it will not be imputed to any Arrogant, Ostentation, or Sinister motives; but to the dictates of a Heart Zealously attached to the Rights and Prosperity of its Native Country. I am with the greatest Veneration and respect,

Gentlemen,
your most Obedient,
Humble Servant,
JOHN CONWAY

N. B. If you raise Force, I will if you please to order it,
wait on you in person on the first notice.

1. Probably William Smith, wealthy Woodbridge farmer, who served with Conway on the township committee of observation in 1775. He later sat in the

Provincial Congress, but opted for the British after the Declaration of Independence.

2. Probably Jonathan Deare (1748-1796), Anglican lawyer from Perth Amboy who, as a major in the New Jersey militia, participated in the arrest of Governor Franklin in June 1776 (see Sec. VII, Doc. 4).

7 Governor William Franklin to Lord Dartmouth

[*NJA*, 10:652-53.]

For all the support enjoyed by the popular front, there existed a considerable number of Jerseymen who were either politically uncommitted or devoted to the royal standard. While Governor Franklin exaggerated the amount of latent Loyalism in the province, he was correct in asserting that the opponents of the rebellion were afraid to speak out because of the weakness of the civil establishment. By August 1775 Franklin and his associates had only their powers of persuasion and the inherent conservatism of Jerseymen to stem the tide of revolution. There was no Royal Army, no police force, no mass communications controlled by the government. To the contrary, the organs of public control (the militia and local sheriffs) were in rebel hands. Royal officials could only sit back, wait, and hope for the best. That fact alone explains to a considerable degree the lack of overt royalist activity in the province and the ease with which the radicals erected an extralegal political structure.

Perth Amboy, August 2nd, 1775

My Lord,

. . . . The same Disposition & the same Measures continue as mentioned in my last. A formal Declaration[1] has been published by the Congress, & every preparation made for carrying on a War which is in their Power, the Particulars of which I need not mention as they are printed in all the News-papers. Enclosed is a Copy of the Declaration, and also of a Letter which Mr. Skinner the Attorney General received a few Days ago from Col. Coxe one of the Members of His Majesty's Council in this Colony.[2] The latter will shew your Lordship the Critical Situation the Officers of Government are in, having no kind of Protection. It is true that there are many Friends of Government still remaining in the several Provinces, but they are too scattered to venture forming themselves into a Body, especially as they have no places of Strength or Security to resort to. Not that I believe there are any of the Gentlemen of the Country who would draw their Swords in Support of Taxation by Parliament; but there are many who would fight to preserve the Supremacy of Parliament in other respects, and their Connexion with Great Britain, until some

Consitution should be formed for America, consistent with that idea, on just and equitable Principles. There is indeed, a Dread in the Minds of many here, that some of the Leaders of the people are aiming to establish a Republic, rather than to submit to which we have Thousands who would risk the loss of their Lives in Defence of the old Constitution, and are ready to declare themselves whenever they see a Chance of its being of any Avail.

I have the Honour to be, with the greatest Respect and Regard,
My Lord, Your Lordship's most obedient & most humble Servt.
WM. FRANKLIN

1. On July 6 the Continental Congress adopted the "Declaration of the Causes and Necessity of Taking Up Arms" which, tantamount to a declaration of war, justified defensive military action against Britain.
2. See Doc. 4.

8 Charles Pettit to Joseph Reed

[Reed Papers, 2:113, New-York Historical Society.]

As the rebellion progressed, men increasingly were troubled by a clash of loyalties. While the conflict felt by royal official Charles Pettit is obvious, it was no less traumatic than that confronting the average citizen who found himself aiding and abetting a revolt against his country. Pettit (?-1806) and Joseph Reed were brothers-in-law, the former having married the latter's half sister, Sarah. Pettit had also been a partner with Reed's father, Andrew, in the Philadelphia mercantile house of Reed and Pettit. After going out of business, Pettit became, thanks to the influence of the younger Reed, deputy secretary, provincial surrogate, and finally provincial secretary of New Jersey. The two men were the closest of friends, Reed serving as Pettit's alter ego. At the time Pettit wrote the following letter, Reed was in Cambridge, Massachusetts, serving as secretary to General George Washington, commander in chief of the Continental army.

Amboy August 10th 1775

Dear Sir

. . . . My Prospects here are daily more clouded. My Sentiments are so different from those of my Neighbours that Society, instead of affording some Relief from

anxious & distressing Apprehensions, is clogged with so many disagreeable Circumstances that I am obliged in a great Measure to avoid it.[1] I have more than once been told that a Person avowing the Sentiments I do ought not to hold an Office in Government, and it is not improbable that I may be told so from Authority[2] before many Months. I have as far it was in my Power obeyed the Dictates of Prudence in my difficult Situation; but thinking as I do (and I have formed my Judgment on the best Information I could obtain) I have seen no Alternative but the Path I have taken or to have acted a Part I despise. I shall therefore meet my Destiny in this Respect with the more Resignation, being conscious of none but the best Intentions in the Measures that have brought it on; lamenting only the peculiarity of my Situation in being placed in almost the only spot of Ground in America where a Friend to American Liberty is a disgraceful Character. We have now proceeded so far in the present Mode of Opposition, that it appears to me we cannot look back but to certain Destruction—and tho' we may not *all* thoroughly approve *every* Measure of our Leaders, we must of necessity go forward with them. It therefore appears to me a Crime no less than Treason to pull back or endeavour to divide or weaken the Powers on which we have by general Consent embarked our all. I now look forward to certain Events as probable, which some Months ago appeared to me as visionary as Fairy Tales. My Stake in the General Stock is of as great Importance to it's Proprietor as that of most others, tho' I have not much Property to lose. This, tho' it affords me some bitter Moments, does by no Means overrule the ardor I feel in my Country's Service, which on this occasion would lead me to offer a greater Sacrifice were it in my Power. It may be possible that Passion takes the Lead of Judgment on this Occasion. The Circumstances of my Situation induce me to believe it has a greater Share than I am aware of, but I have endeavoured to view the Matter as free from that Ingredient as possible.

It appeares to me not improbable that if the Occasion for this Opposition is continued much longer, the Powers that are will look to all the Departments of Government and as they must of necessity exercise in some Measures a Legislative Authority, they will also find it necessary that those to whom the Execution of the Laws are entrusted are Friends to the Cause. Mr. Cox[3] has pressed it upon me to lay an anchor to windward, as he expresses it, with the Congress for the Offices I now hold, in Case Such a Thing should happen. Whether such a Step would be proper or not, I must confess I do not see clearly. I mention it to you for your Consideration and would wish you to take such Part in it as you think best. While I continue in my present Situation I shall to the utmost of my Power preserve Peace with my Neighbours, but how far my Endeavours will Succeed I know not. . . .

1. Perth Amboy, eastern capital of New Jersey and home of the wealthy and conservative East Jersey proprietors as well as opulent merchants, was the bastion of royal government in the province. It was perhaps the only town in the colony where the royalists outnumbered the rebels.

2. That is, from Governor William Franklin, for whom Pettit served as private secretary.

3. Probably John Cox of Philadelphia, a close friend of both Pettit and Reed, who was active in rebel organizations in Pennsylvania.

9 Enforcement of the Association in Sussex County

[Minutes of the Sussex County Committee, Revolutionary Era Manuscripts, 4, New Jersey Historical Society.]

The dedication of local committeemen and the thoroughness with which they dispatched their duties contributed to the remarkable rapidity with which the Provincial Association (see Doc. 1) was implemented in New Jersey. Signing the Association was an important political act, for it not only signified at least tacit approval of the program of the popular front but also committed people nominally to the rebellion and made it difficult to retreat at a later date. It was during the summer and fall of 1775 that many Jerseymen made a fundamental decision to support the revolt, and the instrument of that conversion was the Association.

August 10-11, 1775

The Committee of the County of Sussex, having met at the Court House of the said County on the tenth of August 1775 pursuant to Adjournment. . . .

Moved by Mr. Symmes,[1] That the members present be Called upon to declare if they had Signed the Association,[2] Seconded by Mr. Archibald Stewart[3] [torn]. The Members being Called upon, did all Except [torn] they had Signed; & these Six being required did in this meeting Sign the s[ai]d Association.

The Committees of the Respective Towns being Called upon, for a Return of non-Signers of the Association in their Respective Towns Ret[urne]d as follows:

Greenwich—John Paterson—a Quaker Says tis against his Conscience as tis a matter of Blood Sheding
Owen Phillips—no reason
William Phillips, Isaac Phillips, William Phillips, Junr. } Quakers, will not take up arms being against their Conscience
Aaron Prall, Joseph Prall } will take time to Consider
Mansfield— George Marlatt, Coonrad Phillips } no reason given
Wantage—all Signed, Except Joseph Havens & one or two more Quakers who are Whighs, & are willing to Contribute
Sandiston—all Signed, Except two, Who are willing when Opportunity Offers
Montague—all Signed

The other Towns[4] having not had the Association Particularly Carried to the Inhabitants, Ordered that the Committees of said Towns Wait upon the People &c. & make Return at next meeting of this Committee. . . .

Motion made by Mr. Symmes, THAT WHEREAS there are Some men [torn] having Signed the Association, have Basely Turned their [torn] Sacred Cause of

Liberty, & Vilely Aspers'd her True Sons, And Wickedly Endeavoured and do still endeavour to Sew Sedition & Create Confusion, and fill the minds of the Good People of the County with groundless fear and Jealousys to the Great Detrument of the Public Cause, That therefore this Board take the Same under Consideration.

Resolved, Nem: Con: that if any Person or Persons in any of the Towns in this County, Shall hereafter Asperse any of the friends of Liberty in this County on Account of their Political Sentiments or Shall speak Contemptuously or Disrespectfully of the Continental or Provincial Congresses or of any of the Committees of and in this County or any measures Adopted or Appointed to be pursued by the Congresses or Committees for the Public good & Safety on Complaint being made thereof to any one of the Committee of the Town where such Person Shall reside, The Chairman Shall with the Consent of the majority of said Committee at the next meeting Issue an Order to the Captain of the next Company of Militia to send a party of five or six men of his Company to take Such Offender or Offenders & forthwith bring him or them before the said Committee & if the said Offender or Offenders on proof being made of the fact laid to his or their Charge, Shall refuse to retract & Express Sorrow & Contrition for his or their Offences & will not promise [torn] comment in future, The s[ai]d Chairman Shall a Day [torn] the next meeting of the County Committee Direct [said Militia Captain?] to Send a party of his men as aforesaid to [seize the offender?] or Offenders and bring him or them forthwith before the said County Committee to be there dealt with according to his or their Deserts. . . .

Mr. Anderson[5] moved, That it be recommended to the Committee of Knowlton to get the Association in their Town Signed as Speedily as Possible & to Suppress any Riot there in its infancy as Threats of a Riot from that Town have been Reported. Resolved, Nem. Con. . . .

The Committee Adjourned till the 5th of October next at 10 O'Clock then to meet at the Court House, or Sooner if Summon'd by the Chairman[6] on any Emergency.

GOD SAVE THE CONGRESS
THOMAS ANDERSON, CLK. COM.

1. John Cleves Symmes (1742-1814), Walpack lawyer, who later served as a member of the Provincial Congress (1776), the Legislative Council (1776-1777, 1780-1785), and the Confederation Congress (1785-1786). He was also a colonel in the Sussex Militia (1775-1777) and associate justice of the state supreme court (1777-1783).

2. See Doc. 1.

3. Stewart was a Newton farmer.

4. Hardiston, Hardwick, Knowlton, Newton, Oxford, and Walpack were the other townships.

5. Thomas Anderson (1743-1805), Newton lawyer, was acting clerk of the county from 1770 to 1777.

6. The committee chairman was William Maxwell (1733-1796) of Greenwich. Having become a career officer in the British army after the French and Indian War, Maxwell resigned his commission in 1774 to enlist in the American struggle against the British; he served with distinction as a brigadier general during the war.

10 A Burlington County Petition to the Legislature on Reconciliation

[Manuscript Collection, 82, New Jersey State Library.]

To most Jerseymen, even as late as the fall of 1775, the whole point of the resistance movement that had developed during the past decade was a redress of grievances coupled with reconciliation between Britain and America. Rebellion and independence were to be avoided if at all possible. Thus the signers of the petition that follow, most if not all of whom were Quakers, voiced the sentiments of a considerable number of their countrymen. The petitioners were apparently farmers, for they expressed concern about the taxation of real estate to support the contest with Britain. Significantly, they addressed their appeal to the legislature, which in addition to being the representative branch of the duly constituted government was increasingly considered the one body capable of halting the torrent of revolution. In all, the assembly received four petitions signed by 133 residents of Burlington County denouncing independence.

[November 1775][1]

The Petition of Divers Freeholders of the County of Burlington Respectfully Sheweth

That your Petitioners are Deeply Impressed with a Sense of the Calamotous State of Publick Affairs in the Unhappy Contest Which At present Subsists Between Great Britain and Her Colonies; That they Sincerely Lament that Either Country Should Dwell So much on their Own dignity or Importance As to Delay For One Moment to make Such Reasonable propositions As Should Lead to a Happy Reconciliation of the Present Differences; That Your Petitioners are Greatly Alarmed At the Sentiments Of Independency which are Openly Avowed by too many People At this time, Your Petitioners Conceiving that Should Such An Event take place the Consequence Would be the Destruction of the Interests of the Whole British Empire And a perpetual Barr to Every Door of peace & Reconciliation Between the Parent State and the Colonies; That Your Petitioners Conceive that the Expences Of the Opposition Against the Oppressive Measures Of the British Ministry & Parliament will Fall most Heavy on the Landed Interests being the Only Permanent Estate And that Your Petitioners as a part of that Interest Have An Undoubted Right to be heard, And their Reasonable Requests Consider'd With that Attention Which Their Scituation Perticularly Merits; That in the Opinion of Your Petitioners An Effectual Opposition may be made Against the Measures Now pursueing by the Ministry and Parliament of Great Britain Without Changeing The Constitutional Form of Government In the British Empire Established; And that Your Petitioners have not the Least Desire that the Union of the Colonies in that Opposition Should be broken Which they think the Establishment Of An Independency Would Effect; That as the King has Objected to the Receiving Of the Petition Of the Congress[2] (as we Suppose)

Because It Did not Come through the accustomed and Constitutional Channel with Due Submission to the Honourable house, It is the Sense of your Petitioners that That mode Ought to be Tried[3] And the Reasons why we Cannot Accede to the Proposition of the House of Commons On the 20th day of February Last[4] should, Modestly be Set Forth, At the Same time Declaring Our Desire Of a perpetual Union and Our Willingness to Contribute Our Just Proportion to the Support Of the Whole Empire According to the Utmost of Our Ability Whenever Constitutionally Required So to do.

Your Petitioners therefore Pray that Your Honourable House will Take Into Consideration the Subject Matter of this Petition, And Make Such Resolves as may Discourage an Independency Should Such a Measure be Attempted, And Also make Such provision For the Support Of the Civil Government Of this Colony as Heretofore. Your Petitioners hereby making Their Solemn Protest Against the Change of The Form of Government as by Law Established & Declareing that it is not, Nor Never was their Intention to Vest Any Congress Or Body of Men Whatsoever with that Power.[5]

[Thirty-two signatures affixed.]

1. The petition is undated, but it was probably circulated sometime in November, for it was first read in the assembly on the twenty-third.

2. The "Olive Branch" Petition drafted by Joseph Galloway and adopted by the Continental Congress on July 5; George III refused to receive the appeal for a cessation of hostilities and instead proclaimed the colonies in a state of rebellion.

3. The assembly prepared a petition to the king, but an appeal on December 5 by a delegation from the Continental Congress prevented its adoption.

4. On February 20 Lord North presented a conciliatory plan to the House of Commons under which Parliament would refrain from imposing any but regulatory taxes on any colony that taxed itself to provide for its common defense and civil government. The House of Commons formally endorsed the proposal on February 27.

5. For the response of the assembly, see Doc. 13.

11 John De Hart to the General Assembly

[Lloyd W. Smith Collection, 291, Morristown National Historical Park.]

The men named to represent New Jersey in the Continental Congress carried a tremendous responsibility. After all, it was they, not the people in general, who would ultimately decide the course of the rebellion and the fate of

the Anglo-American union. There were no public referendums or opinion polls to guide the congressmen; in the final analysis; the action of the Congress turned upon the personal decisions of the individual delegates. (For example, it seems certain that the majority of Jerseymen opposed a declaration of independence in July 1776, yet the four-man delegation in Philadelphia unanimously voted for secession.) In general, the congressmen from New Jersey sincerely favored reconciliation with the mother country as long as that was a viable option. Aside from weighty congressional duties, the delegates were troubled by inattention to personal affairs at home while they were in Philadelphia. Attendance in the Congress was sporadic, resignations frequent. De Hart's resignation was probably for personal reasons, as he states, but a sense of disillusionment and frustration with the course of events was also a factor.

Elizth. Town Novembr. 13 1775

Gentlemen of the Genl. Assembly of the Colony of New Jersey,

Your resolution[1] of the 24th of January past having appointed me with others to attend the Continental Congress of the Colonies then intended to be held at Philadelphia in May following with Instructions to propose and agree to every Constitutional measure for the accommodation of the unhappy differences then subsisting between our Mother Country & the Colonies: In Obedience to the said resolution with the other Gentlemen I attended the said Congress[2] but have not been able by any reasonable and Constitutional measure to obtain that accommodation so ardently wished for by the House. On the contrary his Majesty seemeth to have turned a dead Ear to all the supplications of his Loyal Colonists and his Ministers & Parliament have denounced vengeance against all those in America who refuse absolute submission to Acts of Parliament in all Cases whatsoever and have caused the Blood of Members of his Majestys most Loyal American subjects to be Spilled which with other arbitrary and Barbarous Actions hath compelled the Colonies to Arm in their Own defence and hath brought them to the verge of a Civil War with the parent State so that all prospect of procuring an accommodation by constitutional Measures seemeth to be nearly at an end.

The peculiar Circumstances of my family[3] hath prevented me from attending the Congress for Sometime past and the same Still continuing renders it uncertain when I shall be able to attend. This and other reasons needless to be mentioned induces me earnestly to desire and request that the Honourable House will now be pleased to appoint another to attend the Continental Congress in my Stead.[4] I am Gentlemen your most Obliged & most Obedient humble servt.

JOHN DE HART

1. See Sec. IV, Doc. 4.

2. De Hart served during the first session of the Second Continental Congress from May 10 to August 2, and from September 13 until his departure in November.

3. It is not known what family considerations caused De Hart to resign; he

was reelected to Congress in 1776.

4. The assembly did not appoint a replacement since any three of the five delegates were empowered to represent the colony in the Congress.

12 The Reverend Philip Vickers Fithian Describes the Martial State of South Jersey

[Robert G. Albion and Leonidas Dodson, eds., *Philip Vickers Fithian: Journal, 1775-1776* (Princeton, 1934), p. 131.]

In the aftermath of the battles of Lexington and Concord, Bunker Hill, Fort Ticonderoga and Crown Point, Jerseymen in increasing numbers put down their plowshares and took up their swords. Just before leaving the province on a missionary trip to Virginia, the Reverend Philip Vickers Fithian (1747-1776) a 1772 graduate of the College of New Jersey (now Princeton University) vividly described the martial spirit that pervaded rural, sparsely populated south Jersey. Everywhere he went, from Greenwich and Bridgeton in Cumberland County to Salem in Salem County, the scene was the same: men in arms prepared to pay the ultimate price in defense of their liberties. Apparently such courage and resolve deeply affected the young Presbyterian clergyman, for he subsequently enlisted in the army as a chaplain in June 1776 and lost his life in the service of the new nation (see Sec. X, Doc. 1).

November 13, 1775

We leave New-Jersey in a melancholy State! Battalions of Militia & Minute-Men embodying—Drums & Fife rattling—Military Language in every Mouth—Numbers who a few Days ago were plain Countrymen have now clothed themselves in martial Forms—Powdered Hair [&] Sharp pinched Beavers—Uniform in Dress with their Battalion—Swords on their Thighs—& stern in the Art of War—Resolved, in steady manly Firmness, to support & establish American Liberty, or die in Battle!

13 The New Jersey Assembly Resolves Against Independence

[*Votes and Proceedings, November 15-December 6, 1775* (Burlington, 1775), pp. 19-20.]

While it is certain that the New Jersey legislature did not advocate independence in November 1775, it is equally clear that the rebellion enjoyed more support in the lower house than is suggested by the resolutions below. Eight of the representatives were members, and three more were former members, of the rival Provincial Congress; James Kinsey sat in the Continental Congress. Several factors—the unstable political situation, the moderation of the Jersey Whigs, a forceful address by Governor William Franklin on the calamities of civil war, the receipt of four Burlington petitions decrying independence, and an unwillingness to act in advance of other colonies and the Continental Congress—all help explain the following resolves.

November 28, 1775

The House took into Consideration the Inquiry had Yesterday touching the Petitions presented to this House;[1] and it appearing from the Petitioners of the City of Burlington, who were called in and heard, that they signed the same from Reports that some Men affected Independency; and being alarmed at such Sentiments, they were induced to present the Petition, hoping that the House would discourage such Sentiments by their Resolutions; whereupon the several Petitions being read the second Time,

1 *Resolved*, That Reports of Independency in the Apprehension of this House are Groundless.

2 *Resolved*, That it be recommended to the Delegates of the Colony to use their utmost Endeavours for the obtaining a Redress of American Grievances, and for restoring the Union between the Colonies and Great-Britain upon constitutional Principles.

3 *Resolved*, That the said Delegates be directed not to give their Assent to, but utterly to reject any Propositions, if such should be made, that may separate this Colony from the Mother Country, or Change the Form of Government thereof.[2]

1. See Doc. 10.
2. The congressmen were never specifically so instructed.

14 Cortlandt Skinner to William Skinner

[Peter Force, comp., *American Archives* . . . (9 vols., Washington, D.C., 1837-1853), 4th ser., 4:363-64.]

In writing candidly about the rebellion to his brother William, a career soldier in the British army with the rank of colonel, Attorney General Cortlandt Skinner took a grievous risk. During the first week in January 1776 the letter, along with several communications written by Governor William Franklin, was intercepted by the rebel militia Colonel William Alexander (Lord Stirling). As soon as Skinner learned of the seizure, he fled the province and took refuge on board a British warship in New York Harbor, leaving behind his wife and thirteen children. His hurried flight proved wise, for the provocative contents of the letter soon prompted an order for his arrest. (For Skinner's career as a Loyalist, see Sec. VIII, Doc. 18.) As with so many men, the attorney general and Speaker of the assembly could comprehend the rebellion only as irrational behavior by persons on either side of the ocean. To his mind, greedy merchants seeking to evade customs duties and paranoid Presbyterian bigots hoping to destroy the Church of England were fueling the fires of insurrection in America; at the same time, blunderers in the British ministry and military were proving inept in efforts to quell the disturbances. Through it all Skinner, like Daniel Coxe (see Doc. 4), most feared for his personal safety.

December, 1775[1]

Dear Brother:

I have not had the pleasure of receiving a letter from you for a long time; whether you have written and they have miscarried, or what has happened, I know not; only this I know, that I have not had the happiness of a line from you this troublesome summer. I have always fondly, I may say foolishly, hoped that the unnatural dispute now subsisting would have an amicable conclusion. I find myself sadly disappointed. The tea duty began the controversy; it has branched out into divers others, and now the contest is for dominion. For the rise of the dispute we are indebted to smugglers; for the present state of it, to the pride, ambition, and interest of those who, enemies to the ecclesiastical establishment of their country, have long plotted, and to others who have become of consequence in the struggle. They who began had their interest in view, and feared the ruin of their smuggling; here they, I believe, were willing to leave the dispute. The others, with deeper views, keep it up, and, building on the foundation, are attempting a superstructure (a republick) that will deluge this country in blood. This is not new. All history, as well as our own, shows great convulsions, rebellions and revolutions from mad enthusiasm and designing men; and the last spring up like mushrooms. We are now upon the eve, I may say, have actually begun a revolution. The Congress are our King, Lords, and Commons. They have taken Canada, with the consent of its grateful inhabitants; they block up the Royal army in Boston; they say they have secured the Indians; have appointed an Admiral;[2] are fitting out a fleet, and are universally obeyed. Is

this, or is it not independency? They say it is not; and we must believe even against our senses. An edict, manifesto, or what you may please to call it, has been issued from the Congress; in which they say, We have taken into consideration a proclamation issued by the Court of St. James's; meaning the late Royal Proclamation.[3] You will soon see it. I fear bad consequences will attend the mistaken people who are so obstinately loyal as to favour the Royal cause. Where or what will be the end, I know not. The mistakes of Generals and Admirals, and the strange security in sending succours, ammunition, &c., to this country, amazes me, while success here in every mad measure vexes me. The saints say Heaven is on their side; I rather think the old saying more applicable, "The devil is kind to young beginners." We must have in every war a campaign, at least, of blunders. This may be called so, from the ill-timed march to Lexington to the losing of Canada. Another year may set us right; but not, if we only succour Boston. A few regiments and fleets to different Provinces will set us right; at least bring us to our senses, and support the friends of Government. But I have said enough on this disagreeable subject; you will know every thing from the papers, though, now Rivington is suppressed,[4] you can hear only one side of the question.

I informed you in my last that I had another son, and that I had called him James. I can now only tell you that all my family, with your other friends and connexions, are well, except my wife, whose present weakness alarms me. She is now tolerably well, but so often otherwise, that I cannot say she has any thing like established health. She presents her love to you and your little girl, with the warmest wishes for both your happiness. I have not received a letter for a long time from Will, though I have heard of him, and that very pleasingly. I beg you will direct him to write to me, but caution him against political matters; few letters come to us unopened, and it may be of fatal consequence to me.[5] [illegible] wrote lately; it came safe, but had it fallen into the hands of the Committee, I should, as well as his brother, have felt, before we heard of it. Give my love and their mother's to them both, and as much as I long to hear from them and you, write cautiously, and in a way that can do me no harm. I fear a letter from Captain Kearny;[6] I know how he will write; if, therefore, you see him, tell him of my fears. I wish to hear from you and all my friends, but they must avoid politicks, unless some very safe person, not an officer, or in the least connected with Government, and above all a man of honour should be the bearer. Make my compliments to Mr. Watts,[7] to whom I am much obliged for his kind mentioning of my children. Remember me to Captain Skinner,[8] who I think writes to nobody here, but now and then to his wife. Give my love to my children.

I am, with the greatest affection, your brother,
CORTLANDT SKINNER

1. The exact date of the letter is unknown, but it was written after action taken by the Continental Congress on December 6 and, perhaps, 22 (see note 2). The date of its capture by the rebels (see note 5) would indicate that it was written toward the end of the month.

2. It is not certain to whom Skinner is referring. On September 2, General George Washington instructed Colonel John Glover of Marblehead,

Massachusetts, to arm fishing boats to serve as a preliminary "navy." On December 22, Congress named Esek Hopkins of Rhode Island commodore of the fleet of four naval vessels it had ordered constructed in October. If Skinner is referring to Hopkins as the "admiral," then the letter was written near the end of December.

3. On August 23 George III issued a formal proclamation declaring the American colonies to be in a state of rebellion and calling for the suppression of the same; on December 6 the Continental Congress responded to the proclamation by avowing loyalty to the king but disavowing allegiance to Parliament.

4. *Rivington's New-York Gazetteer* . . . the principal organ of Loyalist sentiment, had been destroyed by rebels in November. See Sec. IV, Doc. 5, note 1.

5. The rebels routinely rifled the mail of suspected Loyalists; Skinner had no idea that his remarks would prove prophetic, that the seizure of this very letter would lead to his exile.

6. Michael Kearny (1725-1797) who settled as a planter in Morris County in 1763 after service in the Royal Navy during which time he attained the rank of captain. The Skinner and Kearny families of Perth Amboy were related by blood, marriage, and economic interest.

7. John Watts, wealthy New York City merchant and councilman, who was forced to flee to Britain in May 1775. Watts was related to the Kearny and Skinner families by marriage.

8. John Skinner (?-1797), brother of Cortlandt and William, was a captain in the British army.

15 "Lycurgus" on Independence

[*New-York Journal; or, the General Advertiser,* December 21, 1775.]

As with Tories who forthrightly denounced the rebellion, Whigs who boldly advocated independence did so at great risk. Promoting resistance, even rebellion, was quite different from advocating treason. Besides, most Jersey Whigs were opposed to secession in late 1775; premature talk of independence might drive moderates into the crown's camp. The following essay is the first public advocacy of American independence by a resident of New Jersey. The circuituous, restrained language of the statement stands in marked contrast to the more belligerent, unequivocal productions appearing in some other colonies. But, however delicately, the author made his point. Employing a favorite rhetorical device of the day, "Lycurgus" broached the controversial topic of independence by posing a series of seemingly innocent questions, the answers to which were all too obvious. Substantively, the unidentified writer

anticipated the most telling argument advanced by Thomas Paine six weeks later in *Common Sense:* there was little to be gained from membership in the British Empire.

New-Jersey, Dec. 4, 1775

Mr. Holt:[1]

I have lately seen in the public papers an instruction from the House of Representatives in Pennsylvania to their Delegates in Congress, which to me appeared very odd, and even inconsistent. They very properly observe, at first, that *the mode of executing their trust may be so diversified in the course of their deliberations that 'tis scarcely possible to give particular instructions respecting it.* And yet in a few minutes they so see into futurity, as to venture to give one instruction very peremptorily, respecting a *separation* from our *Mother country.*[2] 'Tis not easy to understand what they may precisely mean by such a separation. Without asserting anything I would take the liberty to ask a few questions. There can surely be no hurt in querying a little. I would therefore ask, Are they certain that Great-Britain cannot, or will not, in the course of the year, treat us in such a manner, as to forfeit all right to our dependance upon them? Are they sure, that if Great-Britain does so, it will still be best, at all adventures, to put our necks into their yoke? Are they sure, that Britain will not call in foreign aid, so as to oblige us also to do the same? Are they sure, that if Britain should thus oblige us to call in foreign aid, we should not be as much under obligation to our new allies, as to Britain? Are they sure, that if we submit to British government, they will not, as heretofore, try to fill all places of trust and profit with their creatures, so as by degrees entirely to bring us under?[3] Are they sure, that such a resolution in the province of Pennsylvania, will not encourage Britain, and make them rise in their demand upon us, since they may expect, from such an instruction, that we should submit to anyting rather than a separation from them? Are they sure, that if all the other Colonies should agree in a form of government, it would be best for *their* delegates to reject it, and stand out? Was there any need of mentioning the change of the government in their own province? Could there be any the least ground for a suspicion of that, let our separation from our mother-country be as it would? Is this instruction agreeable to the wisdom and prudence that has generally appeared in the Assembly of that province? Are they sure, 'tis best America should not be independent as to government, and that several nations, suppose Britain, Holland, France and Spain, should have equal advantage of our trade, and they should all be bound to maintain our independency in other respects? Suppose that Britain should have all the advantage of our trade, is not that all that can really be beneficial to them? May there not be a proper treaty for Britain's having the advantage of our trade, without being any other way under their government? Have we not already tasted too much of their legislative power, ever to let them have the advantage in their hands again? Is not the advantage of our trade, regulated by a proper treaty, all that Britain has a right to expect or desire, and all that we have a right to grant?

LYCURGUS[4]

1. John Holt, publisher of the radical *New-York Journal.*

2. In November 1775 the Pennsylvania assembly instructed its congressional delegation to work toward reconciliation with Great Britain and oppose secession from the empire.

3. The only Briton holding appointive office in New Jersey was Chief Justice Frederick Smyth.

4. Identity of author unknown. The original Lycurgus founded the Spartan constitution and social and military systems; hence he was the man responsible for the "good order" which they created.

16 Thomas Randolph Tarred and Feathered

[*New-York Journal; or, General Advertiser,* December 28, 1775.]

Acts of physical violence were rare in New Jersey, thanks to the moderation of popular leaders and the wide support given to the resistance movement. The fate of Thomas Randolph described below is the only known account of tarring and feathering in the province during the prerevolutionary decade. Normally the prospect or threat of violence was sufficient to cool the ardor of those who openly opposed the congresses and committees.

The 6th Dec. at Quibble Town,[1] Middlesex County, Piscataqua[2] Township, N. Jersey, Thomas Randolph, Cooper, Who had publickly proved himself an enemy to his country, by reviling and using his utmost endeavours to oppose the proceedings of the Continental and Provincial Conventions and Committees, in defence of their rights and liberties; and he being judged a person of not consequence enough for a severer punishment, was ordered to be stripped naked, well coated with tar and feathers and carried in a waggon publickly round the town— which punishment was accordingly inflicted; and as he soon became duly sensible of his offence, for which he earnestly begged pardon, and promised to atone as far as he was able, by a contrary behaviour for the future, he was released and suffered to return to his house, in less than half an hour. The whole was conducted with that regularity and decorum, that ought to be observed in all public punishments.

1. Now New Market.
2. Piscataway.

17 The Recantation of Ezekiel Beach

[*New-York Journal; or, General Advertiser,* December 28, 1775.]

When, for whatever reason, opponents of the popular front renounced their earlier Loyalist convictions and declared their adherence to the common cause, they almost invariably were forced to make a public declaration of their conversion. The procedure itself is important as something of a religious ceremony: a public confession of secular sin, a vow of repentance, and a plea for forgiveness. The nature and content of such declarations reveals the emotive quality and moral dimension of what was in large measure seen as an ideological contest between the righteous Americans and the corrupt British.

December 23, 1775

I, Ezekiel Beach, of the township of Mendham, in the county of Morris, have heretofore, by my words and conduct, been guilty of opposing the good people of this country, in the measures by them adopted for preserving American Freedom, particularly saying, "I had rather the Ministerial troops would conquer the Continental; and further declared, that the Parliament of Great Britain had a right to levy the oppressive taxes and acts upon America, particularly the act for changeing the government of Massachusetts Bay, and further declared, that "I would assist the Ministerial troops with provisions and other necessaries, provided they wou'd pay for the same." And, having, on the most mature deliberation, considered of such my conduct, do most heartily disapprove of the same, and do hereby promise that, for the future, I will observe, as far as in me lies, the rules and regulations of the Honourable Continental Congress and the Provincial Congress of New-Jersey; and will use my best endeavours to promote and carry into execution every measure adopted already, or that may hereafter be adopted by said Congresses for preserving the rights and liberties of this country, and I will most cheerfully sign the Association adopted by said Provincial Congress when thereunto required; and do hereby desire, that in future the good people of this country would consider me as a friend to the same, which I hope to mainfest by my conduct.

EZEKIEL BEACH.

Signed at Morris-Town, this 23d day of December, 1775.
Witnesses present: Thomas Milledge, Cornelius Ludrow, Peter Layten.

18 A Tory Roundup in Sussex County

[*New-York Journal; or, General Advertiser,* December 28, 1775.]

Political pressure, social ostracism, and threats of physical violence failed to persuade the most ardent supporters of royal government to give even tacit support to the resistance movement. The division between rebel and royalist became more distinct with the onset of armed rebellion, and the prospect of organized counterinsurgency increased; popular leaders did not hesitate to seize crown supporters by force in order to prevent opposition to extralegal activities. The "Tory hunt" described below was repeated in the fall and winter of 1775 in many sections of East New Jersey where there existed sizable conservative enclaves.

Newtown, Sussex County, New-Jersey

Last Tuesday,[1] about four hundred of the militia of this county, under the command of Col. Ephraim Martin and Mark Thompson,[2] assembled and proceeded in good order and regularity in quest of Tories, a considerable number of whom, (inhabitants of this county) had entered into a combination and agreement not to comply with any Congress measures; about forty, we hear, are taken, most of whom have recanted, signed the Association,[3] and profess themselves true sons of liberty, being fully convinced of their error: And that two or three who remain incorrigible are to be sent to the Congress[4] to be dealt with.

1. December 26.
2. Besides being militia officers, farmers Martin and Thompson were members of the Provincial Congress from 1775 to 1776.
3. The Provincial Association (see Doc. 1).
4. The Provincial Congress dealt with recalcitrants referred to it by local committees.

VI

Empire or Independence

Although even the most radical Whigs were unwilling openly to advocate secession from the empire, the pervasive question of independence loomed ever larger in the thoughts and actions of the people of New Jersey in the winter of 1775-1776. Events on either side of the Atlantic during the past eighteen months made it impossible to deny or evade the logic and momentum of the rebellion much longer. The brief "house arrest" of Governor William Franklin by a detachment of militia in early January and the usurpation of effective local government by rebel committeemen signaled the virtual end of royal authority in New Jersey. The revolt was rapidly reaching the stage where that which was implicit would have to become explicit. Yet independence could not be a sudden-stroke creation. Indoctrination and persuasion would be necessary to induce British-Americans to renounce the crown; pyschological as well as military preparations were prerequisite to severance of ties with the mother country. During the first six months of the year 1776, the political debate, whether public or private, turned on the issue of empire versus independence.

Amid the shock waves from Thomas Paine's clarion call for independence, *Common Sense,* published in January 1776, Jerseymen began systematically to assess the relationship between America and Great Britain and to contemplate the prospect of an independent nation. The forum ranged from the anonymous essays by Cumberland County residents which appeared in the installments of the "Plain Dealer" posted at Matthew Potter's tavern in Bridgeton (Docs. 1 and 2) to the markedly different analyses of the imperial controversy exchanged between Chief Justice Frederick Smyth (Doc. 7) and the Middlesex County Grand Jury (Doc. 8) during the April term of the supreme court. However, the debate was largely one-sided. Intimidated, unorganized, and unsure of themselves, conservatives and royalists rarely spoke out against the rising tide of revolution. The real discussion took place among the Whigs.

VI EMPIRE OR INDEPENDENCE

If the discussions of the future of the Anglo-American union that took place in New Jersey during the spring of 1776 indicate growing colonial intransigence, they also demonstrate the essential political moderation of the province. Jerseymen were willing to go to almost any lengths short of independence to secure constitutional rights and redress imperial wrongs. After all, a thin but crucial line divided rebellion from revolution, loyal opposition from outright treason. Ardent Whigs recognized the need to proceed with caution, lest the moderate and uncommitted among them defect from the common cause (Doc. 5). To test the temper of the people (and thus determine a course of action), the Provincial Congress on February 21 called for a general election on May 27. The election promised to be a referendum on the unspoken issue of independence. The defeat of an attempt by the Reverend John Witherspoon and the Somerset County committee to organize support for secessionist congressional candidates revealed that independence was taboo for many Whigs at even this late date. (Doc. 10).

The tide began to turn in May 1776. Pushed by internal pressures and pulled by external developments, New Jersey prepared to join the radical republicans. Jerseymen were not the only actors in the unfolding drama of American independence. By the spring of 1776 the New England and southern colonies were primed for separation. And on May 10 the Continental Congress issued a de facto declaration of independence by calling upon those provinces which had not already done so to dismantle their royal governments and erect revolutionary regimes. Moreover, everyday events and pragmatic considerations prepared the people of New Jersey for the final break with the mother country. The very act of waging war against British forces acted as a catalyst in transforming a defensive war of rebellion into an offensive war for independence: the battlefield was itself a point of no return. Jersey sons were, as they had been for nearly a year, under arms in the defense of their liberties (Doc. 4); others marched off to war steeled by personal convictions and accolades from family and friends (Doc. 6). Similarly, the dynamic of extralegal protest activity led to a fundamental restructuring of the political life of the province. Men who had previously been excluded from the process of governance suddenly found themselves participating in mass meetings and serving on local committees. The reality of increased participation in the political process eventually translated itself into philosophical commitments to popular sovereignty and republicanism (Doc. 3). But in a larger sense the debate over independence was resolved when a sufficient number of Jerseymen became convinced that no alternative to secession from the empire existed (Doc. 11) and that they in fact had much to gain and relatively little to lose from an attempt to establish an independent state (Doc. 9).

1 The "Plain Dealer" on Political Divisions

["Plain Dealer," No. 2, manuscript copy in the Alexander Library, Rutgers University.]

Because theirs was the only province from New Hampshire to Georgia without a newspaper in the colonial period, Jerseymen were greatly hampered in the dissemination of news and views. It was in part the deepening imperial crisis that prompted two Cumberland County youths, Thomas Harris and Jonathan Stratton, to establish an informal alternative to the distant New York and Philadelphia press. Posted each Tuesday from December 21, 1775, to February 12, 1776, in Matthew Potter's tavern in Bridgeton, the "Plain Dealer" was ostensibly founded to enable "several persons whose genius & inclination for many years past have led them to Study and contemplation . . . to communicate Weekly to their neighbours the result of their enquiries and Speculations on political occurrences and other important Subjects particularly calculated to suit this place." That five of the eight essays, all anonymous, promote and justify rebellion suggests that the "Plain Dealer" was actually a forum for local Whigs. The selection that follows reveals the political divisions within the community—and the colony as a whole—and the importance rebels attached to the battle for men's minds.

Jan. [2] 1776

"Tis with our Judgments as our watches none
go just alike yet each believes his own."

Pope

From a careful attention to the sentiments and actions of the People in this place, with respect to politics ever since the commencement of the present unhappy dispute between Great Britain and America, I find they may all [be] reduced to three Classes:

The first class includes all those who religiously adhere to the old absurd and wormeaten Jacobite[1] doctrine of passive obedience, and nonresistance, or an absolute submission to the higher powers and a tame obease subjection to the most unjust and tyrannical impositions for conscience sake or under the specious pretence of being conscience bound so to do, and may therefore be truly called *rank Tories.*

The second Class on the contrary comprehends those who considering that all mankind in a state of nature were upon an equality, that all power is derived from the people and not from any imaginary divine right, and therefore that all those placed in authority over us, having received their power & right of governing immediately from us, must of consequence be at all times accountable to their constituents for the due and regular discharge of the trust reposed in them by the constitution under which we live; and to whom we are no longer obliged to yield subjection than while such rulers strictly adhere to the express design of their appointment, but on the contrary are equally bound in duty to oppose every unjust

and unconstitutional enfringement of our rights and priviledges as we are to observe and obey those laws and regula[tions] which art just and constitutional.

These are the principles upon which the nobles of England declared war against the unfortunate King John till they pressed him sword in hand to grant them that famous Charter of Priviledges commonly called by way of eminence *Magna Charta.*[2]

These are the principles by which the people of England boldly opposed the arbatrary measures of Charles the first.[3] These are the principles by which our venerable forefathers happily brought about the glorious revolution under King William the third, and by which the present royal family, the Hanoverian branch of the house of Brunswick, were placed on the Throne of Great Britain.[4] These, in Short, are the principles of every person in the world who rightly understands the genuine principles of Civil liberty and the rights of human nature, who are therefore justly entitled to the honourable appel[lation] of being stiled True Whigs.

Under the third Class may be ranked great numbers of ignorant thoughtless beings who are one day Tories, and the next day Whigs; and the third day nothing at all; who like the pendulum of a clock are perpetually changing sides and strictly speaking [are] as unsteady as the wind. Having no fixed principles at all, and being wholly unacquainted with the nature of Government, the principles of the English constitution, and the rights of Americans, they are easily influenced any way, and therefore, either change their sentiments daily without being able to assign any just reason for so doing, or else hastily espouse the one side or the other, merely out of humour or party spite. These I shall beg leave to distinguish by the significant name of Turn-Coats. I shall make it my business in some future paper to consider [each of] these classes of people seperately.[5]

1. Jacobite: supporter of the Stuart claim to the British throne which began with the reign of James I in 1603. Specifically, the term refers to the adherents of James II, who abdicated under duress in 1688-1689, or his descendants.
2. See Sec. V, Doc. 2, headnote.
3. The reference is to the English Civil War.
4. The Glorious Revolution of 1688-1689 established a Protestant succession to the throne through William and Mary. When Queen Anne died in 1714 without surviving children, the crown passed to George Augustus, the Elector of Hanover (Brunswick).
5. If the author, unknown, produced such a paper it has been lost.

2 The Political Creed of "Shary O'Brion"

["Plain Dealer," No. 5, Alexander Library, Rutgers University.]

In contrast to the urbane, sophisticated style that marked the other political essays in the "Plain Dealer" (and most colonial public writing for that matter), the fifth installment appears to be the work of an ordinary yeoman farmer. If the essay is not a poor attempt to satirize rustic reasoning and rhetoric—and there is no reason to doubt its authenticity—it reveals a remarkably knowledgeable Jersey citizenry. At a time when educational opportunities were few, communications media primitive, and life overwhelmingly parochial, "Shary O'Brion" possessed keen insight into and information about the political realities of the day. His "Creed" is probably representative of that held by the many Jerseymen who were more concerned with pragmatic than abstract political considerations.

January 22nd 1776

I shall entertain my readers this week by presenting them with the following Political Creed which was sent me a few days ago—

Mr Plain Dealer.

"For modes of faith, let graceless Zealots fight
His can't be wrong whose life is in the right."

Pope

I am a poor ploughman, without Learning & live in a bye corner of the County. Having no opportunity of talking with knowing folks, I am entirely ignorant of what people call politics and therefore seldom go to any of our public meetings. For this reason, & because I never attempt to talk (as many people do) about that I dont understand some of your high-flying patriots or parrots I dont know which (nor is it any matter which, for as both words sound nearly alike I suppose they mean the same thing) threaten to knock me in [the] head for a Tory. Though I understand not the meaning of that new fangled nick-name, yet by the sour faces those good folks make when they pronounce the word Tory, I suppose it means a political heretic or something very bad. I therefore send you my political Creed, & desire you would publish it as soon as possible to the world in order that I may save my noggin, clear up my Character, and prove myself a true Son of Liberty.

1st I believe that many people who Bellow very loud about Liberty neither know, nor care anything about it, farther than it serves their own private interest or humour.

2d I believe many who make a great spunk about patriotism dont know the meaning of the word.

3d I believe many people who talk a great deal about politics know about as much of the matter as a hog does of Lattin, or a Horse of Divinity.

4th I believe the surest way in the world to render a man contemptable is to put him in a station that is above his abilities, or that he is incapable of Supporting, for like a monkey climbing a maypole the higher an ignorant man gets the more he will show his A—

5th I believe the quickest way to kill a man is to cut his head off.

6th I believe many who now appear foremost in Supporting the cause of their Country, would Immediately change Sides if a good opportunity offer'd & it would serve[1] their interest so to do.

7th I b[e]lieve the surest way to become popular now a days is to behave as bad as we can.

8th I believe the best method of qui[e]ting the Tories is to stretch their Necks well.

9th I believe that Lord North,[2] Lord Bute,[3] Lord Mansfield,[4] & Lord Sandwich,[5] are a pack of raskels, & deserve to have their brains beat out.

10th I believe if some of our great men were weighed in a Balance they would be found greatly wanting.

11th I believe there is not one man in our County a *Tory* from principle but that all who pretend to be *Tories* are so partly out of ill nature & a spirt of opposition & one reason among many others I could mention, for my belief is because the greatest sticklar now for the King & his Laws as they call them, were before the commencement of the present dispute, the most opposed to those Laws & the civill Authority in general.

12th I believe I am as good a whig as any man in the County notwithstanding I wear my own hair.

13th I believe our Liberty Hall Gentlemen[6] are like piss pots & Close-stools the more they are handled the worse they Stink.

14th I believe a late blustering recanter to be a white:livered gray:eyed cabbage:brain'd poltroon,[7] that like Balaams ass may be frightened with a mere shadow.[8]

15th I believe some people will dislike my Creed because they dont understand it, and others because they understand it too well.

16th I believe the best method to frighten hogs out of mischief, is to Lug them well by the Ears.

SHARY O'BRION[9]

1. Appears "save" in the manuscript; probably the copyist's error.
2. Current chief minister of the British government.
3. Former chief minister and adviser to George III.
4. William Murray, Earl of Mansfield, lord chief justice of Great Britain.
5. John Montagu, Earl of Sandwich, first lord of the admiralty.
6. Reference to William Livingston and his political associates; Livingston resided on an estate named "Liberty Hall" near Elizabethtown.
7. Appears "pastroon" in the manuscript; probably the copyist's error.
8. Balaam: diviner sent by King Balak of Moab to curse Israel, but who instead blessed the Israelites at God's command. En route to perform his mission for King Balak, Balaam smote his ass three times for skittishness; actually, as Balaam later learned, the ass had taken fright at the appearance of the angel of Jehovah (Num. 22-24). Later Balaam tried to turn the Israelites from Jehovah and was killed (Num. 31). Balaam is held up several times in the New Testament as an example of hypocritical teachers who strive to lead God's people astray.
9. I have found no information about a person with this name; it is probably fictitious, since the other installments of the production were either unsigned or carried pseudonyms.

N.J. STATE LIBRARY
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3 The Salem County Petition to the Provincial Congress on Suffrage Reform

[Revolutionary War Documents, 156, New Jersey State Library.]

The democratization of politics was an important by-product of the attempt by popular leaders to increase support for the resistance movement by permitting persons normally excluded from political activity to participate in mass meetings and serve on local committees. In August 1775 the Provincial Congress stipulated that in the future congressmen could be elected only by those "qualified to vote for Representatives in the General Assembly." (Only "freeholders" who owned a certain amount of land, usually fifty acres, or personal property worth at least £50 sterling were eligible to vote for legislators.) This retreat from the "inhabitants" suffrage that had previously characterized extralegal elections was roundly condemned by men determined to play a role in the politics of their communites. Disenfranchisement seems to have been especially widespread in rural south Jersey, perhaps because of the presence of a large number of farm laborers in the region. In any event, Salem County figured prominently in the drive to broaden the suffrage. In October 1775 the Salem representatives in the Provincial Congress moved that the vote be extended to "householders" or "reputable single men" who had personal estates worth at least £50 proclamation and had been residents of a county for one year prior to an election. Tabled by a single vote, the motion later became the basis for the new liberalized election law adopted on February 16, 1776. The broadening of the franchise resulted in part from the continued pressure exerted by disenfranchised men such as those who signed the following petition. The remonstrance was probably circulated in late January and early February 1776; it was presented to the Congress in New Brunswick on February 9.

[February 1776]

The Remembrance of the Freemen of Salem County denied the Right of Election by a Resolve of the late Convention of said province Sheweth

That as we neither wish nor expect our present inactive State is unobserved & think it our duty to offer the following Arguments in Justification of our Conduct, fully persuaded that as they are dictated by the Love of our Country and the Rights of Man Kind they will [torn] with every unprejudiced mind as with [torn]. In an Early period of the present glorious Struggle we took Arms, devoting both our time and property to the Acquirement of Military knowledge. When called on to contribute both by pecuniary and personall service (Convinced of the Justice and importance of the cause) we cheerfully Obeyed the summons. But how great the disappointment when we found that whilst we were expending our time and Money with a View of repelling the invaders of our Liberties we were deprived of the priviliges we contended for by an Act of the late provincial Congress Consisting of the very Men we had intrusted as the Guardians of our Rights. Born to the same

priviliges with the rest of Mankind we have a Right to the free Exercise of them until divested thereof by some Act of our own, but that ever any people divested them[selves] of their Right of Representation is an absurdity too triffling for the [torn] of thought. We cannot conceive the wise Author of Our Existance ever de[signed?] that a certain quantity of the Earth on which we tread should be annexed to Man to Compleat his dignity and fit him for society. Was the sole design of Government either security of Land, or Money, the possession of either or both these would be the only necessary qualification for its members. But we apprehend the benign intentions of a well regulated Government extend to the security of [a] much more valuable possession—The Rights and privileges of Freemen—for the defence of which every kind of property and even Life itself have been Liberally expended. We ask, what we have in the present state of Affairs to induce us to spill our Blood? If we adopt the measures now pursuing in this province we Establish an usurpation of Every [illegible] with that [illegible] endeavoring to destroy. In defence of them we armed ourselves; when a prospect of securing them Ceases our Military Opperations may be justly deemed by the World A Rapacious thirst of Wantonly sheding Human Blood.

[Forty-two signatures affixed.]

4 Joseph Brearley to David Brearley

[Department of Defense Records, 2284, New Jersey State Library.]

To not a few Jerseymen the debate over the proper constitutional relationship between Britain and America became academic after the outbreak of warfare; in the aftermath of Lexington and Concord men such as the Brearley brothers rushed to take up arms in defense of their homes as well as their liberties—if not for independence. At the time the following testimony of hardship and determination was written, Joseph (1742-1805) was serving as a captain in the Second New Jersey Regiment of the Continental Line; this regiment was a part of the Northern Army, commanded first by General David Wooster and then by General John Thomas, that attempted unsuccessfully to take the British garrisons at Montreal and Quebec in May 1776. (The Northern Army consisted of remnants of and reinforcements to the force that had earlier failed in the same mission in November and December 1775.) Joseph was promoted to major in 1777 and served for the rest of the war as an aide to General George Washington. David (1745-1790) was also a captain in the Second New Jersey, eventually rising to the rank of lieutenant colonel. He later enjoyed a successful political career, holding the positions of chief justice of the New Jersey Supreme Court (1779-1789) and delegate to the Constitutional Convention of 1787.

Montreal 7th March 1776

Dear Brother

I have now the pleasure of an opportunity to inform you of our arrival at this place, after a very fatiguing march of 27 days, with the loss of only 8 men by sickness on the road. Our arrival was on Sunday night last, the six days we lay at Albany are included in the 27 days.

Montreal is distant from Trenton about 500 miles, all which way our men performed with the greatest spirit imaginable.

We were obliged to lay out in the woods and on the lakes, three nights, the weather being extremely inclement. We suffered much. Eight or nine days we were crossing lakes Champlain and George, which, at the crossing places, are about 180 miles from land to land. Two days of the nine we waded through water and slush half leg deep, occasioned by a south-west storm of rain. The last of the two days, in the afternoon, the wind shifted around to the north, and brought on a most dreadful storm of snow and hail, which came directly in our faces. Here we were all near perishing, had it not been for a few hardy fellows, who pushed on to an island at about the distance of 12 miles, where they kindled a fire, and then returned for those left scattered on the lake, many of whom, when they were taken up, were helpless, but with care, they were brought along and seem now as hardy as the rest, except one, who at this time lays poorly .... Having plenty of provisions, seemed in some measure to mitigate the distresses.

I doubt if history can furnish us with greater performances in marching. One day with another averages nearly 24 miles. As for the lift we got in sleds, it was very trifling.

I hope our countrymen will now be convinced, that although we are young and inexperienced soldiers, we are determined to persevere with firmness unto the end, and, that they who think us Poltroons will cheat themselves. What but the Glorious cause of Liberty could induce us, and our men, to expose ourselves to the many difficulties we have already surmounted?

I have now given you a sketch of our march, and in all probability this will be the last account you will have from me, untill my adventures will afford you something more agreeable. I will therefore give you notice of what it is expected we are going to do.

General Lee[1] who is expected to take the command in the department, is hourly expected. His disposition and great spirit, will, I presume, ere long prove the valiour of the troops. God grant that they may acquit themselves like soliders, and more especially the Jersey Blues! May they be crowned with fresh laurels to add to their former greatness.

There is not the most distant prospect of the garrison of Quebeck surrendering. Preperation for storming is daily making. Ladders for scaling the wall, (which carry twelve men abreast) are now ready. Nothing delays our attack but a parcell of troops. The garrison consists of about 1200 or 1400 men. We are yet only 1400 strong, but expect three times that number very soon.

Ere another month be past, expect to hear of the reduction, or at least, the siege of Quebec.

We are animated with a thirst after Honor and the welfare of our Country, and hope to acquit ourselves like noble sons of Freedom, and show the dogs of tyranny, we dare to fight for Liberty.

Next Monday is the day we propose to set for the attack on Quebeck.

Please give my kind respects to our family, and remember me to all enquiring friends. Please to give my particular respects to Major Brearley.[2]

Adieu

JOSEPH BREARLEY CAPT.

1. General Charles Lee, who later figured prominently in the battle of Monmouth (see Sec. IX, Doc. 7).

2. Probably a reference to their father, David Brearley (1703-1785), who lived on the family estate Spring Grove near Maidenhead (now Lawrence Township).

5 Charles Pettit to Joseph Reed

[Reed Papers, 3:13, New-York Historical Society.]

Perhaps because of their unstable social and political orders, the Middle Atlantic colonies in general did not share the enthusiasm for independence that gripped first New England and then the South. By the spring of 1776 strong Jersey Whigs like Charles Pettit were concerned less about the opposition of the vocal royalist minority than the ambivalence of the uncommitted. While there existed a large potential base of support for independence in New Jersey, most citizens understandably faced the prospect of separation from the empire with apprehension and hesitation; they had not yet become convinced of the need for independence, and thus they were not willing to take rash steps. Time would be required to overcome the trauma of committing treason against the mother country, to demonstrate the viability of the popular front, and to expose the chimerical hopes of reconciliation whether through parliamentary action or the negotiations of special commissioners.

Amboy March 25 1776

Dear Sir

. . . . However determined the Congress[1] may be to cut the Ligament, it would certainly be attended with Danger to do it suddenly in the present State of Things. For however right and necessary the Measure may be the People at large must individually see and feel the Necessity and Propriety of it before they will give it such an Acquiescence as is necessary to ensure it success. An explicit Declaration of it now,

would probably raise up such a Schism as would be more dreadful than any outward Enemy, Whereas a few Months, perhaps a few weeks may, like the Sun to ripening Fruit, make that pleasant and desirable which at present appears sour and disgusting. Besides the Congress have no Occasion to be hasty in the Matter. They may, and I presume do take all their Measures on this same Plan without a Declaration as they would with it, and the Work will in Effect be accomplished before the Multitude perceive it is begun. But a very important Work remains for the People in every Province—the settling a provincial Constitution, and much I take it depends on the Course we shall first set out in, for Waters generally continue to run in the Channels they first form however crooked & intricate they may be, and so it is in a great Measure with a People.

As to the Commissioners we have heard so much of, I have scarce a distant Hope of any Good from their Embassy.[2] Whatever might have been in the King's Power before, the Acts of Parliament made during the Contest, & especially this last,[3] do not leave him the Power to authorise Commissioners to offer Terms that can possibly be accepted; nor can Commissioners derive Authority competent to the Business by any Means short of an Act of Parliament for the Purpose; and we do not find the most distant Hint that such an Act has been thought of. I look for nothing more in them, therefore, than Spies & Emissaries coming to get as full Information of the real State of the Country as they can, and to tamper with the Provincial Legislatures if possible, or even with inferior Bodies of Men and perhaps with Individuals. Their Power I take to be nearly explained in Governor Tryon's *heavenly* Address to the People of New York.[4] I heard another Governor lately say he imagined they would not exceed two or three in Number; but whether this was a mere conjecture of his own, or drawn from Letters by the Packet,[5] I did not learn. However, I find since the Arrival of the Packet they speak confidently of the *Faction* in Opposition to Government crumbling away. They say it is already sunk into Contempt, and that loyal Addresses are daily pouring in from all Quarters promising Assistance with *Lives* & *Fortunes* against all *Rebels* and *Traitors* as well as within the Kingdom as without. Whether it be that they imagine the People of this Country are or will be really intimidated by these Reports so as to knock at the "*Door of Mercy*", or that the Ministry have determined to hold forth Terms that are more likely to be accepted; but from some Cause or other, Inferior Tories yelp out Peace with more Confidence than they have done for some Time past. I cannot find however, that they have any other Ground for it than the Expectation of Commissioners, nor that they know any thing more about them or the Authority they are to have than other People do. On the other Hand the Superiors of that Order, who may be supposed to have better Intelligence from England speak on the Subject only in mysterious Hints, and seem to have little Expectation from the Commissioners as Negociators. Some doubt their coming at all; and others seem to consider them as Angels coming from a Superior Region to give the last solemn Warning to the deluded Americans of the Danger hanging over them, and to offer Pardon and Mercy to those who repent and will accept it on the Terms they can give. The Petition of the Assembly of Nova Scotia[6] is spoken of in high Terms, and it is much regretted that we have not taken the same Course: But, so great is the Tenderness and Compassion of great Britain that it is hoped, yea believed, we might all yet obtain the same Terms by the same Means, notwithstanding the Enormity of our Guilt. . . .

In the mean Time I am gardening & making other preparations for Summer as

if all was Peace: but who will reap the Harvest is yet uncertain. . . .
With the most affectionate Regards,

I am Dr. Sir
Yours
CHAS. PETTIT

1. The reference is probably to the growing radical influence in the Continental Congress as well as its action in instructing the colonies which had not already done so to replace royal government with revolutionary regimes.

2. Since the fall of 1775 the ministry of Lord North had discussed sending peace commissioners to America to negotiate directly with the colonies. Differences over terms and personnel delayed formation of the commission until May 1776, at which time the brothers Howe (General Sir William and Admiral Lord Richard), commanders of British military and naval forces in North America, were designated peace commissioners. Lord Richard arrived in the colonies in June, at a time when American independence was all but declared.

3. The American Prohibitory Act of December 22, 1775, which placed a commercial embargo against the rebellious colonies.

4. William Tryon, governor of New York. On March 16, 1775, brazenly calling upon the "deluded" rebels to return to their proper allegiance to the king, he pledged strong support for the Loyalists. His empty remarks were widely ridiculed.

5. A packet was a vessel which carried mail in addition to passengers and cargo; it usually sailed according to a fixed schedule.

6. On June 24, 1775, the assembly of Nova Scotia petitioned the king and both houses of Parliament, professing loyalty to the British government, announcing a position of neutrality toward the rebellious colonies to the south, and appealing for an Anglo-American reconciliation. With regard to the latter point, the petition proposed to solve the taxation quandary by means of a duty (to be adjusted every decade) on all products except salt imported to America from outside the British Empire.

6 [Ebenezer Elmer?], Valedictory Address to Captain Joseph Bloomfield's Company of Continental Forces

[Appended to the "Plain Dealer," Alexander Library, Rutgers University.]

Military service was an important, perhaps the most important, impetus to

independence. Enlistment in the militia or the Continental army was at base a political act that converted not only the soldier but also countless of his kin and friends to the cause of secession. Moreover, the emergencies attendant on actual warfare necessarily radicalized political thought and action. Then, too, there was almost a crusading zeal associated with joining the army and going off to do battle with the enemy; the martial life became *de rigueur* for every young male patriot, and the martial spirit moved many on the home front to support the severance of ties with Britain.

To Joseph Bloomfield[1] Esqr. Capt. and to the other Officers of the first Company of Continental Forces belonging to the third New-Jersey Battallian, raised in Cumberland County, this short and imperfect address, as a small token of his Zeal for the cause of Liberty, and respect for you & the Company under your command, is humbly inscribed by

The Author.[2]

March 26th 1776

Friends, Countrymen, and Soldiers.

As most of you were born and brought up in this place with me, I feel myself greatly interested in your welfare & success. Permit me then, my dear friends, to take my Serious *farewell* of you, with a Short address.

Words cannot express the satisfaction I feel, on seeing such a number of respectable persons, voluntarily sacrificing their Ease and present Interest, for the sake of serving their country; & generously offering, at this critical Juncture, to hazard their lives on the high places of the field, in order to defend those rights & priviledges, which our cruel and unnatural enemies, are endeavouring to wrest from us, with the points of their Bayonets. The Sun, my friends, never shone on a contest more just, nor does the History of mankind afford a single instance of a people engaged in a cause more important, than that in which you are now engaged. . . . In short, the fate of millions, of a whole Continent of people, depends on the event of the present unhappy dispute. And since the irrevocable blow is struck, and our adversaries have left the merits of their cause to the Decision of the sword, nothing but a resolute and manly resistance, can save our devoted Land, from inevitable ruin. Go on then my brave friends, in the glorious cause you have undertaken; let no difficulties however great: let not obsticles however discouraging, hinder you from persisting in what you have begun.

As the military life you are now entering upon is new to most of you, give me leave to recommend it to you, as my parting advice, to live sober, temperate, & regular, & carefully gaurd against all those vices & irregularities, that are too common in Camps & Armies, particularly profane Swearing and the excessive use of spirituous liquor. These will injure your health, blast your reputation, & unfit you for the service of your country. Should you be called into the field of Action, it is more than probable, that some of you will loose your lives in Battle. For your comfort & encouragement I would remind you, that, should it be the fate of any of you to fall there, you will die gloriously; you will expire in the defence of your country, and suffer martyrdom in the cause of Liberty.

Remember the illustrious *Hampdon*[3] who fell in the cause of Liberty in the cruel & arbitrary reign of Charles the 1st. Remember *Docr. Warren*,[4] the *Hampdon* of America, who fell at the battle on Bunkers Hill, in the still more cruel, & arbitrary reign of George the 3d. Remember the brave General *Montgomery*,[5] the spirited McPherson,[6] the gallant Capt. Cheeseman[7] & many other of our brave countrymen (as well Soldiers as Officers) who have boldly sacrificed their lives, in the glorious cause of Liberty, in which you are now engaged. Imitate their noble example. Let the same patriotic spirit that glowed in their breasts, animate yours also. Ascend the summit of military honour, by acts of bravery & heroism like theirs. Let not the faithful pages of some future historian, be sullied with the recital of a single cowardly or inglorious action which any of you may be guilty of; but may you conduct so, as to gain immortal honour to yourselves, & be a credit to the place to which you belong. May you all serve your Country with courage & fidelity. May you go forth, to oppose your cruel Enemy, in the name of "the Lord of Hosts, the God of Armies." Trusting in him, may you always prove victorious. May he preserve you in safety, in the midst of the greatest danger. And, having by your valour and activity, procured peace and tranquility to your oppressed & bleeding country, may you all return home to your friends, loaded with trophies of victory, & crowned with wreaths of unfading *Laurels*. May you then all prove victorious & useful citizens, untill you have compleated the measure of your days. And having faithfully served your Country in your day & generation, according to the will of Heaven, may you all die like *Christians*.

With these my sincere wishes, & ardent prayers, for your success, welfare, & safe return home, I now take my leave of you, and with the feelings of humanity, & affection of a friend, I bid you one and all—Farewell.

1. Joseph Bloomfield (1753-1823), young Bridgeton lawyer, served with distinction during the war and later rendered service as governor of New Jersey (1801-1812).

2. The author is unknown, but the address corresponds closely to other writings of Ebenezer Elmer, Cumberland County physician.

3. John Hampden, Buckinghamshire gentleman who helped popularize discontent with the rule of Charles I by refusing to pay the ship money tax. Hampden ranked with the famous John Pym as one of the leaders in the House of Commons who opposed the king.

4. Dr. Joseph Warren of Boston who, along with Samuel Adams, was at the forefront of the leadership ranks of the radical organization in Massachusetts.

5. Brigadier General Richard Montgomery, who was killed in the ill-fated assault on Quebec in December 1775.

6. Captain John MacPherson, Jr., of Philadelphia, aide-de-camp to Montgomery; he was also killed at Quebec.

7. Captain Jacob Cheeseman of the First New York Regiment, aide-de-camp to General Montgomery; he fell with his commander at the battle for Quebec.

7 Chief Justice Frederick Smyth to the Middlesex County Grand Jury

[Smyth Papers, American Philosophical Society Library.]

With Governor William Franklin living in constant fear of arrest by rebels and with former Attorney General Cortlandt Skinner in exile, Chief Justice Frederick Smyth emerged as the leading opponent of independence in New Jersey during the spring of 1776. He took advantage of the opportunity afforded by the April session of the supreme court to denounce notions of secession from the empire, decry the chaos that would follow separation, and defend the virtues of the British constitution and the necessity for law and order. Smyth utterly rejected independence not out of fear or personal interest but because of deep convictions about man and government; his remarks would have been received enthusiastically by most Jersey conservatives. At the same time, it is apparent that Smyth—whatever his personal beliefs—was wholly insensitive to the political realities of the day and the ideological imperatives of the Whigs. For the reply of the grand jury, see Doc. 8.

April 1776

Gentlemen of the Grand Jury

. . . . I observed just now Gentlemen that it is a distinguishing mark of the good Sense of the Inhabitants of this Province that they so strenuously urge the necessity of supporting the authority of Courts of Justice, and the administration of the Laws; as indeed all legal rights must depend upon the Laws, and all Laws for their authority upon Government. And when Government is at an end, all Laws that concern it, must be so too, because a power to put the Laws in Execution, whereby the rights of the Subject are protected is essential to all Laws, as it is also essential to all Government, on which the Laws depend; and without such a power, no civil Society, and consequently no Civil Laws, can Subsist. These Gentlemen are established Truths and applicable to all Governments, and every System of Laws. But when we consider ourselves as British Subjects, members of a constitution, the envy and admiration of all the World, subject to, and under the Government of a system of Laws famed for Wisdom, Justice and Equity, and better calculated perhaps than any upon earth, to secure to the subject the compleatest enjoyment of rational Liberty, and the most ample Security for our persons and properties, the same good sense which suggest the necessity for the execution of Laws, and administration of Justice, upon the plan of our present Government, must also suggest, that those sentiments, and opinions, at this time held out, by artful designing Men, in the rage of faction, sedition and Licentiousness, to alienate our minds from a love of, and veneration for our excellent constitution, and inculcate the necessity, or propriety, of a seperation from, or independence on, our present Government, ought to be heard by every wise and good Man, every lover of his Country, with the utmost disdain and abhorrance, and spurned at with contempt and detestation.

VI EMPIRE OR INDEPENDENCE

The best Criterion by which we can Judge of the excellency or usefulness of any system is, by observing how well it answers the end of its Institution, and produceth the effect for which it was established. If this is a fair and honest Test surely the most Enthusiastic Republican, the most furious Stickler for Independency must want assurance to deny, but that the Inhabitants of the British Colonies under British Government till within a short time past, have enjoyed a degree of Liberty, serenity, public tranquility, personal security, prosperity, plenty and happiness, beyond the Subjects of any Country or dominion upon Earth. Will these modern discontented Scribblers promise us better days, under their new fangled Ideal Mode of Government? Those learned Writers who have most considered, and best know the excellency of the British Constitution never fail to speak of it in raptures, as superior to all that History hath recorded or present times can boast. Let not your Sons Gentlemen have ever occasion to blush for the Conduct of their Fathers. Your Ancestors transmitted to you the blessings of the British Constitution, be it your Care to transmit the same inviolate to your children, as their birth right, and as our great oracle of the Law calls it their best Birth right. Tell them also that to be a Subject of Great Britain with all its Consequences is to be the freest Member of any Civil Society in the known World. It is not from inclination Gentlemen to engage in Subjects of political disquisition, that I have called your attention to these observations on our Government and constitution: but Magistrates and public Ministers of Justice ought to be considered as the guardians of the Laws, the Centinels of the State, and as such, they would ill discharge their duty, if they are not only ever ready to defend the Laws, but also watchful to give the alarm at the first Approach of an Enemy; and indeed Gentlemen I have but repeated the Alarm already given by your representatives, your constitutional representatives, who at the last Sessions of Assembly (whilst as yet sentiments of independency, and seperation from Great Britain were but faintly whispered) in language which speaks their abhorrence of such a measure, to their lasting honor be it recorded, unanimously Resolved and enjoined their Delegates "utterly to reject any proposition if such should be made that may seperate this Colony from the mother Country or change the form of Government Whereof."[1] And allow me Gentlemen to assure you, that I am well persuaded his Majesty's Council of this province, would consider it an insult to their understanding as well as their honor, to be even suspected capable of harbouring the most distant wish of innovation in our present constitution or Government; it is too absurd to suppose that the Governor of the Province can entertain any other Sentiments. Be this then our establishment, upon the Pillars of Governor and Council appointed by the Crown and an Assembly of representatives of the free choice of the People may our constitution rest for Ages to come upon those Pillars. Our Government has long been supported with safety and happiness to the people—too much is it to be feared that desolation and havock, ruin and confusion, would accompany their fall in these days . . . .

The public disorders consequent upon our unhappy contest with Great Britain, are now grown to a most alarming height. I consider the inhabitants of the Colonies as rushing on towards a tremendous precipice—nay on the very brink of an abyss of inconceivable misery, horror and destruction—and nothing but some sudden stop, some speedy interposition, can possibly save us. That my apprehensions are by no means Ideal, a contemplative view of the present Melancholy scene around us, must evidently demonstrate. A serious reflection on the variety of wretchedness

which has already befallen our fellow subjects in other Colonies, ought to afford the most striking lessons of the fate which may await ourselves, for the operation of the same destructive causes, must necessarily produce the same calamitous consequences. If then we turn our eyes towards the Ocean, from whence of late each revolving tide brought a sure return of treasure to our merchants, Alas! what a dismal void; or if the Sight is intercepted, it is only by objects to frighten Commerce from our Shores. If we take a view of our Cities, once the happy retreat of busy Industry, Arts and Commerce the abode of opulence ease and Elegance, now deserted, neglected and Abandoned to the grievous incursions of hostile depredation. Will the Country afford us a safe retreat? Shall we there find Peace and Order established? Alas! even there the utmost we can promise ourselves, is a doubtful Joy of temporary security. Vain perhaps Gentlemen may be your toil and Industry. Who will insure you the wished for returns of your Labors? You may sow, but who shall reap? You may Plant, but who shall gather? Soon, too soon perhaps may an armed host fly like the Lightnings blast over your promised harvest. Happy for you if this is to be the measure of your misfortunes. But roused perhaps by the call to Arms, you meet the approaching Foe where Arrows of destruction are thickly scattered round. Shield us gracious heaven from these complicated Woes. Let not the Widows cries and Orphans tears proclaim the wretched fate of Fathers, Husbands, Brothers slain. But do thou Almighty disposer of all events, save us from the danger that threaten us; prevent the effusion of blood in our Land; reconcile all our Disenssions; and may Peace and harmony, plenty and tranquility, be again restored to this afflicted Country.

If I have here given you Gentlemen a just picture of our present distressed situation, if my apprehensions of encreasing miseries are well founded, if in my wishes for peace I express the language and Sentiments of every wise and good American, is it not devoutly to be wished, that those in whose power it is to compose our differences, may with one heart and one mind pursue those means which may lead to so happy an end? But perhaps it may be asked, shall we at once lose Sight of the occasion of our Contest? Are all our claims of Liberty to be at once forgot? In silent terror then are we to wait our fate from the hands of Conquerors? God forbid. May the true Spirit of Liberty be forever unconquerable in the Minds of Americans. Liberty is the Inherent right of every British Subject in every part of the British Dominions. Liberty may be ingrafted by the arts of Policy in other Countries but on British Ground it shoots as from its natural Climate Stock and Soil. But Gentlemen admitting the claim of Americans as Subjects of the British State, to the blessings of British liberty in the utmost extent, it can never exempt them from the discretionary authority of the British Legislature.

Whether this discretionary power of Parliament has or has not been rigorously exerted over the Colonies it is neither proper or necessary for me to declare; but if reconciliation be really the object with Americans, I must be of opinion that far other Language than is now held forth, far other measures than those now pursued, must take place. If the Parliamentary declaration of a right to bind the Colonies in *all* cases whatsoever, be answered by a denial of such claim to operate in *any* case whatsoever; if the Parliamentary requisition of an American Revenue towards the defence of the State, continues to be utterly refused; if the Colonies who at the commencement of the contest with Parliament were content to fix one foot of the compass on Taxation (and where indeed it was properly fixed), but have since extended the other to most

unreasonable bounds, without describing any circumference at all; in short if the Spirit of *American Liberty* suggest claims, which neither the constitution can admit, or can consist with our provincial dependance, the natural inference will be, that the Colonies are determined on a total Seperation from Great Britain, and grasp at supremacy. In such case they must expect their claims and pretensions will be answered in the Language of one of our Ancient Kings of England[2] in a Controversy with a Pope of Rome: "Be it known that by Gods assistance the Authority and usages of the Kingdom of England shall never be diminished; but if I would so debase myself (which God forbid) my Nobles, and the whole People of England would by no means suffer it." If this National spirit to assert the Claims of the State, glowed with such Ardor in the breast of Britons in ages past, can it comport with the intrepidity and Giant Strength of that mighty Nation in these their heroic days, to relinquish, much less admit the Jewells of the Diadem to be wrested from them by force?

Pre-eminent in Mercy and Magnanimity, our gracious Monarch, in language worthy the King and Father of his People, in the genuine Spirit of peace and reconciliation, seeks not to conquer, but reclaim. If he is compelled to pursue in Arms those who have presumed to take up Arms against him, he pursues them like disobedient Children whom he seeks to reclaim, and not like irreconcileable Enemies to be exterminated. "When my unhappy Subjects shall become sensible of their error, I shall be ready to receive the misled with tenderness and Mercy—the constant employment of my thoughts, and the earnest wishes of my heart, tend wholly to the safety and happiness of all my people, and to the re-establishment of order, and tranquility thro' the several parts of my dominions in a close Connection and constitutional dependence."[3] Is this the Voice of Despotism, this the Language of Tyranny? Can a Monarch with such sentiments of clemency and forbearance, wish to die the Royal Ermines in the Blood of his Subjects? In short Gentlemen if reconciliation be your wish, you have every thing to hope from the humanity, Justice, Generosity, and sincerity of the British Nation. A constitutional dependence is all that is required, under which state of dependancy, these Colonies were established, have grown up, and flourished; under which you Gentlemen and your forefathers have enjoyed all the happiness, safety and prosperity, which could be expected or wished for, under any government. Instead therefore of keeping up a destructive ruinous and unequal contest with the incensed power of a Country, which in our own days we have seen carrying the terror of her arms into every quarter of the World, is it not fervently to be wished, that some prudent plan of accomodation, worthy a grateful and loyal People, may be proposed, worthy the dignity and Wisdom of the parent State to attend to? Then may we hope that past Offences will be no more remembered; that the Colonies convinced of the necessity of an happy union with Great Britain, their submission will be paid to the Laws of the State on principles of Gratitude, manly Obedience, and willing dependence, but never extorted by abject fear, or slavish submission. May this Union be such as flows from an unshaken trust and confidence between Sovereign and Subject, Parliament and People; from a due reverence and Obedience to the Authority of Government and Laws; from an awfull care not to remove the antient land marks, nor to disturb those constitutions which time, and the public convenience hath settled; from a Zeal to preserve the whole frame and order of the Government, upon the old foundations; and from a perfect detestation and abhorrence of all such as are given to change. From such an Union and Connection we may reasonably hope that Concord and

Commerce will [then] return to our Cities, will diffuse peace and prosperity through the Colonies; joy may then be seen sitting in every face, content be felt in every heart; the Colonies will then exhibit a people unoppressed, undisturbed, unallarmed, busy to improve their private property and the Public Stock; then may be seen Commercial fleets traversing the Ocean under the lordly Auspices of the British Flag bringing home Wealth the returns of Industry triumphantly displaying to wondering Nations the Opulence and enterprise of British Colonies.

1. See Sec. V, Doc. 13.
2. Probably Henry VIII during the break with Rome and the establishment of the Anglican Church.
3. Excerpts from George III's speech to Parliament of October 26, 1775, in which he urged Lords and Commons to take whatever steps might be deemed necessary to suppress the American rebellion. See the *Journals of the House of Commons*, 35:397-98.

8 The Middlesex County Grand Jury to Chief Justice Frederick Smyth

[Smyth Papers, American Philosophical Society Library.]

As the remarks of the Middlesex Grand Jury reveal, defense of the English constitution did not preclude participation in or support of the rebellion. Indeed, rebellion traditionally was considered a legitimate political response to arbitrary or despotic rule. The contest between Britain and America was basically a constitutional dispute, with both rebels and royalists claiming to be defenders of the constitution. They differed, of course, not only in interpretations of parliamentary taxation but in their perceptions of the nature of constitutional government itself. The fundamental debate raged over conflicting answers to questions such as these: what is the proper means of redressing grievances and preserving liberties? are certain specific freedoms more valuable than the system as a whole? whence does government derive its authority? do citizens enjoy political rights only at the sufferance of government or are there natural rights which government can neither grant nor deny? The exchange between Chief Justice Smyth (see Doc. 7) and the jurymen clearly reveals the political chasm created by different attitudes toward constitutionalism.

[April 1776]

May it Please your Honour.

The Grand Jury for the Body of the County of Middlesex, cannot take leave of their Offices, without thanking His Majesty's Chief Justice for the Honor conferred on them by his Charges at the opening of the Court.

The Singularity of its principal Subject, after the discharge of our Ordinary Duty, in a particular Manner commands our Attention and seems to exact from us the Political Sentiments of the County at this most critical Juncture.

Permit us therefore, Sir, with the utmost sincerity, to assure your Honor, that We are on all Occasions ready, as we are fully persuaded the Body of this Loyal County is, to demonstrate an inviolable Allegiance and Attachment to the Royal Person and Government of our most gracious Sovereign, and to those principles upon which the Establishment in the illustrious House of Hanover is founded.

That though we have the highest Sense of that Liberty, of which your Honour has been pleased so largely to speak, We are however so unhappy, as to be unable to adopt your Ideas of English Liberty.

We beg leave to assure your Honor that the enjoyment of *Constitutional* Liberty is our sole object, and that the present apprehensions of this County, are excited only by an exertion of Powers, unknown in our happy Constitution, and incompatible with *that* Liberty.

We are at the same Time so unhappy as to be obliged to dissent from your Honor's opinion, that our Liberty is founded in Law; for though We agree that it is defined and protected by Law, We Nevertheless think it is Built on the Rights of human Nature.

Our Acquaintance with our happy Constitution, teaches us, that it is the indubitable Right of Englishmen, to watch with a jealous Eye, every Exertion of Power, which, as far forth as it is destructive of Liberty, must necessarily, on your Honor's own Principles, be unconstitutional.

To Complain when we suffer is our Birthright; to oppose Oppression is Constitutional, because the Law forbids that the Subject should be oppressed by the Hand of those whose Duty it is to defend our Rights.

We can never therefore be taught to believe, that the Commons of Great Britain, have a Constitutional Right to Tax us, because we have long ago Learned as a Truth, that it is essential to the enjoyment of English Liberty, that the subject shall have the undisturbed possession and voluntary disposition of his Property.

An invasion of this essential Part of Constitutional Liberty by the Commons of Great Britain, We apprehend is the unhappy cause of our present Contention with the Mother Country. It is that alone which opposes the Current of our Affection and Deference to the Parental State, a proper Connexion with, and Dependance on which, We shall ever esteem our greatest Happiness.

We are taught by a Knowledge of the Constitutional Rights of Englishmen, that orderly Meetings of the People (however stiled) to enquire into Grievances, and to use proper Measures for Redress of those Grievances, are in no wise forbidden by the Laws of the Land.

We do not know that even at this alarming Crisis, the Committees of this Colony have exceeded those Bounds, and we are persuaded, that Notwithstanding the Danger of evil Examples, which you are pleased to suppose have been set up in some neighboring Colonies, good order and Decorum hath hitherto been observed in those Public Meetings in this Province.

While therefore We look back on the Regularity of our Committee Meetings, We cannot apprehend any Danger, that they may be misled by the Language and Sentiments supposed to be held forth at such Meetings in other Governments. On the Contrary, We esteem the continuance of Committees in that good Order and Decency, with which they have Conducted hitherto, as essential to the preservation of our inestimable Priviledges and Liberties.

Permit us at the same Time, Sir, to assure you, that We shall return to our respective Homes, with the utmost unshaken Resolution, both by advice and example to inculcate throughout the County, the Necessity of Obedience to the Law, and the Constitutional exercise of those executive and Legislative Powers, which are the Pride of Englishmen, and the Envy of the Rest of the World.

9 "Cimon" on the Necessity of Independence

[*Postscript to Dunlap's Pennsylvania Packet; or, the General Advertiser,* April 15, 1776.]

With the passage of time the incongruities attendant on an undeclared rebellion became intolerable. The existence of both the formal royal government and the informal popular front caused numerous complications and outright absurdities. To whom did one pay taxes? How could men sit in both the Provincial Congress and the General Assembly? As the rebel regime increased its control over the lives of most citizens, the duly constituted government became a facade. Therefore, secessionist spokesmen reasoned, a formal declaration of independence would be nothing more than a recognition of political realities. Jerseymen had nothing to gain from a state of limbo, and independence was the only viable option available. Unlike Thomas Paine, whose *Common Sense,* published in January 1776, emphasized the long-term institutional and organizational defects of the empire, "Cimon" was concerned mainly with the tangible, immediate problems of the day. In calling for independence, he advocated a takeover of government by the people and not a revolution which would overturn established procedures and institutions.

April 1776

Friends and Countrymen,

The Colony of New-Jersey is, I fear, in a situation by no means to be desired.

Imbarked deeply, from the zeal of the inhabitants, in the general quarrel, with the war perhaps approaching to our doors; with a sea coast upon which it is probable the naval armaments of our friends and our enemies will both be employed, we are so far from being in a capacity to exert the natural strength of our country, that we

are burthened with a load of taxes for the support of a government in the highest degree inimical to our cause. We want every aid of a regular establishment in a war upon the success of which our lives, liberties and estates depend; yet we are laid under contributions for the purpose of giving weight and efficacy to a government that is opposed to us. While we are groaning under a load of debt and grappling with the iron hand of oppression, the Officers of the British Government, which is employed in oppressing us, are maintained, at the expence of the People, in a splendor fit to dazzle the weak and timid, with a power of distributing profitable employments among a numerous class of dependants and the entire distribution of justice between man and man; so that the property and very subsistence of a large part of the community, in some measure, depends upon them. In the mean time the friends of Liberty, employed in the justest and noblest of all causes, crouch and wind through indirect paths. Resolves and Recommendations of Congresses and Committees are put in place of the commands of a Legislature: The punishment of crimes is reserved to a standing Committee, who are often feeble, sometimes oppressive. The boasted Trial by Jury is sinking to decay. Anarchy threatens us: We hardly know whom to obey, and not a few are dispirited and bewildered by the confusion of the scene. Many of the ablest and wealthiest men in the Colony slip their neck from the burden and devolve it on the poor. Profest enemies lift up their heads and boast and threaten in the midst of us and visibly enjoy the embarrassment of our circumstances.

The reader, I presume, by this time begins to construe that it is my wish to see a new government formed in the Colony. Yes, my Friends, I most sincerely wish to see the whole power, force, and energy of government in such hands as we can trust: in such hands as will most heartly cooperate with us in the great cause of freedom and our country, and that before it is too late; before this Colony be shaken to its centre by the alarms of war and invasion, before we are left to see our military force rambling and marching and counter-marching, bewildered and confused for want of a regular system of government. I wish to see the confusion of Bunker's Hill avoided betimes: I wish to see the hands of the Continental Congress (who have too much to do to regulate the affairs of every Colony) strengthened by a regular system of government in each Colony.

But this leads to Independency, it will be said. It does so, my friends, and I think we are now visibly reduced to the alternative of Independency or Submission: And I am sure we had better never have engaged this controversy than not to have the courage to go through with it. To submit after having once refused! to be treated as a conquered country! " 'tis horrible!"

We are too weak a Colony, it may be said, to take the lead or stand alone in such a business. I believe we are weaker thro' the want of wisdom and order than any other cause. But we shall not be the first, nor shall we be alone. Massachusetts and New Hampshire have gone before us,[1] and the rest must speedily follow. And what is there so frightful in being forward in a good and necessary cause. The most forward in all our measures hitherto have seen the rest following after at no great distance; and besides, I would by no means have this step taken without consulting the Continental Congress. Let us lay our case before them, as did the people of Massachusetts and New Hampshire; let us beg their advice and approbation. They advised and approved of the proceedings of the two last mentioned Colonies and to the reasons which then prevailed. We have to add the late Act of Parliament

declaring expressly every American to be out of the royal protection, as well as some particular circumstances of our own Colony which need not here be mentioned. This method of applying to the Continental Congress will also serve to answer another objection.

Commissioners, it is said by some, are coming over to settle all our differences.[2] For my part, my Friends, I do not believe it; and I think that every man of sense and impartiality, who will read the late Act of Parliament, will think with me that there is just as much reason to expect an angel from Heaven to fight our battles for us as commissioners to settle our disputes upon a proper footing. But what if they are coming? The Congress I presume are the best judges of this matter; and they in their wisdom, if they think proper, may deny their approbation to our measures and put a stop to them betimes; for I must observe; my Friends, that before our application to Congress can be concerted, formed, presented, deliberated upon and determined, the Congress will have full and perfect information what may be depended upon in this affair. But what if the commissioners are not coming, or what if they are coming only to grant pardons, accept submissions and attempt to divide us as the case most probably is? What then? Are we always to remain thus hesitating between two governments? Are we engaged in a war so light and easy that we may fight it out with our hands tied? Is it not high time to prepare in earnest for battle? To clean away the trappings of the ancient government with which we are at once burthened and entangled and make ready to the utmost of our power for a contention in which our all is at stake?

But methinks I hear one complain—Sir, I have suits depending in the courts, all my property is at stake, the laws, the sacred guardians of my rights, are in danger of being overturned. Friends be of good cheer! In the future regulations of government there is no necessity of endangering your property or even of abating your suits. Let the laws which regulate property betwixt man and man remain the same. Let the forms of the courts remain the same. Let all law proceedings be continued in their present form, and the new Officers of the several Courts be enjoined to carry them forward to a conclusion from their present stages, whatever they may be. It is the easiest thing in the world to alter the stile of a Writ from that of "George the Third commands, &c." to "the Court commands," or "it is commanded by the Court;" and this is all that is necessary on this head. Nay, I would even continue the same Officers in commission wherever they would conform to the new government. Here too, it may be added, that if after all a reconciliation should take place at any future period we may the more easily return to our old form of government, without any alteration in the laws of property.

What shall be the particular form of government to be established is a matter which it belongs to the wisdom of the whole Colony to determine. All I shall say on this head is, that it is our own fault if it be not a good one.

When I reflect that we are placed, as it were, on an isthmus, that before us is danger, that behind us is destruction, that in this perilous situation we are intangled with a government among ourselves which in every principle is averse to our proceedings: When I consider that to oppose all these dangers we have no established Legislature, no regular government; when I recollect that acts, absolutely essential to our well-being, such as the striking of money, Admiralty Laws and others are passed by a body whose authority can never be deemed to be settled while another Legislature is acknowledged to be in force in the Colony, I think it my

duty to warn you of our common danger. I hope you will exert yourselves, and I trust that your own virtue and that kind Providence which has hitherto assisted us, will yet save us.

CIMON[3]

1. In July 1775 the Continental Congress authorized the Massachusetts rebels to assume governance of the colony under the Charter of 1691; in January 1776 New Hampshire secessionists adopted a state constitution which, after approval from Philadelphia, became operative in March. In May the Congress instructed all colonies to erect republican governments.

2. See Doc. 5, note 2.

3. Cimon was the Athenian statesman and soldier who led the aristocratic party in opposition to Themistocles and Pericles.

10 Elias Boudinot versus John Witherspoon on Independence

[Boudinot, *Journal or Historical Recollections of American Events During the Revolutionary War* (Philadelphia, 1894), pp. 4-8.]

Cognizant that the May election for representatives to the Third Provincial Congress would be considered a poll on the question of independence, the Somerset County committee, chaired by the Reverend John Witherspoon, attempted to organize an effort to promote the selection of secessionist candidates. Letters were sent on March 27 to each of the county committees inviting them to send delegates to a conference in New Brunswick on April 18 to discuss "some matters of great importance"; an announcement of the meeting was also carried in *Dunlap's Pennsylvania Packet; or, the General Advertiser* on April 1. That independence was taboo among Jersey Whigs as late as April 1776 is demonstrated by the debate which ensued at the conclave between Witherspoon and Elias Boudinot and by the subsequent defeat of the Somerset scheme.

[April 18, 1776]

. . . . In 1776 in the month of April, an invitation was given in the News Paper of New Jersey (but without a name) for each County to choose delegates or a Committee to meet at New Brunswick on matters which greatly concerned the Province—but it was generally conceived to be designed to promote some general

plan relative to a Markett for home manufactures in each County.[1] Committees were generally appointed, Altho' the publication made but little impression on the minds of the people at large. At this time the stated Meeting of the Trustees of the College of New Jersey was held at Princeton. Being one of the Trustees, I attended, but we were surprised, to find our President, the Rev. Dr. John Witherspoon had absented himself on the 2nd day of our meeting. We finished our Business and the next day, was returning home without reflecting at all on the meeting to be held at New Brunswick, having totally forgotten it. In company with Wm. P. Smith Esq[2] another of the Trustees, arrived at New Brunswick about 11 O'clock A.M., and after feeding our Horse[s], meant to have dined at Woodbridge. In the mean time an acquaintance from the County of Bergen came into the Tavern. He informed us that he was one of the Committee from that County, That Dr. Witherspoon had met the united Committees, and acknowledge himself the Author of the publication, and informed them, that the design of the meeting was, to consider the peculiar situation of the Province, and the propriety of declaring a separation from Great Brittain, and forming an independent Constitution for ourselves, and as he did not wish to precipitate so important a step, he proposed adjorning till the afternoon, when he would offer his reasons at large, and in the mean time, each Member might think seriously on the Subject. This unexpected account raised our Curiosity, and Mr. Smith, & Myself agreed to stay and hear what might be said on the Subject, but before the meeting adjorned, they resolved to request, that as the subject was one which interested every Inhabitant of the Province, any of the Audience might come forward & deliver his Sentiments altho' he could not vote on the Question.

We accordingly attended the Meeting in the Afternoon when Dr. W. rose and in a very able and elegant speech of one hour and an half endeavoured to convince the audience & the Committee of the absurdity of opposing the extravagant demands of Great Brittain, while we were professing a perfect allegiance to her Authority and supporting her courts of Justice. The Character of the speaker, his great Influence among the People, his known attachment to the liberties of the People, and the artful manner in which he represented the whole subject, as worthy their attention, had an effect, on the assembly that astonished me.

There appeared a general approbation of the measure, and I strongly suspected an universal acquiescence of both Committee & Audience in approving the Doctor's Scheme. I never felt myself in a more mortifying Situation. The anonymous publication; The Meeting of the Trustees of the College but the Day before made up wholly of Presbyterians; Their President leaving them to attend the meeting & avowing himself the Author of it; The Doctor known to be at the head of the Presbyterian Interest; and Mr. Smith & Myself both Presbyterians, arriving at New Brunswick in the morning, as if intending to go forward & then staying and attending the meeting, altogether looked so like a preconcerted Scheme, to accomplish the End, that I was at my wit's end, to know how to extricate myself from so disagreeable a situation, especially as the measure was totally ag[ainst] my Judgment.

On a minutes Conversation with Mr. Smith, I determined at all events to step forward & leave my Testimony of the Scheme in toto. Two of the Committee had delayed the Question by speaking in favour of it, but no one had spoken in opposition, till I rose, and in a speech of about half an hour or better, stated my peculiar Situation and endeavoured to show the fallacy of the Doctors Argument, —

That his plan was neither founded in Wisdom, Prudence, nor Economy; That we had chosen a Continental Congress, to whom we had resigned the Consideration of our public affairs; That they, coming from every part of the Union, would best represent all the Colonies now thus united. They would know the true Situation of our Country with regard to finances, Union & the prospects we had of a happy reconciliation with the Mother Country; They would also be possessed of our relative Circumstances with regard to the other Nations of Europe. In short that they were the only proper Judges of the measures to be pursued, and that we had no right to involve them in distress and trouble by plunging ourselves into measures of so delicate a nature, until they should advise us in what manner to proceed etc. etc.

This opposition wholly unexpected by the Doctor with great attention of all present, a little disconcerted him. But he soon recovered himself, and began a reply when two or three Gent[lemen] of the Audience came to me & desired that I would inform the Doctor, that if he proceeded any farther, they would not be answerable for his safety. I answered, that the request was an unreasonable one; That I had been the only person present who had opposed him, that he had a right to be heard in reply, and if they disliked the proposition, they ought openly to come forward & to give their opinion.

The Doctor had not spoken twenty minutes, when I observed some person whispering to him. He directly stopped, informed the Chairman, that he found that he was giving offence, and therefore he should say no more on the subject, but hoped that the Committees would return to their respective Counties & consult their Constituents, without coming to any determination on the Subject.

To this I objected, urging the impropriety of breaking up without a Vote, as in that Case the opinion of the meeting would be variously reported in the different Counties, according to each mans political Creed, and the people would by these means be led astray.

The Doctor was a good deal out of humor & contended warmly against a vote, but a large Majority of the Meeting insisted on a Vote, which, being taken, out of 36 Members, there were but 3 or 4 who Voted for the Doctors proposition, the rest rejecting it with great warmth. Thus ended this first attempt to try the pulse of the People of New Jersey on the Subject of Independence; and yet when advised by the Continental Congress, no part of the Union were more trusty than the State of New Jersey.

1. Aside from the fact that there was no newspaper—nor any ongoing newssheet—in New Jersey at the time, Boudinot is mistaken about the background of the meeting. His confusion about the reason for the conference may have stemmed from the plan, designed by Witherspoon and implemented by the Somerset committee in February, to promote domestic manufacturing by holding regulated market days at specific dates in various sections of the county. See the March 11 issue of *Dunlap's Pennsylvania Packet.*

2. William Peartree Smith, independently wealthy resident of Elizabethtown who was a close friend of William Livingston. A firm Presbyterian, Smith was a principal patron of the College of New Jersey (now Princeton University).

11 The Reverend John Witherspoon, "On the Controversy About Independence"

[*Works of John Witherspoon*, 9:78-82.]

One of the most powerful and persuasive arguments raised by advocates of independence was that there simply was no alternative to withdrawal from the British Empire. Secessionists could point to numerous attempts to resolve the differences subsisting between Britain and America—all of which came to naught. Moreover, what was the alternative to independence? Unfortunately for the empire, conservatives had none; they could only try to counter the move toward independence with vague talk of the glories of the English constitution and empty promises of a better tomorrow. In the end, many Americans marched along the path of independence because it was the only reasonable course left to follow.

[April-May 1776][1]

Sir,

I beg leave by your assistance, to publish[2] a few thoughts upon the matter of conducting, what I think is now called the independent controversy, in which this country in general is so greatly interested. Every one knows that when the claims of the British Parliament were openly made, and violently enforced, the most precise and determined resolutions were entered into, and published by every colony, every county, and almost every township or smaller district, that they would not submit to them.[3] This was clearly expressed in the greatest part of them, and ought to be understood as the implied sense of them all, not only that they would not *soon* or *easily*, but that they would *never*, on *any event*, submit to them. For my own part, I confess, I never would have signed these resolves at first, nor taken up arms[4] in consequence of them afterwards, if I had not been fully convinced, as I am still, that acquiescence in this usurped power, would be followed by the total and absolute ruin of the colonies. They would have been no better than tributary states to a kingdom at a great distance from them. They would have been therefore, as has been the case with all states in a similar situation from the beginning of the world, the servants of servants from generation to generation. For this reason I declare it to have been my meaning, and I know it was the meaning of thousands more, that though we earnestly wished for reconciliation with safety to our liberties, yet we did deliberately prefer, not only the horrors of a civil war, not only the danger of anarchy, and the uncertainty of a new settlement, but even extermination itself, to slavery, rivetted on us and our posterity.

The most peaceable means were first used; but no relaxation could be obtained: one arbitrary and oppressive act followed after another; they destroyed the property of a whole capital, subverted to its very foundation the constitution and government of a whole colony, and granted the soldiers a liberty of *murdering* in all the colonies.[5] I express it thus, because they were not able to be called to account for it where it was

committed, which every body must allow was a temporary, and undoubtedly, in ninety-nine cases of an hundred, must have issued in a total impunity. There is one circumstance however in my opinion, much more curious than all the rest. The reader will say, What can this be? It is the following, which I beg may be particularly attended to: While all this was a doing, the king in his speeches, the parliament in their acts, and the people of Great Britain in their addresses, never failed to extol their own lenity. I do not infer from this, that the king, parliament and people of Great Britain are all barbarians and savages—the inference is unnecessary and unjust. But I infer the misery of the people of America, if they must submit *in all cases whatsoever*,[6] to the decisions of a body of the sons of Adam, so distant from them, and who have an interest in oppressing them. It has been my opinion from the beginning, that we did not carry our reasoning fully home, when we complained of an arbitrary prince, or of the insolence, cruelty and obstinacy of Lord North,[7] Lord Bute,[8] or Lord Mansfield.[9] What we have to fear, and what we have now to grapple with, is the ignorance, prejudice, partiality and injustice of human nature. Neither king nor ministry, could have done, nor durst have attempted what we have seen, if they had not had the nation on their side. The friends of America in England are few in number, and contemptible in influence; nor must I omit, that even of these few, not one, till very lately, ever reasoned the American cause upon its proper principles, or viewed it in its proper light.

Petitions on petitions have been presented to king and parliament, and an address sent to the people of Great Britain,[10] which have not merely been fruitless, but treated with the highest degree of disdain. The conduct of the British ministry during the whole of the contest, as has been often observed, has been such, as to irritate the whole people of this continent to the highest degree, and unite them together by the firm bond of necessity and common interest. In this respect they have served us in the most essential manner. I am firmly persuaded, that had the wisest heads in America met together to contrive what measures the ministry should follow to strengthen the American opposition and defeat their own designs, they could not have fallen upon a plan so effectual, as that which has been steadily pursued. One instance I cannot help mentioning, because it was both of more importance, and less to be expected than any other. When a majority of the New-York Assembly, to their eternal infamy, attempted to break the union of the colonies, by refusing to approve the proceedings of the Congress, and applying to Parliament by separate petition—because they presumed to make mention of the principal grievance of taxation, it was treated with ineffable contempt.[11] I desire it may be observed, that those who are called the friends of America in Parliament, pleaded strongly for receiving the New-York petition; which plainly shewed, that neither the one nor the other understood the state of affairs in America. Had the ministry been prudent, or the opposition successful, we had been ruined; but with what transport did every friend to American liberty hear, that these traitors to the common cause had met with the reception which they deserved.

Nothing is more manifest, than that the people of Great Britain, and even the king and ministry, have been hitherto exceedingly ignorant of the state of things in America. For this reason, their measures have been ridiculous in the highest degree, and the issue disgraceful. There are some who will not believe that they are ignorant—they tell us, how can this be? Have they not multitudes in this country who gave them intelligence from the beginning? Yes they have; but they would

trust none but what they called official intelligence, that is to say, from obsequious, interested tools of government; many of them knew little of the true state of things themselves, and when they did, would not tell it, lest it should be disagreeable. I have not a very high opinion of the integrity and candour of Dr. C_____, Dr. C_____,[12] and other mercenary writers in New-York; yet I firmly believe, that they thought the friends of American liberty much more inconsiderable, both for weight and numbers, than they were. They conversed with few but those of their own way of thinking, and according to the common deception of little minds, mistook the sentiments prevailing within the circle of their own acquaintance, for the judgment of the public.

1. The undated essay was probably written in late April or early May 1776. When Jerseymen went to the polls in the latter weeks of May to elect new delegates to the Provincial Congress the issue of the campaign was independence.

2. Apparently the essay was never published; I have not found it in any newspaper of the time.

3. The "resolves" are those adopted by mass meetings in the wake of the Massachusetts Acts of 1774. See Sec. III, Docs. 2 and 4.

4. Witherspoon is being disingenuous: he never took up arms or participated in military activities.

5. The Massachusetts ("Coercive") Acts of 1774.

6. The crucial quotation from the Declaratory Act of 1766, positing unrestricted parliamentary authority over the colonies.

7. Frederick, Lord North, chief minister of the British government from 1770-1782.

8. John Stuart, Earl of Bute, tutor and confidant of George III during the early years of his reign and principal architect of the new imperial program for America that took shape during the closing stages of the French and Indian War.

9. William Murray, Lord Mansfield, chief justice of the Court of the King's Bench, 1758-1788, who consistently upheld the legality of controversial imperial legislation affecting America.

10. On October 21, 1774, the First Continental Congress adopted an address to the people of Great Britain informing them of colonial grievances and imploring their assistance in securing redress.

11. When the New York assembly met in January 1775, it not only refused to endorse the proceedings of the First Continental Congress but also violated the spirit of the Congress by unilaterally sending petitions to the king, Commons, and Lords. Both houses of Parliament declined to receive the petitions.

12. The reference is to the leading Tory pamphleteers of the middle colonies, the Reverends Myles Cooper, president of King's College (now Columbia University), and Thomas Bradbury Chandler (see Sec. VIII, Doc. 2, headnote).

VII

From Colony to State

The nearly two-year-old battle for men's minds in New Jersey was essentially over by June 1776. The rush of events and rising pressures made it impossible to avoid the issue of independence any longer and to postpone a personal declaration of allegiance. There was a war going on, and sentiment in the Continental Congress ran strongly in favor of independence. The time for decision was at hand. The prospect of independence brought about a resurgence of Loyalist opposition to separation (Doc. 2). Even the most ardent Whigs dreaded the bloody civil war that would inevitably follow an attempt to secede from the empire and feared the dangers of an experiment in republican government (Doc. 3). Nonetheless, when the chips were down most Jerseymen decided to cast their lot with their homeland (Doc. 1) and support the bold attempt to establish a new political order in America.

The independence-minded members of the newly elected Third Provincial Congress, which convened in Burlington on June 10, gave concrete expression to the prevailing mood of the province. As the first major order of business, the delegates ordered the arrest of Governor William Franklin, declared him "an enemy to the liberties of this country," and remanded the chief representative of the crown in the colony to the Continental Congress which subsequently exiled him to confinement in Connecticut (Doc. 4). Now that British authority had literally been removed from New Jersey, the Provincial Congress on June 21 voted to form a new government pursuant to the Continental Congress resolution of May 15. The result was the state constitution of July 2 (Doc. 6). All that remained was a formal declaration of independence, and with that in mind the Provincial Congress had dispatched a new congressional delegation—Abraham Clark, John Hart, Francis Hopkinson, Richard Stockton, and John Witherspoon—to Philadelphia to join representatives from the other colonies in "declaring the United Colonies independent of Great Britain" (Doc. 5). The historic decision

came on July 2 with the adoption of Richard Henry Lee's famous independence motion; two days later the former British North American colonies from New Hampshire to Georgia announced themselves to the world as "free and Independent States." America had chosen independence over empire.

But even as Jerseymen celebrated the birth of the nation (Doc. 8), a sense of urgency and uncertainity began to permeate the new state. After all, the road to independence was only the preliminary to the more difficult journey ahead. Whether the transformation from dependent colonies to independent states was transitory or permanent would depend upon the ability of Americans to meet unprecedented military and political exigencies. The awesome military might of a Britain determined to retain sovereignty in America, which caused some men to be apprehensive about the future of the new republic (Doc. 7), prompted others of lesser faith to join the British (Doc. 9). But the larger problem was political. The immediate success of the experiment in independence would ultimately depend upon the ability of the revolutionary regime to stifle opposition and assert its authority (Doc. 10) and the willingness of the citizenry to subordinate personal interests to the general welfare (Doc. 12); in the long run it rested on the ability of the new state government to maintain effective governance amid the throes of civil war and revolution (Doc. 13).

The Declaration of Independence, at base an expression of faith in the ability of man to govern himself, bespoke the Spirit of '76. The problems confronting the fledgling nation were of such magnitude that Abraham Clark, a signer of the immortal declaration, might well have wondered whether the "self-evident truths" for which his fellow Jerseymen had pledged their lives, fortunes, and sacred honor would prove illusory or become the cornerstone of an American republic (Doc. 11). The course of the War for American Independence would answer that momentous question.

1 John Stevens to Governor William Franklin

[Stevens Family Papers, New Jersey Historical Society.]

The rationale behind the protest-independence movement at the provincial and intercolonial or "national" levels is relatively easy to determine; much more difficult to ascertain are the reasons why individual citizens made the fateful decision for either empire or independence. Despite characteristics that theoretically should have been translated into Loyalism — East Jersey proprietor, wealthy merchant, member of the politically conservative Perth Amboy Group, councilman (1762-1776), and devout Anglican — John Stevens (1715-1792) cast his lot with America. Why? Certainly nationalism — his identity as an American — colored his thinking. And constitutional principles, the failure of reconciliation, and the determination of Britain to achieve a military solution

in America likewise played a part in the decision. But there can also be no doubt that the political stance of the old family patriarch was heavily influenced by the staunch Whiggism of his sons, John, Jr., and Richard, and his brother-in-law, William Alexander, the self-styled Lord Stirling. Whatever the reasons, John Stevens reluctantly, albeit with resolve, joined the rebellion. (His resignation came as no surprise to Governor William Franklin, who had long regarded Stevens as an opportunistic trimmer whose loyalty was questionable.)

June 1776

Sir

It is with the greatest concern I see the dispute between Great Britain and these Colonys Arisen to the present alarming Situation of Both Countrys. While I had hopes of an Accommodation of our unhappy Controversy, I was unwilling to quit a Station which enabled me to be serviceable to my Country, but the Continuation of Hostilities by The British Ministry and the large Armament of Foreign Troops Daily expected to invest our Country, leaves me no longer room to doubt that an intire Submission of These Colonys with a view of Internal Taxation is their Ultimate Object. Your Excellency will not wonder I should prefer the duty I owe my Native Country to any other Consideration. I therefore beg leave to resign my Seat at the Council Board. I am

Your Excellencys Most
Obedient Humble Servt
JOHN STEVENS

2 A Loyalist Petition to the Provincial Congress Against Independence

[*New-York Gazette; and the Weekly Mercury*, June 24, 1776; manuscript copy in the Frederick Smyth Papers, American Philosophical Society Library.]

The division of opinion in New Jersey on the issue of independence was reflected in the petitions on the topic submitted in June to the Provincial Congress, now generally recognized as the primary governing body in the colony. Twelve petitions supported the formation of a new government in accordance with the May 15 resolution of the Continental Congress (but only one explicitly advocated independence) while seven memorials opposed separation. In addition, a petition allegedly signed by "upwards of 900 Freeholders" appeared in the *New-York Gazette* in the form of an open letter to the congressmen. This document, which appears below, indicates the tenacity with which many

political moderates clung to hopes of reconciliation with the mother country at this late date. The identity of the circulators and signers of the statement is unknown, but it would appear that Chief Justice Frederick Smyth (see Sec. IV, Doc. 10), was involved in the project since a manuscript copy of the petition is located among his papers.

June 1776

Permit us, Gentlemen, to assure you, that altho' we daily experience and sincerely lament in common with our Fellow Subjects, Inhabitants of the Colonies, the calamitous Consequences of the present unhappy Controversy with Great-Britain, we cannot but think that we should ill discharge the Duty we owe to our Country, ourselves, our Children, and Posterity, if we neglected to exert ourselves by every Effort in our Power to prevent our Condition, tho' truly deplorable, from becoming perfectly desperate; which we are convinc'd must necessarily be the Consequence, if a total Separation from, and Independancy of the Government of Great-Britain should be resolv'd upon, declared, and attempted in this Province.

We do not presume, Gentlemen, to dictate to you, or even to instruct you; we address you as Fellow-Subjects and Fellow-Sufferers, zealous for the Rights of America in general, but particularly anxious for the real Welfare of New-Jersey; as such we trust that you will be too deeply impress'd with the Recollection of the peculiar Happiness and Prosperity heretofore enjoyed by the Inhabitants of this Continent, connected with and subject to the Government of Great-Britain, not to dread the Consequences of a declar'd Separation from that Country. We trust, Gentlemen, that you will have the Honour, the Interest, Safety, and Welfare, of this your native Country, too much at Heart, to suffer this once flourishing and happy Province, to the reproachful and calamitous Consequences of an avowed Separation.

Permit us also, Gentlemen, to suggest, that we cannot but think, that any precipitate Resolves to change our present constitutional Form of Government, must, in their Consequences, operate to retard and obstruct what we are persuaded you, Gentlemen, as well as ourselves, cannot wish to loose Sight of, as the primary and constant Object of the present unhappy Dispute, namely, a safe, honourable, and lasting Reconciliation with Great-Britain on constitutional Principles. To effect which desirable End, we apprehend the Union of the Colonies was recommended—for which Purpose alone was the Continental Congress delegated, and their Authority hitherto submitted to, and upon the same Hopes of Peace and Reconciliation we are daily impatiently expecting Commissioners from his Majesty. From these Considerations, Gentlemen, we were convinc'd that Sentiments of Separation and Independence must be not only highly impolitic, but may be of the most dangerous and destructive Consequences; add to which, Gentlemen, as we have the Satisfaction to see the General Assembly of this Province legally conven'd, and from Time to Time duly meeting and in the full exercise of their legislative Authority and Jurisdiction, and as the principal Officers of Government in this Colony are now amongst us and engaged in the Duties of their Station, our Courts of Justice and publick Offices open, and Business there conducted with Order and Regularity, our present established Mode of Government we are convinc'd will continue as it has hitherto been experienced to be, fully sufficient to the Exigencies

of our Affairs, and best conduce to the Happiness and Safety of the People of New-Jersey.

That you, Gentlemen, may join in Sentiments and Opinion with us on the present Occasion, and strenously adhere to, maintain, and assert our present Mode of Government as founded on the British Constitution, and established and confirm'd by the Laws of the Land, is the sincere and hearty Prayer of, &c.

3 Elias Boudinot, "Thoughts on the present State of American Affairs"

[Andre de Coppet Collection, 105, Firestone Library, Princeton University.]

Even the staunchest supporters of resistance to the imperial policies of Great Britain feared the military and political repercussions of independence. Of immediate concern were the monumental military effort that would be required in a contest with the greatest military power in the world and the terrible ravages that would accompany the civil war that was certain to erupt in America. Of greater concern for the long run was the viability of republican government—was such a mode of government feasible in America or would it result in the ruination of the country and the destruction of political liberties? Elias Boudinot, a strong Whig but ever the voice of moderation and reason, attempted to answer these and other important questions as he weighed the issue of independence. He eventually overcame his pessimism and served as a member of the Confederation Congress (1777-1778, 1781-1784), president of the Congress (1782-1783), and member of the United States House of Representatives (1789-1795).

June 11, 1776

Soon as we Declare for Independancy, every prospect of Peace must Vanish. Ruthless War, with all it's aggravated horrors, will Ravage our Once happy Land; our Sea Coasts & Ports will be Ruined & our Ships taken as Pyrates; Torrints of Blood be Spilt, & thousands reduc'd to beggery & wretchedness. This Melancholy Contest wou'd [torn] till one Side Conquered. Supposing Britton Victorious; however high my opinion of Brittish Generosity, I shou'd be exceeding Sorry to Receive terms from her, in the haughty tone of A Conquerer—Or—Supposing Such A failure of her manufacturies, *Comerce* & Strength, that Victory shou'd incline to the Side of America, yet who Can Say in that Case what extremities her Sense of Resentment & self Preservation will Drive G. B. to? For my part I shou'd not in the least be Surpris'd if on Such A prospect, as the Independancy of America, She wou'd parcel out this Continent to the Dif[feren]t European Powers. Canada might be Restor'd to

france, Florida to Spain, with additions to each. Other States might also Come in for Aportion. Let no [torn] think this empty or improbable, the Ind[epende]ncy of America wou'd be so fatal to Brittons, that She wou'd leave Nothing in her Power to prevent it. I believe as firmly as I do my own existence that if every other Method fail'd, She wou'd try Some Such expedient as this, to Disconcert our Scheme of Ind[epende]nce and let any Man figure for himself the Situation of these Brittish Colonies, if only Canada were Restor'd to France.

But Supposing once more that we were able to Cut of[f] every Regiment that Brittain Can Spare, or hire, & to Distroy every Ship she Can send; that we Cou'd Beat of[f] any other Europian Power, that wou'd presume to intrude upon the Cont[ine]nt. Yet A Republican form of Government wou'd neither Suit the Genius of the People nor the Extent of America.

In nothing is the Wisdom of the Legislator more Conspicuous than in adapting his form of Government to the Genius, Manners, Dispositions & other Circumstances of the People with whom he is Concerned. If this important [torn] is overlook'd, Confusion will insue, his System will Sink into Neglect & Ruin; what Checks or Barriers may be interpos'd, Nature will always Surmount them, & finally Prevail. The Americans are properly Brittons, they have the manners, habits, & Ideas of Brittons, & have been Accustomed to A Similar form of Governm[en]t. But Brittons Cou'd never bear the extreams, either of Monarchy or Republicanism. Some of their Kings have Aim'd at Despotism, but always failed. Repeated Efforts have Been made towards Democracy, and they equally failed. Once indeed Republicanism Triumphed over the Constitution,[1] the Dispotism of One person ensued;[2] both were finally expel'd. The inhabitants of Great Brittain were equally Anxious for the Restoration of Royalty in the year 1660,[3] as they were for its expulsion in 1642.[4] If we may Judge future events by former Transactions, in Similar Circumstances, this wou'd most probably be the Case of America, were A Republican form of Government adopted in our present ferment. After much Blood was Shed, those Confusions wou'd Terminate in the Despotism of some one Successful adventurer, and Shou'd the Americans be so fortunate as to emancipate themselves from that Thraldom, perhaps the whole wou'd end in A Limited Monarchy, after Sheding Torrents of Blood.

Limited Monarchy is the form of Government which is most favourable to Liberty, which is best adapted to the Genius & Temper of Brittons; altho here & there amoungst us, A Crack Brain Zealot for Democracy or Absolute Monarchy may be Sometimes found.[5] America is too unwieldly for the Feeble Dilatory Administration of Democracy. Rome had the most extensive Dominions of any Ancient Republic, but it Shou'd be Remember'd that very Soon after the [illegible] Conquest, Carry'd the Romans beyond the Ancient Limits that were proportion'd to their Constitution, they fell under A Despotic yoke. A very few years had elaps'd from the time of their Conquering Greece, & first entering Asia, till the Battle of Pharsallia,[6] where Julius Cesar put an end to the Liberties of his Country. And Depend upon it America will not be long without A Julius Cesar, and Consider what Deluges of Blood must fix A Julius Cesar in America.

Holland is the most Considerable Republic in Europe at Present yet the Small Kingdom of Ireland is more than twice as Large as the Seven United Provinces. Holland indeed has Considerable Colonies in the East & West Indies, but they are under as Rigid and Arbitrary Administration, as any Colonies of France & Spain.

Holland is mention'd by our warm advocates for Independance as A pattern for us to follow, as if that were the only Land of Liberty, Crowned with every Blessing, and exempt from every evil. But, hear an Undeniable truth: the National Debt of Holland is much greater in proportion than that of England, the Taxes in Holland exceed not only those in England but even those in France, inasmuch I Scarcely know anything they have which has Escaped Taxation, except the Air they Breathe. Nay more the People at Large have no Voice in Chusing the Members of their Several Senates, as We have in Chusing Representatives; the Members of each Senate upon any Vacancy, Elect new Members and the Deputies from those Senates Constitute the States General, So that in fact the People have no Share in the Government, as with us. They have nothing to do but pay and Grumble. Yet this is the Country held up for imitation, and if we were to follow it, I have no Doubt, we shou'd soon Resemble them in paying Taxes too great to be born, as well as in every other matter.

In Short let us imagine for A Moment that an American Republic is formed, every Obstacle Surmounted; A Very Serious article yet Remains to be inquired into, VIZ: Expence Necessary to Support it. It behooves those who have any property to think of this part of the Business. It wou'd be impossible to Ascertain with any kind of Accuracy the expence that wou'd be Necessary for the Support of this New Republic. It wou'd be very great Undoubtedly; it wou'd appear intolerable to the Americans who have hitherto paid so few Taxes. I think on A Moderate Computation it wou'd amount in Ships, Building, Rigging, Ammunitions, Men & Provisions, & a Land Army, with the Necessaries thereto, will amount to perhaps Two Millions, Five Hundred Thousand Pounds, the Interest of which must be Sunk Anually, and According to the best acc[oun]ts of the Number of People grown to Maturity on the Continent 'twill amount to A Tax of 30£ Sterling A head. A very Respectable Sum only the anual Interest, but if the Principal is ever to be Sunk Must be Greater. With the expence the Continent has already been at, and the paper Money now outstanding in provincial Currency, the Anual Tax on heads Cannot be less than 50.0£ Sterling on each head, And we are to Consider how few heads pay the Burdon of the Taxes. I don't think I have Rated this expence too high, and were the Tryal made, I verily believe the expence wou'd be much greater. And where the Money is to Come from that is to Defray this enormous expence, I know not, Unless Some of our Warm ones for independancy, have Discover'd the Philosophers Stone,[7] by which Iron & other Base Mettals, May be Transmuted into Gold. Certain I am that our Commerce & Agriculture the two principal Sources of our Wealth, will not Support Such an expence. But here it may be Said, that all the evils above Specified, are more tolerable than Slavery. With this Sentiment I Sincerely agree. Any hardships however great are preferable to Slavery. But then I ask, is there no other Alternative in the present Case? Is there no Choice left us but Slavery, or those evils? I am Confidant there is, & that both may be equally avoided. Let us only Shew A Disposition to Treat, or Negociate in Earnest, and if once properly Began, there is A Moral Certainty, that this Unhappy Dispute will be Settled to the Mutual Satisifaction and Interest of both Country's. For my part I have not the least Doubt of it, Provided we Steer Clear in every Shape of an Independency and Shew A Disposition for Peace.

I Shall further observe, tho' it may be of Dangerous Consequences, that the Continental Congress were not Delegated by the People with any View to alter the

present Constitution, nor Declare, nor even to Recommend A Separation from G. B. I have ever held that unlimited Power will end in Tyranny, and from the first of this unhappy Dispute, Blam'd the people for Establishing A Set of men to Rule over us With unlimited Power. On Such A plan is the Continental Congress Establis'd, and their Authority so great, and the People have foolishly made it high Treason, to Speak any thing Contrary to the order of Congress. Yet I am Determin'd to oppose any Arbitrary Measure that Shall be attempted to be laid on us, Whether by Monarchy, or Democracy. I may perhaps Suffer for my freedom of Speech. But let me tell you, any Infringment on the Liberty of an Individual, is in Effect A Violation of the Liberty of the Whole Community. Therefore I Sincerely Wish every Member of Society wou'd Stand forth in the Defence of his Liberty, against every invader thereof, and not Consent to the Congress's Declaration of Independancy, Untill the General Voice of the People Can be taken, without which they have no more Right to Declare it, than they have to Establish the Pretender to the Crown of Great Brittain, absolute Monarch of America.

I Declare these to be my Sentiments and am humbly of Opinion nothing I have offer'd but what Breathes the true Spirit of Liberty. If any Member here or any other person, has anything to offer ag[ains]t what I have advanc'd, he has my Liberty freely to Declare it, and if they are more in favour of Liberty than What I have offer'd, Shall Stand Convicted, and Chearfully Subscribe to his Sentiments.[8]

My most ardent Wish next to future happiness, is to See Tranquility Restor'd to America, our Liberty's, Properties, & Trade Settled on A Firm, Generous, & Constitutional plan, so that Neither of the Former shou'd be invaded, nor the latter impoliticly or unjustly Restrained, that in Consequence of this A perfect Reconciliation With G. Brittain Established & Union formed, by which both Countries, Supporting & Supported by Each other, might Rise to emminence & Glory, And be the Admiration of Mankind, till time be no more.

In Such A Plan the Real Interest of America is Undubitably to be Sought, And Cou'd my influence avail, there wou'd not be A Dissenting Voice in the Colonies. All wou'd Unite as One Man and use every Effort to have Such A plan Speedily Settl'd.

1. The republican Commonwealth, 1649-1660.

2. The Protectorate, in which Oliver Cromwell imposed a military dictatorship on England from 1653 to 1658.

3. The restoration of Charles II.

4. The English Civil War, which pitted the forces of Parliament against those of King Charles I, commenced in 1642 and concluded in 1649 with the trial and execution of the monarch.

5. The prevailing western political philosophy in the eighteenth century held that each of the principal forms of government—monarchy (rule by one), oligarchy (rule by the few), and democracy (rule by the majority)—was inherently evil since they all led to tyranny. Democracy was perhaps most feared because it would lead to anarchy, from which there was little recourse. The ideal form of government was considered to be a mixture of the best qualities of the three varieties; Great Britain, with its polity consisting of king (monarchy), Lords (oligarchy), and Commons (democracy), was considered the archetype of "mixed government."

6. The battle of Pharsalus in 48 B. C. where Caesar defeated Pompey.

7. The philosopher's stone was an imaginary substance thought to transform base metals into gold.

8. This statement suggests that the document is a copy of a speech delivered before some deliberative body, but Boudinot was not a member of either the Provincial or the Continental Congress at the time. The manuscript is in Boudinot's hand and expresses his views on independence, but the purpose and origin of the piece are unknown.

4 The Provincial Congress Orders the Arrest of Governor William Franklin

[*PCCS Minutes*, pp. 454-58.]

Following his near arrest in January 1776, Governor William Franklin voluntarily remained in seclusion at his home in Perth Amboy for fear of engendering the wrath of the rebels. But the attempt of the Continental Congress to overthrow imperial authority in America through its famous resolve of May 15 prompted Franklin to make a last-ditch effort to prevent the demise of royal government in New Jersey. Certain that the upcoming Provincial Congress would implement the continental directive, Franklin on May 30 summoned the General Assembly to convene in Perth Amboy on June 20 to discuss "Matters of great Importance." The rebels could not permit a confrontation between the royal and popular assemblies and thus ordered Franklin taken into custody. When Franklin refused to sign the parole tendered by Colonel Nathaniel Heard on June 17, he was interrogated by the Provincial Congress and subsequently ordered imprisoned in Connecticut by the Continental Congress (see Sec. VIII, Doc. 7). Eventually exchanged, he served as president of the Associated Board of Loyalists in New York City before entering permanent exile in England.

June 14-15, 1776[1]

1. Resolved, That, in the opinion of this Congress, the Proclamation of William Franklin, Esquire, late Governor of New Jersey, bearing date on the thirtieth day of May last in the name of the King of Great Britain, appointing a meeting of the General Assembly, to be held on the twentieth day of this instant June, ought not to be obeyed.

2. Resolved, That, in the opinion of this Congress, the said William Franklin, Esquire, by such proclamation, has acted in direct contempt and violation of the resolve of the Continental Congress of the fifteenth day of May last.

3. Resolved, That, in the opinion of this Congress, the said William Franklin, Esquire, has discovered himself to be an enemy to the liberties of this country; and that measures ought to be immediately taken for securing the person of the said William Franklin, Esquire.

4. Resolved, That, in the opinion of this Congress, all payments of money on account of salary, or otherwise, to the said William Franklin, Esquire, as Governor, ought from henceforth to cease; and that the Treasurers of this Province shall account for the moneys in their hands to this Congress, or to the future Legislature of this Colony.

Resolved, That the following order do issue to Colonel Nathaniel Heard,[2] of the first battalion of Middlesex County:

The Provincial Congress of New Jersey, reposing great confidence in your zeal and prudence, have thought fit to entrust to your care the execution of the enclosed resolves. It is the desire of Congress that this necessary business be conducted with all the delicacy and tenderness which the nature of the business can possibly admit. For this end you will find among the papers the form of a written parole, in which there is left a blank space for you to fill up, at the choice of Mr. Franklin, with the name of Princeton, Bordentown, or his own farm at Rancocus. When he shall have signed the parole, the Congress will rely upon his honour for the faithful performance of his engagements; but should he refuse to sign the parole, you are desired to put him under strong guard, and keep him in close custody, until the further order of this Congress. Whatever expense may be necessary for this service will be cheerfully defrayed by the Congress. We refer to your discretion what means to use for that purpose; and you have full power and authority to take to your aid whatever force you may require.

1. The first resolution carried on Friday afternoon, June 14; the other three were passed the following day. None of the resolutions was adopted unanimously, but all were voted by comfortable margins: 38-11, 41-10, 42-10, and 47-3 respectively. The roll calls are deleted from the resolutions.

2. Nathaniel Heard (ca. 1730-1792), wealthy Woodbridge landowner and entrepreneur, was as zealous as a military officer as he had been as a local committeeman. It was Heard who had surrounded William Franklin's home in January 1776 in a premature attempt to arrest the governor. In carrying out his orders six months later, Heard unnecessarily insulted and harassed Franklin.

5 The Instructions for the New Jersey Delegates in the Continental Congress to Vote for Independence

[*PCCS Minutes*, p. 473.]

VII FROM COLONY TO STATE

By mid-June 1776 only Maryland, New York, and New Jersey had not authorized their delegates to the Continental Congress to vote for independence. On June 22, the day after the Provincial Congress committed the colony to secession by ordering the creation of a new government, a proindependence delegation was named to represent the province in Philadelphia. Immediate action was of the utmost importance because New Jersey was unrepresented in the Congress at this most critical juncture. Congressmen Jonathan Dickinson Sergeant, John De Hart, and Richard Smith had resigned their seats, and the nonattendance of John Cooper left William Livingston as the lone Jersey delegate. When word of the composition of the new congressional contingent reached Philadelphia, the radicals knew that New Jersey would vote for independence.

June 22, 1776

To Richard Stockton,[1] Abraham Clark,[2] John Hart,[3] Francis Hopkinson,[4] Esquires, and the Rev. Dr. John Witherspoon,[5] Delegates appointed to represent the Colony of New Jersey in Continental Congress.

The Congress empower and direct you, in the name of this Colony, to join with the Delegates of the other Colonies in Continental Congress, in the most vigorous measures for supporting the just rights and liberties of America. And, if you shall judge it necessary and expedient for this purpose, we empower you to join with them in declaring the United Colonies independent of Great Britain, entering into a confederacy for union and common defence, making treaties with foreign nations for commerce and assistance,[6] and to take such other measures as to them and you may appear necessary for these great ends, promising to support them with the whole force of this Province; always observing that, whatever plan of confederacy you enter into, the regulating the internal police of this Province is to be reserved to the Colony Legislature.

1. A prominent Princeton attorney, Stockton was a member of the governor's council and an associate justice of the supreme court.

2. A rather late participant in the protest-independence movement, Abraham Clark (1726-1794) of Elizabethtown—farmer, surveyor, former clerk of the assembly and sheriff of Essex County—served in the Provincial Congress (1775-1776) prior to being sent to Philadelphia.

3. Hart, a Baptist farmer from Hopewell, had represented Hunterdon County in the assembly from 1761 to 1771.

4. Francis Hopkinson (1737-1791), a native of Pennsylvania and a graduate of the College of Philadelphia (now University of Pennsylvania) in 1757, moved to Bordentown, New Jersey, in 1774, intent upon pursuing his legal practice. But the former customs collector (Salem, New Jersey, in 1763 and New Castle, Delaware, in 1772) was immediately drawn into the rebellion.

5. Witherspoon, president of the College of New Jersey (now Princeton University) and a Presbyterian minister, was probably the most radical Whig in New Jersey at the time.

6. Actually, the delegates were instructed to vote in favor of the momentous three-part motion offered by Richard Henry Lee of Virginia on June 7: "That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved. That it is expedient forthwith to take the most effectual measures for forming foreign Alliances. That a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation." Worthington C. Ford, et al., eds., *Journals of the Continental Congress, 1774-1789* (34 vols., Washington, D.C., 1904-1937) 5:425.

6 The Constitution of the State of New Jersey

[Julian P. Boyd, ed., *Fundamental Laws and Constitutions of New Jersey, 1664-1964* (Princeton, 1964), 156-63. In his definitive edition of the state constitution, Boyd collated the attested copy of the document located in Liber AB, Commissions, f. 187, New Jersey State Library, with the official printed version published by Isaac Collins at Burlington in 1777.]

The state constitution of 1776 was a hastily formulated document designed to meet the governmental emergencies brought about by the demise of royal authority and the onset of independence. On June 21 the Provincial Congress resolved by a vote of 54-3 "That a government be formed for the regulating the internal police of this Colony." On the twenty-fourth a ten-member committee headed by the Reverend Jacob Green of Hanover was instructed to draft a constitution; two days later the committee produced the finished document, apparently written largely in advance by Jonathan Dickinson Sergeant. During the ensuing debate, delegates for reasons unknown departed in droves so that when the final vote came on July 2 only slightly more than half (35 of 65) of the congressmen were on hand to adopt the new instrument of government by a margin of 26-9. Although there is no record of the discussions on the various parts of the frame of government, the constitution as a whole surely embodied the politicial views common to Jersey Whigs, since the document was intended to meet with the approval of the widest possible segment of the population. Presented with a rare opportunity to fashion their own constitutional-legal environment, the congressmen used the constitution as a medium to express current philosophies of government and politics and establish the most efficacious governmental structure. In so doing they were guided by time-honored beliefs and practices as well as the exigencies of the time and the lessons derived from the past decade of jurisdictional disputes with England.

In Provincial Congress, New Jersey Burlington, July 2d, 1776

Whereas all the constitutional Authority, ever possessed by the Kings of Great Britain over these Colonies, or their other Dominions, was, by Compact, derived from the People, and held of them for the common Interest of the whole Society, Allegiance and Protection are, in the Nature of Things, reciprocal Ties, each equally depending upon the other, and liable to be dissolved by the other's being refused or withdrawn. And whereas George the Third, King of Great Britain, has refused Protection to the good People of these Colonies; and, by assenting to Sundry Acts of the British Parliament, attempted to subject them to the absolute Dominion of that Body; and has also made War upon them in the most cruel and unnatural Manner, for no other Cause than asserting their just Rights, all civil Authority under him is necessarily at an End, and a Dissolution of Government in each Colony has consequently taken Place.

And whereas in the present deplorable Situation of these Colonies, exposed to the Fury of a cruel and Relentless Enemy, some Form of Government is absolutely necessary, not only for the Preservation of good Order, but also the more effectually to unite the People, and enable them to exert their whole Force in their own necessary Defence; and as the Honourable the Continental Congress, the Supreme Council of the American Colonies, has advised such of the Colonies, as have not yet gone into the Measure, to adopt for themselves respectively such Government, as shall best conduce to their own Happiness and Safety, and the Well-Being of America in general;[1] We the Representatives of the Colony of New Jersey, having been elected by all the Counties in the freest Manner, and in Congress assembled, have, after mature Deliberation, agreed upon a Set of Charter-Rights, and the Form of a Constitution in Manner following,[2] viz.

1. That the Government of this Province shall be vested in a Governor, Legislative Council, and General Assembly.

2d. That the said Legislative Council and Assembly shall be chosen, for the first Time, on the second Tuesday of August next, the Members whereof shall be the same in Number and Qualifications as is herein after mentioned; and shall be and remain vested with all the Powers and Authority to be held by any future Legislative Council and Assembly of this Colony, until the second Tuesday in October, which will be in the Year of our Lord, one thousand seven hundred, and seventy seven.

3d. That on the said second Tuesday in October yearly and every Year forever, (with the Privilege of adjourning from Day to Day as Occasion may require) the Counties shall severally choose one Person to be a Member of the Legislative Council of this Colony,[3] who shall be and have been for one whole Year next before the Election an Inhabitant and Freeholder in the County in which he is chosen, and worth at least one thousand Pounds Proclamation Money of real and personal Estate within the same County: that, at the same Time, each County shall also choose three Members of Assembly;[4] provided, that no Person shall be entitled to a Seat in the said Assembly, unless he be and have been for one whole Year next before the Election, an Inhabitant of the County he is to represent, and worth five hundred Pounds Proclamation Money in real and personal Estate in the same County: that, on the second Tuesday next after the Day of Election, the Council and Assembly shall separately meet; and that the Consent of both Houses shall be necessary to every Law, provided, that seven shall be a Quorum of the Council for doing Business; and that no Law shall pass, unless there be a Majority of all the

Representatives of each Body personally present and agreeing thereto. Provided always, That if a Majority of the Representatives of this Province in Council and General Assembly convened, shall, at any Time or Times hereafter, judge it equitable and proper to add to or diminish the Number or Proportion of the Members of the Assembly for any County or Counties in this Colony, then and in such Case the same may, on the Principles of more equal Representation, be lawfully done, any Thing in this Charter to the Contrary notwithstanding; so that the whole Number of Representatives in Assembly shall not at any Time be less than thirty nine.

4. That all Inhabitants of this Colony of full Age, who are worth Fifty Pounds proclamation Money clear Estate in the same, and have resided within the County in which they claim a Vote for twelve Months immediately preceding the Election, shall be entitled to vote for Representatives in Council and Assembly; and also for all other publick Officers that shall be elected by the People of the County at Large.[5]

5thly. That the Assembly, when met, shall have Power to choose a Speaker, and other their Officers; to be Judges of the Qualifications and Elections of their own Members; sit upon their own Adjournments, prepare Bills to be passed into Laws, and to empower their Speaker to convene them, whenever any extraordinary Occurence shall render it necessary.

6thly. That the Council shall also have Power to prepare Bills to pass into Laws, and have other like Powers as the Assembly, and in all Respects be a free and independant Branch of the Legislature of this Colony; save only that they shall not prepare or alter any Money-Bill, which shall be the Privilege of the Assembly; that the Council shall from Time to Time be convened by the Governor or Vice-President, but must be convened at all Times when the Assembly sits; for which Purpose the Speaker of the House of Assembly shall always immediately after an Adjournment give Notice to the Governor or Vice-President of the Time and Place to which the House is adjourned.

7. That the Council and Assembly jointly at their first Meeting, after each annual Election, shall, by a Majority of Votes, elect some fit Person within the Colony to be a Governor for one Year, who shall be constant President of the Council, and have a casting Vote in their Proceedings; and that the Council themselves shall choose a Vice-President, who shall act as such in the Absence of the Governor.

8. That the Governor, or, in his absence, the Vice-President of the Council shall have the Supreme executive Power, be Chancellor of the Colony, and act as Captain-General, and Commander in Chief of all the Militia, and other military Force in this Colony; and that any three or more of the Council shall at all Times be a Privy Council to advise the Governor in all Cases, where he may find it necessary to consult them; and that the Governor be Ordinary or Surrogate-General.[6]

9. That the Governor and Council (seven whereof shall be a Quorum) be the Court of Appeals in the last Resort in all Causes of Law as heretofore; and that they possess the Power of granting Pardons to Criminals after Condemnation in all Cases of Treason, Felony, or other Offences.

10. That Captains, and all other inferior Officers of the Militia shall be chosen by the Companies in the respective Counties; but Field and General Officers by the Council and Assembly.

11. That the Council and Assembly shall have Power to make the Great Seal of

this Colony, which shall be kept by the Governor, or, in his Absence, by the Vice-President of the Council, to be used by them as Occasion may require; and it shall be called the Great Seal of the Colony of New Jersey.

12. That the Judges of the Supreme Court shall continue in Office for seven Years, the Judges of the Inferior Court of Common Pleas in the several Counties, Justices of the Peace, Clerks of the Supreme Court, Clerks of the Inferior Courts of Common Pleas, and Quarter-Sessions, the Attorney-General, and Provincial Secretary shall continue in Office for five Years, and the Provincial Treasurer shall continue in Office for one Year; and that they shall be severally appointed by the Council and Assembly in Manner aforesaid, and commissioned by the Governor or, in his Absence, by the Vice-President of the Council: provided always, That the said Officers severally shall be capable of being re-appointed at the End of the Terms severally before limited; and that any of the said Officers shall be liable to be dismissed, when adjudged guilty of Misbehaviour by the Council on an Impeachment of the Assembly.[7]

13. That the Inhabitants of each County qualified to vote as aforesaid shall, at the Time and Place of electing their Representatives, annually elect one Sheriff, and one or more Coroners; and that they may re-elect the same Person to such Offices, until he shall have served three Years, but no longer; after which three Years shall elapse, before the same Person is capable of being elected again. When the Election is certified to the Governor or Vice-President, under the Hands of six Freeholders of the County, for which they were elected, they shall be immediately commissioned to serve in their respective Offices.[8]

14. That the Townships, at their annual Town-Meetings for electing other Officers, shall choose Constables for the Districts respectively; and also three or more judicious Freeholders of good Character to hear and finally determine all Appeals relative to unjust Assessments in Cases of publick Taxation; which Commissioners of Appeal shall, for that Purpose, sit at some suitable Time or Times to be by them appointed, and made known to the People by Advertisements.

15. That the Laws of this Colony shall begin in the following Stile, viz. "*Be it enacted by the Council and General Assembly of this Colony, and it is hereby enacted by the Authority of the same.*" That all Commissions, granted by the Governor or Vice President, shall run thus, "*The Colony of New Jersey to A.B. &c. Greeting:*" and that all Writs shall likewise run in the Name of the Colony; and that all Indictments shall conclude in the following Manner, viz. *against the Peace of this Colony, the Government, and Dignity of the same.*

16. That all Criminals shall be admitted to the same Privileges of Witnesses and Counsel, as their Prosecutors are or shall be entitled to.

17. That the Estates of such Persons, as shall destroy their own Lives, shall not, for that Offence, be forfeited; but shall descend in the same Manner as they would have done had such Persons died in a natural way; nor shall any Article, which may occasion accidentally the Death of anyone, be henceforth deemed a Deodand,[9] or in any wise forfeited on Account of such Misfortune.

18. That no Person shall ever within this Colony be deprived of the inestimable Privilege of worshipping Almighty God in a Manner agreeable to the Dictates of his own Conscience; nor under any Pretence whatsoever compelled to attend any Place of Worship, contrary to his own Faith and Judgment; nor shall any Person within this Colony ever be obliged to pay Tithes, Taxes, or any other Rates, for the Purpose of

building, or repairing any Church or Churches, Place or Places of Worship, or for the Maintenance of any Minister or Ministry, contrary to what he believes to be right, or has deliberately or voluntarily engaged himself to perform.

19. That there shall be no Establishment of any one religious Sect in this Province in Preference to another; and that no *Protestant Inhabitant* of this Colony shall be denied the Enjoyment of any civil Right merely on Account of his religious Principles; but that all Persons, professing a Belief in the Faith of any Protestant Sect, who shall demean themselves peaceably under the Government as hereby established, shall be capable of being elected into any Office of Profit, or Trust, or being a Member of either Branch of the Legislature, and shall fully and freely enjoy every Privilege and Immunity enjoyed by others their Fellow-subjects.[10]

20. That the legislative Department of this Colony may, as much as possible, be preserved from all Suspicion of Corruption, none of the Judges of the Supreme or other Courts, Sheriffs, or any other Person or Persons possessed of any Post of Profit under the Government, other than Justices of the Peace, shall be entitled to a Seat in Assembly; but that, on his being elected and taking his Seat, his Office or Post shall be considered as vacant.[11]

21. That all the Laws of this Province, contained in the Edition lately published by Mr. Allinson,[12] shall be and remain in full Force, until altered by the Legislature of this Colony, (such only excepted as are incompatible with this Charter) and shall be, according as heretofore, regarded in all Respects by all civil Officers, and others, the good People of this Province.

22. That the Common Law of England, as well as so much of the Statute-Law, as have been heretofore practised in this Colony, shall still remain in Force, until they shall be altered by a future Law of the Legislature, such Parts only excepted as are repugnant to the Rights and Privileges contained in this Charter; and that the inestimable Right of Trial by Jury shall remain confirmed, as a Part of the Law of this Colony without Repeal for ever.

23. That every Person, who shall be elected as aforesaid to be a Member of the Legislative Council or House of Assembly, shall, previous to his taking his Seat in Council or Assembly, take the following Oath or Affirmation, viz't. I, A. B. do solemnly declare, that, as a Member of the Legislative Council, (or Assembly, as the Case may be,) of the Colony of New Jersey, I will not assent to any Law, Vote, or Proceeding, which shall appear to me injurious to the publick Welfare of said Colony, nor that shall annul or repeal that Part of the third Section in the Charter of this Colony, which establishes that the Elections of Members of the Legislative Council and Assembly shall be annual, nor that Part of the twenty second Section in said Charter respecting the Trial by Jury, nor that shall annul, repeal, or alter any Part or Parts of the eighteenth or nineteenth Sections of the same. And any Person or Persons, who shall be elected as aforesaid, is hereby empowered to administer to the said Members the said Oath or Affirmation.

Provided always, and it is the true Intent and Meaning of this Congress, that if a Reconcilation between Great Britain and these Colonies should take Place, and the latter be again taken under the Protection and Government of the Crown of Great Britain, this Charter shall be null and void, otherwise to remain firm and inviolable.[13]

1. That is, in compliance with the congressional resolution of May 15, 1776. In fact, the preamble of the constitution is modeled upon the resolution.

2. Notice should be taken of the extraordinary authority assumed by the congressmen in declaring themselves to be the legitimate representatives of the people, in adopting a constitution for the state without authorization, and in implementing the provisions of the charter without the consent of the people through any ratification process.

3. The members of the royal council were appointed by the crown upon recommendation from the governor.

4. Under royal government each county elected two representatives, as did the capitals of Perth Amboy and Burlington.

5. This liberal franchise provision went further than the framers intended, for it granted suffrage not just to Caucasian males but also to women, blacks, Indians, and others (such as prisoners) excluded by colonial law. Later legislation restricted voting to white adult males.

6. The powers of the governor are minimal, reflecting the concern with executive tyranny that had played an important role in the coming of the Revolution. The governor was less a chief executive than a presiding officer. However, a magistrate who possessed a strong personality and political skill could, and in the case of William Livingston did, become a strong executive.

7. Colonial judges had been appointed by the crown and held their posts at the pleasure of the monarch; other royal officials held similar tenures.

8. The posts of sheriff and coroner were appointed by the governor in the colonial period and were generally occupied by the same individual for many years.

9. Deodand: in English law, chattel property which, because it had been the immediate cause of the death of a human being, was forfeited to God—i.e., to the crown to be used for pious (charitable) purposes.

10. Despite the apparent liberal attitude toward religion expressed in the eighteenth section, Jerseymen shared the bigotries of the day: as Englishmen they detested Catholics and as Christians they despised nonbelievers. The people of New Jersey could worship as they pleased, but those not a part of the Protestant establishment paid a political price for their faith.

11. Multiple officeholding, a common practice during the colonial era, fired the fears of corruption on the part of government officials that helped discredit the royal regimes.

12. Samuel Allinson, comp., *Acts of the General Assembly of the Province of New Jersey, 1702-1775* (Burlington, 1776).

13. This controversial paragraph, hotly debated in the Congress, attests to the uncertainties of the time and the hopes of some that reconciliation with Britain might still be achieved even as a new government was created. Significantly, the term "state" never appears in the constitution; New Jersey is always referred to as a "colony."

7 Abraham Clark to Elias Dayton

[Dreer Collection, Signers, 1:112, Historical Society of Pennsylvania.]

In some ways the declaration of independence could not have come at a better time; in other ways it could not have been made at a less propitious moment. One wonders what went through the minds of congressmen like Abraham Clark, who voted for Richard Henry Lee's independence resolution on July 2 and prepared to vote for Thomas Jefferson's declaration on the fourth—all the while knowing not only that the American assault on Quebec in May had resulted in a rout and that the rebels had recently arrived at Fort Ticonderoga in utter disarray, but also that General Sir William Howe had landed on Staten Island on July 2 with nearly 10,000 men bent upon taking strategic New York City. A rather late participant in the protest-independence movement, Clark (1726-1794) of Elizabethtown—farmer, surveyor, and former clerk of the assembly and high sheriff of Essex County—served in the Provincial Congress (1775-1776) prior to being sent to Philadelphia to vote for secession in June 1776 (see Doc. 5). Elias Dayton (1737-1807), Elizabethtown merchant and veteran of service with the New Jersey Blues in the French and Indian War, understood Clark's apprehensions about the political decisions made in Philadelphia. In July 1776 Dayton was serving as colonel of the Third Battalion of New Jersey forces operating in upper New York.

Phila. July 4th, 1776

My Dear friend,

Our Seeming bad Success in Canada, I dare say gives you great uneasiness. In times of danger, and under misfortune true Courage and Magnanimity can only be Ascertained. In the Course of Such a War we must expect some Losses. We are told a Panick Seized the Army. If so it hath not reached the Senate.[1] At the Time our Forces in Canada were retreating before a Victorious Army, while Gen[era]l Howe with a Large Armament is Advancing towards N[ew] York, Our Congress Resolved to Declare the United Colonies *Free and independent States*. A Declaration for this purpose, I expect, will this day pass Congress. It is nearly gone through, after which it will be Proclaimed with all the State and Solemnity circumstances will admit. It is gone so far that we must now be a free independent State, or a Conquered Country.

I can readily guess at your feelings upon hearing that Gen[era]l Howe with 130 Transports are between N[ew] York & the Hook.[2] This was our last acc[oun]t; no express hath come in this morning. All seems uncertainty where they will land. I assure you I dont feel quite reconciled at being here and the Enemy at my Door at home. All reports Agree that New Jersey is all in motion to meet the Enemy in Case they pay our Province a Visit, or to Assist N[ew] York as Occasion may require. Had Gen[era]l Howe Landed his forces as soon as he Arrived he might have Carried all before him. Possibly while I am Writing this he may be reaping the Fruits of a Victory. This seems now to be a trying season, but that indulgent Father who hath

hitherto Preserved us will I trust Appear for our help, and prevent our being Crushed; if otherwise his Will be done.

I have no Particular News more to Communicate. No news from your family to send. I wrote you the day before I left home. I am Among a Consistory of Kings as our Enemy says. I assure you Sir, Our Congress is An August Assembly, and can they support the Declaration now on the Anvil, they will be the greatest Assembly on Earth.

As I am not Able to Communicate to you any thing but what the Public Papers will Announce, you will readily perceive I mean to let you know you are not forgot by me. Tho' I address myself to you Sir, yet I mean to include my much esteemed friend Mr. Caldwell[3] in it.

We are now Sir embarked on a most Tempestuous Sea, Life very uncertain, Seeming dangers Scattered thick Around us, Plots Against the Military, and it is Whispered, Against the Senate. Let us prepare for the Worst. We can Die here but once may al[l] our Business, all our purposes & pursuits tend to fit us for that important event.

I am Dr. Sir
Yours & Mr. Caldwell's most Obedient & Hum. Servt.
ABRA. CLARK

1. That is, the Continental Congress.
2. Sandy Hook.
3. The Reverend James Caldwell (1734-1781), politically active pastor of the First Presbyterian Church of Elizabethtown, who was serving in July 1776 as the chaplain of New Jersey's Continental Line and thus was in camp with Colonel Dayton. Among his Whig communicants in Elizabethtown were the Dayton and Boudinot families, Abraham Clark, William Livingston, Stephen Crane, and Francis Barber.

8 Princeton and Trenton Celebrate American Independence

[*Dunlap's Pennsylvania Packet; or, the General Advertiser,* July 15, 1776.]

On July 5 John Hancock, president of the Continental Congress, sent a copy of the Declaration of Independence to the New Jersey Congress along with a request that it be proclaimed and publicized "in such a Way and Manner as you shall judge best." But for reasons unknown the Congress delayed official endorsement of the Declaration until July 18, at which time it was announced: "Whereas, the Honorable Continental Congress had declared the United

Colonies, Free and Independence States; We, the Deputies of New Jersey, in Provincial Congress assembled do resolve and declare, That we will support the freedom and independence of the said States with our lives and fortunes, and with the whole force of New Jersey." (*PCCS Minutes*, p. 511.) But the congressmen had earlier, in an unofficial capacity, participated in one of many demonstrations in New Jersey heralding the severance of political ties with Great Britain. Trenton and Philadelphia share the distinction of having staged the first public celebrations of American independence. Throughout the province, Jerseymen gathered to proclaim Thomas Jefferson's declaration and herald the advent of independence.

Trenton, July 8

The declaration of Independence was this day proclaimed here, together with the new constitution[1] of the colony of late, established, and the resolve of the Provincial Congress for continuing the administration of justice during the interim.[2]

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

The people are now convinced of what we ought long since to have known, that our enemies have left us no middle way between perfect freedom and abject slavery.

In the Field we hope, as well as in Council, the inhabitants of New Jersey will be found ever ready to support the Freedom and Independance of America.

Princeton, July 10

Last night Nassau Hall[3] was grandly illuminated, and INDEPENDANCY proclaimed under a triple volley of musketry, and universal acclamation for the prosperity of the UNITED STATES. The ceremony was conducted with the greatest decorum.

1. See Doc. 6.

2. To provide for continuance of administrative and judicial functions pending official institution of the constitution, the Provincial Congress resolved on July 2 that all crown officers were to continue to perform their duties but in a manner consonant with the new frame of government.

3. The main building of the College of New Jersey (now Princeton University).

9 Joseph Barton to Henry Wisner

[Force, comp., *American Archives*, 5th ser., 1:139.]

Although issuance of the Declaration of Independence merely acknowledged the nature of the contest between Britain and America that had been raging for the past year, it was a turning point in the lives of many citizens. Men were now finally forced to cast their allegiance with either the mother country or the new nation and to confront the stark realities of a war for independence. Often the two things were related, as in the case of Joseph Barton, assemblyman (1775-1776) from Sussex County, owner of an enormous amount of real estate, and agent for the East Jersey proprietors. Apparently the military disadvantages facing the Americans eroded his support for independence, for he joined the British army in 1776. His cousin was not so fainthearted. Henry Wisner of Orange County, New York, served in the provincial assembly, the Continental Congress, and the convention that prepared his state's constitution.

Newton, Sussex County, Jersey, July 9, 1776

Dear Sir:

I received your favour of the 5th instant, relating to flint-stones. I have sent a sample of the flint our country abounds in. If there can be any way of manufacturing that sort of flint to any advantage, there is enough of it. . . . But, sir, we want none of the flint here: you may have them all, for we have no powder, which gives great uneasiness to the people in general, as we expect an Indian war, should our forces fail to the northward. For my own part, could I procure powder at forty shillings, [I] should embrace the opportunity. As to lead, there is a good lead-mine at Nepenoh. I have used the lead oftentimes: we could help ourselves to that article.

I pray, if in your power, you would order powder, if it were but a quarter of a pound, each man. I should rest much easier for my part, and think we could defend ourselves, if attacked by our enemies, in some measure; but now we have nothing but our axes or sticks to fight with, should we be attacked. . . .

Sir, it gives a great turn to the minds of our people declaring our independence. Now we know what to depend on. For my part, I have been at a great stand: I could hardly own the King, and fight against him at the same time; but now these matters are cleared up. Heart and hand shall move together. I don't think there will be five Tories in our part of the country in ten days after matters are well known. We have had great numbers who would do nothing until we were declared a free State, who now are ready to spend their lives and fortunes in defence of our country.

I must, my dear friend, bid you farewell. May the Supreme Judge of all things sit at the head of our affairs, and give that great and august body, the Congress, wisdom to govern us, and by their widom make this continent a great and happy empire. I expect a great turn one way or the other before I see you again.

I am, sir, your loving and affectionate cousin,

JOSEPH BARTON.

10 An Ordinance for Punishing Treason and Counterfeiting

[*PCCS Minutes*, pp. 561-63.]

Independence immediately posed serious problems to the Provincial Congress. In the first place, not all New Jerseyans favored independence. Prior to July 1776 the political debate had been rather muted because the Loyalists were intimidated by rebel committees and hampered by the lack of clear-cut objectives. But as soon as the disunionists committed the colony to a secessionist course, the latent Loyalism that pervaded the province came to the fore. Bands of royalists took to the field in the summer of 1776 to do battle with rebel militia, while others either worked to frustrate the popular front at home or flocked to join the British. Apart from the problem of Loyalists, the Provincial Congress (a lame duck legislature) encountered difficulties in raising men for military service, collecting taxes, and generally gaining compliance from the population with its directives. The leaders of the rebellion, who had piecemeal dealt harshly with royalists and recalcitrants alike, finally issued a comprehensive treason ordinance on July 18. Politically, the ordinance was a master stroke, for it not only greatly discouraged dissent but also clearly defined the source of governmental authority in the province. In an incredible twist of irony, the congressmen now made treasonous the words and deeds they themselves had earlier used to overthrow the royal government.

July 18, 1776

Whereas it is necessary in these times of danger, that crimes should receive their due punishment; and the safety of the people more especially requires, that all persons, who shall be found so wicked as to desire the destruction of good government, or to aid and assist the avowed enemies of the State, be punished with death.

Therefore be it resolved and ordained by this Convention, and it is resolved and ordained by the authority of the same, That all persons abiding within this State of New Jersey, and deriving protection from the laws thereof, do owe allegiance to the government of this State as of late established on the authority of the people, and are to be deemed as members of this State; and that all persons passing through, visiting, or making a temporary stay in this State, being entitled to the protection of the law during such passage, visitation or temporary stay, during the same time owe allegiance to this government.

And be it further resolved and ordained, That all and every person or persons, members of, or owing allegiance to this government, as before described, who, from and after the date hereof, shall levy war against this State within the same, or be adherent to the King of Great Britain, or others the enemies of this State within the same, or to the enemies of the United States of North America, giving to him or them aid or comfort, shall be adjudged guilty of high treason, and suffer the pains and

penalties thereof, in like manner as by the ancient laws of this State, he or they should have suffered in cases of high treason.

And be it further resolved and ordained, That all and every person or persons, who, from and after the date hereof, shall be found guilty of reviling the government of this State, as by this Convention established, or of other seditious speeches or practices, shall be punished in like manner as by the former laws of this State such person or persons might or ought to have been punished for such seditious speeches and practices against the government then in being.[1]

And be it further resolved and ordained, That all and every person or persons, who, from and after the date hereof, shall be found guilty of counterfeiting or altering the Continental bills of credit, the bills of credit issued by the late Provincial Congress of this State, or the Assemblies, Conventions, or Congresses of any of the United States of North America, or uttering[2] the same knowing them to be counterfeit or altered, shall be adjudged felons, and be punished with death, in like manner as persons found guilty of counterfeiting or knowingly altering the former bills of credit of this State might or should have been.

Provided always, That no person or persons shall suffer death, or other pains or penalties for any of the offences aforesaid, until he or they shall have been first found guilty of the same offence or offences whereof he or they shall be charged and accused in due course of law, and by the verdict of a jury.

Provided also, That nothing in this ordinance contained shall be construed to divest any Committee of the power they now possess of examining and committing any offenders, so that they do not proceed to the infliction of punishments for any of the offences in this ordinance contained, but leave the same to be determined in due course of law in manner aforesaid.

1. That is, the rebels invoked the treason laws of the crown to suppress opponents of the revolutionary regime.
2. Utter: to emit or put into circulation.

11 Abraham Clark to Elias Dayton

[Gratz Collection, Declaration of Independence, Box 19, Historical Society of Pennsylvania.]

As August 13—the date Jerseymen would go to the polls to elect the members of the new state government—drew near, Abraham Clark, who had recently signed the Declaration of Independence, grew ever more pessimistic about the future of America. The Loyalists were now active politically and militarily, the British army was poised to take New York City, the Provincial

Congress faced myriad problems of governance, and the people of New Jersey were beginning to experience the realities of a full-blown revolution. Men cannot always predict with certitude the consequences of their action; as the following letter reveals, Clark, at base a philosophical fatalist, was most uncertain about what he had done on the second and fourth days of July.

Phila. Augst. 6th. 1776

My Dear Friend,

. . . . Our Election for Council & Assembly Sheriffs &c. come on next Tuesday in all the Counties of New Jersey. I now feel the want of you in Eliza[beth]Town. I sat down to consider to whom I might Venture to Write on Politicks, and have none that I dare speak plainly to; had you or my much Esteemed Friend Mr. Caldwell[1] been there I should have been at no loss. I have none like-minded. I have friends it is true but none there now that I dare Speak with freedom to. I have Wrote to several, and desire they will not keep my Letters Secret, so that I hope I shall not be Charged with secret Practices.

As to my Title, I know not yet whether it will be honourable or dishonourable, the issue of the War must Settle it. Perhaps our Congress will be Exalted on a high Gallows. We were truly brought to the Case of the three Leapers.[2] If we continued in the State we were in, it was evident we must Perish; if we declared Independence, we might be saved, we could but perish. I assure you Sir I see, I feel the danger we are in, I am far from exulting in our immaginary happiness. Nothing short of the Almighty Power of God can save us. It is not in our Numbers, our Union, or our Valour that I dare trust. I think an Interposing providence hath been evident in all the events that Necessarily led us to what we are—I mean *Independant States*—but for what purpose, whether to make us a great Empire, or to make our Ruin more compleat, the issue only can determine . . . .

I am my Dear friend,
Your Sincere Friend & Hum. Servt.
ABRAHAM CLARK

1. The Reverend James Caldwell.

2. The dilemma faced by the four lepers who could either remain at the gates of the city and die from leprosy or enter the famine-struck city and die of starvation. 2 Kings 7:3-11.

12 Jonathan Elmer, Address to the Residents of Cumberland County

[*Pennsylvania Journal; and the Weekly Advertiser,* August 28, 1776.]

While the attention of most of his fellow citizens was focused on the war with Great Britain, Jonathan Elmer recognized that the major problem brought about by independence was political rather than military. Ultimately, nationhood would be won in the statehouse, not on the battlefield; civic minded citizens, not soldiers, would determine the fate of the experiment in republicanism. As Elmer correctly pointed out to his Cumberland neighbors, the danger to America lay less in conquest by the British army than in the destruction of the new political order by the corruption, selfishness, and apathy of the people; without a virtuous and patriotic citizenry, independence could never be won.

August 7, 1776

On Wednesday the 7th instant, the Committee of Inspection for the county of Cumberland, in the State of New-Jersey; the officers of the militia, & a great number of other inhabitants, having met at Bridge-Town, went into procession to the Court House, where the *Declaration of Independency,* the *Constitution of New-Jersey,*[1] and *Treason Ordinance,*[2] were publicly read, and unanimously approved of: These were followed with a spirited address by Dr. ELMER, Chairman of the Committee, after which the peace officers staves, on which were depicted the King's coat of arms, with other ensigns of royalty, were burnt in the street. The whole was conducted with the greatest decency and regularity.

The following being the substance of the before-mentioned address is published at the particular request of the committee and all present.

Gentlemen of the Committee, Officers of the Militia, and Gentlemen Spectators.

From what has now been read you see, the long wished for, but much dreaded period has arrived: in which the connexion between Great-Britain and America is totally dissolved, and these colonies declared free and independent states. As this is an event of the greatest importance, it must afford satisfaction to every intelligent person, to reflect, that it was brought about by unavoidable necessity on our part, and has been conducted with a prudence and moderation, becoming the wisest and best of men.

With the independency of the American states, a new era in politics has commenced. Every consideration respecting propriety or impropriety of a separation from Britain, is now entirely out of the question; and we have now no more to do with the King and people of England, than we have with the King and people of France or Spain. No people under Heaven, were ever favored with a fairer opportunity, of laying a sure foundation for future grandeur and happiness than we. The plan of government established in most states and kingdoms of the world, has been the effect of chance or necessity, ours of sober reason and cool deliberation, our

future happiness or misery therefore, as a people, will depend entirely upon ourselves. If actuated by principles of virtue and genuine patriotism, we make the welfare of our country the sole aim of all our actions; If we entrust none but persons of abilities and integrity, with the management of our public affairs; If we carefully guard against corruption and undue influence, in the several departments of government; If we are steady and zealous in putting the laws in strict execution; the spirit and principles of our new constitution, which we have just now heard read, may be preserved for a long time; but if faction and party spirit, the destruction of popular governments, take place, anarchy and confusion will soon ensue, and we shall either fall an easy prey to a foreign enemy, or some factious and aspiring *Demagogue*, possessed of popular talents and shining qualities, a *Julius Caesar*,[3] or an *Oliver Cromwell*,[4] will spring up among ourselves, who, taking advantage of our political animosities, will lay violent hands on the government, and sacrifice the liberties of his country to his own ambitious and domineering humour. *God* grant that neither of these may ever be the unhappy fate of this or any of the united states! To prevent which, while we are striving to defend ourselves, against the unjust encroachments of a foreign and unnatural enemy, let us not neglect, to keep a strict and jealous eye, over our own internal police and constitution. Let the fate of Greece, Rome, Carthage and Great-Britain, warn us of our danger; and the loss of liberty in all those states, for want of timely guarding against the introduction of tyranny and usurpation, be a standing admonition to us, to avoid the rock on which they have all shipwrecked.

Let us, as honest citizens and sincere lovers of our country, exert ourselves in the defence of our state and in support of our new constitution; but, while we strive to vindicate the glorious cause of liberty on the one hand, let us on the other hand, carefully guard against running into the contrary extreme, of disorder and licentiousness.

In our present situation, engaged in a bloody and dangerous war with the power of Great-Britain, for the defence of our lives, our liberties, our property, and every thing that is dear and valuable, every member of this state, who enjoys the benefits of its civil government, is absolutely bound, by the immutable law of self-preservation, the laws of God and of society, to assist in protecting and defending it. This is so plain and self-evident a proposition, that I am persuaded, every person here present, makes it the rule of his conduct on all occasions; and consequently, in a time of such imminent danger, will be extremely careful, at our ensuing election, not to entrust any one with the management of our public affairs, who has not, by his vigilance and activity in the cause of liberty, *proved himself* to be a true friend to his country. The success, gentlemen, of our present glorious struggle wholly depends upon this single circumstance. For though the situation and extent of the united states of America, and our numberless internal resources, are sufficient to enable us to bid defiance to all Europe; yet, should we be so careless about our own safety, as to entrust the affairs of our state, while the bayonet is pointed at our breasts, to persons whose conduct discovers them to be enemies to their country, or whose religious principles will not suffer them to lift a hand for our defence,[5] our ruin will inevitably follow.

As it is impossible for any one, possessed of the spirit of a man who is a friend to the united states, and whose conscience does not furnish him with an excuse, to stand by, an idle spectator, while his country is struggling and bleeding in her own

necessary defence; all such inactive persons ought therefore to be shunned as enemies or despised as cowards. And as I have reason to believe that many who plead conscience as an excuse are sincere in their pretentions, and as every man's conscience ought to be free from compulsion, this single consideration should restrain us from forcing such into any of the departments of government. For to put such persons, at this time, in places of public trust, is actually to deprive them of liberty of conscience; for we thereby compel them either to betray the trust reposed in them, or to act contrary to the dictates of their own consciences. A dilemma in which, act as they will, their conduct must be criminal. Besides, if we consulted only our own safety, it is plain, that to entrust the affairs of our government, at this juncture, to such people, is as dangerous, as to entrust the management of a ship, in a violent storm, to an infant or an idiot.

As a friend to my country and a lover of liberty, I thought it my duty to address you on this occasion; and having now, as a faithful member of society, discharged my duty I shall leave you to the exercise of your own judgment, and conclude with a request, that you would conduct yourselves this day, in such a manner, as to convince the public that your abhorrence of the cruel and bloody *Nero* of Britain,[6] and his despicable minions of tyranny and oppression, arises, not from the mere impulse of blind passion and prejudice, but, from sober reason and reflexion; and while we rejoice in being formally emancipated from our haughty and imperious *Task masters*, let us remember, that the final termination of this grand event is not likely to be brought about, without shedding the blood of many of our dear friends and countrymen.

1. See Doc. 6.
2. See Doc. 10.
3. The reference is to Julius Caesar's use of the army to establish himself as the absolute ruler of Rome.
4. The reference is to the action of Cromwell as Lord Protector of England (1653-1658) in transforming the Commonwealth into a virtual military dictatorship.
5. Here, and in the following paragraph, Elmer is calling for political sanctions against Quakers because their religious tenets forbade active military or political participation in the revolution. For a further discussion of the plight of Quakers during the war, see Sec. XI, Docs. 10 and 11.
6. The comparison is between Claudius Nero Caesar, who supposedly "fiddled" while Rome burned in 64 A.D. but was later suspected of having set the fire himself, and George III, who similarly blamed conspirators for the American rebellion when the revolt allegedly stemmed from his indifference to colonial interests.

13 Governor William Livingston to the New Jersey State Legislature

[*Votes and Proceedings, August 27, 1776-June 7, 1777* (Burlington, 1777), pp. 10-12.]

Statehood became official on July 18 when the Provincial Congress unanimously resolved to "assume the style and title of the Convention of the State of New Jersey." The first meeting of the General Assembly of the state, scheduled for August 27, was delayed for three days for want of a quorum; on August 31, William Livingston was elected the first governor of the state by joint session of the legislature. Livingston's opening address to the legislature constitutes a charge to the people of the state as well as the representatives. The members of the revolutionary generation had the rare opportunity to erect a government of their own choosing; whether their efforts would be successful or not turned in large measure upon their willingness to pay the military and political price of independence.

Princeton, September 13, 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;"[2] 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 that Purpose, submitted.[3] Agreeable 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.[4]

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 favorable 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,[5]

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.

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.

A Law for regulating the impressing of such Articles as the Exigencies of the Service require, is of great Importance.

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.

The fixing the Seat of Government in some convenient and plentiful Part of the State, calls for your seasonable Deliberation.

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 Predeliction 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 *uncorrupted* Voice of a free People, has made you the Guardians and Protectors. As it is our indispensible Duty, may it be our invariable Aim, to exhibit to our Constituents, the brightest Examples 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.* 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.* 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.*

WIL. LIVINGSTON.

1. Dated the eleventh, the address was actually delivered on September 13.

2. See Doc. 6.

3. The constitution was not submitted to the people for approval; copies of the new instrument of government were printed and distributed throughout the state without any formal procedure for the populace to indicate approval or disapproval.

4. The initial ballot for governor resulted in a tie between Livingston and Richard Stockton. Thanks to adroit behind-the-scenes maneuvering by John Stevens and John Cleves Symmes, Livingston was elected governor; Stockton was offered the post of chief justice of the state supreme court, but declined.

5. Livingston is now addressing only the assembly.

VIII

The Loyalist Opposition

Not all residents of New Jersey in 1776 agreed with Thomas Jefferson that the conduct of George III and the course of imperial events had made it necessary for Americans to dissolve political ties with Great Britain and institute a new government based upon the principles of republicanism and popular sovereignty. In fact, more than one-third of a population of approximately 120,000 were active or potentially active Loyalists during the revolutionary war. Such influential personages as William Franklin, Cortlandt Skinner, David Ogden, Daniel Coxe, John Lawrence, Abraham Van Buskirk, Robert Drummond, and Thomas Bradbury Chandler opposed independence and maintained their allegiance to the crown; others like James Kinsey, James Parker, Samuel Tucker, John Rutherfurd, Peter Kemble, and John Hinchman plied a course of neutrality that was interpreted by ardent Whigs as Loyalism. But it was not only the wealthy and well-born, the members of the royal government and the established Anglican church, who flocked to the king's standard; Loyalism in New Jersey drew most of its adherents from the ranks of the common man and cut across class, economic, ethnic, and religious lines. The New Jersey Volunteers, with a peak strength of four regiments, was the largest Loyalist military unit raised during the war. And the state ranked fourth in the number of individuals (239) who filed official claims with the British government after the war for compensation for losses sustained in support of the king. Small wonder that the republican regime in New Jersey had more difficulty than its counterpart in any other state except, perhaps, New York in suppressing royalists and establishing law and order.

Debate on the state of Anglo-American affairs was muted during most of the prerevolutionary decade. Most Jerseymen supported, albeit in varying degrees, the opposition to imperial measures; hard-core conservatives who either unquestioningly supported the British government or rued the excesses

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of the protest movement were unorganized and fearful of arousing popular resentment (Secs. I-IV). But when in 1774-1775 the protest movement escalated from resistance to rebellion and the program of the First Continental Congress presented Americans with their initial crisis of allegiance, royalists and conservatives alike became more outspoken in their criticism of the burgeoning revolt. Conversely, popular leaders became more cognizant of their opponents and contemplated means of either converting or silencing them. In increasing numbers those who defied or denounced the measures of the congresses and committees were coerced into compliance or forced to flee from the province (Sec. V, Docs. 5, 9, 14, 16, and 17). And when in 1776 secession became a reality (Secs. VI and VII), Jerseymen who favored empire over independence and monarchy over republicanism took to the field to oppose the Revolution. The arrest, exile, and imprisonment of Governor William Franklin (Doc. 7) not only heralded the demise of British authority in New Jersey but also symbolized the fate that awaited recalcitrant royalists in the new state.

Although the issue of independence was the catalyst that effectively separated Jerseymen into two contending camps, the situation remained fluid from 1775 through 1776. Thomas Bradbury Chandler, the archconservative Anglican pastor and pamphleteer from Elizabethtown, perceived the handwriting on the wall and went into exile as early as May 1775 (Doc. 2). Others no less committed to the crown, such as Bernardus La Grange, maintained residency despite threats and intimidation until the situation became intolerable (Doc. 3). And while some men promptly enlisted in the service of the king (Doc. 12), others endured considerable abuse and harassment before deciding to remove behind British lines and take up the sword (Doc. 1). Then, too, there were countless individuals whose political position fluctuated with the uncertain fortunes of the armies during the initial year of the war (Sec. VII, Doc. 9, and Sec. XI, Docs. 2 and 3). But by the end of 1777 the military situation stabilized and the line between rebel and royalist became more distinct. Political positions solidified and emotions intensified during the next six years as New Jersey experienced the trauma of a vicious civil war.

The state of New Jersey faced numerous challenges during the revolutionary war (Sec. XI), but none so pervasive and serious as the Loyalist threat from within. The problem was acute because of the sheer numbers who opposed the struggle for independence; the proximity of British-occupied New York City, which served as a base of Loyalists' activities; and the inability of the administration of Governor William Livingston at first to impose its authority and control disaffected citizens. The successive means and measures employed to combat overt Loyalists and their covert supporters are indicative of the rising fortunes of the state government as well as the deepening animosities between rebel and royalists.

Initial efforts to identify and suppress adherents produced mixed results. Institution of the Provincial Association in May 1775 (Sec. V, Doc. 1), enactment of a treason ordinance in July 1776 (Sec. VII, Doc. 10), and promulgation of a state loyalty oath in September 1776 (Sec. XI, Doc. 1), were probably more important in consolidating Whig support than in countering the activities of ardent Loyalists and their silent sympathizers. Similarly, the several statutes which defined treason and provided for the trial of persons charged with

disloyal conduct could not be enforced in many parts of the state, and the laws requiring citizens to carry passports and permissions while traveling near enemy lines were cumbersome and ineffective. Actually, from its creation in March 1777 to its demise in October 1778, the Council of Safety, a thirteen-man board presided over by the governor, had nearly absolute control over the lives and fortunes of dissenters. During the war countless men and women were paroled (Doc. 4), imprisoned (Doc. 5), banished from the state (Doc. 6), or subjected to martial law (Doc. 8).

Unable to prevent Loyalist activities or punish exiles for their disloyalty, the government increasingly turned its attention to devising means of penalizing the recalcitrants in abstentia for their disaffection. The legislature first moved in that direction by providing for the seizure and forfeiture to the state of the personalty and realty of anyone who failed to forswear British allegiance under the terms of the Act of Free and General Pardon of June 5, 1777. The next year a series of statutes established procedures whereby the state could confiscate and dispose of the property of Loyalists convicted by inquisition. During the next decade more than 500 estates were confiscated and sold at auction, with the proceeds going to the public treasury (Doc. 11). In a sense the state paid a heavy price for its confiscatory practices, for it received highly inflated currency which yielded relatively little revenue and provoked outraged Loyalists to commit acts of retribution (Sec. XI, Doc. 15).

There were some Whig leaders, a conspicuous minority to be sure, who urged leniency in dealing with the Loyalists. Robert Morris for one realized that vengeance would beget vengeance and felt that persuasion would likely be more effective in most cases than coercion (Doc. 9). In the same vein, John Cleves Symmes thought it prudent to distinguish between unrepentant royalists and those whose Loyalism was only lukewarm (Doc. 10). In counseling moderation, both men were anticipating the time when peace would return to the state and Jerseymen would face the formidable task of reconstructing a war-torn, divided society.

The cessation of hostilities and the recognition of American independence did not immediately heal political divisions and bring Whig and Tory together. A few men such as John Rutherfurd, whose own conduct during the war had been suspect, urged that exiles be allowed to return to their homes and contribute materially to the rebuilding of the state (Doc. 14). But most residents, from Governor Livingston (Doc. 13) to Hunterdon County farmers (Doc. 15), opposed the return of refugees. The wounds inflicted during nearly eight years of interminable warfare were simply too deep for people to forgive and forget easily. While some former Loyalists whose conduct had been passive reestablished residency in the state and became respected members of the community (including the Reverend Thomas Bradbury Chandler), the more active royalists were treated with contempt if not violence. Vigilante groups were formed to ensure that former enemies would be excluded from meaningful participation in the political order they had attempted to destroy (Doc. 16). And the legislature, in direct violation of the Treaty of Paris that ended the war, not only failed to provide restitution of property to Loyalists who had not borne arms against the United States but also passed legislation in December 1783 resuming the sale of confiscated estates. In time memories receded and wounds healed, but it

would take a generation or more for Jerseymen to overcome the bitter legacies of the Revolution.

The Loyalists were tragic heroes. They were for the most part (there were scoundrels on both sides) people of integrity who were no less courageous or honorable, no less committed to constitutional government and civil liberties than the patriots. But unlike their rebellious neighbors, they preferred reform to revolution, compromise to confrontation, law and order to disrespect for government and disregard for laws. They simply misread the historical realities of the times and consequently cast their lot with the losing side in the first anti-colonial war for independence in modern history. As a result they paid the price of verbal and physical abuse, lost property and shattered dreams, imprisonment and exile—and even death—for their principles. Even after the war most of those who remained in or returned to New Jersey were a people apart—second-class citizens who endured ostracism, discrimination, and shame. But the real losers were the refugees, for their reward for service to the crown was often only financial distress and exile in a foreign country (Docs. 17 and 18).

1 James Moody, The Making of a Loyalist

[*James Moody, Narrative of the Exertions and Sufferings of Lieut. James Moody, in the Cause of Government since the Year 1776* (London, 1783), pp. 1-6.]

James Moody (1746-1809), a wealthy Sussex County farmer who owned approximately 500 acres of land near the Delaware River, was one of New Jersey's most notorious Loyalists. In April 1777 Moody, who had opted for prudent neutrality with the onset of the Revolution, fled behind British lines with seventy-three friends and neighbors. He joined Brigadier General Cortlandt Skinner's First New Jersey Volunteers (Loyalist), quickly rising to the rank of lieutenant because of his daring raids and successful recruiting in his native state. Captured by General Anthony Wayne and imprisoned at West Point in August 1780, the elusive Moody escaped a month later and resumed military activities briefly before embarking for London. (His brother John was not so fortunate; he was captured and hanged as a spy in Philadelphia in 1781.) Soon after the publication of his memoirs in 1783, Moody migrated to Nova Scotia. In the excerpt that follows, he recounts his reaction to the events leading to independence and the factors that prompted him to side with the British.

VIII THE LOYALIST OPPOSITION

[1774-1777]

Choice and plan, it would seem, have seldom much influence in determining either men's characters, or their conditions. These are usually the result of circumstances utterly without our controul. Of the truth of this position, the Writer's own recent history affords abundant proofs.

Seven years ago, few human events seemed more improbable, than that he, a plain, contented farmer, settled on a large, fertile, pleasant, and well-improved farm of his own, in the best climate and happiest country in the world, should ever beat his ploughshare into a sword, and commence a *solider*. Nor was it less improbable that he should ever become a *writer*, and be called upon to print a *narrative* of his own adventures. Yet necessity and a sense of duty, contrary to his natural inclination, soon forced him to appear in the former of these characters; and the importunity of friends has now prevailed with him to assume the latter.

When the present ill-fated Rebellion first broke out, he was, as has already been hinted, a happy farmer, without a wish or an idea of any other enjoyment, than that of making happy, and being happy with, a beloved wife, and three promising children. He loved his neighbours, and hopes they were not wholly without regard for him. Clear of debt, and at ease in his possessions, he had seldom thought much of political or state questions; but he felt and knew he had every possible reason to be grateful for, and attached to, that glorious Constitution to which he owed his security. The first great uneasiness he ever felt, on account of the Public, was when, after the proceedings of the first Congress[1] were known, he foresaw the imminent danger to which this Constitution was exposed; but he was completely miserable when, not long after, he saw it totally overturned.

The situation of a man who, in such a dilemma, wishes to do right, is trying and difficult. In following the multitude, he was sure of popular applause; this is always pleasing; and it is too dearly bought only when a man gives up for it the approbation of his own conscience. He forsaw, in its fullest force, that torrent of reproach, insult, and injury, which he was sure to draw down on himself and his family, by a contrary conduct; nor does he wish to deny, that, for some time, these overawed and staggered him. For himself he felt but little; but he had either too much or too little of the man about him, to bear the seeing of his nearest and dearest relatives disgraced and ruined. Of the points in debate between the parent-state and his native country, he pretended not to be a competent judge: they were studiously so puzzled and perplexed, that he could come to no other conclusion, than that, however real or great the grievances of the Americans *might* be, rebellion was not the way to redress them. It required moreover but little skill to know, that rebellion is the foulest of all crimes; and that what was begun in wickedness must end in ruin. With this conviction strong upon his mind, he resolved, that there was no difficulty, danger, or distress, which, as an honest man, he ought not to undergo, rather than see his country thus disgraced and undone. In spite therefore of incapacity, in spite of disinclination—nay, in spite even of concern for his family—with the most ardent love for his country, and the warmest attachment to his countrymen, he resolved to do any thing, and to be any thing, not inconsistent with integrity—to fight, to bleed, to die—rather than live to see the venerable Constitution of his country totally lost, and his countrymen enslaved. What the consequences of this resolution have been, it is the intention of the following pages to describe. . . .

Of the true causes that gave birth to this unhappy quarrel, Mr. Moody is

unwilling to give any opinion. He is no politician; and, therefore, by no means qualified to reconcile the contradictory assertions and arguments of the contending parties. This only, as an individual of that description of people of whom the greatest part of every community must consist, he thinks it incumbent on him to declare, that it did not originate with the *people* of America, properly so called. They felt no real grievances, and therefore could have no inducement to risk substantial advantages in the pursuit of such as were only imaginary. In making this declaration, he is confident he speaks the sentiments of a great majority of the peasantry of America. But, in every country, there are multitudes who, with little property, and perhaps still less principle, are always disposed, and always eager for a change. Such persons are easily wrought upon, and easily persuaded to enlist under the banners of pretended patriots and forward demagogues; of whom also every country is sufficiently prolific.

In America, these popular leaders had a set of men to assist them, who inherited, from their ancestors, the most rooted dislike and antipathy to the constitution of the parent-state; and, by means of *their* friendly co-operation, they were able to throw the whole continent into a ferment in the year 1774, and maddened almost every part of the country with *Associations*, *Committees*, and *Liberty-poles*, and all the preliminary apparatus necessary to a *Revolt*. The general cry was, *Join or die!* Mr. Moody relished neither of these alternatives, and therefore remained on his farm a silent, but not unconcerned, spectator of the black cloud that had been gathering, and was now ready to burst on his devoted head. It was in vain that he took every possible precaution, consistent with a good conscience, not to give offence. Some infatuated associations were very near consigning him to the latter of these alternatives, only because neither his judgment, nor his conscience, would suffer him to adopt the former. He was perpetually harassed by these Committees;[2] and a party employed by them once actually assaulted his person, having first flourished their *tomahawks* over his head in a most insulting manner. Finding it impossible either to convince these associators, or to be convinced by them, any longer stay among them was useless; and an attempt made upon him soon after, rendered it impossible. On Sunday 28th March 1777, while he was walking in his grounds with his neighbour Mr. Hutcheson,[3] he saw a number of armed men marching towards his house. He could have no doubt of their intention; and endeavoured to avoid them. They fired three different shots at him; but happily missed him, and he escaped. From this time, therefore, he sought the earliest opportunity to take shelter behind the British lines; and set out for this purpose in April 1777. Seventy-three of his neighbours, all honest men, of the fairest and most respectable characters, accompanied him in this retreat. . . .

1. The First Continental Congress, which met in Philadelphia September 5-October 26, 1774. For the background of the Congress and the implementation of its program in New Jersey, see Sec. III.

2. For the efforts of committeemen to enforce the Provincial Association in Sussex County, see Sec. V, Doc. 9.

3. William Hutchinson, who, like his three brothers, served with Moody in the New Jersey Volunteers.

2 The Reverend Thomas Bradbury Chandler, Flight into Exile

[Thomas Bradbury Chandler, Memorandums, St. Mark's Library, General Theological Seminary of the Protestant Episcopal Church.]

The Reverend Dr. Thomas Bradbury Chandler (1726-1790), rector of St. John's Anglican Church in Elizabethtown, was an object of contention in New Jersey and the surrounding colonies because of his religious as well as his political activities. Chandler, a native of Connecticut and a graduate of Yale, was a prime mover in the unsuccessful attempt by Anglican clergymen to obtain the appointment of a resident bishop; thus he incurred the bitter opposition of those Presbyterians and Congregationalists who feared that an American bishop would be but the prelude to the establishment of the Church of England in the middle and New England colonies. His *An Appeal to the Public in behalf of the Church of England in America* (New York, 1767) and subsequent treatises first sparked and then fanned a blazing pamphlet war over the emotional issue. An archconservative, he also was a chief spokesman for the Tory community in opposing the colonial challenge to British authority. With such publications as *A Friendly Address to all Reasonable Americans on the Subject of our Political Confusions* (New York, 1774) and *What Think Ye of Congress Now? Or an Enquiry How Far the Americans are Bound to Abide by and Execute the Decisions of the Late Congress* (New York, 1775), he was the most prominent Loyalist pamphleteer of the middle colonies. As an effective bearer of the royalist standard, he was roundly denounced by local Whigs (see Sec. III, Doc. 12, note 3 and Sec. IV, Doc. 11). Although the threat of violence from the radicals prompted him to quit America for Britain in May 1775, he returned to New Jersey after the war. In the diary extracts that follow, Chandler describes with a surprising lack of emotion the forced departure from his homeland.

May 15-25, 1775

Monday, May 15th.

Having been often threatened by the *Sons of Liberty*, for having been supposed to have written on the Side of Government, and having received Intimations from my Friends that I was in much personal Danger, I went to New-York, taking some Articles of necessary Apparel with me, that might serve, in Case I should not be able to return. On coming to New-Yk., I found every Thing in the utmost Confusion, and the Friends of Government under the severest Persecution; I therefore lodged at Mr. Kempe's,[1] the Attorney General, as a Place unsuspected, and less liable to Insults, than where I commonly used to lodge in the City.

Tuesday, May 16th.

I found that the turbulent Faction, which had assumed the Government of the City, were making Enquiries after me, and determined to pay me a Visit; I therefore ventured abroad but little, and cautiously, and it was recommended to me by my

Friends to secure a Passage for England. In the Evening I contracted with Capt. Joseph Winder for a Passage to Bristol in the Ship *Exeter*, and staid that Night at Mr. Kempe's.

Wednesday, May 17th.

Kept close at Mr. Kempe's; but having received a polite invitation from Capt. James Montagu,[2] who understood my Situation, I went on board his Majesty's Ship *King-Fisher*, as the only Place of Safety near New-York, Mr. Wetherhead[3] assisting me in my Embarkation.

Friday, May 19th.

In Expectation of meeting the Packet from England, and with a Design to secure the Mail, Capt. Montagu sailed to Sandy-Hook, with a Post-Master General on Board besides Dr. Cooper,[4] and Mr. Rivington,[5] who, as well as myself, were proscribed for their Loyalty.

Saturday, May 20th.

Our Ship the *Exeter* came down to the Hook, and Dr. Cooper and I shifted our Lodgings to the *Exeter* to be ready for our voyage; there we were kindly received by our Friends Mr. Cook,[6] and Capt. Kearny,[7] who were to be our Fellow-Passengers.

Thursday, May 25th, (Ascension Day.)

Having waited till this Time for a proper Wind, we put to Sea in the Morning, turning out with a Head Wind, in Company with more than 20 Vessels, most of which were bound to European Ports. We saw the *Asia*, of 64 Guns, from Boston, go in to the Hook, and come to an Anchor. At Evening the Land appeared to be distant about 6 Leagues.

1. John Tabor Kempe, who subsequently also sought exile in England.
2. Captain James Montague, whose *Kingfisher* was the only British naval vessel in New York Harbor at the time.
3. English-born John Weatherhead.
4. The Reverend Dr. Myles Cooper, president of King's College (now Columbia University) and leading Tory spokesman-pamphleteer, who was a close associate of Chandler's.
5. James Rivington, Loyalist newspaper publisher.
6. Undoubtedly the Reverend Samuel Cooke, Anglican pastor from Monmouth County, who sailed to England in the spring of 1775 on personal business. Cooke later returned to America as a chaplain in the Royal Army, suffered confiscation of his property in Monmouth County, and eventually went into exile in New Brunswick, Canada.
7. Michael Kearny (1725-1797), former captain in the Royal Navy, who in 1763 retired to a sizable estate in Morris County. An outspoken royalist, he was driven from his native New Jersey by threats of violence from local committeemen.

3 "A Mechanic" to Bernardus La Grange

[Bernardus La Grange Papers, Alexander Library, Rutgers University.]

Bernardus La Grange (ca. 1721-1797) enjoyed the dubious distinction of being one of the most hated Loyalists in Middlesex County and probably in the entire state. A native New Yorker of French Huguenot descent, La Grange began his legal career in New Brunswick in 1745 and simultaneously commenced intimate involvement in the affairs of Christ Church (Anglican). He became one of the wealthiest members of the community; on the eve of the Revolution he had an extremely lucrative law practice (£400 annually) and over 350 acres of prime real estate in Middlesex County and neighboring Somerset County. One of the least popular men in the area, La Grange was roundly denounced by the citizenry for professional avarice in allegedly charging excessive fees; he was also condemned for opposing the protest-independence movement. To many, La Grange represented the man who was loyal to the crown because of base self-interest and thus was more despised than the philosophical Tory. The threats contained in the letter below—publicly posted in New Brunswick—plainly show the contempt with which the lower ranks held the affluent and affected La Grange. But such attempts at intimidation merely steeled his resolve to oppose the popular revolution. When the British army overran New Jersey in the winter of 1776, he actively administered oaths of allegiance to the crown. He subsequently fled to New York City before the advancing American army in 1777. His property was confiscated and sold in 1778, and he lived out his days in exile in London (see Doc. 17).

Present [June 1776][1]

To Mr. Ber[nar]d[u]s Legrange

Permit me your fellow Citizen to spend a few moments in Conversation with you, the reason of my chusing to discource with you in black, and white is, because you are a person of so hasty, and violent a temper that it is impossible for any one cooly to reason with you, which I know by frequent experience. In the first place I shall relate a few certain facts. To begin. You are looked upon by all the Virtuous inhabitants of this City to be a most inveterate enemy to your Country, as such you justly deserve to be despised by every good man; you are esteemed as a man but of very little Sense, and a disturber of the Community, as such you deserve punishment. Let us once take a view of your conduct from the begining of our Struggles for Liberty. When a corrupted and venal ministry together with a deluded King made a number of Acts tending to enslave the inhabitants of North America, and the better to accomplish their wicked purposes, they established the popish Religion in the extensive Province of Canada[2] (a blot upon the Character of George the Third which the latest ages will never erase) add to that their robbing the treasury to hire the Canadians and savage Indians to lay waste [to] our Frontiers and barbarously murder our innocent women, and Children.[3] They have also

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endeavoured to raise up our own domesticks to cut the throats of their Masters.[4] But a kind Providence hath assisted us in discovering their horrid designs; nay further he has as yet baffled their vile attempts. They have stopped our harbours; marched an hostile force into our Country, destroyed a number of our most valuable towns, declared the whole Continent in a State of Rebellion: plundered our property, distressed our Seamen, Confined some of the Americans in dungeons, bound others in Chains and for what? Because they nobly stepped forth in defence of that Liberty which God himself granted them at their Creation, they have gone so far as to hire foreign Troops to destroy us.[5] It is needless to mention any more of their impious practices, every American is acquainted with their black designs. And now I desire to know what we have done to merit such treatment? Have we not in the most humble manner time after time declared our loyalty to the King of England, earnestly requesting him to lay aside the weapons of destruction? And what has been the consequence? Our humble Petitions have been treated with Contempt, ourselves branded with the opprobrious name of cowardly Paltroons: What could we do which has not been done? We have as yet acted upon the defensive and the Lord of Hosts has prospered our glorious Struggles. Notwithstanding all the insults we have received, the cruelty and inhumanity with which we have been treated, the justice of the cause in which we are engaged, and at a time when every true friend to Liberty is roused with an honest indignation of avenging his Country's wrongs, you have, B. Legrange, from the beginning of the present Contest for Liberty, and do still by the whole of your conduct heartily agree with the distructive measures persued against us. Have we not then Sufficient reason to pronounce you an Enemy to your Country, nay to brand you with the odious name of Traitor?

When the Tea was destroyed in Boston, and that port was by an accursed Act of Parliament blocked up,[6] you then blamed the inhabitants of that Colony, abusing those who had made a noble stand against Tyranny, calling them damn'd hot headed Presbyterians, who were aiming at independancy; and further you declared they were the sole cause of the dispute between *Britain* and the *Colonies* (an evidence of your political knowledge). Since the electing of a Congress you have broke all their Resolves, and have endeavoured to perswade others to do the same and alass! I am sorry to say it, you have had influence over some weak minds; you have proceeded so far in your impudence as to damn the whole Congress in whom centers the united wisdom of America. I dare say you will not deny this, *when you call to mind your effegy which was not long since carted thro' the streets of this City amidst the acclamations of your injured Countrymen,*[7] ever since that unhappy day which stained your character with eternal infamy, you have been exercising all your talents (which are small indeed) in injuring the cause of American freedom by disobeying, and condemning the proceedings of the Congress by telling a number of lies which never had an existance but in your own vile imagination and that of your *virtuous* wife, tending to disunite the people, in short you are of late become an avowed enemy to Liberty, and true Virtue. Thus Sir I have given you a small sketch of the character you justly bear amongst your Countrymen, now let your own conscience speak (if it is not yet taught to be silent). Does not such a character appear most vile, and detestable? How is it possible that a man who was born an American, who has got his bread in this Country, and made that estate here, which he at present possesses; that such a one can become a most cruel enemy to that very people, who have favoured him with their assistance? Mr. Legrange we are all well acquainted with your birth, family, and Education. We are sensible they are not such as will

make you noted in the annals of posterity; we also in some measure know the wickedness of your heart, and it is from this Source we expect that your name will be handed down to the latest ages in blackest Colours. I suppose you expect to gain favour from the corrupted Court of G. Britain. But give me leave to tell you, that in all probability they will not be able to assist themselves, and then what will become of you? *Surely you will not have the impudence to ask a favour from those whom you have endeavoured to ruin?* Be advised for once, change your wicked heart, become a friend to your County; hearken not to the unwholesome advice of your wicked wife. I really pity you when I behold the storm that is gathering over your head, big with destruction, and threatening every moment to burst upon you; for when your enraged Citizens rise against you, the Consequences will be dreadfull. Let me intreat you to imitate the man of true Virtue, and lover of his Country. Lay aside (for one minute) your Prejudices, and view the man who is a true friend to the rights of mankind, and I think your guilty Soul will be struck with Conviction, and you [will] be persuaded to follow his example. To behold the noblest disposition of the Christian, and Patriot united; an overflowing benevolence, generosity, and candour of heart, joined to an intimate persuasion than on it depends the happiness and glory both of King and People; to see these shining out in publick is a prospect that can not but inspire a general Sentiment of Satisfaction and gladness more easy to be felt than expressed. The Patriot stands undaunted when the Storms of mingling War rage around him; firm as himself, his bolder heart clad with awful justice Spurns every danger; all his united efforts seek the publick good. He is a friend to trampled worth, and Suffering right—corruption and bribery durst not attempt his virtue joined to publick zeal and honour of adamantine proof; his heart is pure, and detached from Sordid pleasures; a Soul panting after perfection. Striving to imitate the goodness of Heaven and devoted to the Service of mankind, he is roused by the first pang of his Suffering Country, gives his whole illustrious Spirit to her relief, rises above all human allurements, never remits his zeal, fears nothing, regards nothing but the Sentiments which virtue and magnanimity inspire. The Sacred flame thus enkindled is not fed by the fuel of faction, or party Spirit, But by pure Benevolence and love of the Publick. And when he leaves this tabernacle of clay, Methinks I see his mounting Spirit freed from tangling earth, regain the realms of day, its native Country, Behold! *he* is approved by the tremendous judge of Heaven and Earth, and joined to the presence of the *Almighty Father* he takes his rank in glory and in bliss. But Stop! for the Sublimest flight of my imagination falls so far beneath the Patriot's glory, as the light of the moon and Stars is inferior to the Sun in his meridian Splendour. I am suspicious I have gone so far in describing a few of the properties of a true Patriot, that your patience is wearied in attending to sentiments so contrary to your own. But has not the character of a friend to mankind some weight with you? If you can not love it I am convinced you must revere it. Set down Mr. Legrange and Seriously reflect upon the character of a true friend to Liberty and then compare your own character to it, that is, the Character of an enemy to your Country, to benevolence and true Virtue, and consider in what an odious light you must appear to your Countrymen, to all mankind, nay to God himself. But to conclude[:] if neither reason, justice, or humanity are able to change your Sentiments, and daily practice, be assured there is a fatal day approaching which will bring *ruin* to your devoted head.

A MECHANIC[8]
Monday morning 3 o'clock

1. Since the author mentions events that occurred in the spring of 1776 and in a subsequent letter to Mrs. La Grange dated July 28 pointedly refers to American independence, it seems likely that this document was written sometime in June 1776.

2. The Quebec Act of May 1774 which permitted the French inhabitants of Quebec to practice their Catholic faith.

3. The reference is to the border warfare that accompanied the American assaults on Montreal and Quebec (September 1775-May 1776); the Canadians and the Iroquois Indians sided with the British.

4. The reference is to the proclamation issued by the governor of Virginia, John Murray, the Earl of Dunmore, in November 1775, declaring that "all indented servants, Negroes, or others" who took up arms to suppress the rebellion would become free citizens. By December the British had some 300 slaves in uniform in a unit officially termed "Lord Dunmore's Ethiopian Regiment." The freeing of slaves and servants was not a policy of the British government. For fears of a black uprising in New Jersey, see Sec. V, Doc. 3, note 4.

5. The first treaties for obtaining soldiers were negotiated in January 1776 with the German states of Hesse-Cassel, Hesse-Hanau, Brunswick, and Waldeck.

6. The Boston Tea Party of December 1773 and the Boston Port Act of March 1774.

7. An effigy of La Grange was burned in New Brunswick in June 1775.

8. The unidentified author was apparently well-known to the La Grange family; in his July 28, 1776, letter to Mrs. La Grange he signed the initials "K. L." and remarked "you remember me of old by my name."

4 The Reverend Jonathan Odell to the Reverend Thomas Bradbury Chandler

[Society for the Propagation of the Gospel in Foreign Parts, Missionary Letters, Ser. B. 24:5, New Jersey. Photocopies in the Alexander Library, Rutgers University.]

Anglicans—virtually all of the clergy and a majority of the communicants—were conspicuous in the Loyalist ranks in New Jersey. There, as elsewhere, the Anglican church was a primary symbol of royal government. As adherents of the established (i.e., tax-supported) Church of England, priests and parishioners alike assumed an integral relationship between ecclesiastical and civil authority since the monarch was theoretically the head of both church and state. Whigs, with reason, were especially suspicious of Anglican ministers because of their persuasive influence in the community. Consequently, outspoken clerics such

as Thomas Bradbury Chandler were openly reviled by the rebels and driven from the province at an early date (see Doc. 2), and even those who attempted, like Jonathan Odell of St. Mary's Church in Burlington, to maintain a low profile were ultimately forced to flee. A native of Newark and a graduate of the College of New Jersey (now Princeton University), Odell (1737-1818), was especially dangerous because of the influence in West Jersey that resulted from his activities as a missionary for the Society for the Propagation of the Gospel and as a practicing physician (he became a member of the New Jersey Medical Society in 1774). Despite his professions of political noninvolvement, Odell was an ardent royalist. Upon taking up exile in New York City in December 1776, he became a press censor as well as the author of satirical essays and poems that condemned the rebellion. He volunteered for the chaplaincy of the Pennsylvania Loyalists in January 1778 and moved on to the King's American Dragoons in 1782; he also served as assistant secretary to both the Board of Directors of Associated Loyalists (1781-1782) and British army commandant General Sir Guy Carleton (1783). After the war he emigrated to New Brunswick, Canada. In the following letter to his friend and fellow exile, Thomas Bradbury Chandler, Odell describes the circumstances that led to his flight from New Jersey as well as the general plight of Anglican clergymen caught in the throes of the Revolution.

New York Jan: 7th 1777

My Dear Sir,

You may, possibly, have heard that I attempted to send a letter to you above a twelve month since, and that my letter, being intercepted, embarrassed me not a little with Committees and Conventions, who were willing to find offense where none was intended. I told them then, and have had several occasions of telling them since, a very honest truth, that I did not mean to *dissemble* my Sentiments concerning the measures of Congress,[1] but that I had made it a rule to myself, from the beginning of our troubles, not to interfere directly or indirectly in Public Affairs, and, though I neither could nor would make *any* sacrifice of my principles or duty, either as a loyal Subject or a Minister of the Church of England, yet my political conduct should be inoffencive, if they would allow a passive conduct to be so, and, in short, that I presumed it reasonable in one to expect I should be indulged in the unmolested enjoyment of my private sentiments, so long as I did not attempt to influence the Sentiments or conduct of other Men, and that *private* Sentiments ought not to be made [a] matter of public Notice, much less of public Censure. I concluded such a tenor of Conduct *in our Situation* was not only *necessary*, but, at the same time, becoming the Characters of Clergymen & especially of Missionaries, and therefore would be approved of by the Society. But this pacific system did not screen me, in particular, from much jealousy & misrepresentation. A Parole was demanded of me, limiting me to within eight Miles from Burlington, & binding me to forbear all political correspondence on the Subject of the Public Dispute, not to furnish any provisions nor to give any Intelligence to the King's Troops.[2] After giving this parole, I remained unmolested at home till about the Middle of last Month, when a Body of Hessians, under the Command of Count Donop, came to Burlington

intending to take Post with us for the winter.[3] Some of my Neighbours thought it advisable to meet the Commandant on his approach to the Town, and to request him to spare the Inhabitants from Insult and their Property from Pillage. They requested me to go with them & assist in this charitable address, as an Interpreter. I did so, and had the pleasure to find that I had a good prospect of being of real Service to my peaceable Neighbours.[4] But five gondolas, lying in the River, began to cannonade the Town, in order to prevent the Troops taking Quarters with us. Many houses were damaged, but no Body hurt. The Hessian Commandant, however, having with him no heavy Cannon, thought proper to retire that night to Bordentown, intending to return with Artillery sufficient to make good his Quarters. In the meantime, though I believe every candid man will wonder why we should be punished for having been left defenceless, and for having sollicited safety from the King's Troops in our defenceless condition, even supposing us to have assented to those measures which had brought the Troops into the Country and even to our Doors; true here it is, that, as soon as it was known on board of the Gondolas that the Troops had left us, the Town was cruelly insulted and from day to day kept in Alarm by those River Tyrants. Mr. Lawrence,[5] young Mr. Hewlings[6] and myself were, in particular, pursued by two Captains and a number of armed men. We made our Escape, and were under the necessity of taking refuge among the King's Troops, & as the Design of taking Post at Burlington was soon after given up, I have been obliged to leave my wife and three Children (the youngest not five weeks old) and to ramble as a Refugee, God knows when to return. In this Situation, I take the liberty to request that you will communicate the contents of this letter to the Society; perhaps I ought rather to have written to the Secretary, but my little narrative seemed to require a Stile of more minute freedom than one can well use, unless to an intimate Acquaintance, and I hope the Society will admit of this apology. I suppose it was hardly be necessary to tell you, what I presume you will take for granted, that I, among most of my Brethren, thought it my duty to shut up my Church and discontinue my attendance on the Public worship, from the fatal day of the Declaration of Independency.[7]

Public news I need not give you, as you will receive better intelligence from others. I shall only mention that if the King's Troops, on their arrival at Trenton, had cross'd the River Delaware (which, notwithstanding the want of Boats, was most undoubtedly practicable) they would certainly have taken possession of Philadelphia without any opposition.[8]

You will oblige one by informing the Society that I lost almost all the Fence round the Point Lot last winter, by the Soldiers quartered in the Barracks at Burlington, who made fuel of the rales, and it has cost one 36£ to renew the fence, which after all, will probably be again destroy'd this winter. Two years Rent of the Glebe Land[9] near Princetown, amounting to 60£ I expect to loose, and indeed there is no prospect of my getting any Rent from that quarter, nor any Salary from any Parishioners in future, until this unnatural war is happily terminated, and when that will be God only knows, though I hope it may be nearer than many are apt to imagine.

Mr. Cook[10] informs one that the Society have been pleased to order me 40£ Sterling out of the just Dividend of charitable contributions for the relief of the suffering Clergy in America, and that he doubts not but I shall again be considered in another Dividend. I find that I am on this occasion obliged to Mr. Cook and yourself, for recommending me to the Society—for which I sincerely thank you and beg

you to give my thanks also to the Society. In my present situation, indeed, absent from my family, unable to draw any supplies from the practice of Physic, my whole income must be what the Society allow me. I would, therefore, hope that they may condescend to withdraw, for the present, their resolution of reserving 10£ per Annum out of Salary, on Account of their Lots in Burlington, which are as yet deeply in my Debt, and from which it has been for the year past, and must be for I know not how long to come, utterly impossible for one to derive the least Benefit.

Wishing most heartily to see you once more happy here, and our Country restored to the blessings of peace and good Government, I am, my Dear Sir,

Affectionately yours
JONA. ODELL

1. The Continental Congress.

2. On July 20, 1776, Odell signed the following parole: "I the Subscriber do on my parole of Honour and on the faith of a Gentleman promise the Convention of the State of New Jersey That I will Repair to the City of Burlington and there or within A Circle of Eight Miles thereof, Remain and not depart therefrom Unless with leave of the Convention aforesaid or of the future Legislature of said State, that I will not carry on any political Correspondence Whatever on the Subject of the Dispute Between Great Britain and the United States of North America, Neither will I furnish any Provision or give Any Inteligence to the Enemies of the State." AM 9211, Firestone Library, Princeton University.

3. For an account of the following incident, see Sec. IX, Doc. 1.

4. That is, to the sizable Quaker population of Burlington that attempted to remain neutral during the war.

5. John Lawrence, judge of the county court and former assemblyman (1761-1768), who abandoned his pretensions of neutrality and fled to New York in December 1776.

6. Thomas Hewlings.

7. Most Anglican clerics suspended services after the Declaration of Independence because to continue offering prayers for the king and the royal family, as required by the liturgy, would have been treasonable in the new states.

8. The failure of the British to pursue Washington into Pennsylvania set the stage for the famous battle of Trenton (see Sec. IX, Doc. 2).

9. Glebe: land belonging to or yielding revenue to a church or religious organization.

10. The Reverend Samuel Cooke, Anglican missionary in Monmouth County from 1760 to 1775.

5 Tory Prisoners Describe Conditions in the Morris County Jail

[*Proceedings of the New Jersey Historical Society,* 3d ser. (1898-1900), 3:85-86. Hereafter *PNJHS;* in 1967 the title of the publication was changed to *New Jersey History.*]

Incarceration, a popular means of curbing Loyalist activities, would have been utilized even more had suitable prison facilities been available. Throughout the war Jerseymen suspected or convicted of crimes against the state endured grievous hardships in jails that were invariably overcrowded, ill-supplied, and unsanitary. Neither state nor local officials had adequate resources to house and care for the numerous political dissenters who warranted imprisonment. The problem, bad enough at best, became even worse when the military situation necessitated the removal of prisoners away from the front to already jammed jails in the interior. Such was the plight of three Essex County men sent to the Morristown jail in the summer of 1777 to await trial for alleged treasonous conduct. In petitioning the Council of Safety for transfer back to Essex County, they poignantly described conditions that were, unfortunately, typical of wartime Jersey jails.

[July 1777]

The Petition of Isaac Ogden,[1] George Watts[2] & Arent Kingsland[3] Prisoners confined in the Goal[4] of the County of Morris, humbly sheweth That your Petitioners were apprehended and commited to the Common Goal of the County of Essex, your Petitioner Isaac Ogden about 3 Months ago your Petitioners George Watts & Arent Kingsland about Six Weeks ago, That they were removed from the Goal of the County of Essex to the Goal of Morris County by order of Your Excellency & Honors.[5]

And your Petitioners further humbly shew that their Sufferings in the Goal of Morris have been exceedingly grievous. Sometimes upwards of 50 have been confined with them in one Room not exceeding 18 Feet Square; frequently Water was not to be had from the Failure of the Public Pump; often very often have they been obliged to fast 48 Hours & not been able to procure for Money Provisions to subsist upon; & finally unless releived by the Charity of some Familys in the Neighbourhood they must have Starved to Death.

And your Petitioners further shew unto your Excellency & the Hon[ora]ble Council of Safety that altho they now draw Provisions [and] are for the present well supplied with Water & the Numbers confined in the same Goal Room with them is reduced to Eleven, yet from the Difficulty of geting their provisions dressed, from the Stench & Filth of the Goal, the unhealthy State of the Air of the Town of Morris, [and] the Prevalence of the Bloody Flux[6] and Camp Fever[7] in & about the Court House[8] your Petitioners are in great Danger of their Lives.

Your Petitioners therefore humbly pray that your Excellency & Honors would

be pleased to take their Case into your Consideration & order them a Trial for the offences charged against them; & until such Trial can be had that your Excellency & Honors in order to lessen their Sufferings & render their Imprisonment Supportable, would be pleased to remand them back to the Goal of Essex County, where their respective Families may extend to them such Relief & Comfort as their long Confinement in this Goal has rendored absolutely necessary for their future Existince.[9]

And your Petitioner George Watts particularly prays that his great Sufferings may be taken into Consideration his Irons to be removed from his Hands & his future Imprisonment be rendered tolerable.

And your Petitioners as in duty bound will ever Pray

ISAAC OGDEN
GEORGE WATTS
ARENT KINGSLAND

1. Isaac Ogden, Newark lawyer and son of Judge David Ogden. (The Ogdens were a family divided: the father and three of his sons, Isaac, Nicholas, and Peter, were Loyalists, while two other sons, Abraham and Samuel, were patriots.) Despite serving on several town and county committees in 1774-1775 and in the Provincial Congress in 1775, Isaac sided with the crown after independence. After the war he removed to Canada, where he became judge of the admiralty court in Quebec.

2. Probably George Watts, an Essex County farmer. I have used "Watts" throughout whereas it was originally printed variously as "Walts" and "Walls." The name appears "Watts" in the minutes of the Council of Safety.

3. Identity undetermined; there were numerous Kingslands in Essex County. The Council of Safety minutes gives his first name as "Aaron."

4. "Goal" or "gaol" was the common eighteenth-century spelling of "jail."

5. The Council of Safety and Governor William Livingston (an ex officio member) ordered the men to the Morristown jail on July 2, 1777.

6. Dysentery.

7. Malaria.

8. The Morris County jail was located in the county courthouse in Morristown.

9. On July 21 the Council of Safety ordered the men remanded to the Essex County jail at their own expense. The governor and council met in Morristown in July and August to conduct trials for those charged with treason. See Sec. IX, Doc. 5, note 16.

6 Joseph Hedden, Jr., to Governor William Livingston

[*Selections from the Correspondence of the Executive of New Jersey, from 1776 to 1786* (Newark, 1848), pp.82-83. Hereafter *Executive Correspondence.*]

Just as Whiggish women were excluded from prominent roles in establishing the republican regime, so too were Loyalist ladies inconspicuous in their determined support of the crown. The exit, voluntary or otherwise, of disaffected men from the state early in the war diminished only the more visible manifestations of Loyalism. Whether because of personal convictions or familial interests, women aided and abetted the British by harboring fugitives (see Sec. IX, Doc. 1), spying, transmitting intelligence, engaging in illicit trade, and privately promoting the royalist cause. Especially troublesome to the state were the wives of exiles. In some cases problems arose because the women could not adequately provide for their families, but in most instances the women were a burden because of their political activities and, as the following letter shows, their efforts to frustrate the policies of the state government. Although numerous women were deported during the war, an apt motto of the Livingston administration might well have been "cherchez la femme."

Newark, July 9th, 1777.

Sir,

The commissioners are much impeded in their business on account of the tory women that remain with us.[1] They secrete the goods, and conceal every thing they possibly can from them, which gives them a great deal of trouble. There is here one James O'Brien and his wife that have been great plunderers and concealers of goods, and when called upon for any thing, they petition to leave and go among christians, and not to be detained among brutes, as they call us in this town. Pray make an order to send them among their christian friends, our enemies. I send the following list of women whose husbands are with the enemy—Mary Kingsland, Mary Stager, Filia Risser, Sarah Garrabrant, Mary Grumfield, Elizabeth Howet, Martha Hicks, Autta Van Riper, Susanna Wicks, Mary Garrabrant, Jane Drummond, Sarah Sayres, Lydia Sayres, Margaret Nichols, Elizabeth Brown, Sarah Crawfoot, Abigail Ward.

Sending the above women after their husbands will be an advantage to the state and save the commissioners a world of trouble.[2]

I am, Sir, your most ob't and hum. ser't,
JOS. HEDDEN, Jr.

1. Under the terms of the Act of Free and General Pardon of June 5, 1777, special commissioners were authorized to confiscate and sell the personal property of those who had gone over to the enemy; if the exiles did not return

and avow allegiance to the state by August 1, 1777, the money raised from the sale of their goods was forfeited to the public treasury.

2. On June 4, 1777, the legislature authorized the governor or commander in chief to deport the wives and children of exiles if deemed necessary. In part because of the concerted effort to resist implementation of the Act of Free and General Pardon of June 5, the Council of Safety on June 24 ordered that the wives of designated Loyalists be sent behind enemy lines and on July 11 extended the order to provide for the banishment of all dependents of those who had gone over to the British (see Doc. 8).

7 William Franklin to Governor Jonathan Trumbull

[*PNJHS*, N.S., 3 (January 1918), pp. 46-48.]

Pursuant to the orders of the Continental Congress (see Sec. VII, Doc. 4), William Franklin arrived in Lebanon, Connecticut, on July 4, 1776. Ironically, the former royal governor of New Jersey signed a parole with the rebel Governor Jonathan Trumbull on the very day the congressmen adopted the Declaration of Independence. Because of both his former position as governor and his father's prestige, he escaped confinement in the notorious Simsbury Mines near Hartford and was granted the maximum amount of freedom possible. He was allowed to retain his butler, and could travel freely within the town limits and correspond with whomever he wanted so long as he did not contact the enemy or in any way attempt to further the British cause. Sometime in December 1776 Franklin broke his parole by collaborating with the Howe brothers to issue royal pardons to Loyalists in Connecticut and New Jersey. He may have done so out of anger at the Congress for failing either to permit his transfer to New Jersey or to allow his exchange with the British; perhaps he was embittered because his son, William Temple Franklin, had gone to France with Benjamin Franklin in October, thus signifying his allegiance to the grandfather's position. In any event, Franklin was found out and ordered confined to the Litchfield town jail in April 1777. There he sat in a small room with only one window for light and air, unable to leave the cell, to write letters, or to receive visitors. When Elizabeth Downes Franklin learned of her husband's plight, she became despondent. Of frail constitution, she could not bear the emotional strain; she died on July 28, 1777, after having "suffered much in her mind." William sank into a deep depression upon hearing of her death. He had apparently lost everything because of his loyalty to the crown—his position, his possessions, his son, his father, and now his wife. The letter below to Governor Trumbull poignantly describes his mental and physical condition in September 1777. He later recovered and was exchanged in October 1778. He was an active Loyalist leader in New York from the time of his exchange until his departure for England and exile in 1782.

Litchfield Gaol Sept. 15, 1777

Sir,

Having received authentic Intelligence of the melancholy Death of my Wife at New York, to which Place she was obliged to retire when General Howe evacuated Amboy,[1] and that she has left my Effects in the Hands of a Gentleman who happened to be there from New Jersey, but who expects to remove soon from that City, I find myself under a Necessity of requesting your Permission to send my Steward, Thomas Parke, to New York, in order to assist in taking Care of those Effects, and to bring me out some Linnen and other Necessities of which I stand in great Need, and which I cannot procure here for Money. There are, besides, some Papers and Accounts in which my Father, as well as myself, is interested, and which I would willingly transmit to him or his Attorney at Philadelphia, before I die, an Event that I am convinced cannot be far off, unless there should be some speedy Relaxation of the unparallel'd Severity of my Confinement. I feel myself in a sensible Decline and am already so much reduced in Size, and become so weak and relax'd, as to render it extremely improbable that I shall ever recover my health and Strength again. The Anxiety I was long under on Account of the distress'd Situation of my dear Wife, whose Death I was convinced would be expedited by the Intelligence she would necessarily receive of my cruel Treatment, and the Affliction with which I was overwhelm'd on the News of the actual Death of one of the best of Women, has brought on such a Dejection of Spirits, attended with an almost constant Fever, besides other Complaints, that my Life has become quite a Burthen to me. In short, I suffer so much in being thus, as it were, buried alive, having no one to speak to Day or Night, and for the Want of Air and Exercise, that I should deem it a Favour to be immediately taken out and shot—a speedy or sudden Death being, in my opinion every Way more eligible than such a miserably lingering though equally sure one as I seem at present doom'd to.

In a Letter I wrote to Gen'l Washington and the Congress requesting Leave to visit Mrs. Franklin in her Illness, I pledged myself that I would send them a Vindication of my Conduct with Regard to the Breach of my Parole I am charg'd with by them.[2] I therefore propose drawing up a full Narrative of my Case, from my being first sent a Prisoner into this Colony, and as I shall for this Purpose have Occasion for several of those Papers which I left behind at Middletown[3] and which have since, I understand, fallen into your Hands, I must request you would transmit them to me by the Bearer Mr. Lord. I know not that there are any among them which you can think worth keeping, or taking Copies of, but if there should be any such, you can either transmit me the Originals, or certified Copies as you may think most proper. As the Room in which I am confined is directly over the common Sitting Room of the Tavern, in which there is generally so great a Noise as to render it almost impossible for a Man to collect and digest his Thoughts on any Subject and as Mr. Lord is unwilling (without your Permission) to leave me Pen, Ink & Paper, to write by myself when a convenient opportunity may offer for the Purpose, and it is troublesome & inconvenient for him to attend me on the Occasion, I am under a Necessity of begging that you would let me be removed to some private House (where he thinks I may be as safe as in this Gaol). and, when I want to write, to be shut up in a Room, in which he can take Care that there is no other Paper, but what he gives to me, and receive the same when I am let out. This will avoid all Risk of my making an ill use of the Indulgence, and will save him the Trouble of attending me for several Days

together, which it will probably take me to draw up and copy such a full Narrative as I propose sending to Gen'l Washington & the Congress. Besides, I want to write (while I am able) to my Father & Son upon Business of Consequence to them, and to make some Settlement of my Affairs, which the Death of my Wife has made necessary—nothing, however, but what I am willing shall pass the Inspection of Mr. Lord or any others you may appoint.

If I am accused of any particular Breaches of my Parole, besides what are specified in the Resolves of Congress,[4] I should be glad you would inform me of them, that I may take Notice of them in my proposed Narrative.[5]

As I have ask'd nothing in this Letter but what is obviously just and reasonable, I cannot but hope for your Compliance.[6]

I am, Sir, your most obedient humble servant,

WM. FRANKLIN

1. The British army under the command of General Sir William Howe completed the evacuation of Perth Amboy on June 30, 1777.

2. On July 22 Franklin wrote the American general informing him of Elizabeth's serious illness and requesting a pass to visit her. Washington, who lacked authority in the case, forwarded the letter to the Congress. On July 28, the day Elizabeth died, the Congress resolved that "after such a violation of so sacred a tie as that of honor" it was not "consistent with the safety of the States, to permit him to have an opportunity of conferring with our open enemies under any restrictions whatsoever." Fitzpatrick, ed., *Writings of George Washington,* 8:474; Ford, ed., *Journals of the Continental Congress,* 8:583.

3. It was in Middletown, where he resided from October 1776 to April 1777, that Franklin broke his parole by working on behalf of the Howes.

4. After an investigation of Franklin's conduct, the Congress resolved on April 22, 1777, that "Gov. Trumbull be informed that William Franklin . . . has . . . sedulously employed himself in dispersing among the inhabitants the protections of Lord Howe and General Howe . . . and otherwise aided and abetted the enemies of the United States: And, that he be requested to order the said William Franklin Esqr. into close confinement, prohibiting to him the use of pen, ink, and paper, or the access of any person or persons, but such as are properly licensed for that purpose by Governor Trumbull." Ford, ed., *Journals of the Continental Congress,* 7:291.

5. If Franklin ever wrote the narrative, it has been lost.

6. In December Trumbull permitted Franklin to take lodging in the home of Captain John Ellsworth in East Windsor.

8 Robert Lawrence to the Legislature on Martial Law

[Manuscript Collection, 129, New Jersey State Library.]

Because of the exigencies of wartime and the nature of their alleged offenses, persons charged with or suspected of treasonous acts against the state were subject to the authority of both civilian and military officials. Predictably, the confused and conflicting spheres of jurisdiction led to abuse and injustice. For while civil action usually followed prescribed legal procedures, martial law was often imposed without regard for due process and at the whim of a given officer. Throughout the war there were frequent complaints about military personnel, especially militia officers, using their authority to interfere in private matters and employing excessive—and sometimes illegal—means in dealing with Loyalists and political dissenters. Brigadier General David Forman, who was also the principal leader of the Monmouth County Committee of Retaliation, was one of the most notorious offenders (see Doc. 16). It was bad enough that men like Forman misused their power, but the real tragedy was the lack of an effective means for aggrieved citizens to seek redress. That civil liberties and due process of law were casualities of the revolutionary war was well-known to Robert Lawrence, a farmer from Upper Freehold, Monmouth County, who tried in vain to obtain action from three different governmental agencies on the complaint described below.

October the 7th 1777

Worthy Patriots, for such you was Esteemed to be by Your Constituents when they appointed and Authorized you to watch and Guard their Just Rights and Natural Priviledges according to the Directions of our Present Form of Government Commonly called the new Constitution.[1] From Information that I Received that one David Foreman[2] an Officer in the Millicia with Others in the County of Monmouth had an arbitrary maner Presumed to Banish some Women out of this State into the Enemys lines, Whereupon I apprehend that our new happy Constitution had Received a very Dangerous Wound in its Infancy in the very first Year of its Existance and that Unless a very speedy Remedy was Applyed it would Either Languish by its Wound and Dye, Or if it survived it would be so decrept and deformed That it would never be able to Support itself. This Induced me to lay before the Governour and Council of Safety on the 28th day of last August a Remonstrance Wherein I set forth (To the best of my weak Abillity) According to my Information The aforesaid Arbitrary Strech of Power by the said David Foreman and Others, and that my Daughter Mary Leonard the wife of Thomas Leonard[3] then and yet a Prisoner at Reding town[4] in Pensilvania, was one of those Banisht Women. And after I had made some Remarks on this Dangerous Daring Enterprise I Concluded with hopeing That they would make as Dilligent an Inquiry into the Matter as they would into the Aproach of the Enemy seeing our Constitution is in Danger on both sides. My Daughter is now Returned from the Enemy and yet a Prisoner, and by Permission of our Chief Justice[5] got leave to lay her Complaint before the Governor

and Council, Where I Attended with her last Saturday.[6] And there to my Great Asstonishment I heard Arguments, That I never suspected to come from the Mouths of Freemen much less from those who are chosen Gaurdians to our Freedom. And that was a Justification of the said David Foremans Acting under Martial Law, in his bold Stroke up on the very Existance of our Constitution and Freedom And that under Pretence of General Washingtons Express Order[7] (Which I am far from believing). But if it is so The General surely never Expected that David [Forman] would do it himself without a Court Martial as he has done without following the rules of Either Martial or Common Law. He has chose to Act against all Christian Laws, and follow the Dictates of some African Tyrant. It is but next Week when all Your Power that your Constituents Intrusted you with, Returns again in Hands of the People,[8] And I cannot perswade my self that you will Willingly leave our Infant Constitution Languishing and Dying of the aforesaid wound Without some marks of Abhorence of so Insolent and dareing Attempt upon our Lybertys, That has Already Cost us much blood and Treasure to Preserve Which though you have not time to try and let him Answer for himself if any Answer he has Yet it may be done by Resolves, or otherwise That you In Your Wisdom shall think fit to Recommend it to the next Assembly for their most Serious Consideration.[9] That Ages to Come may look back to the Original of their Freedom and see that the very first Assembly that ever sat upon the new Constitution, Did their utmost Endevour to Preserve it, and bring those that Violate it to Just Punishment.

In Answer to the Gentlemen of the Councils Argument to Defend David Foreman under his Pretence of Martial Law I answer If he had Acted by that Law Which he had not He ougt first to Proclaim it That the People Might Know By What Law they are Governed. (As I told those Gentlemen last Saturday; and now I have further to say That the Common Law must Rule and be the Guide of Government Untill such Proclamation is made which is Never done but in the Greatest Extremity and Even in such times but Seldom, For it is Abhored by the English Constitution Because it Renders the Millitary Independant of and Superior to the Civil Power and is one of the Articles complained of against the Administration of the Present King of great Britain by the thirteen United States. See Your own Votes and Proceedings page 83.[10] See also in page 56 the Joint Opinion of General Washin[g]ton and our Governor Concerning the State of the Milliti[a] in Contradiction to David Foremans Preten[ce] of the Generals Orders.[11]

ROBERT LAWRENCE

1. See Sec. VII, Doc. 6.

2. David Forman, brigadier general in the state militia and leader of the Monmouth County Committee of Retaliation. See Sec. XI, Doc. 17, note 2.

3. Thomas Leonard (1715-?), wealthy Freehold farmer and former sheriff, joined the New Jersey Volunteers (Loyalist), served two years in a prisoner of war camp, suffered confiscation of his property in 1779, and subsequently took up exile in Nova Scotia after the war.

4. Reading, Pennsylvania, site of a major prisoner of war camp.

5. Robert Morris, who was chief justice of New Jersey from 1777-1779 (see Doc. 9).

6. According to the minutes of the Council of Safety, Mary Leonard, who "was sent over to New York Sometime ago by order of Brigdr. Genl. Foreman and, hath lately returned to this State," appeared on October 4 complaining of "indisposition" and requesting "that she may be permitted to tarry in Monmouth Co. until she be reinstated in her health, and that she be suffered to pass to Easton, to see her Husband, and from thence to return to the said Co. there to abide." The councilmen agreed that she "be permitted to pass to Easton, or to any other place in which her Husband may be fixed; and to remain with him; and that she go thither without delay." *Minutes of the Council of Safety of the State of New Jersey* (Jersey City, 1872), p. 141.

7. On December 31, 1776, General Washington issued a proclamation which called upon the militia to rally and to assist in driving the enemy out of New Jersey; the intent was for the militia to engage in military, not political activities.

8. The occasion of the first general election to be held in the state under the constitution of 1776.

9. The assembly received Lawrence's petition on October 7 and ordered a second reading; two days later it was voted to defer consideration of the complaint until the next session. On November 7 the memorial was referred to the standing Committee of Grievances where it was apparently tabled. *Votes and Proceedings, September 3, 1777-October 11, 1777* (Trenton, 1779), pp. 193, 197; *Votes and Proceedings, October 28, 1777-October 8, 1778* (Trenton, 1779), pp. 11, 13.

10. On January 31, 1777, John Hancock, president of the Continental Congress, sent a copy of the Declaration of Independence to the several state legislatures requesting that they incorporate the text into their journals; the New Jersey assembly did so on February 17. On page eighty-three of the *Votes and Proceedings, August 27, 1776-June 7, 1777* (Burlington, 1777), there is the charge against George III that "he has affected to render the Military independent of and superior to the Civil Power."

11. On February 3, 1777, Governor William Livingston read into the record of the lower house a letter he had received from General George Washington on January 24. Writing from Morristown, Washington urged the passage of a law which would effectively regulate the militia and, among other things, prevent the troops from plundering and abusing civilians. Adequate legislation was not forthcoming.

9 Robert Morris to Gouverneur Morris

[Morris Family Papers, Alexander Library, Rutgers University.]

Not all Jersey Whigs believed that force and intimidation were always the

best means of controlling political dissidents or that harsh punishments and penalties ought to be imposed upon all dissenters. While successful in cowing the cautious and in curbing royalist excesses, a program of coercion and retribution served in most cases to alienate the uncommitted, increase Loyalist resistance, and deepen the divisions that rent the citizenry. Some government leaders, such as John Cleves Symmes, attempted to distinguish between recalcitrant royalists and the less ardent Loyalists willing to repent for their political sins (see Doc. 10). Others, like Robert Morris, favored a general policy of leniency and conciliation, both out of humanitarian conviction and out of concern for the future problem of healing wounds after the conclusion of the civil war. The natural son of Robert Hunter Morris (ca. 1700-1764), former chief justice of New Jersey (1738-1764) and governor of Pennsylvania (1754-1756), Robert Morris (ca. 1745-1815) fashioned a brilliant judicial career in his own right as chief justice of the New Jersey Supreme Court (1777-1779) and federal judge of the United States District Court in the state (1790-1815). The receipt of a letter from his New York cousin, Gouverneur Morris (1752-1815), diplomat and heir to Morrisania manor, prompted the Jersey judge to pen the following thoughts about the treatment of Loyalists. Despite their idealistic rhetoric, the Morrises were realistic enough to recognize that most patriots would reject reconciliation in favor of revenge (see Docs. 15 and 16).

Dec. 11 1777

Your reasoning, my dear Morris, is that of liberality listening to the voice of humanity, removed from party heat, and unacquainted with the baleful effects of a conduct, whose situation, you commiserate.[1] I revere the heart capable of such expansion.

Give a just weight to the language of experience and then form a judgment; which, be assured, I shall ever be happy to hear.

Heresy in politicks, as in religion is not to be rooted out, either by indulgence, or persecution: nothing short of proselyting the community will give satisfaction. Opinion carried into action leaves a taint on the mind thro' life and, but too frequently, it descends to posterity: Witness the red and white rose,[2] and the Whig and Tory[3] of England; witness the Jacobites[4] and your Captn. Stewart; witness the ancestors of the partizans in the present contest, and our own.

The mind is prejudiced by favorite tenets, even while they are only matters of opinion; but if once they appear in the conduct, pride rivets the fetters on judgment, and the party dies a Marter.

Bring the case home, change situations with the persons referr'd to and suppose yourself circumstanced as you prepare for them: would it change your principles? And could you support a government inforced against them? Is want of perseverance a characteristic of the people we speak of? This applies not to the timid, who have been influenced chiefly by their fears, and, who sooner or later impelled by the same motive will find means to extricate themselves; but I fear too strongly where principle has led the actions. Would it not be safer, and more generous, and also happyer for the parties, for Government to give them their property and leave them to their fortune? However, I auger ill, if both this, and what you propose is not wide

of the sentiments of Gent[leme]n with whom I am joined,[5] indeed of Congress also. But I hope, where I have influence to cultivate liberality on success; and without success its needless.

I am yours & c.
R. M.

1. In a letter datelined "Persepone [Parsippany] 3d Decr. 1777," Gouverneur Morris had expressed the following sentiments to his brother: "Nothing will more effectually belie the artful Tales of those who paint the little Territory which Britain possesses among us as a Paradize than the Permitting all such as being now with them [that] are sincerely desirous of returning to their Duty to become Members of the State. Such I am told have made Application and surely it is better to imitate the Mercy of him who is Mercy itself than to pretend to arrogate to ourselves that Vengeance which belongeth to him alone. Such Conduct while it increases our Strength will weaken them and believe me the Vulgar who for a Moment would exclaim against Lenity will in the End both love and admire the Legislature who exercise it for the still Voice of Reason & Humanity will at Length be heard when the Rage of Passions and Prejudices subsides. And Experience is a Liar if the Maxim which Shakespeare puts in the Mouth of his favorite Harry is not as just as it is elegant. 'When Lenity and Cruelty play for Kingdoms the gentlest Gamester is the surest Winner.' [*Henry the Fifth,* Act III, Scene VI, lines 119-20.] But after all I judge in a Corner and by a Rush Candle. You are more abroad and have the full Light of Information. For let Reason say what she will I know much is to be conformed in popular Governments to popular Clamor." Morris Family Papers, Alexander Library, Rutgers University.

2. From 1455 to 1485 England was ravaged by the Wars of the Roses, a bitter civil war between the houses of Lancaster and York, whose symbols were a red and a white rose respectively. The dynastic rivalry and unremitting warfare simultaneously came to an end when Henry, Earl of Richmond, emerged victorious at Bosworth Field in 1485 and, commencing his reign as Henry VII, established the House of Tudor.

3. The two rival political parties in England.

4. Jacobites were supporters of the claim of James II, who abdicated in 1688-1689, and his descendants to the throne of England.

5. The members of the New Jersey Supreme Court.

10 John Cleves Symmes to Governor William Livingston

[*Executive Correspondence,* pp. 135-37.]

VIII THE LOYALIST OPPOSITION

Cases involving alleged treasonous acts against the state filled New Jersey court dockets during the war. County courts meted out numerous penalties ranging from fines to paroles to imprisonment for a variety of political offenses. But it was the supreme court, while on its annual circuit throughout the state, that ordinarily handled the delicate issue of capital punishment. The members of the high tribunal faced an insoluable dilemma: treason warranted drastic action, but it was necessary to chart a prudent course between the extremes of unwarranted clemency and murderous vengeance. Excessive executions could only tarnish the image of the government, but capital punishment was deemed necessary to deter the more serious acts of subversion. The death penalty greatly troubled Associate Justice John Cleves Symmes during his service on the bench from 1777 to 1783. The following commentary on the fate of a group of prisoners sentenced on December 5, 1778, by a court of oyer and terminer to be executed on January 29, 1779, reveals his attempt to distinguish between potential converts to the republican regime and incorrigible Loyalists. Whatever the judicial considerations involved, Symmes and the other members of the civil establishment knew well that it was in the political interest of the state to act with compassion toward the former but without mercy toward the latter.

Morristown, January 7, 1779.

I beg leave to lay before your Excellency, and the honorable gentlemen of the Council, the business of the state that came before me in the late Circuit, in the counties of Hunterdon and Cumberland, which was capital; recommending to the clemency and grace of your honor those miserable subjects who are under sentence of death.

In the county of Gloucester there is Jonathan Chew[1] condemned for high treason; he was convicted by jury. I take it that he was disaffected from the beginning of the troubles, and joined the enemy at their coming to Billingsport, and acted as a captain among them. The charges laid against him in the indictment of levying war and adhering to the enemies of the state was well supported, and I cannot think there is any equitable circumstance in his favor, either as matter of law or fact. But the following considerations may perhaps plead for him with your honors for a pardon.

1. He is a very weak man in his understanding.

2. He has a family of twelve children, that must be objects of charity if their friend is taken away, and they have no property left.

3. It appeared in the Court that he was humane, and inclined to distress the inhabitants that were in his power as little as possible, in person or property.

4. He left the enemy after they had retreated through Jersey, and came home and threw himself in the way of justice.

Harrison Wells,[2] who traversed his indictment for levying war against the states, and adhering to its enemies, and convicted thereon. I believe that Mr. Wells was a Whig at the beginning; he was in the militia and behaved well. But I cannot say there was any equitable circumstance appeared (touching law or fact) on his trial that can operate in his favor; but perhaps the following considerations may incline your honors to pardon him:

1. He was undoubtedly over-persuaded by Mr. John Hinchman,[3] who had been his guardian, to go and join the enemy, which at length he did with some reluctance, being partly in compliance to Mr. Hinchman's advice, and partly because he was threatened by the militia.

2. When with the enemy he was offered a Lieutenant's Commission, which he refused.

3. It appeared that he early wished to make his peace with his country by desiring to surrender himself, but found the popular clamor so much against him that he dare not do it; and his house was contiguous to the enemy.

4. When the enemy left Philadelphia, he surrendered himself at Haddonfield, to the law, refusing to march with the enemy. He appears very penitent.

Besides Chew and Wells, there are fifteen[4] others condemned for high treason against the state; viz: William Hammet, John Dilk[e]s, John Franklin, James Birch, Joseph Pratt, Joseph Dill, Abraham Fennimore, Joshua Dilk[e]s, Christopher String[e], Daniel Fussman, Lawrence Cox, David Lloyd, Thomas Nightingale, Paterson Cook, and Isaac Lord; who, after having proper time allowed them to consider of a plea, severally pleaded guilty to their indictments, which has prevented the Court from having their causes investigated before them; and I must own that as to by far the greater part of them, I know nothing of the nature of their guilt, or what favorable circumstances there may be in their cases, only as they were charged in their indictments and pleaded guilty; but as to William Hammet, I believe there is as little to be said in his favor as to any of them. I should be exceeding happy, were your honors of opinion there was no occasion of farther examples in cases of high treason; that our laws and government were sufficiently established, and that nothing remained but to forgive. But as I think these things matters of some doubt, I hope your honors will not receive it ill of me if I proceed to say, that were the question put to me, Who shall die? I should be inclined to say, William Hammet.[5] My reasons are, First. because he was formerly apprehended and sent to your Excellency and the Council of Safety, charged with similar offences against his country, and notwithstanding the Honorable Council of Safety were pleased to suffer him to return home, he went immediately and joined the enemy. Secondly, he was a daring offender while with the enemy, and may be so again. Thirdly, he was taken while in the service of the enemy, and has at no time since, (if I am rightly instructed,) expressed himself a friend to the state, as most of the others have; but he has frequently wished to be sent to the enemy again; and I think the probability is against him that he joins them if discharged. Fourthly, he has no family that must suffer by his death, as many of the others have; and in making up my mind on this subject, I think I am warranted in some measure by the opinion of Judge Blackstone,[6] where he speaks of the necessity of human punishments. . . .

I have the honor to be, honorable gentlemen, with great esteem, your humble servant,

JOHN CLEVES SYMMES

1. Jonathan Chew of Deptford, who owned extensive tracts of land in Deptford and Greenwich townships, joined the Loyalist West Jersey Volunteers as a captain in 1778. His property was confiscated and sold at auction in March 1779.

2. Harrison Wells of Greenwich. His 100-acre farm and grist mill were also confiscated and sold in March 1779.

3. Quaker John Hinchman, former assemblyman, who joined the British at Philadelphia in 1778. His property was subsequently confiscated and sold. After a wartime exile in Nova Scotia, he returned to his native New Jersey where he lived out his days amid social ostracism and verbal abuse.

4. Actually sixteen; Symmes omits the name of Gideon Urine.

5. Nothing is known of Hammet other than what Symmes relates here.

6. Sir William Blackstone, whose *Commentaries on the Laws of England* (4 vols., Oxford, 1765-1769; American edition, Philadelphia, 1771-1772) was the basic text for American lawyers well into the nineteenth century.

11 A Writ Ordering the Sale of Confiscated Property in Monmouth County

[Broadsides and Letters, Monmouth County, New Jersey: Commissioners for Forfeited Estates Writs, Alexander Library, Rutgers University.]

The state took care to follow elaborate procedures in confiscating and selling the property of Loyalist refugees. In April 1778 the legislature set down the process whereby a person could be convicted of treason in absentia. Three commissioners were appointed in each county to gather information concerning the treasonous activities of an individual (resident or in exile) and to present the evidence to a jury summoned by a justice of the peace. If the defendant was judged guilty, the jurors advertised their decision publicly in the form of an inquisition. The inquisition was then turned over to the court of common pleas, which had jurisdiction over civil cases, and the accused was given a final opportunity to challenge the verdict. If the decision went uncontested—and it invariably did—the court issued a writ ordering the commissioners to dispose of the property at auction under the terms of an act passed in December 1778 which directed the sale of "the Lands, Tenements, Hereditaments and Real Estates" of convicted Loyalists. The writ below is typical of the hundreds of such orders issued from December 1778 to June 1781, when the sale of confiscated property was temporarily suspended because of the grossly inflated currency then in circulation.

[April 29, 1779]

Monmouth County,[1] to wit,

The State of New-Jersey to *Samuel Forman, Joseph Lawrence, Kenneth*

Hankinson & Jacob Wikoff Esqrs., Commissioners, duly appointed for the said County, on the Part and Behalf of the said State, do take and dispose of, for the Use and Benefit of the same, the Estates of certain Fugitives and Offenders in the said County, or to any two or more of them, Greeting:

Whereas lately, that is to say, of the Term of *April* in the Year of our Lord, One Thousand Seven Hundred and Seventy *Nine*, in the Court of Common-Pleas held at *Freehold* in and for the said County of *Monmouth* before the Judges of the same Court, final Judgment was had and entered in Favour of the said State of New-Jersey, pursuant to Law, against *Joseph Leonard* late of *the Township of Middletown* on an Inquisition found against the said *Joseph Leonard for joining the Army of the King of Great Britain and otherwise offending against the form of his Allegiance to the said State &c.* and returned to the said Court, as may fully appear of Record: You are therefore commanded and enjoined to sell and dispose of all the Estate Real, of what Nature or Kind soever, belonging, or lately belonging to the said *Joseph Leonard* within the said County of *Monmouth* according to the Directions of an Act for forfeiting to, and vesting in, the State of New-Jersey, the Real Estates of certain Fugitives and Offenders, made and passed the eleventh Day of December, in the Year of our Lord, One Thousand Seven Hundred and Seventy-eight.[2]

Witness *John Anderson Esqr.* Judge of the said Court, at *Freehold Af[ore]s[ai]d* the *twenty ninth* Day of *April* in the Year of our Lord, One Thousand Seven Hundred and Seventy *nine*.

By the Court,
ANDERSON Cl[er]k[3]

1. The writ was a printed form which provided space for court officials to fill in data concerning individual cases; italics have been used here to indicate handwritten information.

2. The May 5, 1779, issue of the *New-Jersey Gazette* carried an announcement dated May 3 notifying the public that the personalty and realty of Joseph Leonard and other convicted Loyalists would be sold at vendue at the house of Cornelius Swort in Middletown on June 28 at 10 a.m. On February 23, 1780, the *Gazette* ran another notice, dated February 21, which announced that "a small farm" belonging to Leonard would be auctioned at the home of Daniel Randolph in Freehold at 9 a.m. on March 28.

3. Kenneth Anderson, Jr.

12 Samuel Ryerse to George Ryerse

[Ryerson Family Papers, Alexander Library, Rutgers University.]

The attention lavished upon those who fought for American independence

(see Sec. X) has generally obscured the equally brave and determined individuals who took up arms in support of the crown. Representative of these unsung soldiers is Samuel Ryerse (1752-1812), who not only retained the traditional Dutch spelling of the family name in preference to the Anglicized "Ryerson" but also defended the old royalist regime against the republican challenge. As a member of the Fourth New Jersey Volunteers (a unit that often ranged far from home to do battle with the rebels), Samuel Ryerse saw action in one of the most important campaigns of the war. Hoping to break what was beginning to be a military stalemate, the British in 1778 devised a new strategy. The plan was to concentrate on conquering the southern states (where Loyalist sentiment was most prevalent) as a prelude to a systematic advance upon the more rebellious northern states. Savannah fell in December 1778, and in early 1780 the major British offensive in the South got underway. In the following letter to his half-brother, George L. Ryerse (1742-1782), a Bergen County farmer near Pacquanock who suffered considerable property loss during the war, Captain Ryerse recounts his involvement in one of the decisive battles of the war.

New York 19th May 1781

Dear Brother

I with Pleasure Imbrace This oppertunity To inform You That I am Returned From the Southard where in the Coars of the last Sixteen Months I had the Pleasure To See the Reduction of Charlstown with That of the Province.[1] I Then Marcht under the Command of Major Ferguson For the Back Part of North Carolina.[2] We had Several Battles Dureing the Summer Season in which we Always Proved Victorious Till the 7th of October[3] when we were Atacked By Near Five times our Number[4] and after an Action of 1 [h]our and Five Minutes we were all Either kild wounded or Taken. I was wounded in the Beginning of the Action Through the left hand and Rist in the Beginning of The Action By which Means I lost the Ring Finger and in a great Measure the use of My hand Though it Did not hinder Me From keping the Field.[5] Major Ferguson was kild and Near 300 loyal Malitia and as Many More wounded. Out of 70 of our New Core Regulars There was only 19 That was not hurt. We Charged Throug Them Several Times But a[t] last was Forst to give up To Superior Numbers and the want of Amunition. The Rebels loss in kild and wounded was Far More Than ours as Dureing the First of the Action we was under Cover and They Exposed To our Fire. I am Sory To Inform You That Leut. Ryerse[6] Died the 7th of February at Savanah the Day after we landed, after 32 Days Sickness of a Nervis Complaint and I Believ Accationed in a great Measure By Sea Sickness. He had all The Attention Paid him By Doctor Johnson who is a very good Surgon That was in his Power to Do in That Situation. This I am Sure Must Affect unkle and aunt[7] Much and I am Afraid will Soon Bring Their gray hairs to The grave, as he was a Promising youth and would have Bin an honour to The Family and all his Relations. The loss of him here is Cincearly Regreted By Every One That had the honour of Being Acquainted with him. I had him Buryed in Savanah with the honours of war. Paid the Doctors Bill and Burial Charges. His Baggage with Part of Mine I left in Savanah. I got it from there last March where it is almost all Spoilt Mildued and Moth Eaton & wish to have Some Directions about it. My Brother Joseph[8] is

Recommended for an Enseignsy In the Prince of Walesses Regmt. I wish To hear From You and Family, uncle and aunt and Family, and all the Rest of My Friends and Relations in Your Part of The Cuntery and My Brother John[9] if You have heard From him. Give My Best Complyments with those of Mrs. Ryerse To uncle and aunt, your Family and all other Friends. Except of the Same From your Ever loving Brother

SAML. RYERSE

N. B. Betsey[10] is a fine girl. She gose to Scool and learns fast. I have another in her[11] Novr. the Month. We are all well. As for News I Dare not write For Fear you Should get in Trouble About it all. Our Friends on This Side of the water are wel and in the Corese of another Campaign. Hope to Drive the Rebels out of the Cuntery or Make Them own George[12] Their Master.

1. Charleston, key to the region as well as the state, fell on May 12, 1780, to a British expeditionary force led personally by commander in chief General Sir Henry Clinton.

2. After the capture of Charleston, the British army under Charles, Lord Cornwallis, set in motion the ambitious campaign to conquer the South. One of the most effective units initially was the 4,000 Loyalist militia and volunteers led by the Scotsman Patrick Ferguson, major of the Seventy-first Highlanders and inventor of the first breech-loading rifle used in the British army.

3. After a series of impressive victories during the summer of 1780, the British in September encountered increasingly stubborn resistance in the back country. By early October a group of some 500 "over-mountain" frontiersmen from present-day east Tennessee under Colonels Isaac Shelby and John Sevier had joined militiamen from the Carolinas and neighboring states for the purpose of attacking Ferguson, who, operating independently from Cornwallis, had placed himself in an exposed and isolated position. Ferguson underestimated the seriousness of the threat and inexplicably assumed a disadvantageous defensive position atop King's Mountain near the northern border of South Carolina. Taking advantage of heavy cover, the Americans administered a devastating defeat to Ferguson's forces on October 7. In heavy fighting the rebels lost 28 killed and 64 wounded, while the royalists suffered 157 dead (including Ferguson), 163 seriously wounded, and 698 taken prisoner. The American victory at King's Mountain proved pivotal, for it not only blunted the British offensive in the South but also set in motion events that led to Cornwallis's retreat to Yorktown and eventual surrender to Washington a year later.

4. Actually the contending armies were of nearly equal size. Ferguson had approximately 1,000 men, including about 200 foragers; while the strength of the rebel army has been estimated variously from 1,500-1,800, only about 900 actually participated in the action on the seventh.

5. Taken prisoner, Ryerse was confined at Charleston until his parole and exchange in February 1781.

6. His cousin, twenty-one-year-old Lieutenant Martin Ryerse of the Fourth New Jersey Volunteers (Loyalist), who probably died of malaria.

7. Joris and Maria Du Bois Ryerse, Martin's parents.

8. Joseph Ryerse (1761-1854), joined the British army as a cadet in 1776 and soon gained fame as a daring and successful courier. He removed to Canada in 1784 and fought again against the United States in the War of 1812.

9. John Ryerse (1756-1814), Bergen County farmer.

10. His daughter Elizabeth.

11. That is, his wife, whose name is unknown, was expecting a child in November.

12. King George III.

13 Governor William Livingston to Robert Livingston

[Livingston-Redmond Papers, Franklin D. Roosevelt Library.]

Throughout the war Governor William Livingston was beseiged with requests to issue passports which would enable New Jersey Loyalist refugees to visit the state. The problem, compounded by the proximity of British-occupied New York City, intensified as the prospect of peace increased and lukewarm royalists wished to return home. But Livingston, who despised those maintaining allegiance to the crown, hewed a hard line. In February 1782 he rejected an attempt by his wife to intercede on behalf of a prodigal Jerseyman, and two months later denied the request of his brother Robert, third lord of the Lower Manor or Clermont section of Livingston Manor, that Philip Schuyler, who had taken refuge in New York City, be allowed to return to Bergen County. In the letter that follows, Governor Livingston stresses his desire to avoid precedents which would encourage a general return of refugees to the state, but the rhetoric and tone of the missive betrays his underlying bitterness about the war and his hatred of those responsible for the prolonged conflict.

Trenton 22d April 1782

Dear Brother

I have just now received your Letter of the 12th instant, desiring my passport for Mr. Philip Sch[u]yler to come from New York to Second River,[1] and for the two Miss Schuylers to go thither and fetch him. I am persuaded that I need use no arguments to convince either you, or sister Livingston,[2] of the particular pleasure it would give me to oblige her in any request that was consistent with my duty to this State to grant. But the present is not in that Predicament. I have never given any permission for a person to return into this State, who had voluntarily left our lines to go into those of the enemy, as I am informed this Gentleman has done. Such people have had an opportunity to make their election. They have made it. They must abide the event of their choice; and we do not want them back again. Nor have I ever granted a

permission for their relations living amongst us, to visit them in the enemys lines. This rule of conduct I have prescribed to my self, to avoid the pernicious consequences that would naturally result from its opposite. And this rule I have inviolably adhered to, in opposition to the warmest solicitations of my nearest connections, having in similar cases refused the applications of Lady Stirling,[3] Sister Hoffman,[4] & the Children of Mrs. Van Horne.[5] I am sensible that in particular instances the Rule might be counter acted without public detriment, and probably in the case in question, the readmission of Mr. Schuyler would not prove injurious to the State. But the Precedent would be pernicious, and once established no one in like circumstances could be refused without the imputation of partiality: And the fatal consequences that would attend an universal indulgence are too obvious to require an illustration. My Relations, I am Sure, would not wish me to adopt a measure that would either be prejudicial to the Country on the one hand, or expose my administration on the other to be branded with the reproach of partiality to Individuals.

I hope, however, that this will not prevent Sister from prosecuting her purpose of coming into New-Jersey to see her Friends & Relations, who, I dare say, will be glad to see her; and I believe none more so, than my family at Elizabeth Town. If she inquires about the proper rout as she comes on, I believe she will be in no danger from the enemy. . . .

I doubt whether we shall have a Peace this summer, as the ultra-atlantic blockheads[6] will probably try another campaign, which will only redound to our advantage by bringing them so much the lower, & the winter I suppose will be consumed in negotiation.[7] But next Spring, I believe we must have it, as the people of England, among many other reasons that inspire that hope, are turning Liberty boys in shoals, and are determined, whether the royal Fool[8] will hear or not, to beseige his throne with petitions and remonstrances against the farther prosecution of the war. Scotland itself, even the Land of rebellion and loyalty, is running into associations & committees, and drawing the most spirited remonstrances for putting an immediate period to the american war, in order to prevent the utter ruin of Great Britain. What think you of Congress now![9] Rivington[10] owes me [one] of his ears; & I suppose Governor Clinton[11] claims the other; and as [the] fellow [has] but two, the public make [may][12] take his head. I am

your affectionate Brother & humble Servant
WIL. LIVINGSTON

1. The Passaic River. The New Jersey branch of the Schuyler family, most of whom remained loyal to the crown, owned iron mines and real estate near present-day Belleville in Essex County.

2. Probably Catherine Livingston Lawrence, wife of Loyalist exile John Lawrence.

3. Sarah Livingston Alexander, wife of William Alexander (Lord Stirling), major general in the Continental army.

4. Alida Livingston Hoffman.

5. Probably the offspring of Philip Van Horne, former militia colonel and a prosperous merchant from New York City who retired to a large estate near

Bound Brook, Somerset County, at the onset of the war. Although personal friends of Governor William Livingston and his family, the Van Hornes openly and regularly entertained British officers and noted Loyalists in their home.

6. The British ministers and military officers.

7. In April 1782 peace talks began in Paris with Benjamin Franklin representing America and Richard Oswald for Great Britain; negotiations continued throughout the year (see Sec. IX, Doc. 12, headnote).

8. King George III.

9. A reference to Thomas Bradbury Chandler's pamphlet *What Think ye of Congress Now?* (New York, 1775) which ridiculed the leaders of the popular movement as well as the Continental Congress.

10. New York City royalist publisher James Rivington.

11. George Clinton, governor of New York from 1777 to 1795 and from 1801 to 1804.

12. The word is "make" in the manuscript; Livingston apparently made a slip of the pen, intending to write "may."

14 John Rutherfurd to A Member of the Legislature

[*PNJHS*, 2d ser. (1867), 1:179-82.]

Interest outweighed principles and passions in the minds of some Jerseymen when it came to shaping attitudes toward former Loyalists. To young John Rutherfurd (1760-1840), who had sat out the war as a neutral in Bergen County, the key to future economic prosperity in New Jersey was the development of extensive commerce with other states and nations. But, as was the case in other states, most of New Jersey's principal merchants had been Loyalists and were now in exile. Together with his father, Walter Rutherfurd, and James Parker, two wealthy merchant-landowners who had retired to rural estates in Hunterdon County during the war and thus were suspected of being covert Loyalists, John Rutherfurd proposed the creation of free ports coupled with a plan of general amnesty as the best means of inducing royalist refugees and merchants from other states to establish business enterprises in New Jersey. The letter to an unidentified member of the New Jersey legislature which follows outlines Rutherfurd's thinking on the matter. The idea received a warm reception in the Jersey business community; in 1784 the legislature designated Burlington and Perth Amboy free ports and granted citizenship in those cities to anyone (except those who had engaged in wanton plunder or murder) who swore allegiance to the state and engaged in mercantile activities there for at least one month. The free port concept collapsed for both economic and political reasons: relatively few Loyalist merchants took up residence in the state, and the federal

government, which received control over commerce when the Constitution was adopted in 1789, prohibited free ports.

New Jersey, 17th May, 1783

Sir:

In my last I endeavoured to show the Advantages arising from Commerce, with which if we are fully imprest and will now act with a Liberality of Sentiments, it is my firm persuasion that we may obtain for this State what seems now the governing Principle of the Politics of the most flourishing Nations in Europe. . . .To make Trade flourish, it must be free from all Shackles. In the first Place then, we should make a Law, to declare all our Ports free for a certain Term of Years, and to be free from all Imports during said Period. Secondly that said Law should express that all Merchants or Mechanicks who inclined to settle among us on taking the Oaths to the State should have all Manner of Protection and Encouragement. 3dly. That there should be a Clause of general Amnesty, the fewer Exceptions the better, either by Name or description, as is common in all Governments. To point out the Benefits that would arise from this Law, let us consider; That by making free Ports it would be following a Measure that has been often practised with the greatest Success, Witness Holland nearly in this Case; Leghorn[1] that suddenly rose to great Note, and many other Sea Ports; and as to taking off all Imposts, in the present State of our Commerce it would be giving up nothing, and would encourage an immediate Importation, and furnish the Goods cheaper to Farmers, who ought to have every Indulgence, and prevent us buying from our Neighbours who have or intend to load their Imports with Duties. That such Ports would even encourage Merchants residing in other States to send Cargoes of Goods to be stored here, either on Speculation or to remain Duty free till called for, as is the Case in Europe with Holland, and was the Case with [Gilbraltar][2] which as a free Port was the general Mart of all surrounding Nations, and converted a barren Rock into a Place of great Importance. . . .

But it is obvious we have not Merchants among us with Capitals sufficient to carry on these great Operations, which our Traders will readily acknowledge, and such as are of an enlarged way of thinking, so far from wishing to confine the Trade to the present sett, are sensible that Merchants thrive by Merchants, and that by encreasing the Number with ample Capitals would be an Advantage to them, and this brings me to the second Clause of the Law proposed, to give Protection and Encouragement to all Merchants, which by good Information at this critical Juncture would bring very many wealthy Merchants among us with Capitals as I have been informed to the amount of more than a million of money, all expert in their Business, who have in general acquired their great Fortunes by their Industry and their connections in Trade with every forreign Port. To obtain such valuable Subjects is worthy our most serious Attention, and if neglected at this Crisis such an Opportunity can never be recalled. For it is past a Doubt that such a Capital in such Useful Hands would give a new Complection to the whole State; Would greatly encrease the number of our People; give Employment to our Youth now languishing in Idleness; raise the Rents of our Lands and Houses, and consequently raise their Value; lower the Prices of Goods; furnish Sums to the Borrowers without going out of

the State; make Money plentier; and make both the Farmer and Mechanick better able to pay their Taxes, which is a thing we should principally have in View.

The third Clause of the Law proposed would necessarily follow the Preceding, and such a general Amnesty would mark this State for a Liberality of Sentiment among all Nations, and I am fully persuaded could be of no Ill Consequence to the Peace or Harmony of the State, for admitting that they were connected or engaged in Opposition to us in the late Contest we have so gloriously ended, if we can suppose they have any feeling or Resentment, they must hereafter consider with Indignation a Nation who has so shamefully abandoned them, and will be bound by Oaths and Gratitude to support the Country they shall adopt, and which gives them a generous Asylum. Neither would such a Law be at all a new Precedent, does not every Country in Europe receive with open Arms the Refugees from other Countries, and what great Advantages have they reaped from it? Does not France make Laws to encourage them, not only by an Exemption from Taxes, but contrary to the fundamental Principles of their Government allow them to free Exercise of their Religion? And is not such an Act of Amnesty or Grace published after every Revolution, and so lately in Britain as the year 1745 with a very few Exceptions?

I cannot conclude without observing that no Time should be lost in adopting this most useful Proposal, for I am certainly informed that General Parsons[3] and several other persons of Eminence from Connecticut State have been at New York inviting some of the Capital Merchants and monied Men of the City to come and reside among them, and assuring them they will meet with every Indulgence, which corresponds with the Liberality and Policy they shewed during the War by inviting the Refugees of New York State among them, and exempting them from all Taxes: but I am well informed that the Merchants and many Useful Mechanicks would prefer this State could they meet with similar Encouragement. . . .

Hoping your Sentiments will coincide with mine, which I am confident are soley dictated for the Prosperity of this State,

I am,
Your very hum. Sert,

1. A seaport in Tuscany, Italy.

2. There is a blank space in the printed version, but it seems likely that Rutherfurd had Gibraltar in mind.

3. Samuel Holden Parsons, general in the Continental army who became a prominent land speculator after the war. Parsons earned a reputation for avariciousness because of his numerous schemes for making quick profits.

15 Hunterdon County Residents Petition the Legislature to Banish Loyalists

[Revolutionary Documents, 129, New Jersey State Library.]

Not surprisingly the protracted, internecine civil war that raged in America from 1775 to 1783 produced deep feelings of resentment and bitterness toward those who had opposed the creation of the new republic. Such sentiment was especially strong in warred-over New Jersey. When the end of fighting brought the prospect of a return of refugees and participation by former royalists in the affairs of the state, there arose a great hue and cry. Publication of the provisional peace treaty sparked a concerted anti-Loyalist outburst. Embodying a spirit of conciliation, Articles V and VI of the treaty called upon Congress to "earnestly recommend" that the state legislatures provide for the restitution of "all estates, rights, and properties" of refugees who had not borne arms against the United States, allow exiles to return to the states for a period of up to twelve months to recover their lost property, desist from any future property confiscations or criminal prosecutions for wartime activities, and free persons convicted or awaiting trial on charges relating to their support of the crown. Naturally Jerseymen who had purchased or hoped to purchase confiscated property opposed such action, and predictably the magnanimous provisions of the treaty were generally ignored. But the issue went beyond vested interest. Many Whigs were determined that the Loyalists should be excluded from the political order they had attempted to destroy. The following petition from residents of Hunterdon County calling for the permanent banishment of Loyalists from the state bespeaks the anger, even hatred, that gripped the emotions of men subjected to the travails or war. Some could not easily forget—nor forgive—the conduct of the Loyalists.

[1783][1]

The Petition Of the Inhabitants, of the County of Hunterdon, Humbly Sheweth,

That Impressed with the Information, Of A Bill having Been Presented to your Honours, Requesting an Act of Grace,[2] for the Purpose of Permitting those who have Gone from Amongst us, to the Enemy, to have Leave to Return Such an Innovation, your Petitioners Trusts no Well Wishers to the Glorious Cause of America, will Countenance for Sevaral Reasons.

1st. Because they Left us, and Joined the Enemy Volantarily, They Choos'd it, Otherwise they wou'd not have Done it.

2dly. Because they Left thier Country from Real Principals Of Disaffection to the Cause, And have Done All In thier Power to Subjugate us to the Tyranny Of Britain, And are therefore Unworthy [of] the Liberty we Contend for.

3ly. Because the Proclamation Of His Excellency General Washington, Gave them An Oppertunity Of Returning which they Did Not Choose to Except.[3]

4ly. Because As they Left thier Country from Principal, thier Return Could Only be for Interest—they might Serve as Emissaries for our Enemies, Sow the Seeds Of Discord, Raise Mutanies And Disaffection Amongst us.

5ly. Because No true friend to his Country Could but with Horror, See those Miscreants Injoying those Priviledges which by Shedding the Blood Of thier Countrymen, they strove to Obstruct, which therefore they Cannot have the Least Right too, founded Either in Reason Or Equity.

6ly. Because the Admitting thier Return would we Humbly Conceive, be Dealing Unjustly by us, And Treacherously by them. Unjustly by us Because we Receive them with Good faith, And Treacherously by them, Because we Cannot think any honest man would be Security for thier Safety By Reason Of thier many Various And Malignant Crimes.

7ly. Because they have Been Guilty Of the Greatest Cruelty and Devastation, Can those who wish thier Return Either Palliate Or Defend the Actions Of an Arnold?[4] No. Can they Give to the Murderer his former state Of Innocence? No. Can they Raise from the Dead the Mother and helpless Infant who have Been Cruelly Murdered by the Indians thro' thier Perfidy? No. Can Nature Forgive Such Crimes? No. She must Cease To be Nature if She Did.

We Wish not to Call On the Manes[5] Of those who have Been Barbarously Murdered by them, But to Shew that Reason And Justice, forbids thier Return, Nay Every thing that is Right Does, and All must, To whom Nature Hath Given the Power Of Feeling. As Men And As Christians We Wish To forgive them, But To Receive Such Cruel Paracides into the Bosom Of Our Country, the Weeping Voice of Nature Remonstrates Against. We do therefore Ardently beg that your Honours Zeal & Good will for your Country will not Admit any Act of Grace to Pass and your Petitioners as in Duty Bound Shall Ever pray.

[Ninety-seven signatures affixed.]

1. Although the document is undated, the petitioners voice sentiments similar to those in several petitions sent to the legislature from various parts of the state in the spring of 1783 after the publication of the terms of the Treaty of Paris.

2. This may relate to John Rutherfurd's proposal of amnesty (see Doc. 14).

3. Acting upon a congressional resolution of December 27, 1777, authorizing him to "arrest and confine" disaffected persons, Washington sought to resolve the problem of Loyalism in New Jersey by ordering on January 25, 1778, all those who had sworn allegiance to the crown under General Sir William Howe's proclamation of November 1776 either to renounce their protections or retreat behind British lines within thirty days. Anyone who failed to comply with the directive was to be deemed an enemy of the state and dealt with accordingly. Washington's desperate pronouncement had little effect because of the magnitude of Loyalist strength in New Jersey and the weakness of the state's law enforcement agencies. Actually, the proclamation served only to intensify Loyalist recalcitrance and arouse the ire of Whigs who felt the commander in chief had infringed upon the civil liberties of the citizenry by his unilateral declaration.

4. The treasonous conduct of Benedict Arnold who, while an officer in the American army, plotted to turn the strategic fortress of West Point, New York, over to the British in 1780.

5. Manes: the spirits of the dead.

16 The Monmouth County Association to Oppose the Return of Loyalists

[Revolutionary War Documents, Monmouth County Historical Association.]

During the latter stages of the war, it became apparent that the greatest Loyalist threat to the state was political rather than military. As the fighting diminished and the independence of the new nation seemed assured, hard-core royalists and British sympathizers alike began increasingly to operate within the framework of the republican regime. For all the rhetoric directed toward preventing the return of refugees, they were not the major problem. Rather, the principal fear was that the considerable number of disaffected persons who had attempted to undermine the state government during wartime would strive to weaken the political establishment during peacetime. Control over suffrage was one of the principal weapons used to limit Loyalist influence in governmental affairs. As early as 1776 the franchise was restricted to those who signed the Association (see Sec. V, Doc. 1), and after 1777 anyone who joined or assisted the enemy was barred from political activity. But these temporary wartime measures produced only limited results; a more effective means of identifying Tories and trimmers was necessary. Responding to public pressures, the legislature in September 1782 passed a law substituting viva voce voting for the ballot as a means of ensuring the political purity of the voters. However, since voice voting was a two-edged sword that intimidated Whigs as well as Loyalists, the statute was repealed in June 1783. Finally, in December 1783 the legislature enacted a comprehensive election law that denied the vote to all persons who had either voluntarily joined the enemy, been convicted of treasonous acts, suffered confiscation of property, or been fined or imprisoned for refusing to take the state loyalty oath (see Sec. XI, Doc. 1). Of course, the effectiveness of laws depends upon enforcement, and the measure did not prevent extensive Loyalist participation in politics. Thus local Whig vigilante groups, like David Forman's Committee of Retaliation (see Sec. XI, Doc. 17), which had used violence against admitted or suspected Loyalists during the war, turned to more peaceful methods of intimidation to keep the dissidents out of the new political order. In signing the Association that follows, more than two hundred residents of Monmouth County publicly announced their determination to exclude active Loyalists and suspected Tory sympathizers from meaningful participation in the affairs of the community and to consign them to a second-class citizenship.

[1783][1]

Whereas it hath pleased Almighty God in his gracious providence to bless the exertions of the virtuous citizens of the United States of America with the establishment of their Independence, and a restoration of peace after a long and arduous struggle: Upon this important event we think it the duty of everyone who wishes to perpetuate the inestimable blessings thereof, to exert himself in order that the helm of Government and all civil and military offices may be kept in the hands of such men as have been most instrumental in effecting the glorious revolution; and also by every means in his power to discountenance, and treat with neglect all such persons as have uniformly opposed the same. And that we may be the more united on this important occasion, and the better enabled to carry the same into effect, We the Subscribers, Inhabitants of the County of Monmouth, do solemnly associate and resolve under the sacred ties of honor and love to our country, that we will from this date, act in conjunction with and endeavour to support each other as far as we are able, and our influence can extend in the following articles:

1. That we will support the laws of the State passed since the happy revolution, inflicting certain penalties and disabilities on such persons as have adhered to the King of Great Britain, by joining his army, or otherwise aiding and assisting them.

2. That we will endeavour to support such other laws as have passed since the revolution for the support of the Independence of America, as far as they have been carried into execution.

3. That we will by every means in our power, prevent the return of every individual former Inhabitant of this State, who hath at any time since the revolution gone off or joined the enemy.

4. That we will upon all occasions of electing men to offices civil or military amongst us, or of recommending the same to be appointed by the Legislature or his Excellency the Governor,[2] pay a strict regard to the part they have taken in the past war, and give our voices and influence for, and recommend none but such as have from the commencement of the revolution been uniformly and spiritedly opposed to the tyranny of the British King[3] and zealous supporters of the Independence of America.

5. That as we have had numerous intestine enemies who still remain amongst us, we will treat all such with neglect, and always have a jealous and watchfull eye over their conduct, and that such of this character as have been laid under any disabilities by law, we will endeavour to continue them subject thereto.

6. That if any such as have joined the enemy, and are thereby declared guilty of high treason, should be hardy enough to return, and throw themselves on the mercy of their much injured country, and should be so favored by Government as to be pardoned and have their forfeited lives spared, we will use our utmost endeavours that all such may be banished from the United States of America.

7. That we will make it a point to attend all elections and meetings of public concern and endeavour to unite as much as possible to carry the above association into effect.

8. That if after all our endeavours on this important occasion there should be a necessity of further Legislative authority, we will remonstrate and petition the Legislature to enact such laws as if duly executed, with the blessing of Providence, will insure us what we have so dearly purchased.

[Two-hundred and seven names affixed.]

1. The undated document was probably circulated in 1783 after either the announcement or signing of the Treaty of Paris, which ended the war and recognized American independence. See Sec. IX, Doc. 12.
2. William Livingston.
3. George III.

17 Bernardus La Grange, A Loyalist Testimonial

[La Grange Papers, Alexander Library, Rutgers University.]

American Loyalists suffered both mentally and monetarily for siding with the British in a losing cause. The psychological damage was irreparable, but they expected help in recouping the pecuniary losses. King and Parliament agreed, and in July 1783 the Compensation Act established a five-man commission to investigate Loyalist claims and award compensation. But the British government never intended to provide full reimbursement for losses; even at that the commissioners would consider only claims relating to property lost as a direct result of Loyalist activities and professional income lost during the war. Losses stemming from military action, economic dislocation, or personal obligations such as contracts and debts were not allowed. The claimants went to great lengths to demonstrate the depth of their loyalty and the magnitude of their losses. The testimonial of Bernardus La Grange which follows is representative. Also typical is his ultimate realization that principle is not easily translated into principal—he received an award of £2,638.0.0 on a claim of more than £8,300.0.0 in addition to a pension of £120 and £240 a year for a lost wartime income of over £400 per annum. La Grange's petition is like all the others in another way: it is not the memorial of a boastful or belligerent man, but a pathetic plea from an individual who has paid the ultimate price short of death for his political convictions—exile in a foreign land.

Mutton Lane, Hackney, November 1783

To the Commissioners Appointed by Act of Parliament for Enquiring into the Losses and Services of the American Loyalists.

The Memorial of Bernardus Lagrange Late of the province of New Jersey in America, Attorney at Law, But Now of the City of London in the Kingdom of Great Britain, Humbly Sheweth.

That your Memorialist is and ever was a faithfull Subject, as well to the Late King[1] as to his present Majesty[2] and Uniformly Opposed in principle and practice to the Revolters from the Sovereign Authority of Great Brittain and Every Measure of the Faction Leading to the Late Rebellion.

That Early perceiving Independence to be the Object of the Leaders in the Rebellion, He Employed his best powers and Abilities in Attempts to undeceive his infatuated and Misguided Neighbours, and in Open Opposition to the Pursuits of their Leaders.

That this Conduct of your Memorialist Exposed him to the Resentment and fury of the Factions; A Detail of his Suffering Might be Tedious, He will therefore No further intrude on your Patience, than to Observe that as Early as June 1775 he was Carted in New Brunswick in Effigy, his house Attacked for the purpose of Exposing him personally to the Rage of an inflamed Populace, That he has been Publickly Advertised as an *Enemy* and *Traitor* to his Country (a Copy of the Advertisement Annexed)[3] and his personal Safety rendered so precarious, that abandoning all attention to his interest he was reduced for a Long time to hide and Secrete himself from their pursuits, from which he at last Releived himself by Joyning the British Army under his Excellency Sir Will[ia]m Howe on Staten Island the 14th July 1776.

That when his Majestys Troops in the fall of the Same year passed thro New Jersey[4] he returned with them to his Own home in New Brunswick in hopes of Returning Peace, and of preserving what Remained of his Effects. At this time he was Honoured with A Mark of his Excellency Sir William Howe and Brigadier General Skinner's[5] Confidence in being Appointed to Administer the Oaths of Allegiance, and to Deliver protections to Such persons as Came in there pursuant to the Declaration of his Majesty's Commissioners of the 30th November 1776.[6] In which Service your Memorialist Employed himself with unwearied assiduity, untill his Majesty's Troops Evacuated the Western Division of that province.[7] From which time untill the Ensuing Campaign Your Memorialist, besides General Skinner his horses and Servants, Had Seventeen Hessian Officers with upwards of Twenty Servants and Carters, and as many horses Quartered upon him, *for which No Allowance has been made him*. Your Memorialist forbears to Mention the Losses and inconveniences Sustained by him and his family, who on this Occasion were reduced to the Necessity of Confining themselves and their Effects in One Room Only of his house.

That upon the Evacuating the province of New Jersey by his Majesty's Troops in June 1777[8] Your Memorialist was again forced to fly from his Home to New York with his family, and the few Effects he Could bring off with him Abandoning his Chief personal property, and his Real Estate, all which has Since been Seized and Confiscated, and his personal property (together with Other Damages Sustained Amounting to a Large Sum of Money as by the Annexed Inventory and Valuation Appears)[9] Sold by the Usurpers of the Royall Authority. And all the assistance your Memorialist has had from Government is One Dollar a Day from his Excellency Sir Henry Clinton[10] for About two years, and Twenty five pounds New York Currency Since from his Excellency Sir Guy Carleton.[11]

Your Memorialist humbly Beggs leave to Mention, that he has practised the Law as an Attorney Since the Twentieth of May 1745 (as by a License from his Late Excellency Lewis Morris Esquire Governor of New Jersey[12] will appear) and flatters himself with Credit and Reputation, and was in good business when the Rebellion broke out, by which he Supported himself and family in Ease Affluence and Credit. And Now at the Age of Sixty two years, with two Children with him (and two more with ten Grand Children now in London on Account of their Loyalty) Stript of all

Resourses in Consequence of his Loyalty Zeal and unshaken fidelity to his Sovereign, in a Strange Place, Altogether unknown, and without the Means of Support, finds himself Reduced to a State of Suffering and Difficulty ill Suited to his Advanced time of Life to Struggle with.

Further your Memorialist beggs leave to lay before you the Annexed Inventory and Valuation as a Just Estimate of the Losses and Damages Sustained by him Since the Commencement and on Account of the American Rebellion Occasioned by his Loyalty to his Majesty, and his Attachment to the Constitution of Great Brittain.

Wherefore your Memorialist Humbly Prays you will be pleased to take his Case under your Consideration, in Order that he may be Enabled, under your Report to receive Such Aid or Relief for his Losses, Services and Damages as his Situation Merits. And your Memorialist as in Duty Bound will Ever pray.

BARNARDS. LAGRANGE

1. George II, who reigned from 1727 to 1760.
2. George III.
3. See Doc. 3.
4. The British army swept through New Jersey in November-December 1776 and occupied the state along a line from Bergen to Burlington Counties; New Brunswick was a principal command post.
5. Cortlandt Skinner (see Doc. 18).
6. Howe's proclamation offering amnesty for those who avowed allegiance to the crown (see Sec. XI, Doc. 2).
7. The British abandoned West Jersey after the defeats at Trenton and Princeton (see Sec. IX, Docs. 2 and 3).
8. Howe evacuated New Jersey in order to launch an assault on the nation's capital in Pennsylvania; he took Philadelphia in September-October 1777.
9. La Grange calculated his losses at £8,149.0.0 in real estate and £157.8.0 in household goods.
10. General Sir Henry Clinton succeeded Howe as commander in chief of the British army in May 1778.
11. General Sir Guy Carleton replaced Clinton as commander of the Royal Army in April 1782 and subsequently supervised the British evacuation of New York City during May-November 1783.
12. Lewis Morris served as chief executive from 1738 to 1746; he was the first royal governor of New Jersey, the province previously sharing governors with New York.

18 Cortlandt Skinner, The Odyssey of a Loyalist

[Hugh Edward Egerton, ed., *The Royal Commission on the Loses and Services of American Loyalists, 1783-1785. Being the Notes of Mr. Daniel Parker Coke, One of the Commissioners . . .* (Oxford, 1915), pp. 113-15.]

The commissioners investigating Loyalist claims did so with a thoroughness that not only helped them evaluate the requests but also enabled subsequent generations to trace accurately the activities of the individual claimant. For five years they labored to determine the degree of the claimant's loyalty, the amount of property lost specifically because of his Loyalism, and the value of the lost property. Besides formal petitions (see Doc. 17) the commissioners interrogated the petitioners privately under oath, solicited documentary evidence such as deeds and affidavits, and took testimony from witnesses to corroborate or refute the representations. Under the circumstances it is unlikely that they received many fraudulent, exaggerated, or inaccurate claims. The following notes taken by Daniel Coke, prominent attorney and member of Parliament, constitute a capsule summary of the conduct of Cortlandt Skinner, who, next to Governor William Franklin, was New Jersey's most famous Loyalist. A member of one of the oldest and wealthiest families in New Jersey, Skinner was second only to the governor in political influence on the eve of the Revolution. If Coke's notes do not reveal why Skinner became a Loyalist, they do provide (as intended) information about his activities on behalf of the crown, the extent of his personal losses, and the intensity of his Loyalism. Skinner entered a claim of £10,382 with the commissioners; he received £5,169 plus £500 per year compensation for lost official income during the war.

25th of March 1784

Brig[adie]r Gen[era]l Skynner—the Claimant—sworn.

Was Attorney Gen[era]l of the Province & Speaker of the House of Assembly when the troubles broke out. Was appointed in 1754.[1] Is a Native of New Jersey.[2] In April 1775 soon after the Battle of Lexington he was insulted in the Execution of his Office & in the Sept[embe]r following at Morristown he was called upon before the Town Committee & found guilty of being inimical to the liberties of America but on his declaring himself generally a friend to Liberty & this Country his friends on the Committee took advantage of these general Expressions & obtain'd his Discharge for him. From this time to the 7th of Jan[uar]y 1776 He met with various obstructions in the Execution of his Office.

In Aug[us]t 1775 He had an offer made him of the Command of the provincial Troops by the provincial Congress with what rank in the province he chose which he refused.

In Jan[uar]y 1776 Upon the Discovery of some papers which the Claimant had copied for Gov[erno]r Franklyn concerning the Proceedings of Congress he was obliged to quit the Province & went to New York.[3] His Wife & family retired to Amboy but were in the Course of 3 Months forced to quit by an order of the

Provincial Congress. The 4th of Sept[embe]r 1776 He rec[eive]d a Commission from Sir Wm. Howe[4] of Brig[adie]r Gen[era]l of all the provincial Troops.[5] Continued as such till the arrival of Sir Guy Carleton[6] when he was order'd to Paulus Hook[7] & then to Long Island. He arrived the latter end of May or beginning of June 1782. He was in an engagement on Staten Island on the first of Aug[us]t 1777 with Gen[era]l Sullivan under the Command of Gen[era]l Campbell.[8] He had previously been in a Cannonade at Trenton in Dec[embe]r 1776[9] & in two at Brunswick early in 1776.[10]

Says that in 1777 when he enter'd Jersey he found six Battalions were raising. He was very instrumental in getting them collected. The Battalions were to be of 500 Men each. In 1778 they were reduced to four & these were nearly compleated to 400 each. Gen[era]l Howe commission'd the Officers principally by his Advice. Says that the first Year he was at £100 S[terling] expence in raising his own Company which consisted of 56 rank & file. It cost him from 30 to 40 Gas[11] a Y[ea]r for raising Men over & above the Royal Bounty from 1777 to 1781. That he constantly furnished Lord Cornwallis[12] & the Commander in chief with intelligence & says that Lord Cornwallis will speak particularly thereon. Was always paid for the Expences he was at in procuring information by the Commanders in chief. Rec[eive]d full pay as Brig[adie]r Gen[era]l from the 4th of Sept[embe]r 1776 till Oct[obe]r 1783 but as Colonel only from April or June 1781 till Oct[obe]r 1783. Does not know yet whether he is to receive half pay from that time. From last fall he has rec[eive]d at the rate of £200 per Ann[um] from the Treasury & gave a Rec[eip]t up to July 1784.

Library of Books 482 Vol[umes]. Values them at 500 Cur[rent money].

The Salary of Att[orne]y Gen[era]l when he came to the Office was only £30 per Ann[um]. It was afterwards augmented to £60. The Emoluments of his Profession & Office from £900 to £1000 per Ann[um] Cur[rent Money]. Produces a Copy of the Order under which Mrs. Skinner was turned out from Home which he says he believes to be a true Copy.[13]

Lord Cornwallis—sworn. 26th March 1784.

Says that his first personal knowledge of the Claimant was in Nov[embe]r 1776. At that time he join'd his Lordship in the Jerseys & had the rank of Brig[adie]r Gen[era]l Says that he went thro' all the hardships of the service with the utmost chearfulness & that he was of the utmost Assistance to him that he was entrusted in matters of the most confidential nature by his Lordship & that he always found him to be a most Zealous Man. In Dec[embe]r 1776 as soon as they got poss[essio]n of the Country the Claim[an]t began to raise Men & Lord Cornwallis says that on one Day 100 Men join'd him that he had nearly rais'd the Complement of 6 Batt[alio]ns. Does not think that he ever met a Man who had so perfect a knowledge of the Country as the Claim[an]t. Lord Cornwallis says that he does not think it possible that any Man could shew more real zeal & attachment towards Great Britain that the Claim[an]t. That he had from him once a week a perfect Acc[oun]t of the real State of Washington's Army.

Brig[adie]r Gen[era]l Skynner—again sworn.

In Aug[us]t 1775 He was called upon by a Mr. Dickenson[14] who was a Major Gen[era]l in the American Service. He asked him to dine with him which the Claim[an]t refused fearing that some Conversation might be held at the table by persons who were to be there disagreeable to him but that he dined with him alone the next Day. Says that before he did so the Secretary to the Provincial Congress Mr

Carter[15] & two other Gent[leme]n Mr Ellis[16] & Mr Stewart[17] deputed by that body acquainted him with their being authorized to offer him the rank of Major Gen[era]l which should be confirmed by the Gen[era]l Congress or if he prefer'd it the Gov[ernmen]t of the Province or any Station within it upon such terms as he should point out. That he has seen the Minute of Congress ordering the Deputation to wait upon him. This he refused to accept of. In June 1776 he rec[ieve]d a Commission from Gov[erno]r Franklin (after he was taken Prisoner) appointing him Major Gen[era]l of the Militia of the Province & delegating to him all the Military powers granted to him under the Great Seal of Great Britain. Says when he went into the Jerseys after the arrival of Sir Wm. Howe he did endeavour to put the Comm[issio]n in force & with some effect but the Evacuation of the Province render'd it afterwards useless.

Governor Franklin—sworn.

Says that the Claim[an]t was Att[orne]y Gen[era]l & Speaker of the Assembly of the province when the troubles broke out in 1775 in which Situation he had been for several Years previous to the rebellion. He says that the Conduct of the Claim[an]t on all occasions was such as to deserve his fullest confidence that from time to time he rec[eive]d the most material Information from him before he resolved to leave the Province. Confirms what the Claim[an]t has just said relative to his giving him a Commission to act as Maj[o]r Gen[era]l. Says that he was an active Zealous Subject & that he did everything in his power to render Services to the British Gov[ernmen]t.

Isaac Ogden Esq[18]—sworn.

Was acquainted with the Claim[an]t in 1775 & many Years before. Says that he heard in 1775 from some Members of the provincial Congress that they wished him (Witness) to serve therein which he refused & that they then told him that Mr. Skinner would be offer'd the post of Maj[o]r Gen[era]l & used that as an Argum[en]t to induce him to serve as a Member of Congress. Witness believes that Gen[era]l Skynner's practice was worth £500 S[terling] per Ann[um]. Would have given the Claim[an]t £300 S[terling] per ann[um] for the Att[orne]y Generalship. This Office led the claim[an]t into great practice.

David Ogden Esq[19]—sworn.

Has known Gen[era]l Skynner from his Infancy. Was Att[orne]y Gen[era]l & Speaker of the Assembly when the troubles broke out. Says that Claim[an]t was most sincerely attached to the British Gov[ernmen]t.

Sir Henry Clinton[20]—K[night] B[aronet]—sworn. 12th May 1784.

Says that Gen[era]l Skynner conducted himself with great Zeal during the War. He has frequently receiv'd material Information from him & found great Use from his Extensive knowledge of the Country & the Characters of the Americans. He says that upon the whole Gen[era]l Skynner was particularly zealous & active in the Cause of Great Britain.

1. He was appointed attorney general in 1754; he served in the assembly from 1763 to 1776, holding the important post of Speaker of the House during the years 1765-1770 and 1772-1776.
2. He was a life-long resident of Perth Amboy prior to his exile.
3. This is incorrect. The Provincial Congress ordered Skinner's arrest

because of the sentiments contained in a letter to his brother William Skinner; that missive, along with some of Governor William Franklin's dispatches, was captured early in January 1776 (see Sec. V, Doc. 14).

4. General Sir William Howe, commander of the British army in America from October 1775 to May 1778.

5. Skinner's New Jersey Volunteers was the largest American Loyalist unit raised during the war; it was also one of the most effective refugee fighting forces.

6. General Sir Guy Carleton replaced General Sir Henry Clinton as commander in chief of the Royal Army in April 1782; his chief duties involved preparation for the impending British evacuation of New York.

7. Paulus Hook (or Powles Hook), now part of Jersey City, was the principal ferry connection with New York. It is not known what Skinner is referring to; some of his brigade was at Paulus Hook when it was taken by Light Horse Harry Lee on August 19, 1779.

8. On August 22, 1777, an American force under General John Sullivan of New Hampshire surprised two battalions under Skinner on Staten Island; the Americans were intercepted and repulsed en route to Richmond by the Fifty-Second Regiment, led by Brigadier General John Campbell, commander of British forces on the island.

9. The reference is probably to the so-called second battle of Trenton fought on January 2, 1776, as a preliminary to the battle of Princeton (see Sec. IX, Doc. 3).

10. This is certainly an error in transcription; there were no engagements near New Brunswick in early 1776, but several took place a year later.

11. Guineas. A guinea was a gold coin circulated in England from 1663 to 1813 worth 21 shillings.

12. General Charles Cornwallis, who earned ignominy for his surrender to General Washington at Yorktown in October 1781 which ended the revolutionary war (see Sec. IX, Doc. 11).

13. On July 29, 1776, the Convention of New Jersey ordered several disaffected Perth Amboy families, including the Skinners, to be removed to the interior of the state and away from access to the British lines.

14. Philemon Dickinson, who was named brigadier general of the New Jersey militia in October 1775; he was promoted to major general in June 1777.

15. No one by the name of Carter ever sat in the Provincial Congress. Jonathan Dickinson Sergeant was secretary of the First Provincial Congress (May-August 1775); John Carey of Salem was secretary of the Second Provincial Congress (October 1775).

16. Joseph Ellis of Gloucester County.

17. Probably Charles Stewart of Hunterdon County, who was a member of the first Congress; Archibald Stewart of Sussex County was also a member of the Congress but did not attend in August 1775.

18. A member of the famous Ogden family of Newark (see Doc. 5, note 1).

19. One of New Jersey's leading lawyers, David Ogden became an associate justice of the supreme court in 1772. He was also a member of the Board of Proprietors of East New Jersey and a member of the governor's council from 1751 to 1776. Three of his sons (Isaac, Nicholas, and Peter) were Loyal-

ists like their father; the other two (Abraham and Samuel) were patriots. He went into exile in January 1777, and soon thereafter his property was confiscated and sold.

20. General Sir Henry Clinton, commander in chief of the British army in America from May 1778 to April 1782.

IX

War and Peace

For all the confident rhetoric of the Declaration of Independence, national sovereignty could not be achieved unless American forces were able to resist the incursions of British arms and emerge victorious on the battlefield. From the firing of shots at Lexington in April 1775 to the signing of the preliminary articles of peace in Paris in 1782, warfare was the central focus in the lives of the revolutionary generation. The tocsin of war rang loudly in New Jersey. With the outbreak of hostilities between British and American forces in Massachusetts, Jerseymen began to prepare for the eventuality of full-scale war. During the summer and fall of 1775 militia units formed throughout the province; by the time the Declaration of Independence was proclaimed Jersey soldiers had ranged as far as Canada in defense of their liberties (see Sec. V, Docs. 6 and 12; Sec. VI, Doc. 4). But it was from the military action that took place within the borders of the state that the people of New Jersey learned what it meant to be at war.

The war came early to New Jersey. On November 20, 1776, a British assault force under Lord Cornwallis scaled the Jersey Palisades a few miles north of Fort Lee at Closter Landing. The American garrison, the last remnant of Washington's army that had been routed in and around New York City during the past three months, fled to Pennsylvania with the British in pursuit. A pattern was thus set: during the next eighteen months (November 1776-June 1778) the rival armies would march across New Jersey four times, each time leaving a wake of death and destruction. Geography and military strategy destined New Jersey, situated between the strategic ports of New York and Philadelphia (both of which were occupied by the British during the war), to be the "Cockpit of the Revolution." For most residents the presence of battle-ready soldiers was an everyday fact of life until 1781. And no state suffered more from the ravages of the War for American Independence than New Jersey.

IX WAR AND PEACE

New Jersey was a principal battleground of the revolutionary war, and two of the earliest battles that took place in the state were of profound psychological importance to the war effort. By December 1776 American morale was at low ebb. The British army, it seemed, was indeed invincible. But then came the successful attack upon the Hessians at Trenton on December 25-26 (Doc. 2) and the surprise victory at Princeton on January 3, 1777 (Doc. 3). When Washington went into winter encampment at Morristown in January 1777, western New Jersey had been cleared of the enemy and, more important, the triumphs over British arms so desperately needed to boost the confidence of soldiers and civilians alike had been achieved. Ten eventful days had fundamentally altered the tenor of the first campaign of the war.

The principal theaters of the war moved elsewhere after the eventful New Jersey campaign of 1776—to eastern Pennsylvania and upstate New York in 1777 and to the South from 1778 to 1781. The battle of Monmouth Court House (Doc. 7) was the lone major engagement to take place on Jersey soil during these years. But the fighting never really left the state. For the remainder of the conflict New Jersey was the scene of seemingly interminable raids, patrol actions, and skirmishes—the froth of war. It was as George Washington described it: "a desultory kind of war." Except for Henry (Light-Horse Harry) Lee's attack on the isolated outpost at Paulus (Powles) Hook in August 1779 and attempts by Jersey militia to interdict the enemy's supply routes and harass his maneuvers, the military initiative lay with the British. The most significant operations of the Royal Army included the attack on Benjamin Lincoln's small post at Bound Brook in April 1777, the amphibious assaults upon privateer bases at Little Egg Harbor and Chestnut Neck in October 1778 and Toms River in March 1782, the vicious sortie of J. G. Simcoe's Queen's Rangers (Loyalists) through the Raritan Valley in October 1779, and Baron von Knyphausen's attacks on Connecticut Farms and Springfield in June 1780 (Doc. 8). Individually of relatively minor importance, together such actions brought untold death and destruction to the state and had both positive and negative effects on the morale of its citizens.

The people of New Jersey suffered greatly during the war. Rival armies cut swaths of destruction through the countryside (Doc. 5) and committed atrocities against civilians (Doc. 4). Fortunate residents of battle zones lost only their property (Doc. 14); the unfortunate lost their lives (Doc. 9). The war was especially hard on noncombatants because of the nature of the conflict. British officers had a difficult time controlling their men who, commanded to suppress a treasonous rebellion, could not easily distinguish between friend and foe (Doc. 10). Moreover, Americans of differing political persuasions gave vent to their baser passions in the civil war (Doc. 6). Small wonder that citizens in every portion of the state lived in constant fear of falling victim to the savage war that swirled about them for nearly eight years (Doc. 1).

In 1781 war-weary Jerseymen, sensing that the end of the protracted struggle was now near, greeted the news that Lord Cornwallis had surrendered to Washington in Virginia with joyous celebrations (Doc. 11). But while the battle of Yorktown did mark the virtual end of hostilities, it was not until the spring of 1783 that they could celebrate the signing of the Treaty of Paris which recognized American independence and ushered in an era of peace (Doc. 12).

However, serious problems facing the state and nation had to be resolved before the United States could become a full-fledged member of the international community (Doc. 13). The War of Independence was over, but the American Revolution had not yet run its course.

1 Margaret Morris, A Woman's View of the War

[Margaret Morris, Private Journal Kept During a Portion of the Revolutionary War, Quaker Collection, Haverford College Library.]

Unfortunately, precious little is known about New Jersey women during the American Revolution. Excluded by both custom and law from the more visible roles played by men, most women received at best a rudimentary education and few recorded their thoughts and deeds for posterity. An outstanding exception was Margaret Hill Morris (1737-1816) of the city of Burlington. Upon the death of her husband, Philadelphia merchant William Morris, Jr., in 1766, she became the sole provider for the family. In 1770 they moved to New Jersey, apparently to be near friends and relatives, and she purchased a home formerly owned by Governor William Franklin. The excerpts from her private journal which follow provide intimate glimpses into how that courageous, pious, sensitive lady responded to the war as a mother, widow, head of household, Quaker, and woman. Politically neutral, Margaret Morris wanted no part of the warfare that raged about her. Like so many of her fellow citizens, she was able to endure the travails of war because of the strength of her convictions and her indomitable will to survive.

[December 6, 1776-January 11, 1777]

December 6th, 1776. Being on a visit to my fr[ien]d, M.S. at Haddonfield. I was preparing to return to my Family, when a Person from Philad[elphi]a told us the people there were in great Commotion, that the English fleet was in the River & hourly expected to sail up to the City; that the inhabitants were removing into the Country; & that several persons of considerable repute had been discover[e]d to have formed a design of setting fire to the City, & were Summoned before the Congress and strictly enjoin[e]d to drop the horrid purpose.[1] When I heard the above report my heart almost died within me, & I cried surely the Lord will not punish the innocent with the guilty, & I wished there might be found some interceeding Lotts & Abrahams amongst *our People*.[2] On my Journey home I was told the inhabitants of our little Town were going in haste into the Country & that my nearest neighbours were already removed. When I heard this, I felt myself quite Sick; I was ready to faint. I thought of my S.D.,[3] the beloved Companion of my

Widow[e]d State—her Husband at the distance of some hundred miles from her; I thought of my own lonely situation, no Husband to cheer, with the voice of love, my Sinking spirits. My little flock[4] too, without a Father to direct them how to Steer. All these things crouded into my mind at once, & I felt like one forsaken; a flood of friendly tears came to my relief & I felt a humble Confidence, that he, who had been with me in six troubles would not forsake me now. While I cherish[e]d this hope my tranquility was restor[e]d, & I felt no Sensations but of humble Acquiescense to the Divine Will & was favour[e]d to find my Family in health, on my Arrival, & my Dear Companion not greatly discompos[e]d, for which favour I desire to be truly thankful. . . .

8th. Every day begins & ends with the same accounts, & we hear today the Regulars are at Trenton—some of our Neighbors gone, & others going, makes our little Bank[5] look lonesome; but our trust in Providence still firm, & we dare not even talk of removing our Family. . . .

11th. . .a Canonade was continued till almost dark in different directions, sometimes along the Street, sometimes across it.[6] Several Houses were Struck & a little damag[e]d, but not one liveing Creature, either Man or beast, kill[e]d or wounded. About dark the Gondolas fell down a little way below the town & the night was passt in quiet. While all this Tumult was in Town, we, on our peaceful Bank, ignorant of the Occasion of the fireing were wondering what it cou[l]d mean, & unsuspecting of danger, were quietly pursuing our Business in the Family, when a kind neighbour inform[e]d us of the Occasion, & urged us to go into the Cellar as a place of Safety. We were prevail[e]d on by him, & remain[e]d there till it ceas[e]d.

12th The people of the gallies, Suspecting that some troops were yet either conceal[e]d in Town or in the Neighborhood of it, have been very Jealous of the inhabitants, who have been often alarm[e]d with reports, that the City[7] wou[l]d be Set on fire, Many have gone in haste & great distress into the Country, but we still hope, no Mischief is Seriously intended. A Number of Men landed on our Bank this Morning, & told us it was thier settled purpose to set fire to the Town—I beg[ge]d them not to set my house a fire. They ask[e]d which was my House, I show[e]d it to them, & they said they knew not what hinder[e]d them from fireing on it last Night, for seeing a light in the Chambers, they thought there were Hessians in it, & that they pointed the Guns at it Several times. I told them my Children were Sick, which oblig[e]d me to burn a light all Night. Tho they did not know what hinder[e]d them from fireing on us, I did, it was the Guardian of the Widow & the Orphan, who took us into his Safe keeping, & preserv[e]d us from danger, oh—that I may keep humble, & be thankful for this, as well as other favors Vouch safed to my little flock. . . .

. . . .from the 13th to 16th we had various reports of the advancing & retireing of the Enemy—Parties of Arm[e]d Men rudely enter[e]d the Houses in Town, & diligent search made for Tories, the 2 last taken releas[e]d & sent on Shore. Some of the Gondola Gentry broke into & pillag[e]d R. Smiths[8] House on the bank. About noon this day, (the 16) a very terrible account of thousands coming into Town—& now actually to be seen on Gallows Hill. My incautious Son[9] catch[e]d up the Spy Glass, & was running to the Mill to look at them. I told him it w[oul]d be liable to misconstruction, but he prevail[e]d on me to let him gratify his curiosity, & he went, but return[e]d much dissatisfy[e]d, for no troops cou[l]d he see, as he came back poor Dick[10] took the glass & resting it against a tree, took a view of the fleet. Both of

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these was obser[ve]d by the people on board, who suspected it was an Enemy that was watching thier Motions. They Mann[e]d a boat & sent her on Shore. A loud knocking at my door brought me to it. I was a little flutter[e]d & kept locking and unlocking that I might get my ruffled face, a little compos[e]d. At last I open[e]d it, & half a dozen Men all Arm[e]d, demanded the keys of the empty House. I asked what they wanted there. They said to Search for a D--d tory who had been spy[in]g at them from the Mill. The Name of a Tory so near my *own door* seriously alarm[e]d me—for a poor *refugee*[11] dignify[e]d by that Name, had claim[e]d the shelter of my Roof & was at that very time conceal[e]d, like a thief in an Auger hole.[12] I rung the bell violently, the Signal agreed on, if they came to Search, & when I thought he had crept into the hole I put on a very simple look & cry[e]d out, bless me I hope you are not Hessians—say, good Men are you the Hessians? Do we look like Hessians? Ask[e]d one of them rudely[?] Indeed I dont know. Did you never see a Hessian? No never in my life but they *are Men*, & you are Men & may be Hessians for any thing I know. But Ill go with you into Col. C[oxe's][13] house, tho indeed it was my Son at the Mill, he is but a Boy & meant no harm, he wanted to see the Troops. So I march[e]d at the head of them, open[e]d the door, & search[e]d every place but we cou[l]d not find the tory. Strange where he cou[l]d be. We returned; they greatly disapointed, I pleas[e]d, to think *my house* was not Suspected. . . .

19. . . .This evening rec[eive]d a letter from Dr. C.M.,[14] invit[e]ing me to move into his Neighbourhood, but my mind is easiest while I conclude to abide where providence has cast my lot—he has preserv[e]d us in great danger & I dare not distrust his future care. A letter from the brother & fr[ien]d of my heart[15] gives me hope of his return. His advice must determine my future movements if I do remove—a fr[ien]d in need, is a fr[ien]d indeed.

20th A Snow storm last Night has almost stopt the Navigation, & sent our Guarda Costas out of our Sight, down the River, surely this will be a quiet day. Methinks I will call for my work Basket, & set myself down to sewing. But hark, a rap at the door; that face (J. V.)[16] is full of intelligence, "well what News neighbor? Oh—bless *mee*, great news indeed, why hant you heard it? No—we have seen nobody from Town today, do tell us. Why the Hessians are actually Just here. Master P--, W. D.,[17] &c, &c—are all gone out to see what they can do, well & will they bring them all into Town. Im sure we are but poorly provided Just now for a great deal of Comp[an]y. J. V. still goes on—Oh—Ah—you will have enough of them, I expect to have my house full. . . .

A friend from Town call[e]d in about 4 oClock & told us they were all acoming. We ask[e]d if he had seen them; no—but he heard they were Just here we ask[e]d him how we, at this distance from Town sh[oul]d know of thier coming, they might popp upon us here, & Scare us out of our Witts, as we had no Man in the house. he said, oh—you will know it fast enought I warrant, why the Noise of the Waggons, & rattling of the Cannon will be heard at agreat distance & I advise you to make good use of your time till they do come, & put all things of gold & Silver out of thier way & all linen too, or youll lose it. I said they pillaged none but Rebels & we were not such, we had taken no part against them, &c. But that Signified nothing, we shou[l]d loose all &c. After he has gone, my S. D. & myself ask[e]d each other why it was that all these Stories did not put us into a fright; we were not even discompos[e]d. Surely it is a favour never to be forgotten. We conclude to sit up a little

later than usual to Night, but no Rattling cou[l]d we hear. . . .

21st More snow last Night, no danger of Gondolas now, more Ambassadors gone out to day to the Hessians, not much to be expected from one of them. A great deal of *talk* in the neighborhood about a Neutral Island, wish with great earnestness it may be allow[e]d. Wonder the Men in Town dont think it worth while to step down here & tell us what they are after. Get quite in the fidgets for News, send Dick to Town to collect some, he returns quite Newsless, good mind to send him back again. W. D. comes at last, tells us all we expected to hear, pleases us by saying we shall have timely notice of thier coming, gives a hint that the feeble & defenceless will find safety & protection, rank ourselves amongst the Number having no Man with us in the house. Determine not to be unprovided again, let them come, or not, as the Weather is now so cold, provisions will keep good several days. We pity the poor fellows who were oblig[e]d to be out last Night in the Snow. Repeat our Wishes that this may be a Neutral Island. Quite sleepy—go to Bed, & burn alamp all Night—talk as loud as usual & dont regard the creeking of the door. No Gondola Men listening about the Bank. Before we retur[n]ed to bed this Evening, an attempt was made to teach the Children to pronounce "Vicates"[18] like a Dutch Man.[19] Our good Neighbor a little concern[e]d to think there is not one in Neighborhood that will be able to interpret for us when the Hessians are quarter[e]d on us. At last by meer dint of Conjuration, I discover that his Maid is a Dutch Woman & we resolve, Nemi. Con: that she shall be the interpreter of the bank—& her Master thinks it will be a *great thing* to have one that can speak for us. . . .

27th aletter from Gen Read[20] to his B[rothe]r[21] informing him that Washington had had an engagement with the Regulars on the 25th early in the Morning, taking them by surprize, kill[e]d fifty, & took 900 prisoners. The loss on our side not known, or if known, not suffer[e]d to be publick.[22] It seems this heavy loss to the Regulars was oweing to the prevailing custom among the Hessians of getting drunk on the eve of that great day which brought peace on Earth & good Will to Men—but oh, how unlike Christians is the Manner in which they Celebrate it, can, we call ourselves Christians, while we act so Contrary to our Masters rules. He set the example which we profess to follow, & here is a recent instance that we only profess it, instead of good will, envy & hatred seem to be the ruling passions in the breasts of thousands. This evening the 27th about 3000 of the Pensylvania Militia, & other Troops landed in the Neck, & march[e]d into Town with Artillery, Baggage &c, & were quarter[e]d on the inhabitants. . . . We were so favor[e]d as not to have any sent to our House. . . .

28th Early this Morning the Troops March[e]d out of Town in high spirits. . . . My heart sinks when I think of the Numbers unprepar[e]d for Death, who will probably be sent, in a few days, to appear before the Judge of Heaven. . . .

January the first, 1777 This New Years day has not been usher[e]d in with the usual Cerimonies of rejoiceing &c, & indeed I believe it will be the beginning of a sorrowful Year to very many People Yet the flatterer hope, bids me look forward with Confidence & trust in him who can bring order out of this great Confusion. . . .

3d This Morning between 8 & 9 oClock we heard very distinc[t]ly, a heavy fireing of Cannon, the sound came from towards Trenton, about noon a Number of Soldiers, upwards of a thousand came into Town in great Confusion, with Baggage & some Cannon. From these Soldiers we learn there was a smart engagement Yesterday at Trenton,[23] & that they left them engaged near Trenton Mill, but were not able

to say which side was Victorious. They were again quarter[e]d on the inhabitants, & we again exempt from the Cumber of having them lodged in our house. Several of those who lodged in Col C[oxe's] house last Week, return[e]d to Night, & ask[e]d for the key—which I gave them. About bed time I went in the next house to see if the fires were safe, & my heart was melted with Compassion to see such a number of my fellow Creatures lying like Swine on the floor fast a Sleep, & many of them without even a Blanket to cover them it seems very strange to me that such a Number shou[l]d be allow[e]d to come from the Camp at the very time of the engagement, & I shrewdly Suspect they have run away for they can give no account why they came, nor where they are to March next.

[4th] The accounts hourly coming in are so Contradictory & various, that we know not w[hi]ch to give credit to. We have heard our people have gain[e]d another Victory,[24] that the English are fleeing before them, some at Brunswick, some at Princeton.... A Number of Sick & wounded brought into town, calls upon us to extend a hand of Charity towards them. Several of *my* Soldiers left the next house, & return[e]d to the place from whence they came; upon my questioning them pritty close, I brought several to confess they had run away, being scared at the heavy fireing on the 3d. There were several pritty innocent looking lads among them, & I simpathized with thier Mothers when I saw them preparing to return to the Army....

11th. The Weather very cold & the River quite shut. I pity the poor Soldiers now on thier March, many of whom will probably lay out in the fields this cold Night. What cause have I for gratitude that I & my household are Shelter[e]d from the storm! Oh that the hearts of my offspring may learn to trust in the God of thier *Mother*—he who has condescended to preserve us in great danger & kept our feet from Wandering from the habitation his goodness has allotted to us.

1. For the military situation at the time, see Doc. 2, headnote.
2. Reference to the contentions between the rival herdsmen of Abraham and his nephew, Lot; the strife was resolved by Abraham's removing to Canaan and Lot's to Sodom. Gen. 13:1-12.
3. Sarah Dillwyn, Margaret Morris's sister, wife of Quaker missionary George Dillwyn.
4. Four of the six children born to Margaret Morris between 1759 and 1766—John (1759), Deborah (1760), Richard Hill (1762), and Gulielma Maria (1766)—were at home during the Revolution; the other two children—Richard (1759) and Mary (1764)—died in infancy.
5. The Morrises lived at Green Bank, near town.
6. On December 11 Colonel Karl Emil von Donop and a small detachment entered Burlington to discuss cantonment with town officials. When the crews of the row-galleys and gondolas ordered by Washington to patrol the Delaware River from Bordentown to Philadelphia saw the Hessian guards, they shelled the town with small ship guns.
7. Philadelphia as opposed to the "town" of Burlington.
8. Richard Smith (see Sec. 1, Doc. 14).
9. John Morris.

10. Richard Hill Morris.

11. The Reverend Jonathan Odell, rector of St. Mary's Church in Burlington, a prominent Loyalist (see Sec. VIII, Doc. 4).

12. A secret chamber which was actually a windowless attic in the rear of the house.

13. The opulent home of Colonel Daniel Coxe, who died in 1739.

14. Physician Charles Moore of Montgomery Square, Pennsylvania, the husband of Margaret Morris's youngest sister, Milcah Martha.

15. George Dillwyn, husband of Sarah, who was then in England.

16. James Verree.

17. William Dillwyn, brother of Sarah's husband George.

18. "Wie geht's": literally, "how are things going?"

19. Germans were frequently called "Dutch," a corruption of "Deutsch."

20. Colonel Joseph Reed (see Sec. I, Doc. 10).

21. Bowes Reed, colonel of the First Regiment, Burlington County Militia.

22. The battle of Trenton, which took place on December 26 (see Doc. 2).

23. The second battle of Trenton, which featured a strong cannonade by Washington's artillery (see Doc. 2).

24. The battle of Princeton (see Doc. 3).

2 An Aide-de-camp To General Washington Recounts the Battle of Trenton

[Printed in William S. Stryker, *The Battles of Trenton and Princeton* (Boston, 1898), pp. 360-64.]

Though dilatory in pursuing the Americans through New Jersey, the British arrived on the east bank of the Delaware only hours after the last of Washington's army had crossed the river on December 8. Unable to continue pursuit because Washington had swept the region clear of boats, they considered the campaign at an end. General William Howe returned to New York City, and Lord Cornwallis went into winter encampment in New Jersey with garrisons strung across the state from Bergen to Burlington Counties. Two Hessian brigades, one under divisional commander Colonel Karl Emil von Donop at Bordentown and the other under Colonel Johann Gottlieb Rall at Trenton, manned the front line along the Delaware. But Washington decided to seize the initiative. Given considerations of time and weather, the plan devised on the twenty-fourth was ambitious: Washington and his main force of some 2,400 men would attack Rall at Trenton from the north, while Colonel John Cadwalader would cross the river at Bristol for a diversionary assault on Bordentown and General James Ewing would land at Trenton Ferry pursuant to preventing escape southward over the Assunpink Creek. On Christmas Day, the

Americans moved out; with great skill Colonel John Glover and his mariners from Marblehead, Massachusetts, transported Washington's force across the ice-choked Delaware at McKonkey's Ferry (now Washington Crossing) under the cover of darkness. The bold maneuver caught the Hessians completely by surprise; more in a festive than fighting mood, the Germans did not expect an attack at Christmas. Shooting startled the sleepy garrison about 8 o'clock the morning of December 26 and by 9:30 the battle was over. American losses were amazingly light—none killed and four wounded. Of the 1,400 Hessians, 106 were killed (including Rall) or wounded and about 900 taken prisoner. Despite the victory, Washington was forced to abandon his plan of continuing the offensive to Princeton and New Brunswick. Encumbered by prisoners and hampered because Cadwalader and Ewing could not get across the river to carry out their missions, Washington had no choice but to withdraw back to camp in Pennsylvania. However, the withdrawal was to be short lived; the Continentals would be back in New Jersey within the week (see Doc. 3). The following account, the most detailed firsthand description of the American expedition, is taken from a diary kept by an unidentified member of Washington's staff.

[December 22-27, 1776]

[Dec. 22]—Washington's headquarters are here in this little village of New Town, back from the river northwest of Trenton. General Greene and General Sullivan,[1] with their divisions, numbering 2500 men and sixteen cannon, are ten miles up stream at McConkey's Ferry. A portion of the boats are there. General Ewing, with 2000 men, is on this side of the river a little below Trenton, and General Cadwallader and General Putnam[2] are at Bristol, ten miles further down, with as many more.

I rode along the river yesterday morning and could see the Hessians in Trenton. It is a pretty village, containing about 130 houses and a Presbyterian meeting-house. A stone bridge spans the Assinpink creek on the road leading south to Bordentown. There are apple orchards and gardens. Rall has his own regiment and Knyphausen[3] a few dragoons and fifty rifle-men. The Hessians call them Yagers.[4] He has six cannon. Knyphausen has two of them, two stand in front of Rall's headquarters, and two up by the Pennington road. A scout just in says that General Howe has issued a proclamation,[5] offering pardon to everybody in New Jersey who will lay down their arms and take the oath of allegiance. He says that Howe and Cornwallis are well satisfied with what they have accomplished. Cornwallis is going to England to tell the King that the rebellion is about over. Howe is going to have a good time in New York attending dinner parties. From what I see I am quite certain Washington intends to make some movement soon. He keeps his own counsel, but is very much determined.

Dec. 23—Orders have been issued to cook rations for three days. Washington has just given the counter sign, "Victory or Death." He has written a letter to General Cadwallader at Bristol, which he has intrusted to me to copy. He intends to cross the river, make a ten-mile march to Trenton, and attack Rall just before daybreak. Ewing is to cross and seize the bridge crossing the Assanpink. Putnam and Cadwallader are to cross and make a feint of attacking Donop so that he can not hasten to Rall's assistance.

Dec. 24—A scout just in says that the Hessians have a picket on the Pennington road half a mile out from Trenton, and another at Dickenson's house, on the river road.[6]

Dec. 25—Christmas morning. They make a great deal of Christmas in Germany, and no doubt the Hessians will drink a great deal of beer and have a dance to-night. They will be sleepy to-morrow morning. Washington will set the tune for them about daybreak. The rations are cooked. New flints and ammunition have been distributed. Colonel Glover's fishermen from Marblehead, Mass., are to manage the boats just as they did in the retreat from Long Island.

Christmas, 6 p.m.—The regiments have had their evening parade, but instead of returning to their quarters are marching toward the ferry. It is fearfully cold and raw and a snow-storm setting in. The wind is northeast and beats in the faces of the men. It will be a terrible night for the soldiers who have no shoes. Some of them have tied old rags around their feet; others are barefoot, but I have not heard a man complain. They are ready to suffer any hardship and die rather than give up their liberty. I have just copied the order for marching. Both divisions are to go from the ferry to Bear Tavern,[7] two miles. They will separate there; Washington will accompany Greene's division with a part of the artillery down the Pennington Road; Sullivan and the rest of the artillery will take the river road.

Dec. 26, 3 a.m.—I am writing in the ferry house.[8] The troops are all over, and the boats have gone back for the artillery. We are three hours behind the set time. Glover's men have had a hard time to force the boats[9] through the floating ice with the snow drifting in their faces. I never have seen Washington so determined as he is now. He stands on the bank of the river, wrapped in his cloak, superintending the landing of his troops. He is calm and collected, but very determined. The storm is changing to sleet, and cuts like a knife. The last cannon is being landed, and we are ready to mount our horses.

Dec. 26, Noon—It was nearly 4 o'clock when we started. The two divisions divided at Bear Tavern. . . .

It was just 8 o'clock. Looking down the road I saw a Hessian running out from the house. He yelled in Dutch[10] and swung his arms. Three or four others came out with their guns. Two of them fired at us, but the bullets whistled over our heads. Some of General Stephen's[11] men rushed forward and captured two. The others took to their heels, running toward Mr. Calhoun's house,[12] where the picket guard was stationed, about twenty men under Captain Altenbrockum.[13] They came running out of the house. The Captain flourished his sword and tried to form his men. Some of them fired at us, others ran toward the village. The next moment we heard drums beat and a bugle sound, and then from the west came the boom of a cannon. General Washington's face lighted up instantly, for he knew that it was one of Sullivan's guns. We could see a great commotion down toward the meeting-house, men running here and there, officers swinging their swords, artillerymen harnessing their horses. Captain Forrest[14] unlimbered his guns. Washington gave the order to advance, and we rushed on to the junction of King and Queen streets. Forrest wheeled six of his cannon into position to sweep both streets. The riflemen under Colonel Hand[15] and Scott's[16] and Lawson's[17] battalions went upon the run through the fields on the left to gain possession of the Princeton road. The Hessians were just ready to open fire with two of their cannon when Captain Washington[18] and Lieutenant Monroe[19] with their men rushed

forward and captured them. We saw Rall come riding up the street from his headquarters, which were at Stacy Potts'[20] house. We could hear him shouting in Dutch, "My brave soldiers, advance." His men were frightened and confused, for our men were firing upon them from fences and houses and they were falling fast. Instead of advancing they ran into an apple orchard. The officers tried to rally them, but our men kept advancing and picking off the officers. It was not long before Rall tumbled from his horse and his soldiers threw down their guns and gave themselves up as prisoners.

While this was taking place on the Pennington road Colonel John Stark, from New Hampshire, in the advance on the river road was driving Knyphausen's men pell mell through the town. Sullivan sent a portion of his troops under St. Clair[21] to seize the bridge and cut off the retreat of the Hessians toward Bordentown. Sullivan's men shot the artillery horses and captured two cannon attached to Knyphausen's regiment.

Dec. 26, 3 p.m.—I have been talking with Rall's Adjutant, Lieutenant Piel.[22] He says that Rall sat down to a grand dinner at the Trenton Tavern Christmas Day, that he drank a great deal of wine and sat up nearly all night playing cards. He had been in bed but a short time when the battle began and was sound asleep. Piel shook him, but found it hard work to wake him up. Supposing he was wide awake Piel went out to help rally the men, but Rall not appearing, he went back and found him in his night shirt. "What's the matter?" Rall asked. Piel informed him that a battle was going on. That seemed to bring him to him senses. He dressed himself, rushed out and mounted his horse to be mortally wounded a few minutes later.

We have taken nearly 1000 prisoners, six cannon, more than 1000 muskets, twelve drums, and four colors. About forty Hessians were killed or wounded. Our loss is only two killed[23] and three wounded. Two of the latter are Captain Washington and Lieutenant Monore, who rushed forward very bravely to seize the cannon.

I have just been with General Washington and Greene to see Rall. He will not live through the night. He asked that his men might be kindly treated. Washington promised that he would see they were well cared for.

Dec. 27, 1776.—Here we are back in our camp with the prisoners and trophies. Washington is keeping his promise; the soldiers are in the New Town Meeting-house and other buildings. He has just given directions for to-morrow's dinner. All the captured Hessian officers are to dine with him. He bears the Hessians no malice, but says they have been sold by their Grand Duke to King George and sent to America, when if they could have their own way they would be peaceably living in their own country.

It is a glorious victory. It will rejoice the hearts of our friends everywhere and give new life to our hitherto waning fortunes. Washington has baffled the enemy in his retreat from New York. He has pounced upon the Hessians like an eagle upon a hen and is safe once more on this side the river. If he does nothing more he will live in history as a great military commander.

1. Nathanael Greene and John Sullivan.
2. "Old Put," Major General Israel Putnam.

3. Lieutenant General Wilhelm von Knyphausen.

4. Dragoons ("Jägers" in German) were infantrymen who often rode on horseback but always fought on foot; cavalry, on the other hand, fought while mounted.

5. The proclamation was issued on November 30. See Doc. 4, note 4.

6. "The Hermitage," country estate of Brigadier General Philemon Dickinson, commander of the New Jersey militia.

7. Now in Hopewell Township, New Jersey.

8. The home of William McKonkey, owner and operator of the ferry.

9. Glover's men had difficulty handling the unfamiliar Durham boats, flat-bottomed vessels capable of carrying fifty men.

10. Actually, German ("Deutsch").

11. Brigadier General Adam Stephen.

12. Alexander Calhoun, merchant.

13. Captain Ernst Ebenhardt von Altenbockum.

14. Captain Thomas Forrest.

15. Colonel Edward Hand of Pennsylvania.

16. Colonel Charles Scott, Fifth Virginia Continentals.

17. Lieutenant Colonel Robert Lawson, Fourth Virginia Continentals.

18. Captain William Washington.

19. Lieutenant James Monroe, future president of the United States.

20. Stacy Potts, wealthy Quaker businessman, in whose house Rall later died.

21. Scottish-born Brigadier General Arthur St. Clair.

22. Lieutenant Jacob Piel.

23. Most military historians agree that no Americans died of battle wounds at Trenton; however, two soldiers did die of exposure en route to Trenton, and they may be the casualties mentioned here.

3 An Octogenarian Jerseyman Recalls the Battle of Princeton

[Varnum Lansing Collins, ed., *A Brief Narrative of the Ravages of the British and Hessians at Princeton in 1776-1777; A Contemporary Account of the Battles of Trenton and Princeton* (Princeton, 1906), pp. 31-39.]

The December 26 debacle at Trenton taught the British a painful lesson about the dangers of overextended garrisons. As a prelude to seeking revenge, the British consolidated forces; Lieutenant Colonel Charles Mawhood and his Hillsborough command, General James Grant and most of the New Brunswick garrison, and Colonel Karl Emil von Donop and the Hessian survivors of

Trenton who had fled to Allentown were all ordered to join General Alexander Leslie in Princeton. In New York City Charles, Lord Cornwallis, abandoned his plans to return to England and hurried off to New Jersey to assume command of the 8,000-man army on January 1. Cornwallis's destination was Trenton; his objective was to defeat Washington's army. Meanwhile, Washington, faced with numerous expiring enlistments, and aware of British designs, once again took the initiative. He recrossed the Delaware, arriving in Trenton on December 30 with 5,000 men at his disposal. Advance parties were ordered out to slow the British march. The delaying action was so effective that Cornwallis did not arrive at Assunpink Creek outside Trenton until dusk on January 2; the brief but bloody second battle of Trenton erupted before the rival forces bedded down for the night. But Washington's blazing campfires were a ruse. Under the cover of darkness he slipped around Cornwallis, heading for Mawhood's rear guard at Princeton and, possibly, the lightly guarded store of supplies and the military chest of £70,000 at New Brunswick. Shortly after dawn on January 3, Mawhood thrashed an element of the American army under General Hugh Mercer, only to be routed subsequently by Washington himself. Upon learning of the deception, Cornwallis retraced his steps but arrived too late to avert a British defeat at the battle of Princeton. Washington, his men too weary to storm New Brunswick, pushed on after the battle to Morristown where he went into winter quarters on January 7; Cornwallis, with his Anspach and Hessian allies, followed suit at New Brunswick and Perth Amboy. The campaign was over for the year. The following account of the battle by an unidentified Princetonian poignantly recounts the reaction of noncombatants to the horrors of war.

[January 1-3, 1777]

The [British] Regulars Advanced gaurds were frequently fired uppon about the first of January in the night; which Alarmed them to that degre that they Increast their Gaurd upon Alentown Road with one hundred men, and lay on their Arms three nights Successively before the Battle. On the first day of January at night they made many fires[1] on the side of the Main Road that Extended from the turning at Clarks corner down to the bridge, or near it and so up on the other side on the riseing ground as far as we could see it and how much farther I Know not. The next morning early the Second of the month they left their fires and marched towards Trenton and some where in their way threw Maidenhead[2] came upon a Parcel of Genl. Washin[g]tons men who fought them on a Retreat and more men being sent to cover their Retreat until they got to Trenton and had past over the bridge[3] when the Regulars and Hessians appeared and the latter being very Eager to follow the Persuit as they called it Receiv'd a Smart Rebuke from one of our Generals field Pieces, which kild and wounded Ten or twelve of their men and at the same time Received a Volly of smal arms they only stood another fire and then Retreated. What number of the Enemy was Kild and Wounded I have not heard,[4] though it is said that many of them was kild by the Retreating Partys geting behind trees and fences and fireing upon them as they advanced along the road.

It being near night Genl. Washin[g]ton with his Army mar[c]ht up the Mill

pond and the South side of Assanpink[5] brook, and when they came to the woods he ordered many large fires to be made on the sides of the road, and marcht on with his army up the brook to the bridge [at] Rozels mill and past over there and came to Stoney Brook near Isaac Clarks about a mile and half below the bridge on the main road, Where they were hindered some time in making a bridge over the brook for the Army to pas with the Artillery. This was done Unexpected to the Regular Army who to Annoy Washin[g]tons men as they thought now and then all night from over the brook[6] fired a Cannon shot at the fires that was left. This bring us to the third day of January 1777.

When as soon as it was well light we saw the Regulars that was left at Princetown Marching towards Trenton,[7] and in about half a hours time we saw them comeing back faster then they went. A Party of them came into our Field, and laid down their Packs there and formed at the corner of our Garden about 60 Yards from the door and then marcht away Immediately to the field of Battle Which was in William Clarks[8] wheat field and Orchard Round about his house and how much further to the westard I Know not. It was plain within sight of our door at about 400 Yards distance. I can give no Account how the battle was ordered on Either side for want of Proper Information only this.

Genl. Washin[g]tons army was so hindered in makeing and passing the bridge that the Battle was begun before their field Pieces could be brought up, where upon they Retreated and Rallyed again with their Artillery. Towards the last of the battle seven Regulars was seen from our door to fall at once and in about three quarters of an hour from the begining of the battle the Regulars were put to flight with the loss of two brass field Pieces took from them in the field. The Exact Number of their men that was Slain wounded and took prisoners[9] I Know not. There was thirty Six dead men the next day buryed in a Stone Quarry among whom there was 15 of Genl. Washin[g]tons men, the Other 21 were Regulars besides three of them that lay dead in and near the main Road which Genl. Washin[g]ton seeing Ordered them to be put in the Waggons and carryed to town And desired the Country People to bury the dead. Besides these there was several others found Dead near the field of Battle and buryed in other places, Which side they belonged to I do not Know, But it is said that most of them was Regulars. Genl. Washin[g]tons army took all the Regulars in town Prissoners, and discharged their Continental Prissoners that they had Confined in the Colledge[10] to the number of [blank] among whom (as it said) was about 30 of our Countrypeople that were Accused Either of being Rebels or aiding and Assisting them. They took their Stores in which (it is said) was a very large number of new blankets. They took all the Enemys Cannon in town and was oblidged to leave two of them for Want of Carriage to take them of[f]. One gun they threw into a well, and then they Marcht on with their Prissoners and plunder to Sommerset Court House[11] that day, and left some of the prissoners, and of their own men to care of the sick and wounded men on both sides.

Genl. Washin[g]ton as soon as the battle was over Ordered some of his men to be pl[a]ced near the bridge over Stoney brook on the Main Road to hinder the Regulars passing over and to pull up the bridge[12] which was Scarcely done when the Regulars Apeared Which caused a Second fireing about three quarters of an hour appart from the first in which there was no Execution done that I heard of. In a little time our men Retreated, and the Regulars were Oblidged to Cross the brook at the ford with their artillery almost middle deep in water (the back water of

the mill being then up) and form'd on this side the brook and towards night (when they Knew that the other Army was gone) marcht into Princetown. Thus that poor and almost Wholly Desolate town of al its late Inhabitants had change of Masters two if not three times on that day, for they had the Regulars in the Morning The Continentals at noon the regulars again at night who left them to the Continentals that night again and have not yet returned to Assume their Conquest. So Unconstant is the State of War and so Certain and sure the mischiefs and miserys attending it That it is a Wonder that Wise men should ever depend on it.

In the beginning of the forementioned Battle a Womans leg was shot of[f] at her ancle by a Cannon ball. She was in one of the houses near the bridge on the main road in the hollow on this side [of] Stoney brook. It was thought to be done by one of Genl. Washin[g]tons field Pieces. The battle was Plainly Seen from our door. Before any Gun was heard a man was seen to fall and Immediately the Report and Smoke of a Gun was Seen and heard, And the guns went of[f] so quick and many together that they could not be numbered. We Presently went down into the Cellar to keep out of the Way of the Shot. There was a Neighbour woman down in the Cellar with us that was so Affrighted that she Imagined that the field was covered with Blood, and When we came out of the Cellar She called Earnestly to us to look out and see how all the field was quit[e] red with blood When none was to be seen at that Distance. This I mention only to show into What Strange mistakes Sudden frights with the fear of Death may put us into. Almost as soon as the firing was over our house was filled and surrounded with Genl. Washington's Men, and himself on horseback at the door. They brought in with them on their Shoulders two Wounded Regulars, one of them was shot in at his hip and the bullet lodged in his groin, and the other was shot through his body Just below his short ribs. He was in very great pain and bled much out of both sides, and often desired to be removed from one place to another, which was done Accordingly and he dyed about three o'clock in the afternoon. They was both Used very tenderly by the Rebels (as they call them). The other also bled much and they put a Cloth dipt in vinegar to the wound to Stop it and three of them Stay'd with the wounded men near an hour after the Others were gone. The man that lived was left at our house above two days and one night With his Wound not drest, before the Regulars that was left to take care of the sick and wounded would take him away, though they had notice that day after the battle. . . .

As soon as the battle was over Genl. Mercer (who had his horse shot down under him, and then received several wounds by which in some days after he dyed)[13] was carryed into Thomas Clarks house with several other wounded men, And above Twenty was carried into William Clarks house. Two of them dyed soon after they was brought in. Sixty was carryed to Princetown but how many of them were regulars I know not. By an Account that a Neighbour Gentleman sent to me there was thirty one Regulars found dead In about the field of battle and nineteen Provincials, and one hundred and Seventy five taken Prissoners of the Regulars and Hessians. This account of the Prissoners is confirm'd by what a Captain of the Millitia told me who was in the Battle and marcht with Genl. Washington to Morristown with the Addition that they were all Privates Besides Officers and how many of them he did not know.

Immediately after the Battle (as I said before) Genl. Washingtons Men came into our house Though they were both hungry and thirsty some of them laughing out right, others smileing, and not a man among them but showed Joy in his

Countenance. It Really Animated my old blood with Love to those men that but a few minutes before had been Couragiously looking Death in the face in Releiveing a part of their Country from the Barbarous Insults and Ravages of a bold and Dareing Enemy. By the Joy that I felt myself I cannot help but be of the Opinion that the most Strict of them all against bearing Arms in our own defence[14] (if they have any love for their bleeding Country) but must in some degree or other Rejoice with the rest of their Neighbours and others for that days happy Relief that it Pleased God to bless us with.

1. To ward off the effective American snipers led by Colonel Edward Hand and his Pennsylvania riflemen.

2. Now Lawrenceville. The Americans—Hand's riflemen, Brigadier General Matthias Alexis Roche de Fermoy's brigade, Colonel Nicholas Hausseger's battalion of German infantrymen, Colonel Charles Scott's Virginia Continentals, and Captain Thomas Forrest's artillery battery (two guns)—were positioned at Five Mile Run on the outskirts of Maidenhead.

3. The Assunpink.

4. Casualties suffered by the British in the second battle of Trenton are unknown, but estimates run as high as 500.

5. Variously Assumpink, Assunpinck, and Assunpink.

6. Assunpink Creek.

7. Mawhood had left Princeton to join Cornwallis's main army at Trenton when he caught sight of Washington's army.

8. The encounter between Mawhood and Mercer took place on Clark's property.

9. American casualties were 40 killed and an undetermined number wounded; British losses were about 28 dead, 58 wounded, and 187 missing.

10. Nassau Hall, the main building of the College of New Jersey, (now Princeton University) also housed British troops.

11. Now Millstone.

12. A detachment of Pennsylvania militia was sent to destroy the main bridge over Stony Brook to slow down Cornwallis's army advancing from Trenton so that Washington's fatigued troops would have ample time to escape.

13. Mercer—Scottish immigrant, physician, Virginia militia officer, and brigadier general in the Continental army—died on January 11.

14. That is, Quakers; apparently the writer was a member of the Society of Friends.

4 The Reverend Alexander MacWhorter on British Brutality

[*Pennsylvania Evening Post*, April 26, 1777.]

The Reverend Dr. Alexander MacWhorter (1734-1807), pastor of the Newark Presbyterian Church, accompanied General Washington's army on its retreat across New Jersey in November-December 1776 and its return to Morristown by way of Trenton and Princeton in January 1777. Arriving back home in Newark, MacWhorter was distraught to learn that the British had committed the same kinds of depredations behind the lines as they had in the war zones. In the following extract of a letter to an unidentified correspondent, MacWhorter details some of the personal ravages of war suffered by civilians.

Newark, March 12, 1777

Great have been the ravages committed by the British troops in this part of the country, as to what has been done by them in Trenton, Princeton, &c. you have seen. Their footsteps with us are marked with desolation and ruin of every kind. I, with many others fled, from the town,[1] and those that tarried behind suffered almost every manner of evil. The murder, robbery, ravishments, and insults, they were guilty of are dreadful. When I returned to the town, it looked more like a scene of ruin than a pleasant well cultivated village.

One Thomas Hayes, who lived about three miles out of town as peaceable and inoffensive a man as in the state of New Jersey, was unprovokedly murdered by one of their Negroes, who run him through the body with his sword. He also cut and slashed his aged uncle in such a manner that he is not yet recovered of his wounds, though received about three months ago. The same fellow stabbed one Nathan Baldwin in the neighbourhood, who recovered. Three women were most horridly ravished by them, one of them an old woman near seventy years of age, whom they abused in a manner beyond description, another of them was a woman considerably advanced in her pregnancy, and the third was a young girl. Various others were assaulted by them, who, by the favourable interpositions of Providence, were preserved, that they did not accomplish upon them their base designs. Yea, not only common soldiers, but officers, even British officers, four or five, sometimes more sometimes less in a gang, went about the town by night, entering into houses and openly inquiring for women.[2]

Their plundering is so universal, and their robberies so atrocious, that I cannot fully describe their conduct. Whig and Tory were all treated in the same manner, except such who were happy enough to procure a sentinel to be placed as a guard at their door. There was one Nutman, who had always been a remarkable Tory, and who met the British troops with huzzas of joy, had his house plundered of almost everything; he himself had his shoes taken off his feet, and threatened to be hanged, so that with difficulty he escaped being murdered by them. It was diligently propagated by the Tories, before the enemy came, that all those who tarried in their

houses would not be plundered, which induced some to stay, who otherwise would probably have saved many of their effects by removing them. But nothing was a greater deception or baser falsehood than this, as the event proved, for none were more robbed than those that tarried at home with their families. I shall only here mention a few names, John Ogden, Esq;[3] an aged man, who had never done much in the controversy one way or another; they carried out of his house every thing they thought worth bearing away; they ripped open the feather beds, scattered the feathers in the air, and carried the ticks with them; broke his desk to pieces, and tore and destroyed a great number of important papers, deeds, wills, &c. belonging to himself and others, and they insulted and abused the old gentleman in the most outrageous manner, threatening sometimes to hang him, and sometimes to cut off his head. They hauled a sick son of his, whose life had been for some time despaired of, out of his bed, and grossly abused him, threatening him with death in a variety of forms.

The next neighbour to this Ogden was one Benjamin Coe, a very aged man, who, with his wife, was at home; they plundered and destroyed every thing in the house, and insulted them with such fury and rage, that the old people fled for fear of their lives; and then to shew the fulness of their malice, they burnt his house to ashes. Zophar Beach, Josiah Beach, Samuel Pennington, and others, who had large families, and were all at home, they robbed in so egregious a manner, that they were hardly left a rag of clothing, save what was on their backs. The mischief committed in the houses forsaken of their inhabitants, the destruction of fences, barns, stables, and other outhouses, the breaking of chests of drawers, desks, tables and other furniture, the burning and carrying away of carpenters and shoemakers tools are intirely beyond description.

Now this is only a faint account of the justice and humanity of the British troops. They fully answer the character of the wicked, whose mercies are cruelty. For in addition to all, they imposed an oath of absolute submission to the British King, turning the declaration contained in Howe's proclamation[4] into an oath, and causing the people solemnly to swear the same. Those who took the oath, and obtained what were falsely called protections, there are instances with us of these being robbed and plundered afterwards, but the most general way in which they obtained the effects of such people was by bargaining with them for their hay, cattle or corn, promising them pay, but none with us ever received any thing worth mentioning.

I might have observed, that it was not only the common soldiers that plundered and stole, but also their officers, and not merely low officers and subalterns,[5] but some of high rank were aiding and abetting and reaped the profits of this business, no less a person than Gen. Erskine,[6] who lodged at Daniel Baldwin's had his room furnished from a neighbouring house with mahogany chairs and tables, a considerable part of which was taken away with his baggage when he went to Elizabeth-Town. Col. M'Donald who made his quarters at Alexander Robinson's had his room furnished in the same felonious manner, and the furniture was carried off, as though it had been part of his baggage. Another Colonel, whose name I have forget, sent his servants who took away a sick woman's bed, Mrs. Crane's, from under her for him to sleep upon. But there is no end of describing their inhuman conduct. And what they practised in this town seems, as far as I can hear, only a sample of their general treatment of the inhabitants wherever they came.

ALEX. M'WHORTER

1. Newark.

2. Although reports of rape and molestation of women by soldiers abound, virtually all are hearsay. Sexual assaults have always been one of the more nasty byproducts of war; while there is no question that British and American troops abused numerous women, it is equally certain that reports of such incidents far exceeded their actual occurrence. Word of atrocities committed by lustful soldiers was excellent propaganda.

3. Ogden (1705-1795), lawyer and assemblyman from Essex County, 1751-1771.

4. General Sir William Howe, commander of the British army in America, sought to take advantage of the demoralized state of the population after Washington's crushing defeats in and around New York by offering on November 30 to pardon those who had taken up arms against the king provided they now take an oath of allegiance to the crown. According to Howe, more than 2,700 Jerseymen took the oath during the winter of 1776-1777.

5. Subalterns are men holding the ranks of captain lieutenant, 1st lieutenant, 2d lieutenant, and ensign lieutenant. Any one of them could serve as substitute for a captain as commander of the company.

6. Colonel Sir William Erskine, who served as quartermaster general for the British army in New Jersey.

5 Ebenezer Hazard, Journey Through Wartorn New Jersey

[Fred Shelley, ed., "Ebenezer Hazard's Diary: New Jersey During the Revolution," *New Jersey History,* (Autumn 1972), 90:171-79. Unless otherwise indicated, the diary appears as edited by Shelley; the footnotes, however, are mine.]

In November 1776, Ebenezer Hazard (1745-1817), postmaster of New York, traveled across New Jersey in advance of Washington's retreating army en route to his native Philadelphia. In August 1777 he left the Pennsylvania capital on a ten-day trip through central Jersey, presumably in conjunction with his current position as surveyor of the post office. The diary of his journey graphically depicts the kinds of physical destruction brought to communities and the countryside by massive troop movements and warfare. The devastation of war not only had a direct impact on the welfare of individual people, but also had a profound effect on public morale. As the War for Independence dragged on, it became increasingly a matter of endurance in which Jerseymen tested their ability to withstand the ravages of war.

August 5-14, 1777

August. 5th. [1777][1]. Set out for Morris Town, & rode to Mrs. Morris's,[2] where I dined, and was detained the Remainder of the Day by Rain.

[Aug.] 6th. Rode to Princeton. Trenton has suffered by the Enemy but not near so much as might have been expected: all the Fences about it have been destroyed. The Ferry House was burned down.—I am credibly informed that when Genl. Washington attacked the Enemy at Trenton,[3] Numbers of the Hessians hid themselves in Cellars, and others wanted to do so, but were driven out by the Inhabitants. Princeton looks like the Picture of Desolation. Several Houses have been burned there: Not a Pew is left in the Meeting House, & a large Brick Chimney has been built where the Pulpit stood; the Windows of this House have all been broken. The College[4] is in a very ruinous Situation, but this suffered more from the Licentiousness of our own Troops than from the ravages of the Enemy; The latter knocked down a Study in each Room, but the former destroyed the Library, damaged the Orrery,[5] broke down the Pews and Rostrum in the Hall, cut the Pillars which supported the Gallery, stole all the Pipes of the Organ, destroyed an elegant whole Length Picture of George 2d & defaced that of Govr. Belcher.[6] All the Windows of the College are broken, & every room in it looks like a Stable. The philosophical and electrical Apparatus are destroyed or carried off.—The neat Brick Wall which surrounded the Court Yard is much damaged. There are no fences left in Princeton. Lodged at Hyer's[7] where I saw a Child, the Son of a Negro Woman but of a white Father, who could not be distinguished either by his Color, Skin or Hair from the Children of white Parents; in short, he appeared to house nothing of the Negro in his Composition.

[Aug.] 7th. Passed through Kingston, Rocky Hill, Grigg's Town and Somerset Court House[8] to Morris Town. These are small Villages. Kingston is so shabby a Place that even an Enemy could hardly deface it; the Fences, however have been destroyed. Rocky Hill consists of but very few Houses[,] which do not appear to have suffered at all. The Case is the same with Grigg's Town. The Road runs (from Rocky Hill to beyond Somerset Court House) through a fertile, pleasant, thick settled Country, along the Bank of the River Milstone, which empties into the Raritan. Great Devastation was made by the Enemy at Somerset Court House: The Dutch & Presbyterian Churches (framed Buildings) were stripped of their Pulpits & Pews, their Doors & Windows were broken, & the Boards torn off the Outside, so as to leave the Frames bare. Several Dwelling Houses were destroyed;—the Thatch was torn off of Barns & Barracks, & two Orchards were cut down that Booths[9] might be made for the Soldiers, of the Branches of the Trees. The Enemy's advanced Guard was kept in an Orchard just back of the Court House; their main Body laid about half a Mile farther on a beautiful rising Ground: their Booths still remain there. Crossed Milstone twice and Raritan once, by Bridges; our Army threw up a small Breast Work & had one Gun to defend this Pass. The Road, all the way to Steel's Tavern[,][10] is very good but immediately upon leaving Steel's I had a very steep Mountain to cross; here our People had felled Trees to obstruct the Enemy should they attempt to cross the Mountain in any Way but by the main Road, which was defended by a Battery. Upon my Arrival at the Foot of the Mountain I crossed a Brook a little beyond which we had an Encampment. This was called Middle Brook.—Crossed another Mountain: these are distinguished by the Names of the first and second Mountains. From Steel's to Bullion's Tavern[11]

the Road is bad, from thence to Morris Town it is midling. Lodged at Mrs. Bleecker's.[12]

[Aug.] 8th, 9th, 10th. At Morristown. This is a very pleasant Village, surrounded with Hills; it is situated partly on a Hill, & partly in a Valley. On the Top of a Mountain at the Back of it we have a Breast Work and a Guard House: from thence, there is a beautiful & extensive Prospect;—Part of New York Government[13] may be seen from it.—Heard Mr. Jones[14] preach. Genl. Washington's Head Quarters & a great Part of our Army were a long Time at Morris Town: the Enemy never came here but the Licenciousness of our Troops had damaged the Town a great Deal.—Morris Town is the Capital[15] of Morris County. The Govr. & Council[16] are sitting here at present for the trial of disaffected Persons.[17]

[Aug.] 11th. Rode through Bottle Hill[18] (a small Village) Chatham, Springfield & Connecticut Farms[19] to Elizabeth Town. Chatham is a small Village upon the River Passaick which I crossed here by a Bridge. Springfield is a small Village too, situated between two Brooks which, on Account of the Mud at Bottom, are impassable except at the Bridges. To this Place the Enemy came, but had not Time to do any Mischief[,] being disturbed and driven away, before Night, by the Militia. In their Way from Elizabeth Town to this Place the Enemy took out of their Houses a Mr. Nathaniel Morris and William Richardson, as Rebels (as they termed it): they pinioned them & brought them to Springfield. When they found an Engagement was likely to come on, they tied them both together, and placed them in Front; they remained there during the Battle, & neither of them received any Damage. The Enemy being driven off[,] they were released. The Officer who ordered them to be placed there is supposed to have been killed or mortally wounded (& carried off), as he has not been heard of since.

A Lady who lives at Elizabeth Town, and at whose House some of the Hessian Officers lodged, told me that after the Defeat at Springfield they drove into Eliz. Town with all possible Expedition, & were so excessively frightened that they hardly dared to go to Bed. One of them appeared to be frantic, clapped his Hands together, & exclaimed "O! de Rebel, de Rebel, de Rebel!!" He told the Lady they were in close pursuit of him, pointed to the Place where he thought he saw them, and upon her denying they were there, took her up-stairs & threw up the Sash of the Window in order to shew them to her more distinctly. This Lady's House was plundered of almost every Thing in it. She had 30 Hessian Soldiers besides Officers, Quartered there.

Connecticut Farms is a small Village which has nothing remarkable about it. Not far from it is a large bed of rich Marl.—A great Deal of Rain has fallen today, accompanied with severe Thunder and Lightning. At Night much more Rain fell & Thunder and Lightning were incessant. I could not help observing as I rode through New Jersey a Prospect of amazing Crops of Indian Corn & Buck Wheat. Upon my mentioning this to a Gentleman at Springfield, he told me that the oldest Man living amongst them could not remember having such Crops of every Kind in that Country as they have had this Year. He said that he had observed in his own Field that one Grain of Wheat had produced 40 Stalks, each having a good full Ear, and that in many Instances, Meadow which for 11 Years past has produced but one Burthen of Grass per Ann. has this Year yielded two.—A Field in the Town of Newark which had been fed upon both by the Enemy's Horses and ours, & over which their & our Baggage and Artillery Carriages had been driven, & which was

not fenced in, after the Army's Departure, before the Middle of May, produced an amazing Crop of Wheat. Thus Heaven provides for the Support & Comfort of those who have suffered so much by the War, & had every Reason to expect a Famine amongst them!

Elizabeth Town was much plundered by the Enemy, the Fences were destroyed, but the Houses in general do not appear to have suffered as might have been expected; the presbyterian Parsonage has been roughly handled; the Meeting House escaped because the Hessians performed divine Service in it.—

Lodged at Mrs. Noel's.[20]—

[Aug.] 12th. Went to Newark. Weather very hot, as it has been for several Days past. The chief Damage Newark sustained appears to have been the Destruction of Fences. The Enemy violated the Chastity of some of the female Inhabitants here & in the Vicinity. A Woman of 70 was among the Victims of their brutal Lust.—Rained all the Afternoon. I forgot to mention the 7th. Inst. that I saw the House in which Genl. Lee was taken.[21] I should never have expected to find a General there.—Lodged at Dr. McWhorter's.[22]—

[Aug.] 13th. Went to Wardsessing[23] & Newark Mountains in Quest of my Cloaths which I found safe notwithstanding the Enemy had been at the House in which they were. My Property has been remarkably preserved.—The City of New York may be seen from Newark Mountains in clear Weather. . . .

Returned to Elizabeth Town.

[Aug.] 14th. Set out on my Return (by the same Road I came) to Phila. where I arrived the 18th. . . .

1. My insertion.
2. Is this Margaret Morris of Burlington (see Doc. 1)?
3. The battle of Trenton, December 26, 1776.
4. The College of New Jersey, Nassau Hall (now Princeton University).
5. Planetarium.
6. Jonathan Belcher, governor of New Jersey from 1747-1757.
7. Colonel Jacob Hyer's Hudibras Tavern.
8. Now Millstone.
9. Temporary houses or sheds.
10. Situated near the gap in the first Watchung Mountain.
11. Bernardsville.
12. Mary, wife of Anthony Lispenard Bleeker.
13. That is, the state of New York.
14. The Reverend Timothy Johnes, pastor of the the First Presbyterian Church in Morristown.
15. That is, the county seat.
16. Governor William Livingston and the Council of Safety.
17. See Sec. VIII, Doc. 5.
18. Now Madison.
19. Now Union.
20. The widow of Garrat Noel, Hazard's former partner in a bookstore in New York City.

21. Major General Charles Lee, Continental army, who was later to earn infamy at the battle of Monmouth Court House, was captured by the British at the widow White's home in Basking Ridge on December 13, 1776.
22. The Reverend Dr. Alexander MacWhorter.
23. Wardsesson, now part of Bloomfield.

6 The Reverend Nicholas Collin on the Ravages of War

[Amandus Johnson, trans., *The Journal and Biography of Nicholas Collin, 1746-1831* (Philadelphia, 1936), pp. 243-49. Bracketed material inserted by Johnson, my footnotes.]

Hoping to regain the momentum lost by the British army at the battles of Trenton and Princeton, General Sir William Howe assumed the offensive in June 1777 bent upon capturing Philadelphia. His march through New Jersey being thwarted, he returned to New York City, took to the sea, and landed at the northern end of Chesapeake Bay in late August. Inflicting defeats upon the American army at Brandywine Creek, Chadds Ford, and Paoli en route to the American capital, Howe occupied Philadelphia on September 26. After sustaining still another devastating setback at Germantown on October 4, General Washington and his discouraged army took up winter quarters at nearby Valley Forge. With British and American forces jockeying for position on the far side of the Delaware River, adjacent New Jersey became no-man's-land. As the Reverend Nicholas Collin, pastor of the Swedish Lutheran Church at Penn's Neck, observed, the tenuous state of affairs caused the simmering civil war to erupt with dire consequences for the people of southwest Jersey.

[February-June 1778]

On the last of February [1778] the American general Vain [Anthony Wayne] passed through here with a detachment of 300 men, of whom the greater part were miserably clothed, some without boots, others without socks.[1] He himself did not arrive until 12 o'clock at night and took up his quarters in my house. Just as he was about to go to bed, the sentries fired warning signals, but nothing happened, however. He was a well-bred gentleman and showed me great respect. He left the following day, and on the morning at 11 o'clock, a regiment of English infantry came to attack him, but he had then already escaped. These troops had come in running march the last [Swedish] half mile, and the militia in Swedesborough had hardly time to escape. I dressed in haste and stepped out, showed the Commander my commission[2] and requested not to be in any way molested. He answered

politely, and I had no other inconvenience than that the soldiers killed some of my hens and ducks. They had posted guards at all the larger houses and also at my gate. When I hastened out, I did not hear, because of the noise and confusion, that the guard asked me to stop, whereupon he, who thought I intended to escape, was on the point of shooting me. Many people here were plundered on this occasion. The English soldiers are undisciplined and cannot always be controlled. This was one of the main reasons for their slight success, because often both friend and foe were robbed in the most despicable manner, and sometimes with the permission of the officers.

From this time on until the end of June when the English army left Philadelphia[3] conditions here were in a rather wretched state. It looked as though America would soon be conquered. The people around here began, as early as last autumn, to trade with English in order to obtain specie coin, as well as sugar, tea, syrup and strong liquors, which are much used here. The location of the place on the river and around some navigable tributaries was very favorable for that purpose. The severest laws were passed against such trading and caused many people to suffer. These, in order to take revenge and others to avoid punishment, went over to the English side. A fort on the [New] Jersey shore,[4] which commands the river, had already been seized by the Englishmen last summer, and later had been put in good condition for defense. This fort proved a convenient refuge for all those and others, who had changed their opinion, either from conviction or through fear and hope, so that as early as the middle of November a great number of so-called refugees had taken up arms for the King.[5] Everywhere distrust, fear, hatred and abominable selfishness were met with. Parents and children, brothers and sisters, wife and husband, were enemies to one another. The militia and some regular troops on one side and refugees with the Englishmen on the other were constantly roving about in smaller or greater numbers, plundering and destroying everything in a barbarous manner, cattle, furniture, clothing and food; they smashed mirrors, tables and china, etc., and plundered women and children of their most necessary clothing, cut up the bolsters and scattered the feathers to the winds, burned houses, whipped and imprisoned each other, and surprised people when they were deep asleep.

At the end of March, 15 persons were arrested, who had traded with the English;[6] half of them belonged to the congregation.[7] They were kept imprisoned for one night in the schoolhouse at the Raccoon[8] Church and the next morning they were marched off under guard to the country. Orders had been given to the guards that if they encountered any English troops [they] should shoot the prisoners and then retreat.

At daybreak on April 4, 300 refugees and English troops arrived in three divisions to surround the militia, which escaped with great difficulty. They burnt down the schoolhouse for the simple reason that their friends had been kept prisoners there. I remonstrated with them how un-christian and wicked this behaviour was, and that it was the worst disservice they could do to their King. The officers agreed to this, but said that they were unable to keep proper military discipline. The militia returned after a while, took up their position in a wooded hill [close by] and began to fire [on the English]. A terrible alarm ensued. I and some others went out to look on, but both parties aimed so badly, that the bullets flew in all directions, so that it was best to stay inside.

In the morning on Easter Day a terrific cry was heard near the church. When

I came out I saw a terrible sight. A man, married to a woman of Swedish parents and in a way belonging to the congregation, was tied to a pine tree and was being whipped. He fainted at times, but when he recovered, the flogging continued both on [his]sides and back, so that the flesh was said to have been entirely crushed [and cut up]. Some days later he died. His crime was that he had profited by the forbidden trade.

In the month of May a division of American troops was stationed in Swedesborough for some weeks. Although the weather was fine, they, nevertheless, took up their quarters in the church and filled it with filth and vermin, so that no Divine services could be held. I therefore had to preach in private houses, wherever the best opportunity was found. Many members of the congregation (especially Raccoon) of both parties suffered injury in various ways by this frenzy.

James Stillman, a strong old Swedish Republican, very rich, lost most of his cattle. Peter Loch, the widow Henricson, also Swedes, Thomas Batton, an Englishman, and many others also suffered much. Doctor Otto's[9] house was also burnt down by refugees and a good deal of his property taken. Southerland, a Scotchman, son-in-law of the above-mentioned Stillman, together with a young Swede, Henricson, and some others [were] taken to New York as prisoners and retained there for several months. In Pensneck a Swedish widow, Dahlbo, lost many of her sheep, cattle and household goods; [so did] one Stanley, [an] English [man], and others. One Biddle, of a Swedish mother, lost his house through fire laid, as was thought, by a night party of refugees and Englishmen, who mistook him for his uncle, a zealous Republican, who robbed, whipped and imprisoned people in a tyrannical manner.

On the opposite side the militia pillaged [the following]: Jan Dericson, an old kind and quiet man, Jacob and Anders Jones who had traded with the English, a sea captain Jan Cox, who had lived in Raccoon for two years, whose beds were cut up, and his mirrors, china, tea tables, bureaus, etc., smashed to pieces by bayonets and musket stocks; Isac Jöstason, a Swede, who had gone over to the Royal Army, after he had begun to trade, but had for a long time previously been a strong Republican and officer in the militia. This one, who had as yet scarcely been missed by this former friends, arrived on the above-mentioned 4th day of April with the others, and helped to pillage the militia captain Brown's house in Swedesborough, whereupon the militia pillaged all his property and hardly left the wife and her old kindhearted mother the necessary wearing apparel and bedclothes.

[They also pillaged the home of] John Halton,[10] a native Englishman, belonging to the Episcopal Church, an inspector of the customs in the lower part of [New] Jersey, who had for some years lived near to the Raccoon Church. This man had for a long time been unpopular, simply because of his occupation, and was truly devoted to his King and nation. Already in 1776 he had been kept a prisoner for some time, now he was again threatened and went over to the army in Philadelphia. Thereupon his wife was robbed in the most dishonorable manner, of cattle, household goods, clothing, etc., and when she obtained permission the following July to go to her husband in New York, the man who brought her there had to give assurance that he would bring back the bed on which she was lying and without which she could not travel, being weak by sorrow and illness. After the English army had evacuated the place a commission was held concerning all who in any way had aided it. Many had to pay fines; among them Robert Clark and his two brothers,

James and Thomas, paid heavy fines, and the two last-mentioned were also in prison for a couple of months. The son of the first-mentioned had gone over to the Royal Army. All three had for some time been among the best members of the English congregation. Thomas was married to a Swedish wife, but his father-in-law and brothers-in-law were rather enthusiastic for the other party.

The property of some was confiscated, especially that of the above-mentioned Jöstason, Cox and Halton. Several were kept in prison for a long time, especially Thomas, the son of Jacob Jones, who was kept a prisoner for a whole year at a place 20 [Swedish] miles from here, and David Lojd, a Swede, who had been made a prisoner in May and was not released until December. This man was almost dying in July in a prison 2½ [Swedish] miles from Raccoon, where I visited him. He told me that he had suffered indescribable misery in other more distant prisons; among other things that two of his fellow prisoners had died and were not carried out until the stench was unbearable. Among those who had fought for the King, 19 were condemned to death, of whom some in a way belonged to the congregation, especially the above-mentioned person and another Swedish youth by the name of Lars Cox. These were often visited by me in said prison. The journeys were rather difficult, expecially in the autumn and winter, and from and to the place [the distance] amounted to 7 [Swedish] miles, because the bridges over several creeks had been destroyed during the war, so that a long round-about way had to be taken.

From all this it is apparent how terrible this Civil war raged, although during the whole time only one man was shot because both parties fought not like real men with sword and gun, but like robbers and incendiaries. The fact that no important detachments were stationed here contributed greatly toward such barbaric licence, as the province was too wild and of less importance, so that straggling parties under lesser and poor officers were allowed to proceed according to pleasure.

1. In the early months of 1778, while the American army shivered and starved at Valley Forge and the British garrisons in the Delaware Valley suffered from want of provisions, the residents of Burlington, Gloucester, and Salem Counties endured a series of raids by rival foraging parties. Neither the Americans under General Anthony Wayne nor the British under Lieutenant Colonel Robert Abercromby were especially successful in rounding up food-stuffs and supplies, but they did succeed in inflaming the passions of the local citizenry. For an incident associated with this action, see Sec. X, Doc. 6.

2. That is, certification of ministerial standing.

3. As part of the new British military strategy, Philadelphia was evacuated on June 18. Subsequent events associated with the evacuation led to the battle of Monmouth Court House (see Doc. 7).

4. Fort Mercer, an earthwork fortification at Red Bank, Gloucester County, which, along with its west bank counterpart, Fort Mifflin on Port Island, controlled the Delaware River and Valley. The British take-over of Philadelphia required the capture of the strategic fortifications. Two thousand Hessians under Colonel Karl Emil von Donop stormed Fort Mercer on October 22, but were repulsed with heavy losses by the 400-man garrison under Colonel Christopher Greene of Rhode Island (distant kinsman of General Nathanael

Greene). But the valiant effort was in vain. Fort Mifflin fell to the superior forces of General Cornwallis on the night of November 15-16, and Fort Mercer was abandoned on the night of November 20-21.

5. During the winter of 1777-1778 a number of Jerseymen joined the West Jersey Volunteers, a Loyalist unit commanded by former Gloucester tavern owner Daniel Cozens and attached to General Howe's forces.

6. Martial law prevailed in the region. In December the Continental Congress, which had fled to York, Pennsylvania, instructed General Washington to bring to trial by court-martial anyone apprehended within thirty miles of any British garrison in Pennsylvania, New Jersey, or Delaware on suspicion of trading with or supplying information to the enemy.

7. Collin's congregation.

8. Now Swedesboro.

9. Bodo Otto, German-born Continental army surgeon whose residence in Pennsylvania was interrupted by a brief sojourn in New Jersey, 1760-1766. His son Bodo, Jr., served as surgeon with the Jersey militia during the war.

10. John Hatton, customs collector of the port of Salem and Cohansey from 1764 to 1776, who was despised as much because of his obnoxious personality as because of the controversial position he held. He earned the title "King of the Tories" for his Loyalist activities; his son, John, Jr., joined the British army. The elder Hatton was imprisoned in Pennsylvania August 5-20 for complicity in the escape of an inmate from the Philadelphia jail; he was released on bond.

7 General George Washington Recounts the Battle of Monmouth Court House

[John C. Fitzpatrick, ed., *The Writings of George Washington* (39 vols., Washington, D.C., 1931-1944), 12:156-58.]

Pursuant to revised British strategy calling for major campaigns in the South and only limited coastal raids in the North, General Sir Henry Clinton, who had replaced General William Howe as commander of crown forces in May, evacuated Philadelphia on June 18 and began to march his troops across New Jersey to New York City. Washington followed a parallel course thirty miles to the north with the finest army he had ever had in the field. Hampered by American snipers and inclement weather as well as an enormous baggage train, Clinton's progress was slow. After covering a mere sixty miles in eight days, he halted on the twenty-sixth near Monmouth Court House (now Freehold) to rest. Opportunistic as always, Washington ordered an advance unit under Major General Charles Lee to attack while he brought up the main army. At 10 a.m. on Sunday, June 28, the Americans attacked Clinton's rear

guard. But when subjected to pressure by British reinforcements Lee, who disapproved of his orders, to the amazement of fellow officers ordered a retreat. Washington, who arrived on the scene at about noon, just in time to witness the confusion and panic that ensued, tongue-lashed Lee and regrouped his forces. The pitched battle raged on in ninety-seven degree heat; nightfall brought an end to the fighting and enabled Clinton to steal away toward transport ships at Sandy Hook. Thus ended one of the longest and bloodiest engagements of the war—American losses have been set conservatively at 365 (72 killed, 161 wounded, 132 missing) while the British suffered more than 200 killed and three or four times that number wounded and missing. Although the battle was a stalemate, Washington's action had averted an American rout and demonstrated that his Continentals could more than hold their own against the British army. In fact, Monmouth was the only time that Washington's army challenged a complete British force in open battle; it was also the Continentals' best performance of the war. Here in a letter to his favorite brother, John Augustine (Jack) Washington, the American commander recounts the battle of Monmouth.

Brunswick in New Jersey, 4 July, 1778[1]

Dear Brother:

. . .before this will have reached you, the Acc[oun]t of the Battle of Monmouth probably will get to Virginia; which, from an unfortunate, and bad beginning, turned out a glorious and happy day.

The Enemy evacuated Philadelphia on the 18th. Inst[an]t; at ten oclock that day I got intelligence of it, and by two oclock, or soon after, had Six Brigades on their March for the Jerseys, and followed with the whole Army next Morning. On the 21st. we compleated our passage over the Delaware at Coryells ferry,[2] (ab[ou]t 33 Miles above Philadelphia) distant from Valley forge about 40 Miles. From this Ferry we moved down towards the Enemy, and on the 27th. got within Six Miles of them.

General Lee[3] having the command of the Van of the Army, consisting of fully 5000 chosen Men, was ordered to begin the Attack next Morning so soon as the enemy began their March, to be supported by me. But, strange to tell! when he came up with the enemy, a retreat commenced; whether by his order, or from other causes, is now the subject of inquiry, and consequently improper to be descanted on, as he is in arrest, and a Court Martial is sitting for tryal of him.[4] A Retreat however was the fact, be the causes as they may; and the disorder arising from it would have proved fatal to the Army had not that bountiful Providence which has never failed us in the hour of distress, enabled me to form a Regiment or two (of those that were retreating) in the face of the Enemy, and under their fire, by which means a stand was made long enough (the place through which the enemy were pursuing being narrow)[5] to form the Troops that were advancing, upon an advantageous piece of Ground in the rear;[6] hence our affairs took a favourable turn, and from being pursued, we drove the Enemy back, over the ground they had followed us, recovered the field of Battle, and possessed ourselves of their dead. but, as they retreated behind a Morass very difficult to pass, and had both Flanks secured with thick Woods, it was found impracticable with our Men fainting with

fatigue, heat, and want of Water, to do any more that Night.[7] In the Morning we expected to renew the Action, when behold the enemy had stole of[f] as Silent as the Grave in the Night after having sent away their wounded.[8] Getting a Nights March of us, and having but ten Miles to a strong post,[9] it was judged in expedient to follow them any further, but move towards the North River[10] least they should have any design upon our posts there.

We buried 245 of their dead on the field of Action; they buried several themselves, and many have been since found in the Woods, where, during the action they had drawn them to, and hid them. We have taken five Officers and upwards of One hundred Prisoners, but the amount of their wounded we have not learnt with any certainty; according to the common proportion of four or five to one, there should be at least a thousand or 1200. Without exagerating, their trip through the Jerseys in killed, Wounded, Prisoners, and deserters, has cost them at least 2000 Men and of their best Troops. We had 60 Men killed, 132 Wounded, and ab[ou]t 130 Missing, some of whom I suppose may yet come in. Among our Slain Officers is Majr. Dickenson,[11] and Captn. Fauntleroy,[12] two very valuable ones. . . .

The Enemy's whole force Marched through the Jerseys (that were able) except the Regiment of Anspach,[13] which, it is said, they were affraid to trust, and therefore sent them round to New York by Water, along with the Commissioners;[14] I do not learn that they have received much of a reinforcement as yet; nor do I think they have much prospect of any, worth Speaking of, as I believe they Stand very critically with respect to France. . . .

Yr. most Affect[iona]t[e] Brother
GO. WASHINGTON

1. After the battle, Washington repaired to New Brunswick to rest his weary troops; there, with a thirteen-gun cannon salute as accompaniment, a grand review was held to celebrate the second anniversary of American independence.

2. Now Lambertville.

3. British-born Charles Lee (1731-1782), soldier of fortune who served in America in the French and Indian War, moved to Virginia in 1773. He was soon drawn into the burgeoning rebellion and, because of his military experience, was named major general in the Continental army in June 1775 (third in command behind Washington and Artemus Ward). Lee was universally disliked because of his unkempt appearance and uncouth manners, his arrogant demeanor, and his suspected sympathy for his native country. He was captured at Basking Ridge, New Jersey, on December 13, 1776; his subsequent behavior as a prisoner of war fell clearly within the definition of treason. Unaware of Lee's conduct, Washington arranged for his exchange in April 1778. Two months later Lee bungled his first test as a field commander at Monmouth. The resultant court-martial and suspension from command effectively ended his controversial military career.

4. There is no indication that Washington intended to take formal action against Lee, but on June 30 in a series of intemperate and insolent letters Lee demanded a court-martial to clear his reputation. Major General William

Alexander (Lord Stirling) presided over the court, which opened in New Brunswick on July 2 and closed in Paramus on August 9. Lee was found guilty of all three charges brought against him—disobedience of orders, misconduct in ordering the retreat, and insubordination—and sentenced to suspension from command for twelve months. On December 5, the Continental Congress voted that the sentence be executed.

5. A causeway linking the Middle and West Ravines.

6. Washington regrouped his forces on an elevation behind the West Ravine.

7. It is believed that at least thirty-seven Americans and fifty-nine British died from sunstroke or heat prostration. Many horses also succumbed to the debilitating heat and lack of water, including Washington's magnificent white charger presented as a gift that very day by Governor William Livingston.

8. Washington displayed uncharacteristic thirst for battle, perhaps because he felt Lee's conduct would lead to criticism of his command. At any rate, Monmouth was one of the few instances where Washington's emotions colored his behavior on the battlefield.

9. Clinton rushed to join General Wilhelm von Knyphausen, who had left Monmouth at 4 a.m. on the twenty-eighth with his division and the baggage train. Except for one foot brigade and the Seventeenth Dragoons, Knyphausen's forces did not participate in the battle. Clinton caught up with Knyphausen at daybreak and was in Middletown by 10 a.m. on the twenty-ninth, at Sandy Hook on the thirtieth, and in New York with his entire army by July 5.

10. After recouping in New Brunswick, Washington marched to White Plains to keep Clinton under surveilliance; the North River is the Hudson River.

11. Major Edmund Dickinson, First Virginia Regiment, Continental army.

12. Captain Henry Fauntleroy, Fifth Virginia Regiment, Continental army.

13. The Anspach-Bayreuth battalions were shipped from Philadelphia to New York City because Clinton apparently thought they would desert; the remainder of the German troops (mostly Hessians) made the march across New Jersey under the command of Knyphausen.

14. The Carlisle Peace Commission. See Sec. X, Doc. 8, note 2.

8 Colonel Sylvanus Seeley Describes the Battles of Connecticut Farms and Springfield

[Sylvanus Seeley, Diary, Morristown National Historical Park.]

The last military engagement of any consequence to take place on New Jersey soil ranks among the most baffling enterprises of the entire war—baffling in terms of both strategy and execution. Except for minor patrol actions

and skirmishes, all had been quiet on the Jersey front since the pitched battle of Monmouth Court House in June 1778 (see Doc. 7). Then, to the utter surprise of the Americans, Baron Wilhelm von Knyphausen, commander in chief of German forces and acting commandant of the British army at New York during the absence of General Sir Henry Clinton, crossed over from Staten Island to Elizabethtown on June 7, 1780, with a 5,000-man contingent comprised of British regulars, German mercenaries, and Loyalist volunteers. The purpose of the mission is uncertain, but Knyphausen probably wanted to capitalize on the reported war-weariness of the local militia as well as Washington's Continentals encamped at Morristown. Despite the size of their attacking force, the British had insufficient baggage to mount a serious campaign. At any rate Knyphausen pushed rapidly toward Morristown. But upon encountering spirited resistance on June 8 at the tiny hamlet of Connecticut Farms (now Union), he gave a brief fight, put a torch to the community, and quickly retraced his route. While the militia rose in anger over the wanton sacking of the village (see Doc. 14) and the killing of innocent civilians (see Doc. 9), Washington, baffled by the destructive foray, nervously awaited the Hessian's next move. Meanwhile, Clinton, who had returned from a victorious campaign in South Carolina, first inspected Knyphausen's forces and then feigned an advance up the Hudson River toward West Point. Washington countered by moving his main force to Pompton, leaving General Nathanael Greene with 1,000 Continentals supplemented by state militia at Springfield. History then repeated itself. Once again striking suddenly, Knyphausen set out from Elizabethtown on June 23. The rival armies met at Springfield, two and one-half miles northwest of charred Connecticut Farms. After a brief skirmish, the British once again inexplicably retreated after burning all but four of the houses in the town. Jerseymen had seen the last of the British army. But they long retained vivid memories of the cruelty displayed at Connecticut Farms and Springfield—recollections that would in most cases guard against the very disillusionment that Knyphausen had hoped to exploit. In a rustic style characteristic of the poorly educated New Jersey yeomanry, Colonel Sylvanus Seeley, prosperous Morris County farmer and sometime commander of the East Morris Militia, recounts the fighting at Connecticut Farms and Springfield.

[June 7-23, 1780]

7th June 1780: Had an Alarm and the Enemy came out as far as Springfield Bridge.[1] The Militia colected fast and joining Maxwels[2] Brigade stopt the Enemy and after sum Fire at long Shot the Enemy retired to a Breast Work they had threw up on an Advantagious Pice of Ground on this side the Farm Meeting Hous[e].[3] About 3 this Aftarnoon they set Fire to about 30 Buildings one of which is the Meeting Hous[e]. We have had about 15 Killed and 40 Wounded, among the latter my Brother Sam[ue]l slightly.[4] I had Orders and Marched my Regiment to Thompsons Mills whare we lay all Night.

8th: This morning about 1/2 after 12[5] the rear of the enemy left the ground. About 8 o'clock received orders to follow them and on ower [i.e., our] march receive[d] inteligence that the Enemy are going but when we got to Town[6] find a

guard in the Woods back of Decon Ogdens hous[e] and at the forks of the Road. Aftar sum Time here and being Joined by Lord Stirlings[7] Troopes he Orders us to Advance in three Colloms one on the Main Road (the Continental Troops)[8] Col[one]l Cortland[9] on the Left Myself in the Centor. We Advanced and the Troop under my Command behav[e]d Exceading well altho at a certain time one Platoon fell back a little but after being ordered to Com[e] up came up and stood thare ground well. We took about 20 Prisoners and Advance[d] Through the Woods whare the enemy open[ed] upon us with a number of Field Pieces and finding they ware towe heavy for us[10] Hand[11] Ordered a Retreat which was perform[e]d in good Order. I had one Man Killed and Three wounded. After Retiring about half a Mile we lay on ower Armes untill Evening and then Returned to the North End of Town and staid all Night.[12]

9th: E[a]rly this Morning Rec[eive]d Orders to Return to Springfield which Don[e] and Men Refreshed Returned to the Farms.[13] Joined G. Maxwel and lay on ower Armes all Night. . . .

[23rd]: This day the enemy came out and burnt Springfield and returned about 3 Oclock P.M., Pursewed by ower People. The Enemies loss this day is thought to be Considerable. Owers is about 15 kill[e]d and 40 Wounded. I got home about 10 at night.

1. Over the Rahway River.
2. Brigadier General William Maxwell of Morristown, Continental army.
3. The Presbyterian Church.
4. Sylvanus Seeley's younger brother Samuel, a second lieutenant in the First Regiment of the New Jersey Continental Line, who was wounded in the shoulder.
5. 12:30 a.m.
6. Elizabethtown.
7. William Alexander, New Jersey's self-styled Lord Stirling, major general in the Continental army.
8. Under the command of Brigadier General Edward Hand of Pennsylvania.
9. Colonel Philip Van Cortland of Essex County, state militia.
10. The action took place between Elizabethtown and the British landing-site of Elizabethtown Point on the coast.
11. Brigadier General Edward Hand.
12. In Elizabethtown.
13. Connecticut Farms.

9 The Killing of Hannah Caldwell

[*New-Jersey Journal*, June 14, 1780.]

One of the most publicized events in New Jersey during the war was the death of Hannah Ogden Caldwell, wife of the fiery "rebel pastor" James Caldwell, at the battle of Connecticut Farms on June 7, 1780. For nearly six months newspapers carried accounts of the episode: patriot sympathizers contended that she had been murdered deliberately by the king's troops because of her husband's activities, while British supporters argued that she had been struck by a stray shot from the American ranks (see Doc. 10). The facts surrounding her death are unclear, but the weight of evidence supports the contention that a British soldier, harassed by snipers in private dwellings, fired at a movement in a window in the Caldwell house and hit and killed Mrs. Caldwell. Whatever the case, the patriot press revealed considerable callousness in the way it exploited her tragic demise for propaganda purposes. The report of the incident below is datelined Chatham, June 14; correspondent unknown.

[June 7, 1780]

. . . .As soon as they came to Connecticut Farms, seven miles from the place of their landing, they began the exercise of their awful cruelty.[1] They first set fire to the house of Deacon Wade,[2] and then to the Presbyterian church; but soon advancing to the house of the Rev. Mr. Caldwell,[3] they had an opportunity of reaching the summit of that cruelty after which they have been climbing for so many years. Mr. Caldwell could not remove his property, nor all his family. His amiable wife, with a babe of eight months, and one of three years old, with the housekeeper[4] and a little maid,[5] were left. Mrs. Caldwell having dressed herself, and put her house in order, retired with those into a back room, which was so situated that she was entirely secured against transient shot from either party, should they dispute the ground near the house, which happened not to be the case. The babe was in the arms of the housekeeper, the other child the mother held by the hand, all sitting upon the side of the bed, when one of the barbarians advancing round the house, took the advantage of a small space, through which the room was accessable, and fired two balls into that amiable lady, so well directed that they ended her life in a moment. This horrid deed appears the more cruel in the eyes of all who knew the lovely person, the sweet temper, and the not only inoffensive but benevolent life of that dear mother of nine children now living, the eldest of which is but just turned sixteen. From some circumstances this appears not to have been the act of one rash inconsiderate villain, but the effect of deliberate orders given previous to their coming to the place, that she should be murdered. She was stripped of part of her clothes, but her corps was preserved from the flames by two or three of the enemy whose humanity was not yet extinct. This was a murder without provocation, and the most opposite to humanity; for although her husband has uniformly defended the American cause, yet he has not only avoided cruelty

himself, but used his utmost endeavours to prevent it being done by others; and as to herself, one would have thought her sweet appearance, and amiable life, would have protected her from even British or Tory cruelty. Not satiated by this horried deed, after stripping the house they set fire to it and eleven more dwelling-houses in the neighbourhood, without the outhouses, &c. . . .

Consider Americans! what you have to expect from such enemies, and what you have to do! If the tribes of Israel rose as one man to revenge the cruelty offered an individual of no good character, (Judges xix)[6] what ought to be our conduct when the fairest innocence is no protection; when the condition of widowhood, attended with age, or a large offspring, is no defence. . . .

1. For the battle of Connecticut Farms-Springfield, see Doc. 8.
2. Caleb Wade.
3. Residents of Elizabethtown, the Caldwells moved to a rented house in Connecticut Farms to escape the British.
4. Catherine Benward.
5. Abigail Lennington.
6. The rising of the Israelites to punish the men who raped a concubine. Judg. 19-20.

10 "A British Officer" on Guerrilla Warfare

[*The Royal Gazette*, June 21, 1780.]

In the wake of the destruction and havoc wrought by the British army at Connecticut Farms and Springfield (see Doc. 8), the patriot press came alive with articles detailing alleged British atrocities. The accidential death of Hannah Caldwell received especial publicity (see Doc. 9). Perturbed by what he considered the "glaring falsehoods" being spread about the action of the Royal Army, an unidentified British officer wrote a public letter to Loyalist publisher James Rivington to set the record straight. At the end of the letter, he departed from an account of military operations to discuss some of the problems attendant on waging a guerrilla war in which one could not tell friend from foe and in which enemy soldiers preferred to fight from places of concealment rather than on open battlefields. The British task was further complicated by having to fight both Washington's regular army and irregular militia units, contend with a civil war between rebels and Loyalists, and suppress a rebellion motivated by ideologies that they could not comprehend. It was not surprising, as the officer admitted, that at times emotions on both sides carried the day.

Elizabeth Town, June 20, 1780

Sir,

....Whilst the troops were advancing to Connecticut Farms, the rebels fired out of the houses, agreeable to their usual practice, from which circumstance, Mrs. Caldwell had the misfortune to be shot by a random ball. What heightens the singularity of this lady's unhappy fate, is, that upon enquiry it appears beyond a doubt, that the shot was fired by the rebels themselves, as it entered the side of the house from their direction, and lodged in the wall nearest to the troops, then advanceing: The manner in which the rebels aggravate this unfortunate affair, in their publications, is of a piece with their uniform conduct, plausible, but fallacious, nor is it to be wondered at, if a rebellion which originated in falsehood, is prosecuted with deceit: a soldiery received with smiles one moment, and the following instant butchered (for in a military view it merits no other name) by a set of people, who by their clothing and appointments cannot be distinguished from the quiet inhabitants of the country, may well be supposed to be exasperated; nor need we be surprized at their using the torch to dwellings, which they find hourly occupied by armed men, who either want the generosity or the spirit to close the present unhappy contest, by a manly, open soldier like decision; whatever may be the humane wishes of the Commanders, human nature at times, steps over the barrier of discipline and men of judgment and candour, in the great scale of political reasoning, do not wonder at occurences, which their private feelings shrink at; such are the effects of intestine divisions; miserable is the fate of that country, which is the theatre of such a quarrel, and accursed is the man, or the set of men, who from motives of private lucre, or inordinate ambition have fanned a flame, which if they were willing, they are now perhaps unable to extinguish.

A BRITISH OFFICER

11 Residents of Trenton Celebrate the Victory at Yorktown

[*New-Jersey Gazette*, October 31, 1781.]

After the battle of Monmouth there were no more major military campaigns in the North. Clinton sat tight in New York, Washington doggedly watching his every move. The action shifted to the South, where the British army under Lord Cornwallis launched an ambitious plan first to conquer and pacify the southern states (where potential Loyalist support was greatest) and then move northward to take on the rebel strongholds. The fall of Savannah (December 1778) and Charleston (May 1780) coupled with the humiliating defeat of the Southern Army under General Horatio Gates at the battle of Camden (August 1780) won the momentum for the British and seemed to confirm the wisdom of the strategy. American resistance picked up considerably in 1781, thanks to the

efforts of guerrilla leaders Francis Marion and Thomas Sumter and the frontier riflemen of Daniel Morgan, but Cornwallis's damaging raids into Virginia (May-August), sandwiched between British victories at Guilford Courthouse (March) and Eutaw Springs (September), augured ill for the future of the American cause. But then fortunes shifted. Cornwallis, hampered by inadequate troops and supplies as well as ambiguous orders, moved on August 1 to the Virginia port of Yorktown, where the sea afforded better opportunities to maneuver and communicate with Clinton in New York. Shortly thereafter Washington received word that Admiral de Grasse and his French fleet had sailed from the West Indies and would be available for naval operations. At once Washington joined forces with Rochambeau's French army and raced south. Besieged by an Allied army of some 17,000 soldiers (nearly half of whom were French) and blockaded after September 28 by de Grasse's fleet on the York River, Cornwallis surrendered his entire 8,000-man army on October 19. To all intents and purposes the demoralizing defeat ended the military phase of the revolutionary war and set in motion events leading to the negotiation of the peace treaty ending the war (see Doc. 12.) The people of New Jersey, fully aware of the profound significance of the victory at Yorktown, held joyous celebrations throughout the state such as the one at Trenton described below.

Trenton, Oct. 31, [1781]

On Saturday last[1] the great and important event of the surrender of Lord Cornwallis and his whole army, to the combined forces commanded by His Excellency, GENERAL WASHINGTON, was celebrated here with every mark of joy and festivity.

The day was ushered in with the beating of drums, and the American colours were displayed in various parts of the town.

At 11 o'clock in the forenoon His Excellency the Governor,[2] the Honourable Council and Assembly, with the inhabitants of the town and vicinity, attended divine service at the Presbyterian Church, where a discourse adapted to the occasion was delivered by the Reverend Mr. Spencer.[3]

At noon a proper discharge of cannon was fired by the corps of artillery belonging to the town, in the presence of the Governor, General Dickinson,[4] the Members of the Legislature and the Gentlemen of the town and neighbourhood, assembled on the common.

At three in the afternoon, the company repaired to an elegant entertainment, at which the following toasts were drank, and severally accompanied with a discharge of artillery.

1. The United States of America.
2. The Congress.
3. The King of France.[5]
4. General Washington and the American army.
5. The Count de Rochambeau[6] and the French army.
6. The Count de Grasse[7] and the French fleet.
7. General Greene[8] and the southern army.
8. The friends of liberty throughout the world.

9. The memory of Generals Warren,[9] Montgomery,[10] and all the other heroes who have fallen in the defence of the liberties of America.

10. Peace on honourable terms, or war forever.

11. The great and heroic Hyder Alli,[11] raised up by Providence to avenge the numberless cruelties perpetrated by the English on his unoffending countrymen, and to check the insolence and reduce the power of Britain in the East-Indies.

12. The Governor and state of New-Jersey.

13. The glorious 19th of October, 1781.

At seven in the evening the company retired, and the rejoicings were concluded by a brilliant illumination.

Every thing was conducted with the greatest good order and propriety; and we mention it with pleasure, that not the least disturbance or irregularity happened during the whole festivity. What greatly added also to the joy inspired by this glorious event, was the pleasing recollection of the advantages already reaped from our alliance with that magnanimous Prince whose troops have had so great a share in executing the important enterprise. An alliance now more firmly cemented by the united effusion of French and American blood, in a conquest the more agreeable to both nations, for being obtained by their combined efforts as fellow-soldiers and fellow-victors in the same triumphant cause.

1. October 27.

2. William Livingston.

3. The Reverend Elihu Spencer.

4. Brigadier General Philemon Dickinson, commander of the New Jersey state militia.

5. Louis XVI.

6. Jean Baptiste Donatien de Vimeur, Comte de Rochambeau, commander of the French army in America.

7. Francois Joseph Paul, Comte de Grasse, French admiral whose West Indies-based fleet first defeated a British squadron off the Virginia Capes and then arrived at Yorktown in late August to implement the crucial naval blockade of Cornwallis's garrison at Yorktown.

8. General Nathanael Greene, who replaced Horatio Gates as commander of the Continental army in the South in October 1780.

9. Joseph Warren, radical leader and major general in the Massachusetts militia, who was killed during the battle of Bunker Hill on June 17, 1776.

10. Brigadier General Richard Montgomery, who fell during the ill-fated assault on Quebec in December 1775.

11. Hyder Ali, who revived the state of Mysore during the general Hindu uprisings against British imperial control in India during the 1760s.

12 Residents of Princeton Celebrate the End of the War

[*New-Jersey Gazette,* April 23, 1783.]

In June 1781 Congress fortuitously appointed Benjamin Franklin, John Jay, Thomas Jefferson, and Henry Laurens as commissioners to assist John Adams in conducting negotiations with the British. Cornwallis's surrender at Yorktown in October was the final blow for a nation already reeling under the pressures of social upheaval, political dissension, economic crisis, and acute war-weariness. In February 1782 the House of Commons voted to discontinue efforts to suppress the rebellion and on March 5 passed a bill authorizing the crown to sue for peace. Thereupon Lord North, chief minister since 1770, resigned and was replaced by Lord Rockingham, who, as in 1765, faced the task of accommodating the Americans. On April 12 peace talks began between Richard Oswald and Franklin, the only American in Paris. (Franklin and Jay, who arrived from Madrid in June, handled virtually all the negotiations: Adams was in the Netherlands until late October 1782 securing an economic treaty and financial assistance; Laurens was captured by the British in October 1780 and temporarily imprisoned; Jefferson remained at home because of his wife's illness.) Deliberately ignoring the terms of the Franco-American treaty of 1778, the commissioners did not consult with the French but instead entered into secret negotiations with the British. The result was the preliminary articles of peace signed on November 30. Parliament ratified the terms on January 20, 1783, and on February 4 proclaimed a cessation of hostilities; Congress declared an end to military action on April 11 and ratified the articles four days later. The final treaty which ended the war and recognized the independence of the United States was signed in Paris on September 3, 1783; it became operative officially with the exchange of ratifications on May 12, 1784. When word that peace had been achieved reached New Jersey in early April 1783, Governor William Livingston on the fourteenth issued a proclamation heralding the joyous news. Communities throughout the state held public celebrations. The war was over; Jerseymen had peace at last.

Princeton, April 21, 1783

The gentlemen of this town and neighbourhood having fixed on the 19th of April (as being the memorable AEra of the commencement of hostilities in America in 1775)[1] to celebrate the peace so happily concluded; His Excellency the Governor,[2] a great number of the inhabitants of this town and neighbourhood, together with several gentlemen of the adjacent villages, met about 12 o'clock on Saturday last at the flag-staff (on which the American flag was beautifully displayed) where the Governor's proclamation, declaring a cessation of hostilities, was publickly read, which was succeeded by the discharge of 13 cannon and the acclamations of the people.

At 1 o'clock the company met in the College Hall,[3] where an excellent discourse, suitable to the occasion, was delivered by the Rev. Dr. Witherspoon,[4] to a very numerous audience. Entertainments having been provided at the houses of Mr. Hyer[5] and Mr. Beekman,[6] at 3 o'clock, the company divided and repaired to each house; where, after dinner, the following toasts were drank, severally accompanied by the discharge of cannon.

TOASTS for 19th April, 1783.

1. The auspicious 3d of February, 1783.[7] May the peace, which occasions this meeting, be as permanent as it is honourable.

2. The United States of America. May virtue, patriotism and publick honour, the sure basis of free governments, ever be the cement and support of the American union.

3. His Most Christian Majesty,[8] by whose generous assistance this peace has been obtained; and all other powers friendly to America.

4. General Washington—the officers and privates of the American army. May their persevering and distinguished services in the field meet with a generous reward in the cabinet.

5. General Greene and the southern army.[9] May their unwearied labours and brilliant successes be ever impressed on the minds of a grateful country.

6. The American commissioners at Paris.

7. The Marquis de la Fayette.[10]

8. The memory of the brave, who have fallen in defence of our liberties, or have lost their lives by the cruelties of Great-Britain.

9. An increase of arts, agriculture, manufactures and commerce, in America; and may republican virtue and frugality take place of monarchical luxury and extravagance.

10. The state of New-Jersey. May her rulers always possess that wisdom, and preserve that dignity, publick spirit and integrity, necessary to govern so patriotick a republick.

11. Nassau Hall. May she again flourish and continue the nursery of statesmen, as she has been of warriors.

12. All whigs and distinguished patriots. May they ever enjoy that freedom which we have acquired by the revolution.

13. May the recollection of the 19th April, 1775; the 4th July, 1776; and the 3d Feb. 1783, prove a terror to tyranny and oppression throughout the world.

At 7 o'clock in the evening the houses in the town were splendidly illuminated, and in many great taste was displayed in the arrangement of the lights.

At 8 o'clock the infantry company of the town fired 13 platoons, with great regularity and exactness; after which the company retired, having spend the day with that festivity, decency and good order, which we hope will ever characterize a free and virtuous people.

1. The battles of Lexington and Concord, April 19, 1775.
2. William Livingston.
3. Nassau Hall.

4. John Witherspoon, president of the college, member of Congress, and signer of the Declaration of Independence.

5. Jacob Hyer's Hudibras Tavern.

6. Christopher Beekman's tavern.

7. The date should be February 4, when Great Britain issued a proclamation declaring an end to hostilities in America.

8. Louis XVI, king of France.

9. General Nathanael Greene, who assumed command of the Southern Army in October 1780; his leadership breathed new life into a previously demoralized and disorganized American campaign in the south.

10. Marie Joseph Paul Yves Roch Gilbert du Motier, Marquis de Lafayette, young French noblemen who volunteered his services to the American cause; a favorite of Washington, he contributed much both as a general in the Continental army and as a symbol of the spirit of the new republican order.

13 William Peartree Smith to Elias Boudinot

[*PNJHS*, 4 (1849), pp. 122-24.]

Although welcoming the end of hostilities, politically sensitive Jerseymen like William Peartree Smith realized that the war had solved only the problem of independence. It was, after all, one thing to achieve national sovereignty and quite another to maintain it in the face of a host of unresolved domestic problems. Among the more pressing problems were an unstable economy, lack of effective political leadership, and the ineffectiveness of the Articles of Confederation as a national constitution. As Smith pointed out with utter candor to his old friend, Elias Boudinot, the future of the republic was by no means clear. Smith's words must have had special meaning to Boudinot, who had been named president of the Congress in November 1782 and in that capacity had signed the Treaty of Paris as well as numerous peace proclamations. Not only did Smith acknowledge the pressing problems that confronted the nation, but he also advocated the solution to national problems most feared by republicans—the advent of oligarchical or monarchical rule.

Newark, April [?] 1783

My Dear Sir,

The glorious work is completed! I salute and congratulate you on the opening of this, I hope, auspicious day—a day which, with the name of my Friend, will be recorded in the page of History, when his Spirit and mine, I trust in God, will be celebrating a Jubilee of eternal Peace and Harmony.

The fine air of this illustrious morning, you will find has set my silent bells into a little jingle; and the imperfect sounds are conveyed to your ears. They are very weak, I must confess. I am incapable of ringing the Grand and Noble Chimes of Triumph. They utter, however, very sincere joy and my ardent aspirations.

And now my dear Sir, all hands to work, to set all the parts of the Great acquired machine into some order, which I fear is all going to Pieces, without sufficient force in the Commanding Spring,[1] (over which you now preside) and which must be acquired. All the inferior wheels will run into Confusion, and by and bye, some Master Hand will seize it. So did a Cromwell;[2] and if this should become necessary, as (inter nos et sub rosa)[3] I think it will, God grant it may be the man who merits from the Country he has rescued—a DIADEM!

I will detain you no longer, but finish my Letter, only tagging a little laughing mocking Picture at the End on't—

The Conscious Tory hangs his humbled Head,
Or sneaks to Scotia with his axe and spade;
Reluctant—there to weep 'mid Fogs or Frost—
His Friends, his Family, his Country lost.
There toils and sweats beneath inclement skies,
Envies the once damn'd Rebel—curses George and dies.

April 22d, 1783

....I take it for granted that a Day of Gen[era]l Thanksgiving is already appointed, when with you I shall join in my hearty Amen to the universal Song, "Peace on Earth and Good Will to Men!"—But I must hazard a melancholly Reflection or two amid this general Burst of Joy. Tell me, O my Friend, of what avail is this most wonderful blessing of Independence to the poor Individual who has sacrificed his all generously to obtain it for his Country, and has now nothing to depend upon for his own support but the mere good Providence of Heaven: not the Justice of his Country; for all regard to this prime attribute of God seems to be vanished from these Rising States. Empires founded upon Trick and Injustice can never prosper. If no restitution be made to injured friends who risqued every thing to uphold a desperate cause, Divine vengeance will be and bye appear in some great unlooked-for & forcible Event. National Crimes, which cannot be punished in a future, must be nationally punished in this world, if there be a righteous God above. All past History verifies the truth of this Observation. And for abandoning the now wretched Loyalists, says Dr. Carlisle,[4] "We ought all to be damned both in this world and ye world to come." Pardon, I write w[i]th some feeling.

The other day I suddenly met w[i]th a Freeman's Journal,[5] in which was an acc[oun]t of a late disturbance in the Army, & of our Great General's Conduct upon that Occasion—a Conduct truly admirable.[6] Superior to what the common principles of Human Nature would have dictated to a Soaring Genius. To a Soul endued w[i]th a spark of ambition, and pointing to Earthly Grandeur, the Opportunity then afforded was a fine one indeed! The writing dispersed among them was well done, shrewd, sensible, & artful, perfectly calculated to blow all up into a universal flame. Had an Oliver[7] commanded a republican army at such a delicate and critical Juncture, his towering brain would have traced out instantaneously a very different Line of Conduct. But Washington is the Patriot of Patriots. Talk of

your Catos,[8] y[ou]r Brutus,[9] & y[ou]r Cassius[10]—they are all meer Fools to him. In short, he is too good for an ingrate, base, degenerate world. Verily, Verily, I don't know whether it would not have been best for us all, had he lain hold of the Helm; for I am confoundedly afraid the Stupid Crew will sink the Ship, when escaped the Storm and got into safe Port. Words cannot express my Veneration for this Character, to which the late Action has given the finishing stroke. Each State ought to erect a Statue to him: and I would inscribe on the Pedestal: Patriae Liberator.[11] Humani Generis Amator.[12] Humanistati Laudibusq[ue] Superior.[13] But alas, Alas! .the God of this world has blinded their Eyes, and what they ought to do they know not.

It is truly very pious and very charitable in you, my very dear Friend, to talk as you do, of "trusting in the Almighty Protector of our grateful Country, that as he has brought us in sight of Jordan, &c., he will not suffer us now to sink, &c." As to this grateful Country, I, for my part, am grown so much of a Cynic of late, as to be filled with many uncharitable doubts ab[ou]t the gratitude of this same grateful Country. And with respect to trusting in God, 'tis a very pious Resolve; but here again I have so much of the Sceptic about me as to doubt whether the Almighty will help a People who refuse to put their own shoulders to the work. We know with respect to Individuals it is s[ai]d "Work out y[ou]r own Salvation, because" &c. Human Exertions and Divine Aid go together w[i]th Nations as well as individuals. This is my Creed, & I believe yours. However, God may save us miraculously, for aught I know, for the sake of a few righteous—for the sake of the few good men we have at the Head of our great Counsil—at the Head of our Army, and I must presume at the Head of our Churches. But I detain you too long. Forgive me this Wrong, and all my impertinent effusions w[i]th y[ou]r usual Candor: and be pleased to present my affec[tion]s and respectful Salutations to y[ou]r two daughters.

Every my excellent Friend's
Most Entirely,

W. P. S.

1. The Congress.

2. Out of the turmoil of the English Civil War arose the Commonwealth (1649-1660), a republican government with legislative power theoretically in the legislature but actually in the army and its leader, Oliver Cromwell; Cromwell's Protectorate (1653-1658) was a quasi-military dictatorship.

3. Between ourselves and in secret.

4. Probably Frederick Howard, fifth Earl of Carlisle, head of the peace commission sent to America in 1778. See Sec. X, Doc. 8, note 2.

5. *The Freeman's Journal: or, the North-American Intelligencer,* published in Philadelphia from 1781 to 1792.

6. Smith is referring to the so-called Newburgh Conspiracy. In early January 1783 a group of disgruntled army officers complained to Congress about arrears in pay, unsettled financial accounts, and the failure of the Congress to provide half-pay pensions for life for retired officers. When Congress rejected the pension scheme and failed to give assurances that the other problems would be soon rectified, an anonymous address (actually

written by Major John Armstrong) was circulated in March among the officers at Washington's main camp at Newburgh, New York. While some officers and ranking civilians approved of the thinly veiled threat of a military coup, Washington condemned such talk and crushed the incipient mutiny with a stirring appeal to the patriotism of the officers.

7. Oliver Cromwell (see above note 2).
8. Cato the Younger or Cato the Elder. See Sec. XIII, Doc. 3, note 2.
9. Marcus Junius Brutus (85-42 B.C.), leader of the conspiracy against the dictator Caesar in 44 B.C.
10. Gaius Cassius Longinus, coleader with Brutus of the assassination of Caesar.
11. Liberator of the fatherland.
12. Lover of mankind.
13. Superior in human praise.

14 David Bonnel, Sr., Inventory of Property Losses

[Damages by the British in New Jersey, 1776-1782: Essex County, Connecticut Farms No. 3, New Jersey State Library.]

Caught in the cockpit of the revolutionary war, Jerseymen suffered greatly from the ravages of warfare. The British and American forces that repeatedly traversed the state from 1776 to 1778 left an awesome wake of destruction. Thereafter cantoned armies and roving militia, not to mention the raiding parties that sporadically visited the state, continued the devastation. Especially hard hit were the residents of the geographic corridor in the center of the state which connected the strategic cities of New York and Philadelphia. At the behest of the Congress, the New Jersey legislature in December 1781 passed a law authorizing appraisers in each county to collect inventories of "Goods, Chattels or other Property, whether Real or Personal, damaged, wasted, spoiled, plundered, burned, or destroyed by the Troops in Service of the Enemy or their Adherents, or by the Continental Army, or by the Militia of this or of the neighboring States." The legislature was to use the damage claims, based upon prices current in 1775, "to devise Ways and Means for the Relief of those who have suffered, that equal Justice may be done to all the Inhabitants of this State." Although detailed inventories were systematically collected throughout the state, claimants never received any compensation from the government. Nonetheless, the inventories are valuable indexes of the personal financial losses endured by individual citizens during the war. Representative is a claim submitted by David Bonnel, an Essex County farmer of modest means, for losses sustained during the British raid on Connecticut Farms in June 1780 (see Doc. 8). Bonnel is typical of his countrymen not only in the kinds of possessions he owned but also in the arduous task he faced in rebuilding after the war.

Connecticut Farms 25th May 1789

Inventory and Apprisal of the property of David Bonnel Senior, Burnt, taken and Destroyed by the British Army & their Adherents on the 7th day of June 1780.

1 Dwelling House 18 by 16 Compleatly finished 1 Barn 18 by 16	£120.0.0[1]
1 Gum Cupboard	5.0.0
2 Linen & one Woollen Wheels[2]	3.0.0
1 Rope wheel and Rope Tackling	1.5.0
1 Feather Bed 80/[3] 3 Chast[4] Beds @ 15/	4.15.0
6 pair of Sheets	6.0.0
2 Bolsters and 4 Pillows	1.9.0
4 pair of Pillow Cases	16.0
2 Bedsteads and two Bed Cords	1.12.0
5 Coverlets	4.10.0
2 Blankets	1.10.0
1 Set of Black Chairs—3 fiddle Back do.[5]	2.5.0
80 lbs of Good Flax	4.0.0
15 yards of New white Linen	2.8.0
15 yards of Linsey[6]	3.7.6
12 yards of Cheap Linen	2.12.0
20 yards of Tow Cloth[7]	2.0.0
2 Large Iron Dish Kettles	18.0
1 Frying pan 7/ one Small Iron Kettle 6/	13.0
3 Hatchets	2.0.0
8 Shirts and Shifts	1.13.0
6 Pair of Stockings	1.10.0
80 lbs Flour—30 lbs of Linen Yarn @ 3/3	5.7.0
1 Barrel of Soap 30/—5 Low Chests @ 12/	4.10.0
3 Pails and one Iron hoop'd Bucket	16.6
4 Good Cyder Barrels	16.0
1 Cedar Wash Tub one New Meat Barrel	15.0
12 Dry Barrels	1.4.0
1 Flax Brake[8] one Shovel two Rakes	19.0
1 Pail and 4 lb Whitened yarn	18.0
1 Mortar and Pestle and four milk Bowls	10.0
1 Quart pewter pot 4/ 3 Earthen pots @ 1/3	7.9
6 Earthen plates	3.0
2 three pint Basons[9] & 12 Spoons	7.0
1 Set of knives and forks	6.6
20 lbs of Tallow	1.0.0
2 Stone pots with 20 lbs of Hogs fat	15.0
6 pewter plates three Neats[10] Tongues	18.0
1 Clock Reel 10/ 3 Bushels of Indian Corn	1.8.0
1 Churn 6/6 1 New Splinter Sceive 4/	10.6
1 Hogshead[11] 7/ 1 Hair Sceive 4/	11.0
8 Fowls @ 1/ 2 Bibles 1/1 & a Psalm book	1.3.6
Watts's Sermons[12]—Confession of Faith	15.0
Miltons Paridise Lost & 7 other Books	15.0

1 Hog of 200 Weight	2.6.0
1 Coat, Vest and Breeches, part wore	1.10.0
6 Petticoats some part worn	1.16.0
6 Short Gowns	1.10.0
2 Worsted Long Gowns	2.10.0
half an Acre of Extraordinary good Wheat	2.16.0
5 lbs of Wool	12.6
1 Case of Bottles	10.0
1 pair Smoothing Irons	7.6
2 Bushels of Rye and one peck of Beans	13.0
2 Tables and one Stand	1.15.0
1/2 Bushel of Salt	2.0
1 half Bushel and one four Quart Measure	5.0
3 Extraordinary Apple Trees destroyed	1.10.0
5 Plumb Trees Burnt	15.0
20 Chestnut Rails and 4 Posts Burnt	7.0
	£218.7.3

The above Attested to by the Oaths of David Bonnel, Caleb Wade and William Bonnel

1. Monetary figures are divided into the following columns: pounds, shillings, pence.
2. Spinning wheels.
3. Figures before slashes indicate shillings; after slashes pence.
4. Chaste beds: simple in design, inexpensive.
5. Abbreviation for "ditto."
6. Linsey-woolsey: coarse cloth made from a linen-wool or cotton-wool blend.
7. Cloth made of yarn derived from the coarse and broken part of flax (tow).
8. Instrument used to crush the woody part of flax or hemp so that it can be separated from the fiber.
9. Basin.
10. neat: cattle of the oxen variety.
11. A large cask holding a specified amount of liquid (approx. 63 gallons).
12. Isaac Watts (1674-1748), a radical English Protestant, who championed civil and religious liberties.

X

Citizen Soldiers

For all its economic, political, and social dimensions (see Sec. XI-XIII), the revolutionary war was at base a military venture. Thus considerable attention must be paid to the engagements and campaigns that comprise the War for Independence (see Sec. IX). But in viewing the war one should not lose sight of the warriors, for in the end those who did battle are more important than the battles. After all, the outcome of the contest rested upon the shoulders of those who individually took up arms and collectively formed armies.

An estimated 10-12,000 Jerseymen saw military service in the revolutionary war as members of either the Continental army, the state troops, the militia, or various special units. Hailing from all walks of life, they were truly citizen soldiers. The outbreak of warfare in Massachusetts in April 1775 transformed farmers and shopkeepers, craftsmen and laborers into infantrymen and artillerymen, fifers and drummers, bombardiers and dragoons, boatmen and teamsters. (See Sec. V, Docs. 6 and 12; Sec. VI, Doc. 4.) These poorly trained, ill-equipped, and meagerly paid troops, who usually had to provide their own arms and uniforms, stood in sharp contrast to the generally disciplined and resplendent professional soldiers who fought for the king. Having utter contempt for the tattered and bedraggled Continental lines, the inefficient and unpredictable state troops, and the more-condemned-than-commended militia, the British could scarcely comprehend what kept American armies in the field.

The New Jersey soldier, typical of his counterparts elsewhere, was motivated by hopes as well as fears—hopes of what might be achieved by taking up arms and fears of what might be lost by failing to do so. A crusade-like atmosphere marked the early days of the ideologically charged war as men put aside considerations of personal comfort and safety to pursue the cherished objectives of liberty and independence (Doc. 1). But as the war raged on, the

willingness to fight stemmed increasingly from the will to survive, to protect homes and families from the dreaded enemy (Doc. 6). And with the passage of time, as patriotic fervor gave way to the realization that the war would be long and hard, much of the soldiery became hardened, even cynical. Officers competed for promotion (Doc. 9) and complained about inadequate compensation (Doc. 11), while the men in ranks became embittered by a host of grievances ranging from arrears in pay to excessively long tours of duty (Doc. 14). It became predictable, even in times of crisis, that many militiamen would desert or fail to turn out (Docs. 4 and 7); others shirked military service by paying small fines or providing substitutes. However, although some veterans would later wonder whether the new nation recognized or appreciated their sacrifices (Doc. 15) most men, whether chaplains (Doc. 2) or privates (Doc. 3), freemen or slaves (Doc. 16), for reasons known only to themselves stoically endured untold hardships (Doc. 12) and fought on.

Just as a sizable number of men who served in the army never fought, another group of "citizen-soldiers" contributed materially to the war effort without serving in the army—the women of New Jersey. Their contributions were legion. A ragtag, mixed bag of females known as "camp followers"—seamstresses and laundresses, wives and whores—accompanied armies on their marches. Most women, however, remained behind minding the home fires, tending the farms and shops, making clothing and equipment for the men in arms. When the occasion presented itself, they were able to shoulder muskets (Doc. 5) and man cannon (Doc. 10). One especially zealous female took up the pen and boldly suggested subtle ways in which her sisters could support the war effort (Doc. 8). More demure but no less determined, a group of Trenton ladies organized a statewide relief society (Doc. 13). All in all it is hard to conceive how the martial enterprises in the state could have been maintained without the encouragement and assistance of Jersey women.

Americans were able to endure nearly eight years of warfare against invading troops and home-grown Loyalists precisely because they were "citizen-soldiers"—men and women, blacks and whites, freemen and slaves—engaged in a folk uprising inspired by the Spirit of '76 and dedicated to the achievement of self-government.

1 Philip Vickers Fithian to Elizabeth Fithian

[Philip Vickers Fithian, *Letters to His Wife. . .* (Vineland, N.J., 1932), pp. 18-20.]

For Elizabeth (Betsey) Beatty Fithian, the revolutionary war was literally a family affair. When her husband of nine months joined Colonel Silas Newcomb's First Battalion of Cumberland County Militia as chaplain on June 20, 1776, and

set off to meet the British at New York, four of her brothers were already under arms. Like other Jersey families the Fithians felt the anguish of separation and the anxiety of disaster attendant on military service. But they were willing to face the dangers and hardships to defend their liberties. Many paid the ultimate price; Fithian himself died from war-related illness at Fort Washington on October 4, 1776. Brothers John and Reading Beatty were subsequently captured at Fort Washington in November 1776; they were later exchanged.

New York—July 19th, 1776.

My dear Betsey.

You will expect that I make use of the first, & of all Oppertunities to inform you of my State: I do it most gladly. Always when I do any thing for you, it engages all my Heart. That free & unlimited Friendship which I have for you, & which you have approved and returned, dwells steadily in my Thought. Therefore I live for you, & thankful to heaven for the Indulgence of your Society, I own you always to be my dearest & most entertaining companion.

I arrived in this City last Fryday Evening, as I wrote you, an hour & a half after the Cannonade; you will immediately guess at, but cannot easily comprehend, the Situation of Matters after so unexpected an Event. Two Ships & two Tenders are however gone up the North River[1] & lie above us, to obstruct the Market as much as Possible. They lie in what is called Tanpons Bay,[2] a broad part of the River where they are secure. The remainder of the Fleet lie within the Narrows in plain view from the City only eight Miles Distance, near the Staten Island Shore, of which they have full Possession.

There is a vast Army in this City & its Neighborhood; up the East & North Rivers & on the Jersey Shore they are spread from Powles-Hook[3] quite to South Amboy; on Long Island where I expect to go in a few Days; on Governor's Island & on Bedlows.[4] But the Number of the Army I cannot ascertain. Every possible Preparation is making & it is now certainly expected there will be an Action, but that will be a day of dreadful Name.

The Inhabitants of the City who are unfit for military Duty, the Aged, the Women & Children, have chiefly left the Town; & Guards are now at all Places of passing, that no Boat or Person can leave or enter the City without an authentic Pass.

Yesterday at the City Hall Independency was proclaimed amidst the Acclaimations of Numbers, after which the King's Arms were thrown down to the Multitude, & by them devoured with the greatest rage!

Your Brother John[5] is yet at King's Bridge;[6] I have heard from him several Times that he is in health; last Week he was in town. I supped with Reading[7] last Night; this morning he also is gone to King's Bridge to join his Battalion; lately he has been appointed Ensign to the 5th Battalion of Pennsylvania Troops: he showed me a Letter from Charles[8] dated June the 13th at the mouth of the Sorel:[9] he was in the Action when General Thompson[10] was taken, but escaped & was well when he wrote. This Day I saw & Spoke with Arkee:[11] he came yesterday from Long Island & is now stationed in this Town; he belongs to our Brigade; of Col. V. Cortlands[12] Battalion in Capt. Morrells[13] Company. He is hearty but complains like me of sore Bones. You see, my dear Girl, that all your

Brothers who are capable of Duty, are engaged in the American Cause.

We are quartered in a good House; but it is totally empty. At night we spread our Blanket & lie on the Floor; I sleep with Mr. Holmes;[14] he has two Blankets and a Pillow; these we spread down & cover us with one; but the hard Floor & rough Blankets, believe me, they are not pleasant.

We have Beef & Bread at Dinner & usually the same for Breakfast & Supper; if we have it not always it is when we buy a little Coffee & cook it up ourselves in our Dinner Pot. But all is good. I boast of the Fare when connected with the Duty. It is American Liberty we are trying to support, & there are many thousands in this Town, as well as me, who are resolved to suffer more before we give it up.

Nothing gives me an anxious Hour but you my kindest Friend. If I had a Security for your safety & happiness I should be contented. I have told you that nothing but direful War should detain me long from you. And surely unnumbered Curses await that Wretch who has occasioned the Division of such near Alliances. But we shall meet again—in the World to come, if not in this. Be not then unduely troubled; If I fall in Battle, or otherwise; This I ask, let my Memory be dear to you, think of me as a Person, who never viewed you without Emotion; & was never in your Company a Moment but with the highest Pleasure!

If it is equally convenient you will stay where you are, but your own choice is to be consulted; Be careful of our affairs. Remember my Charge of keeping your little Book. Give my love & Duty to Unkle, the Family, Sister, Brother; Mrs. Hunter;[15] And as many of my Acquaintances as you have Oppertunity.

I lent Squire Ewing[16] the Life of Chesterfield, you will send for it soon & put it up safely, & be careful of my Books.

I have nothing more now, only my strong Request that you write by all oppertunities, be not backward, nor indolent, but often send a Line to your most obliged Friend.

PHILIP V. FITHIAN

1. The Hudson River was also known as the North River.
2. Tappan Bay, some thirty miles north of New York City near Tarrytown.
3. Powles Hook or Paulus Hook, now Jersey City, was the site of the main ferry connection between New York City and New Jersey.
4. Bedloe's Island.
5. John Beatty (1749-1826), the oldest of the Beatty brothers, entered the medical profession after graduating from the College of New Jersey (now Princeton University) in 1769. In January 1776 he was commissioned as a captain in the Fifth Pennsylvania Battalion.
6. Kingsbridge, located at the northern tip of Manhattan, was the only structural link joining the island with the mainland and thus was the main route to upstate New York.
7. Reading Beatty (1757-1831) was studying medicine with his brother John when the war broke out; in January 1776 he joined the Fifth Pennsylvania as an ensign.
8. Charles Clinton Beatty, who, less than four months after graduating from the College of New Jersey (now Princeton University) in 1775, marched

off to war as a second lieutenant in the Fourth Pennsylvania. He died soon thereafter when a rifle accidentally went off in camp.

9. The strategic Sorel (or Richelieu) River which connects Lake Champlain with the St. Lawrence River between Montreal and Trois-Rivieres.

10. Brigadier General William Thompson of Pennsylvania, who led the ill-fated June 8 attack on Trois Rivieres.

11. Erkuries Beatty, the youngest of the Beatty brothers to take up arms, was a private in the Continental army.

12. Colonel Philip Van Cortland, Second Regiment, Essex County Militia.

13. The Reverend Thomas Morrell, Captain in the Essex County Militia.

14. Probably Abijah Holmes, quartermaster for Fithian's unit.

15. Ann Stockton Hunter, aunt of Fithian's close friend the Reverend Andrew Hunter, Jr. (see Doc. 2).

16. Maskell Ewing, Sr. (1721-1796), patriarch of the famous Ewing clan of Cumberland County; his son, Thomas, was married to Fithian's sister, Sarah.

2 Andrew Hunter, Jr., The Life of an Army Chaplain

[Andrew Hunter, Jr., Diary, 1776-1779, Firestone Library, Princeton University.]

The Reverend Andrew Hunter, Jr. (1752-1823), nephew and namesake of the famous Presbyterian clergyman of Greenwich, Cumberland County, joined Colonel Philip Van Cortland's unit as chaplain on June 28, 1776. The extract from his diary that follows not only reveals something about the life of an army chaplain but also records Hunter's reaction to the first major confrontation between British and American forces. The battle of Long Island began August 22-25 when General William Howe, supported by warships in New York Harbor, landed a 20,000-man force on the island and advanced toward strategic New York City, which was occupied by an American army under George Washington. The American forces sent to Long Island to blunt the British offensive suffered crushing defeats during pitched battles on August 26-27; during the night of August 29-30 Washington withdrew his men to Manhattan Island.

[August 6-September 1, 1776]

6 Tuesday Wrote a little in the morning—very unwell with a diarrhea in the afternoon.

7 Wednesday All day very unwell with the same complication.

8 Thursday Abed chief of the day.

9 Friday My complaint continues or rather degenerates into the dysentery.

10 Saturday A.M. took an emetic; P.M. visited by Mr. Chapman[1] who was so kind as to agree to preach to my Reg[iment] on the Sabbath.

11 Sunday Something better in health. What an invaluable blessing is an affectionate wife or friend in the hour of sickness and distress. The dysentery abates; taken with a violent head ach. Mr. Chapman called to see me, but was hurried home sooner than agreeable by the appearance of a thunderstorm. Unable to attend public Worship—unable to read—unable to think.

12 Monday Continued weak and unfit for much business—spent the former part of the day in reading and writing. In the afternoon visited Col. Van Cortland.[2] Upon hearing a number of cannon fired we went down to the dock with a glass and saw 40 Sail of the Kings Ships arrive at Staten Island to have the Hesians on board.

13 Tuesday Reg. orders to march to Long-Island. Spent the day in preparing accordingly.

14 Wednesday Spent the day in moving from New York to Long Island.

15 Thursday Spent the day in quest of lodging which we are not permitted to take without the lines.

16 Friday Moved to Mrs. Seaburn's to board and lodge at 15/[3] per week appears to be an agreeable place.

17 Saturday Spent the day in studying and preparation for the exercises of the Sabbath.

18 Sunday About half after 6 O'Clock in the morning a heavy canonading began between the Phenix a 40 Gun Ship and the Rose a 24 Gun Ship[4] in their passage down to Staten Island, and our Batteries. The Engagement lasted about 3 Quarters of an Hour. Spent a part of the day in religious exercises with the Regiment. The other part was exceeding stormy.

19 Monday Spent the day in writing letters or reading. Every evening for two weeks past we have fully expected an attack.

20 Tuesday Spent the day in study—only the necessary duties and avocations.

21 Wednesday Spent the day in reading and writing. This day the enemy begin to weigh anchor and stand outwards. Conjectured that they are gone to plunder or to make a descent upon some other part of the continent. We have an account of the Rifle-Men killing one of the Regulars who was one of a party who attempted to Land at the Narrows. In the Evening a most dreadful thunderstorm which killed in Camp 1 Captain, 2 Subalterns and blinded and deafened 2 privates.

22 Thursday Very unwell in the morning; about 11 O'Clock an Express came from the Narrows that the Enemy were landing there and that Col. Hand[5] the commanding Officer and his Regiment were retreating. Our Drums beat in Arms and every Reg[iment] took its Alarm post; the Generals then viewed the Arrangement and detached two Rifle Reg. and 3 Reg. of Musketteers to meet the Enemy who then had advanced as far as Flatbush. Our Troops Marched near their Encampment and after placing proper guards lay down upon their Arms.

23 Friday A smart skirmish happened between our Men and an advanced party of the enemy. One of our riflemen received a Musket ball in his Thigh which broke the bone. I was present at nursing the wound a little distance from the place of action—oh the excruciating Pain! The enemy's loss we are not yet able to ascertain tho' it is probable that it is not great. They however retreated to this main Body we Detached 8 Regts. to relieve those who had been out the Day before. The men upon

our Lines all the day engaged in making Piquets and Abbetiss[6] all in good Spirits and seem eager to fight.

24 Saturday After visiting the Reg. I spent the former part of the day in reading. A constant scattering fire was kept up between the enemy and our Men—little Damage was done on either side—save that 7 of the Enemy were said to be killed. One of our men had his leg shattered with a 6 Pound Ball. I was present when Dr. Warren[7] amputated the Limb—the man fearcely disstorted his Face, and never gave a groan. The operation was performed in about 3 minutes after the Tornequits were fit—with very little loss of Blood. Col. Martin[8] on reconnoitring Party received a wound in his breast, Lieut. Thomas[9] and four Privates taken Prisoners.

25 Sunday The Camp in a Tumult—a few of us both forenoon and afternoon met to worship God. Very little done between us and the Enemy.

26 Monday Little done all Day. In the night our people and the Enemy lay within about 200 yards of each other. They fired scattering shot on both sides.

27 Tuesday Early in the Morning the Enemy in the woods attempted to surround our people in different Places which they in some Degree effected. A warm engagement at different Quarters ensued. But the Enemy, being double in Number, our Men were obliged to give way. Many were killed, many wounded, some drowned, and others escaped by swimming— we make doubt but the Enemy's loss was as great as ours in every Respect. We took about 30 of them Prisoners. We had about 300 men loss two of our Brigadier Generals Lord Stirling and Gen. Sullivan[10] were taken Prisoners. Col. Johnson[11] and Col. Terry were killed. The enemy appeared in open view in the afternoon in large columns. They began to cast up works with about 1/4 mile of lines. A Lamentable Day.

28 Wednesday An incessant scattering Fire was kept up so that it was very dangerous to be out of a fort. The Balls whizzed around our Ears from all Quarters. Very little Damage done on either side. We were several Times alarmed with the approach of the Enemy. Col. V. Cortlandt defended Brigadier Gen. [blank].[12]

29 Thursday We remained in the same state. We threw several shells at our Enemy, and they fired their Field-Pieces at us. In the afternoon we received orders to parade the different Regiments at 7 O'Clock to receive orders. The orders were to retreat to New York with all our Baggage, to carry off as much of our artillery as possible. We were crossing the River all night in great hurry and confusion. This Retreat was wise determined and well executed—our People got safely over to New York. We left the Tories of Long-Island in great Fear and abandoned them to the Effects of their own cursed devices.

30 Friday Spent the Day in New York in a State of great anxiety. The Enemy this morning took Possession of all our Forts on Long Island. The ships of war drew up near Governors Island and fired several times upon our People there. We sent our Flat bottomed boats to bring them off; the Enemy in the Mean Time fired upon them from Fort Sterling,[13] Red Hook,[14] and their Ships, and only wounded one man.

31 Saturday Spent the Day in preparing for the Exercises of the Sabbath. Very little done in military affairs, unless some scattering shots from the ships. The soldiery seem a good deal discouraged and General McDougal's[15] Brigade marched up towards Harlem to prevent the Enemy's coming across the town from Long Island.

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1 September Sunday We were ordered to be in readiness to march at a minute's warning. The soldiery were ordered to cook 2 days provisions and were prevented attending religious exercises. We had some Quiet and something like Peace. . . .

1. The Reverend Jedidiah Chapman of the Newark Mountains Presbyterian Church.
2. Colonel Philip Van Cortlandt, Second Regiment, Essex County Militia.
3. Fifteen shillings.
4. H.M.S. *Phoenix* and *Rose,* the principal British frigates brought down from Tappan Bay, had forty-four and twenty-eight guns respectively.
5. Colonel Edward Hand, First Pennsylvania, Continental Line.
6. Pickets (F. *piquets*): pointed or sharpened stakes used for fencing; abatis: a crude fortification constructed of felled trees whose sharpened ends face the enemy.
7. John Warren of Boston, younger brother of Joseph Warren, then chief surgeon of the Continental army hospital on Long Island.
8. Colonel Ephraim Martin, Second Regiment, Sussex County Militia.
9. Lieutenant Edward Thomas, First Regiment, Burlington County Militia.
10. William Alexander of New Jersey and John Sullivan of New Hampshire.
11. Colonel Philip Johnson, Second Regiment, Hunterdon County Militia.
12. Name missing from the manuscript.
13. Fort Stirling, fortification of General William Alexander (the self-styled Lord Stirling) on the shore of the East River near the Brooklyn Ferry.
14. Red Hook, the island directly south of Governor's Island at the northern extremity of Gowanus Bay, was the site of Fort Defiance.
15. Alexander McDougall of New York, Continental army.

3 [William Churchill Houston?], The Campaign Journal of a Militiaman, 1776-1777

[*Princeton Standard,* May 1, 8, and 15, 1863]

The following account portrays the life of a militiaman during some of the most trying times confronted by Jerseymen during the revolutionary war. After suffering devastating defeats by the British in and around New York City, Washington's bedraggled army in November and December of 1776 fled through New Jersey and across the Delaware River with Generals Howe and Cornwallis in leisurely pursuit. New Jersey belonged to the enemy. But Washington's audacious attack on Trenton on December 26 and his subsequent victory at Princeton on January 3 reversed the process; by the end of January 1777 the

British had been driven out of West Jersey and Washington had gone into winter quarters at Morristown. During the next months, local militiamen harassed the British by interdicting supply routes, ambushing patrols, and scattering foraging parties. And when General Howe opened the fighting season on June 11 by boldly marching across New Jersey toward Philadelphia, the seat of the Continental Congress, the militia once again rose to the occasion: Howe was forced to beat an inglorious retreat to Staten Island, there to embark for the Pennsylvania capital by sea. The author of the following campaign journal, who endured privation and exposed himself to death to help drive the British out of the state, has not been positively identified. In all probability the soldier was William Churchill Houston (1746-1788). After graduation in 1768, Houston stayed on at the College of New Jersey (now Princeton University) as a member of the faculty. In February 1776 he became a captain in the Second Regiment, Somerset County Militia, thereafter dividing his time between scholastic and military activities. He became a full-time soldier when the college closed in November 1776, but resigned from the militia to resume teaching duties when the institution reopened in July 1777. He left teaching in 1783 to devote his energies to government and politics. During a distinguished career he served in the Provincial Congress (1776), assembly (1777-1779), Council of Safety (1778), and Continental Congress (1779-1781, 1784-1785). He was clerk of the New Jersey Supreme Court from 1781 to 1788, and represented the state in the Annapolis Convention of 1786 and the Federal Convention which drafted the United States Constitution in 1787.

[November 29, 1776-June 30, 1777]

On the 29th of November, 1776 New Jersey College long the peaceful seat of science and haunt of the Muses was visited with the melancholoy tidings of the approach of the enemy.

This alarmed our fears and gave us reason to believe we must soon bid adieu to our peaceful Departments and break off in the midst of our delightful studies; nor were we long held in suspense, our worthy President[1] deeply affected at this solemn scene entered the Hall where the students were collected, and in a very affecting manner informed us of the improbability of continuing there longer in peace; and after giving us several suitable instructions and much good advice very affectionately bade us farewell. Solemnity and distress appeared almost in every countenance. Several students that had come 5 and 600 miles, and just got settled in College, were now obliged under every disadvantage to return with their effects or leave them behind, which several through the impossibility of getting a carriage at so confused a time were obliged to do, and lost their all. . . .

Wednesday Dec[ember] 18th I went over the River[2] to join Longstreets Company,[3] found the Company and came back over the River with them the next Day, though I had not joined. The sun set just as we marched from the River after crossing, I marched with them till some time after dark, then took the road to Johnsons,[4] missed my way some miles, got home next day about ten in the morning. Next day went to near Princeton within 1/2 a mile of the Enemy got a Gun and Accoutrements. As it was bad traveling, I sprained my ankle this day.

Next day Sunday [December 22], I came back to Amwell, intending on Monday to go over the River. But as the Amwell Militia were at this time coming back over River, I through persuasion staid and enlisted in the Amwell Battallion. Dec. 24th Went off immediately with the scouting Party Capt. Houston's. Took our Lodgings in the neighborhood. My ankle was very painful and the bottoms of my feet blistered so as some times while walking to make me cry out. . . .

Next morning [January 1, 1777] we marched to Penny Town,[5] drew Rations and marched some miles further towards Trenton, and took Lodgings that night. Set out early next morning, towards Trenton, till sun 1/2 an hour high when we heard the Engagement begin towards Princeton;[6] we then immediately marched back to Penny Town waiting some time for Intelligence. Made two or three movements and lay in wait some time in the woods, for the Enemy; but they having got intelligence of us by some Tory, returned another road, and so escaped us, we then came to Levy Hart's took Lodgings, and cooked provisions. I laid about 3 hours with my blankets on cords. At 3 o'clock, set out for Penny Town, after a round about march we came to the field where the Battle was fought. Had a most dismal prospect of a number of pale mangled corpses, lying in the mud and blood. I felt gloomy at the awful scene. Returned in a rough tedious march to Hopewell. Such unpleasant marching occasioned my ankle again to swell and grow painful. . . .

Staid here in peace till Monday morning [January 20] we then received an Alarm and were ordered to march to Boundbrook, we arrived there between 11 and 12, then hearing that the Enemy was plundering at Millstone, we immediately marched for that place, being joined by a considerable body at Boundbrook we marched on till we passed Raritan Bridge, hearing several Cannon fired, while on the way. After crossing the Bridge, the Battallion I was in was taken off for the left wing, I crossed Millstone, some distance below the Bridge, wading through the water, more than knee deep. We immediately marched towards the road, and fired upon the Baggage Guard, who were retreated that way. They immediately left horses wagons and plunder, and returned with the greatest precipitation. The main body of the Enemy lay just over south of the Bridge. Before we crossed the River below, our main Body began the Attack at the Bridge with one Field piece and made the Enemy give way. They continued their fire upon the Enemy some time. Our wing, after driving the Baggage Guard, pursued on and flanked the Enemy. After a short engagement, finding ourselves greatly overpowered with numbers, we received General Orders to retreat, having had 1 man killed and 2 wounded, and we had taken 2 of the Enemy prisoners. We then retreated back to the River, lest our retreat should be cut off. But finding the Enemy did not pursue, we rallied again, with as many of our men as we could collect, and marched on towards the Enemy the second time; but when we came in sight of them, they got possession of an eminence in the End of a clear Field, with one or more Field pieces and poured down their Grape shot upon us briskly. Then finding it in vain to attack them with our little Body, under so great a disadvantage, we immediately retreated back and most of our men went over the River up into a clear field, to where our main Body had by this time collected. . . .

Sunday, Jan. 26th in the afternoon, we were alarmed and marched down to Raritan Bridge, then hearing the Alarm was false, we marched back again to Quarters. The cause of this Alarm was that some of our out Guard had fired upon a small party of Hessians, who had come ('tis thought) to disturb them. After this

Alarm we remained quiet in our Quarters till Wednesday Feb. 5th, having no other duty to attend but the General's and the Ammunition Guard. This night we were ordered to march at 11 o'clock with the rest of Gen. Dikeson's[7] Brigade and went within 1/2 mile of the Enemy's Quarters. The roads were now excessively muddy, so that we were over Shoes in mud and water; but towards morning it grew very cold and froze very hard. The design of this march was to take off the horses, wagons, fat Cattle and Sheep from the inhabitants to prevent the Enemy from getting any advantage of them. We got off a quantity of these Articles, and marched back (the road being now frozen hard) to Head Quarters. When we got home most of us were wearied and stiff, and our feet sore. We took some refreshments and rested about 2 hours, I being very weary and drowsy, had lain down and got in a sound sleep, when we were again alarmed to go and meet the Enemy, who were advancing towards Raritan. We immediately marched down to Raritan Bridge and there waited till our light horse came in, who brought us word that the Enemy had been up as far as Covenhoven's, had taken and destroyed a great quantity of grain and hay, drove off a great number of Cattle and were gone back. We then all came back to Quarters, and rested in peace that night. . . .

This day June 19th we received Orders to march down to the lines. We marched at Sunrise, and took Quarters this night, below Morristown; Next day, came in to Bullion's Tavern,[8] where we took Quarters, waiting for Orders. The Enemy had, some days before this, removed from Brunswick to Millstone, near the Court house, and it was thought would make an attempt for Philadelphia; This roused the Militia of all the neighbouring counties, and they turned out, with such spirit as will do them honor to the latest ages. Never did the Jerseys appear more universally unanimous to oppose the Enemy; they turned out Old and young, great and small. Rich and poor; Scarcely a man that could carry a musket was left at home. This soon struck a panic into the Enemy, for they could scarcely stir from their Camp, but they were cut off. They then fled with the greatest haste to Brunswick; but the Militia pursued them so closely and so warmly, that they made no stay here. On Sunday morning June 22nd they were driven out of the Town, and chased near to Amboy by the spirited Militia in conjunction with a small party of the English Troops. The Enemy, when they left Millstone and Brunswick, burnt several houses, strangled almost to death 2 or 3 women, and behaved in the most cruel, barbarous manner. After the Enemy were driven from Brunswick, our Army took possession of the Town, and such of the Militia as were called out upon this Alarm, were discharged. Wednesday, June 25th part of Militia at Bullion's Tavern were discharged and part ordered to march next day for Pompton,[9] which they did. Thursday, June 26th, the Enemy came out with their whole Body from Amboy and proceeded to Westfield, where they plundered and destroyed every thing before them, and distressed the Inhabitants in a manner before unheard of, but before they returned to Amboy numbers of them were cut off by part of our Army, and some Militia. They returned to Amboy, and on Monday Evening June the 30th 1777, they all left Amboy and went to Staten Island.

1. John Witherspoon, who was at the time a member of the Continental Congress. In late November 1776 Witherspoon passed through Princeton en

route back to Philadelphia after a visit to General Washington's headquarters in New York. Distressed by the deplorable condition of the Continental army and the prospect of an imminent British invasion of New Jersey, he relunctantly advised closing the college. It was a wise decision, for within weeks royal soldiers were garrisoned in Nassau Hall.

2. The Delaware River.

3. Elias Longstreet, captain of the Eighth Company of the First Battalion of the Jersey Continental Line.

4. Jacobus Johnson of Amwell, for whose son Houston was to have served as tutor.

5. Now Pennington.

6. The battle of Princeton (see Sec. IX, Doc. 3).

7. Brigadier General Philemon Dickinson (1739-1809), commander of the New Jersey state militia.

8. In Vealtown, now Bernardsville.

9. Now Riverdale.

4 Governor William Livingston to Brigadier General Philemon Dickinson

[Neilson Family Papers, Alexander Library, Rutgers University.]

The retreat of the Continental army before the British advance through the state brought the war to New Jersey in the final months of 1776. To meet the military emergency, the legislature on November 27 passed a law attaching four battalions of militia to General Washington's command. And in the afterglow of the surprise victory at Trenton, Washington on December 31 issued a proclamation "To the Friends of America in the State of New Jersey" which called upon the militia to turn out to drive the British from the state. But as the terse order below indicates, not all militiamen enthusiastically rallied to repel the enemy. Indeed, throughout the war Brigadier General Dickinson, commander in chief of the state's militia, complained about the performance of the citizen-soldiers. As the conflict dragged on, war-weariness and disillusionment accounted for much of the unresponsiveness of the militia. But in the early months of the war, men often were reluctant to leave their families unprotected and commit themselves to a cause that seemed hopeless (see Sec. XI, Doc. 2).

January 14, 1777

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; 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 and still continue at their respective places of abode when their Country so loudly calls upon them to join the Troops of the United States now in New Jersey. 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.

5 A Woman in Arms

[*Pennsylvania Journal; and the Weekly Advertiser,* April 2, 1777.]

Although neither the identity of the woman mentioned in the article below nor independent confirmation of her achievement has come to light, there is little reason to doubt the essential veracity of the incident. Many Jersey women were willing and able to shoulder arms if necessary, and during the first quarter of 1777 numerous Hesse and Ansbach soldiers were cantoned throughout the Raritan Valley east of New Brunswick.

[March 20?, 1777]

From New Jersey we learn, that on or about the 20th ult. a woman passing an evacuated house in Woodbridge, saw, through the window, a drunken Hessian soldier, who had straggled from his party; there being no men within less than a mile of the town, she went home, dressed herself in man's apparel, and armed with an old firelock, returned to the house, entered it, and took the Hessian prisoner, whom she stripped of his arms, and was leading off, when she fell in with the patrole guard of a New-Jersey regiment, stationed near Woodbridge, to whom she delivered her prisoner.

6 Colonel Elijah Hand to Colonel Charles Mawhood

[*PNJHS,* ser. 1, (1858), 8:100-1.]

Throughout February and into March 1778, competing British and American foraging parties in search of livestock and provisions cut a swath of devastation through southwest Jersey. On March 17 a British force commanded by Colonel Charles Mawhood, who had participated in the battle of Princeton and who had a low opinion of the militiamen, landed near Salem to gather supplies. Although largely uncontested, Mawhood ambushed a small detachment of militia at Quinton's Bridge and massacred a sleeping outpost at Hancock's Bridge on March 20. The next day, "induced by Motives of Humanity," he called upon the remaining militia in the area to disband. If they complied, he promised to depart "without Delay" and pay for the cattle and grain taken; if they refused, he threatened to arm local Tories and "attack all such of the Militia as remain in Arms, burn and destroy their Houses and other Property, and reduce them, their unfortunate Wives and Children, to Beggary and Distress." As the extraordinary response from Elijah Hand, colonel of the Cumberland Militia, reveals, Mawhood greatly underestimated the courage and resolve of the citizenry. His proved to be an idle threat; Mawhood and his men left the region without further incident.

Head Quarters, at Quinton's Bridge, March 22d, 1778

Sir

I have been favored with what you say Humanity has induced you to propose. It would have given me much Pleasure to have found that Humanity had been the Line of Conduct to your Troops since you have come to Salem. Not only denying Quarters, but butchering our Men, who surrendered themselves Prisoners in the Skirmish at Quinton's Bridge, last Thursday, and bayonetting yesterday morning at Hancock's Bridge, in the most cruel Manner, in cold Blood, Men who were taken by Surprise, in a situation in which they neither could nor did attempt to make any Resistance, and some of whom were not fighting Men, are Instances too shocking for me to relate and I hope for you to hear. The brave are ever generous and humane. After expressing your Sentiments of Humanity, you proceed to make a Request, which I think you would despise us if we complyed with. Your Proposal, that we should lay down our Arms, we absolutely reject. We have taken them up to maintain Rights, which are dearer to us than our Lives, and will not lay them down till either Success has crowned our Cause with Victory, or like many ancient Worthies contending for Liberty, we meet with an honorable Death. You mention, that, if we reject your Proposal, you will put Arms into the Hands of the Tories against us. We have no Objection to the Measure, for it would be a very good one to fill our Arsenals with Arms. Your Threat to wantonly burn and destroy our Houses and other Property and reduce our Wives and Children to Beggary and Distress, is a Sentiment, which my Humanity almost forbids me only to recite, and induces me to imagine that I am reading the cruel order of a barbarous Attila, and not of a Gentleman brave, generous and polished with a genteel European Education. To wantonly destroy will injure your Cause more than ours. It will increase your Enemies and our Army. To destine to Destruction the Property of our most distinguished Men, as you have done in your Proposals, is in my Opinion unworthy a generous Foe, and more like a rancorous Feud between two contending Barons, than a War carried on by one of the

greatest Powers on Earth against a People nobly struggling for Liberty. A Line of Honour would mark out, that these Men should share the Fate of their Country. If your Arms should be crowned with victory, which God forbid, they and their Property will be entirely at the Disposal of your Sovereign. The Loss of their Property, while their Persons are out of your Power, will only make them desperate, and, as I said before, increase your Foes and our Army; and Retaliation upon Tories and their Property is not entirely out of our Power. Be assured that these are the Sentiments and determined Resolution not only of myself, but of all the Officers and Privates under me. My Prayer is, Sir, that this Answer may reach you in good Health and great Happiness.

ELIJAH HAND, Colonel.

7 Colonel Joseph Ellis to Governor William Livingston

[George Washington Papers, ser. 4, reel 48, Presidential Papers Microfilm Series (Library of Congress).]

An alarm went out in the early months of 1778 for the militia to rise and resist the incursions of British foraging parties roaming through southwest Jersey. With few exceptions (see Doc. 6), the response was at best disappointing. In the letter that follows, Colonel Joseph Ellis of Gloucester County, who had replaced the slothful Silas Newcomb as commander of the southern militia in January, describes the poor turnout of troops to repel the invaders. The account is not atypical. Throughout the war the commanders of the state militia were frustrated by the erratic behavior of their men and the inadequacy of regulations governing the units.

Haddonfield 23d March 1778

Sir

I received yours of the 21st. Instant & hope the Militia of Hunterdon & Sussex will turn out well, as there cannot be greater Occasion for them than at present. I have repeatedly call'd on the Col[one]ls at Burlington but without Effect: not a single man of them appears, nor do I hear there is any motion of the kind among them. We can get but very few from Salem or Cumberland as they plead the Necessity of guarding their own Coast which I think not unreasonable.[1] Gloucester of late is little better, they being discouraged at the Weakness of the Post in part, & partly for want of their Pay, which with some Companys is several months in Arrear. Col[one]l: Otto's[2] Battalion have chiefly revolted to the Enemy & have made Prisoners of a Number of their Officers, those who have eskaped dare not stay at their Homes; Col[onel]: Somer's[3] Battalion upon the last call for two Classes have not sent

twenty men. The Market to Philadelphia is now open nor is it in my Power to stop it with about fifty men which is all I have at present. I hope the Arrival of a few continental Troops will change the face of Affairs & encourage the Militia to turn out. The few East Jersey Militia that came from Middlesex & Monmouth Countys some time ago—one Company's Time was near expired at their Arrival & the rest deserted in a few days. On the Enemy's first embarking to go down the River I received intelligence of their design which was to forage in Salem & Cumberland County's and sent Express immediately. They have since landed at Salem and are ravaging that part of the Country, of the particulars of which I expect you will be informed of by Express gone thro' here yesterday.[4] I think it not safe for Capt[ain] Cluns[5] Artillery to come here 'till we are reinforced by some Infantry to support them. The Militia from above should come properly equipped as we have not Arms or Ammunition sufficient to supply them. I would just beg leave to remark that without some standing force we have little to expect from the Militia who being alone not sufficient to prevent the incursions of the Enemy, each one naturally consults his own Safety by not being found in Arms, which will I hope be remedied on Col[one]l Shreeves[6] arrival. I am,

Sir
Your Most Humble Servt.
JOS: ELLIS.

1. See Sec. XI, Doc. 9.
2. Colonel Bodo Otto of Gloucester County.
3. Colonel Richard Somers of Gloucester County.
4. See Doc. 6.
5. Captain Joseph Clunn of Hunterdon County.
6. Colonel Israel Shreve of Gloucester County.

8 "Belinda" Encourages Women to Reject Reconciliation and Support the War

[*New-Jersey Gazette*, May 6, 1778.]

Until recently, the following letter was believed to be the first ever published in the press by a woman from New Jersey, but the identity of its author was unknown. The tone and tenor of the piece suggested that "Belinda" might be a pseudonym for a male cleverly attempting to induce Jersey women to imitate Lysistrata in politicizing the men; the editors of the Papers of William Livingston have now identified the author as Livingston himself. Livingston also used the

pseudonyms of Adolphus and Hortentius (see Sec. XIII, Doc. 5).

Trenton, May 6, 1778

Mr. Collins,[1]

I Do not remember whether your Gazette has hitherto given us the production of any woman correspondent—Indeed nothing but the most pressing call of my country could have induced me to appear in Print. But rather than suffer your sex to be caught by the bait of that archfoe to American Liberty Lord North,[2] I think ours ought, to a woman, to draw their pens, and enter our solemn protest against it. Nay, the fair ones in our neighborhood have already entered into a resolve for every mother to disown her son, and refuse the caresses of her husband, and for every maiden to reject the addresses of her gallant, where such husband, son or gallant, shews the least symptoms of being imposed upon by this flimsy subterfuge, which I call the dying speech, and last groans of Great Britain, pronounced and grunted out by her great oracle, and little politician, who now appears ready to hang himself, for having brought the nation to the brink of that ruin from which he cannot deliver her. You will be kind enough to correct my spelling, a part of my education in which I have been much neglected.[3]

I am your sincere friend,
BELINDA

1. Isaac Collins of Trenton, whose *New-Jersey Gazette,* founded early in December 1777, was the first Jersey newspaper published in the state. See Sec. XIII, Doc. 1.

2. Hoping to undermine the impending Franco-American alliance, Lord North in February 1778 presented to the House of Commons a program for reconciliation with the colonies which included repeal of the Tea and Coercive Acts, a pledge to refrain from imposing future revenue taxes on America, and the formation of a peace commission to negotiate with representatives of the Congress. The commissioners, led by the Earl of Carlisle, were in America from June to November 1778, but their entreaties fell on deaf ears.

3. A pointed reference to the limited educational opportunities available to women at the time. By and large, what formal schooling existed was restricted to males; females learned the rudiments of reading and writing on their own or with the assistance of literate friends and relatives.

9 Lieutenant Shepard Kollock to Colonel John Lamb

[New Jersey Letters, Alexander Library, Rutgers University; original manuscript in the John Lamb Papers, New-York Historical Society.]

The ostensible reason for which Shepard Kollock threatened to resign his lieutenant's commission in Colonel John Lamb's Second Continental Artillery was not unusual; many officers quit the army piqued by what they considered inadequate or inequitable promotions. While Kollock's specific grievances are unknown, political and personal considerations often outweighed merit when it came to advancement in the military. After leaving the service, Kollock went into business for himself, establishing the *New-Jersey Journal* at Chatham as a rival to Isaac Collins's *New-Jersey Gazette* (see Sec. XIII, Doc. 1). A publisher without peer and a staunch republican who believed in the efficacy of public education, Kollock subsequently launched two other newspaper enterprises in the state and organized a lending library in Elizabethtown in 1786.

New Windsor, May 15, 1778.

Sir

As there is now a Prospect of a Termination of the War, and its more than probable there will be no Campaign this Year,[1] beg I may be indulged to resign my Commission, my domestic Affairs requiring my personal Attendance. I have very cogent Reasons for making this Request; Reasons which, in my Oppinion, would justify the most abrupt Resignation; but as I entered the Services from a patriotic Principle, was not willing to discourage the same, therefore passed over, with impunity, several very ungenerous Promotions. I would not wish to wound your Ears with a Repitition of Grievances, which, I believe, are repugnant to your Sentiments, and did not originate from you, however I can't help observing that I look up on it as an unprecedented hardship of four Supernumerary Captain Lieutenants[2] being appointed to your Regiment; also my Commission dated in February, though appointed in December; Second Lieutenants and Serjeants appointed to Captain Lieutenants, and, to my knowledge, not from Acts of Merit. These are Grievances of such a Glaring Nature, I find it difficult to digest them. I look upon the present Commission I hold a tantamount to my Abilities, but when I take a Survey of some above me, have the Vanity to think I could fill the important Post of Captain Lieutenant and with equal Applause, therefore beg, if I am not Capable of Promotion in my Turn, I may be discharged from the Service. I am Sir,

Your's with Respect,
SHEPARD KOLLOCK

1. Actually, the British and American armies were on the eve of a campaign through New Jersey. See Sec. IX, Doc. 7.

2. Captain lieutenant: a rank between first lieutenant and captain no longer in use.

10 "Molly Pitcher" at the Battle of Monmouth Court House

[Joseph Plumb Martin, *A Narrative of Some of the Adventures, Dangers and Sufferings of a Revolutionary Soldier. . .* (Hallowell, Maine, 1830), pp. 96-97.]

New Jersey's most famous heroine of the revolutionary war is the legendary "Molly Pitcher," who gained notoriety for her courage at the battle of Monmouth Court House on June 28, 1778. Surrounded by myth and legend, "Molly Pitcher" comes to life as Mary Hays McCauly of Carlisle, Pennsylvania, a rough, tough woman who reportedly smoked and chewed tobacco and swore like a trooper. During the war she accompanied her first husband, William Hayes, artillerist in the First Pennsylvania, on his tours of duty. At Monmouth she was busily carrying water to the weary cannoneers when her spouse fell wounded; she took over operation of his piece with what was reported as great skill and courage. Mary McCauley belongs properly to Pennsylvania, but New Jerseyans since 1778 have adopted "Molly Pitcher" as their own. The account which follows is the only extant firsthand report of the incident; the author, New Englander Joseph Plumb Martin, was a private in the Light Infantry, Continental army.

[June 28, 1778]

One little incident happened during the heat of the cannonade, which I was eye-witness to, and which I think would be unpardonable not to mention. A woman whose husband belonged to the Artillery, and who was then attached to a piece in the engagement, attended with her husband at the piece the whole time. While in the act of reaching [for] a cartridge and having one of her feet as far before the other as she could step, a cannon shot from the enemy passed directly between her legs without doing any other damage than carrying away all the lower part of her petticoat. Looking at it with apparent unconcern, she observed that it was lucky it did not pass a little higher, for in that case it might have carried away something else, and continued her occupation.

11 Memorial of the Officers of the New Jersey Brigade to the Legislature

[*Executive Correspondence*, pp. 143-45.]

Inadequate financial compensation was perhaps the most recurrent complaint heard from commissioned officers and enlisted men alike during the war. The problem was twofold: the legislature failed periodically to readjust the military pay scale (state troops were to receive the same pay as members of the Continental army) to keep pace with spiraling inflation, and the requirement that the soldiers be charged for sundry articles of clothing and supplies consumed ever greater quantities of the rapidly depreciating currency. Things came to a head in April 1779 when fifty officers of the New Jersey Brigade presented their grievances to the legislature in the memorial reprinted below. When the legislators showed no inclination to deal with the problem, twenty-one officers submitted their collective resignation as of May 6 unless "immediate relief" was forthcoming "within three days" and "full assurances" were received that adjustments would be made in depreciated currency "as early as possible." Intercession by General Washington and Major General William Alexander averted the possible disruption of the military establishment; the solons reluctantly awarded £200 for officers and $40 for soldiers to enable them to pay debts and equip themselves for the impending campaign.

Elizabethtown, April 17th, 1779

It is with great reluctance that the officers of the Jersey brigade undertake to address you.

They had reason to expect that you would (from principles of justice as well as necessity) before this time have taken such measures as would have rendered it unnecessary, but the circumstances of your troops have become such that it would now be criminal to be silent. The Legislature need not be informed that our pay is now only *nominal*, not *real*, that four months' pay of a private[1] will not procure his wretched wife and children a single bushel of wheat. The situation of your officers is worse. The pay of a Colonel[2] of your regiments will not purchase the oats for his horse, nor will his whole day's pay procure him a single dinner. A common laborer or an express rider receives four times as much as he. It would be superfluous for us to point out all our grievances, they are many, they are great, they are known to you. It is therefore a duty we owe our country, a duty we owe ourselves, to inform you in the most plain and unambiguous terms, that unless a speedy and ample remedy be provided, the total dissolution of your troops is inevitable. The spirit of desertion has already taken place, and has risen to the most alarming height. Combinations of large parties to desert are almost every day discovered, and the utmost vigilance of the officers is not able to prevent it.

The soldiers estimate the money truly, by what it will purchase. They have frequently been heard to say "that it was true British pay was very small, but

notwithstanding, two days' pay would purchase a quart of rum, and with us a month's pay would not more than do it.["]

In the year 1776 the pay of the officers and soldiers afforded no more than a scanty subsistence. Since that period the currency has depreciated in most articles of life more than two thousand per cent. Are we then to risk our lives in the field of battle, to submit to all the inconveniences of a camp life, to be deprived of the sweets of domestic happiness, and subsist upon one twentieth part of a sufficiency?

Congress, seeing the enormous rise of the necessaries of life, so long ago as December, 1777, recommended to the several states to provide all necessary clothing for their officers and soldiers at prices proportioned to their pay. We had examples of the states both of the southward and eastward complying with this resolution, and in many instances exceeding it.

That your troops are less brave, or have done less duty than any troops in the union, is a position that none have been hardy enough to advance, and why they should be so long neglected is a problem in politics hard to be explained.

Pennsylvania has lately passed some resolves in favor of her troops. Maryland has adopted the same;—some other states have done more, but none of them have done enough.

The families of officers and soldiers should some way be provided for. If our pay was in Spanish milled dollars[3] (and that was the contract between Congress and us) we could provide for them; we therefore neither ask nor wish for more than a compliance with the original contract.

Pay us in Spanish milled dollars or give us an equivalent, and our complaints shall instantly cease.

[Signed by twenty-two officers of the First Regiment;
thirteen of the Second Regiment; and fifteen of the Third Regiment.]

1. A private in the infantry was paid $6.66 per month.
2. A colonel in the infantry was paid $7.50 per month.
3. The Spanish milled dollar (the old piece of eight) was in general use in America and was adopted as the basic unit for Continental currency because the various states had issued paper money of conflicting valuation.

12 Dr. James Thacher, Describes the Hardships of the Winter Encampment at Morristown

[James Thacher, *Military Journal of the American Revolution . . .* (Hartford, 1862), pp. 180-91.]

In December 1779 General Washington and his Continental army returned to Morristown for a second season, but the winter encampment of 1779-1780 proved even more disastrous than the famous sojourn at Valley Forge in 1778-1779. In the most severe winter in more than a decade, an acute shortage of clothing and provisions tested the mettle of the men at Morristown. Dr. James Thacher, Continental army surgeon from Massachusetts, poignantly described these conditions, in which some soldiers deserted or committed depredations against civilians though most demonstrated their tenacious dedication to the cause for which they fought.

[December 1779-March 1780]

We marched to Pompton[1] on [December 9, 1779] and on the 14th reached this wilderness,[2] about three miles from Morristown, where we are to build log-huts for winter-quarters. Our baggage is left in the rear, for want of wagons to transport it. The snow on the ground is about two feet deep, and the weather extremely cold; the soldiers are destitute of both tents and blankets, and some of them are actually barefooted and almost naked. Our only defence against the inclemency of the weather, consists of brush-wood thrown together. Our Lodging the last night was on the frozen ground. Those officers who have the privilege of a horse, can always have a blanket at hand. Having removed the snow, we wrapped ourselves in greatcoats, spread our blankets on the ground, and lay down by the side of each other five or six together, with large fires at our feet, leaving orders with the waiters[3] to keep it well supplied with fuel during the night. We could procure neither shelter nor forage for our horses, and the poor animals were tied to trees in the woods for twenty-four hours without food, except the bark which they peeled from the trees. Lieutenant W. and myself rode to Morristown, where we dined, and fed our starving horses at a tavern. General Washington has taken his head-quarters at Morristown,[4] and the whole army in this department are to be employed in building log huts for winter-quarters. The ground is marked out, and the soldiers have commenced cutting down the timber of oak and walnut, of which we have a great abundance. Our baggage has at length arrived, the men find it very difficult to pitch their tents on the frozen ground, and notwithstanding large fires, we can scarcely keep from freezing. In addition to other sufferings, the whole army has been for seven or eight days entirely destitute of the staff of life; our only food is miserable fresh beef, without bread, salt, or vegetables. . . .

Besides the evils above mentioned, we experience another, in the rapid depreciation of the continental money, which we receive for our pay; it is now estimated at about thirty for one. It is from this cause, according to report, that our commissary-general is unable to furnish the army with a proper supply of provisions. The people in the country are unwilling to sell the produce of their farms for this depreciated currency, and both the resources and the credit of our Congress appear to be almost exhausted. The year is now closed, and with it expires the term of enlistment of a considerable number of our soldiers; new conditions are offered them to encourage their reenlistment during the war; but such are the numerous evils which they have hitherto experienced, that it is feared but a small proportion of them will re-enlist. Should these apprehensions be realized, the fate of our country, and

the destiny of its present rulers and friends, will soon be decided. . . .

January 1st, 1780.—A new year commences, but brings no relief to the sufferings and privations of our army. Our canvas covering affords but a miserable security from storms of rain and snow, and a great scarcity of provisions still prevails, and its effects are felt even at headquarters. . . .

The weather for several days has been remarkably cold and stormy. On the 3d instant, we experienced one of the most tremendous snow-storms ever remembered; no man could endure its violence many minutes without danger of his life. . . . But the sufferings of the poor soldiers can scarcely be described, while on duty they are unavoidably exposed to all the inclemency of storms and severe cold; at night they now have a bed of straw on the ground, and a single blanket to each man; they are badly clad, and some are destitute of shoes. We have contrived a kind of stone chimney outside, and an opening at one end of our tents gives us the benefit of the fire within. The snow is now from four to six feet deep, which so obstructs the roads as to prevent our receiving a supply of provisions. For the last ten days we have received but two pounds of meat a man, and we are frequently for six or eight days entirely destitute of meat, and then as long without bread. The consequence is, the soldiers are so enfeebled from hunger and cold, as to be almost unable to perform their military duty, or labor in constructing their huts. It is well known that General Washington experiences the greatest solicitude for the sufferings of his army, and is sensible that they in general conduct with heroic patience and fortitude. His excellency, it is understood, despairing of supplies from the commissary-general, has made application to the magistrates of the state of New Jersey for assistance in procuring provisions. This expedient has been attended with the happiest success. It is honorable to the magistrates and people of Jersey, that they have cheerfully complied with the requisition, and furnished for the present an ample supply, and have thus probably saved the army from destruction.

As if to make up the full measure of grief and embarrassment to the commander-in-chief, repeated complaints have been made to him that some of the soldiers are in the practice of pilfering and plundering the inhabitants of their poultry, sheep, pigs, and even their cattle, from their farms. This marauding practice has often been prohibited in general orders, under the severest penalties, and some exemplary punishments have been inflicted. General Washington possesses an inflexible firmness of purpose, and is determined that discipline and subordination in camp shall be rigidly enforced and maintained. The whole army has been sufficiently warned, and cautioned against robbing the inhabitants on any pretence whatever, and no soldier is subjected to punishment without a fair trial, and conviction by a court-martial. Death has been inflicted in a few instances of an atrocious nature; but in general, the punishment consists in a public whipping, and the number of stripes is proportioned to the degree of offence. . . .

[February] 14th.—Having continued to this late season in our tents, experiencing the greatest inconvenience, we have now the satisfaction of taking possession of the log huts, just completed by our soldiers, where we shall have more comfortable accommodations. . . .

March.—The present winter is the most severe and distressing which we have ever experienced. An immense body of snow remains on the ground. Our soldiers are in a wretched condition for the want of clothes, blankets and shoes; and these calamitous circumstances are accompanied by a want of provisions. It has several

times happened that the troops were reduced to one-half, or to one-quarter allowance, and some days have passed without any meat or bread being delivered out. The causes assigned for these extraordinary deficiencies, are the very low state of the public finances, in consequence of the rapid depreciation of the continental currency, and some irregularity in the commissary's department. Our soldiers, in general, support their sufferings with commendable firmness, but it is feared that their patience will be exhausted, and very serious consequences ensue. . . .

1. Now Riverdale.
2. Jockey Hollow, site of a modern reconstruction of the encampment.
3. The term "waiter" was used variously to described a watchman, servant, or attendant.
4. The Jacob Ford House, now preserved as part of the Morristown National Historical Park.

13 Formation of a Women's Relief Society

[New Jersey Broadside Collection, Alexander Library, Rutgers University; also published in the *New-Jersey Gazette,* July 12, 1780.]

Virtually nothing is known about the New Jersey women's relief society described below. No records of the organization exist, nor are there accounts of actual donations. It is certain only that women in all counties of the state launched a campaign to provide financial assistance to the men of the Continental army. As the roster of committeewomen shows, some of the most prominent ladies in New Jersey lent their time and talent to the cause.

Trenton, July 4, 1780

The Ladies of Trenton, in New-Jersey, emulating the noble example of their Patriotic Sisters of Pennsylvania, and being desirous of manifesting their zeal in the glorious cause of American Liberty, having this day assembled for the purpose of promoting a subscription for the relief and encouragement of those brave Men in the Continental Army, who, stimulated by example, and regardless of danger, have so repeatedly suffered, fought and bled in the cause of virtue and their oppressed country:[1] And taking into consideration the scattered situation of the well-disposed

through the State, who would wish to contribute to so laudable an undertaking,[2] have for the convenience of such, and the more effectually to carry their scheme into execution, unanimously appointed Mrs. [General Philemon] Dickinson, Mrs. [John] Cox, Mrs. [Moore] Furman and Miss [Elizabeth?] Cadwallader, a Committee, whose duty it shall be immediately to open subscriptions and to correspond with the Ladies hereafter named, of the different counties throughout the state, whose aid and influence in their several districts, the ladies now met here, have taken the liberty to solicit in promoting said subscriptions, viz. For the County of Hunterdon, Mrs. (Vice-President) [John] Stevens, Mrs. (Judge) [Isaac] Smith, Mrs. (Charles) Cox, Mrs. R[ichard] Stevens, Mrs. Hanna, Mrs. T[homas] Lowrey, Mrs. J[ared] Sexton, Mrs. [Benjamin] Van-Cleve, Mrs. (Col.) Berry, Mrs. (Doctor) [William, Jr.] Burnet:—County of Sussex, Mrs. (Counsellor) [Robert] Ogden, Mrs. (Col.) [Mark] Thomson, Mrs. (Major) [Robert] Hoops, Mrs. T[homas] Anderson:— County of Bergen, Mrs. (Col.) [Theunis] Dey, Mrs. [John] Fell, Mrs. [Hendrick] Kuyper, Mrs. [Robert] Erskine, Mrs. (Major) [Richard] Dey:— County of Morris, Mrs. (Counsellor) [Silas] Condict, Mrs. (Parson) [Timothy] Jo[h]nes, Mrs. (Col.) Remson, Mrs. Vanzant, Mrs. [Alexander] Carmichael, Mrs. (Col.) [Ellis] Cook, Mrs. [John Jacob] Faesch:—County of Essex, Mrs. (Governor) [William] Livingston, Mrs. C[aleb] Camp, Mrs. (Doctor) [William] Burnet, Mrs. (Elisha) Boudinot, Mrs. [Josiah] Hornblower: — County of Middlesex, Mrs. [James] Neilson, Mrs. (Counsellor) [Jonathan] Deare, Mrs. (George) Morgan, Mrs. (Col.) [John] Neilson, Mrs. [James] Neilson, Mrs. (Daniel) Marsh:—County of Monmouth, Mrs. (Gen.) [David] Forman, Mrs. (Col.) [Nathaniel] Scudder, Mrs. [James] Newell, Mrs. (Peter) Forman, Mrs. (Jacob) Wikoff, Mrs. (Peter) Covenhoven:—County of Burlington, Mrs. (Col.) Cox, Mrs. (Counsellor) [Peter] Tallman, Mrs. (Col.) [Joseph, Jr.] Borden, Mrs. (Secretary) [Bowes] Reed, Mrs. (Capt.) Reed, Mrs. (Lieut. Col.) [Oakey] Hoagland:—County of Somerset, Lady Stirling [Mrs. William Alexander], Mrs. (General) Morris, Mrs. (Col.) [Ephraim] Martin, Mrs. (Attorney-General) [William] Paterson, Mrs. R[ichard] Stockton: — County of Gloucester, Mrs. (Col.) [Elijah] Clark, Mrs. (Col.) [Richard] Westcot[t], Mrs. (Col.) [Joseph] Ellis, Mrs. (Col.) [Joseph] Hugg, Mrs. [Joseph] Bloomfield: — County of Salem, Mrs. (Col.) [Samuel] Dick, Mrs. [John] Mayhew, Mrs. [Jacob] Tagart:—County of Cumberland, Mrs. (Counsellor) [John] Buck, Mrs. [Ephriam?] Harris, Mrs. [Timothy] Elmer, Mrs. [Jonathan] Bowen, Mrs. [Joel] Fithian:—County of Cape-May, Mrs. (Counsellor) [Jesse] Hand, Mrs. [James] Whilden, Mrs. [Henry Young] Townsend, Mrs. [Joseph] Hildreth; whose well-known patriotism leaves no room to doubt of their best exertions in the promotion of an undertaking so humane and praise-worthy, and that they will be happy in forwarding the amount of their several collections, either with or without the names of the donors, which will be immediately transmitted by Mrs. (Moore) Furman, who is hereby appointed Treasurer, to be disposed of by the Commander in Chief, agreeable to the General Plan.

As the Ladies here would wish to expedite the good work as much as possible they have appointed Miss [Mary] Dagworthy of Trenton, their Secretary, who will receive and answer all letters that the Ladies of the different counties may think proper to favour her with on the occasion.

1. In an essay published in the July 12, 1780 issue of the *New-Jersey Gazette,* "a Lady in New Jersey" expressed "the feelings of a woman" about the campaign to raise money for Continental soldiers. She supported the effort because "it is to this class of men we more immediately owe our defence and protection; they have born the weight of the war, and met danger in every quarter; and what is higher praise, they have with Roman courage and perseverance suffered the extremes of heat and cold, the attacks of hunger, and the pain of long fatiguing marches. . . . Their many sufferings so cheerfully undergone, highly merit our gratitude and sincere thanks, and claim all the assistance we can afford their distresses. If we have it not in our power to do from the double motive of religion and a love of liberty, what some Ladies of the highest rank in the Court of France every day perform from motives of religion only in the hospitals of the sick and diseased, let us animate one another to contribute from our purses in proportion to our circumstances towards the support and comfort of the brave men who are fighting and suffering for us in the field."

2. A report dated June 24, 1780, from the American army camp near Springfield indicates that the campaign was already under way: "The Ladies of this town and neighbourhood, animated by the ardour which daily prevails more and more among all ranks of people to distinguish themselves in the present conjuncture of publick affairs, have instituted a subscription to be applied as a donation to the soldiery, for the purpose of rendering their situation more easy and comfortable. A large sum has already been given, and we flatter ourselves that similar subscriptions will circulate throughout the state." *New-Jersey Gazette,* June 28, 1780.

14 Lieutenant Colonel Francis Barber to Colonel Jonathan Dayton

[Gratz Collection, Signers of the Declaration of Independence, Historical Society of Pennsylvania.]

Besides inadequate and irregular pay and provisions, New Jersey soldiers were angered by alleged improper extensions of tours of duty and discrepancies between their compensation and that of other state units, especially the generous bounties recently obtained by New Englanders. When the Pennsylvania Line mutinied on January 1, 1781, in a successful attempt to redress grievances, the example was not lost on Jerseymen. The legislature promptly appointed a special committee to compute back pay owed the troops and to investigate additional complaints. Nonetheless, a portion of the New Jersey Brigade at Pompton staged a minor four-day mutiny on January 20-23, a sorry affair that resulted in the execution of two ringleaders. Although possible

further trouble of a more serious nature was avoided by removing most of the brigade to Virginia in February, the men in ranks still harbored deep resentments, as Lieutenant Colonel Francis Barber of the Third Battalion informed his commander Colonel Jonathan Dayton on the eve of departure. The march southward may have improved discipline among the troops under Barber's command, but through the rest of the year those left behind in New Jersey regularly deserted or disobeyed orders and were purposefully derelict in their duty and disorderly in their conduct. The realities of military life posed particular problems of adjustment to Barber (1751-1783), who, upon graduating from the College of New Jersey (now Princeton University) in 1767, taught school in Hackensack and Elizabethtown prior to joining the army.

Trenton Feb 28th 1781

D[ea]r Sir

We imbark tomorrow morning early for Philadelphia to proceed from thence to Virginia. It is certain that Arnold[1] is blocked up, and perhaps this expedition will contribute to his captivity. It is said the tour will be a short one and should we be successful, it will compensate for any accidental disagreeablenesses.

The Jersey troops have behaved scandalously thus far. Last night, when at Princeton, they created a small riot with the Eastern[2] troops. The grudge occasioned by the late subduction was the leading motive. After a little tumult they were dispersed to their quarters and all [was] quiet after. This night many of them are drunk & very turbulent. They are clamorous about their mony, meaning the fourth part of their depreciation, which they say is due tomorrow, the first of March. Several threaten not to march unless they receive it. This is the effect of liquor, and I hope when that is evaporated, they will be quiet. Our men I think are exceedingly altered for worse; from being almost the most orderly & subordenate soldiers in the army, they are become a set of drunken, and unworthy fellows. The situation of an officer among them is rendered more disagreeable than any other calling in life, even the most menial, can possibly be. I had ten thousand times rather be a private centenal in an Eastern regement than be the commander of such soldiers under such circumstances. This discription of their conduct and my situation I know will afflict you on their and my own account, and I should not have troubled you with it, had I not conceve it my duty. Nothing but the highest severity will reclaim them, and whether or not that will be affectual while they receive such contenance from the public, is very uncertain. I thank God, tomorrow is the last day, or rather this night. So soon as we get out of the State, I am determined they shall pay very severely for the least irregularity.

As I mentioned before, the expedition is to be a short one, and I persue it with the greatest alacrity, and animation. Until my return I beg leave to recommend Mrs. Barber[3] & the little family to your care & protection. If She wants assistance, She will apply to you freely.

I am Dr. Sir, your very sincere friend &c.

F. BARBER

1. Benedict Arnold who, fresh from his defection in September 1780, led a series of raids in Virginia from December 1780 to April 1781.
2. New England.
3. Mary Ogden Barber.

15 John C. Post, Pension Petition to the Legislature

[Department of Defense Records, 10,559, New Jersey State Library.]

Although narrowly conceived, the problem of the veteran troubled the states and the nation during and after the war. The obligation of government to the soldier was seen in limited economic terms—bounties of cash or land for enlistment, grants to widows, and pensions to Continental army officers. For the vast majority who served in the army the end of the war brought no compensation. There were no G.I. bills, no Veteran's Administration. But to men like John C. Post, a farmer of modest means who served long and well in the Bergen County Militia, military service was not its own reward. After the war such men appealed for a variety of reasons to the legislature for financial assistance, less as a reward than as compensation for time spent and hardships endured. Post's application was in vain; almost without exception, such requests were rejected.

[undated]

The Petition of John C. Post respectfully sheweth unto your Honourable Body, that your Petitioner resides in the Township of New Barbadoes[1] in the County of Bergen and State of New Jersey, that he was seventy one years of age on the ninth day of June last. That your Petitioner during the war of the revolution which freed our now happy Country from British bondage enlisted in the regular service under Captain David Marinus[2] in the regiment commanded by Col. Philip Cortlandt,[3] during which time he was engaged in many skirmishes, in hard fought battles, and underwent much suffering and fatigue. And your Petitioner will content himself by mentioning to your Honourable Body those still fresh and alive in his recollection, to wit the battle at Flatbush Long Island,[4] also the Engagement at Fort Washington[5] and the ever memorable battle at White Plains[6] in which your Petitioner was severely wounded in the knee. And that during the Encampment of the Army at White Plains, he assisted in the construction or making of the Entrenchment from the North[7] to the East River. That he also assisted in the erection of Fort Greene[8] and Fort Washington in the building of all which he laboured incessantly both night and day and underwent sufferings and privations to be properly conceived of only by those who were eye Witnesses or Actors in the scene. That

after the Expiration of the time of his Enlistment under Capt. Marinus he enlisted under Captn. John Outwater on the lines for the Term of seven Months; and continued in the army during the war under several different officers to wit Captain Peter Ward, Captain Chrystie,[9] Captain David Demarest, Captain Elias Romeyn,[10] Captain Jeraloman,[11] and Captain Kinsey[12] [and] was in the Engagement at Egg Harbour[13] while under the command of the latter and suffered much and severely under the command of each and all being frequently engaged in skirmishes with scouting parties of the Enemy. He accompanied General Wayne as a guide to storm Block Fort on the North river where the Americans lost about three Hundred men[14] and where your Petitioner was severely wounded in the leg, and for which service he received no Compensation. During the seven years of the war which established our Independence your Petitioner spent not three months of the time at his home but was Continually in the service, and during a portion of the time having become known to the Enemy was hunted like the hare and for safety compelled to sleep in his boat on the river, and with no cover but the canopy of Heaven to protect him from the storms and chills of the season. Your Petitioner has now become old and infirm and must ere long be numbered among the Dead, but the words of the Illustrious Washington after the Engagement at White Plains still ring in his Ears "Fellow Soldiers your Country will yet recompense you for your Services." But alas it has as yet (although rich and prosperous) offered no recompence, as yet it has left unrequited the large proportion of those who suffered fought and bled and who through Providence achieved our liberties. And your Petitioner now (hoping for the verification of the words of Washington) Congress having yet neglected to fulfill them presents his case to your Honourable Body and praying that your Honourable Body in consideration of his sufferings his privations and his services during the days of peril and the times that tried mens Souls will grant him such provision or allowance either annual or otherwise as your Honourable Body shall in their wisdom think just and proper. Your Petitioner has solely by the sweat of the brow supported and sustained a large family, and while gifted with health and strength he asked not his Country for aid, but unable through age and infirmity longer to sustain himself and family by the hand of Industry, he prays Your Honourable Body so to Consider of his petition as to enable him to spend the winter of his days in Happiness, and Comfort and your Petitioner will ever pray &c.

JOHN C. POST

1. The township included Hackensack.
2. Marinus and all the other captains Post served under except Kinsey of Salem were members of the Bergen County Militia.
3. Colonel Philip Van Cortlandt, battalion commander under Brigadier General Nathaniel Heard.
4. The battle of Long Island, August 27, 1776, the British victory preliminary to the takeover of New York.
5. On November 16, 1776, General William Howe captured Fort Washington, the last American stronghold on Manhattan Island, and set in motion General George Washington's retreat across New Jersey to Pennsylvania.

6. In a successful flanking action, Howe defeated Washington at White Plains, New York, on October 28, 1776, thus undermining the American position in the area and setting the stage for the battle of Fort Washington.

7. The Hudson River was sometimes called the North River.

8. There was no Fort Greene; Post undoubtedly has in mind Fort Lee (originally Fort Constitution) which occupied the New Jersey side of the Hudson River directly opposite Fort Washington on Harlem Heights; General Nathanael Greene was commandant at the time.

9. James Christie.

10. Elias Romine or Romeyn.

11. Jacobus Jaroloman.

12. Jonathan Kinsey.

13. The British raid on Little Egg Harbor, October 5-7, 1778.

14. The reference is to General Anthony Wayne's successful assault on Stony Point on July 16, 1779; Wayne reported fifteen men killed and eighty-three wounded in taking the strategic Hudson River fortification.

16 Samuel Sutphen, Wartime Experience of a New Jersey Slave

[A. Van Doren Honeyman, ed., "The Revolutionary War Record of Samuel Sutphin [*sic*], Slave," *Somerset County Historical Quarterly* (1914), 3:186-90.]

The following record of military service during the revolutionary war is an extraordinary document from several perspectives. First, as the wartime experience of an enslaved New Jersey black man, it is unique. Samuel Sutphen (b. 1747), served as a private in the First Regiment, Somerset County Militia, from 1776 to 1778 and then joined the New York militia to participate in the expedition against the Iroquois in 1779. Second, being one of several reminiscences recorded in 1834 by Dr. Lewis Condict (1773-1862), a prominent physician and politician from Somerset County, it is a rare piece of oral history dating from the revolutionary era. Third, as the recollection of a man who was eighty-seven years old, the narrative is an example of extraordinary mental recall. Although misinformation and distortions have crept into the account as the inevitable result of the passage of time, they are for the most part insignificant and do not detract from the overall reliability of the service record. Sutphen (he apparently took the surname of his most recent owner) makes no comment about his personal feelings regarding military service or his condition of servitude; yet one wonders what thoughts must have passed through the mind of this slave who risked his life in the cause of the freedom he was denied.

[ca. 1834]

At beginning of the War was a slave to Guisbert Bogert[1] of Somerset co[unty] on the Raritan. Caspar Berger of Readington[2] proposed to buy him of Bogert on condition of doing militia duty in Berger's stead during the War.[3] I agreed to the terms,[4] and Bogert sold me to Berger for £92.10, which I believe was paid. Berger had been out one month, and I afterward was to serve in his place. Capt. Matthias Lane[5] commanded the militia co[mpany] and Col. Taylor[6] the Regiment. This was the 6th year of the War.[7] Berger bought me in the season of plant seed sowing.[8] Berger went out one month after I went to live with him, in Capt. Lane's Co[mpany]. Immediately after I had finishing planting 4 acres corn, Co[mpany] was [called?] and I took my turn with others; sometimes 12, sometimes 15 or 20 went at once. I believe Capt. Lane went on my 1st tour;[9] marched thro' Boundbrook and Scotch Plains and Newark to Communipaw,[10] where we were stationed 1 mo.; large militia force was there;[11] a Regt. or more; built breastworks; Col. Abm. Ten Eyck,[12] Major Livin,[13] Col. Hunt,[14] Col. Schamp,[15] Gen. Dickinson,[16] Gen. Blair.[17] Staid a month in sight of New York—guard duty.

Second tour in hay and harvest time.[18] Capt. Jacob Ten Eyck[19] stationed at Communipaw; 1 mo. guard duty. The Asia[20] was then in the harbor. British fleet came into N. York harbor whilst on this tour.[21] A large body of militia out. Frelinghuysen[22] and Schamp were out.

Third tour, 1 mo. Believes Capt. Lane commanded. Station and duty the same as before. British fleet came into the bay and harbor when on his 2nd tour.[23] Large force of British was out. Was at the Long Island battle in Aug't;[24] and Lane, and Col. Frelinghuysen. Lord Stirling[25] had command of Jersey troops; our comp'y was in the heat of the battle. In the battle and after our defeat we were all dispersed. I found a colored man who took me from L. I. to Staten Isl'd in a skiff with two others of my Co[mpany], viz., Wm. Van Syckle[26] and Jacob Johnson,[27] a man of our age. The bl[ac]k man piloted us across Staten Isl'd to Eliz 'town point, where we crossed to E[lizabeth] T[own]; came through this town and by Wheatsheaf[28] and Short Hills, Quibbletown[29] and Bound Brook, and so home in about 3 days after the battle. 2 of our co[mpany] were taken prisoners in this battle, viz., Peter Low[30] and John Van Campen;[31] they were exchanged some months after and got home.

His 3rd tour now begins under Capt. Lane as before.

4th tour under Capt. Ph. Van Arsdale[32] toward Pluckemin in frosty weather, fall of the year. This was probably in October [1776]. Stationed at Commun'w and Bergen point.

5th tour was in very cold weather; was marched up along the Millstone under Capt. Van Arsdale and Col. Schamp about New Year's holidays [1777]; out a month.

Cornel's Lane[33] of our Co[mpany] was shot through the hip the morning after the battle by the accidental dischage of a musket by one Todd. The ball passed in near the naval and came out near the back, as he was lying near a sapling. I assisted, with Thomas Oliver,[34] to carry him home in a litter between 2 horses, made with poles and a bed thereon. Was out at this tour for 3 or 4 days. Went from Readington with the whole Co[mpany] by way of Milltown; escorted Col. Frelinghuysen to Princeton by Griggstown, and on Rocky Hill we heard the firing, and soon got into the heat of the battle.[35] Believes Gen'l Washington marched with his army to Pluckemin into winter quarters.

Some time in this same Winter a distinguished Tory named Christopher Vought,[36] or Voke, led on a large body of Refugees and Tories from Lebanon in Hunterdon, said to be from 500 to 6 or 700, attempting to make their way to the headquarters of the army then at Brunswick. They were discovered by Dr. Jennings,[37] and he made it known to Capt. Lane, and the Co[mpany] was immediately called out with Capt. Jacob Ten Eyck's Comp'y to intercept them; fell in with them at the 2 Bridges, junction of the N. and S. branches of the Raritan; had a fight with them. Wm. Van Syckle[38] of our Co[mpany] was wounded in the head; they [blank] and ran to a fording place near Cornelius Van Derveer's mill on the N. Branch, where they crossed and made their way toward Brunswick. Ten Eyck's Co[mpany] took one prisoner, who was mounted, and Capt. Ten Eyck took his horse. In the night—toward last of winter.

In the spring following, probably March,[39] a party of the enemy from N[ew] B[runswick] came out to Van Ess'[40] mills on the Millstone. A party of militia under Lieut. Davis[41] was stationed near the two bridges, when an express rider on a black horse from Col. Frelinghuysen gave tidings of the enemy at V. Ess' mills. I piloted Davis' Co[mpany] and as many others as we could assemble to a fording place over the S[outh] branch, and hurried on to the mills. They had plundered the mill of grain and flour, and were on their way back to Brunswick, but had not got out of the lane leading from the mill to the great road. We headed them in the lane. The team laden with the flour was the first we fell in with; the lane, 100 yards, was filled with 4-horse teams. Davis ordered us to fire, and then we shot part of the 1st team, which stopped the whole drove. The drivers left their teams and run. A guard escorting the teams made their escape. We took, as was said, about 40 horses, and all the waggons, about 10, which were all sent off under an escort to Morristown.

A party of Hessians, about 1 company (70), an escort for these teams from Brunswick, was discovered secreted behind a hedge with some 4 or 5 field pieces. They fired upon us and retreated. We followed on a piece, but Lt. Davis ordr'd us to retreat. Davis' Capt. Westcott[42] from Cumberland had been left sick at Guysbert Bogert's, where he died, and was taken back to Cumberland Co[unty]. There was a large body of militia out, and Gen'l Dickinson commanded. The firing was principally across the river at the bridge. I was out on this alarm but one day. We mounted guard along the branch above the 2-bridges almost every night; nearly all this winter and spring on guard duty.

About corn planting in the same year,[43] as I think, my master was called on to go to the North. Capt. Isaiah Younglove[44] and Lieut. Robt. Robertson[45] were along the branch recruiting men for the northern service. Master Berger order'd me to go with Capt. Younglove for 9 months; this was the term of engagement for all his company. 3 men were furnished by each company for this expedition: 3 from our's, 3 from Ten Eyck's. David Seely from Cumberland Co[unty] was Col. of this regim't.[46] James Ray,[47] a free mulatto man and Hendrick Johnson[48] went from our Company. Our Reg't, under Col. Seely, assembled at Cornelius Slack's, Suckasunny plain, after corn planting, about last of May. Marched thro' Sussex Co[unty], and Goshen to N[ew] Windsor, Newburg, [New York]. At Esopus[49] we fell in with Domine Hardenburg,[50] whom I knew at Somerset. Went to Westpoint first. A chain was fastened to a large rock and stretched across the river to prevent vessels from going up. Thence by Schenectady by Fort

Schuyler, now Utica. Here we were for three days. Found here three children massacred by Indians, and had been brought here to repel the Indians who had massacred the whites. A massacre had also been made by the Indians at Cherry Valley,[51] through which we passed on our way to Utica; also at Fort Montgomery. We pursued the Indians through the wilderness as far as Buffalo; had five [blank] pieces. Gen'l Sullivan commanded.[52] When we reached Buffalo it was husking corn time.

It was a week after New Year's before we set out on our return march.[53] The Indians retreated before us as we went onward. We got home about middle of January, returning by the same route, and were discharged after being home about a month. At Westpoint on our return we halted; and, standing sentry one cold night, snow knee deep, a party of Hessians and Highlanders, who had crossed the Hudson on the ice, came on us by surprise.[54] After hailing the first one and he giving no answer, I fired and he fell. The whole guard came out, and all fired and killed sixteen. It was moonlight. The Light Horse soon rallied and came in their rear, and they surrendered prisoners (70). The Highlanders were dressed in woolen blue plaid trousers and armed with broad swords. As soon as I had fired, and repeated the fire twice or thrice, they returned my fire, and I fled till the guard came to my relief. I received a bullet upon the button of my gaiters, which drove the button and ball into my right leg just above the outer ankle bone. The ball and button were both cut out of the leg by Dr. Parrott, the surgeon of our Regiment, next morning. The fight was about at 10 at night. At the same time I received a wound in the tendon of the heel, just opposite the ankle, which seemed to be a cut, and divided the large tendon almost through.[55] I was two weeks and five days confined at Westpoint by this wound. Dr. Parrott attended me all this time. The Company and Regiment remained there all this time, but [I] hobbled along and kept up with the Regiment homeward. Capt. Younglove was wounded in the thigh this same night with a musket shot—fleshy part of the under side of the thigh. This was my last service. . . .

After the War ended applied and demanded my freedom of Berger. He sold me to Peter Ten Eyck[56] for £110, a slave for life. Ten Eyck sold me to Rev. John Duryea[57] for £92.10. I lived with him 2-1/2 years, and [he] sold me to Peter Sutphen for the same money. Lived with him and his for two years as slave. Then lived with my mistress for one year. I agreed to pay him from the proceeds of my labor £92.10. I paid it and bought my freedom after the additional servitude of 20 years under different masters.

1. Bogert (Bogart), a farmer, was an active Whig, serving on the County Committee of Correspondence in 1775.

2. Casper Berger, a German immigrant, was a stonemason; Readington (Reading Town) was in Hunterdon County.

3. It was possible to avoid militia duty either by paying a modest monthly fine or providing an able-bodied substitute.

4. It was neither a legal necessity nor a common practice for slaves to have a voice in their disposition; Sutphen was apparently accorded considerable personal status despite his debased legal position.

5. No one by this name serving as an officer in the Hunterdon or Somerset

Militia has been identified; there were two Matthias Lanes living in Somerset County, one of whom served as a private and later sergeant in the militia.

6. John Taylor, who rose to the rank of colonel in the Fourth Regiment, Hunterdon Militia, in 1777; in 1776 he was either a captain or major, John Mehelm holding the commission as colonel at the time.

7. As the remainder of the narrative makes clear, this could not have been the sixth year of fighting (1781 or 1782); it was almost certainly 1776.

8. Early spring.

9. The chronology of the first three tours of duty is confused. They probably occurred in rapid succession and became blurred with the passage of time. During the fall of 1775 the First New Jersey was on guard duty opposite Staten Island; in the spring of 1776 a major militia force was sent to the vicinity of New York City to prepare for the expected British invasion of that strategic port; in July 1776 Jersey troops flocked to New York City to do battle with the invading armies of the Howe brothers; beginning in August 1776 the two battalions of state troops drawn from the general militia establishment saw duty in alternate months for the duration of the war. If Sutphen's first tour occurred in the spring of 1776, which seems likely, then the second occurred before "hay and harvest time" since the battle of Long Island referred to in the third tour took place in August. In any event, the precise order of events is less important than his recollections.

10. Now part of Jersey City.

11. On June 14, 1776, the Provincial Congress ordered the formation of a five-battalion unit to reinforce the Continental army at New York City, one of the battalions to be comprised of militiamen from Hunterdon and Somerset. Hence, Sutphen served with and under men from both counties.

12. Colonel Abraham Ten Eick (Ten Eyck), First Battalion, Somerset Militia.

13. No one by this name served in the militia. The reference is probably to Major James Linn, First Battalion, Somerset Militia.

14. Probably Colonel Stephen Hunt, First Battalion, Somerset Militia, who resigned because of disabilities on July 12, 1776.

15. Probably Captain Peter Schamp, Fourth Regiment, Hunterdon Militia.

16. Brigadier General Philemon Dickinson, commander of the state militia.

17. The reference is undoubtedly to Lieutenant Colonel Benjamin Baird, Second Battalion, Somerset Militia.

18. See above note 9.

19. Captain Jacob Ten Eyck (Ten Eick), First Battalion, Somerset Militia.

20. The *Asia*, sixty-eight gun British warship.

21. A British fleet under Admiral Sir Richard Howe entered New York Harbor in July 1776.

22. Colonel Frederick Frelinghuysen, First Battalion, Somerset Militia.

23. Is the following account properly a part of his "second tour"?

24. The battle of Long Island, a decisive victory for the British, took place the last week in August 1776.

25. Brigadier General William Alexander (Lord Stirling), Continental army.

26. Private William Van Sickle, Third Regiment, Hunterdon Militia.
27. Lieutenant Jacob Johnson, Third Regiment, Hunterdon Militia.
28. Now Linden.
29. Now New Market, Piscataway Township.
30. Private Peter Low, First Battalion, Somerset Militia.
31. John Van Campen, Somerset, drummer.
32. Captain Philip Van Arsdalen, First Regiment, Somerset Militia.
33. Captain Cornelius Lane, Fourth Regiment, Hunterdon Militia.
34. Private Thomas Oliver, First Regiment, Somerset Militia.
35. The battle of Princeton, January 3, 1777.
36. Christopher Vought of Kingwood, Lebanon Township.
37. Dr. Jacob Jennings, surgeon for the militia.
38. Lieutenant William Van Sicle, Fourth Regiment, Hunterdon Militia.
39. The following is an account of the January 20, 1777, skirmish in which some four hundred New Jersey militia under General Dickinson and approximately fifty Pennsylvania riflemen met a British foraging party of nearly equal size from New Brunswick. The Americans soundly defeated their adversaries, who in April sought revenge in vain at the battle of Bound Brook.
40. Abraham Van Neste's grist mills.
41. Identity uncertain; perhaps Lieutenant John Davis, state troops.
42. Captain Samuel Wescott, First Battalion, Cumberland Militia, who did not die but lived to resign his commission in 1779.
43. The account that follows describes the punitive expedition launched against the Iroquois in the summer and fall of 1779. New Jersey troops were organized in the spring under General William Maxwell and Colonel Oliver Spencer.
44. Captain Isaiah Younglove, New York state militia. On this tour of duty Sutphen was in the service of New York, not New Jersey.
45. First Lieutenant Robert Robertson, First Regiment, New Jersey Continental Line.
46. There was no Colonel David Seely (Seeley) in either the Continental army or the Jersey militia. The commander in question was Colonel Oliver Spencer of Cumberland; it is possible that Sutphen confused him with Colonel Sylvanus Seeley of the Morris County Militia (see Sec. IX, Doc. 8).
47. Private James Ray, whose military service extended from February 1776 to June 1783, saw action in some of the most important engagements of the revolutionary war, ranging from Ticonderoga to Brandywine and Germantown to Yorktown.
48. Private Hendrick Johnson, Fourth Regiment, Hunterdon Militia.
49. Now Kingston, New York.
50. The Reverend Jacob Rutsen Hardenbergh.
51. A series of raids by Iroquois under Joseph Brant and Loyalists under General John Butler culminated in a massacre at Cherry Valley, New York, on November 11, 1778. That incident, coupled with earlier depredations in the Wyoming Valley region of northeastern Pennsylvania, prompted Washington to authorize the punitive expedition of the following year.
52. General John Sullivan of New Hampshire was the commander of the expedition, assisted by General James Clinton of New York. It is unlikely that

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Sutphen was a member of Sullivan's force, since the route detailed here does not correspond with that taken by Sullivan and Maxwell's men (from Easton, Pennsylvania, to central New York and back). Rather, he was probably attached to the special regiment formed by Colonel Spencer, which took a Hudson River route to join with Clinton in the Mohawk Valley.

53. Sullivan's army had returned to Easton by mid-October; Spencer's force retraced the route of its advance and returned later.

54. This is the unsuccessful attack upon an American outpost at Mount Pleasant, Westchester County, New York, by a mixed force of New York Loyalists, British regulars, Hessians, and Scottish Highlanders (Seventy-first Regiment) on February 2, 1780.

55. A note inserted in the manuscript at this point reads: "Both wounds or scars yet visible and tangible."

56. Peter Ten Eyck owned a farm at North Branch.

57. The Reverend John Duryea was pastor of the Dutch Reformed Church at Raritan (now Somerville).

XI

Government at War

Although it is true that independence could only be won through force of arms, the success of the American military on the battlefield turned upon the achievements of civilians in the halls of government. It is simply impossible to wage a war without a political organization capable of maintaining order among noncombatants and marshalling the resources of society in support of the war effort. In New Jersey as elsewhere, the transition from dependent colony to independent state—a formidable task in itself—was anything but smooth and uneventful. Besides the usual weighty problems of routine governance, political leaders who renounced allegiance to Great Britain faced special problems attendant on the establishment of civil authority amid war and revolution.

While attempting to inaugurate a new order that differed in important respects from the political assumptions and practices of the past (see Sec. XIII), the New Jersey governmental establishment led by Governor William Livingston faced serious threats to its very existence. Although in December 1776 the British army chased the legislators out of their chambers and for a time the Council of Safety headed by Livingston was the only semblance of civil authority in the state, patriot leaders were more concerned with internal problems than uncontrollable military threats. Loyalists posed a particular danger and were dealt with in summary fashion (see Sec. VIII). The chief concern of the government, however, was not the enmity of hard core royalists but subversion. The legislature enacted a series of laws defining treason and prescribing penalties for those who defied the authority of the state. Civil and military officials were required to take a loyalty oath that was eventually administered to the populace at large (Doc. 1). And through various means, including stirring speeches by Livingston designed to arouse the patriotism of the public (Doc. 5), the republican regime labored hard to obtain the adherence of the uncommitted and secure the support of the faint of heart. Members of pacifistic religious sects, mainly Quakers and Seventh Day Baptists, who

refused to take sides in the secular struggle paid penalties for their conscientious objection (Docs. 10 and 11). A more potent political catalyst than all the efforts of government leaders, however, was military success; nothing was quite so effective, in consolidating support for the state government and converting those whose political behavior derived more from expediency than principle (Docs. 2 and 3), as the occupation of a given region by the American army.

The battle of Monmouth (see Sec. IX, Doc. 7) signaled the stabilization of the political and military situation in New Jersey. Except for the presence of a small British outpost at Paulus Hook, American forces occupied the state after the summer of 1778. If anything, the sporadic raids that occurred during the succeeding two years helped bolster the stock of the government by further discrediting the British (see Sec. IX, Docs. 8 and 9). But on another level, endemic civil disorder threatened to undermine the credibility of the Livingston administration. The depredations of both Loyalist marauders (Doc. 15) and patriot vigilantes (Doc. 17) created doubts in some areas about the ability of the government to maintain order and protect the citizenry. However, on the whole, thanks in large measure to the leadership of Governor Livingston, the political establishment withstood the challenges to its authority and provided effective governance for wartime New Jersey.

As if pervasive political problems that at times threatened its very existence were not enough, the state government encountered formidable difficulties related to the waging of war for nearly eight years. As a principal battleground of the war (see Sec. IX), New Jersey suffered greatly from the ravages of warfare as well as the requirements of provisioning troops cantoned in or marching through the state (Doc. 8). Moreover, men, money, and munitions had to be raised to support three different military units—the Jersey Continental Line (the state's complement of the national army), the state militia, and the local militia. The latter two outfits posed special problems because of inadequate administrative machinery (Doc. 13) and endemic parochialism (Doc. 9). Moreover, state officials found themselves responsible for British and Loyalist prisoners of war (Doc. 7) as well as captured Jerseymen in enemy hands (Doc. 14). Finally, there were the vexing dilemmas of desertion (Doc. 4) and civilian-military discord (Doc. 12) that contributed so much to declining public morale and war weariness. As in the political arena, the success of the state government in dealing with military matters was generally proportional to the accomplishments of the armed forces. The martial spirit of most Jerseymen was an accurate barometer of the military situation at a given time.

Military fortunes rose and fell in cyclical fashion, but the economy moved steadily from bad to worse. The expense of waging a war plus the physical destruction and economic dislocation attendant on warfare wreaked havoc with the New Jersey economy. Collectively the devastating property losses suffered by many residents (see Sec. IX, Doc. 14) had a far-reaching impact on the economy as a whole. But more important were the pervasive conditions that affected everyone. Public officials and private citizens alike strove with mixed results to combat the deleterious economic effects of the curtailment of manufacturing, disruption of commerce, and excessive emissions of paper currency (Doc. 16). Most vexing of all was the spiraling inflation that brought

the nation to the brink of bankruptcy (Doc. 6). Indicative of the magnitude of the problem is the fact that the pernicious trade with the enemy (Doc. 18), clearly treasonable, was widespread and in some respects vital to the economic health of the state. In reality, the government faced an impossible task in attempting to reconstruct the economy. New Jersey was simply not in a position to control its economic fortunes because the root problems were external. For the resolution of those problems and the return of prosperity, Jerseymen looked first to the Articles of Confederation (see Sec. XII) and then to the federal Constitution.

1 The New Jersey State Loyalty Oath

["An Act for the Security of the Government of New-Jersey," *Acts of the General Assembly of the State of New Jersey, August 27, 1776-March 17, 1777* (Burlington, 1777), Chap. 2.]

Governments have traditionally required oaths or tests of loyalty from persons entrusted with positions of public trust. But the following oath of abjuration and allegiance to be taken by all civil and military officials in the state was no mere formality. The double-edged declaration was simultaneously a vow of fidelity to the state of New Jersey and admission of treason against Great Britain. As self-confessed leaders of the rebellion, those who signed the oath were guilty in the eyes of the British of political crimes which could not be pardoned. With a stroke of the pen, they had committed a willful act of disloyalty and thus literally pledged their "lives, fortunes, and sacred honor" to the cause of independence.

Princeton, September 19, 1776

Whereas it is essentially necessary for the Safety of this State, That every Person, who holds any Office or Post of a publick Nature, should evince his Fidelity and Attachment to the Government from whence he derives Protection, and under which he is authorized to act; And Whereas to effect this important Purpose, it is necessary that a proper Test be established to be taken by all Officers civil and military within this State; and that the Governor or Commander in Chief be authorized by Law to administer such Test, and the official and other necessary Oaths in the several Counties thereof;

Sect. 1. Therefore be it Enacted by the Council and General Assembly of this State. . . That the following Test shall be taken by all Officers civil and military, who are now in Office, or hereafter shall be appointed, elected or commissioned, within the several Counties of this State, That is to say,

I AB do sincerely profess and swear (or, if one of the People called Quakers, affirm) that I do not hold myself bound to bear Allegiance to the King of Great-Britain. So help me God.

I AB do sincerely profess and swear (or, if one of the People called Quakers, affirm) that I do and will bear true Faith and Allegiance to the Government established in this State, under the Authority of the People. So help me God.

Which Oaths or Affirmations shall be administered by any Person or Persons who shall be duly authorized to tender the same by the Commander in Chief of this State. . . .

2 John Bray to Andrew Bray

[New Jersey Letters, Alexander Library, Rutgers University.]

When the British swept through New Jersey during the closing months of 1776, approximately 2,500 men quickly took advantage of General William Howe's proclamation of November 30 offering to pardon and protect anyone who signed a declaration of allegiance to the crown. Some signed because of Loyalist leanings, but most probably did so either because of indifference as to whether their rulers were monarchists or republicans, because of fear of the British army, or because of the apparent hopelessness of the rebellion. John Bray, a Middlesex County farmer of middling means, is representative of those motivated by the latter considerations. Sensing that the rebellion was about to be crushed and fearing that the British army would deal harshly with rebels, Bray encouraged his uncle, Andrew Bray of Lebanon in Hunterdon County, to use his influence as patriarch of the clan to encourage family members to take out British protections. (A "protection" was a statement signed by an authorized civil or military official declaring that a designated individual and his family were not to be molested in their person or property.) The "protections" proved not to be worth the paper they were written on. Hessians could not read English and the British routinely failed to heed the certificate. As a result, those who held protections often suffered as much as those who did not. Predictably, many did not scruple to switch allegiance when the opportunity presented itself (see Sec. VII, Doc. 9). Here too, the Brays are typical. The family produced many staunch patriots; Andrew saw action in the county militia, the state troops, and the Continental Line, while John served as an assistant commissary in the General Hospital of the Continental army and as a member of the Quartermaster's Department.

Rariton Land[in]g 17th Dec. 1776

Dear Uncle

You are acquainted that the British Troops have Possession of this Place and you may depend that they will go through the Country wherever they attempt it and great destruction follows wherever they go that I would recommend it to all my Relations & friends to come in and Receive Protection. The Proclamation which no doubt you have heard of is free to all during its limitation. Great numbers flock in dayly to head Quarters which is at this place. You can come down & receive Protection & return home without molestation on the Part of the Kings Troops and you best know the Situation of the Provincial Army. Do advise Couzin Johny & Th[oma]s & Couzin Th[oma]s Jones for if they do stay out to the last they will undoubtedly fair the Worst. 40,000 Hessians have offer'd their service to the King of England of which 24,000 are to embark in the Spring but I hope the matter will be settled before that time. I have upwards of 30 [illegible] lately which if you think Proper to come down with your waggen you can have tho' I cannot recommend if for you to come with a Team yet times being so very difficult. I Expect to see you here shortly. In the Interim Remain, my Wife Joining me in Self & family.

Yr. Very H. Servt
JOHN BRAY

3 A Bergen County Oath of Allegiance

[Department of Defense Records, 21, New Jersey State Library.]

When, on the heels of crushing victories over General Washington's Continentals in New York, the British army overran New Jersey in November-December 1776, many Jerseymen signed oaths of allegiance to the crown in hopes of protecting their family and property (Doc. 2). Not surprisingly, these trimmers and pragmatists switched sides as the counterattacking American army slowly regained control of the state. The state government was eager to grant unconditional amnesty to all but those who had been conspicuous in aiding and abetting the Royal Army. Prior to the formulation of an official "Act of Free and General Pardon" in June 1777, civil and military officials administered informal oaths of allegiance to formerly disaffected citizens and those suspected of Loyalist leanings. The loyalty oath was an important political device. Although the residents of Bergen County, a bastion of Loyalism, who signed the pledge below could obviously not be counted among the most reliable supporters of the republican regime, they would hesitate in the future to oppose the state openly and thereby risk the severe penalties for violation of their oath. As much as to recruit defenders, the state wished to neutralize its opponents.

January 28, 1777

To all Whome it may Concern. Whereas we ye Subscribers has by Compultion Choice or Otherwise taken Protection[1] from ye Minesterial officers or tools of arbitrary Power, But Now being in our own Free & Indipendent state of New Jersey in ye Presents of Almightly God; & the now Presents Sons of Liberty[2] Present before the Parsons Now Present that hence forth we will Bare true Allegiance to the thirteen United States of America & that we will obey all Laws Orders & Commands of the State of New Jersey or any Other of the said thirteen United States of America we may hereafter heppen to Reside in—Or Forfit all our Estates Real & Parsonel, Life, Freedom & Previledge in the Afforesaid thirteen United States of America.[3] Given under our hands this 28 of Jenuary 1777.

[Twenty-six signatures affixed.]

1. See Doc. 2, headnote.
2. Reference to the patriotism of the persons administering the oath, not to the pre-1776 protest organization.
3. "An Act to punish Traitors and disaffected Persons" passed by the legislature on October 4, 1776, declared that anyone who aided and abetted the British army or defended the authority of Great Britain was guilty of treason and liable to fine and imprisonment; there was no confiscation act until December 1777. *Acts of the General Assembly of the State of New Jersey, August 27, 1776-March 17, 1777* (Burlington, 1777), Chap. V.

4 General George Washington to the New Jersey Legislature

[Fitzpatrick, ed., *Writings of George Washington*, 7:82-83.]

Throughout the war New Jersey governmental officials had to contend with the troublesome problems of deserters from the Continental army as well as defectors from the militia. (British and German soldiers also deserted in droves, but that is another matter.) There was no way to cope effectively with the undisciplined citizen soldiers who comprised the various militia units in the state; they simply left the ranks almost at will to attend to personal affairs (or to avoid combat) and then as often as not returned to their outfits. The exodus increased during planting and harvest time. Of greater concern was desertion from the regular army. Inadequate supplies, low and late pay, and the drudgery of military duty prompted many Continentals to leave the service without authorization. Moreover, the desertion rate rose as American military

successes declined. As the following appeal from General George Washington testifies, desertion was an acute problem from the earliest days of the war. Despite numerous steps taken by military and civil officials, the problem persisted unabated. Because of the large number of troops present in the state during the war, New Jersey magistrates were constantly troubled by the problem of desertion.

Head Quarters, Morristown, January 31, 1777

The great Countenance and protection shewn and given to deserters, by persons in the different Neighbourhoods, from whence they originally came, has made that Vice so prevalent in the Army, that unless some very effectual Measures are fallen upon to prevent it, our new Army will scarcely be raised; before it will again dwindle and waste away from that cause alone.

I know of no remedy, so effectual, as for the different States immediately to pass Laws, laying a very severe penalty upon those who harbour or fail to give information against deserters, knowing them to be such, and strictly enjoining all Justices of the Peace and Officers of the Militia to keep a watchful Eye over and apprehend all such persons as shall return from the Army without a Discharge. In order that this most Salutary Measure may be carried speedily into execution, I have not only desired Congress to recommend it to the different States,[1] but have myself wrote Circular Letters to them all pressing their compliance with my request.[2] Desertion must cease of course, when the Offenders find that they have no Shelter. I have the Honour to be, &c.

GO. WASHINGTON

1. That the army had to turn to the states instead of the Congress for desertion laws illustrates the lack of central authority that plagued military operations during the war. General Washington literally had to negotiate with thirteen separate governments as well as the Congress on many important issues.

2. The New Jersey legislature promptly complied with Washington's request by passing "An Act to prevent Desertion from the Army of the United States of America" on February 26, 1777. The statute "required and enjoined" every citizen to apprehend "any Person suspected to be a Deserter" and take the suspect to a justice of the peace. Actual deserters were to be returned to their units, and the informer was to receive a reward of five dollars. Persons who either encouraged desertion or concealed deserters were to be fined ten pounds for the first offense and fifteen pounds thereafter. *Acts of the General Assembly of the State of New Jersey, August 27, 1776-March 17, 1777* (Burlington, 1777), Chap. XIV. Because the law proved to be inadequate, the legislature passed on June 17, 1780, "An Act more effectually to prevent Desertion." This act raised the reward for "apprehending and securing or delivering up a Deserter" to 200 pounds; it also increased the penalty for concealing deserters to a court sentence "not extending to Life or Member" and that for helping a

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deserter reach the British to "Death without Benefit of Clergy." Peter Wilson, comp., *Acts of the Council and General Assembly of the State of New Jersey* (Trenton, 1784), Chap. CCXVIII.

5 Governor William Livingston, Speech to the Legislature on the State of the State

[*Votes and Proceedings, August 27, 1776-June 7, 1777* (Burlington, 1777), pp. 85-89.]

On December 23, 1776, Thomas Paine, who eleven months earlier had issued his famous pamphlet *Common Sense,* began the first of his *Crisis* essays with the observation that "These are the times that try men's souls." Indeed they were, for the winter of 1776-1777 saw public morale in New Jersey reach its nadir. The British had overrun the state in December, citizens had flocked to join the invaders, and the legislature had fled from Princeton to Trenton to Burlington and then disbanded. Although Washington's army had liberated West Jersey in January, the General Assembly regrouped in February at the small Gloucester County hamlet of Haddonfield in an atmosphere of foreboding. In the address below, directed to the general public as well as the legislators, Livingston sought to rally support for both the state government and the Continental army encamped at Morristown. The tone and quality of the remarks are characteristic of his future public speeches and the newspaper essays he published under the pseudonym "Hortentius." Eloquent and exaggerated, intemperate and emotional, his speech, coupling outrage at British depredations with a firm belief in the inevitable success of the American quest, was a calculated effort to transform summer soldiers and sunshine patriots into active defenders of the new state and nation.

Haddonfield, Feb. 25, 1777[1]

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 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.[2]

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 publick 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 and 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 unparallelled. They have plundered Friends and Foes. Effects capable of Division they have divided. Such as were not, they have destroyed. They have warred upon decripid Age; warred upon defenceless Youth. They have committed Hostilities against the Possessors of Literature; and the Ministers of Religion: Against publick Records and private Muniments; 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 weltering 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 and 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 of the British Army;[3] those intentional Pensioners of a Bankrupt Nation? Was every Estate in America to be confiscated, and 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 and 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, and divine Indignation, and linger out the Rest of their Days in Self-Condemnation 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, and 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:[4] 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 and 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[5] 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. A Speech terrible in Word; and fraught with Contradiction: Breathing Threatenings; 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, and triumphant on the Ocean, he is an humble Dependent on a petty Prince; and 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, and open Preparations.

With all this, we ought to contrast the numerous and hardy Sons of America, enured to Toil; seasoned alike to Heat and Cold; hale; robust; patient of Fatigue; and from an ardent Love of Liberty, ready to face Danger and 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 and Deserters. Their unshaken Resolution to maintain their Freedom, or perish in the Attempt. The Fertility of our Soil, in all Kinds of Provisions, necessary for the Support of War. Our inexhaustible internal Resources for Military Stores and Naval Armaments. Our comparative Oeconomy in publick Expence; and the Millions we save, by reprobating the farther Exchange of our valuable Staples, for the worthless Baubles and Finery, of English Manufacture. Add to this, that in a Cause so just and righteous on our Part, 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, bating certain Prerogatives of dangerous Tendency, it has indeed been applauded by the best Judges; and displays in its Original Structure, illustrious Proofs of Wisdom; and the Knowledge of Mankind. But what avails the best Constitution with the worst Administration? For what is their present Government—and what has it been for Years past, but a pensioned Confederacy against Reason, and Virtue, and Honour, and Patriotism, and the Rights of Man? What their Governors but a set of political Craftsmen flagiciously conspiring to erect the Bable [of] DESPOTISM, on the Ruins of the ancient 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 Junto of publick Spoilers, lavishing the national Wealth; and by Peculation and 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 Characterisicks 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; and retrenching the Rights of the Subject: Advancing to the most eminent Stations, Men without Education, and of dissolute Manners: Employing with the Peoples Money a Band of Emissaries to misrepresent and traduce the People. And (to crown the System of Mis-rule) sporting with our Persons and Estates, by filling the highest Seats of Justice with Bankrupts, Bullies and Blockheads.

From such a Nation, (though 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 Duty to be detatched. To remain happy or safe in our Connection with her, became thenceforth utterly impossible. She is, moreover, precipitating her own Fall; or the Age of Miracles is returned; and Britain a Phaenomenon in the political World without a Parallel.

The Proclamations to ensnare the timid and credulous, are beyond Expression disingenuous and tantalizing.[6] 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, and 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 and Money; their impaired Credit, and declining Commerce; their lost Revenues, and 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 Injuries and

supplicating for Redress; and waging it with a Ferocity and Vengeance unknown to modern Ages, and 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, and obtained an honourable Peace, chearfully 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, and every Thing tending to ennoble our Nature, and render a People happy. On their Part, prompted by boundless Avarice; and 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, and religious; incompatible with human Happiness, and usurping the Attributes of Deity; degrading Man, and blaspheming God.

Let us all, therefore, of every Rank and Degree, remember our plighted Faith and Honour, to maintain the Cause with our Lives and Fortunes. Let us inflexibly persevere in prosecuting to a happy Period, what has been so gloriously begun, and 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 skulking 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 and Proceedings, be influenced and 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;* but in due Time avenge an injured People, on their unfeeling Oppressor, and his bloody Instruments.

1. The speech is dated February 25, but was delivered to the legislature on the twenty-eighth. It was subsequently printed as a four-page pamphlet for public distribution.
2. See Sec. IX, Docs. 2 and 3.
3. German mercenaries.
4. The references are to France and the French and Indian War of 1754-1763.
5. George III.
6. General Howe's proclamation of November 30 offering pardons in exchange for oaths of allegiance. See Docs. 2 and 3.

6 Thomas Powell on Inflation

[*Pennsylvania Evening Post*, August 16, 1777.]

As in every war, the scarcity of commodities drove prices upwards, but the monetary practices of the states and central government greatly exacerbated the problem. By the fall of 1777 the Congress had issued nearly $250,000,000 and the states almost $210,000,000 in bills that had little or no backing. The results were spiraling prices and near financial chaos. Calculations in January of successive years revealed the following amount of paper money required to purchase $1.00 specie: $1.25 (1777), $4.00 (1778), $8.00 (1779), $42.50 (1780), $100 (1781). The term "not worth a Continental" originated in describing the worthless currency. Finally, in May 1781 the Congress in effect declared the nation bankrupt, calling in old money and issuing new currency. In announcing his second rate increase since the war began, Burlington innkeeper Thomas Powell graphically described the inflation that plagued all citizens.

Burlington, August 15, 1777

It is with real concern that I find myself again under a necessity to address the public, on account of the excessive high price both of shop goods and provisions, linen, bedding, &c. being in continual wear. The present price of those articles render it impracticable for me to replace them, and having found, both by weekly accounts of the consumption in my family, and by the most exact calculations I could make, that forty pounds per annum for each boarder is very inadequate to my expences, and that I suffer a considerable daily loss. I flatter myself that my generous employers do not expect that my family and self should undergo the fatigue of my employment and sink money by it.

I beg leave to lay before the public the former and the present price of a few articles only, and I make no doubt but the least reflection will convince all my employers that sixty pounds for each boarder is not yet equal to my customary price of twenty-six pounds per annum.

Sugar from fifty-eight shillings to forty-five pounds per hundred. Butchers meat from threepence half-penny to one shilling and threepence per pound. Coffee from eleven pence to eight shillings per pound. Salt from two shillings and sixpence to fifteen dollars per bushel. Butter from tenpence to four shillings per pound. Cheese from sixpence to three shillings per pound. Russia sheeting from two shillings and four pence to at least fifteen shillings per yard. Wood from twelve shillings to thirty shillings per cord.

I could enumerate many other articles of consumption which bear at least an equal proportion to the above. It must be considered too that my family and self must wear clothes, the price of which, I believe, is not necessary to mention.

I shall think myself very happy in the continuance of the favors of my friends at sixty pounds per annum, and assure them of the assiduous and tender attention of their

Very respectful friend,
THOMAS POWELL

7 Governor William Livingston to John Hancock

[*Executive Correspondence*, pp. 101-2.]

Prisoners of war were an annoying irritant to the New Jersey government, particularly during the initial two years of the war. Having incarcerated numerous avowed and suspected Loyalists of its own, the state was in no position to accommodate captured British soldiers and political prisoners from other states. The problem went beyond inadequate detention facilities and lack of supervisory personnel. As Governor William Livingston made clear to John Hancock, president of the Congress, New Jersey officials were greatly concerned about the negative political influence high ranking royalists might have on the people of the state. The danger was especially acute in New Jersey, where a high proportion of Loyalists and neutralists combined with constant exposure to the incursions of the British army to create a markedly unstable political situation. The governor's warning was not without effect. The Loyalists in question, John Penn and Benjamin Chew, were sent to Virginia, and from 1778 to the end of the war very few political or military prisoners were imprisoned in New Jersey. However, the state was frequently called upon to supply and guard the numerous prisoners of war who marched through the state en route to prisons elsewhere. And because of its proximity to New York City, Elizabethtown was a major center for the exchange of prisoners. The presence of large numbers of disaffected persons was understandably a constant concern of the government throughout the war.

Princeton, October 4, 1777

The council a few days ago was informed, but not officially so, that Mr. Penn,[1] late Governor, and Mr. Chew,[2] late Chief Justice of Pennsylvania, with some others, had been removed to the Union,[3] in the county of Hunterdon, by order of the Hon. Board of War.[4] We are extremely sorry that persons of their political caste and rank in life should have been sent into this state, which is nearly encircled by the enemy, to say nothing of our domestic foes. Wherever the enemy go they never fail to make friends and abettors, or at least to call up such into active life in their favor as during their absence remained in a sort of inactivity. We have suffered extremely from persons under parole. A course of experience has fully convinced us, that they have always tinctured the neighborhood in which they have been fixed with toryism and disaffection. There is hardly a county in this state which is not at present exposed to the incursions of the enemy; and therefore we submit it, whether it be proper to send any suspected persons into it. They have an imperceptible and baleful influence even upon the well affected. We request, therefore, that the above gentlemen may be removed into some other state as soon as possible. Of all Jersey, the spot in which they are at present is the very spot in which they ought not to be. It has always been considerably disaffected, and still continues so, notwithstanding all our efforts, owing, we imagine, in part to the interests, connection, and influence of Mr. John Allen,[5] brother-in-law of Mr.

Penn, who is now with the enemy. Of this the Board of War must have been entirely ignorant, otherwise they would not have made such an order of removal. And we are willing to ascribe it to the hurry and multiplicity of their business, that either the honorable the Congress, or the Board of War, should have selected any part of New Jersey as a prison for mal-contents, without first notifying the same to the executive power of the state. Nor can we persuade ourselves that they will have any objection against our removing the before-mentioned prisoners out of this state, to such other parts of the country as Congress may think most fit for their safety, or, if they must remain in this state, to leave it to our direction in what particular locality, they are likely to do the least mischief.

I am your ob't and hum. ser't,
WILL: LIVINGSTON

1. John Penn, lieutenant governor of Pennsylvania 1763-1771 and 1773-1776. Despite his Loyalism, Penn returned to his native state after the war.

2. Benjamin Chew was arrested after refusing to sign a parole confining him to his home. He returned to Pennsylvania after the war and resumed his judicial career as president of the High Court of Errors and Appeals.

3. The Union Iron Works near Amwell was used as a prison during the war.

4. The Board of War, created as "A Board of War and Ordinance" in June 1776, supervised military affairs for the Congress.

5. John Allen, owner of the Union Iron Works. Allen had been a member of the Provincial Congress in 1775.

8 The Magistrates of Trenton to General George Washington

[George Washington Papers, ser. 4, reel 46, Presidential Papers Microfilm Series (Library of Congress).]

The burdens imposed by bivouacking soliders fell most heavily upon local governmental officials. Morristown, site of Washington's winter encampments in 1777 and 1779-1780, and the strategically located towns of Elizabethtown, New Brunswick, and Trenton were especially inconvenienced by troop concentrations. But few communities along the central corridor from New York City to Philadelphia went long without hosting a military detachment. As the appeal from Trenton magistrates to General Washington reveals, communities wanted the army nearby for protection, but not so near as to cause overcrowding,

shortages of provisions, and the likelihood of civilian-military disturbances (see Doc. 12).

Trenton, January 2, 1778

Sir,

Having with much Concern been informed that four Regiments of the Light Dragoons[1] of the Army are ordered to be quartered in this Town for the Winter for the Purpose of recruiting, and to be exempt from Duty; and apprehending that, if our Information be true, Your Excellency must have been greatly misinformed respecting the present State and Condition of the Town and the adjacent Country, we, some of the Magistrates of the Town and Neighbourhood of Trenton, conceive it to be our Duty, as well with Respect to the Publick Service, as to the Convenience and Safety of the Inhabitants, to submit to your Consideration the following Facts; from which we doubt not it will appear that the Quartering any considerable Number of Horse[2] in this Town, especially for this Purpose of recruiting, would not be so likely to answer the End proposed as might be expected in many other Places, and that it would at the same Time, be very distressing to all, and absolutely ruinous to many of the Inhabitants.

1. A Number of Horse quartered here, not being on Duty, could afford no Protection to this Country; and at the same Time might be a Temptation to the Enemy to make an Invasion on a Place so near them, which otherwise might not afford them an Object of sufficient Importance.[3]

2. The Town, and especially the Stabling and Out-Houses, suffered so much Injury by the Ravages of the Enemy last Winter,[4] and other Events of the War, that it is yet greatly out of repair, and from the Scarcity of Materials and Workmen is likely to continue so for some Time to come; insomuch that it is with some Difficulty the Horses and Cattle of the Inhabitants are sheltered from the Weather: And should any considerable Number of Horses be quartered in the Town, they must either want Stabling or the Horses of the Inhabitants must be turned out to make Room for them.

3. From the great Number of Waggons and Horses imployed in & about this Town for several Months past in the Publick Service, this neighbouring Country has been so much drained of it's Forage that it is very difficult to get a sufficient Supply for the Teams now necessarily employed in and daily passing through this Town. Many of the Inhabitants have not got, nor are able to get an adequate Supply for their own Stock; the Country for ten Miles round and upwards being so much exhausted, that although the Horses and Cattle within that Circumference are far less numerous than usual, the Forage remaining will afford them a very scanty Subsistence for the Winter. At the same Time the Inhabitants of the Town are obliged to keep more Horses then they otherwise would for the Purpose of collecting Fire Wood, the Country Teams being so much employed in the Publick Service that they cannot be procured for this Purpose. And moreover the local Situation of Trenton renders it so necessary a Post, and so much a Thoroughfare, that many Teams as well as Travellers in the Publick Employ necessarily depend on finding temporary Supplies in it.

4. The Legislature of the State are to meet at Trenton early in the Month of

February, and, from the Causes beforementioned, it will be with great Difficulty that tolerable Provision can be made for them and their Horses. If but a single Regiment of Dragoons should be placed here, it will be impossible, and there is not another Town in the State, equally remote from the Enemy, now in a Condition to afford them suitable Accomodations and Conveniences for doing Business. In their late Session at Princeton the Publick Business was much obstructed for want of proper Accomodations and Conveniences, and at length, we are well informed, it ended, leaving several important Matters unfinished, which would otherwise probably have been completed.

We therefore flatter ourselves that Your Excellency, having taken these Circumstances into Consideration, will be of Opinion that Trenton is an improper Place for the Repose of the Horse for the Winter, and that you will be pleased to order them elsewhere. We are anxiously desirous, and we have Reason to believe the People of this County in general, especially in the Neighbourhood of Trenton, are well disposed to farther the Operations of the Army by every Effort that can be reasonably expected from good Citizens. The Inhabitants in and near this Town, from their local Situation and other Circumstances, have already felt the Calamities of War in a Degree unknown to most other Parts of America.

And the known Benevolence of Your Excellency's Disposition prompts us to hope that we shall not be subjected to any new Distresses unnecessarily.

We are, with the greatest Respect, Your Excellency's

most obedient,
humble Servants
WM. CLEAYTON
BENJAMIN YARD
RENSSALAER WILLIAMS
BENJAMIN VANCLEAVE

1. That is, light cavalry.
2. Cavalry was commonly referred to as "horse" for obvious reasons.
3. The British army occupied Philadelphia from September 1777 to June 1778.
4. The battle of Trenton. See Sec. IX, Doc. 2.

9 Residents of Cape May to Governor William Livingston

[Miscellaneous Manuscript Collection, New Jersey State Library.]

One of the most perplexing problems plaguing Governor William Livingston as commander in chief of the state militia was the localism of the people of New Jersey. Militiamen would turnout to defend their immediate locale, but were reluctant to serve outside the county or in another state. Time and again, as during the British invasion of Bergen County in November 1776 and the assault on Fort Mercer a year later, the failure of the militia to appear had serious military consequences (see Sec. X, Docs. 4 and 7). Frightened by inadequate protection and generally unconcerned about distant warfare, the civilian population encouraged a parochial perspective in the citizen-soldiers. As the following petition from residents of rural, sparsely populated Cape May County to Livingston illustrates, support of the common cause was often tempered by local needs and interests.

10th March 1778

The Petition of Sundry the Inhabitants of Cape May County, Humbly Sheweth,

That your Petitioners, from their Local situation, are greatly exposed to the incursions of their Enemies, who from their Ships, and Vessels of War, have landed and often attempted to Land;[1] whereby the inhabitants more contiguous to the shore might have been robbed of their property, had not the Militia interposed for their relief.

That your Petitioners are very apprehensive, as the Season is now advancing, in which they can cruize a long our Coast, without much danger from the inclemency of the weather; that they will again infest our shores and do all the mischief in their power: And the many threats, repeatedly uttered by the enemy, that they will destroy our Salt-works,[2] burn our houses, and plunder the Country; all tend, further to confirm us, in our apprehensions of danger.

That the whole of the Militia in a collective body, are but few, and when one fourth part of those few, is on duty abroad,[3] our condition is really weak and dangerous; especially as we cannot speedily obtain assistance, from the adjacent counties.

Your Petitioners do therefore humbly request that it may please your Excellency, to take the premisses under your consideration, and exempt the Militia of Cape May, from performing their Tour of duty abroad; and to point out such methods, as may enable the inhabitants to keep up a regular guard, or any other measure, your Excellency may think most conducive to our safety.

And your Petitioners as in duty
bound shall ever Pray.

[Seventy-four signatures affixed.]

1. Cape May was an inviting target for foraging parties because of the livestock—estimated by the Continental army in May 1777 at 30,000 cattle and nearly as many sheep—that roamed the marshlands and thinly wooded pine forests of the county.

2. During the war numerous evaporation vats were built along the coast

to extract salt from seawater.

3. "Abroad" means duty outside the county with the state militia. The state militia, comprised of volunteers drawn on a quota basis from the various county militias, was liable for service anywhere in New Jersey and the surrounding states.

10 Samuel Allinson to Governor William Livingston

[Letter Book, Allinson Papers, Alexander Library, Rutgers University.]

Members of the Society of Friends, especially numerous in West Jersey from Burlington to Cumberland Counties and in portions of the East Jersey counties of Middlesex and Monmouth, posed a particularly sensitive problem to the government of New Jersey during the Revolution. Prior to 1776 Quakers suffered considerable harassment because of their refusal to participate in the violent protest against British imperial policies (see Sec. IV, Doc. 3). Things got even worse after independence was declared: many rebels thought they saw manifestations of Loyalism in the Friends' condemnation of compulsory military service, disinclination to swear allegiance to the revolutionary government, and refusal to bear arms or to pay fines for failure to do so. Quakers, like the Seventh Day Baptists who had similar religious scruples, were subjected to considerable abuse during the war because they were distrusted by both British and American forces and because their pacifism often provoked soldiers to commit extraordinary depredations. As political pressures and physical abuses increased, Burlington lawyer Samuel Allinson wrote a lengthy appeal to Governor William Livingston outlining the Quaker position and indirectly raising the thorny issue of the rights of neutrals and conscientious objectors during wartime. His appeal was unsuccessful (see Doc. 11); it was not until after the termination of hostilities in 1783 that Quakers began to regain their former positions of prominence in the state of New Jersey.

7th Mo: 13th 1778

Respected Friend

. . . . Whether the governm[en]t of G[rea]t Britain over these Colonies shall ever more take place, I pretend not to determine; & tho one of a Society which some have thought too much that way attached, cannot say I wish it. I believe it to be my duty to live a sober, industrious & religious life, under whatever Government my lot is cast, the question is therefore not so material to me, since, by religious principles I am restrained from taking part in the contest or advancing one side or the other;

not only because War is unlawful to me, but it has also been held forth by us as a people, even in the last century,[1] "that the setting up & pulling down Kings & Governments is God's peculiar prerogative, for causes best known to himself, & that it is not our business to have any hand or contrivance therein; not to be busy bodies above our station, much less to plot or contrive the ruin or overturn of any of them, but to pray for the King" (or Rulers as only a Kingly governm[en]t then existed) "& safety of our nation, & good of all men, that we may live a peaceable & quiet life in all godliness & honesty under the governm[en]t which God is pleas[e]d to set over us." Now if we adhere to these & other well known religious principles of this Society, we cannot be bad members of the community; & upon the rules of Justice & Benevolence, I submit it to thy consideration, whether any requisition should be made of any one, a compliance with wh[ich] would violate his superior duty to his Maker, & consequently his peace of Mind? Whether, supposing him to be really convinced of his religious Duty, if he should break it & thus become an offender against Heaven, he can appear so respectable in the eyes of any upright religious Man, or be looked upon a better Subject of the Governm[en]t? I have thought that under this Governm[en]t, I can do any thing that I could innocently perform under the former, if permitted to do it in the like manner, without qualifications wh[ich] run counter to my religious mind: if therefore I am less serviceable under this, the fault is not mine. The distinction may be thought nice by some, but I presume thou canst see a difference between acknowledg[in]g a governm[en]t [by] paying the taxes &c. & refusing to acknowledge allegiance, abjure &c. It appears to me thus—Governm[en]t is necessary, & wherever there is a Governm[en]t De Facto under which I live, I think it my duty to pay a respect to it as such, leaving the right, wh[ich] is in contest, alone. This acknowledgm[en]t is only *temporary;* but declarations of abjurations & allegiance, go to the right, are *perpetual* & *final.* Indeed the declarations of Abjuration & allegiance[2] are not extended to so great a length here as in Pennsylva[ni]a & if Materially considered, I believe never will, since the execution of their late law on that head, must injure & oppress thousands or make them change or desert their avowed religious tenets; the latter may happen in some instances, but the truly virtuous must suffer, even to death if required, to preserve their peace of Mind. Every humane breast heaves at persecution—National injustice & oppression have ever met with heavy punishment; & the denunciation of God's Judgments by the Prophets against many of the Kings of Israel, particularly Zedekiah,[3] for those causes are very exemplary.

The schools in this province have been generally broke up within the circle of my knowledge by the test act:[4] the consequence of which if continued, may expect to be ignorance in the rising genera[tio]n. I was acquainted with a large, well regulated growing School, composed of children whose parents were not disaffected to the present Governm[en]t. It was taught by a Man as harmless & inoffensive as perhaps any in the Province; he was by religious motives solely, restrained from taking the tests, & was therefore forced by the Magistracy to lay aside his business, wh[ich] was his living: whether this or other like instances, will ever benefit the Governm[en]t or whether the imprudent behaviour of one Man in that capacity, can justify such a law, I leave to others & time to determine. It is not however, with the plan of policy wh[ich] I should adopt "Righteousness exalteth a Nation, but sin is a reproach to any People." Taking the tests is not a mark of Righteousness, nor a refusal of them an evidence of Sin, nor Econtra, but, to require them of one

conscience bound against taking them, would be to make that Man, if righteous before, unrighteous after, & does not appear to me to be a sprout of true liberty. It is well known that the people called Quakers have never been plotters ag[ain]st any Governm[en]t under which they have lived, nor can they, consist[en]t with their religious principles, any more than they can abjure one contending party & join with another during the continuance of War—hence they must appear to be a people not to be fear[e]d for tho they may seem to have an attachm[en]t to the old Governm[en]t wh[ich] in time of peace they had often promised their fidelity to, (wh[ich] Governm[en]t oppression & injustice, if not timely & effectually guarded against under the new, may yet induce Omnipotence to reestablish) they would not now renew that allegiance any more than they can abrogate & set up another; & a requisition of either wou[l]d alike lead them into suffering; nor is this, if duly considered, any insecurity to this governm[en]t from that People; for, if the governm[en]t shou[l]d hereafter by treaty be established, their allegiance will flow as naturally to this as the former, when War & Contest is out of the question. If such an establishm[en]t never should take place, their present declarati[o]ns of abjura[tio]n &c. would be of no use, for in the interim their religious principles will tie them no more or less from assisting in War, than they ever have done since they were a People.

I wish the Governor also to consider, that fr[ien]ds were not the only people who were led to seek a distant Land to obtain a perfect liberty of conscience in all respects; & to possess a free exercise of their religious persuations, not only in the immed[ia]te Worship of Almighty God but in their Conduct thro life, wh[ich] is nearly the same thing, for I could never yet see how "the privilege of worship[in]g Him in a Manner agreeable to the dictates of a Man's conscience" consisted, or was ratified to him, if he must be compelled to do any thing which he believed would be offensive & render his devotion of no avail & in the first settlem[en]t of these Governm[en]ts this exemption was apprehended to be included in that privelege. That fr[ien]ds were the principle cause & instrum[en]ts in settl[in]g this & the province of Penn[sylvani]a,[5] & to the bless[in]g of Provid[en]ce on their regula-[tio]ns, sober life & labours these provinces were cultivat[e]d & have now arrived to that state which has become the object of contest, & has vested the present rulers with their power.

Permit me here to query, can those rulers, some of whose ancestors were once persecuted, now become persecutors of a People who fled from it in Eng[lan]d, who expected & hope they deserve here to enjoy an assylum there from? The privation of Life, Liberty or property from any one for not complying with what he cannot perform because his conscience recoils at it, & he is persuaded the act, be it what it will, would be offensive to his Maker, & rob him of His smiles is, I apprehend, persecution. Oppression & injustice are always included, tho oppress[io]n & injustice do not always include persecution—but an opposition to what we believe our duty to God, is always a constituent part of persecu[tio]n & hence its odious estimation among Men. Will the prosecution of measures unnecessarily severe, be likely to establish & support an infant Governm[en]t? I should suppose not & as the Governm[en]t of G[reat] B[ritain] has been justly complained of for its corrup[tio]n rapacity & oppress[io]n it is but rational, that a people hav[in]g felt & know[in]g this, shou[l]d carefully avoid these & the like, with greater evils, or with what confidence can they look up to Providence, who gives victory when He pleases, &

rules in the Kingdoms of Men, either as a benevolent Counsellor if regarded; or as a scourge if He is not looked to & relied on.

General tests have ever been opposed by some of the most virtuous in all ages; & have never been required under the Eng[lis]h governm[en]t tho' a time a little similar to this happened, wh[ich] must have made it as necessary as now.[6] Of persons taking offices under a Gov[ern]m[en]t, of Foreigners coming to settle & claim the benefit of the constitution and of *suspected* persons, the laws of Eng[lan]d & of Am[eric]a have heretofore exacted them, but no further. To require them of all above 18, as in Penns[ylvani]a, of Witnesses, Jurymen, & even of persons travel-[in]g to their homes; refusing a passage across a ferry for want of a certificate of hav[in]g taken them, tho a pass was produced from Justice (wh[ich] has fell within my knowl[ed]ge) is quite new & unpresident[e]d & will, if I am not mistaken, be found injudicious, hurtful, & therefore extremely impolitick. Even the current of commercial & civil Justice will be very much stopped by these & like means. To a Gen[era]l Test at present, the follow[in]g object[ion]s seem to arise:

1st. The frequency of an Oath or Affirm[atio]n will render them so famil[ia]r that it will very much take off the weight of them in most or all cases.

2nd. This frequent & undistinguish[e]d requisition of all above 18 y[ea]rs old, as in Penn[sylvani]a will occasion their being often very inconsiderat[l]y taken, & therefore frequently produce perjury.

3rd. They will rather be an insecurity, because the vile, who are most likely to be enemies, will not stick at them; but hav[in]g taken them, become vested with every privelege, even of elect[in]g & be elected to the first offices; & thereby have an opportunity to execute their evil designs; while the timidly virtuous must go into Suffering & perhaps lose his all on this account.

4th. Many are now restrained from reasons purely religious, such as are mention[e]d in the forego[in]g part of this Letter; others, having no principle against War, sett[in]g up or pull[in]g down governm[en]ts are nevertheless in doubt respect[in]g the rectitude of destroy[in]g with their own breath what they have heretofore uttered & signified they could not destroy, or be absolved from think[in]g they shall not be excusable in the sight of Him who avenges the viola-[tio]n of truth; & yet are not inimical to the Governm[en]t but rather wish it well, & therefore, if industrious, are valuable members, & should not be offended or burdened on acc[oun]t of these tender scruples. I say nothing of the consequences resulting from contradictory oaths whilst the two armies alternately possess the same ground within a few Weeks or Months & reduce the inhabitants into their custody & subject them to their will in this respect; for all cannot fly as it may be necessary for some to do, & if they had it is easy to see that before this time these colonies had been much nearer to subjugation, if not quite conquered: I wish this consideration was a little more adverted to, it would not be tho[ugh]t a crime to stay at home where we held no communication with the enemy.

5th. Because it is inconsistent with true Liberty, that any one should be liable to make any declaration inconsist[en]t with his conscience or opinion, or be subject to a penalty: And if he does choose what he may think the lesser evil, & comply, it cannot be looked upon fully bind[in]g to Governm[en]t being a kind of duresse, but is a commission of sin against the supreme Lord of the Universe, to whom we are all bound by the strongest prior allegiance. . . .

I have wrote with freedom, but, I hope, with decency: & as I had no reflections

or ill-will in my Mind towards any one, so, I expect none have employed my pen. The happiness of all, upon the Noble principles of *Justice & Liberty*, have been my Motive & Aim, &, I am, at least, conscious of having intended well. If these principles were made the Poll-Star in steer[in]g the political Bark, Governm[en]t would derive firmness, stability & respect therefrom.

The power of legislation, is the greatest human right delegat[ed] to man & should be exercised with much Caution, care & Tenderness. To make laws wh[ich], either from their inexpediency, impossibility, or severity, cannot be enforced, or wh[ich] it is not the apparent general interest to enforce, is the means of bring[in]g Governm[en]t into disrepute; & such had best be repealed as quick as possible upon that ground. I have so fully expressed my Sentiments on this head, in my preface to the last edition of N.J. Laws,[7] that I shall forbear saying more here than this, that I am persuaded of the efficacy of those observations, towards the great ends of political harmony & union, if carried into practice; in lieu of measures which, tho popular, may be more inflamatory & violent, & therefore cannot endure. The former will produce a clear stream of refreshm[en]t to the body politic, & invigorate it; the latter, like a torrent or flame, will bear down all before it, right or wrong, good or bad. It should never be forgot, that the grand design of Governm[en]t is "for the punishm[en]t of evil doers, & the praise of those who do well" & the land will rejoice or moarn, as this is adhered to, or depart[e]d from.

My retired situation & insignificancy in publick life, will not, I expect, add weight to these hints; but there is a more sure criterion to judge them by, the feelings of thy own breast. I shall apoligize no further than to assure thee, that I am a friend to this Governm[en]t, a friend to the members of it, & I shall esteem it a favour ever to be thine.

SAML. ALLINSON

1. The Society of Friends, founded by George Fox in England in the middle of the seventeenth century, was organized into a formal church in 1668.

2. See Doc. 1.

3. Zedekiah, last king of Judah (ca. 598-587 B.C.). When Nebuchadnezzar, king of Babylon, conquered Judea (597 B.C.), he named Zedekiah, formerly known as King Mattaniah, regent at Jerusalem. A man of weak principles, Zedekiah repeatedly violated both the oath of allegiance to Nebuchadnezzar and the word of Jehovah. The Babylonian king finally launched a two-year seige against his rebellious regent—a siege compounded by pestilence and famine ostensibly brought by Jehovah. When captured, Zedekiah was forced to witness the killing of his sons; then his own eyes were put out and he was carried in fetters to Babylon, where he was imprisoned until his death. For accounts of his life and reign, see 2 Kings 24:17-25, 25:1-7; 2 Chron. 36:10-21; Ezek. 5:10-17, 17:15-17; and the numerous references in Jer. 19, 20, 27, 29, 32, 34, 37-39, 51-52.

4. On October 6, 1777, the legislature passed a law requiring jurors and schoolmasters to take oaths of abjuration and allegiance. *Acts of the General Assembly of the State of New Jersey, August 27, 1776-October 11, 1777* (Burlington, 1777), Chap. L.

5. In 1674 John, Lord Berkeley, one of the two proprietors of New Jersey, sold his share in the proprietary to Edward Byllynge, Quaker businessman from London. Two years later the Quintipartite Deed executed by Sir George Carteret, the other original proprietor, and Byllynge and his associates (Quakers William Penn, Gawen Lawrie, and Nicholas Lucas) divided New Jersey into the separate colonies of East New Jersey and West New Jersey. West Jersey thus became the first Quaker commonwealth in America. In 1681 William Penn obtained a charter from the crown authorizing the establishment of the province of Pennsylvania, which, like West Jersey, was intended to be a haven for persecuted Friends.

6. A Test Act was passed in 1673 which required officeholders to take oaths of allegiance and take the sacrament of the Church of England. While the statute remained in effect until 1828, it was nullified in practice after 1689 by the passage of bills of indemnity which legalized the actions of officials who had not conformed to the Act by taking communion in the Anglican Church. Such allowances were usually granted to dissenting Protestants, but not to Catholics.

7. *Acts of the General Assembly of the Province of New Jersey, 1702-1775* (Burlington, 1776).

11 Governor William Livingston to Samuel Allinson

[Letter Book, Allinson Papers, Alexander Library, Rutgers University.]

The rights of neutrals and conscientious objectors vexed government officials during the war. Governor William Livingston, whose attitude had an important bearing upon the policy of the state toward the dissenters, was basically sympathetic to the plight of the pacifists. Although he could neither comprehend nor condone refusal of Quakers to support the government, he generally counseled leniency and compassion. For example, when Colonel Israel Putnam of the Continental army sent officers through south Jersey in February 1777 collecting fines from Friends who refused to march with the militia, Livingston promptly countermanded the orders. But as the chief executive of the state, Livingston was more concerned with pragmatic considerations than abstract principles in dealing with those who failed to comply with the law. As he explained in the letter that follows, civil liberties were inevitable—and to his mind necessary—casualties of war.

Morristown 25th July 1778

Sir,

I just now received your letter of the 13th ins[tan]t[1] wh[ich], I think, is so far from requiring an Apology, that I not only accept it in good part, but shall

always think myself under obligations to you, or any other Gentleman who shall, with equal candour & moderation, either point out my own errors, or any defect in our laws that, by my interposition, I am able to remedy. For the former, I am doubtless, responsible, but as to the latter, I presume you need not be informed, that the Governor of this State is no branch of the Legislature; & I can honestly tell you, that some laws have been enacted during my administration, to which I should not have consented, had my voice been necessary to their pass[in]g—but being enacted by constitutional Authority, I am not only bound to submit to them myself, but, by the duty of my office, to enforce them upon others; and it is the peculiar felicity of this Govern[men]t in which, without prejudice, I think it preferable to G[rea]t Brit[ai]n (having no jarring & contradictory interests, as those of Court & country party)[2] that whenever the people find any law inconvenient, & petition their Representatives for its repeal, it will, of course, be abolished.

With respect to persecution, by wh[ich] I understand the harrass[in]g of men on account of their religious principles, not inconsist[en]t with the good of Civil society; I flatter myself that I am as great an enemy to it as any man can possibly be: I consider it as a most daring invasion of the prerogative of the Supreme Judge of all, to whom alone a man is accountable for his Religion; & who cannot be acceptably Worshipped but in that manner which the Worshipper himself believes most acceptable to him. It is also [a] most arrogant assumption of infallibility in the persecutor; for why, upon any other supposition, may not the persecuted be right in his opinion & himself be wrong? & finally, admitting the former to be really erroneous (wh[ich] by the way can never be determined for the want of a common Judge between them) can one man be accountable to another for speculative principles that affect not the interest or weal of Society? But whenever they do, then, Sir, the difficulty commences. A number of people, for instance, claim[in]g all the benefits & immunities due to members of civil governm[en]t profess to make conscience of neither defend[in]g it ag[ain]st foreign inva[sio]n or contributing to its support by taxes; admitting that all the members claimed the same exemption, could such [a] Society subsist? I think not. Whatever therefore would occasion its destruction if allowed to all, must evidently tend to its dissolution in the proportion in wh[ich] it is granted to any. Legislators therefore will not, by men of your impartiality, be consider[e]d as persecuting conscientious men for their religious tenets, by calling upon all who equally partake the benefits of Society, to an equal partiscipation of what is manifestly necessary to the continuance of its existance. It is not intended to distress them for their religious Tenets *as such* (in which I take the formal nature of persecution to consist) but to exact from them, without reference to their peculiar sentiments, those civil duties wh[ich] all political communities have ever exacted from the Members composing them. On the other hand, I firmly believe that the people called Quakers are conscientious ag[ain]st engaging in War, because I have the highest evidence of it that the nature of the thing admits of: their uniform & invariable profession ever since their origin. To compel them therefore, by Law, to that which is against their conscience, carries the appearance of punish[in]g them for their relig[iou]s principles. This difficulty Sir, I hope you, who are as well acquainted with Civil Governm[en]t as you are with the rights of conscience; & who have engaged me in this subject, will assist me in solving. In the mean time I cannot see how it can be against any man's conscience to suffer the officer's to take his forfeitures, in wh[ich] he is altogether passive, & the law does not compel him to actual service. . . .

You are, in my opinion, equally mistaken in conclud[in]g from the text, that "vengeance belongeth to the Lord" that civil Rulers are not to punish offenders; for, whatever be the mean[in]g of that passage of holy writ, certain I am, that the best definition that ever was given of a good magistrate is given by infinite Wisdom in oth[e]r passages, impossible to be misunderstood; as that he is "a terror to evil doers & a praise to them that do well" & that "he beareth not the sword in vain." And how is it possible for a man to become a terror to all evil doers by indiscriminate clemency, & forgiveness—or, in other words, by doing nothing that is terrible to any? Or where [is] the significancy of a Sword never to be used, I hope my fr[ien]d Allinson will be kind enough to explain in his next. In the mean time I cannot but remark from the order observ[e]d by the spirit of God in this comprehensive description of the duty of Magistrates, that altho it is more pleas[in]g to the Deity & to all good Men, to reward than to punish; yet there being a greater number of evil doers than of those who do well; & consequent[l]y more objects of punishm[en]t than of Commendation; the Magist[ra]tes duty to punish is placed before that of his commending, as the most frequent, material & necessary of the two.

By the laws of Eng[lan]d Sir, a Justice of the peace is authoriz[e]d to tender the oaths to every man whom he is pleased to suspect; & the penalty for his refusal [is] much greater than that inflicted by our Law; & I do not remember that the people of your persuasion ever manifes[te]d their dissatisfact[io]n concern[in]g that part of the old Constitution.

Our Schoolmasters were almost universally what we call Tories; and how greatly soever I lament the interruption of education, I cannot but think that the total want of letters is preferable to the instruct[io]n of youth in principles subversive of liberty & patriotism. Nor do I believe that there is any difficulty in procuring Teachers who are willing to give the Legal attestation of their attachment to the present Governm[en]t where they as diligently sought after, as those who refuse that proof of their loyalty.

Happy had it been for this State, had all the people called Quakers acted in the present contest, agreeable to what you declare to be their principles of neither pulling down nor setting up Governments; but living peaceably under whatever Gov[ernmen]t is so, de facto. That they did otherwise, *as a people*, I do not say; but that many of them have in various instances, countenanced & abetted the designs of the enemy's of the U.S. after we had Govern[men]ts *de facto*, & that, in publick testimonies (I will not say authorized by the fr[ien]ds as a People; nor, on the other hand that I know of ever disapproved in a publick manner, wh[ich] it were to be wished they had been) they have given the World sufficient[l]y to understand, that they sided in the dispute with G[rea]t Brit[ai]n I think, I may safely venture to submit to your own impartiality & Candour.[3] I hope you will do me the justice to think th[a]t I do not mention this by way of reproach to that Society; I always m[a]ke it a rule to speak my sentim[en]ts freely when there is proper occasion for so doing, & I think you have given me occasion to do it. As a private person I have not the least prejudice against that People, but love & esteem all good & religious men of every persuasion. As Governor of this State, I make no distinction between one Citiz[e]n & another on account of their ecclesiastical discrimina[tio]n but only as they are good or bad members of the Community. It is my duty, & I thank God that it is my inclination, to do equal justice to all the inhabitants of N. J. & I can tell you with great Truth, that it has given me not a little pain, that so many of the people in

question have, at different times, rendered themselves suspected, & thereby made it my duty to pursue the directions of the law in such cases, & by that means furnished those unacquainted with my real sentiments with plausible occasion, tho not with any real cause, to represent me as acting against them from prejudice considered in their religious capacity. But as I abhor persecution on the one hand, & think myself as remote from bigotry as I am from Popery; so I can assure you, that the imputation of it, while my own heart acquits me of the charge, shall never divert me on the other hand, from the line of my duty. So far from being an enemy to that Society, I have always had a great respect for it; & I heartily wish that all other denominations, were as distinguished for their moral conduct, their oeconomy, their industry, their Ch[urch] discipline, & the order & regularity of their publick affairs. And, with respect to their Religious reformation in many instances, by wh[ich] they have retrench'd innumerable badges of Popery still unhappily retained by protest [an]t Christendom; & their nobly break[in]g the shackles of a thous[an]d cumbersome, if not sinful, forms & ceremonies, *I am more than half a Quaker myself.* Nor is it to be denied that they have been *really persecuted,* both in Old & New Eng[lan]d, the acc[oun]ts of wh[ich] I have always read with the greatest indignation ag[ain]st their oppressors, & the highest admiration of their Christian patience, their Magnanimity, & their inflexibility & persever[en]ce in what they believed to be their duty. . . .

. . . May the Father of Light lead us into all truth, & over-rule all the commotions of this W[or]ld to his own Glory, & the introduction of that kingdom of peace & righteousness which will endure forever.

Believe me to be, yr sincere friend
WILLIAM LIVINGSTON

1. See Doc. 10.
2. Reference to the political parties in England.
3. The Quaker position was undermined in the minds of many citizens by the not inconsiderable number of Friends who in a variety of ways (including taking up arms) actively participated in the war on behalf of either the British or the Americans. It was thus difficult in many cases to separate scruples from self-interest.

12 General George Washington to Governor William Livingston

[Fitzpatrick, ed., *Writings of George Washington,* 14:185-86.]

Conflict between soldiers and civilians was a constant, potentially

dangerous, annoyance to government and military officials alike during the war. Perhaps inevitable under the best of circumstances, civilian-military discord was especially worrisome in wartime because of its implications for public and martial morale. The problem was almost exclusively with the Continental army since the militia was activated for only brief tours of duty and was in reality the community. The presence of a large number of troops—leading to confiscation and quartering practices (see Doc. 8) as well as private quarrels and the destruction of property—placed a variety of strains on a community. The details of the altercation mentioned below are unknown because Governor Livingston's letter outlining the dispute and the accompanying affidavits of the civilians involved have been lost. Nonetheless, it was probably representative of the countless contentions between camp and community. Despite their very real concern over such matters, military and civilian leaders were unable to prevent the recurrence of similar incidents throughout the war.

Head Quarters, Middle Brook March 3, 1779.

Dear Sir,

I was a few days ago honored with yours of the 18th ulto. inclosing the depositions of several inhabitants and civil Officers respecting ill treatment received from sundry Officers of the Army and a refusal in some of them to submit to the civil process. Major Call[1] and Mr. Heath two of the Officers are at Winchester in Virginia, in Winter Quarters a very considerable distance from hence, but if you are of opinion, that there is an immediate necessity for their appearance, to answer the charges against them I will order them down. Capt. Von Heer[2] and Mr. Skinner[3] are in Camp. From the conclusion of your letter, you seem willing to suffer the matter to be compromised by the parties to prevent further trouble. I rather wish that the several charges may be fully investigated, that the Officers may, if they are found guilty, be dealt with according to law civil or military, in which ever Court they may be tried, or, if innocent, honorably acquitted. I therefore propose that the parties accusing Von Heer and Skinner should institute Civil suits against them, to which I will engage they shall submit, or if they will leave it to a military determination, I will order a Court Martial which will be the speediest method of bringing it to an issue.

I am every now and then embarrassed by disputes between the Officers and Inhabitants, which generally originate from the latter coming into Camp with liquor, selling it to the Soldiers, and, as the Officers alledge, taking Cloathing Provision or Accoutrements in pay; there being no civil redress, that I know of, for a grievance of this nature, the Officers undertake to punish those suspected of such practices, some times with reason, and probably sometimes without foundation. If there is no law of the State to prevent this kind of commerce between the people and the Soldiery, it would have a very good effect, to procure one, prohibiting an inhabitant from selling liquor to the Soldiers, within the limits of the Camp, without leave obtained from the commanding Officer of the quarter into which it may be brought, and imposing a penalty recoverable by a summary process before a Magistrate, upon any person receiving Arms, Accoutrements, Cloathing or provisions from a soldier by way of purchase, or in exchange for any commodity brought into Camp for sale.

An act of this kind would releive the considerate Officer from the disagreeable necessity in which he is often involved, of submitting to a grievance destructive of every military principle, or undertaking to punish a Citizen by virtue of his own authority, and it will point out a mode of redress to others too willing perhaps to exercise military power when they have an opportunity or excuse for so doing. I congratulate you upon your late escape from Elizabeth Town,[4] as I am very sincerely, Dear Sir Your etc. . . .

GO. WASHINGTON

1. Major Richard Call, First Continental Dragoons.
2. Captain Bartholomew von Heer, Continental army.
3. James Skinner, acting assistant quartermaster to the Seventh Maryland Regiment, Continental army.
4. On February 4, a British raiding party seized Livingston's home near Elizabethtown.

13 Colonel John Taylor to Governor William Livingston

[*Executive Correspondence*, pp. 177-81.]

If for all its bureaucratic organization the Congress was unable adequately to equip and provision the Continental army, then how much more difficult it was for the government of New Jersey to maintain its state troops. Since the state militia, comprised of volunteers drawn on a proportional basis from the various county units, was organized at irregular intervals, there was no ongoing administrative hierarchy to superintend the needs of the troops. Each soldier was to provide at his own expense such basic equipment as a musket and bayonet, cartridge box, blanket, canteen, knapsack, and, of course, a "uniform." Although the state troops performed well at times, the ad hoc mode of organization made the Jersey militia an inefficient, fragile fighting force. The problems confronting Colonel John Taylor of the Hunterdon County Militia when the legislature on June 2, 1779, issued a call for the muster of 1,000 men to serve until December 15, are typical of the difficulties faced repeatedly by the officers of the state militia.

North Branch of Raritan, Sept. 25, 1779

Sir,

It was my intention to have inclosed a return of the number of officers who have joined the State Regiment from each county; and also the deficiencies of each, but not having been able to get the reports of the several companies soon enough, owing to their separate stations, and the necessity of my attending the examination of the students of Queen's College,[1] I have at present omitted making such a return, but shall transmit it, together with the state of the regiment, as soon as possible. Enclosed is an account of Doctor Winans,[2] who has faithfully attended the troops, and also an account of my own, for lodging, &c., which his Excellency the Governor, and his honorable Privy Council gave Col. Frelinghuysen[3] and myself reason to believe should be answered when we accepted the command of the regiment.[4] We have not been able to enlist any light-horsemen upon the plan proposed by act of Assembly. There are ten horsemen at Elizabethtown, raised from the infantry in service at that place. There ought to be at least twelve at that post, and twelve more at the other different stations. We have one piece of artillery, the men to work it also taken from the musketry stationed at that place. The season will soon be too far advanced for tents, or I should again make application for them. The houses in which the troops are quartered, having been long made use of for lodging soldiers, are become very dirty, and of consequence unhealthy. This doubtless is one reason that our men are so sickly, that not above one-third of them are capable of doing duty. This part of the regiment have, and do still labor under many inconveniences, on account of no sufficient provision having been made for the sick. In the first place, no medicine has been provided for them; and in the next place I found it impossible to prevail upon the neighboring surgeon to attend them, and make use of their own medicine which they had purchased for private practice, being fearful that their bills would not be paid. Many of the soldiers growing very sick, I at last persuaded Doctor Winans to attend them, and supply them with medicine as far as he should think necessary, by giving my word that his accounts should be paid, for which, as enclosed, I stand answerable. The Doctor's medicine is now expended, and at present there is no surgeon to administer advice or medicine to the troops, who continue very sickly.

Many of the men being rendered very weak by severe sickness, I thought it imprudent to keep them in quarters, both on account of its not being possible to secure necessaries for them, and that attendance which men in their situation require; and also on account of our being exposed to the sudden invasion of the enemy, when many of the men would inevitably fall a sacrifice. I then procured a house for a hospital at a considerable distance from the town which answered the purpose for some time, but sickness increasing rapidly, our hospital was found insufficient to contain one half of them. I then sent an officer to Springfield, Westfield, and Connecticut Farms,[5] and to every adjacent place where I thought there was a probability of success, to endeavor to provide quarters for the sick, but all my attempts proved abortive. After finding it impossible to secure the sick, to render their situation in any degree comfortable, I permitted them to return home until they should recover their health. I need not mention to your excellency the many disadvantages attending this step. I however feel satisfied from a consciousness of having discharged my duty to my country, and the regiment under my command.

Two or three boats are much wanted at Elizabeth-town as guard boats. They

would be a great security to the Post and lessen the fatigue of the soldiers. A number of men have been sent into service from each county, who are not armed and accoutred as the act requires. Also many men and boys have been enlisted in the regiment, who are by no means fit for soldiers. We have stood in great want of a muster-master[6]. . . .

I shall be much obliged to your Excellency to lay this before the Assembly as soon as you shall think proper.

I remain, with great respect, your very humble servant,
JOHN TAYLOR

1. Taylor, a 1770 graduate of the College of New Jersey (now Princeton University), joined his classmate Frederick Frelinghuysen on the faculty of Queen's College (now Rutgers University) in 1771 as tutor of the grammar school. When Frelinghuysen resigned to pursue legal studies, Taylor became tutor of the college in 1773 and with few interruptions held the post until 1790.
2. William Winants.
3. Frederick Frelinghuysen. See Sec. XII, Doc. 5, note 2.
4. Taylor was technically still colonel of the Fourth Regiment, Hunterdon County Militia; he was commissioned a colonel in the state militia on October 9, 1779.
5. Now Union.
6. The muster-master was in charge of mustering the milita, supervising the drills, and collecting fines from absentees and improperly equipped soldiers.

14 Abraham Skinner to Governor William Livingston

[*Executive Correspondence*, pp. 260-61.]

The question of prisoners of war was one of the most complicated and confused issues of the revolutionary war. To begin with, the jurisdictional divisions of authority between the Congress and the states on the one hand and the army and civil government on the other were not clearly defined. Then, too, there were different categories of prisoners requiring different standards of detention—military personnel and civilians, regulars and militia, soldiers and sailors, officers and enlisted men. Moreover, there was no agreement between the British and Americans over the conditions and procedures of prisoner exchange. Finally, administrative machinery at both the national and state levels was inadequate to supply prisoners with provisions and supplies. It fell to New Jersey's Abraham Skinner as Continental commissary general of prisoners to superintend the care and treatment of Americans in British hands from

September 1780 to August 1782. As he reminded Governor William Livingston in the letter below, his native state was supposed to help provide for the maintenance of its citizens incarcerated in British prison camps. But despite repeated reminders and pleas, New Jersey's relief record was no better than the poor performance of the other states. More concerned with immediate problems than distant prisoners, state governments consistently allowed their citizens to languish in enemy prisons without adequate provisions. The lack of effective administrative organization as much as neglect accounts for the sorry response to the plight of the prisoners of war.

September 9, 1780

Sir,

The very peculiar situation of the prisoners of war belonging to this state who are now in the hands of the enemy, induces me to request that your Excellency will give me instructions relative to their situation, or point our some method in which their distresses may be alleviated and their confinement made sufferable.

The officers who are prisoners on parole on Long Island have not had the least supply or support from this office since the spring of the year 1779; since which they have been at board on Long Island and many of them are at present destitute of a single farthing, are liable to insult daily from their landlords, who seem tired of supporting them without fee or reward, and if their exchange could be effected, they would be detained for the payment of the debts they have contracted for their necessary support.[1]

The citizens and privates of this state, some few excepted, are confined in sugar-houses and churches[2] in a wretched situation, many of them without a shirt or blanket, and no allowance except what they receive from the enemy and about 3 1/2 lbs. of bread, which is issued to them by the continental agent without any authority from the legislature of the state.

To these distresses may be added, the mortification the Jersey prisoners feel in seeing their fellow sufferers receive supplies from the neighboring states to which they belong, when their past services as soldiers and citizens merit equally as much attention.

I am sorry to add that at present there seems to be not the smallest prospect of exchanging or releasing those men, and that if they are not timely supported they must as severely feel the consequences as you can possibly imagine.

I shall at all times be happy to render them the services which my duty as well as inclination may point out, and to fulfil your Excellency's directions with respect to the difficulties they labor under.

I have the honor to be, with great respect, your Excellency's most ob't h'ble servant,

ABRM. SKINNER

1. The deference paid to officers on the battlefield carried over into prisons. In many cases officers were paroled from prison and permitted to take

up lodging in private quarters.

2. There was an acute shortage of detention facilities to accommodate prisoners. In addition to jails, men were stuffed into factories and warehouses, ships and mines, and all other available places of incarceration. Two of the most infamous British "prisons" were the ship *Jersey* moored in the East River and the Sugar House in New York City.

15 Essex County Residents to the General Assembly on Tory Raiders

[Revolutionary Documents, 155, New Jersey State Library.]

In addition to the disruptive actions of rebel vigilante groups such as the Monmouth County Committee of Retaliation (see Doc. 17), the state government had to contend with the depredations of the Associated Loyalists. Established in 1780, the purpose of the organization was to give political standing to Loyalist exiles in dealing with the British and American governments, to protect crown sympathizers from the rebels, and to retaliate against those responsible for the confiscation and plunder of Loyalist property. In November 1780 the board of directors, headquartered in New York City and led by former New Jersey Governor William Franklin, received authorization to wage an independent war against the Americans. The result was a series of raids of wanton destruction such as that against Connecticut Farms and Springfield in June 1781 (see Sec. IX, Doc. 8). The threat of the Associated Loyalists to New Jersey was more political than military. As the Essex County residents who signed the following petition surely recognized, if the Loyalists could operate with impunity the state government would soon lose the confidence of the people. Ultimately, the Board of Associated Loyalists destroyed itself. The vengeful hanging of Joshua Huddy, an artillery captain in the New Jersey militia, at Middletown, Monmouth County, on April 12, 1782, discredited the organization in the eyes of the British government. Appalled by the atrocity, General Sir Henry Clinton, commander of the British army in America, revoked the military powers of the board and in August William Franklin sailed for England and a life of exile.

[1781?][1]

The Humble Petition of a Number of the Friendly Inhabitants on the Frontiers[2] of this State Sheweth

That whereas many of your Petitioners by our Local situation, have been, and are Still in the power of the most Inhuman and more then Savage Barbarity,

practiced by our Enemies, which many of us have woefully experienced, by having our Habitations and Effects, Burned and Destroyed, in the most wanton and Cruel manner, and repeatedly Robed of our Horses and Cattle, which have Subjected many of us (in affluent Circumstances) to Indigence and poverty, and those of us who have not yet felt this Dreadfull Calamity, shudder at the thoughts of being every Hour exposed to the like Merciless Cruelties, Robberies &c.

When at the same time our *Secret* and worst of Enemies (Like the Snake in the Grass) have practiced every artifice their subtile Machinations could Suggest, to stab the States of our Country; and Notwithstanding which these Miscreants enjoy a much greater share of the Blessings of Liberty and Independence than your Petitioners, who have Repeatedly Risque our Lives and Limbs in Defence of it; And are now Living in our own Neighbourhood in the most *perfect Peace* and Security.

Your Petitioners pray the Honourable Legislature will keep in view the Board of Directors,[3] appointed by the Court of great Brittain, to Superintend, and Direct, the Maroding & Robing Practice, appointed for the Sole purpose, of Distressing, and Tottally Ruining your Petitioners, With strict Orders at the same time to Protect, and not Molest, the Friends to Government.

Your Petitioners therefore most Earnestly Pray in Order to Baffle the Malicious designs of our Enemies, and put a stop to such Barbarious practices; that a Law may be Passed whereby full Compensation may be made to such of us as have had our Houses and Effects, Burned and Destroyed by the Enemy and Such as have been Robed of their Horses and Cattle; And such of the Friendly Inhabitants, in Future, as may suffer by the like Depredation, by Levieing a Tax on the Disaffected Inhabitants of this State.

Which in Order the More fully to Ascertain, Your Petitioners Humbly Pray, that a Law May Also be passed Appointing Courts for the Express purpose of Bringing, and Ordering on Tryal, all such Persons (Inhabitants within this State,) as have not given, and cannot give at this Day, Satisfactory, and Convincing Proofs, of their Attachment and Friendship to the American Cause, that it may be Clearly known, who are Friends to the Independence of our Country, And who are not By that Inestimable Right of Trial by Jury.

Your Petitioners Apprehend many Difficulties will here present themselves at first View, but we presume those Difficulties will Easily be removed, when the Salutory Affects produced by this Law, in favour of the Friendly Inhabitants Appear in Competition.

Therefore in full Assurance that the Honourable Legislature will Adopt every Measure, that may tend to Alleviate the Distresses of their Petitioners, they have a Confidence the Prayer of their Petition will be Heard.

[Approximately 115 signatures affixed.]

1. The petition is undated, but the reference to the Board of Associated Loyalists and recent destructive raids suggests that it was probably circulated in 1781 after the sacking of Connecticut Farms and Springfield.

2. Essex was a "frontier" county not as a newly settled region but in that it bordered another country, in this case British-occupied New York.

3. The Board of Associated Loyalists described in the headnote.

16 Residents of Monmouth County to the General Assembly on the State of the Economy

[Revolutionary Documents, 108, New Jersey State Library.]

Massive economic dislocation accompanied the revolutionary war. Government officials and private citizens alike had to contend with the destruction of property (see Sec. IX, Doc. 14), disruption of normal intercolonial and international commerce, confiscation of produce and property, shortages of goods and services, rampant inflation, currency devaluation (see Doc. 6), price regulation, unusually heavy taxation, and market strains caused by provisioning the military (see Doc. 8). The legislature adopted numerous programs to deal with the various problems, but, not surprisingly, given the complications of the times, the measures were to no avail. In some instances government policies compounded the problems. In the petition that follows, residents of Monmouth County survey some of the more pressing economic concerns of the day and suggest means of facilitating the return of general prosperity.

Monmouth, May 12, 1781

The Memorial & Petition of the Subscribers Inhabitants of the County of Monmouth, Sheweth,

That the present critical & alarming Situation of publick Affairs Loudly call for Wisdom from you, plainess from us, & the utmost fortitude & perseverance from all. The Storm still rages—the Estates of Numbers of us are wrecked, either by means of external Violence or internal Policy, but our Spirits remain unsubdued, & we trust under the favour of Heaven & your wise Conduct, yet to rise Superior to our Distresses. The Ruin which our Enemys inflict is looked for, & indured with Fortitude, but when we meet ruin in the line of our duty, by Complying with Laws of our Country, we stand amazed! It is with regret we say, that it is evident to us, that many of our Distresses have either taken their rise from, or been Considerably increased by the unforeseen Measures Consequent upon the Policy of your Predecessors who have had the Management of the Affairs of America. That we may the more fully posses your Hon[ourab]le Houses with our Sentiments in a Matter where our temporal all is Depending, we beg leave to Mention some things, which to us appear to be first Principals in true Policy.

1st. The great maxim of all is, that Mankind are lead by Interest; Passion has much influence at times, but it soon subsides,—but the Influence of Interest is universal & Steady.

2dly. Hence it follows that the System of Laws in a State shou'd be so Constructed, as to make it the Advantage of Individuals to promote the publick weal, in which case (Shou'd every other Motive be wanting), self love will induce a man to Seek what will be most Conducive to the good of the publick, but the wheels of Government will ever move heavily, when it is the Interest of Individuals to neglect or break the laws.

3dly. The Staple of the State (which with us is Provision)[1] Ought to be encouraged. A State can never flourish while it's Staple Commodity Laguishes. Limitation of Prices & Embargoes may answer good purposes upon Special Emergencies, but if they are very frequent, or of Long duration, they become Pernicious, as they Usually Opperate as Taxes upon Industry, & Discourage the Raising the Articles they are Designed to make cheap, & in time produce an Effect directly contrary to what was Intended, i.e. they make those very Articles dear. If Possible necessary articles should be made Cheap by being made Plenty. Permit us to add that no State can Long flourish whilst the Imports thereof exceeds it's exports.

4thly. As our State money is in a fluctuating Situation & we are informed that a Measure adopting in some of our Neighbouring States, which Appears to us calculated to Ruin the Credit thereof by taking off the Tender,[2] your Memorialists would take the Liberty to Observe, that Publick faith should ever be Accounted Sacred & Maintained inviolable, that Breaches thereof must ever be productive of the most Severe Convulsions in the Community where they happen. They would therefore Humbly Recommend that more Severe Penalties may be Inflicted rather than the Tender taken off, that there may be more Encouragement given to the Informer in Cases where the Law may be violated & that the Fines Arising may be Converted to the Use of the County when they are Collected.

The above principals are so Clear in themselves, so Inseparable from good Policy, & have been so generally adopted by the Best of Rulers, that we should not presume to have mentioned them to your Hon[ora]ble Body had not the System of Politicks pursued by your Predecessors, by some Strange unforeseen fatality & as we presume contrary to their Intentions, Run Counter to them all.

Your Memorialists would further Recommend that the Supplies for the Army, Such as the Country produce may Raised in kind by Tax, Provision in kind to feed the Troops & Money to pay them & every Restraint upon Trade [be] taken off & it to be free to all the world, Excepting Great Brittain her Dependencies & Allies. By this means Supplies will be Raised Speedily & with Greater care & equity to Individuals & by making those Articles Necessary to all men & allowing each one to make the best Advantage of his Surpluss it will become the Interest of all to encourage the raising of them, & will, we trust in a Short Time prove a Source of wealth to enable us to carry on the War. . . .

That your Honours may have Wisdom and Discretion From above, to Promote the best Interest of the State, is the Devout wish, and fervent Desire of your Memorialists and Petitioners.[3]

[Thirty-four signatures affixed.]

1. That is, grain and livestock. On June 20, 1778, the legislature prohibited the export of basic provisions including wheat and beef.

2. That is, to reject New Jersey currency as legal tender.

3. A nearly identical petition bearing the same date and signed by fifty-four other Monmouth residents is located in the Manuscript Collection, Box 15, New Jersey State Library.

17 Residents of Monmouth County to the General Assembly on Vigilantism

[Revolutionary Documents, 114, New Jersey State Library.]

Monmouth County, like Bergen County, was the scene of especially vicious internal strife which persisted even after the end of the war. Its long, unprotected coastline invited frequent raids by British soldiers and exiled Loyalists from adjacent New York and Staten Island; its vast cedar swamps and dense forests concealed a variety of disaffected persons ranging from brigands to fugitive slaves. Many of its residents were either outright royalists or crown sympathizers. And as elsewhere the partisan hatreds of the civil war were fueled by personal animosities as individuals took advantage of the unsettled times to seek revenge against their neighbors and settle private grudges. The civil turmoil in the county found frequent expression in corrupt elections, fraudulent sales of confiscated Loyalist property, and, most spectacularly, in the audacious activities of the Committee of Retaliation. The committee, or association as it was also called, apparently began as a mutual protection league to defend its members from the depredations of Loyalists and outlaws. But the vigilante group exceeded the spirit as well as the letter of the law in imposing its will upon friend and foe alike. Despite repeated complaints, like those in the petition below, the state government was unable to control the lawless activities of the Associators. Its failure to do so created doubts in the minds of many of the ability of the civil establishment to maintain law and order and govern effectively.

December 1781

The Petition of a Number of Freeholders Inhabitants of the County of Monmouth, Sheweth,

That by the Constitution of this State, (on which the Government thereof is Founded) the Laws of England Relating to the tryal by Juries are declared unalterable and to stand, without Repeal, forever;[1] And each Member of the Legislature, previous to takeing his Seat, takes an Oath or Affirmation, not to agree to any Law, Vote, or proceeding Contrary thereto. And in those Laws it is clearly exprest, that no Person shall be deprived of Life, Liberty, or property; or be any ways damaged, or destroyed, 'till proved Guilty by full and Clear Evidence, on a fair and impartial tryal by a Jury.

Your Petitioners being Zealously attach'd to the American cause, and fully satisfyed with the Constitutional Government established in this state, in which our most Esential priviledges are so well secured that it is not even in the Power of the Legislature Legally to deprive us of them.

Therefore Notwithstanding our Exposed situation, the constant dangers we are in, the damages & hardships we have and do suffer, from an Implacable Enemy; We are incouraged still to oppose them, & at every Risk to use our utmost Endeavour to

defend ourselves, our Familys, Property & Cou[n]try, Trusting in the Justice of our cause, and the Felicity we should enjoy under the present Government, when clear of our British Enemies.

But alas, while the Enemy is yet formidable & almost at our Doors, there is a Tirany set up amongst us, Equally dangerous to Liberty, with that which we are fighting against; a set of men assuming the Title of a Committee of Retaliation,[2] has formed a combination to trample all Law underfoot that clashes with their Measures, & under pretence of Retaliating for Crimes Committed, and injuries done by the Refugees,[3] to any of their Associators, to plunder any Inhabitants, subjects of this State, at will & pleasure, in such a way, & to such Amount as they direct; and send out a party to Execute their orders by force of arms, some they have Imprison'd, from some they have taken goods, & from others Money, to a great amount; & when those Injured persons have attempted to Right themselves by Law, they have been abused, their Lives threat[e]ned, & some unmercifully beaten by those persons who took their property; Officers of Justice have been prevented from doing their Duty, & threatened for Attempting it.

Some of those Men applyed to the General Assembly in September 1780 for a Law to confirm their proceedings, but that house shewed their disapprobation of such unconstitutional Measures by a set of Resolves published in their Minutes.[4]

But disregarding those Resolves, and in open Violation of the Laws & Constitution of their Country, they have continued in those practices ever since, to the very great damage, not only of the Persons they have plunder'd but to the County in general, in corrupting the Morals of the People, & Encouraging many others in plundering for their own gain, and Committing other Crimes with Impunity, depending on being protected by that Committee & their adherents; of which we had a striking instance at the late Election, when a Number of Men, (some in Arms) appeared in a Hostile Manner, threatening all such persons, as they called Tories, or Traders,[5] if they should offer to Vote; a Writing was put up at the Courthouse Door to the same Efect; several Persons were Inhumanly Beaten, some of them, after they had Voted, and some they drove away who were legally Intitled to Vote, and others went away without Voting, not thinking themselves safe, as they did not Confine their abuse to persons who they deemed disaffected, but beat and abused several, whose conduct has been such, that there cannot be the least Kind of Suspicion of their Disaffection, or want of Zeal in the American cause; and at the close of the Election, One of the Inspectors was Attacked going down stairs, and most Barbarously Beaten. Such proceedings are very discouraging to every considerate person, who wished to see the Laws and Constitution of this Country Supported, and to live under an Equal & Just Government.

We would further Observe, that those Measures do not answer the purposes, which they are pretended for; that of detering the Enemy from Plundering and Manstealing, as it is notoriously known that for more than Sixteen Months since they began, the Enemy has continued whenever oppertunity offered, plundering from, and takeing captive, those very Persons, who have Adopted those Measures, as well as Others.

Therefore your Petitioners earnestly Request, that your Honourable Houses will take these Matters under your most Serious consideration, and grant us some speedy and Effectual Releif against so Dangerous a combination, not only to this County but (if continued) to the State also.

[Fifteen signatures affixed.]

1. See Sec. VII, Doc. 6, Article 22.

2. The origin and organization of the committee (or Association) are unknown. It was probably formed in 1778 or 1779 around the zealous activities of David Forman (see Sec. VIII, Doc. 8). A legislative investigation in 1782 revealed that Forman (1745-1797), former sheriff and justice of the peace who was then judge of the county court as well as brigadier general in the state militia, was indeed the ringleader of the group. However, there was insufficient evidence to impeach and prosecute him. Forman and his associates continued their activities, albeit in a more peaceful manner, after the end of the war (see Sec. VIII, Doc. 16).

3. Loyalist exiles were called "refugees."

4. On September 23, 1781, Nathaniel Scudder and Thomas Henderson presented a petition to the legislature "setting forth the daily Depredations committed on the loyal Subjects" of Monmouth County "to the great Danger of their Liberties, Lives and Property" and asking for enactment of a law which would "authorize the well-affected Inhabitants to retaliate upon the Property of the disaffected of said County." The memorial was turned over to a special committee which reported on September 29 that the basic problem in Monmouth stemmed from an ineffective use of the milltia and that the Association of Retaliation was "an Illegal and dangerous Combination, utterly subversive of the Law, highly dangerous to Government, immediately tending to create Disunion among the Inhabitants, directly leading to Anarchy and Confusion, and tending to the Dissolution of the Constitution and Government." *Votes and Proceedings, September 13-October 7, 1780* (Burlington, 1780), pp. 270, 275-76.

5. That is, "traitors."

18 Residents of Essex County to the General Assembly on Trade with the Enemy

[Manuscript Collection, Box 5, New Jersey State Library.]

The most persistent complaint heard by governmental officials during the war concerned the considerable if indeterminable illicit commerce that passed through British and American lines. In early 1777 the legislature enacted the first of numerous laws prohibiting the exportation of certain commodities out of the state and requiring persons traveling near or through enemy lines to possess a pass or passport. As late as 1782 the government was still trying in vain to put a halt to the clandestine commerce. The trade flourished in part because handsome profits were to be made from black market operations and in part because there was no other way to acquire some goods. Besides, participation

in the contraband trade was widespread and involved some of the highest ranking members of the civil and military establishments. And with the British in control of New York City and Staten Island for the duration of the war (and Philadelphia from September 1777 to June 1778), it was easy for unscrupulous Jerseymen to slip in and out of enemy lines. The two-way traffic was probably of about equal benefit to both sides. For New Jersey, the trade enabled some residents to accrue a small personal fortune, provided needed and desired commodities, and brought a sizable amount of specie into the state. But the risk to the state was great since information and propaganda as well as goods passed through the lines. As the following petition demonstrates, many Jerseymen, whose scruples would not permit trade with the enemy, condemned the traffic and implored the legislature to find a means of stopping it.

[undated]

The Petition of the Subscribers I[n]habitants of the County of Essex, Humbly Sheweth

That your Petitioners from their Situation near the Lines Having had great opportunities of Seeing & haveing With Sincere Concern and Regret Seen the Numerous Arts of Disaffected & Dangerous Men to Evade the Salutory Laws of this State Cannot without the enputation of Negligence and Unconcern forbear Representing facts & Praying Redress.

The Act more Effectually to Prevent the inhabitants of this State from Trading with the Enemy or going within their Lines and for other Purposes therein Mentioned Your Petitioners Observe is too frequently Evaded:[1] by Provisions being allowed to pass in quantities to and on the Lines without Restrictions Whereby the Disaffected are enabled to Collect Quantities and for Want of Sufficient Guards, the Enemy by frequent Incurtions are Enabeled to Receive large Supplies with Safety; and by this Safety Illicit goods Wares & Merchandise are in after being got into a House Within our Lines, has produced a New mode of Negotiating Between the Publick Enemie and the Disaffected: the former in their incurtions Conveying the illicit goods Safely to the Dwellings of the Latter Where they are Secured and from Whence they are too frequently Sold by Some unworthy tho Licensed Traders. . . .

Your Petitioners Do therefore Most Humbly Pray,

That the Several Acts against furnishing the Enemy, and against Recieveing goods, wares, and Merchandise from them, May be Revised and Amended by Enacting that no Provisions or other articels of Country Produce Sutable to Suply or Relieve the Nesessities of the Enemy Shall be Allowed to be or Pass in quantities Within Some Conveneant and Secure Distance from the Shores, Rivers, & Cricks, Without Proper passports or Certificate[s].[2] That on Information on Oath of Circumstances that Renders it Probable, Goods, Wares or Merchandize illegally imported, are Secreted or Supposed to be secreted, in any House or Elsewhere Within this State a Justice of the peace May and Shall under Proper Restrictions and Regulations, Issue A Warrant to a Proper Officer to Serch Such Suspected place or Places and that on Like information Respecting the goods, Wares, and Merchandize in any open Shop or Store the Shop or Store Keeper Shall Make Proof of the Legal importation of Such Suspected goods &c or the Same be Condemned.[3]

That every Licensed Merchant or Trader be Obliged to take and Subscribe an Oath, Purporting that he will not buy or Sell or be instrumental in Secureing from Seizeur any Goods, wares or Merchandize that he Shall believe, or have any reason to Suspect have been illegally brought in to the State unless they have been previously Condemned according to Law, and that on Conviction of Mal practice in any Licenced Trader or Merchant before three Justices of the Peace, they may Deprive him or them of their Licence or Suspend the operations of it untill the Next Court of Quarter Sessions. . . .

And your Petitioners as in Duty Bound &c. &c.
[Thirty-three signatures affixed.]

1. It is impossible to determine from this undated manuscript which particular law the petitioners have in mind.

2. A typical pass identified the bearer, stated his place of residence and destination, and testified to his loyalty. The passes were signed by designated government officials or military officers.

3. The proposal bears a striking resemblance to the British writ of assistance, which some Americans had decried as a violation of civil liberties.

XII

An Imperfect Union

Next to independence, confederation was the most important concern of New Jersey leaders during the Revolution. Indeed the two issues were inseparable. Just as intercolonial cooperation had proved vital in forging a united front capable of winning independence, national union was deemed essential to securing American sovereignty. And just as membership in the British Empire had contributed greatly to the welfare and prosperity of colonial New Jersey, an effective central government was now seen as vital to obtaining political parity with the other states and resolving sundry economic problems. Virtually everyone in New Jersey, as elsewhere, concurred on the necessity of confederation, but many differed on the nature of the national union.

Richard Henry Lee appropriately linked independence and confederation when he coupled his famous resolution of June 7, 1776, calling for a declaration of independence, with the proposal that "a plan of confederation be prepared and transmitted to the respective colonies for their consideration and approbation." Congress moved toward the latter objective five days later by appointing a special committee headed by John Dickinson of Pennsylvania (brother of New Jersey's Philemon Dickinson) to fashion a plan of union. On July 12 Dickinson's committee presented to Congress the proposed instrument of national government known as the "Articles of Confederation and Perpetual Union." There ensued some sixteen months of debate in which the New Jersey delegates, particularly John Witherspoon, emerged as staunch supporters of confederation (Doc. 1). The Congress agreed to the Articles on November 15, 1777, and two days later asked the several states to accede to the new instrument of government.

But it took over three years to complete ratification. The primary point of contention was the disposition of western lands: should the trans-Appalachian territory become a national domain under the jurisdiction of the federal

government or could individual states reserve title to portions of the region by virtue of their colonial charters? The issue went beyond the predictable disagreement between those states which had land claims and those like New Jersey which did not, because sale of the lands had important implications for the mode of western settlement and the revenue of the national government. Despite the qualified land cessions of Connecticut and Virginia and disagreement over numerous other matters, the states slowly but surely endorsed the Articles. Maryland, the last holdout, agreed to ratification in February 1781. On March 1 the Articles of Confederation became operative as the first constitution of the United States.

Despite their enthusiasm for central governmental authority, Jerseymen were dissatisfied with parts of the Articles of Confederation. Like the other states, New Jersey wanted to incorporate into the Articles provisions that would promote its own vested interests as well as provide for the common weal. The state made its objections known to Congress in the form of a list of suggested revisions to the Articles known as the "Representation" adopted by the General Assembly on June 16, 1778 (Doc. 2). But when later that month Congress rejected the proposed amendments of the various states and resolved to preserve the Articles in their original form, most states promptly assented to the instrument of government. By the end of July only Delaware, Maryland, and New Jersey had not signed. New Jersey became the first of the recalcitrants to capitulate when on November 20 the legislature, convinced of the necessity of confederation and moved by the eloquent appeal of Congressman Nathaniel Scudder (Doc. 3), voted to ratify the Articles (Doc. 4).

New Jersey joined the confederation, but it proved to be a most imperfect union. (Ratification of the Articles of Confederation made no appreciable difference in the operation of the national government, since the Articles were basically the codification of established congressional practice.) The problem was threefold. First, it was simply impossible to create from scratch an effective civil government at the national level during a time of war and revolution. The government of the United States operated more by inertia and instinct than by direction and design during the early years of the war. Symbolic of the governmental instability is the fact that the Continental Congress moved eight times to five different communities (including Princeton from June to November 1783) between the initial outbreak of hostilities and the final conclusion of peace. Second, the congressmen were not professional statesmen but private citizens for whom governing the nation was a part-time job. Aside from service in revolutionary organizations, few of the eleven men who represented New Jersey in the Congress during the war had held significant political office prior to independence and most had no political experience at all; only John Witherspoon, a recent immigrant from Scotland, could be said to have had a national rather than provincial political consciousness. The work of the delegates was long, hard, and unrewarding; theirs was truly a labor of love (Doc. 5). Third, the Articles themselves contained fatal weaknesses. Less a reflection of the Spirit of '76 than a reaction to the grievances that had led to revolution, the philosophy of government expressed in the Articles was inadequate to the needs of national union. It did not take long for the citizenry to realize that the basic problems of the central government stemmed not from the disruptions of

war but from insufficient authority (Doc. 6). Peace proved them correct. Under the augmented national government provided by the federal Constitution in 1787 the United States finally achieved a "more perfect Union."

1 John Witherspoon, Speech in the Continental Congress on the Necessity of Confederation

[*Works of John Witherspoon*, 9:135-41.]

Delivered after he had been a member of Congress less than a month, Witherspoon's forceful speech on behalf of the proposed Articles of Confederation voiced basic assumptions common to most New Jersey Whigs: (1) that national union and independence went hand in hand; (2) that the most serious threat to America's quest for national sovereignty came from internal divisions rather than from external pressures; (3) that the most serious obstacle to confederation was the prospect of attempted domination by the larger states; and (4) that through the study of historical precedents much could be learned about the resolution of current and future problems. Underlying each of these convictions was the fundamental belief in the inevitable progress of mankind that was essential to the thinking of liberal members of the revolutionary generation and eloquently expressed in the Declaration of Independence.

[July 30, 1776][1]

The absolute necessity of union to the vigour and success of those measures on which we are already entered, is felt and confessed by every one of us, without exception; so far, indeed, that those who have expressed their fears or suspicions of the existing confederacy proving abortive, have yet agreed in saying that there must and shall be a confederacy for the purposes of, and till the finishing of this war. So far it is well; and so far it is pleasing to hear them express their sentiments. But I intreat gentlemen calmly to consider how far the giving up all hopes of a lasting confederacy among these states, for their future security and improvement, will have an effect upon the stability and efficacy of even the temporary confederacy, which all acknowledge to be necessary? I am fully persuaded, that when it ceases to be generally known, that the delegates of the provinces consider a lasting union as impracticable, it will greatly derange the minds of the people, and weaken their hands in defence of their country, which they have now undertaken with so much alacrity and spirit. I confess it would to me greatly diminish the glory and importance of the struggle, whether considered as for the rights of mankind in general, or for the prosperity and happiness of this continent in future times.

It would quite depreciate the object of hope, as well as place it at a greater

distance. For what would it signify to risk our possessions and shed our blood to set ourselves free from the encroachments and oppression of Great Britain—with a certainty, as soon as peace was settled with them of a more lasting war, a more unnatural, more bloody, and much more hopless war, among the colonies themselves? Some of us consider ourselves as acting for posterity at present, having little expectation of living to see all things fully settled, and the good consequences of liberty taking effect. But how much more uncertain the hope of seeing the internal contests of the colonies settled upon a lasting and equitable footing?

One of the greatest dangers I have always considered the colonies as exposed to at present, is treachery among themselves, augmented by bribery and corruption from our enemies. But what force would be added to the arguments of seducers, if they could say with truth, that it was of no consequence whether we succeeded against Great Britain or not; for we must, in the end, be subjected, the greatest part of us, to the power of one or more of the strongest or largest of the American states? And here I would apply the argument which we have so often used against Great Britain—that in all history we see that the slaves of freemen, and the subject states of republics, have been of all others the most grievously oppressed. I do not think the records of time can produce an instance of slaves treated with so much barbarity as the Helotes by the Lacedemonians,[2] who were the most illustrious champions for liberty in all Greece; or of provinces more plundered and spoiled than the states conquered by the Romans, for one hundred years before Caesar's dictatorship. The reason is plain; there are many great men in free states. There were many consular gentlemen in that great republic,[3] who all considered themselves as greater than kings, and must have kingly fortunes, which they had no other way of acquiring but by governments of provinces, which lasted generally but one year, and seldom more than two.

In what I have already said, or may say, or any cases I may state, I hope every gentlemen will do me the justice to believe, that I have not the most distant view to particular persons or societies, and mean only to reason from the usual course of things, and the prejudices inseparable from men as such. And can we help saying, that there will be a much greater degree, not only of the corruption of particular persons, but the defection of particular provinces from the present confederacy, if they consider our success itself as only a prelude to a contest of a more dreadful nature, and indeed much more properly a civil war than that which now often obtains the name? Must not small colonies in particular be in danger of saying, we must secure ourselves? If the colonies are independent states, separate and disunited, after this war, we may be sure of coming off by the worse. We are in no condition to contend with several of them. Our trade in general, and our trade with them, must be upon such terms as they shall be pleased to prescribe. What will be the consequence of this? Will they not be ready to prefer putting themselves under the protection of Great Britain, France or Holland, rather than submit to the tyranny of their neighbours, who were lately their equals? Nor would it be at all impossible, that they should enter into such rash engagements as would prove their own destruction, from a mixture of apprehended necessity and real resentment.

Perhaps it may be thought that breaking off this confederacy, and leaving it unfinished after we have entered upon it, will be only postponing the duty to some future period? Alas, nothing can exceed the absurdity of that supposition. Does not all history cry out, that a common danger is the great and only effectual means of

settling difficulties, and composing differences? Have we not experienced its efficacy in producing such a degree of union through these colonies, as nobody would have prophesied, and hardly any would have expected?

If therefore, at present, when the danger is yet imminent, when it is so far from being over, that it is but coming to its height, we shall find it impossible to agree upon the terms of this confederacy, what madness is it to suppose that there ever will be a time, or that circumstances will so change, as to make it even probable, that it will be done at an after season? Will not the very same difficulties that are in our way, be in the way of those who shall come after us? Is it possible that they should be ignorant of them, or inattentive to them? Will they not have the same jealousies of each other, the same attachment so local prejudices, and particular interest? So certain is this, that I look upon it as on the repentance of a sinner. Every day's delay, though it adds to the necessity, yet augments the difficulty, and takes from the inclination.

There is one thing that has been thrown out, by which some seem to persuade themselves of, and others to be more indifferent about the success of a confederacy—that from the nature of men, it is to be expected, that a time must come when it will be dissolved and broken in pieces. I am none of those who either deny or conceal the depravity of human nature, till it is purified by the light of truth, and renewed by the Spirit of the living God. Yet I apprehend there is no force in that reasoning at all. Shall we establish nothing good, because we know it cannot be eternal? Shall we live without government, because every constitution has its old age, and its period? Because we know that we shall die, shall we take no pains to preserve or lengthen out life? Far from it, Sir: it only requires the more watchful attention, to settle government upon the best principles, and in the wisest manner, that it may last as long as the nature of things will admit.

But I beg leave to say something more, though with some risk that it will be thought visionary and romantic. I do expect, Mr. President,[4] a progress, as in every other human art, so in the order and perfection of human society, greater than we have yet seen; and why should we be wanting to ourselves in urging it forward? It is certain, I think, that human science and religion have kept company together, and greatly assisted each other's progress in the world. I do not say that intellectual and moral qualities are in the same proportion in particular persons; but they have a great and friendly influence upon one another, in societies and larger bodies.

There have been great improvements, not only in human knowledge, but in human nature; the progress of which can be easily traced in history. Every body is able to look back to the time in Europe, when the liberal sentiments that now prevail upon the rights of conscience, would have been looked upon as absurd. It is but little above two hundred years since that enlarged system called the balance of power, took place; and I maintain, that it is a greater step from the former disunited and hostile situation of kingdoms and states, to their present condition, than it would be from their present condition to a state of more perfect and lasting union. It is not impossible, that in future times all the states on one quarter of the globe, may see it proper by some plan of union, to perpetuate security and peace; and sure I am, a well planned confederacy among the states of America, may hand down the blessings of peace and public order to many generations. The union of the seven provinces of the Low Countries,[5] has never yet been broken; and they are of very different degrees of strength and wealth. Neither have the Cantons of Switzerland ever broken among

themselves, though there are some of them protestants, and some of them papists, by public establishment. Not only so, but these confederacies are seldom engaged in a war with other nations. Wars are generally between monarchs, or single states that are large. A confederation of itself keeps war at a distance from the bodies of which it is composed.

For all these reasons, Sir, I humbly apprehend, that every argument from honour, interest, safety and necessity, conspire in pressing us to a confederacy; and if it be seriously attempted, I hope, by the blessing of God upon our endeavours, it will be happily accomplished.

1. According to the *Journals of the Continental Congress* (6:1079) this undated speech was given on July 30.
2. Helots were the state slaves of Sparta (ca. seventh century B.C.) whose servile status fell somewhere between privately owned slaves and free men.
3. The Roman Republic.
4. John Hancock, president of the Congress, May 1775-October 1777.
5. The Republic of the United Provinces, or the Netherlands.

2 New Jersey Legislature, Proposed Amendments to the Articles of Confederation

[*Votes and Proceedings, October 28, 1777-October 8, 1778* (Trenton, 1779), pp. 144-46, 148.]

On March 25, 1778, a joint legislative committee was appointed to review the Articles of Confederation. Its report to the legislature on June 15 recommended not ratification but revision of the proposed constitution. The individual objections reflect the special needs and interests of New Jersey, but collectively they represent the position of a group of states that were relatively small in size and population and conventional in resources. (New Jersey was the tenth largest state with 7,836 square miles, ranked ninth in population with fewer than 140,000 inhabitants, and had neither a special cash commodity such as timber or tobacco nor a major urban center like Boston or Charleston that functioned as the economic center of a region.) As a "small" state New Jersey looked to the Confederation for security and the resolution of problems that were beyond her capacity to solve, but at the same time saw in the union the threat of domination by an alliance of "large" states. The "Representation" which follows outlines the position on basic economic and political issues that New Jersey would persistently advocate in the Confederation Congress and in the Constitutional Convention of 1787.

[June 15-16, 1778][1]

To the United States in Congress Assembled.

The Representation of the Legislative-Council and General Assembly of the State of New Jersey,

Sheweth,

That the Articles of Confederation and Perpetual Union between the States of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, proposed by Congress to the said States severally for their Confirmation, have been by us fully and attentively considered; upon which we beg Leave to make the following Remarks.

1st. In the fifth Article, where, among other Things, the Qualifications of the Delegates from the several States are described, there is no Mention of any Oath, Test or Declaration to be taken or made by them previous to their Admission to Seats in Congress. It is indeed to be presumed the respective States will be careful that the Delegates they send to assist in managing the general Interests of the Union take the Oaths to the Government from which they derive their Authority; but as the United States, collectively considered, have Interests as well as each particular State, we are of opinion that some Test or Obligation binding each Delegate, while he continues in the Trust, to consult and pursue the former as well as the latter, and particularly to assent to no Vote or Proceeding which may violate the general Confederation, is necessary. The Laws and Usages of all civilized Nations evince the Propriety of an Oath on such Occasions; and the more solemn and important the Deposit, the more strong and explicit ought the Obligation to be.[2]

2d. By the sixth and ninth Articles the Regulation of Trade seems to be committed to the several States within their separate Jurisdictions, in such a Degree as may involve many Difficulties and Embarrassments, and be attended with Injustice to some States in the Union. The Committee are of Opinion, that the sole and exclusive Power of regulating the Trade of the United States with foreign Nations ought to be clearly vested in the Congress, and that the Revenue arising from all Duties and Customs imposed thereon ought to be appropriated to the Building, Equipping and Manning of a Navy for the Protection of the Trade and Defense of the Coasts, and to such other public and general Purposes as to the Congress shall seem proper and for the common Benefit of the States. This Principle appears to us to be just, and it may be added, that a great Security will by this Means be derived to the Union from the Establishment of a common and mutual Interest.[3]

3d. It is wisely provided in the sixth Article, that "no Body of Forces shall be kept up by any State, in Time of Peace, except such Number only as, in the Judgment of the United States in Congress assembled, shall be deemed requisite to garrison the Forts necessary for the Defence of such State." We think it ought also to be provided and clearly expressed, that no Body of Troops be kept up by the United States, in Time of Peace, except such Number only as shall be allowed by the Assent of nine States. A standing Army, a military Establishment and every Appendage thereof, in Time of Peace, is totally abhorrent from the Ideas and Principles of this State. In the memorable Act of Congress,[4] declaring the United Colonies free and independent States, it is emphatically mentioned as one of Causes of the Separation from Great-Britain, that the Sovereign thereof had "kept up among us, in Time of Peace, standing Armies, without the Consent of the Legislatures." It is to be wished

the Liberties and Happiness of the People may, by the Confederation, be carefully and explicitly guarded in this Respect.[5]

4th. On the eighth Article we observe, that as frequent Settlements of the Quotas for Supplies and Aids to be furnished by the several States, in Support of the general Treasury, will be requisite, so they ought to be secured. It cannot be thought improper or unnecessary to have them struck once at least in every five Years, and oftener if Circumstances will allow. The Quantity or Value of real Property in some States, may increase much more rapidly than in others, and therefore the Quota, which is at one Time just, will at another be disproportionate.[6]

5th. The Boundaries and Limits of each State ought to be fully and finally fixed and made known. This we apprehend would be attended with very salutary Effects, by preventing Jealousies as well as Controversies, and promoting Harmony and Confidence among the States: If the Circumstances of the Times would not admit of this previous to the Proposal of the Confederation to the several States, the Establishment of the Principles upon which, and the Rule and Mode by which the Determination may be conducted, at a Time more convenient and favourable, and a Provision for dispatching the same at an early Period, not exceeding five Years from the final Ratification of the Confederation, would be satisfactory.[7]

6th. The ninth Article provides, that no State shall be deprived of Territory for the Benefit of the United States. Whether we are to understand that by Territory is intended any Lands, the Property of which was heretofore vested in the Crown of Great-Britain; or that no Mention of such Lands is made in the Confederation; we are constrained to observe, that the present War, as we always apprehended, was undertaken for the general Defence and Interest of the confederating Colonies, now the United States. It was ever the confident Expectation of this State, that the Benefits derived from a successfull Contest were to be general and proportionate, and that the Property of the common Enemy, falling in Consequence of a prosperous Issue of the War, would belong to the United States, and be appropriated to their Use. We are therefore greatly disappointed in finding no Provision made in the Confederation for empowering the Congress to dispose of such Property, but especially the vacant and unpatented Lands, commonly called the Crown lands, for defraying the Expenses of the War, and for other such publick and general Purposes. The Jurisdiction ought, in every Instance, to belong to the respective States, within the Charter or determined Limits of which such Lands may be seated; but Reason and Justice must decide, that the Property which existed in the Crown of Great-Britain, previous to the present Revolution, ought now to belong to the Congress in Trust for the Use and Benefit of the United States. They have fought and bled for it in Proportion to their respective Abilities, and therefore the Reward ought not to be predilectionally distributed. Shall such States as are shut out by Situation from availing themselves of the least Advantage from this Quarter, be left to sink under an enormous Debt, whilst others are enabled, in a short Period, to replace all their Expenditures from the hard Earnings of the whole Confederacy?[8]

7th. The ninth article also provides, that the Requisitions for Land-Forces to be furnished by the several States, be proportioned to the Number of *white* Inhabitants in each. In the Act of Independence we find the following Declaration: "We hold these Truths to be self-evident, that all Men are created equal; that they are endowed by their Creator with certain unalienable Rights, among which are Life, Liberty, and the pursuit of Happiness." Of this Doctrine it is not a very remote

Consequence, that all the Inhabitants of every Society, *be the Colour of their Complexion what it may,* are bound to promote the Interests thereof, according to their respective Abilities: They ought therefore to be brought into the Account on this Occasion. But admitting Necessity or Expediency to justify the Refusal of Liberty, in certain Circumstances, to Persons of *a particular Colour,* we think it unequal to reckon nothing upon such in this Case. Should it be improper, for special local Reasons, to admit them in Arms for the Defence of the Nation, yet we conceive that the Proportion of the Forces to be embodied ought to be fixed according to the whole Number of Inhabitants in the State, from whatever Class they may be raised. If the whole Number of Inhabitants in a State, whose Inhabitants are all Whites, both those who are called into the Field, and those who remain to till the Ground and labour in mechanick Arts and otherwise, are reckoned in the Estimate for striking the Proportion of Forces to be furnished by that State, ought even a Part of the latter Description to be left out in another? As it is of indispensible Necessity in every War that a Part of the Inhabitants be employed for the Uses of Husbandry and otherwise at Home, while others are called into the Field, there must be the same Propriety that Persons of a different Colour who are employed for this Purpose in one State, while Whites are employed for the same Purpose in another, should be reckoned in the Amount of the Inhabitants in the present Instance.[9]

8th. In order that the Quota of Troops to be furnished in each State on occasion of a War, may be equitably ascertained, we are of Opinion that the Inhabitants of the several States ought to be numbered as frequently as the Nature of the Case will admit, and once at least every five Years. The disproportionate Increase in the Population of different States, may render such Provision absolutely necessary.[10]

9th. It is further provided in the ninth Article, that the Assent of nine States, out of thirteen, shall be necessary to determine in sundry Cases of the highest Concern. If this Proportion be proper and just, it ought to be kept up should the States increase in Number, and a Declaration thereof made for the Satisfaction of the Union.[11]

We think it our indispensable Duty to solicit the Attention of Congress to these Considerations and Remarks, and to request the Purport and Meaning of them may be adopted as Part of the general Confederation; by which Means we apprehend the mutual Interests of all the States will be better secured and promoted, and the Legislature of this State will then be justified in ratifying the same.

1. The legislators endorsed the enumerated objections on June 15 and adopted the preamble and conclusion the next day.

2. The insistence upon an oath pledging congressmen to pursue measures that would further the interests of the nation instead of their own constituencies stemmed from a fear that the larger, more powerful states would attempt to dominate the confederation at the expense of the smaller members.

3. New Jersey was the first state to argue that the central government should be invested with exclusive jurisdiction over interstate and international commerce and be empowered to levy duties on foreign imports. Augmented congressional authority in these areas would be of great economic benefit to the state. First, congressional control over interstate commerce would protect New Jersey from the rapacity of her neighbors. With virtually no trade with Europe

and only minimal direct traffic with other states, New Jersey was dependent upon the adjacent ports of New York and Philadelphia. The result was an adverse trade balance that drained money from the state and made it difficult for Jerseymen to control their own economic destiny. Second, with little import-export commerce and no public lands, New Jersey could raise money to defray its quota of national expenses only through taxation of its citizenry. Tariff revenue would be an important source of income for the national establishment and thereby reduce the requisitions from the states. (And as a public creditor state, New Jersey favored a prosperous Congress that could pay its debts.) New Jersey's proposals were in vain. Although Congress beginning in 1781 repeatedly recommended the imposition of a continental impost, self-interested states (particularly Rhode Island) always defeated the measure. Nor was the confederation government granted control of interstate commerce. These two economic deficiencies would loom large in the events leading to the federal convention of 1787 and would finally be resolved by the Constitution of the United States.

4. The Declaration of Independence.

5. For pre-Revolution antipathy toward standing armies, see Sec. II, Docs. 14 and 15.

6. With fixed state boundaries and no appreciable amount of undeveloped arable land, New Jersey realistically expected that its population growth would not keep pace with states such as New York, Pennsylvania, and Virginia. Hence, frequent revisions of the requisition scales would be advantageous. It is surprising, however, that as an agrarian state comprised overwhelmingly of yeoman farmers New Jersey did not propose that financial contributions to the central government be proportional to population instead of "in proportion to the value of all land within each state" as stipulated by the Articles. (The New Jersey delegates, Jonathan Elmer and John Witherspoon, voted for the provision in October 1777.)

7. In addition to its obvious import for cessions of western lands, the proposals to fix state boundaries was related to the bitter jurisdictional disputes between Connecticut and Pennsylvania over the Wyoming Valley (northeastern Pennsylvania) and New York and New Hampshire over the region known as "Vermont."

8. New Jersey favored the creation of a national domain not only because the state entertained no pretensions to territory west of the Appalachians, but also because the revenue derived from the sale of public lands would increase the income of the central government and decrease the tax burdens of the states. Moreover, Jerseymen felt that possession of a vast territorial empire would enhance the stature of the nation. Then, too, a number of influential citizens, notably William Trent of Burlington and George Morgan of Princeton, were associated with the Indiana Company, which claimed some three and one-half million acres in what is now West Virginia by virtue of the Treaty of Fort Stanwix (1768); these and other Jersey speculators, involved in competition with both states and rival companies, wanted recognition of existing claims and a free hand to invest in western lands.

9. For obvious reasons northern and southern states were diametrically opposed on whether slaves should be considered in determining per capita

requisitions. The controversy persisted throughout the Confederation and was resolved in 1787 by an ignoble compromise in the Constitution which stipulated that each slave was to be counted as three-fifths of a person in apportioning federal taxes and congressional representation. Although slavery was not so extensive in New Jersey as to figure prominently in national concerns, it was a major problem at the state level. See Sec. XIII, Docs. 6, 8-10.

10. Since it was apparent that the population of New Jersey would not increase as rapidly as that of some other states, a regular census would lead to the reduction of the state's per capita requisitions (see note 6 above).

11. The two-thirds majority requirement for passage of important legislation was a means by which the smaller, less populous states could maintain political parity with the larger, more populous states.

3 Nathaniel Scudder to John Hart

[Manuscript Collection, 143, New Jersey State Library.]

Notwithstanding its pointed criticism of certain portions of the Articles of Confederation (see Doc. 2), the New Jersey legislature was not unalterably—or even strongly—opposed to the document as a whole. In recommending unconditional ratification of the Articles to Speaker of the House John Hart, Congressman Nathaniel Scudder bespoke the views of most Jerseymen. Everyone knew that the proposed instrument of government was not perfect. But they also realized that the document could have been more disadvantageous to the interests of the state, that none of the state's objections was important enough to justify rejecting the union, and that the military and diplomatic exigencies of the times demanded confederation. In rising above parochial considerations to further the national interest, Scudder (1733-1781) continued his record of distinguished service to state and nation. A prominent Monmouth County physician, he was active during the Revolution as a member of local committees of correspondence, the Provincial Congress, the state legislature, the Continental Congress, and the state militia. Colonel Scudder was killed in a skirmish at Black Point, near Shrewsbury, Monmouth County, in October 1781.

Freehold July 13th 1778

My Dear Sir,

I do myself the Honor to address you upon an Affair to me of the most serious and alarming Importance. The Honorable Council and Assembly of this State have not thought proper to invest their Delegates with Power to ratify and sign the Confederation; and it is obvious that unless every of the thirteen States shall acceed

to it, we remain an unconfederated People. These States have actually entered into a Treaty with the Court of Versailles as a Confederated People[1] and Monsieur Girard[2] their Ambassador Plenipotentiary to Congress is now on our Coast with a powerfull Fleet of Ships, which have taken Pilots on Board for Delaware. He probably may be landed by this Time, and will at all Events be in Philadelphia in a few Days. How must he be astonished & confounded? and what may be the fatal Consequences to America, when he discovers (which he will immediately do) that we are ipso facto unconfederated, and consequently, what our Enemies have called us, "a Rope of Sand"? Will he not have just Cause to resent the Deception? and may not insidious Britain, knowing the same, take Advantage of our Disunion? For my own Part I am of Opinion She will never desist from her nefarious Designs, nor ever consider her Attempts upon our Liberties fruitless and vain, untill she knows the golden knot is actually tied.

I left Congress last Wednesday Evening. The Affair of Confederation was to be taken up [the] next Day. The Magna Charta of America was amply engrossed and prepared for signing. Ten States had actually authorized their Delegates to ratify; a Delegate from an eleventh (vizt. Georgia) declared he was so fully possessed of the Sense of his Constituents that he should not hesitate to subscribe [to] it. New Jersey and Maryland only stood out. Mr. Chase,[3] one of the Delegates from that State, told me the Day I left Philadelphia, that he imagined the Determination of Maryland would depend much upon *that* of New Jersey and thought if our State should acceed, theirs would also. He therefore concluded to go immediately down and try what could be done. I at the same Time assured him I would write you on the Subject on my Return. I ought to inform you Sir, that the Objections stated by New Jersey were read and considered in Congress, and after being entered at large on their Minutes, a Question was taken, whether Congress at that Time judged it expedient to take up the said Objections so as to admit any Emendations in the Plan of Confederation or not? and it passed in the Negative. In Consequence of which they remain both upon the Journal and Files to be taken up and considered at any future Time when they may be called for.

I expect my Colleagues will soon address you on this Subject. I left Doctr. Witherspoon, Doctr. Elmer & Mr. Boudinot at Philadelphia,[4] whither I expect to return in a fews Days.

I should have been much more uneasy, when I was last at Princeton, and should have taken more Pains to convince the Members of the Necessity of granting the Powers of Ratification to their Delegates, had I not been encouraged to expect, that the Legislature would not rise without doing it; at the same Time supposing the Reason, why they were witheld at that Juncture, to be, that their Objections might have the greater Weight with Congress. Indeed I all along expected Doctr. Witherspoon would have brought on such Powers with him, especially as I hoped the Honorable Houses would be clearly of Opinion, that it was better to confederate under all the Disadvantages they apprehended, than that the general Union should be broken or even greatly endangered.

I know not whether I ought to say any Thing respecting the Objections themselves; some of them are perhaps not very essential. The Obtaining an Admission of several of them would doubtless be of great local Advantage to this State; but every State must expect to be subjected to considerable local Disadvantages in a general Confederation. Indeed upon the whole I am fully [of]

Opinion, that no Plan can or will ever be adopted more equal, or less generally injurious to the confederating States than the present. I also declare it as my Opinion that if the general Business of Emendation were to be fairly taken up in Congress to morrow, several Alterations would be made exceedingly disadvantagious to the smaller circumscribed States, and which perhaps might more than counterbalance the obtaining what we apply for. As to the grand and capital Objection respecting the Lands &c: I will only observe, that in Case we never obtain an original Quota of them, we shall only loose a Share in the prime Sales of them, which will probably be very low, while we shall inevitably reap a permanent and encreasing Benefit from the rapid & enormous Growth of the larger States; for surely in Proportion to their Extent and Population their Quota of the public Expense & Debt will be encreased, while ours will be proportionably diminished. What avails it therefore to us, whether five Pounds of our national Debt be paid by the Accession of a Subject to this State, or whether our Quota be really lessened five Pounds by the Settlement of a Person in the State of Virginia at the Distance of a thousand Miles from the Atlantic? For my own Part I think we shall have greatly the Advantage of these enormous unwieldy Governments; nor do I judge it unlikely they will soon find it necessary to sue for the curtailing their own extravagant Jurisdiction.

In the Settlement of our Soldiery & the foreign Deserters at the Expiration of the War, we shall incur considerable Disadvantage; however as the larger States will doubtless rejoice to have their Frontiers immediately enlarged, and will vie with each other in Courting so great an Accesion of Inhabitants, there will probably be no greater Expence than barely that of locating the Lands, our Quota of which cannot be any very considerable Sum.

I congratulate you on the signal Success of our Arms in this Neighbourhood on the 28th of June.[5] Great Plunder and Devastation have been committed among my Friends in this Quarter, but through the distinguishing Goodness of Providence my Family & Property escaped, & that almost in a miraculous Manner.

I wish you to take the above Representation into your serious consideration, and, if with me you shall judge it a Matter of sufficient Importance, that the Legislature may be as speedily as possible convened to deliberate and determine thereon.

I am Dear Sir with great Esteem Your most Obedt. Hble Servt.
NATHANIEL SCUDDER

1. On May 4 Congress had ratified a treaty of amity and commerce as well as a treaty of alliance with France.
2. Conrad Gerard.
3. Samuel Chase, signer of the Declaration of Independence.
4. John Witherspoon, Jonathan Elmer, and Elias Boudinot, the other members of the New Jersey congressional delegation.
5. The battle of Monmouth Court House (see Sec. IX, Doc. 7).

4 New Jersey Legislature, Ratification of the Articles of Confederation

[*Acts of the General Assembly of the State of New-Jersey, November 20-December 12, 1778* (Trenton, 1779), Chap. I.]

New Jersey really had no choice but to endorse the Articles of Confederation. A clear consensus in favor of confederation existed in the state and, as Congressman Nathaniel Scudder pointed out (see Doc. 3), none of the objections raised earlier by the legislature (see Doc. 2) was of sufficient magnitude to warrant jeopardizing the national union. Therefore, on November 20 the legislature reluctantly passed by a vote of 21-8 "An Act to authorize and empower the Delegates of the State of New-Jersey, in Congress, to subscribe and ratify the Articles of Confederation and Perpetual Union between the several States." *Votes and Proceedings, October 27-December 12, 1778* (Trenton, 1779), p. 29. John Witherspoon presented the charge to Congress on the twenty-fifth and the next day New Jersey officially ratified the Articles. But the legislators had rescinded none of their caveats; indeed Jersey joined the union less out of conviction than out of faith that in time the states would rectify the deficiencies in what was admittedly an imperfect constitution.

November 20, 1778

Whereas Articles of Confederation and Perpetual Union between the States of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, signed in the General Congress of the said States by the Honourable Henry Laurens, Esquire, their President,[1] have been laid before the Legislature of this State to be ratified by the same if approved: And Whereas, notwithstanding the Terms of the said Articles of Confederation and Perpetual Union are considered as in divers Respects unequal and disadvantageous to this State, and the Objections to several of the said Articles lately stated and sent to the General Congress aforesaid, on the Part of this State, are still viewed as just and reasonable, and sundry of them as of the most essential Moment to the Welfare and Happiness of the Good people thereof,[2] yet under the full Conviction of the present Necessity of acceding to the Confederacy proposed, and that every Separate and detached State-Interest ought to be postponed to the general Good of the Union; and moreover, in firm Reliance that the Candour and Justice of the several States will, in due Time, remove, as far as possible, the Inequality which now subsists.

Sect. 1. Be it Enacted by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That the Honourable John Witherspoon, Abraham Clark, Nathaniel Scudder and Elias Boudinot, Esquires, Delegates Representing this State in the Congress of the United States, or any one or more of them be, and they hereby are authorised, empowered and directed on Behalf of this State, to subscribe and ratify the said Articles of Confederation and Perpetual Union between the several States aforesaid.

2. And Be it further Enacted by the Authority aforesaid, That the said Articles of Confederation and Perpetual Union so as aforesaid subscribed and ratified, shall Henceforth become conclusive as to this State, and obligatory thereon.

1. Henry Laurens of South Carolina, who succeeded John Hancock as president of the Congress on November 1, 1777; he resigned the post on December 9, 1778.

2. See Doc. 2.

5 John Fell to Governor William Livingston

[*Executive Correspondence*, pp. 141-43.]

After amassing a sizable fortune as a New York City merchant, John Fell (1721-1798) moved to New Jersey in the 1760s and established an estate, "Petersfield," near Paramus. A zealous Whig, he served as chairman of the Bergen County Committee and member of the Provincial Congress. He was captured by Loyalist raiders in April 1777 and imprisoned in New York City; he was released in May 1778. Selected to represent his adopted state in the Continental Congress in November 1778, Fell for two years served with unusual dedication. In terms of attendance and attention to duties, he was easily the most conscientious representative New Jersey ever sent to Philadelphia. Most men considered Congress an onerous and unrewarding assignment: they were separated from families in time of danger, poorly paid and unable to attend to normal means of livelihood, assigned to numerous committees which had little real authority, and forced to endure endless debates marked more by petty bickering than substantive discussion. Not surprisingly, attendance was sporadic; New Jersey was not unusual in sometimes being unrepresented because the required two delegates were not on hand. In the letter that follows, Fell describes some of the trials and tribulations of a congressman and reveals the dedication which led him to labor diligently on behalf of the public good.

Philadelphia, March 25, 1779

Dear Sir,

I cannot help complaining to your Excellency of the behavior of some of the delegates from our state, which is not only disgraceful to the state, but in my humble

opinion, treating me with the greatest impoliteness; they take upon them to leave Congress when they please and without leave, by which the state in course is not represented. Last Saturday Dr. Witherspoon[1] went home without ever saying one word to me on the occasion, and this day Colonel Frelinghuysen[2] went away in the same manner.

No man has the service of his country more at heart than I have; but then I should choose to be treated in such manner as I think I have a right to as a gentlemen. And I am certain such treatment from my colleagues cannot be deemed in that line. Therefore I request it as a favor, that I may not be treated in like manner in future; to make my stay here so exceedingly disagreeable.

I received a letter this week from hon'l Mr. Scudder,[3] dated 13th inst., he wrote me he expected to be here in about six weeks from that date. When Dr. Scudder comes I hope your Excellency will have no objection to my paying a visit to my family for a short time.[4] As I have engaged to serve the state for the time of my appointment I undoubtedly shall do it, to the best of my power and ability.[5] However, I hope the honorable Assembly will pay some regard to the increase of pay for my service, as every kind of expense has advanced in this city upwards of 50 per cent. since my appointment. It is with great reluctance I am under the disagreeable necessity to mention a circumstance of this kind, but my private fortune has suffered so much from the great losses I have met with, as well as my long, cruel captivity, that I shall not be able to support the extraordinary expense long. I am certain there is no member in Congress [who] does more duty than I do. Every morning at the commercial committee,[6] afterwards at Congress, and three stated nights in a week at the marine committee,[7] besides occasional committees; in short, there has been very few nights this winter that I have not been engaged in business. And not to be able to live in the manner I have ever been used to, without spending my own money as well as time, is rather too unreasonable for the public to desire of any individual.

I was exceedingly happy to hear you were from home when the enemy came to pay you a visit;[8] as I am certain you are not one of those gentlemen who they have the greatest regard for. I should imagine Princeton or Trenton would be a much more eligible place for your residence than Elizabethtown. Your being taken, besides the many disagreeable circumstances of being a prisoner, would be of the utmost bad consequence, as I know of no person in our possession that you could be exchanged for;—however the subject is too melancholy to dwell on.

I have the honor to be, with great respect, your Excellency's most humble servant,

JOHN FELL

1. John Witherspoon served as congressional delegate from 1776 to 1782, but was very irregular in attendance; his visits to Philadelphia were usually brief.

2. Frederick Frelinghuysen (1753-1804), Somerset County lawyer and militia colonel, served in Congress 1778-1779 and 1782-1783. He had arrived in Philadelphia on January 22; he did not return during the rest of his term.

3. Nathaniel Scudder (see Doc. 3), had left Congress on January 10.

4. Fell was absent August 17-30 to visit his family.

5. Except for two weekend vacations, a ten-day illness, and a two week

visit to Petersfield, Fell did not miss a day in Congress from December 5, 1778, to October 30, 1779.

6. The Commercial Committee, which functioned as an executive department of Congress, was charged with securing war material and supplies from abroad. It was Fell's favorite assignment.

7. The Marine Committee, progenitor of the Department of the Navy, supervised the construction and maintenance of an American fleet.

8. In late February 1779 a 1,000-man British force led by Lt. Col. Thomas Sterling crossed over from Staten Island into New Jersey near Elizabethtown and surrounded Livingston's home, "Liberty Hall," only to find that the chief executive had spent the night elsewhere.

6 "A True Patriot" on Increased National Authority

[*New-Jersey Gazette,* April 11, 1781.]

When presented with the rare opportunity of creating their own national government, the framers of the Articles of Confederation sought to avoid the political-constitutional problems that had destroyed the First British Empire. The numerous complaints about the British system generally fell into two categories: interference in local affairs by a distant legislature in which the people were not directly represented, and arbitrary acts of chief magistrates, whether provincial governors and their advisers or the king and his ministers. Not surprisingly, the Articles provided for a decentralized confederation in which the essential powers of governance resided in the individual states. But in so doing they created a national government incapable of governing nationally. The congressmen resembled ambassadors representing sovereign states more than legislators. Each state had one vote, and the assent of nine members was necessary for the passage of important measures; amendments to the Articles required unanimous consent. Congress itself was denied the crucial powers of taxation and regulation of commerce. Moreover, Congress could only recommend action, which the states could accept or reject at their pleasure; there was neither an executive to implement (the president was simply an administrative figure) nor a federal judiciary to interpret congressional measures. To "A True Patriot," that was no way to run a country. In the course of a series of articles dealing with the problems confronting the nation, the unidentified essayist assays the weakness of the federal establishment and suggests that Americans may have gone too far in the attempt to prevent governmental usurpation of their freedoms. The questions he raises were those asked later in the federal convention of 1787 that produced a new national constitution.

February 8, 1781

. . . .3. *The want of necessary power in the collective body of the United States.* It is not the number of states in the union, or of their delegates in council, which can procure our preservation or deliverance, but *the power and abilities they possess.* However great the power of extensive America may be, what may it avail, if it cannot be brought to a necessary point, to frustrate the views of our enemies? However great our resources, what benefit can they afford, if they cannot be brought forth for a seasonable supply? An essential defect in most republicks is a want of necessary power, in their representative body, which causes dilatory operations, and frequently pernicious consequences to the commonwealth. Of all others; the American republick seems to have neglected this leading principal, in their constitution: While every state has been engaged in its own, the general one has been neglected. And I am fully persuaded, that this is the chief cause of our most distressing calamities. It is true, we have a Congress, a Council of the United States. But are they much more than a mere Council. The acts of that august body have often raised in my mind the idea of a strange novel in the political world. They say, be it resolved, that such and such things be recommended to the respective states. Then if a mere majority in either branch of any Legislature gives a negative upon the measure, ten to one, if the whole is not void, however necessary it may be. Beside the pernicious delays, which attend such a course of business, the different Legislatures cannot possibly be competent to judge of matters, elsewhere debated upon proper materials. A want of necessary power in Congress may endanger the chain of union. For instance, Congress has parcelled out to the different states, their respective quotas of supplies for the support of the war. Suppose one, two, or three states, on some pretended excuses, refused to comply, what then? Must the others make up their deficiencies, or must the army suffer, disband, and the country be lost? It seems evident, that every department in an empire, ought to enjoy such powers as are necessary for the discharge of its offices for the good of the community. Therefore all such powers as belong to the policy or good and wholesome government of each individual state, ought to be, and remain unalienable. But the powers by which the general matters and concerns of the empire are to be managed, ought to be lodged in Congress, agreeable to such general outlines, particulars ought to be squared. It may be said, it is dangerous to entrust Congress with too much power. I answer, what is too much? What is necessary for the well-being and safety of the whole, cannot be *too much.* Why is such power more dangerous in Congress, than in the respective Legislatures? Are not its members annually elected from among our citizens, daily liable to mix again with them in the private stations of life; and so become again one with them? Or is it because the Legislatures, and not the people, appoint them? Then the danger originates from the Legislatures. If so, it might be remedied by dividing each state into circles, and the people themselves to appoint their delegates. This objection therefore rather insinuates some secret views, than real danger. To Congress ought to belong the disbursement of the publick finances; but a sufficient check against danger here, would be, that the different states had a free and incontroulable right, to inspect the national accounts, to instruct their delegates, and to impeach and punish them for maladministration . . . .

A TRUE PATRIOT.

XIII

The Spirit of '76

With the advent of peace, the people of New Jersey turned from the arduous struggle for independence to the monumental task of recovering from the ravages of war. Recovery involved much more than simply beating swords into plowshares and reconverting battlefields into farmlands. Nearly eight years of bitter warfare had brought a staggering amount of physical destruction and damage to homes and churches, barns and bridges, crops and orchards; had badly disrupted economic activities and drastically altered life styles and modes of social organization; divided families and communities into antagonistic factions; and inflicted emotional stress, injury, exile, and death upon countless men, women, and children. Hardly an aspect of life in the "cockpit of the Revolution" escaped serious dislocation during the war.

In rebuilding their state and reordering their lives, Jerseymen were engaged in a process of redesign rather than reconstruction. More than a movement to secure home rule, the American Revolution was an expression of some of the most innovative and far-reaching intellectual currents of the eighteenth century. The Declaration of Independence, an eloquent statement of Enlightenment thought, not only announced the severance of political ties with Great Britain, but also heralded the birth of a new sociopolitical order that differed in fundamental respects from the dominant traditions and practices of the past.

To those who risked their lives, fortunes, and sacred honor in behalf of American independence, Thomas Jefferson and his congressional colleagues promised the creation of a governmental system that would be "most likely to effect their Safety and Happiness" and derive its "just powers from the consent of the governed" as well as a social order in which all men would be "created equal" and enjoy the "unalienable Rights of Life, Liberty, and the pursuit of Happiness." The most important challenge to members of the revolutionary

generation—indeed to subsequent generations of Americans—was translating Jefferson's idealistic rhetoric into everyday reality. To Whigs everywhere the grand objective could only be achieved through the establishment of republican government and the inauguration of humanitarian reforms. And while the winning of independence took precedence at first over the creation of a republican society, the public record of the war years provides abundant information about the new order thoughtful Jerseymen were striving eventually to establish.

The state constitution of 1776 (see Sec. VII, Doc. 6) provided the framework for a democratic republic based upon the sovereignty of the people. But it was not easy to reject time-honored notions about government and politics and immediately embrace the new system of government. Although the state government was structurally similar to the royal regime, its successful operation required radically new attitudes and assumptions about the relationship of the citizenry to the political process and public officials. There was no more articulate or effective spokesman for republicanism in New Jersey than Governor William Livingston. From his inaugural address (see Sec. VII, Doc. 13) to his announcement of independence nearly seven years later (Doc. 12), he labored tirelessly in both public speeches and anonymous newspaper essays (Doc. 5) to instill in the people an appreciation of and commitment to the experiment in self-government in which they had such a vital stake. The process of political education was rapid. With the zeal often characteristic of converts, Jerseymen soon came to extoll the merits of the American over the British system of government (Doc. 4), recognize that the voice of the people was an essential element in the formula for good government (Doc. 7), and publicly criticize elected officials and lecture them on their duties (Doc. 2). Such sentiments could not have been expressed a decade earlier when residents almost universally lauded the English constitution and exhibited more deference to governmental leaders.

Besides representative government, participatory politics, and popular sovereignty, New Jersey republicans believed that public virtue (the subordination of self-interest to the common good) was absolutely essential in a democratic republic. Moreover, they felt that there could be no virtue in public life without corresponding virtue in private life. But from the time the state government was first established, political leaders (see Sec. VII, Doc. 13) and private citizens (see Sec. VII, Doc. 12) alike were concerned with the maintenance of civic virtue. How to instruct the citizenry about the rights and responsibilities of republicans? How to imbue them with the principles and precepts most conducive to patriotism? How to combat and prevent the licentiousness, corruption, greed, and immorality that threatened to undermine private and thus public virtue?

Even amid the perils of the revolutionary war, Jerseymen began to turn their attention to the means of securing the republican ideal—the blend of civic and personal virtue—as the only firm foundation of the new state government. Despite the firm legal separation of church and state that accompanied the Revolution, some people felt that churches, which traditionally instructed the people in the correct behavior patterns for living in this world, had an important role to play in the republican experiment because private morality

would necessarily lead to public morality (Doc. 11). Others put their faith in secular institutions as the best safeguards of republicanism. They did so in part because of the conviction that dedication to virtuous conduct in public affairs would both precede and result in personal virtue. But more important was the belief that an enlightened populace knowledgeable about the issues and ideas of the day was a prerequisite to republican government and responsible citizenship. Hence the Revolution gave crucial impetus to the development of the twin safeguards of democratic government and individual liberty in America—the press (Doc. 1) and the school (Doc. 3).

The heightened concern for education and morality inevitably led to a comprehensive reexamination of virtually every aspect of New Jersey society. The result was an amibitious reform movement that began during the revolutionary war, gained momentum in the 1780s and 1790s, and reached fruition during the second quarter of the nineteenth century. Humanitarian crusades, sumptuary regulations, democratization of officeholding and liberalization of the franchise, separation of church and state and guarantees of religious freedom, revisions of criminal codes and penal practices, and abolition of such vestiges of feudal landholding as primogeniture and entail are only a few of the ways Jerseymen sought to eradicate social ills and create a republican society through practical application of the precepts of the Declaration of Independence.

Nothing exposed in a more graphic—and embarrassing—manner the discrepancy between the principles of 1776 and the practices of the times than the institution of human slavery. Jerseymen were no strangers to the dilemmas of involuntary servitude. The enslavement of black Africans began in New Jersey in the seventeeth century, and on the eve of the Revolution the province had the second largest slave population north of the Mason-Dixon line. Commitment to the peculiar institution was especially strong in Bergen and Somerset and portions of Monmouth and Hunterdon Counties. The Society of Friends was the only constant critic of slavery in colonial New Jersey even though many of its members owned slaves. By the middle of the eighteenth century, Quakers led by Burlington's John Woolman had launched a determined campaign against the pernicious practice—a campaign aided by the increased concern with personal freedom that had arisen during the protest against British legislation during the prerevolutionary era (see Sec. III, Doc. 8).

The issue of slavery, temporarily submerged by the crises of 1775-1776, was a primary topic of discussion in New Jersey during the revolutionary war. Friends were now joined by those who viewed slavery as inconsistent with the tenets of the Declaration of Independence and incompatible with republican society. From the fall of 1780 to the spring of 1781 a debate— the most extensive conducted in any state prior to the 1830s—raged in the Jersey press over the institution of slavery and proposed abolition laws. If there were few unqualified defenders of slavery in the state, there were also few advocates of immediate abolition (Doc. 6). Instead, the debate turned on the terms and timing of manumission or gradual liberation (Docs. 8 and 9). Despite the activities of antislavery societies, discussions in the press, legislative petitions (Doc. 10), and several statutes touching upon various aspects of slavery, it would be another generation before the matter was finally resolved. With bitter irony, it

was stipulated by legislative enactment that any slave born in the state after July 4, 1804, would become a free citizen at a certain age (males, 25; females, 21) and not a slave. It was at best a half-hearted measure designed to meet the interests of the free white citizen rather than the black slave; on the eve of the Civil War there were still slaves in New Jersey.

As exemplified by the abolitionist movement, the Spirit of '76 diffused slowly but steadily throughout American society. It would take more than a generation for the principles of the Declaration of Independence to become articles of national faith and for the forces unleashed by the Revolution to find lasting expression in the institutions, ideals, and practices of the new republic. But the process begun during the years 1763-1783 proved inexorable. Looking back from the perspective of 1840, Ashbel Green, a member of the revolutionary generation in New Jersey, could scarcely comprehend the sweeping changes that had taken place during his lifetime (Doc. 13). The Revolution had not only given lasting identity to "the American, this new man," to use Hector St. John Crevecoeur's famous phrase, but also had given birth to the United States, a new nation. And in its numerous legacies to subsequent generations, the American Revolution has not yet run its course.

1 Isaac Collins Announces the First Newspaper in New Jersey

[*New-Jersey Gazette,* December 5, 1777.]

Because theirs was the only major mainland colony without a newspaper prior to 1776, the residents of New Jersey had to rely on the New York City and Philadelphia press as a source of news and a forum for their views. The obvious advantages of an indigenous newspaper loomed even larger when the British army took New York in September 1776 and the Pennsylvania capital a year later. New Jersey was literally without any means of public mass communication. It was in part to facilitate the dissemination of information that Isaac Collins of Burlington undertook, with the support of Governor William Livingston and the legislature, to publish the state's first newspaper in December 1777. But in reality the *New-Jersey Gazette* was only the harbinger of an impending communications revolution. Shepard Kollock launched a second paper at Chatham in February 1779, and by 1787 newspapers were published in Elizabethtown, New Brunswick, Princeton, and Trenton. Why should a state without a newspaper in 1777 witness the appearance of four within a decade? The underlying cause of the newspaper boom was political. The government needed to import information to its citizens. Equally important, however, was the belief that an educated public was a prerequisite for republican

self-government. And it was through newspapers that Jerseymen obtained information and exchanged opinions about the events and ideas of the day. The press had already become the hallmark of political liberty.

[December 5, 1777]

To enter into a minute Detail of the Advantages of a well-conducted NEWS-PAPER, would at any Time, be impertinent, but more especially at a Crisis which makes a quick Circulation of Intelligence particularly interesting to all the AMERICAN STATES. The Publisher, therefore, thinks it will be more to the Purpose, to communicate to the Publick, a brief Account of the Nature of his Plan, than to enter into a formal Proof of it's Utility, which he esteems little less than self-evident.

He proposes to print this GAZETTE once a Week,[1] to contain a faithful Account of remarkable Occurrences, whether foreign[2] or domestic; Materials for which he shall be amply furnished with, in Consequence of a general Correspondence he is establishing for that Purpose.

Such Proceedings of the Legislature, and Courts of Justice, as may conduce to the Benefit or Entertainment of his Readers, shall find Place in his Publications.[3]

ESSAYS, useful or entertaining, Schemes for the Advancement of TRADE, ARTS and MANUFACTURES, Proposals for Improvements in AGRICULTURE, and particularly in the Culture of HEMP and FLAX, will be inserted with Pleasure and Alacrity.

The Interests of RELIGION and LIBERTY, he shall ever think it his peculiar Duty to support; and, at the same Time, to treat with disregard the intemperate Effusions of factious Zealots, whether religious or political, as injurious to Virtue, and destructive of Civil Order. With great Care shall he reject every Proposition to make his Paper a Vehicle for the dark Purposes of private Malice, by propagating Calumnies against Individuals, wounding the Peace of Families, and inflaming the Minds of Men with Bitterness and Rancour against one another.[4]

In a Word, he will spare neither Cost or Pains to make his Paper as useful and entertaining as possible; and, while these Objects are steadily pursued, the Publisher will confidently rely upon the Generosity and Publick Spirit of the Gentlemen of this State, for their Countenance and Support, to such a useful Undertaking.[5]

1. Virtually all eighteenth century newspapers were weeklies; it was not until well into the nineteenth century that papers were published more frequently.

2. International news consisted of either extracts from the personal correspondence of Americans abroad or reprints from foreign papers.

3. As the government printer, Collins was frequently called upon to publish resolutions, messages, proclamations and other official material in his paper.

4. Newspapers in early America were not the public forums of today; the publisher arbitrarily decided what would appear in his paper. As a result, different papers in the same city usually differed markedly in the news and views offered their readers.

5. In reality the state government was responsible for the appearance of

the *Gazette.* In a message to the assembly on October 11, 1777, Governor William Livingston noted the benefits that would derive from having a newspaper in the state and proposed that the legislature provide the necessary financial encouragement to launch such a venture. On November 5, a committee was appointed to confer with Collins—who was then the state printer charged with publishing statutes, legislative records, and other official documents—"concerning the Terms on which he will undertake to print and circulate" a newspaper. Apparently an agreement has been worked out in advance by Livingston and Collins, for that same day the Trenton printer agreed to commence publication if the government would subsidize an express rider from his shop to the nearest post office and underwrite 700 subscriptions until a like number of private subscribers could be obtained. The assemblymen, each of whom took out a subscription, promptly authorized the requisite appropriations. They obviously concurred wholeheartedly with the committee's recommendation that "a well-conducted Gazette" would not only "greatly tend to promote useful Knowledge and Arts in the State" but also "by setting publick Events and Transactions in a true Point of View" would be a "Means of defeating [the] mischievous Designs" of the British who circulated false publications and rumors "purposely calculated to abuse and mislead the People." *Votes and Proceedings, August 23-October 11, 1777* (Trenton, 1777), pp. 202-3; Ibid., *October 28, 1777-October 8, 1778* (Trenton, 1778), pp. 8-9.

2 "Cato" on the Characteristics of Representatives

[*New-Jersey Gazette;* January 7, 1778.]

The republican experiment in self-government made far more exacting demands of members of the legislature than had been imposed upon their colonial counterparts. In the first place, the state constitution of 1776 (see Sec. VII, Doc. 6) provided for annual elections instead of indefinite tenure. (Prior to the Revolution councilmen sat at the pleasure of the crown, while assemblymen served until the governor called for new elections.) Moreover, the effective operation of republican government required that the people be able to effectuate their will through elected representatives. Thus the legislators had to be men of virtue—that is, they must act in behalf of the common good rather than a particular constituency, class, or vested interest group, and be willing to subordinate personal considerations to the performance of their duties. In short, members of the legislature were to be public servants in the best sense of the term. Not surprisingly, they were extremely sensitive to public opinion and constituent concerns; conversely, citizens were quick to make their views known to their representatives through petitions and public writings. In the piece that follows, "Cato" offers for the benefit of the members of the lower house of

the legislature—and by extension all public officials—a classic statement of the republican concept of the characteristics of good rulers.

[January 7, 1778]

Sir,

Though I am an old man that cannot render my country any active services, I am willing to contribute my mite to its prosperity, in the only way in which I can be useful to it. Having lost that vigour and vivacity which is peculiar to youth, and necessary for the more busy scenes of life, I am retired from the bustle of the world, resolved to spend the remainder of my days, not as an idle spectator of the struggle in which we are engaged, but with a resolution of conveying to the public, through the channel of your paper, such hints and observations on our internal police,[1] as I think may be salutary to the cause of liberty and virtue.

We have, by the blessing of Providence, established a glorious fabric of freedom and independence; but unless that fabric is supported by the same spirit of patriotism by which it was reared, I am afraid that it will not be of long duration. Whenever our public virtue decays, our government, which owes its origin to and was founded upon public virtue, will languish; and upon the total extinction of the former, (which heaven avert from ever proving our case) the latter will crumble to pieces, and be totally demolished. It requires great virtue in the people, and great wisdom and activity in their rulers, to prevent the constitution from degenerating in anarchy and confusion. I shall therefore, from time to time publish my sentiments, as well on the errors of the people over us, either as legislators or magistrates, and that with the freedom becoming a subject of a free government, but at the same time with the deference and decorum due to superiors. For the present be pleased to insert my thoughts on the duty of representatives, which are honestly meant, and I hope will be graciously received.

Characteristics of a good Assembly-Man.

I. To accept his delegation with a sincere desire, and for the sole purpose of rendering his country all the service in his power.

II. Seriously to consider what laws will be most beneficial; industrious in collecting materials for framing them; and prompt to hear all men, especially the most judicious, on the state of his country; and the regulations proposed to render it more happy and flourishing.

III. To make conscience of doing his proper share of business in the House, without leaving it to others to do his part, by which they must necessarily neglect their own; every member being bound in honour to do as much as he can.

IV. Candidly and impartially to form his own judgment for himself, yet to be always open to conviction; and upon proper arguments for that purpose, ready to change, and frankly to confess the change of, his sentiments.

V. To detach himself from all local partialities, and county-interests, inconsistent with the common weal; and ever considering himself as a representative of the whole State, to be assiduous in promoting the interest of the whole, which must ultimately produce the good of every part.

VI. Never to grudge the time he spends in attending the sessions, tho' his private affairs may suffer, since the loss he may thereby sustain will be amply recompensed by the delightful testimony of his conscience, in favour of his

disinterested patriotism; while no pleasure arising from the advancement of his fortune, to the neglect of a superior obligation, can balance the upbraidings of that faithful monitor.

VII. In every vote he gives, to be solely directed by the public emolument; and never influenced in his suffrage by motives merely selfish or lucrative.

VIII. To give no leave of absence to a fellow-member on trifling occasions, in hopes of the same indulgence in return; but to be strenuous in supporting the rules and orders of the House, (which are the life of business) tho' he may thereby disoblige an irregular, or disappoint an home-sick individual.

IX. Inflexible in his resolution of acting agreeably to the dictates of his conscience, — to be utterly regardless of the applause or censure, that may ensue upon the discharge of his duty.

X. Never to be instrumental in promoting to any office or trust, his dearest connections or intimates, whom he believes not qualified for the department; nor ever to oppose the promotion of any that are, from personal pique or resentment.

XI. As the best calculated laws will be found ineffectual to regulate a people of dissolute morals, he will recommend by his conversation and example, virtue and purity of manners; and discountenance all irreligion and immorality, as equally fatal to the interests of civil society and personal happiness.

XII. Serenely to enjoy the praises acquired by his merit, as an additional testimony to the approbation of his own heart, of the rectitude of his conduct; but from the public clamour and obloquy, to retire *within himself;* and there to feast on his own virtue, without seeking to retaliate the ingratitude of unreasonable men, save only by putting their malevolence to the blush, by fresh and more extensive services to his country.

CATO[2]

1. That is, the regulation of the state with regard to the health, morals, welfare, and safety of the public.

2. In style of writing and manner of argument "Cato" is reminiscent of John Witherspoon, who, though not a member of the assembly, surely devoted considerable thought to the responsibilities of a representative; he was a delegate to the Continental Congress from 1776 to 1782. Moreover, in another instance Witherspoon almost certainly employed the pseudonym "Cato" (see Doc. 3, note 2.)

3 "Cato" on the "Importance of a Liberal Education to Civil Society"

[*New-Jersey Gazette*, January 14, 1778.]

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The rapid proliferation of educational institutions was a tangible sign of the resurgence of intellectual activity that accompanied the Revolution. Grammar schools and academies tripled in number during the 1780s. Even night schools for adults and finishing schools for girls made an appearance. In some East Jersey communities, where the New England tradition of government-subsidized education was strong, the schools were public, but in most parts of the state they were private institutions financed by tuition and donations or operated by sectarian groups such as the Society of Friends. The College of New Jersey (now Princeton University) and Queen's College (now Rutgers University), which had maintained a tenuous existence during the war, flourished after peace once again made study and contemplation possible. The two institutions of higher learning not only provided most of the instructors for the lower schools but also set the tone for the entire educational process in the state. In appealing to the legislature to exempt college students from military service, "Cato" in the following essay voices the prevailing assumptions about the advantages to republican society of an educated citizenry. Indeed, the primary reason for the magnitude of the scholastic revival was political: only an informed citizen could effectively discharge the responsibilities of voting and officeholding and rise to the level of public consciousness and civic virtue necessary in a democratic republic. Predictably, in time one of the most important functions of schools in America came to be instruction in matters pertaining to citizenship.

[January 14, 1778]

Whoever considers the importance of education in a political light, will readily acknowledge it worthy the greatest encouragement from the public. The superior advantages derived to the community from men of letters, in the various offices of government, and especially in the character of legislators and magistrates, to what are to be expected from those who have neglected the cultivation of their minds, are too numerous to be recounted. Impressed with a deep sense of the happy effects of literature upon civil society, the wisest lawgivers have ever been studious to promote and encourage it. For this purpose, they have founded seminaries, endowed colleges, pensioned men of eminent erudition, and explored even foreign nations for the ablest professors in every science.

Of the advantages that have already redounded to this State from the college of New-Jersey, many of the gentlemen who have been there graduated, and since preferred to different offices, have afforded us abundant and striking proofs. We cannot, therefore, compare the late flourishing figure of that institution, (in which the means of education were perhaps not inferior to those in the most celebrated universities of Europe) with its present deplorable condition, without lamenting the change; and feeling ourselves deeply affected for the interests of posterity. Nor can it be expected, that parents will put their children to college, while they are subjected, in the course of their studies, to be called out in the militia; which not only endangers their morals, but must of necessity obstruct their progress in learning. And indeed to oblige matriculates to perform military duty, is a thing so unexampled, that there is perhaps not an instance of it in history. They are, I believe, universally excused from war; and for that reason not treated as men bearing arms, when their country is invaded by an enemy.

Considering, therefore, the unspeakable importance of a liberal education to civil society, the impossibility of obtaining it under its present embarrassments, and how highly it becomes the legislative body of a free people to encourage the liberal arts, (which naturally inspire the most exalted love of our country) and by that means nurture for the succeeding age, a race of sages and patriots to carry to full perfection, that illustrious fabric of liberty, the foundation of which has been laid by the present. — Considering these things, I say, I flatter myself that our superiors will not, for the comparatively trifling service which the Collegians are capable of rendering the public in the capacity of soldiers, continue the present embargo upon the seat of the muses; nor compel the arts and sciences, against which none ought to wage war, to war against any.[1] And should I be disappointed in my expectations, the disappointment will be greatly alleviated by the pleasing reflection of having discharged my duty, in endeavoring to encourage the advancement of learning; which, next to religion, deserves the most serious attention of the guardians of the people.

CATO[2]

1. On March 17, 1778, the Reverends John Witherspoon and Jacob Rutsen Hardenbergh, presidents of the College of New Jersey and Queen's College, sent separate appeals to the legislature requesting that college students and grammar school pupils be exempted from military service. The request was denied later that same day. *Votes and Proceedings, October 28, 1777-October 8, 1778* (Trenton, 1779), p. 82. But on December 10, 1778, a law was passed which exempted teachers and students from militia duty. "An Act for the Encouragement of Education," *Acts of the General Assembly of the State of New Jersey, November 20-December 12, 1778* (Trenton, 1779), Chap. XII.

2. Is "Cato" John Witherspoon? The writer was obviously intimately involved with the College of New Jersey and apparently acquainted with European universities (Witherspoon came to Princeton from the University of Edinburgh); moreover, Witherspoon did make a formal appeal to the legislature for student exemptions as noted above. Whoever the author might have been, it is uncertain whether he was seeking to identify himself with Marcus Porcius Cato (the Elder, 234-149 B. C.), Roman statesman and champion of republican ideals, or his great-grandson, Marcus Porcius Cato (the Younger, 95-46 B. C.), Roman Stoic philosopher and patriot whose deeds inspired later republicans.

4 "An Elector" Compares the British and American Systems of Government

[*New-Jersey Gazette*, March 4, 1778.]

Like virtually all English colonists, New Jersey residents prior to 1776 were firm believers in the principle of mixed government. They regarded the three basic forms of government—monarchy, aristocracy, and democracy—to be anathema in their pure states and favored a polity that incorporated the positive but not the negative attributes of each. It was felt that Great Britain had developed an ideal expression of mixed government by balancing the crown (monarchy) with the House of Lords (aristocracy) and the House of Commons (democracy). But the Revolution created a new model of government for Americans, a system of governance that required an entirely new way of thinking about the relationship between the people and their rulers. The operative principle of republicanism is popular sovereignty—the concept that all political authority derives ultimately from the populace at large and that all government officials, regardless of their method of election or appointment, are representatives of the people. As "An Elector" notes below, therein was the fundamental difference between the British and American systems of government.

[March 4, 1778]

Friendly HINTS to those in Authority.

As it is the honour, the highest honour, that can be confered upon mortals, to be the legislative Representatives of a free people, so it is the happiness and unalienable privilege of every constituent, to suggest to their consideration such things as tend to promote the interest of his country. Hints from the unskilful have often been improved by those of more inlarged understandings for the subserviency of the most important purposes. The desires of all in authority, whether legislative or executive, must be so perfectly interested in the public weal, that every suggestion to secure and advance the same, and to prevent or correct whatever may be detrimental hereto, will be received by them with the highest pleasure. My pen shall ever be guarded with propriety, decency and a proper respect to all in authority. But if any of my hints at any time seem unwise or unseasonable, let them be treated with that neglect which they deserve; if otherwise, I have the fullest confidence in the integrity, wisdom and zeal of those in authority, that they will apply and improve them for the public good.

As the highly respected Legislature of this State is now sitting, I shall address myself at present to you. . . .

Be entreated not to spend your important time in disputing the distinct privileges, or determining with mathematical exactness, the peculiar rights of each house. Altho' one house is called the Council and the other the General Assembly, yet it is not as formerly, the one appointed by the crown and the other by the people. We are no longer under the *British* constitution, which is neither *monarchy, aristocracy,* nor *democracy,* but an absurd collection of contradictory and jarring qualities from all three. In it the crown is ever endeavouring to make inroads on the rights of the people, and the people choose once in seven years, six or seven hundred men to limit its power and keep the prerogative within some bounds. So that the *British* constitution is founded in an eternal struggle or war between the rights of humanity, and the proud ambitious claims of a creature called a *king.* Perhaps this

influenced Mr. *Hobbes*,[1] a shrewd philosopher, an admirer of this strange constitution, and a great friend to *prerogative*, to fancy that "moral obligation was founded in contest or war." And the *English* now act in conformity to his philosophy and their own constitution, fully demonstrating by their sanguinary measures, that *right* is only to be determined by *might*. Nothing ever maintained peace in the *British* empire but foreign wars. If they were at peace with their neighbouring nations, they were always sure to be embroiled in a civil war at home. I defy any person to point out from the *English* history, their enjoying a peace with other nations of any considerable continuance, that was not interrupted with domestic discord, and the shedding of blood among themselves. Why should the *English* be more incident to quarrels than any other nation? The matter is easily accounted for. It arises from the very constitution of their government. It is founded in contention, and contention, war and bloodshed, have always proceeded from it, as streams from a fountain, and always will proceed from it as long as it exists. Therefore I congratulate you, O happy Americans, on your deliverance from so irrational, so ridiculous and so bloody a form of government! Our Legislators I hope will ever remember, that both houses are creatures of the people, and cannot possibly, virtue and honour being preserved, have jarring or different interests; wherefore all disputes between you about privilege and prerogative are mere *logomachics*. And I have too high an opinion of your honesty and understanding to indulge the disagreeable idea that you will at all waste your time about matters absolutely nugatory.

AN ELECTOR.

1. The famous English philosopher Thomas Hobbes (1588-1679), whose disgust at the disorder and violence that accompanied the Civil War and Commonwealth (1640s-1650s) led him to doubt man's capacity for self-government. His *Leviathan* (1651) established him as the premier advocate of governmental absolutism and the unlimited sovereignty of the state. It was he who penned the famous maxim that life in a state of nature—that is, without government—was "solitary, poor, nasty, brutish and short."

5 "Hortentius" [William Livingston] Satirizes the British Political System

[*New-Jersey Gazette*, September 9, 1778.]

In word and deed Governor William Livingston was the foremost republican in New Jersey during the revolutionary war. His official conduct and pronouncements personified the republican ideal, yet he felt restrained by the

circumstances of his high office from giving free vent to his thoughts on the issues and events of the day. Besides, he was a compulsive polemicist, having authored among other things the strident *Independent Reflector* essays during the King's College (now Columbia University) controversy in New York in the 1750s. Consequently, he took up the pen almost as soon as the state's first newspaper, founded largely because of his backing (see Doc. 1), commenced publication. From December 1777 to October 1778 Livingston published some ten essays and one poem in the *New-Jersey Gazette* under the pseudonym "Hortentius." The attempt at anonymity was unsuccessful (he took few pains to conceal his identity effectively), and it soon became common knowledge that the governor himself was the author of the popular satirical pieces. Despite the apparent success of the productions as political propaganda and instruction, some of the more staid members of the government disapproved of his writing what they considered to be undignified and crude polemics. That opposition was voiced openly during his contested reelection in October 1778; not coincidentally, "Hortentius" thereafter retired. The essay that follows is Livingston at his best: the use of hyperbole and humor to convey a serious message — in this case, fundamental differences between the British system of government and the new republican regime.

[September 9, 1778]

Sir,

Several essays have been published in your Gazette, and in other news-papers, calculated to prove the superior excellence of our independence to that of our subordination to Great-Britain. But as the lion told the man, who shewed him the statute of a human figure with that of a lion at his feet, "that men were the only statuaries; and that if *lions* understood the art of carving images, they would represent the man prostrate before the lion." So I may venture to say that all those essays are the compositions of warm *whigs*, who are intoxicated with the imaginary charms of democracy; and that were the *friends of government* to handle the subject, they could easily shew its superiority to all our present republican and levelling[1] systems. This talk I have undertaken in a firm reliance of being allowed that freedom of sentiment to which, according to our professed ideas of liberty, every man seems to be clearly entitled. I shall, therefore, without any apprehensions of exposing myself to a legal prosecution, and with the greatest decorum and impartiality, proceed to particularize some eminent advantages peculiar to the old government, of which we are most lamentably deprived by our independency and republicanism. . . .

Again, the Congress, notwithstanding our present exalted opinion of that respectable body, may in process of time, betray their trust, and sacrifice our liberties. But in this perfidious manner the House of Commons cannot serve their constituents, because the people selling their voices to the members on their election, the latter undoubtedly may, without the imputation of corruption, dispose of theirs to the ministry, to re-imburse themselves the expenditure; and the matter being thus understood by both parties, bribery in the representative cannot be considered as a violation of his duty. And as to their sacrificing the liberties of the people, it is manifest from the electors repeatedly chusing the most obsequious instruments of administration, that they really *intend* them to be thus obsequious; and that, saving

to themselves the precious privilege of calling their king a fool, and his mother a w--re,[2] (a privilege peculiar to Englishmen) the parliament may justly dispose of the remainder of their rights and liberties as they please. And indeed I cannot see how any people can have greater liberty than that of freely resigning all liberty whatsoever. It is therefore evident that the people of England can never be betrayed by parliament, nor wrongfully abridged of their liberty, except only by an express statute against libelling his majesty and his mother, (which, in consideration of the resignation aforesaid) is not like to be ever passed. We, on the contrary, shall have reason to complain of a breach of trust, whenever our delegates in congress act in derogation of our rights, or deviate how minutely soever from the path of rectitude and integrity; which, from the imperfections incident to human nature, are undoubtedly possible events.

That the vulgar[3] should be flattered by our muggletonian, tatterdemalion governments, is not to be wondered at, considering into what importance those whimsical raggamuffin constitutions have elevated the heretofore despicable and insignificant mobility.[4] But I am astonished that men of fashion and spirit should prefer our hotchpotch, oliverian,[5] oligargical anarchies, to the beautiful, the *constitutional,* the *jure divino,*[6] and the heaven-descended monarchy of Britain. For pray how are the *better sort* amidst our universal *levelism,* to get into offices? During the halcyon days of *royalty* and *loyalty,* if a gentleman was only blessed with a handsome wife or daughter, or would take the trouble of informing the ministry of the disaffection of the colonies, suggesting at the same time the most proper measures for reducing them to parliamentary submission, (the inexhaustible source of all peace and felicity) he was instantly rewarded with some lucrative appointment, his own disqualifications and the maledictions of the rabble notwithstanding.[7] But how is a gentleman of family, who is always entitled to a fortune, to be promoted to a post of profit, or station of eminence in these times of *unsubordination* and *fifth-monarchynism?*[8] Why, he must deport himself like a man of virtue and honor, (which abridges him of a thousand innocent liberties) and devote as much time to the discharge of his office as would in almost any other employment yield him ten times the amount of his emoluments. He must moreover pretend to be a patriot, and to love his country, when we know there are no such things in nature; and he must consequently be a hypocrite, and act under perpetual restraint, or he is detected and discarded with infamy. Besides, it is not only the smallness of our salaries, and the necessity of having an adequate degree of merit to get into office, (a condition never exacted by the generosity of monarchs) but the comparative scarcity of offices themselves, that must make every man of laudable ambition eternally regret our revolt from the *mother country:* For the present governments being manufactured by the populace, who have worked themselves into a persuasion of I know not what, of public weal and public virtue, and the interest of one's country, it has been ridiculously imagined that there ought to be no more offices in a state than are absolutely requisite for what these *deluded creatures* call the benefit of the commonwealth. Under the old constitution, on the contrary, whenever the crown was graciously disposed to oblige a gentleman, (and the royal coffers at the happy juncture of princely munificence happened to shew rather too much of their bottoms) and office was instantly *invented* for the purpose; and both land and water, earth and sea should be ransacked, but his majesty would create a *Surveyor of Woods* and a *Sounder of Coasts.* Thus every humble suitor who had a proper introduction

was always sure of being genteelly provided for, without either consulting a mob, or losing any time about the wild chimera of public utility.

The article of religion is another thing in which the British constitution has manifestly the advantage of ours. For notwithstanding our boasted generosity on that momentous subject, and all our pompous declarations of leaving every one at his option to chuse his own religion, our gentlemen of distinction are now obliged, in order to co-incide with the popular prejudice, to give some presumptive evidence of their being neither atheists nor deists. Whereas, in England, and indeed in America, before our unhappy defection, the belief in christianity as a qualifiction for any office was entirely out of the question; nor did any public personage, or gentleman of fashion, think himself under the least obligation to give any proof, even of his faith in the existence of a Deity, except only that of profanely swearing by his name. Nay, amidst all our parade of catholicism, it is well known that not a lady in the land, let her be as whiggish as the Congress itself, can now enjoy the liberty of conscience of wearing an innocent head-dress of three feet in altitude, without falling under the suspicion of being disaffected to independency, and perhaps exciting surmises still more indelicate and uncharitable. Nor can it be denied, that many *truly conscientious* persons have been roughly handled for only conveying intelligence to the British troops, and others for supplying them with a trifle of provisions, (according to scriptural precept of *feeding our enemies*) tho' they made the most solemn professions of their peaceable *neutrality*, and even of their friendly dispostion to the United States, which is beyond all question downright *persecution* for conscience sake.[9]

We have irretrievably lost, by our fatal revolt, another important advantage, I mean the late useful and uninterrupted influx of the English gallantry, and all the politeness of the Court of London. While we received our governors and other principal officers immediately from the fountain-head of high life and polish'd manners, it was impossible for us to degenerate into our primitive clownishness and rusticity. But these being now unfortunately excluded, we shall gradually reimmerse into plain hospitality, and downright honest sincerity; than which nothing can be more insipid to a man of breeding and *politesse*. Alas, how often shall we recal to mind those jovial and delicious hours, when our bucks experienced the inimitable *conviviality*, and our belles the not-to-be-told-of endearments of a *Dunmore*[10] and a *Sparks!*[11] And with respect to that unnecessary and *rebellious* innovation in the ancient and *constitutional* colour of the British military uniform, which Congress have wantonly transformed into all the multifarious discolorations of *Joseph's* coat;[12] I *pertest*, were I a woman, I should instantly turn *tory* in revenge of the dismal prospect of our not having, by next Christmas, a single *red-coat* on the continent.

Our printers, I am confident, will universally join me in my lamentation over our unfortunate secession. These gentlemen, in conformity to the principles of our civil establishments, (probably indeed coincident with their own, but that renders foreign restraints not the less arbitrary or irksome) are cruelly restricted to plain truth and decency; while their brother-craftsmen in the enemy's lines, with the whole typographical fraternity on the *constitutional* island,[13] are generously permitted to range uncontrolled thro' the boundless fields of imagination, and to exert all the powers of inventive genius in embellishing their publications with the *marvellous;* which has ever been deemed a capital beauty in composition, and affects the mind in

the most agreeable manner, by its unexpected surprize and novelty.

Thus have I endeavoured to point out the most essential defects of our republican government, and have, in my humble opinion, offered sufficient reasons to induce every dispassionate American to wish for a speedy reconciliation with the *parent state, consistent with that union of force, on which the safety of our common religion and liberty depends.*

I ought, however, candidly to acknowledge that many gentlemen are of opinion that we have gained one very material advantage over Great-Britain by our separation from her, I mean that no persons employed by the States are mistrusted for imitating her example in peculation, and defrauding their country in any the departments committed to their management, and that all continental property is husbanded with the greatest oeconomy; but this, without any predilection for Old England, I shrewdly suspect wants confirmation.

HORTENTIUS[14]

1. A reference to the Levelers, a radical group in Oliver Cromwell's army led by John Lilburne, who demanded the establishment of a democratic republic in England after the Civil War (1642-1646). In 1647 they issued an Agreement of the People which called for such liberal political reforms as universal manhood suffrage, representation by population (one man, one vote), biennial elections of parliament, absolute freedom of religion and conscience, equality before the law for all citizens, and exemption from involuntary military service. (Since they made no mention of the crown or the House of Lords, it was assumed those institutions were to be abolished and powers of governance vested exclusively in what was then known as the House of Commons.) In short, the Levelers advocated a written constitution that would embody the fundamental principle of popular sovereignty. Their proposals were rejected as too visionary in calling for a sharp break in the political traditions of the past and a "levelling" of English society.

2. An allusion to the unfounded rumors of an illicit relationship between George III's mother and his chief minister and confidant, John Stuart, the Earl of Bute.

3. The "vulgar" or "common" people.

4. A play on "mob" as nobility.

5. Oliver Cromwell, leader of the republican Commonwealth (1649-1660) established after the English Civil War (1642-1646); he later became a virtual military dictator as Lord Protector (1653-1658).

6. The divine right theory of kingship, advanced in the Old Testament and championed by James I of England (1603-1625), held that since God placed monarchs on their thrones they were answerable only to Him. In other words, the king was above earthly jurisdiction and could not be controlled by the courts, Parliament, or the people. However, in practice the theory had little impact on the development of the institution of monarchy or the authority of the crown in England.

7. A slap at the patronage practices prevalent in eighteenth-century

Britain, which rewarded individuals with political positions for reasons other than ability.

8. A reference to the Fifth Monarchy Men, a fanatic sect in England which, during the Commonwealth (1649-1660), claimed that the time of the "fifth monarchy"—when Christ would return to earth and reign for 1,000 years—was at hand and urged the people to help establish it by force.

9. A gibe at Quakers. See Sec. XI, Docs. 10 and 11.

10. John Murray, Earl of Dunmore, the last royal governor of Virginia, who in November 1775 offered freedom to slaves who joined the British in suppressing the rebellion. He is identified by Livingston in a footnote only as "Last royal Governor of Virginia."

11. At this point either the newspaper publisher or Livingston has made an error. The following is appended to the letter as a footnote: "A most accomplished royal governor in the West-Indies, who, by his peculiar tenderness for every thing in petticoats, whether *feme sole* or *feme covert,* occasioned a most *unnatural* conspiracy of a number of husbands and fathers, who rushed into his room and *traiterously* slew him upon the spot. An indignity to the regal appointment, which Great-Britain from her paternal *affection* for the *colonies, plantations and provinces,* was too indulgent to punish as a rebellion against the *supremacy of parliament."* No one by the name of Sparks ever served as governor in the British Empire in North America. The person in question is surely Daniel Parke, a native Virginian who was rewarded for service as colonel in the British army with the governorship of the Leeward Islands (Antigua, Montserrat, Nevis, and St. Christopher) in 1706. Although his morals were none too strict and he did seduce the wives and daughters of several prominent planters, Parke's great unpopularity stemmed from political and economic rather than sexual factors. After numerous attempts the islanders finally succeeded in having him recalled, but the stubborn magistrate refused to leave. When he used the army to break up a meeting of the Antigua assembly, the outraged legislators organized an armed insurrection. In December 1710 some 300 rebels stormed Parke's home in St. John, killing the governor and forty-four of his seventy guards. The angry rebels dragged the dying man from the house and brutally beat him in one of the most lurid murders in American colonial history. (The printer may have misread Livingston's terrible handwriting in printing "Sparks" instead of "Parke". The New Jersey executive's concise account of the sensational incident is apocryphal.)

12. The eleventh of Jacob's twelve sons. His multicolored cloak symbolized his favored status with his father. His jealous brothers sold him into Egypt, where he eventually became the redeemer of the Israelites. Gen. 37-50.

13. Manhattan Island, occupied by the British army from September 1776 to the end of the war.

14. Livingston may have had in mind Quintus Hortensius, who became a plebian dictator in 287 B. C., but more likely he was attempting to invoke the memory of Quintus Hortensius Hortalus (114-50 B. C.), an eminent orator who employed the then new florid and theatrical "Asian" rhetorical style.

6 John Cooper Advocates the Abolition of Slavery

[*New-Jersey Gazette*, September 20, 1780.]

Thoughtful Jerseymen were well aware of the contradiction between revolutionary rhetoric and social realities, especially the discrepancy between the equality proclaimed by the Declaration of Independence and the inequality of slavery. John Cooper (1729-1785) of Gloucester County is representative of the many men who opposed the institution of slavery for political as well as moral reasons. As a member of the Society of Friends, he was heir to traditional antipathy to human bondage. But having served on several local revolutionary committees, the Provincial Congress (1775-1776), the Continental Congress (1776), and the committee that drafted the state constitution of 1776, he was concerned that the existence of slavery would undermine both the quest for independence and the experiment in republicanism. Writing as a Quaker-Whig, Cooper delivers a stinging rebuke in the essay that follows to those who through acts of commission and omission sustained African slavery. Cooper was unique among New Jersey abolitionists in rejecting gradual manumission in favor of an immediate end to slavery.

[September 20, 1780]

Friends and Fellow-Citizens!

Whilst we are spilling our blood and exhausting our treasure in defence of our own liberty, it would not perhaps be amiss to turn our eyes towards those of our fellow-men who are now groaning in bondage under us. We say "all men are equally entitled to liberty and the pursuit of happiness;"[1] but are we willing to grant this liberty to all men? The sentiment no doubt is just as well as generous; and must ever be read to our praise, provided our actions correspond therewith. But if after we have made such a declaration to the world, we continue to hold our fellow creatures in slavery, our words must rise up in judgement against us, and by the breath of our own mouths we shall stand condemned.

The war has already been prolonged far beyond what we once thought the abilities of Britain would admit of; and how much longer it may please Providence to suffer it to rage, or what the final event of it may be, is to us altogether unknown. The children of Israel, we find, could not conquer their enemies whilst they, the Israelites, had "the accursed thing"[2] amongst them. And as tyranny is the accursed thing against which we have waged war, how can we hope to prevail against our enemies whilst we ourselves are tyrants, holding thousands of our fellow-creatures in slavery under us?

The Lord did not leave it a doubt with Joshua[3] what was the reason they could not succeed; he told him in plain terms the reason was because they had also transgressed his covenant — they had "the accursed thing" among them. And if the Lord is still the same God, deciding the controversies amongst men upon the same principles, then, although Britain may have transgressed his covenant[4] in endeavouring to enslave us, if we are not only also, but equally in the transgression,

by holding the Africans and their posterity in slavery, how can we expect he will decide in our favour, unless we recede from such our transgression? Unless we abolish tyranny, "the accursed thing," from amongst us, and do that justice to others which we ask of him for ourselves? Nay, how can we have the face even to ask of him a blessing on our endeavours, however laudable they may be, to defend ourselves against tyranny and oppression, whilst we are thus acting the part of tyrants and oppressors? Surely we ought rather to blush at our own conduct; — to acknowledge our own transgressions, and, before we presume to solicit a blessing, endeavour, if possible, to obtain forgiveness. Can we imagine our prayers to Almighty God will meet with his approbation, or in the least degree tend to procure us relief from the hand of oppression, whilst the groans of our slaves are continually ascending mingled with them? I fear, indeed, that not only our prayers, but our publick fastings, are an abomination in his sight, and will so remain until we have washed our hands from tyranny, and the voice of a slave is not to be heard in our land.

But let me beseech us not to deceive ourselves; should we undertake to abolish tyranny, and to put an end to that other accursed thing, the gain of oppression hitherto derived from our slaves, as Saul did when he undertook to destory Amalek.[5] It seems, from what he said to Samuel[6] on meeting with him soon afterwards, that he thought he had done all that was needful — that he had really fulfilled the will of the Lord. But alas! he was greatly deceived. For he had coveted, and the people had coveted, what they had no right to enjoy; and by yielding to this evil covetous spirit he drew down the vengeance of Heaven upon him, and his fairest hopes were blasted.

They could not, it seems, bear to give up all — the King and the best of the things they saved. And if we keep our present slaves in bondage, and only enact laws that their posterity shall be free, we save that part of our tyranny and gain of oppression, which to us, the present generation, is of the most value — is like the King, and the best of the sheep and the oxen; and however specious or plausible the preambles of those laws or our pretensions may be, we shall plainly tread in the footsteps of Saul; and I fear our reward, like his, will be the vengeance of Heaven, and the blasting of our fairest hopes. . . .

Let us, my countrymen, derive wisdom from those who have gone before us: Let the people and their rulers beware of an evil covetousness.

In our publick and most solemn declarations we say, we are resolved to die free; — that slavery is worse than death. He, therefore, who enslaves his fellow-creature must, in our esteem, be worse than he who takes his life; and yet, surprising as it may seem, we hold thousands of our fellow-men in slavery, and slumber on under the dreadful load of guilt—Worse than murderers and yet at ease! A melancholy reflection indeed, that habit should be capable of reconciling the human mind to the greatest of all crimes—of lulling it to rest in the practice of that which, ere long, must cause it to tremble before the great, the awful tribunal; where all deception will be done away, and our transgressions appear in their fullest magnitude and greatest deformity! . . .

If we are determined not to emancipate our slaves, but to hold them still in bondage, let us alter our language upon the subject of tyranny; let us no longer speak of it as a thing in its own nature detestable, because in so doing, as hath been observed, we shall condemn ourselves. But let us rather declare to the world, that tyranny is a thing we are not principled against, but that we are resolved not to be

slaves, because we ourselves mean to be tyrants. Such a declaration would certainly be more candid, or at least would better correspond with the conduct I have mentioned, than those we have usually made; though perhaps it might not be quite so pleasing, for justice is so lovely, and virtue so amiable, that we all love to be deemed their votaries, however estranged we may be from their ways.

Whatever colouring slavekeeping may receive from interested individuals who wish to keep it on foot, there is something in its nature so universally odious, that we meet with but few of the slavekeepers themselves that are willing to be thought tyrants; like unchaste women, they cannot bear to be deemed what they really are; for nothing is more clear, than that he who keeps a slave is a tyrant. Without tyranny, there can be no slavery in the sense here meant. And where slavekeeping is countenanced and upheld by any state or empire, the tyranny becomes national, and the iniquity also; and in such case a national scourage may very well be looked for. If, therefore, neither the love of justice, nor the feelings of humanity are sufficient to induce us to release our slaves from bondage, let the dread of divine retribution — of national calamities — induce us to do it.

I know it is not fashionable for those who write news-paper pieces to risk their names with the pieces they publish; but I shall venture to deviate from the custom in this particular case, because however unpopular it may be, I have a desire to appear one of the testimony bearers against a practice so unjustifiable as slavekeeping is at all times and in all countries, but more especially in this at the present juncture.[7] I have endeavoured to express my ideas in as few words as possible; and as the piece is short, so when fully and impartially considered, I hope it will prove offensive to no individual.[8]

JOHN COOPER

1. Actually a paraphrase of the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

2. The greed and covetousness of the Israelites, symbolized by the Babylonian mantle, shekels of silver, and wedge of gold taken as booty by Achan. As long as Israel held these items, Jehovah withheld his support and thus caused the defeat of Israel at Ai. Josh. 7.

3. Son of Nun who replaced Moses as the leader of Israel. After Jehovah told Joshua that the Israelites had been defeated at the city of Ai because of the transgression mentioned above, Joshua sought out the culprit, destroyed him and his possessions, and then conquered Ai with the support of an avenged God. Josh. 1-7.

4. "As ye would that men should do to you, do ye also to them likewise." Luke 6:31. Cooper's footnote.

5. Saul, the first king of Israel, who led his people in wars of conquest against the rival Ammonites, Moabites, Philistines, and Amalekites. Although ordered by Jehovah to sack the city of Amalek and destroy the inhabitants and all their possessions, Saul, bowing to the wishes of his followers, spared King Agag and took fine livestock and goods as booty. Only inferior animals and unwanted commodities were destroyed. An angry Jehovah subsequently

rejected Saul for disobeying his commandment. 1 Sam. 11-15.

6. The prophet Samuel, who anointed Saul as king and to whom Saul related his disobedience of God's instruction at Amalek. 1 Sam. 15.

7. Cooper's candor did not diminish his popularity in Gloucester County, for he was elected to the Legislative Council in October 1780. True to his convictions, he requested permission on December 30 to introduce a bill entitled "An Act to abolish Slavery throughout this State." Permission was denied by a vote of 6-4. The councilors were no more ready to discuss the volatile issue than were the members of the lower house (see Doc. 10, note 5). *Journal of the Proceedings of the Legislative Council of the State of New Jersey, October 24, 1780-January 9, 1781* (Trenton, 1781), p. 57.

8. An essay challenging Cooper's view appeared in the *Gazette* two weeks later and touched off a lengthy pro- and antiabolition debate in the press. See Doc. 8.

7 "A Freeman" on the Electoral Process as a Safeguard of Liberty

[*New-Jersey Gazette*, October 4, 1780.]

The electoral process was the dynamic element in the operation of republican government. It was through popular elections that the people made their will known and either sustained or removed their representatives. In recognition of this cardinal principle, the state constitution of 1776 (see Sec. VII, Doc. 6) provided for both maximum opportunity for the citizenry to participate in the political process and maximum accountability on the part of elected officials. Annual elections were deemed central to the working of the new political order and were included with trial by jury and freedom of religion as the three rights which could never be denied by the government. Important offices that had been appointive during the colonial period (most notably councilmen, sheriffs, and coroners) were now made elective; even though most government officers were chosen in joint session of the council and assembly (the most important of which were the governor, judges of the supreme court and court of common pleas, attorney general, secretary of state, state treasurer, and justices of the peace), the people had indirect control over those posts in that they elected the legislators. Suffrage was widespread, being granted to anyone who had attained the legal age of twenty-one, had resided in a county for at least one year, and possessed personal property worth a minimum of £ 50 proclamation (a modest sum rendered almost meaningless by inflation). Since there were no franchise restrictions based on sex or race, women and blacks voted in New Jersey until prohibited by law in 1807. The right to vote and

stand for election carried considerable responsibilities, because only men of virtue could be entrusted with the power of governance in a republic. And because there were neither political parties nor elaborate campaigns—both being considered antithetical to the republican ideal—elections turned on the character of the individual candidate. The essay that follows illustrates how carefully citizens scrutinized the activities of their elected representatives and how seriously they regarded annual elections as the best means of preserving their liberties.

[October 4, 1780]

To the FREEMEN of the State of New Jersey,

Human wisdom perhaps cannot form a constitution of government *more perfect* than that which we are so happy as to enjoy. The will of the *governed* is the *will* of *themselves*, expressed by their representatives, annually and freely chosen. In this consists the very *essence* of LIBERTY.

But it is in vain to hope for the enjoyment of this constitution *longer* than the pulse of freedom beats in the *commonalty* of the *people*. The moment *they* sink into luxury and sloth, venality and corruption, that moment the goodly fabrick of FREEDOM which they erected, falls; and perhaps buries every particle of *liberty* in its *ruins*. . . .

The excellence of the British constitution hath been celebrated, not only by Britons, but by foreigners. And it must be confessed it hath much intrinsic value, and as a *monarchical* government, it is allowed to be equal, if not superior, to any in the world. We, however, feel *no* emotions of *envy* towards it; we wish *not* a *kingly* government, though in its most *perfect form*. Such an humiliating system may be well adapted to the genius, prejudices, and characters of *Englishmen*, but would be very opposite to that noble pride, and amiable simplicity, which distinguishes *Americans*. . . .

Our constitution guards the life, liberty, and property of the subject, by the *trial* of a *jury* of his *peers*.

It is said that at the last session of the legislature an attempt was made to pass a bill, constituting a body of five members, to sit during the recess of the assembly; and this board was to be invested with power, merely on the *suspicion* of disaffectation to government, to banish any, and by consequence, every freeman of the state to the enemy, with whom he was to continue, or not return without legal permission on pain of death.

It is scarce credible that any of the guardians of our liberty could so soon have mistaken or forgotten its principles, and been unmindful of their trust. And for their honour, as well as that of the state, I hope I am misinformed in this particular; but I am apprehensive there is too much reason to believe it is founded on fact. The minutes of the assembly, however, will testify in this case, and, if as it is represented, I am charitably inclined to attribute the conduct of the abettors of the bill rather to *inattention* than *evil design;* that they have been governed in this instance by ignorance, mistaken zeal, or influenced by the sophistical reasoning of some wicked individual. The plea of NECESSITY has in it a *quality* extremely *pleasing* to TYRANTS, and when uttered by the tongue of *apparent patriotism*, a sound which charms the ear of many men of integrity.

But no cry of *necessity* can justify an act of treason or guilt; no fear of danger can excuse the commission of evil; no exigency of a state can acquit a subversion of its LIBERTIES by those who have sworn to maintain them. Should the plea of necessity be admitted, there would be an end to freedom, and no potentate, however tyrannical or unconstitutional his acts, could be deposed, or arraigned at the bar of justice.

For the *preservation* of liberty, it is necessary that those delegated to protect it should not only be acquainted with its *principles*, and be possessed or *probity*, but also of *strength* to repel the attacks of its *foes*, of *wisdom* to discard and confute the arguments of *subtlety* or *error*, when employed for its destruction.

It would afford an unhappy patient, in the agonies of death, no consolation to inform him that the fatal potion which occasioned his dissolution was ministered by inattention or ignorance, and not by wickedness. The effect to him would be the same; and it must add to his unhappiness to reflect that he hath lost his life by *thoughtlessly* entrusting it with a person of negligence or unskillfulness in his profession.

That the *life* and *vigor* of our *body politick* may be *preserved*, it concerns us to be extremely *attentive* to *whose care* we *entrust* it.

The preceding observations will tend to assist us in our judgment, at the ensuing election, of the ability of those who shall offer themselves for this trust.

Yearly, at least, wisdom calls upon us to *advert* to the *original state* of *floridity* and *health* of *this body*, and to *compare* it with its *present appearance*, and if we perceive its constitution *impaired*, as its malady can only be attributed to a defect of conduct in those to whose management it was committed, we should *immediately* employ that most *sovereign remedy* within our power, — *a change of our servants*.

A FREEMAN.

8 "A Whig" Opposes the Manumission of Slaves

[*New-Jersey Gazette*, October 4, 1780.]

As opponents of slavery stepped up their campaign to eradicate the evils of human bondage, they encountered increased resistance from those who feared the possible negative repercussions of abolition on society. Admitting the ideological and moral arguments against slavery, most of those who opposed antislavery activities based their opposition on pragmatic considerations. Abolition (destruction of the institution of slavery) or manumission (liberation of individual slaves) would create dissension and unrest at a time when unity was required to achieve independence. The servile labor force on the home front had to be continued while freemen were off doing battle with the British. Slaves were property and could not be taken from their owners without compensation.

Blacks were not prepared for freedom and would become a burden to society. Africans were better off as slaves than many poor whites were as free citizens. Attacks on the institution of slavery by northern states would alienate the southern states and thus undermine national solidarity. And underlying every argument was the apprehension, if not fear, of what might result if 12 percent of the New Jersey population who were members of the Negro race became first class citizens in a previously white-dominated society. It was these practical considerations that prompted "A Whig," himself no defender of slavery, to take up the pen to counter what he considered to be the impractical, even visionary, objectives of the abolitionists.

[October 4, 1780]

Mr. Collins,[1]

To think what we please and to speak what we think, is an essential right of a freeman; and as it is the privilege, so it is the duty of every honest man in this land of liberty to examine all questions of a public nature, touching the welfare and happiness of the government under which he lives. In this light we may view a late publication in your paper, signed with the name of the author, on the subject of manumitting slaves.[2] The gentleman's design reaches farther, and appears to be more comprehensively beneficial to this class of men[3] than the late law in Pennsylvania,[4] but how far it may be consistent with *sound policy*, and the present situation of our affairs, will, in my poor opinion, bear some discussion. In this view I mean chiefly to take up the argument; in the course of which I shall address my reasonings to him as an inhabitant of this state, and a citizen of the United States in general.

The knowledge of human nature is a science at once the most useful and difficult, as it is that which must help us to direct and adopt the spirit of the laws by which men are to be governed. A strict moralist may lay down rules for the conduct of human life, and flatter himself into a belief that because they are the most just they are practicable; but in most cases an attempt of this nature would only serve to convince him of his errors, and the futility of his opinion. The business of the closet is one thing, that of persuading or convincing mankind very different. . . .

I hope no one will do me the injustice to think I am an advocate for slavery; my design in what I have as yet said is only to shew the fancifulness and enthusiastick turn of the argument made use of in the performance in question, which seems calculated rather to work on the imaginations than the good sense and sound judgment of the public, whilst other obvious reasons of irrefragable force with respect to the justice of the measure might have been substituted in their place.

I think, though it may be right and highly praiseworthy to set free the children of slaves to be born after a certain time, there are many weighty reasons of policy against freeing the present race of slaves at this crisis.

1. That at this time when many parts of the state in the neighbourhood of the enemy are laid waste and rendered desolate by the ravages of that army, and many families driven from their lands depend in a great measure on the labour of their slaves for a livelihood, it would be unreasonable to deprive them of their only support.

2. That as all slaves are in reality as much the property of their masters as the

gold and silver for which they were bought, or may be sold, according to every idea of law and custom prevailing among us, they cannot be deprived of them without being paid the value, which will be a new and heavy tax upon the publick.

3. That there will be a considerable number of superannuated, diseased, and vagabond slaves, to be maintained at the publick cost, which will also be a heavy tax.

4. That the quantity of labour will be considerably lessened at a time when every nerve should be strained to furnish money and supplies for the maintenance of the army, on which our own liberty and property depends.

5. Because they are unfit for good commonwealth's men from their having all the habits of servitude deep rooted in their minds.

6. Because they are treated with a humanity unknown in other parts of the world, and are better off than the generality of white poor, who are obliged, those who have families, from their necessities to work harder than the slaves in general in this state.

But what shall we say when we consider the writer as a *citizen of the United States,* to the interest of all which some attention and duty are owing. What will an inhabitant of Georgia or the Carolinas think of these examples in the more northern parts of the American Republick at this distressing and critical time, when his very existence as a man, and that of his family and friends, depends on the obedience of the slaves, who are so much more numerous than the white inhabitants? The evils consequent upon so large a body of slaves, idle, ignorant, and helpless as they are in those countries, being liberated, or even possessed of the spirit of disobedience, would now be irremediable. Will the people of those states, deprived of the labour of their slaves, be able to furnish their respective quotas of the taxes towards sinking the present money, and the farther important purposes of carrying on the war? I cannot but imagine that if the writer were now in this predicament struggling with losses and misfortunes, the actual suffering of which would add a poignancy and weight to reasons of policy, he would find them operate in such manner as to induce him to change his opinion, which, if it becomes a measure of government, will, in my opinion, be attended with consequences pernicious if not fatal to the common cause.

I have heard within these few days that there is a probability of the law in Pennsylvania, for freeing the children of the present generation of slaves, being altered, if not repealed, on the ground of inexpediency.

A WHIG

1. Isaac Collins, publisher of the *Gazette*.

2. The essay by John Cooper which appeared in the September 20, 1780, issue of the paper (see Doc. 6).

3. Slaves.

4. Pennsylvania became the first state to provide for the abolition of slavery when its legislature passed an "Act for the gradual Abolition of Slavery" on March 1, 1780. The statute stipulated that children born in the state after March 1 were to be free citizens except that those born of slave women were to be servants until age twenty-eight.

9 "A Friend to Justice" Supports the Manumission of Slaves

[*New-Jersey Gazette*, November 8, 1780.]

In challenging the arguments of "A Whig" (see Doc. 8), "A Friend to Justice" in the essay that follows went beyond most critics in his attack upon slavery. There was nothing unusual in his belief that personal liberty was an inviolable right belonging to all people, in the notion that bondage was antithetical to the republican social ideal and contrary to the spirit of the Declaration of Independence, or in the nature of the specific arguments used to confute the contentions of "A Whig." But he broke new ground in suggesting that the thoughts and feelings of slaves were of prime importance. There was something tragic about the propensity for white Jerseymen to discuss the merits and demerits of various abolition proposals almost exclusively within the context of the impact such action would have on white society. And the tragedy continued, for in every instance, whether at the state or national level, slavery was abolished in the United States on terms that best met the needs and interests of freemen rather than those of the men and women who languished in slavery.

[November 8, 1780]

Mr. Collins,[1]

In your paper, No. 145, I find a piece in vindication of slave-holding, and consequently of tyranny and oppression, signed A WHIG. I am sorry to see the name whig so shamefully prostituted, as no doubt it is, by being affixed to so ill-meant a performance. Indeed the author's assuming so respectable a character, puts me in mind of the story of the apples and horse-turd (pardon the expression), when floating down stream they happened to drift near to each other: The latter, you know, assumed an air of equality, and accosted the former by calling out, "we apples;" and I verily think might with as much propriety assume the character of that delicious fruit, as the author of the piece I have mentioned, could take upon him the character or title of a whig. A whig, Sir, abhors the very idea of slavery, let the colour or complexion of a slave be what it may. He is a friend to liberty, and a supporter of the rights of mankind universally, without any regard to partial interests or selfish views. Every pulse of his heart, beats for liberty — and for general, not partial liberty. He therefore who pretends to be a whig, and yet, under any pretence whatsoever, would hold numbers of his fellow-men in slavery, denying them those rights which, in his own case, he deems essential to happiness, must be a dangerous impostor, unworthy the confidence of his fellow-citizens, and should never, in any case, be trusted with power. . . .

The gentleman very gravely tells us, "He hopes no one will do him the injustice to think him an advocate for slavery;" and yet at the same time declares himself utterly opposed to setting our present slaves free. What he means by this kind of jargon, I am rather at a loss to conjecture; unless it is, that the next generation shall

have his consent to abolish slavery, provided he and his partners in tyranny may have liberty to hold their slaves like their other cattle, and enjoy the profits of their labour during their time.

He goes on however and tells us, "That at this time when many parts of the state in the neighbourhood of the enemy are laid waste and rendered desolate by the ravages of that army, and many families driven from their lands depend in a great measure on the labour of their slaves for a livelihood, it would be unreasonable to deprive them of their only support." That is, in other words, it would be unreasonable to deprive them of that means of support which in reality they never had the least right to enjoy. As well might I say, if I had taken forcible possession of my neighbour's horse seven years ago, and detained him unjustly in my service ever since, that it would be unreasonable at this time to oblige me to deliver him up to his right owner, seeing horses are now so very scarce and dear, that it must put me to great difficulty and expence to supply his place.

In the next place our author affirms, with a degree of boldness peculiar to men deficient in reasoning, "That all slaves are in reality as much the property of their masters as the gold and silver for which they were bought;" and therefore concludes, that if they are set free their masters must be paid their value. Here, the reader will observe, that the master's right to the value is grounded on his right to and property in the person of his slave; and as this right is only ascertained by the gentleman's own assertion, we may perhaps very justly question its existence. If he who first stole or captivated my slave, when in his own country, did not by that wicked act of violence acquire a right to his person, which I suppose no one will presume to say he did, then how came he by that right? By what fuure means could he possibly obtain it? If he never did obtain it, then neither could he convey it to another; and every person claiming under him must have been, and still remain, as destitute of right as was he himself; and of course very little if any less criminal. And indeed in either case the degree of guilt must be almost beyond conception. For if he who steals another man's ox or horse is worthy of death, what must he be who steals or takes by force the man himself, and then holds him and his posterity as his property, to toil for him like oxen and horses?

If the masters of such slaves as were imported into this country never had a right to or property in them, 'tis plain that they could have no right to or property in their offspring as slaves; and then as the whole business of slave-holding must have been without right, and an abominable scene of tyranny and oppression; so the plea of right to restitution, in case they are set free, necessarily falls to the ground.

As to our author's idea of the masters of slaves being vested with a right to them by the laws of the land, it seems to have no other foundation than mere ignorance. It is utterly repugnant to the very nature and spirit of the common law; and no such right has ever yet been attempted to be created or established in this state, either by statute or act of assembly. And indeed if it had, the validity of a law for such a purpose might very justly perhaps be called in question, as being repugnant to the laws of God and nature.

If there is such a thing as a right to restitution in case our slaves are set free, it appears to me to be in favour of the slaves themselves; they seem to have an equitable claim upon their masters for at least the clear profits of all their past labour. And were they to receive this, it would not only tend to set them on foot in the world, but to encourage them to future exertions in order to acquire more property, and

become useful members of society. The old and decrepit too might in this way, upon the plainest principles of justice, be furnished in most cases with an ample support. So far therefore from proving burdensome or injurious to the community would the emancipating of those unhappy people be likely to prove, that it would most probably, in its present and remote consequences, prove highly beneficial to the state at large.

Indeed, if they are to be free at all, justice to ourselves as well as to them, seems now to call for their emancipation; in order that they may engage in the service of their country, and assist in defending those rights, which, as freemen they will be entitled to enjoy. Why, let me ask, should they thus be kept from the dangers of the field, when we ourselves are so daily exposed? What can induce us to be so very frugal of their blood, and at the same time so lavish with our own? If they are to partake of the benefits resulting from the war, let them also pay their proportion of the price. Why should our blood ransome both them and us? Why should it alone stain the fields of our affliction, and as it were manure the ground, in order to raise vines and fig-trees for them to sit under?

Our author's last objection against freeing our slaves is, "because they are treated with a humanity unknown to other parts of the world, and are better off than the generality of the white poor, who are obliged, those who have families, from their necessities to work harder than the slaves in general in this state." This objection however must really appear laughable when we view it as having fallen from the pen of a gentleman who has just told us, as mentioned above, that he "hopes no one will do him the injustice to think him an advocate for slavery." He is not willing it seems to be thought an advocate for slavery, and yet is opposed to setting our negroes free so long as they are well used. According to this doctrine, we must commence devils towards our slave in order that it may become our duty to do them justice. They can never hope for freedom whilst they feel themselves kindly treated. And does the gentleman really imagine that such a change in our conduct would afford them a promising prospect? Could they possibly view it as a prelude to their wished for deliverance?

In short the writer, if we may judge from his own reasoning, seems to be but very little acquainted with the most noble and lovely feelings of the human heart. In his opinion, it seems, our slaves may rest contented in their servile state, provided they are not obliged to work harder than some of their neighbouring whites. He appears to have no idea of the intolerable mortification that must incessantly arise from being wholly subservient to the will of another — from being a mere machine in his hands, utterly deprived of the greatest of all human enjoyments, the privilege of judging for himself, and of acting pursuant to his own judgment. When in reality, compared with this, the greatest afflictions that can be supposed to result from hard labour or poor fare, would scarcely be thought worthy the attention of a great and generous mind.

The man who only abhors tyranny when it points at himself, is altogether unworthy the esteem of the virtuous; and can never, until he becomes a new creature, merit the confidence of a free people. A good man loves liberty, because liberty tends to render mankind happy; and the more general it is, the more he feels himself pleased; — he even participates in the felicity of those who enjoy it, and fancies all their happiness his own. The love of liberty is indeed a god-like virtue — it pervades the whole world, and delights in the joy of all.

But to conclude; we may expect that our negro-masters in general, like drowning men, will catch at every twig, at every shadow, to prolong, if possible, their reign over their black subjects. And in this point of light we may view those, who, ashamed to object generally against emancipating our slaves, have recourse to the plea of its being at present inexpedient. A wretched plea indeed! How can it be inexpedient to embrace the earliest opportunity to do justice? We have heretofore thrown the blame of the slave-trade, and our holding our negroes in bondage, upon the King and Parliament of Great-Britain.[2] But this pretext will serve us no longer. We are now at liberty to do them justice — to do to them as we would they should do to us were we in their situation. And if we withhold from them this justice, not only the stigma, but the iniquity must forever rest upon our own heads.

If our author has anything further to say upon the above subject, let him give us his name, or be treated with silent contempt; let him come forth from his lurking hole that we may be able to judge of the colour of his skin — that every true whig may have the pleasure of pointing at him when-ever he sees him pass, and of saying, There goes the wretch, who, even in this land of liberty, has the effrontery to vindicate tyranny.

A FRIEND TO JUSTICE.

1. Isaac Collins, publisher of the *Gazette*.
2. On several occasions in the eighteenth century the British government disallowed colonial laws which would have abolished the international traffic in slaves in America. Thomas Jefferson tried in vain to insert a paragraph in the Declaration of Independence blaming George III for the slave trade. In truth the argument is specious: regardless of the laws on the books, Americans were not forced to import or purchase black Africans and enslave them.

10 "Homo Sum" Advocates Gradual Emancipation Rather than Immediate Abolition

[*New-Jersey Gazette,* March 21, 1781.]

Even among the most vigorous opponents of slavery, only a few dared propose an immediate abolition of the iniquitous institution (see Doc. 6). Most favored a gradualist approach to black liberation. However, many citizens believed otherwise and thus opposed the antislavery movement because of the dire consequences that would supposedly result if the 10-12 percent of the population in slavery were suddenly given their freedom (see Doc. 8). In the essay below, "Homo Sum" sought to allay such apprehensions by assuring the public that those who had recently petitioned the legislature to abolish slavery

desired gradual emancipation rather than outright abolition. His reassurances were to little effect, for the legislature did not seriously debate the issue for years to come and did not enact an abolition law until 1804. Apparently freedom was not a pressing matter to those who were already free citizens.

[March 21, 1781]

Mr. Printer,

I observed some time ago two pieces in your paper concerning the freedom of Negroes, tending to discourage a proposed law for their manumission. The first fully admits the injustice of slavery; the second admits it too, but with some reluctance, (as I have not the papers by me, I write, under correction, by memory) and hints that the iniquity is so very old, and very common, that in short it is *almost* no iniquity at all. Both however heartily concur in opinion, that a law for that purpose would be highly inexpedient at the present time.[1] As all their arguments are founded on a supposition that a total and immediate abolition of slavery is intended; should the fact appear to be quite otherwise, their reasonings will lose all their weight, and of course ought likewise to lose their effect. I had the honour to sign a petition, as did most of my neighbours, to the Legislature for the freedom of the Negroes; and I can assure those gentlemen, that an immediate and indiscriminate liberation was neither expressed in, nor intended by the petition; and we fully confided, as we ought to do, in the wisdom of that Honourable Body, that they would enact a law upon similar principles with the one then in force in the neighbouring state of Pennsylvania.[2] We wished indeed it might retrospect as far as the Declaration of Independence, that we might convince the world in general, and even our enemies, that it was not a partial, interested freedom we meant to assert and maintain, but that as soon as we had cast off for ever our shackles and pressures, which had too long borne down and obscured every generous motive of action, and found ourselves free to act agreeable to the dignity of human nature, our conduct should declare that we considered liberty as inherent and unalienable; and as far as our influence should extend, we would communicate it to *all* our fellow men. The freedom of those unhappy black people, induced in so very gradual a manner as it is in Pennsylvania, must remove every reasonable apprehension of danger to the state, or private loss to individuals. But should some inconveniences and embarrassments arise to the public, it is no more than we have a right to expect, as a punishment for our past oppression of them. The danger we have been in of losing our *own* liberty, may be a wise dispensation of Providence to awaken in us a juster sense of *theirs*. The national calamity of war, we cannot doubt, is sent as a punishment for national sins; because only in this life can states and kingdoms be punished: And it behooves us seriously to consider whether the just and merciful maker and father of all mankind is not now contending with us for the insult offered to his image and the workmanship of his hands, in depriving our fellow men of that liberty with which Christ has made them free, and insolently and impiously arrogating this privilege, as peculiar to ourselves alone, for no better reason but because our skins are white, when it has pleased the all-wise God to make the greater part of mankind of a different complexion.

As to the loss of private property upon this plan — to every good man it must appear very inconsiderable. But were it even greater than proposed, the heartfelt satisfaction and inward peace which are evermore the concomitants of conscious

rectitude and justice, and the approving and *prospering* smiles of that God who alone *giveth increase*, will finally much better supply deficiencies than all the sneaking carnal prudence and interested wisdom in the world. The just man's children, says the good man when old, I never saw beg their bread. But, say these writers, like Felix[3] of old, *at a more convenient season* we will *hear you*. According to the forementioned plan, four or five and twenty long years must elapse before it has any effect, and as much more before it has a general effect; therefore there is not a moment to be lost in beginning it. Let us only place ourselves in *their* situation; or let but a good man and a conscientious patriot who finds himself wrong, and in spite of a supposed interest, wishes to be right, consider his *own* situation, and he would without hesitation pronounce—NOW IS THE TIME. Tolerando miseris succurrere disco, — by suffering myself I learn to succour the miserable, — was a Latin maxim I got by heart when a boy at school, but I never felt the force of it so sensibly as since the present troubles of my country began. I am an old man, and have had Negroes ever since I had property of my own, (it is true I treated them with humanity and kindness, as is generally the case in this part of the world) yet I never doubted they were chattel property as much as my horses and cattle, till my neighbour called upon me with the petition, of which the enclosed is a copy. The proposal at that time was entirely new to me; and interest condemned it before I heard it read. In obedience to the first mercenary impulse I declined signing it, with the most plausible evasion I could find, to save my credit; I avoided as much as possible talking upon the subject then, yet I could not get rid of the impression it made, and in a round-about manner (I acknowledge it with shame) I procured a copy, which I perused with leisure and seriousness; the result was, I cheerfully signed the petition soon after, and as I am informed it has been presented some considerable time ago to the Legislature, I presume, Mr. Printer, there would be no impropriety in printing it; perhaps it may carry the same conviction with it to others that it did to me: For I am convinced it is from want of thought and consideration alone that good men can oppose the measure.

However, the publication of that, or the scrawl that incloses it, is submitted to your better discretion. Happen as it may, I shall rest the better contented for having made an honest well meant attempt, altho' it should be judged an improper one.

HOMO SUM[4]

The following is a Copy of the above mentioned Petition.[5]

To the Honourable the Representatives of the Freemen of the state of New-Jersey
in Legislative-Council and General Assembly convened.

The Petition of sundry Freeholders and Inhabitants of the county of —

Humbly sheweth,

That your petitioners, inspired by that love of liberty which dilates and purifies the heart, and is abhorrent of slavery where-ever it is found, beg leave humbly to represent the distress they feel for their fellow men amongst them, doomed to hereditary and perpetual bondage.

Your petitioners are humbly of opinion, that the God of human nature, however he, in his wisdom, may think proper to diversify his own image in external appearance, yet whenever he breathes into it the rational and ever living soul, he likewise bestows every thing that is essential to the dignity of man; — the blessing of

reason would otherwise be its curse. But should the conduct of sovereign wisdom be in any instance inexplicable to us, he has laid down a rule directory of our conduct; of perpetual obligation; too plain to be doubted; too positive to be evaded; — *To do to others as we would they should do unto us.*

That, in a political view, there appears an inconsistency between our principles of liberty and our conduct in this particular: And that Providence, who protects the inhabitants of the world, and hath hitherto, by its manifest interposition, supported us under pressures that otherwise might have sunk us into the depths of slavery, may still longer delay the completion of our hopes, however happy our prospects, while we thus contravene his benevolent purposes to mankind in general: For with little propriety can we expect or ask for those blessings for ourselves, which, though able, we are unwilling to bestow on others.

That we feel a degree of mortification that the state of New-Jersey, which has ever distinguished itself amongst the foremost in the union, for its animated exertions in favor of freedom, should be preceded by any other state in acts of liberality and disinterestedness; at the same time that we venerate the justice and magnanimity of the state of Pennsylvania in this instance.

That your petitioners are fully assured that arguments in favour of liberty are unncessary with the *free* Representatives of a *free* People; and therefore beg you to consider, what we have said as an apology for the urgency with which we would press, and the earnestness with which we expect the total abolition of slavery amongst us: In such manner as you in your wisdom shall think most consistent with the safety of the state, and the happiness of those who are to be emancipated by it: That from the influence of your example, the mild sunshine of freedom may pervade and illumine every part of the continent, and brighten and animate every countenance of every different shade of complexion.

And your Petitioners shall continue to pray.

1. It is not known which specific essays the author has in mind, but inexpediency was an argument raised by "A Whig" (see Doc. 8).

2. The Pennsylvania abolition law of March 1780. See Doc. 8, note 4.

3. Roman governor of Judea (52-60 A.D.) under whose administration Paul was imprisoned for his religious teachings. Felix kept Paul in prison for two years hoping that he would buy his freedom.

4. Literally, I am a man; figuratively, a member of the human race.

5. Neither the date nor the origin of the petition is known. However, it was probably one of three memorials (one from Hunterdon and two from Morris County) presented to the assembly on September 18, 1780, "praying that a Law may be passed for the Abolition of Slavery." Because of the impending general elections, the petitions were referred to the next legislature. Sentiment in the new house was decidedly antagonistic to abolition. The legislators agreed by the narrowest of margins, 14-13, with Speaker Josiah Hornblower of Essex casting the tie-breaking vote, to the usually perfunctory second reading of the petitions. Then, one week later, upon a motion by Benjamin Van Cleve of Hunterdon with a second from Edward Bunn of Somerset, both of whom were opposed to abolition, the assemblymen voted by the overwhelming margin of 20-8 to file the petitions. There the matter ended; the representatives of the people were

unwilling even to debate the momentous question of slavery versus freedom. *Votes and Proceedings, September 13-October 7, 1780* (Trenton, 1780), p. 262; Ibid., *November 4-November 10, 1780,* pp. 20-21; Ibid., *November 11-November 17, 1780,* p. 27.

11 The Reverend John Witherspoon on the Relationship Between Religion and Civil Society

[*Works of John Witherspoon,* 5:264-70.]

The revolutionary war had a deleterious effect upon the state of religion in New Jersey. Rival armies destroyed or severely damaged many churches by utilizing the commodious structures as hospitals, stables, or barracks. Clerics and communicants alike neglected or abandoned theological activities to attend to the more immediate problems of the world. And the righteous, crusade-like atmosphere that prevailed in 1775-1776, along with the so-called "Puritan ethic" that had steeled the citizenry for the austerity and self-sacrifice of the pre-revolutionary protest movement, gave way during the war to a general moral laxity marked by corruption, extravagance, acquisitiveness, and debauchery. After the war the churches were rebuilt and the spirit of religion once again moved men. But the postwar religious revival was as much political as it was spiritual. Whatever their sectarian differences, Jerseymen shared the belief that morality and virtue were essential in a republican society. To men like the Reverend John Witherspoon, the church was the institution best able to counter the current licentiousness and promote the kind of conduct and thinking that would lead to the salvation of the experiment in independence and self-government. In a thanksgiving sermon occasioned by the signing of the Treaty of Paris ending the war, the Presbyterian clergyman and college president eloquently described the secular function of religion in the new republic.

[April 1783]

. . . . it is our duty to testify our gratitude to God, by usefulness in our several stations; or in other words, by a concern for the glory of God, the public interest of religion, and the good of others. This is the duty of every person, even of the lowest station, at all times. Even the meanest and most unconnected hath still some small bounds within which his influence and example may be useful. But it is especially the duty of those who are distinguished from others by their talents, by their station, or by office and authority. I shall at present consider it chiefly as the duty of two sorts of persons, ministers and magistrates, those who have the direction of religious societies, and those who are vested with civil authority. As to the first of these, they

are under the strongest obligations to holiness and usefulness in their own lives, and diligence in doing good to others. The world expects it from them, and demands it of them. . . . I hope none here will deny, that the manners of the people in general are of the utmost moment to the stability of any civil society. When the body of a people are altogether corrupt in their manners, the government is ripe for dissolution. Good laws may hold the rotten bark some longer together, but in a little time all laws must give way to the tide of popular opinion, and be laid prostrate under universal practice. Hence it clearly follows, that the teachers and rulers of every religious denomination are bound mutually to each other, and to the whole society, to watch over the manners of their several members.

Those who are vested with civil authority ought also, with much care, to promote religion and good morals among all under their government. If we give credit to the holy Scriptures, he that ruleth must be just, ruling in the fear of God. It is a truth of no little importance to us in our present situation, not only that the manners of a people are of consequence to the stability of every civil society, but that they are of much more consequence to free states, than to those of a different kind. In many of these last, a principle of honour, and the subordination of ranks, with the vigour of despotic authority, supply the place of virtue, by restraining irregularities and producing public order. But in free states, where the body of the people have the supreme power properly in their own hands, and must be ultimately resorted to on all great matters, if there be a general corruption of manners, there can be nothing but confusion. So true is this, that civil liberty cannot be long preserved without virtue. A monarchy may subsist for ages, and be better or worse under a good or bad prince; but a republic once equally poised, must either preserve its virtue or lose its liberty, and by some tumultuous revolution, either return to its first principles, or assume a more unhappy form.

From this results a double duty, that of the people themselves, who have the appointment of rulers, and that of their representatives, who are intrusted with the exercise of this delegated authority. Those who wish well to the State, ought to chuse to places of trust, men of inward principle, justified by exemplary conversation. Is it reasonable to expect wisdom from the ignorant, fidelity from the profligage, assiduity and application to public business from men of a dissipated life? Is it reasonable to commit the management of public revenue, to one who hath wasted his own patrimony? Those, therefore, who pay no regard to religion and sobriety in the persons whom they send to the legislature of any state, are guilty of the greatest absurdity, and will soon pay dear for their folly. Let a man's zeal, profession, or even principles as to political measures, be what they will, if he is without personal integrity and private virtue as a man, he is not to be trusted. I think we have had some instances of men who have roared for liberty in taverns, and were most noisy in public meetings, who yet have turned traitors in a little time. Suffer me on this subject to make another remark. I have not yet heard of any Christian State in which there were not laws against immorality. But with what judgment will they be made, or with what vigour will they be executed, by those who are profane and immoral in their own practice? Let me suppose a magistrate on the bench of justice administering an oath to a witness, or passing sentence of death on a criminal, and putting him in mind of a judgment to come: With what propriety, dignity, or force, can any of these be done by one who is known to be a blasphemer or an infidel, by whom in his convivial hours every thing that is serious and sacred is treated with scorn?

But if the people in general ought to have regard to the moral character of those whom they invest with authority, either in the legislative, executive, or judicial branches, such as are so promoted may perceive what is, and will be expected from them. They are under the strongest obligations to do their utmost to promote religion, sobriety, industry, and every social virtue, among those who are committed to their care. If you ask me, what are the means which civil rulers are bound to use for attaining these ends, further than the impartial support and faithful guardianship of the rights of conscience? I answer that example itself is none of the least. Those who are in high station and authority, are exposed to continual observation, and therefore their example is both better seen, and hath greater influence than that of persons of inferior rank. I hope it will be no offence in speaking to a Christian assembly, if I say that reverence for the name of God, a punctual attendance on the public and private duties of religion, as well as sobriety and purity of conversation, are especially incumbent on those who are honoured with places of power and trust.

But I cannot content myself with this. It is certainly the official duty of magistrates to be "a terror to evil doers, and a praise to them that do well." That society will suffer greatly, in which there is no care taken to restrain open vice by exemplary punishment. It is often to be remarked, in some of the corrupt governments of Europe, that whatever strictness may be used, or even impartiality in rendering justice between man and man, yet there is a total and absolute relaxation as to what is chiefly and immediately a contempt of God. Perhaps a small trespass of a poor man on property, shall be pursued by a vindictive party, or punished by a tyrannical judge with the utmost severity, when all the laws against swearing, Sabbath breaking, lewdness, drunkenness and riot, shall be a dead letter, and more trampled upon by the judges themselves, than by the people who are to be judged. Those magistrates who would have their authority both respected and useful, should begin at the source, and reform or restrain that impiety towards God, which is the true and proper cause of every disorder among men. O the short-sightedness of human wisdom, to hope to prevent the effect, and yet nourish the cause! Whence come dishonesty and petty thefts? I say, from idleness, Sabbath-breaking, and uninstructed families. Whence come deceits of greater magnitude, and debts unpaid? from sloth, luxury, and extravagance. Whence come violence, hatred and strife? from drunkenness, rioting, lewdness, and blasphemy. It is common to say of a dissolute liver, that he does harm to none but himself; than which I think there is not a greater falsehood that ever obtained credit in a deceived world. Drunkards, swearers, profane and lascivious jesters, and the whole tribe of those who do harm to none but themselves, are the pests of society, the corrupters of the youth, and, in my opinion, for the risk of infection, thieves and robbers are less dangerous companions.

Upon the whole, my brethren, after we have contended in arms for liberty from foreign domination, let us guard against using our liberty as a cloke for licentiousness, and thus poisoning the blessing after we have attained it. Let us endeavour to bring into, and keep in credit and reputation, every thing that may serve to give vigour to an equal republican constitution. Let us cherish a love of piety, order, industry, frugality. Let us check every disposition to luxury, effeminacy, and the pleasures of a dissipated life. Let us in public measures put honour upon modesty and self-denial, which is the index of real merit. And in our families let us do the best by religious instruction, to sow the seeds which may bear fruit in the next generation. We are one of the body of confederated States. For many reasons I shall

avoid making any comparisons at present, but may venture to predict, that whatsoever State among us shall continue to make piety and virtue the standard of public honour, will enjoy the greatest inward peace, the greatest national happiness, and in every outward conflict will discover the greatest constitutional strength.

12 Governor William Livingston on the Republican Challenge

[*Votes and Proceedings, May 15-June 19, 1783* (Trenton, 1783). pp. 94-95.]

The War for Independence was not the American Revolution. As the fighting stopped and peace returned to the state, thoughtful Jerseymen took stock of what had been achieved and what lay ahead. They realized that theirs was a bold, even audacious, undertaking. Never before had man attempted to establish a democratic republic based upon popular sovereignty. After a long and bloody war, independence had been achieved; only time would tell if the experiment in republicanism would be transitory or permanent. Many serious problems faced the new nation and its member states. But its ultimate fate would depend upon the ability of the people to measure up to the republican ideal of civic virtue. In the brief message to the General Assembly reprinted below, Governor William Livingston warned the solons of the public faith that must be observed if the prophecy of self-government was to become a reality.

Burlington, May 19, 1783

Gentlemen,

Providence having been pleased to terminate the late War in a Manner so honourable and advantageous to America, I most heartily congratulate you on the auspicious Event; but let us not flatter ourselves that because the War is over, our Difficulties are at an End. The Advantages to be expected from the Establishment of our Independence, will greatly depend upon our publick Measures, and a Conduct suitable to so important a Blessing. Perhaps at no particular Moment during our whole Conflict with Great-Britain has there been a greater Necessity than at the present Juncture of Unanimity, Vigilence and Exertion. The Glory we have acquired in the War will be resounded through the Universe. God forbid that we should ever tarnish its Lustre by an unworthy Conduct in Times of Peace. We have established our Character as a brave People, and exhibited to the World the most incontestible Proofs that we are determined to sacrifice both Life and Fortune in Defence of our Liberties. Heaven has crowned our victorious and heroic Struggles with the most signal Success; and our military Exploits have astonished the World. Let us now shew ourselves worthy of the inestimable Blessings of Freedom by an inflexible

Attachment to publick Faith and national Honour. Let us establish our Character as a Sovereign State on the only durable Basis of impartial and universal Justice; for whatever plausible Sophistry the artful may contrive, or the avaricious be ready from self-interested Motives to adopt, we may depend upon it, that the Observation of the wise Man will, through all Ages, be found an uncontrovertible Truth, that *Righteousness exalteth a Nation, but that Sin* (of which Injustice is one of the most aggravated) *is the Reproach of any People*. . . .

WIL. LIVINGSTON

13 Ashbel Green, Sr., to Ashbel Green, Jr.

[Joseph H. Jones, ed., *The Life of Ashbel Green, V.D.M.* (New York, 1849), pp. 37-43.]

While the immediate consequence of the revolutionary war was American independence, the long-range outcome of the Revolution itself was profound political, social, and economic change in American society. Ashbel Green, Sr., (1762-1848) was one of the few Jerseymen who lived to record and reflect upon the impact of the Revolution on American ideals, institutions, and practices. As the son of an ardent Whig, the Reverend Jacob Green of Hanover in Morris County, young Ashbel experienced firsthand the events leading to the break with Great Britain in 1774-1776; like many other teenaged boys, he saw militia service during the war. He later made significant contributions to the new nation as one of the foremost theologians and educators of the times. A member of the College of New Jersey class of 1783 (later Princeton University), he served his alma mater as tutor (1783-1785), professor of mathematics and natural philosophy (1785-1787), founder of the Presbyterian Seminary (1811), and president (1812-1822). Universally acknowledged as the dean of American Presbyterianism at the time of his death, he was for many years the minister of the Second Presbyterian Church in Philadephia and from 1792 to 1800 was chaplain of the Congress of the United States. In the following letter to his youngest son, Ashbel, Jr., the elder Green comments on some of the more pronounced developments that had occurred during his lifetime. It is a very personal observation, one that reflects his special interests and biases. Others of his contemporaries might well have discussed such things as the advent of universal white adult male suffrage; the rise of political parties; the political and social ascendancy of the "common man" symbolized by the election of a folk hero president, Andrew Jackson, ("Old Hickory"); the development of manufacturing capabilities that heralded an industrial revolution; the creation of a cultural identity through art and literature devoted to American subjects; the development of a national consciousness through the formation of historical

societies and the publication of American histories; or the onset of a nationwide reform movement in the 1820s and 1830s that encompassed everything from the abolition of slavery and the establishment of women's rights to temperance movements and communitarian experiments. But whatever the specific content of any reminiscence, the message would inevitably be the same: in large measure because of the Revolution, the Americans of 1840 lived in a world vastly different from that inhabited by their forebears in 1776.

June 26, 1840

My Dear A.

At the commencement of the controversy with Great Britain, which resulted in our national independence, our whole country exhibited a simplicity and plainness of manners and habit of living, exceedingly different from those which we now witness. In this respect, indeed, a difference, and a wide one, was then palpable between the Eastern[1] and Southern Provinces; so that it was among the peculiarities of the revolution, as has been often remarked, that a heterogeneous population was on a sudden so pervaded by an all-controlling spirit of liberty, as to forget all other distinctions, and become a homogeneous mass. Climate, of course, produced some dissimilarity between the more northern and southern colonies; but it was mainly attributable to two other causes — slavery and the inequality of landed property.[2] Slavery, indeed, then existed in all the provinces;[3] but in the east, the number of slaves was not great, and their condition was a mild servitude; the master often working, and sometimes eating at the same table with his slave. In the south, slaves were then, as they are now, multitudinous, and in a very degraded situation — considerably more so, I think, than they are at present. In both cases, the quantity of landed property originally held by Europeans and their descendants, had great influence in giving character to the whole population. In the eastern and middle colonies, the cultivators of the soil generally owned but small plantations; so that a farmer seldom needed more than from two to five or six slaves, and of course, he could treat them with a lenity and an approximation to equality, not practicable if the number had been much greater. In the south, on the contrary, large tracts of land were often the property of a single individual, requiring many hands for their cultivation; and this, with the nature of the climate, led to the purchase of numerous slaves — in some instances, to the amount of hundreds — and rendered it wholly impracticable to treat them as was done in the more northern colonies. These circumstances, to say nothing of an aristocratic spirit, and an aversion to Puritanism and Presbyterianism, gave complexion to the state of society in the south, very dissimilar to that of the other provinces. Yet throughout the whole country, the habits and manners of the people, and the style of living, were greatly different from what they now are; not rude, (at least I will not so characterize them,) but far more plain and simple. At that time there were but few taverns. In no part of the country were they numerous, or well kept; and in the south, they hardly had an existence. Southern gentlemen expected to entertain strangers at their own dwellings; and were sometimes desirous to detain them even longer than was convenient to their guests, for the sake of their company and conversation. Hence, southern hospitality became proverbial. In New Jersey, New York, and all New England, it is hardly too much to say, that every clergyman's house was a clergyman's tavern. A travelling brother,

without the scrape of a pen, or any knowledge of his person or his name, as an introduction, claimed a brother clergyman's house for his own accommodation, and the keeping and care of his horse, with as much freedom, and as little ceremony, as if the kindred in question had been natural and not ecclesiastical.

Dr. Young,[4] who lived to be an octogenarian, exclaimed — "At the age of fourscore, where is the world into which we were born?" referring to the death of coevals and rising up of a new generation. But if this was proper and pithy in the capitol of Britain, with how much greater propriety and emphasis may it be uttered by an inhabitant of the United States, at the age contemplated? Not only will he have survived the most of his contemporaries, and seen them succeeded by a new race, but the whole face of nature and of society will have been changed during his lifetime. I can remember the time when there were dense forests where there are now fertile fields; and when agriculture in the whole United States, did not furnish an Irish potato which would now be thought tolerable. Cities and towns, within the scope of my recollection, have sprung into being, in number and beauty, and with a rapidity, of which the world does not afford another example. Cincinnati, and all the other towns, in what are now called the Western States, and, indeed, the States themselves, had no existence in the days of my youth.[5] I well remember that it was at college, about the twentieth year of my age, that I first heard of a fertile region of country, called Kentucky. You know, I suppose, that the capitol of this State received its name in honour of the Lexington in Massachusetts, where British troops were first resisted by arms.[6] Pittsburgh, at this time, was just coming into notice, and Baltimore was yet quite a small town. Philadelphia was scarcely a third as large as it now is. The extension of New York city has been still greater; and what is now called Western New York, was then literally a howling wilderness. Boston has been greatly enlarged; and the towns of the eastern States generally, as well as those in the south, have, many of them, come into existence; and those which before had being, have been much beautified, and in every way received great improvements.[7]

As to canals, steamboats, railroads and cars, every body knows that they are things of yesterday's production.[8] Even turnpike roads did not exist in our country till long after a period to which I can look back. There was something that was called a turnpike road, although it little deserved the name, across Horse Neck, in the state of New York, in 1790. The first good turnpike was that between Philadelphia and Lancaster.[9] A great clamor was raised against this by some of the German population of Pennsylvania; and several owners of farms opened their fields adjoining the turnpike gates, to let all who were so disposed pass without paying toll. Experience, however, soon not only reconciled the Germans and other opposers of the turnpike to this improvement, but made them its ardent friends, and prepared them to be advocates for other meliorations.

Before our revolutionary war, there were no more than seven colleges, or institutions authorised to confer degrees in the arts, in the whole of British America. These were Harvard, in Massachusetts; Yale, in Connecticut; King's College, now Columbia, in New York; Nassau Hall, at Princeton; and Queen's College, now Rutgers, at Brunswick, in New Jersey; a college and charity school, since grown into the University of Pennsylvania, in Philadelphia; and William and Mary's College, in Virginia.[10] The number at present is six or seven-fold more numerous—far more so than is really advantageous to the cause of sound science. Academies and common schools have multiplied in like proportion, and are not obnoxious to the like censures.

XIII THE SPIRIT OF '76

I will just set down, as they occur to me, some of the most important scientific discoveries or improvements, which have been made during the period to which my memory extends. I thus notice, the planet Georgium Sidus, or Herschell; and the four smaller planets, Ceres, Pallas, Juno and Vesta, denominated asteroids, by Dr. Herschell,[11] and several satellites of the larger planets; nearly the whole of what is called modern chemistry; the application of steam to the useful arts. The great power of steam had been long known, but its application (particularly after Watt's famous discovery or invention,)[12] to engines, mills and boats, and a variety of other purposes, is comparatively of recent date. To these I only add ballooning, vaccination, and the life-boat. This enumeration, I am well aware, is very far from being complete, and I with design omit all military improvements, or facilities for the destruction of human life.

But I must say a word or two about banks. Before our Revolution there was no bank in the British colonies, and probably no thought of ever creating one. The first that was established was the bank of North America, in Philadelphia; which was formed on the suggestion of Robert Morris, to aid his operations for sustaining the credit of our country, when the old continental paper money was becoming extinct.[13] It was some years, perhaps eight or ten, before there was another bank in the United States.[14] Who can ascertain the number which now exist?[15]

Thus, my son, I have adverted to some of the mutations and improvements which have come into existence, since I was a boy of the age of ten years. You may live to see others as numerous and as great. Would to God that our progress hitherto had been only in that which is good, that we had not changed for the worse in the desecration of the Christian Sabbath, in open blasphemy, infidelity and atheism; in duels, murders, and assassinations; and in that insatiable cupidity of wealth, which has produced our present financial embarrassments. May a merciful God turn us from our evil ways, that his displeasure may not rest upon us. May his providential corrections, in tornadoes, inundations, floods, and numerous and extensive conflagrations, be sanctified to us all, lest still greater and more general calamities come upon us.

Affectionately adieu,

1. That is, the New England states.

2. By 1840 it was clear that slavery was the single most divisive issue in America. The long-standing controversy over the fate of the peculiar institution became perceptibly more heated in the 1830s with the appearance of William Lloyd Garrison's antislavery newspaper, *The Liberator* (1831); the outbreak of Nat Turner's slave insurrection (1831); the Virginia Convention (1831-1832), which defeated emancipation proposals and led to the institution of stricter slave codes in the South; the creation of the American Antislavery Society (1833); the adoption of the "gag rule" which prevented debate on slavery in Congress (1836); the formation of the antislavery Liberty Party (1839); and increases in mob violence, propagandistic publication, and flight from bondage by slaves.

3. Despite the emancipation law of 1804, there were still slaves in New Jersey in 1840. For the slavery debate in the state during the Revolution, see Docs. 6, 8-10.

4. Edward Young (1683-1765), English poet, playwright, and satirist, whose most famous production is "The Complaint; or Night Thoughts on Life, Death, and Immortality", written in nine installments from 1742 to 1745. The quotation is from the poem "Resignation."

5. Westward expansion, one of the most significant developments of post-revolutionary America, was set in motion when the United States acquired the territory east of the Mississippi River from Britain through the Treaty of Paris of 1783. The United States added some 828,000 square miles between the Mississippi and the Rocky Mountains through the Louisiana Purchase from France in 1803, annexed West Florida in 1810, and wrested East Florida from Spain through the Adams-Onis Treaty of 1819. By 1840 thirteen new states, extending as far west as Missouri, had been added to the union, and Americans were on the verge of making the great treks west across the plains and deserts to California, Oregon, and Washington.

6. Frankfort replaced Lexington as the capital of Kentucky in 1792.

7. The United States experienced a population boom from 1790 to 1840, increasing in inhabitants from 3,929,000 to 17,120,000; during the same period the population of New Jersey nearly doubled from 184,139 in 1790 to 373,306 in 1840.

8. Territorial expansion was accompanied by a transportation revolution. From 1790 to 1820 numerous improved highways, or turnpikes, were built connecting the mid-Atlantic states with the Ohio Valley. From the 1820s to the 1840s the emphasis shifted to the construction of canals, the most famous being the Erie Canal, completed in 1825. The Morris Canal connecting New York Harbor and the Lehigh River was built across New Jersey during the years 1824-1832; the Delaware and Raritan Canal between Bordentown and New Brunswick was built between 1830 and 1834. Robert Fulton's round-trip voyage aboard the *Clermont* from New York City to Albany in 1807 inaugurated the era of steamboat navigation. But by the late 1820s Americans were looking to the railroad as the source of fast, efficient, economical, and dependable transportation. The thirty miles of track in 1830 had increased to 3,000 by 1840; the boom in rail construction would gather momentum throughout the remainder of the nineteenth century.

9. The Philadelphia-Lancaster Turnpike was begun in 1790 and completed in 1794.

10. Actually, there were nine colonial colleges. Green neglected to mention Rhode Island College (later Brown University), chartered in 1764, and Dartmouth College, established in 1770.

11. Sir William Herschel (1738-1822), famous German-born English astronomer.

12. In 1769 the Scottish inventor James Watt patented the steam engine, a device that gave an important impetus to the Industrial Revolution in England.

13. The Congress named Robert Morris of Philadelphia to the post of Superintendent of Finance in February 1781 and in December of that year chartered the Bank of North America, a private commercial bank.

14. The First Bank of the United States, with its main office in Philadelphia and eight branches in major commerical centers, began operations in 1791 as a fiscal agent for the federal government. The operation came to an end when the Congress failed to recharter the bank in 1811.

15. When President Andrew Jackson allowed the Second Bank of the United States (chartered in 1816) to expire in 1836, the states issued charters to local banks in unprecedented numbers. The fate of the Bank of the United States and the state banks was a primary political-economic issue of the "Age of Jackson."

Index

The index to a work of this kind must be regarded as supplementary and subsidiary to the descriptive Table of Contents, which, by arranging the material topically and chronologically, constitutes a guide to the broad topics included in the volume. It would be impractical and unnecessary to index oft-repeated concepts (e.g., republicanism) and subjects (e.g., Loyalism); hence, the index is comprised mainly of references to persons, places, and events. Passing references have not been indexed; it is not expected that readers will seek monographic information in a book as selective as a documentary history. Non-Jersey place-names and British and American military units have been omitted as well, because the book is intended as a reference work only on New Jersey in the Revolution.

Abercromby, Robert, 305
Abrahams (New York merchant), 54
"A British Officer" [pseud.], 313-14
Acquackanonk (Achquakanung), 96-97
Adams, John, 81-82, 317
Adams, Samuel, 185
"A Freeholder of Essex" [pseud.], 102-4
"A Freeman" [pseud.], 440-42
"A Friend to Justice" [pseud.], 445-48
A Friendly Address to all Reasonable Americans . . ., 98, 237
"A Jersey Farmer" [pseud.], 114-15, 143, 145-47
"A Lady in New Jersey" [pseud.], 350
Alexander, Sarah Livingston (Lady Stirling), 264, 349
Alexander, William (Lord Stirling), 165, 203, 264, 308-9, 311, 331-32, 344, 355, 358
Ali, Hyder, 316
Allen, Capt., 100
Allen, John, 374-75
Allinson, Samuel, 216-17, 384; biographical sketch of, 40; on political neutrality, 379-84; on slavery, 87-89
"A Lawyer" [pseud.], 14-16
"A Lover of Liberty" [pseud.], 24-27
"A Mechanic" [pseud.], 239-42
American Prohibitory Act, 182-83
Amwell, 375
An Appeal to the Public in behalf of the Church of England in America, 134, 237
Anderson, John, 260
Anderson, Kenneth, 260
Anderson, Thomas, Jr., 158-59
Anderson, Mrs. Thomas, 349
"An Elector" [pseud.], 429-31
Anne, queen of England, 175
Applegate (New York merchant), 54
Armstrong, John, 321
Arnold, Benedict, 269-70, 351-52
Articles of Confederation, 402-4; New Jersey reaction to, 407-16, 418-19
Asia (British warship), 238, 355, 358
"A True Patriot" [pseud.], 418-19
Augustus, William (Duke of Cumberland), 31
Aul, William, 101
"A. W. Farmer" (pseud. of Samuel Seabury), 99
"A Whig" [pseud.], 442-45
Ayres, Jonathan, 101

Baird, Benjamin, 355, 358
Baldwin, Daniel, 297

Baldwin, Nathan, 296
Barber, Francis, 219, 350-52
Barber, Mary Ogden, 351-52
Barnet, William, 98
Barre, Isaac, 103-4
Barton, Joseph, 221
Basking Ridge, 302
Batton, Thomas, 304
Bayard, William, 10
Beach, Ezekiel, 170
Beach, Josiah, 297
Beach, Zophar, 297
Bear Tavern, 289
Beatty, Charles Clinton, 140-41, 327-29
Beatty, Elizabeth ("Cleona"), 140. *See* also Elizabeth Beatty Fithian
Beatty, Erkuries, 141, 327, 329
Beatty, John, 327-28
Beatty, Reading, 327-28
Beatty, William Pitt, 140
Beekman, Christopher, 318-19
Belcher, Jonathan, 299, 301
"Belinda" [pseud.], 340-41
Benward, Catherine, 313
Bergen County Association, 139
Bergen County Oath of Allegiance, 365-66
Bergen point, 355
Berger, Caspar (Casper), 355, 357
Berkeley, Lord John, 384
Bernard, Francis, 62-63
Berry, Mrs. (Col.), 349
Beulah, illegal unloading of, 127
Biddle (of Penn's Neck), 304
Birch, James, 258
Black, John, 56
Blackstone, William, 258-59
Blair, General. *See* Benjamin Baird
Blanchard, John, 98
Bleecker, Anthony Lispenard, 301
Bleecker, Mary, 300-1
Bloomfield, Joseph, 184-85
Bloomfield, Mrs. Joseph, 349
Bloomfield, Moses, 54
"B. N." [pseud.], 78-82
Board of Associated Loyalists, 393-94
Bogert (Bogart), Guisbert, 355, 357
Bonham, Jeremiah, 150
Bonnel, David, Sr., 322-24
Bonnel, William, 324
Boone, Thomas, 16
Borden, Joseph, Jr., 3
Borden, Mrs. Joseph, Jr., 349
Boston Committee of Correspondence, 66-69
Boston Massacre, 63-64
Boston Port Act, 65-66, 69-72; opposition to, 69-75, 76-78, 107, 121, 124, 240. *See* also Massachusetts Acts
Boston Tea Party, 65, 81, 132, 135, 240
Bott, William, 98
Bottle Hill, 300
Boudinot, Elias, 13, 72-73, 96, 98, 104, 413-15; biographical sketch of, 14, 132; on independence, 195-97; on moderation, 105, 132-34; on republicanism, 205-9, 219; on Stamp Act protest, 14-16
Boudinot, Elisha, 70, 72
Boudinot, Mrs. Elisha, 349
Boudinot, Hannah Stockton (Mrs. Elias), 14
Boundbrook (Bound Brook), 281, 334, 355
Boundbrook (Bound Brook), battle of, 356, 359
Bowen, Daniel, 101
Bowen, David, 101
Bowen, Mrs. Jonathan, 349
Brant, Joseph, 359
Bray, Andrew, 364
Bray, John, 364-65
Bray, Johny, 365
Bray, Thomas, 365
Brearley, David, 179
Brearley, Major David, 181
Brearley, Joseph, 179-81
Breese, Samuel, 147-49
Brick, Joshua, 101
Bridgeton (Bridge-Town), 101, 153, 163, 174, 225
Brook, Charles, 150
Brown, Elizabeth, 248
Brown, Thomas, 101
Brunswick. *See* New Brunswick
Bryant, William, 60
Buck, John, 101
Buck, Mrs. John, 349
Bullion's Tavern, 299, 335
Bunker Hill, battle of, 142, 146
Bunn, Edward, 451
Burke, Edmund, 103-4, 137-38
Burlington City, 29, 34, 243, 265
Burlington County petition to the legislature, 160-61
Burnet, Mrs. William, 349
Burnet, Mrs. William, Jr., 349
Bute, Earl of. *See* John Stuart
Butler, John, 359
Byllynge, Edward, 384

Cadwalader, John, 287-88
Cadwallader, Elizabeth, 349
Caesar, Claudius Nero, 227
Caesar, Julius, 206, 226, 227
"Caesariensis" [pseud.], 3, 10-12
Caldwell, Hannah Ogden, 312-14
Caldwell, James, 219, 224, 312
Calhoun, Alexander, 289, 291
Call, Richard, 388-89
Camden, Baron of. *See* Charles Pratt

Camp, Mrs. Caleb, 349
Campbell, John, 276, 278
Cape May petition to the governor, 377-79
Carey, John, 77, 278
Carkesse, Charles, 122, 124
Carleton, Sir Guy, 243, 273-74, 276, 278
Carlisle, Earl of. *See* Frederick Howard
Carlisle Peace Commission, 309, 341
Carmichael, Mrs. Alexander, 349
Carr, Anthony, 57-59
Carteret, Sir George, 384
"Cato" [pseud.], on liberal education, 427-29; on representatives, 425-27
Cayford, Richard, 153
"Cethegus" [pseud.], 57-59
Chamberlin, William, 60
Chandler, Thomas Bradbury, 78, 92, 98, 124, 133, 151, 200, 231-33, 242, 265; biographical sketch of, 134; flight into exile, 237-38; pamphlets of, 134, 237
Chapman, Jedidiah, 330, 332
Charles I, 121, 124, 175, 185, 208
Charles II, 121, 124, 208
Charleston, S. C., battle of, 260-63
Chase, Samuel, 413-14
Chatham, Earl of. *See* William Pitt
Chatham, 133, 300
Cheeseman, Jacob, 185
Cherry Valley Massacre, 357, 359
Chestnut Neck, raid on, 281
Chetwood, John, 72, 96, 98, 104
Chew, Benjamin, 374-75
Chew, Jonathan, 257-58
Chrystie, James, 353-54
"Cimon" [pseud.], 192-95
Clark, Abraham, 98, 201-2, 211, 218-19, 223-24, 415
Clark, Mrs. Elijah, 349
Clark, Robert, 304
Clark, Thomas, 294, 305
Clark, William, 293-95
Clarke, James, 305
Cleayton (Clayton), William, 377
Clinton, George, 264-65
Clinton, Sir Henry, 262, 273-74, 277-79, 306-7, 309-10, 314, 359-60, 393
Clunn, Joseph, 340
Coe, Benjamin, 297
Coercive Acts. *See* Massachusetts Acts
Coke, Daniel, 275
College of New Jersey (now Princeton University), 33, 52-53, 85, 100, 140, 196, 220, 333, 428, 458
Collin, Nicholas, 302-6
Collins, Isaac, 341-42, 423-25, 443-45
Committee of Fifty-one (New York City), 69
Committee of Nineteen (Philadelphia), 69
Committee on Sixty (New York City), 127
Common Sense, 168, 172, 192, 368
Communipaw, 355
Concessions and Agreements of the New Jersey Proprietors, 8, 24
Concord, battle of, 135, 138-39, 146
Condict, Jemima, 106, 134-35
Condict, Mrs. Silas, 349
Congress Canvassed, The, 99
Connecticut Courant, 27
Connecticut Farms, 300, 322, 390; battle of, 281, 309-11
Constitutional Courant, 3-4, 41
Continental Association, 89, 95-99, 104, 137
Continental Congress, First, 66-67, 78-85, 100, 114, 125, 142, 200; New Jersey delegates to, 76; New Jersey endorsement of, 105, 113-14, 129, 132; New Jersey opposition to, 91-95
Continental Congress, Second, 145, 156, 161, 173, 193, 195, 201; New Jersey delegates to, 161-63, 210-12; orders arrest of William Franklin, 209, 249
Conway, John, 153-55
Cook, Mrs. Ellis, 349
Cook, Paterson, 258
Cooke, Samuel, 238, 244-45
Cooper, David, 40
Cooper, John, 211, 437-40, 444
Cooper, Myles, 124, 200, 238
Cornwallis, Lord Charles, 262, 276, 278, 280-81, 287-88, 292, 306, 314-15, 317, 332
Cortlandt, Philip, 352-53
Coryell's ferry, 307
Covenhoven, Mrs. Peter, 349
Cox, Mrs. (Col.), 349
Cox, Mrs. Charles, 349
Cox, Jan, 304-5
Cox, John, 157
Cox, Mrs. John, 349
Cox, Lars, 305
Cox, Lawrence, 258
Coxe, Daniel, 5-7, 142, 151-52, 155, 165, 231, 284, 286-87
Coxe, William, 3, 10, 19
Cozens, Daniel, 306
Crane, Stephen, 68, 70, 72, 74-77, 96-98, 102, 113-14, 219
Crawfoot, Sarah, 248
Crisis, The, 368
Cromwell, Oliver, 208, 226-27, 320-21, 434-35
Cumberland County Committee, 100-2, 136-38, 153
Currency Act of 1764, 2, 33, 36, 38, 42

Dagworthy, Mary, 349
Dahlbo (Penn's Neck widow), 304
Daniel, Thomas, 101

Dartmouth, Earl of. *See* William Legge
Davenant, Charles, 37-38
Davis, James, 149-50
Davis, John, 356, 359
Day, Timothy, 96
Dayton, Elias, 218, 223
Dayton, Jonathan, 98, 350
"D. C." [pseud.], 125-27
Deare, Jonathan, 155
Deare, Mrs. Jonathan, 349
De Berdt, Dennys, 5, 21, 35
Declaration and Resolves of the First Continental Congress, 94
Declaration of Independence, 142, 202, 218-20, 225, 245, 254, 408-9, 411, 420, 422-23, 439, 448
Declaration of the Causes and Necessity of Taking Up Arms, 156
Declaratory Act, 4, 45-46, 76, 78, 200
De Hart, John, 72, 77-78, 96, 98, 102, 104, 113, 143, 161-63, 211
de Grasse, Comte. *See* Francois Joseph Paul
Delaware and Raritan Canal, 460
Demarest, David, 353
Demarest, John, 75
Dennis, Benjamin, 147
Dennis, John, 77
de Ramazay, Jean Roch, 123-24
Dericson, Jan, 304
de Vimeur, Jean Baptiste Donatien (Comte de Rochambeau), 315-16
Dey, Mrs. Richard, 349
Dey, Theunis, 75
Dey, Mrs. Theunis, 349
Dick, Mrs. Samuel, 349
Dickinson, Edmund, 308-9
Dickinson, John, 32, 41-42, 402
Dickinson, Philemon, 276, 278, 289, 291, 315-16, 335-36, 355-56, 358, 402
Dickinson, Mrs. Philemon, 349
Dilk[e]s, John, 258
Dilk[e]s, Joshua, 258
Dill, Joseph, 258
Dillwyn, George, 283, 286-87
Dillwyn , Sarah, 282, 286
Dillwyn, William, 284-85, 287
Drummond, Gavine, 150
Drummond, Jane, 248
Drummond, Robert, 231
du Motier, Marie Joseph Paul Yves Roch Gilbert (Marquis de Lafayette), 318-19
Dunlap's Pennsylvania Packet; or, the General Advertiser, 195, 197
Dunmore, Earl of. *See* John Murray
Duryea, John, 357, 360

East India Company (British), 65, 84-85, 122, 124
Eckley, Thomas, 133-34
Elizabethtown (Elizabeth Town), 19, 34, 38-40, 50, 96-97, 107, 297, 300-1, 310, 344, 355, 374, 390
Elizabethtown Association resolutions, 97-99
Elizabethtown Committee of Observation, 127
Elizabethtown point, 355
Ellis, Daniel, 75
Ellis, Joseph, 276, 278, 339-40
Ellis, Mrs. Joseph, 349
Ellsworth, John, 251
Elmer (Elmore), Daniel, 101
Elmer, Ebenezer, 183-85
Elmer, Jonathan, 135-38, 225-27, 411, 413-14
Elmer, Robert P., 138
Elmer, Mrs. Timothy, 349
Erskine, Mrs. Robert, 349
Erskine, Sir William, 297-98
"Essex" [pseud.], 125-27
Essex County committees of observation, 95-97, 102
Essex County grand jury, 89-91
Essex County petition to the legislature, 393-94, 399-401
Essex County protest resolves, 18-19, 50-52, 66, 69-72
Euclid, 136, 138
Ewing, James, 287-88
Ewing, Joshua, 101
Ewing, Maskell, Sr., 328-29
Ewing, Sarah Fithian, 329
Ewing, Thomas, 101-2, 153, 329
Exeter, 238

Faesch, Mrs. John Jacob, 349
Fauntleroy, Henry, 308-9
Fell, John, 416-18
Fell, Mrs. John, 349
Fennimore, Abraham, 258
Ferguson, Patrick, 261-62
Field, Robert, 56
Fifth Monarchy Men, 436
Fisher, Hendrick, 3, 68-69
Fithian, Elizabeth Beatty, 326
Fithian, Joel, 101
Fithian, Mrs. Joel, 349
Fithian, Philip Vickers, 102, 141, 163, 326-29
Fithian, Sarah. *See* Sarah Fithian Ewing
Ford, Jacob, 75
Forman (Foreman), David, 252-56, 270, 391
Forman, Mrs. David, 349
Forman, Mrs. Peter, 349
Forman, Samuel, 259
Forrest, Thomas, 289, 291
Fort Lee, 280, 354
Fort Mercer, 305-6

Fort Mifflin, 305-6
Fort Washington, 352-53
Foster, Ezekiel, 101
Fox, George, 383
Franklin, Benjamin, 10, 44, 117, 137-38, 249, 265, 317
Franklin, Elizabeth Downes (Mrs. William), 249-51
Franklin, John, 258
Franklin, William, 10, 39, 42, 61, 64, 73, 75, 105, 113, 117, 143, 157, 164, 202-3, 231, 275, 277-78, 393; arrest of, 155, 165, 172, 186, 201, 209-10, 232; imprisonment of, 249-51; on the development of revolution, 44-46, 99-100, 155-56; speech to the legislature opposing the Continental Congress, 109-11
Franklin, William Temple, 249
Freeman's Journal: or, the North-American Intelligencer, 320-21
Free Thoughts on the Proceedings of the Continental Congress, 99
Frelinghuysen, Frederick, 355-56, 358, 390-91, 417
French and Indian War (1754-1763), 1-3, 18, 33, 57, 59-62, 117, 119, 123-24, 146, 218
Fussman, Daniel, 258
Furman, Mrs. Moore, 349

Gadsden, Christopher, 16
Gage, Thomas, 95, 117, 119, 152
Galloway, Joseph, 41, 100, 160-61
Garrabrant, Mary, 248
Garrabrant, Sarah, 248
Gaspee, destruction of, 65, 120
Garritse (Gerritse), Henry, 72, 74-75, 96
Gates, Horatio, 314, 316
George II, 122, 124, 299
George III, attitudes toward rebellion, 106, 142, 167, 190; petitions to, 42-44, 117-20, 160-61; responsibility for revolution, 185, 227, 231, 239, 264-65, 271-72, 370, 372, 448
Gerard (Girard), Conrad, 413-14
German soldiers, 242, 244, 273, 283-84, 287-91, 300, 308-10, 337, 356-57
Gibbon, Grant, 77
Gibbon, John, 101
Glorious Revolution (1688-1689), 76, 78, 124, 137-38, 175
Gloucester County instructions to legislators, 46-47
Glover, John, 166-67, 288-89
Goddard, William, 41
Grant, James, 291
Great War for the Empire. *See* French and Indian War
Green, Ashbel, Jr., 456
Green, Ashbel, Sr., 456-61
Green, Enoch, 140
Green, Henry, 150
Green, Jacob, 212, 456
Greene, Christopher, 305
Greene, Nathanael, 288-90, 305-6, 310, 315-16, 318-19, 354
Greenwich (Cumberland County), 163; tea party in, 100-2
Greenwich (Sussex County), 158
Grenville, George, 2, 29-30, 33, 62-63
Greyhound, 101
Griggstown (Grigg's Town), 299, 355
Grumfield, Mary, 248
Guilford, Earl of. *See* Frederick North

Hackensack, 353
Hackett, Elizabeth Reading, 140-41
Hackett, John, 141
Haddonfield, 282, 339, 368
Halsey, Daniel, 98
Hammet, William, 258
Hampden, John, 185
Hampton, Jonathan, 98
Hancock, John, 219, 254, 374, 407, 416
Hancock's Bridge, skirmish at, 338
Hand, Edward, 289, 291, 295, 311, 330, 332
Hand, Elijah, 101, 337-39
Hand, Mrs. Jesse, 349
Hankinson, Kenneth, 259-60
Hanna, Mrs. (of Hunterdon County), 349
Hardenbergh, Jacob Rutsen, 356, 359, 429
Harris, Ephraim, 101
Harris, Mrs. Ephraim, 349
Harris, Thomas, 174
Harrison, Samuel, 47
Hart, John, 59-60, 201, 211, 412
Hart, Levy, 334
Hart, Moses, 60
Hartshorne, John, 148
Hatton (Halton), John, Jr., 120-24, 127, 306
Hatton, John, Sr., 121, 304-6
Hatton, Thomas, 120
Havens, Joseph, 158
Hayes, Thomas, 296
Hayes, William, 343
Hazard, Ebenezer, 298-302
Heard, Nathaniel, 209-10, 353
Heath (Continental army officer), 388
Heaton, Gideon, 101
Hedden, Joseph, Jr., 248-49
Hendrickson, Daniel, 147
Henry VII, 256
Henry VIII, 118, 120, 189-90
Henry, Patrick, 3, 87
Henricson (Swedesboro widow), 304
Herriman, William, 98
Herschel, Sir William, 459-60

Hetfield, Cornelius, 98
Hewlings, Thomas, 244-45
Hicks, Martha, 248
Hildreth, Mrs. Joseph, 349
Hill, Wills (Earl of Hillsborough), 44-46
Hillsborough, Earl of. *See* Wills Hill
Hinchman, John, 46, 48, 68-69, 231
Hoagland, Mrs. Oakey, 349
Hobbes, Thomas, 431
Hoffman, Alida Livingston, 264
Holmes, Abijah, 101, 328-29
Holmes, Josiah, 147-48
Holt, John, 28, 81, 104, 168
"Homo Sum" [pseud.], 448-52
Hoops, Mrs. Robert, 349
Hopewell, 60, 334
Hopkins, Esek, 167
Hopkinson, Francis, 201, 211
Hornblower, Josiah, 451
Hornblower, Mrs. Josiah, 349
"Hortentius" (pseud. for William Livingston), 368, 431-36
Hoshell, Michael, 101
Houghton, Joab, 60
Houston, William Churchill, 332-36
Howard, Frederick (Earl of Carlisle), 320-21, 341
Howe, Lord Richard, 183, 251
Howe, Sir William, 183, 218, 250-51, 269, 273, 276, 278, 287-88, 297-98, 302, 306, 329, 332-33, 353, 364
Howell, Richard, 140-41
Howet, Elizabeth, 248
Huddy, Joshua, 393
Hugg, Mrs. Joseph, 349
Hudibras Tavern, 301
Hunt, Abraham, 77
Hunt, Stephen, 355, 358
Hunter, Andrew, Jr., 329-32
Hunter, Ann Stockton, 328-29
Hunterdon County petition to the legislature, 268-70
Hunterdon County instructions to legislators, 59-61
Hutchinson, Thomas, 95, 124
Hutchinson, William, 236
Hyer, Jacob, 299, 301, 318-19

Impartial Administration of Justice Act, 66, 90-91, 107, 121, 124. *See* also Massachusetts Acts
Inglis, Charles, 124
Inslee, Samuel, 57, 59
Intolerable Acts. *See* Massachusetts Acts

James II, 121, 124, 137, 256
Jaroloman (Jeraloman), Jacobus, 353-54
Jay, John, 317
Jefferson, Thomas, 218, 220, 231, 317, 420-21, 448
Jennings, Jacob, 356, 359
Jockey Hollow, 348
John, king of England, 145, 175
Johnes (Jones), Timothy, 300-1
Johnes, Mrs. Timothy, 349
Johnson, Capt. (British army), 39
Johnson, Jacob, 355, 359
Johnson, Jacobus, 333, 336
Johnson, Philip, 331-32
Jones, Abraham, 101
Jones, Anders, 304
Jones, Jacob, 304
Jones, Thomas, 365
Jöstason, Isac (Isaac), 304-5

Kearny, Michael, 166-67, 238
Kemble, Peter, 231
Kempe, John Tabor, 238
King George's War (1740-1748), 18, 146
King William's War (1689-1697), 18
Kingsland, Arent (Aaron), 246-47
Kingsland, Mary, 248
King's Mountain, battle of, 262
Kingston, 299
Kinsey, James, 68, 73-75, 77-78, 113-14, 164, 231
Kinsey, Jonathan, 353-54
"K. L." *See* "A Mechanic"
Knott, David, 147, 149
Kollock, Shepard, 342-43, 423
Kuyper, Mrs. Hendrick, 349

Lafayette, Marquis de. *See* Marie Joseph Paul Yves Roch Gilbert du Motier
La Grange, Bernardus, 232, 239-42, 272-74
La Grange, Mrs. Bernardus, 242
Lamb, John, 342-43
Lane, Cornelius, 147, 355, 359
Lane, Matthias, 355, 357-58
Laning, John, 101
Laurens, Henry, 317, 415-16
Lawrence, Catherine Livingston, 263-64
Lawrence, John, 85, 95, 109, 231, 244-45, 265
Lawrence, Joseph, 259
Lawrence, Robert, 252-54
Lawrie, Gawen, 384
Lawson, Robert, 289, 291
Layten, Peter, 170
Leaming, Aaron, 8, 61-64
Lebanon, 356
Lee, Charles, 180-81, 301-2, 306-8
Lee, Henry, 278, 281
Lee, Richard Henry, 202, 212, 218, 402
Leek, Samuel, 101

Legge, William (Earl of Dartmouth), 21, 35, 99, 121
Lennington, Abigail, 313
Leonard, Joseph, 260
Leonard, Mary (Mrs. Thomas), 252-54
Leonard, Thomas, 150, 252-53
Leslie, Alexander, 292
Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies, 41-42
Levelers, 435
Lexington, battle of, 135, 137-39, 146, 280
Lincoln, Benjamin, 281
Linn, James, 358
Little Egg Harbour, attack on, 281, 353
Little, John, 147, 150
Livingston, Robert, 263
Livingston, Robert R., 20
Livingston, William, 102-4, 177, 197, 217, 232, 248, 254, 256, 271-72, 300-1, 309, 315-16, 339-40, 361-62, 377-79, 387, 389, 391, 416, 421, 425; biographical sketch of, 75, 431-32; committeeman, 72, 96, 98; delegate to Congress, 77-78, 81-82, 113, 211, 219; "Hortentius" essay, 431-36; on Loyalists, 263-65, 374-75, 384-87; peace proclamation, 317-18; on struggle for independence, 228-30, 336-37, 368-72, 455-56
Livingston, Mrs. William, 349
Lloyd, David, 258
Loch, Peter, 304
Locke, John, 136, 138
Lojd, David, 305
Long Island, battle of, 329, 352-53, 355, 358
Longstreet, Capt. (Monmouth Militia), 149
Longstreet, Elias, 333, 336
Longstreet, Garret (Garrat), 147, 149
Longstreet, Samuel, 147
Lord, Isaac, 258
Lore, Jonathan, 101
Louis XVI, 315-16, 318-19
Low, Peter, 355, 359
Lowrey, Mrs. Thomas, 349
Lucas, Nicholas, 384
Ludrow, Cornelius, 170
"Lycurgus" [pseud.], 143, 167-69

McCauley, Mary Hayes ("Molly Pitcher"), 343
M'Donald, Col. (British army), 297
McDougall, (McDougal), Alexander, 331-32
McKonkey, William, 291
McKonkey's Ferry, 288
MacPherson, John, Jr., 185
MacWhorter, Alexander, 296-98, 301-2
Madison, James, Jr., 52
Magna Carta, 107, 145, 175
Mansfield, Earl of. *See* William Murray
Mansfield Township, 33, 158; protest resolutions, 55-56
Marinus, David, 352-53
Marion, Francis, 315
Marlatt, George, 158
Marsh, Christopher, 98
Marsh, Mrs. Daniel, 349
Marsh, Ephraim, 98
Marsh, Henry, 148
Martin, Ephraim, 171, 331-32
Martin, Mrs. Ephraim, 349
Martin, Joseph Plumb, 343
Maskell, Daniel, 101
Maskell, Thomas, 101
Massachusetts Acts of 1774 ("Coercive" or "Intolerable" Acts), 66-67, 118, 120, 128, 132, 135, 200. *See* also Boston Port Act, Impartial Administration of Justice Act, Massachusetts Government Act, Quartering Act
Massachusetts Government Act, 66, 90-91, 107. *See* Massachusetts Acts
Massachusetts House of Representatives, 3, 9, 32, 42, 44, 66
Mattison, James, 60
Mawhood, Charles, 291-92, 337-38
Maxwell, William, 159, 310-11, 359-60
Mayhew, Mrs. John, 349
Mehelm, John, 68-69, 358
"Memorial . . . to the Inhabitants of the British Colonies in America", 94
Mendham Township, 170
Mercer, Hugh, 292, 294-95
Middlesex County, 53-55
Middlesex County grand jury, 127, 186, 190-92
Middletown, 309, 393
Miller, David, 98
Milledge, Thomas, 170
Mills, Mary Reading, 140-41
Mills, William, 141
Millstone, 295, 301, 334-35
Milltown, 355
"Molly Pitcher." *See* Mary Hayes McCauley
Moncton, Robert, 123-24
Monmouth County Association, 270-72
Monmouth County Committee of Retaliation, 253, 270, 397-99
Monmouth County petition to the legislature, 395-96, 397-99
Monmouth Court House, battle of, 281, 305-9, 343, 362, 414
Monroe, James, 289-91
Montagu, John (Earl of Sandwich), 177
Montague Township, 158
Montgomery, Richard, 185, 316
Moody, James, 234-36
Moody, John, 234
Moore, Charles, 284, 287

Moore, Milcah Martha, 287
Morford, Thomas, 147
Morgan, Daniel, 315
Morgan, George, 411
Morgan, Mrs. George, 349
Morrell, Jacob, 133-34
Morrell, Thomas, 327, 329
Morris Canal, 460
Morris County Committee, 132-34
Morris County Jail, 246-47
Morris, Mrs. (General), 349
Morris, Deborah, 286
Morris, Gouverneur, 254
Morris, Gulielma Maria, 286
Morris, John, 283, 286
Morris, Lewis, 273-74
Morris, Margaret Hill, 282-87, 299, 301
Morris, Mary, 286
Morris, Nathaniel, 300
Morris, Richard, 286
Morris Richard Hill, 283, 286-87
Morris, Robert, 233, 253-56, 459-60
Morris, Robert Hunter, 255
Morris, William, Jr., 282
Morristown, 170, 247, 299-300, 310, 335; winter encampment at, 281, 292, 345-48, 368
Mulford, Benjamin, 101
Murray, John (New York merchant), 127
Murray, John (Earl of Dunmore), 242, 434, 436
Murray, Robert, 127
Murray, William (Earl of Mansfield), 177, 199-200
Mutiny (Quartering) Act of 1765, 2, 34, 62, 64

Nassau Hall, 293, 295, 299, 301, 318, 458. *See* also College of New Jersey
Negroes, 148-49, 409-10. *See* also slavery
Neilson, James, 77
Neilson, Mrs. James, 349
Neilson, Mrs. John (Col.), 349
Nepenoh, 221
Newark, 70, 90, 96, 296, 355
New Barbadoes, 352
Newbold, Clayton, 56
New Brunswick (Brunswick), 19-20, 33-34, 49-50, 54, 66, 68, 195-97, 239, 292, 335; British troops stationed in, 49-50; convention in, 66, 76; protest resolves adopted in, 76-78
Newburgh Conspiracy, 321-22
Newcomb, Joseph, 101
Newcomb, Silas, 101, 326, 339
Newell, Mrs. James, 349
New England Restraining Act, 146-47
New Jersey assembly, committee of correspondence, 67-69, 70, 75; endorsement of Continental Congress, 113-14; memorial to George II, 42-44; petition of grievances to the crown, 117-20; resolutions against independence, 164; support of intercolonial boycott, 48
New Jersey Blues, 218
New Jersey Brigade, 344-45; 350-51
New Jersey Committee of Correspondence, 144
New Jersey Committee of Correspondents, 7-9
New Jersey Constitution of 1776, 212-17, 225, 421
New Jersey Council of Safety, 233, 247-49, 254
New-Jersey Gazette, 260, 341-42, 350, 423-25, 432, 444
New-Jersey Journal, 342
New Jersey legislature, Act of Free and General Pardon, 233, 248-49; Act to prevent Desertion, 367-68; Act to punish Traitors and disaffected Persons, 366; amendments to the Articles of Confederation, 407-12; ratification of the Articles of Confederation, 415-16
New Jersey Provincial Association, 143-44, 158-59, 171, 232
New Jersey Provincial Congress, 143-44, 153-55, 171, 201, 203, 209-10, 219-20, 222-23
New Jersey State Loyalty Oath, 363-64
New Jersey Treason Ordinance, 222-23, 225
New Jersey Volunteers (Loyalist), 234, 253, 261-62
Newton (Newtown), 159, 171
New York assembly, 124
New York City Committee of Fifty-one, 69
New York City Committee of Sixty, 127
New-York Gazette; or, the Weekly Post-Boy, 11-12, 54-55
New-York Journal; or, the General Advertiser, 54, 81, 104, 168
Nichols, Margaret, 248
Nightingale, Thomas, 258
Noel, Garrat, 301
Noel, Mrs. Garrat, 301
North, Frederick (Earl of Guilford), 106, 137, 138, 161, 177, 182-83, 199-200, 317, 341
Nottingham petition to the legislature, 115-16
Nutman (Essex County Loyalist), 296

O'Brien, James, 248
Odell, Jonathan, 242-45, 287
Ogden, Abraham, 247, 278
Ogden, David, 16, 72, 231, 247, 277-78
Ogden, Deacon (Decon), 311
Ogden, Isaac, 72, 96, 103-4, 246-47, 277-78

Ogden, John, 297, 298
Ogden, Mrs. Robert, 349
Ogden, Nicholas, 247, 278
Ogden, Peter, 247, 278
Ogden, Robert, 3-4, 9-10, 12, 20
Ogden, Robert, Jr., 98
Ogden, Samuel, 247, 278
Olive Branch Petition, 160-61
Oliver, Thomas, 355, 359
Ordinance for Punishing Treason and Counterfeiting. *See* New Jersey Treason Ordinance
Oswald, Richard, 265, 317
Otto, Bodo (Col.), 339-40
Otto, Bodo (Dr.), 304, 306
Ouke (Auke), William, 77
Outwater, John, 353

Paine, Thomas, 168, 172, 192, 368
Parke, Daniel, 436
Parke, Thomas, 250
Parker, James (councilor), 231, 265
Parker, James (publisher), 4
Parrott, Dr., 357
Parsons, Samuel Holden, 267
Parsons, William, 98
Partridge, Richard, 7
Paterson, John, 158
Paterson, William, 13
Paterson, Mrs. William, 349
Paul, Francois Joseph (Comte de Grasse), 315-16
Paulus (Powles) Hook, skirmish at, 278, 281, 327-28, 362
Paxton, Nehemiah, 60
Pemberton, James, 111-12
Penn, John, 374-75
Penn, William, 384
Pennington, Samuel, 297
Penn's Neck, 302, 304
Pennsylvania assembly, 169
Pennsylvania Chronicle, and Universal Advertiser, 41
Pennsylvania Gazette, 41, 75
Pennsylvania Journal; and the Weekly Advertiser, 41, 54
Penny Town (Pennington), 334, 336
Pepperel, William, 146
Perth Amboy, 3, 14-16, 34, 39-40, 157, 265, 292, 335
Perth Amboy Group, 16
Pettit, Charles, 143, 156-57, 181-83
Pettit, Sarah Reed, 156
Philadelphia Committee of Nineteen, 69
Philadelphia Yearly Meeting, 111-12
Phillips, Coonrad, 158
Phillips, Owen, 158
Phillips, William, 158
Phillips, William, Jr., 158
"Philoleutherus" [pseud.], 3
"Philopatriae" [pseud.], 3
Phoenix (Phenix) (British warship), 330
Piel, Jacob, 290-91
Pitt, William (Earl of Chatham), 31, 62-63, 121, 124, 137-38
"Plain Dealer," 172, 174-77
Pluckemin, 355
Pole, Richard, 148
Polhemus, John, 150
Pompton, 335, 346, 350
Pontiac's Rebellion (1763-1764), 18
Post, John C., 352-54
Potter, Matthew, 172, 174
Potter, Samuel, 98
Potts, Stacy, 290-91
Potts, William, 56
Powell, Thomas, 373
Powles Hook. *See* Paulus Hook
Prall, Aaron, 158
Prall, Joseph, 158
Pratt, Charles (Baron Camden), 31, 137-38
Pratt, Joseph, 258
Preston, Charles, 49-50
Preston, Isaac, 101
Price, Robert Friend, 46, 68-69
Princeton, 52, 144, 219-20, 296, 299, 317-19, 333, 355
Princeton, battle of, 278, 281, 291-95, 334, 355, 359
Princeton University. *See* College of New Jersey
Proclamation of 1763, 2
Provincial Congress. *See* New Jersey Provincial Congress
Putnam, Israel, 288, 290, 384
Pym, John, 185

Quartering Act of 1774, 63-64, 66. *See* also Massachusetts Acts
Quebec Act, 90-91, 95, 107, 118, 120-21, 123-24, 239, 242
Queen Anne's War (1702-1713), 18
Queen's College (now Rutgers University), 390, 428, 458
Quibble Town, 169, 355
Quinton's Bridge, massacre at, 338

Raccoon. *See* Swedesboro
Rall, Johann Gottlieb, 287-90,
Randolph, Daniel, 260
Randolph, Thomas, 169
Raritan Bridge, 334-35
Raritan (Rariton) Landing, 365
Ray, James, 356, 359
Read, Charles, Jr., 7-8
Readington, 355, 357

Reed, Andrew, 156
Reed, Bowes, 285, 287
Reed, Mrs. Bowes, 349
Reed, Mrs. (Capt.), 349
Reed, Esther De Berdt (Mrs. Joseph), 5
Reed, Joseph, 13, 20-22, 156-57, 181-83, 285, 287
Remson, Mrs. (Col.), 349
Revenue Act of 1766, 118, 120
Revere, Paul, 95
Richardson, William, 300
Riggs, Joseph, 72
Riggs, Joseph, Jr., 96, 102-4
Right, Samuel, 150
Risser, Filia, 248
Rivington, James, 104, 114-15, 166-67, 238, 264-65, 313
Rivington's New-York Gazetteer, 107, 115, 166-67
Robertson, Robert, 356, 359
Robinson, Alexander, 297
Rochambeau, Comte de. *See* Jean Baptiste Donatien de Vimeur
Rockingham, Marquis of. *See* Charles Watson-Wentworth
Rocky Hill, 299, 355
Rodman, Thomas, 29-30
Romeyn (Romine), Elias, 353-54
Rose (British warship), 330
Ross, George, 98
Rush, Benjamin, 13
Rutgers University. *See* Queen's College
Rutherfurd, John, 231, 233, 265-67
Rutherfurd, Walter, 265
Ryerse, George L., 260-61
Ryerse, Elizabeth, 262-63
Ryerse, John, 262-63
Ryerse, Joris, 262
Ryerse, Joseph, 261, 263
Ryerse, Maria Du Bois, 262
Ryerse, Martin, 261-62
Ryerse, Samuel, 260-63
Ryley, Mark, 101

St. Clair, Arthur, 290-91
St. Clair, John, 38-39
Salem, 163, 338
Salem County petition to the legislature, 178-79
Sandiston Township, 158
Sandwich, Earl of. *See* John Montagu
Sayres, Lydia, 248
Sayres, Sarah, 248
Schamp, Peter, 355, 358
Schuyler, Philip, 263
Scotch Plains, 355
Scott, Charles, 289, 291
Scudder, Nathaniel, 399, 403, 412-15, 417
Scudder, Mrs. Nathaniel, 349
Seaburn, Mrs. (of New York City), 330
Seabury, Samuel, 99, 124
Seely (Seeley), David, 356, 359
Seely, Ephraim, 101
Seeley, Samuel, 310
Seeley, Sylvanus, 309-11, 359
Sergeant, Jonathan Dickinson, 13, 76-78, 211-12, 278
Seven Year's War. *See* French and Indian War
Sevier, John, 262
Sexton, Mrs. Jared, 349
"Shary O'Brion" [pseud.], 175-77
Shaw (of Shrewsbury), 147
Shelby, Isaac, 262
Shepherd, Capt. (Monmouth militia), 149
Sheppard, Joseph, 101
Sherd, William, 60
Sherwood, Joseph, 7
Shirley, William, 146
Short Hills, 355
Shotwell, Samuel, 98
Shreve (Shreeves), Israel, 340
Shrewsbury Township Committee, 147-51
Simcoe, J. G., 281
Sinnickson (Sinnicks), Thomas, 77
Skinner, Abraham, 391-93
Skinner, Cortlandt, 16-18, 44, 48, 73, 75, 113-14, 151, 155, 165-67, 186, 231, 234, 273-74; biographical sketch of, 16, 275; Loyalist activities, 275-79
Skinner, James, 388-89
Skinner, John, 166-67, 234
Skinner, William, 165, 277
Slavery, 87-89, 149-51, 242, 354-60, 422-23, 457; essay advocating abolition, 437-40; essay opposing manumission, 442-44; supporting gradual emancipation, 448-51; statutes to abolish slavery, 440, 451-52; supporting manumission, 445-48
Smith, Isaac, 77
Smith, Mrs. Isaac, 349
Smith, Jeremiah, 98
Smith, Jonathan, 101
Smith, Richard, Jr., 8, 28-30, 283, 286; delegate to Congress, 29, 77-78, 113, 211
Smith, Robert, 29
Smith, Samuel (of Burlington), 7-8, 29, 41-42
Smith, Samuel (of London), 34
Smith, William, 154-55
Smith, William Peartree, 72, 96, 98, 102-4, 196-97, 319-22
Smyth, Frederick, 14-16, 39-40, 105, 151, 169, 172, 204; address to Middlesex grand jury, 127-32, 186-90; reply to Essex grand jury, 89-91; reply of the Middlesex grand jury, 190-92; royal commissioner, 120

Somers, Richard, 339-40
Somerset Court House, 293, 299, 335
Sons of Liberty, 4, 24-30, 121, 123, 237
South Amboy, 327
Southerland (of Swedesboro), 304
Spencer, Elihu, 315-16
Spencer, Oliver, 98, 359-60
Spicer, Jacob, 8-10
Spinning, Benjamin, 141
Springfield, 300, 350, 390
Springfield, battle of, 281, 309-11
Sproul, Robert, 3
Stager, Mary, 248
Stamp Act, 2, 62, 118, 120; opposition to, 3-4, 10-12, 13-19, 21-26, 53, 82-85, 137; repeal of, 4-5, 30-31, 65
Stamp Act Congress, 9-12, 20; delegates to, 3; petition of, 25-27; resolves of, 4, 22
Stanbury, Recompence, 98
Stanley (of Penn's Neck), 304
Stark, John, 290
Steel's Tavern, 299
Stephen, Adam, 289, 291
Sterling, Thomas, 418
Stevens, John, Jr., 203
Stevens, John, Sr., 202-3, 230
Stevens, Mrs. John, Sr., 349
Stevens, Richard, 203
Stevens, Mrs. Richard, 349
Stewart, Archibald, 158-59, 277-78
Stewart, Capt., 255
Stewart, Charles, 276, 278
Stillman, James, 304
Stirling, Lady (Mrs. William Alexander), 349
Stirling, Lord. *See* William Alexander
Stockton, Richard, 5, 32, 78, 230; biographical sketch of, 13; delegate to Congress, 201, 211; opposition to Stamp Act, 12-14; views of imperial affairs, 34-38
Stockton, Mrs. Richard, 349
Stout, Abraham, 60
Stout, Andrew, 60
Stout, Benjamin, 60
Stout, Hezekiah, 60
Stout, Nathaniel, 60
Stratton, Jonathan, 174
String[e], Christopher, 258
Stuart, John (Earl of Bute), 136-38, 177, 199-200, 435
Suckasunny plain, 356
Suffolk Resolves, 93, 95
Sugar Act of 1764, 2-3, 10, 38, 118, 120
Sullivan, John, 276, 278, 288-90, 331-32, 357, 359-60
Sumter, Thomas, 315
Sussex County Association, 158-59
Sussex County Committee, 158-59
Sutphen, Peter, 357
Sutphen, Samuel, 354-60
Swan, Jedediah, 98
Swedesboro (Raccoon, Swedesborough), 302-4
Swort, Cornelius, 260
Symmes, John Cleves, 158-59, 230, 233, 255-59

Tagart, Mrs. Jacob, 349
Talman, Peter, 56
Tallman, Mrs. Peter, 349
Taylor, Edward, 68
Taylor, John, 355, 358, 389-91
Tea Act of 1773, 65, 121, 124, 135
Ten Eyck (Ten Eick), Abraham, 355, 358
Ten Eyck (Ten Eick), Jacob, 355-56, 358
Ten Eyck (Ten Eick), Peter, 357-360
Terry, Col. (Continental army), 331
Terry, John, 101
Testimony of the People Called Quakers, The, 111-12
Thacher, James, 345-48
Thomas, Edward (Burlington), 331-32
Thomas, Edward (Elizabethtown), 98
Thomas, John, 179
Thompson, Mark, 171
Thompson, William, 327, 329
Thomson, Mrs. Mark, 349
Toms River, attack on, 281
Townly, Richard, Jr., 98
Townshend, Charles, 32, 82
Townshend duties, 45-46, 56, 62, 118, 120; opposition to, 32-33, 42-44, 46, 48, 50-56, 82-85; repeal of, 34, 65
Townshend, George, 123-24
Townshend, Mrs. Henry Young, 349
Treaty of Paris (1763), 123-24
Treaty of Paris (1783), 233, 268, 272, 280-81, 317, 460
Trent, William, 411
Trenton, 34, 60, 219-20, 296, 299, 314-16, 348
Trenton, battle of, 281, 287-91, 299, 301, 376-77
Trenton magistrates petition to George Washington, 375-77
Trenton, second battle of, 278, 292
Trumbull, Jonathan, 249, 251
Tryon, William, 182-83
Tucker, Samuel, 59-60, 68-69, 77, 231
Tyrrel, Ephraim, 98

Union Iron Works, 374-75
Urine, Gideon, 259

Valley Forge, 302
Van Arsdale[n], Philip, 355, 359

Vanbrunt, Capt. (Monmouth militia), 149
Vanbrunt, Nicholas, 147
Van Buskirk, Abraham, 231
Van Campen, John, 355, 359
Van Cleve (Van Cleave), Benjamin, 377, 451
Van-Cleve, Mrs. Benjamin, 349
Van Cortland (van Cortlandt), Philip, 311, 327, 329, 330-32, 352-53
Vanderveer, Cornelius, 147, 356
Van Horne, Philip, 264
Van Kirk, Henry, 60
Van Neste (Van Ess), Abraham, 356, 359
Van Riper, Autta, 248
Van Sickle (Van Syckle), William, 355-56, 359
Vanzant, Mrs. (Morris County), 349
Vealtown, 336
Verree, James, 284, 287
Vice-admiralty courts, 17, 32, 118
Virginia Association, 89
Virginia House of Burgesses, 3, 42, 47, 68
von Altenbockum, Ernst Ebenhardt, 289, 291
von Donop, Karl Emil, 243, 286-88, 291, 305
von Heer, Bartholomew, 388-89
von Knyphausen, Wilhelm, 281, 288, 290-91, 309-10
Vought, Christopher, 356, 359

Wade, Caleb, 312-13, 324
Wantage Township, 158
War of the Austrian Succession. *See* King George's War
War of the League of Augsburg. *See* King William's War
Ward, Abigail, 248
Ward, Artemus, 308
Ward, Peter, 353
Wardel, John, 148
Wardsesson (Wardsessing), 301-2
Warren, John, 331-32
Warren, Joseph, 185, 316, 332
Wars of the Roses, 256
Washington, George, 156, 166, 179, 250-51, 292-94, 302, 314-15, 329, 332, 344, 353, 375, 377; at battle of Trenton, 287-89; calls upon New Jersey militia, 253-54; on civilian-military relations, 254, 387-89; describes battle of Monmouth Court House, 306-9; on desertion, 366-68; proclamation concerning Loyalists, 268-69; symbol of the Revolution, 320-21; winter encampment at Morristown, 281, 333, 346-48
Washington, John Augustine, 306-7
Washington, William, 289-91
Watson-Wentworth, Charles (Marquis of Rockingham), 4, 18, 30-31, 124, 317
Watt, James, 459-60
Watts, George, 246-47
Watts, Isaac, 324
Watts, John, 166-67
Wayne, Anthony, 234, 302, 305, 353-54
Wells, Harrison, 257, 259
Westcott, Mrs. Richard, 349
Westcott, Samuel, 356, 359
Westfield, 335, 390
Westpoint, New York, battle at, 357
Wetherhead, John, 238
Wetherill, John, 68-69
Wharton, Thomas, 41
What Think Ye of the Congress Now?, 92, 134, 237
Wheaton, John, 101
Whilden, Mrs. James, 349
White, Samuel, 9
White Plains, New York, battle of, 352, 354
Wicks, Susanna, 248
Wikoff, Jacob, 260
Wikoff, Mrs. Jacob, 349
William III, 137-38, 175
Williams, Jonathan, 98
Williams, Renssalaer, 377
Williamson, Matthias, 98
Wilmot, Henry, 42
Winants (Winans), William, 390-91
Winds, William, 75
Wisner, Henry, 221
Witherspoon, John, 35, 195, 318-19, 333, 335-36, 413-14, 417, 427, 429; on Congress, 81-82, 201, 211; on independence, 173, 198-200; on national union, 402, 404-7, 411, 415; on religion and civil society, 452-55; "Thoughts on American Liberty," 85-87
Wolfe, James, 123-24
Women, 282, 298, 337, 340-41; women's relief society, 348-50
Wood, Richard, 101
Woodbridge, 4, 24, 27-28, 30-31, 33, 54, 337
Woodruff, Isaac, 98
Woodruff, Thomas, 98
Woolman, John, 87, 422
Wooster, David, 179
Writs of assistance, 118-19
Wynants, Isaac, 98

"Y" [pseud.], 106-9
Yard, Benjamin, 377
Young, Edward, 458-60
Younglove, Isaiah, 356, 359
Yorktown, battle of, 262, 314-15; celebrated at Trenton, 315-16

"Z" [pseud.], 82-85, 91-95, 106-7, 109

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