

Minutes of
the Governor's Privy Council
1777-1789

New Jersey Archives . THIRD SERIES

Volume I

Minutes of the
Governor's Privy Council
1777 · 1789

EDITED, WITH AN INTRODUCTION,

AND NOTES BY

DAVID A. BERNSTEIN



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FOREWORD

With this first volume of the third series of the *New Jersey Archives*, the State of New Jersey resumes a century-old publishing program after a lapse of 25 years. Interest in the primary sources of the State's past was first stimulated in 1858 with release of the New Jersey Historical Society's *An Analytical Index to the Colonial Documents of New Jersey*, covering materials in both private and public collections. In 1872 the State Legislature granted funds to the Society to continue the search for New Jersey manuscripts. Six years later additional funds were appropriated for the publication of a series to be edited by the Society and distributed by the State Library.

Under the guidance of an editorial board, which at various times included such distinguished historians as William A. Whitehead, William Nelson and William S. Stryker, the Historical Society produced 47 volumes, beginning in 1880 and appearing at irregular intervals until 1949 when the State eliminated funds for the project. These volumes made available such important documents of the colonial period as public records held both in England and America, including the journal of the Governors and Council and papers of the colonial Governors; vital statistics; and abstracts of land grants and transactions. In addition, since no newspapers were regularly published in the State until 1778, the editors extracted and collated New Jersey items appearing in Pennsylvania and New York newspapers from 1704 to 1778, extending coverage to include New Jersey publications until 1783. No series or group of volumes has been so valuable to students of New Jersey's early history. The *New Jersey Archives*, first and second series, have become indispensable reference works, cited constantly in publications on every phase of the State's past.

Yet the task of assembling and disseminating New Jersey's important documents was far from complete. When the State Library's Bureau of Archives and History moved to enlarged quarters in the new State Library building in 1965, it became

FOREWORD

possible to acquire and evaluate the rich store of official records once scattered among several agencies. These materials have been available to scholars and interested citizens able to come to Trenton and to use them within the confines of the Library. However, it was apparent that their value in illuminating the lessons of the State's past justified making them more widely accessible, both within and without the State, through publication. Under the sponsorship of State Senator William E. Schluter and with the approval of Governor William T. Cahill, an act entitled "An Act to establish a New Jersey Archives Publication Fund," which also appropriated \$25,000 for this purpose, was passed and signed into law on August 2, 1973. The act provided that the State Library would bear editorial responsibility for the new series, as well as fulfilling its former role as distributor.

This first volume in the new series, the *Minutes of the Governor's Privy Council, 1777-1789*, edited by David Bernstein, is particularly timely in view of the coming celebration of the bicentennial of the American Revolution. It will, I am sure, provide important source material for scholars and historians interested in our country's formative years. With the continued generous support of the legislature and other agencies, we intend to issue further editions of basic materials pertaining to New Jersey's role in the American Revolution, as well as other periods in the State's history. We have long felt the need to make available to a broad public the rich trove of information in the State's public records. I therefore view with the deepest satisfaction the appearance of this volume, launching the revival of the *New Jersey Archives*.

Roger H. McDonough
State Librarian

ACKNOWLEDGMENTS

A most pleasant task for me is the opportunity to express my appreciation for the assistance received in preparing this volume. Particularly helpful have been the staffs of the Rutgers University Library; the New Jersey Historical Society, Newark; the Henry Huntington Library, San Marino, California; and the New Jersey State Library, Archives and History Bureau. The latter depository was a prime source of manuscripts, military records and unpublished indices.

I have been fortunate to receive grants from the New Jersey Historical Commission; the California State University, Long Beach Foundation; and the National Endowment for the Humanities.

Special thanks go to my mentor Richard P. McCormick. In a direct sense he is responsible for this volume, having uncovered these records during his own research. My editing of the account was undertaken at his suggestion. Professor McCormick's probing questions, numerous suggestions, and constant encouragement have made his assistance in the preparation of this work incalculable. Bernard Bush and William C. Wright of the New Jersey Historical Commission have also provided much needed encouragement. Their efforts to awaken us all to a recognition of New Jersey's past must not go unnoticed. My editors Constance M. Greiff and David C. Munn rendered invaluable assistance, a task made all the more difficult by our continental separation. David has been particularly helpful in the preparation of numerous footnotes.

A special measure of gratitude goes to my wife Nessa, critic, editor and typist. Hopefully the dedication of this work will help to acknowledge my debt to her.

PREFACE

The two hundredth anniversary of the independence of the United States has brought renewed attention to the events and circumstances attendant on the nation's birth. Of special interest are the activities of particular states, faced with meeting commitments to the national independence movement while struggling to establish new governments. The publication of the *Minutes of the Governor's Privy Council* of New Jersey provides important insights into how New Jersey confronted the various crises of the Revolutionary era. The minutes describe action taken by the executive branch of the government to provide military leadership in meeting the exigencies of the period, and to maintain the smooth functioning of the state government, particularly in assuring the regular operation of the judiciary.

The manuscript, contained in two bound volumes totaling 396 pages, has been previously unavailable to or overlooked by students of New Jersey history. Published now for the first time, the Privy Council minutes apparently lay undiscovered among New Jersey's early documents until Richard P. McCormick of Rutgers University utilized them for his examination of New Jersey's Confederation period.¹ Charles R. Erdman's basic study of the New Jersey Constitution of 1776 acknowledged the creation of the "privy-council" but considered it "an illustration of the transfer of a colonial institution without consideration of the necessity for its use under the new constitution."² Erdman made no mention of the document. Leonard Lundin's treatment of New Jersey during the American Revolution³ did not mention the Privy Council's existence. Thus Lundin overlooked the council's wartime leadership, documentation of which represents the manuscript's historical importance. Other modern scholars detailing New Jersey's Revolutionary period have followed suit.⁴

This edition records the activities of the Privy Council from 1777 to 1789, its most productive and critical period. Although

PREFACE

the first volume of minutes ends in 1796 and volume two continues until 1844, the operations of the Privy Council were reduced considerably as demands for its services by the legislature and executive diminished after the ratification of the Federal Constitution.

One cautionary note must be raised respecting the incompleteness of the document. Although the minutes' most valuable portion through 1789 is in the same handwriting, with one minor exception in 1783, considerable evidence suggests that the manuscript is not the final official copy. Rather we have a rough draft which at some later date was transcribed into a final form. A marginal note, one of many throughout the document, alongside the entry for 30 Dec. 1777, acknowledges the existence of a "Bound Book," evidently misplaced long ago. The draft copy is replete with entries placed out of order. The date of one meeting, 29 Aug. 1783, is noted but no deliberations are transcribed.

Apparently the manuscript does not record every meeting held by the Privy Council. The *New Jersey Gazette* of 2 Oct. 1782, printed a proclamation dated 28 Sept., signed by Governor William Livingston, announcing the receipt of an ambassador from the United States by the government of the Netherlands. The proclamation was issued "with the advice of the Honourable the Privy Council of this State". However, no such action appears in the minutes nor was a meeting included for the September date. Similarly, the *Gazette* published a thanksgiving day proclamation issued 30 Oct. 1782, but again no record of this step is acknowledged in the document. During the 1789 controversy over the outcome of the Congressional election of 1788, the Privy Council convened on 3 Mar. 1789. Elias Boudinot described the session in his "Evidence Given before the (Congressional) Committee on the New Jersey Election, August 13, 1789," contained in the William Livingston Papers at the Massachusetts Historical Society, Boston. No such meeting is recorded.

Also omitted from the document are the deliberations of the Privy Council before 18 July 1777, the date of the first session

PREFACE

included in the manuscript. Previous meetings must have transpired; the business concluded under the first entry does not indicate a new administrative body beginning its career. Pay warrants, first listed for the date of 24 Sept. 1777, begin with number 29. There is no apparent reason why the important first sessions of the Privy Council are not part of the manuscript. However, these gaps do not detract from the overall importance of the activities of the Privy Council and the historical value of the document.

The publication of the *Minutes of the Governor's Privy Council* of New Jersey fills an important gap in the published sources concerned with New Jersey's Revolutionary experience. Previously available sources include the *Acts of the General Assembly of the Province of New Jersey*, *Acts of the General Assembly of the State of New Jersey*, *Journals of the Legislative Council of the State of New Jersey*, *Votes and Proceedings of the General Assembly of the Province of New Jersey*, *Votes and Proceedings of the General Assembly of the State of New Jersey*, and *Minutes and Proceedings of the Council and General Assembly of the State of New Jersey in Joint Meeting, August 30, 1776 - May, 1790*. Each of these official records has been reproduced on microcard as part of the American Antiquarian Society's reprint series of all of the titles in Charles Evans' *American Bibliography*.

A number of companion sources have been published under the auspices of the State of New Jersey. Among these volumes are the records contained in the *Archives of the State of New Jersey*, 1st and 2nd series (1881-1949), and individual volumes reproducing *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), and *Selections from the Correspondence of the Executive of New Jersey from 1776 to 1786* (Newark, 1848). The latter volume barely touches the surface of the voluminous correspondence of Governor William Livingston, the bulk of which is contained in collections of the Massachusetts Historical Society.

PREFACE

Many of the above sources reveal only the skeleton of New Jersey's Revolutionary regime, the laws and legislative deliberations, devoid of much of the substance of the struggle for independence. On the other hand, the workings of the Privy Council present the story of a government in action, carrying out the lawmakers' mandates and reacting to the day-to-day challenges of the wartime crises. This document is a fitting reminder of the turmoil of the Revolutionary War era and the struggle of the men of the time to win their independence.

The purpose of this edition of the *Minutes of the Governor's Privy Council* of New Jersey is to convey what was discussed in the deliberations of the council and, at the same time, provide a feeling for the era which these proceedings cover. To present these minutes completely modernized would dilute the historical flavor of the document. Generally, then, it is the policy of the editor to follow the directions for the "expanded method" of editing manuscripts set forth in the *Harvard Guide to American History* (Cambridge, Mass., 1954), 95-99. Thus the text of the document will be presented as follows:

Modification and modernization of the document has produced, hopefully, an accurate and readable text without losing the style of the eighteenth century. Capitalization will not be altered except that the first letter in each sentence will be capitalized, and, in case of doubt whether a capital or lower case letter was written, modern usage will prevail.

The punctuation will be reproduced as in the document except that a period will end every sentence and the dash will be omitted except when it serves its purpose in modern writing. Superfluous commas may be deleted or reduced in number. Commas will be added when they assist the reader.

Spelling and grammar will not be changed, but obvious slips of the pen will be silently corrected. Interlineations will be brought down to the line. Superscripts will also be brought down to the line with the middle letters of the word being supplied, e.g., "Excelly." will be printed as "Excellency."

PREFACE

Abbreviations will be spelled out except those in current use, such as "Mr." or "Vizt." Abbreviations of months will be replaced by the full name. The ampersand will be retained, as will "etc." British pounds, shillings and pence will be reproduced as in the document, "£ 25:00:00."

Original pagination will appear, in brackets, in the body of the text. Footnotes will appear, numbered sequentially, following each section of the book. The sections will consist of the preface, introductions, minutes for each legislative year, except that the period from 1 Nov. 1783 to 31 Oct. 1789 will be combined into one section.

The following shortened citations of oft-cited sources will be used:

Acts will be cited for *Acts of the General Assembly of the State of New Jersey*.

Congressional Directory will be cited for *Biographical Directory of the American Congress, 1774-1961* (Washington, 1961).

CSM will be cited for *Minutes of the Council of Safety of the State of New Jersey* (Jersey City, 1872).

Executive Correspondence will be cited for *Selections From the Correspondence of the Executive of New Jersey from 1776 to 1786* (Newark, 1848).

N. J. Gazette will be cited for *New Jersey Gazette*.

JCC will be cited for *Journals of the Continental Congress, 1774-1789*, 34 vols. (Washington, 1904-1937).

N. J. Journal will be cited for *New-Jersey Journal, and Political Intelligencer*.

LCC will be cited for *Letters of Members of the Continental Congress*, 8 vols., ed. Edmund C. Burnett (Washington, 1921).

Minutes will be cited for *Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey* (Trenton, 1879).

NJA will be cited for *New Jersey Archives*.

PREFACE

NJDOD will be cited for *New Jersey Department of Defense Manuscripts*.

Patriots Index will be cited for *Daughters of the American Revolution Patriots Index*.

PNJHS will be cited for *Proceedings of the New Jersey Historical Society*.

RUL will be cited for Rutgers University Library, New Brunswick, New Jersey.

Stryker, *Official Register* will be cited for *Official Register of the Officers and Men of New Jersey in the Revolutionary War*, comp. William S. Stryker (Trenton, 1872).

VPS will be cited for *Votes and Proceedings of the General Assembly of the State of New Jersey*.

¹ Richard P. McCormick, *Experiment in Independence, New Jersey in the Critical Period 1781-1789* (New Brunswick, 1950).

² Charles R. Erdman, Jr., *The New Jersey Constitution of 1776* (Princeton, 1929).

³ Leonard Lundin, *Cockpit of the Revolution, the War for Independence in New Jersey* (Princeton, 1940).

⁴ Neither Walter Fee, *The Transition From Aristocracy to Democracy in New Jersey 1789-1829* (Somerville, N.J., 1933) nor Carl E. Prince, *New Jersey's Jeffersonian Republicans* (Chapel Hill, 1967) cites the privy council minutes.

CONTENTS

Foreword	i
Acknowledgments	iii
Preface	v
INTRODUCTION	1
MINUTES FOR 1776/1777	31
MINUTES FOR 1777/1778	53
MINUTES FOR 1778/1779	103
MINUTES FOR 1779/1780	135
MINUTES FOR 1780/1781	181
MINUTES FOR 1781/1782	211
MINUTES FOR 1782/1783	235
MINUTES FOR 1783-1789	251
Appendix	295
Index	297

INTRODUCTION

Understanding the role of the Privy Council—and a related agency, the Council of Safety—is essential if one is to comprehend how the duly constituted government of New Jersey actually functioned in the face of severe crises associated with the Revolutionary War. Although the State Constitution formally vested almost complete authority in the legislature and reduced the executive's power accordingly, such a structure could not cope effectively with the problems that suddenly afflicted the newly created State. Fortunately for the revolutionary cause, devices were resorted to which were not fully contemplated in the Constitution. Reluctantly recognizing the need to create an effective executive authority, the legislature, prodded by the zealous and able Governor William Livingston, gave extraordinary powers to the Council of Safety and Privy Council to deal with the threats of internal subversion and military preparedness. Livingston's position as the head of these agencies shifted the leadership of State government during the war from the legislature to the executive. In effect, a special war-time constitution came into being. This development has not been properly understood; the Privy Council's minutes are an invaluable source for determining how New Jersey survived the challenges of the Revolutionary War.

In the New Jersey Constitution of 1776 the Privy Council was included within the limited sphere of executive authority. The Constitution, itself, was the product of provincial turmoil and protest.¹ Its authors combined a dependence upon colonial antecedents with an awareness of the developments which had succeeded in bringing New Jersey to its independent course. The new government represented the dramatic shift in sovereignty from the Crown to the people. A bicameral legislature composed of an Assembly and Legislative Council was to be elected annually, with the Assembly the most powerful branch of government. It controlled the purse, setting all governmental salaries and having the sole power to prepare all money bills. Made up of three representatives from each of New Jersey's thirteen counties, the Assem-

INTRODUCTION

bly was three times the size of the Legislative Council. Thus the lower house dominated the joint meeting of both houses which elected the Governor and justices of the State and county courts.

The Legislative Council differed significantly from its colonial predecessor. Previously appointed by the Crown and dominated by the interests of the East Jersey Proprietors, the Legislative Council now consisted of one elected member from each of the thirteen counties. It performed the same legislative functions as the Assembly except in financial affairs.

The political battles between the Royal Governor and the Provincial Assembly before 1776 resulted in strict limitations upon the State's chief executive. Article VIII of the Constitution defined the Governor's office and included the only mention of the Privy Council:

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.

From the general tenor of the Constitution, heavily weighted toward legislative, especially Assembly, hegemony, the Privy Council appears to have been created to limit any excesses on the part of the executive rather than to advise and assist him. Subject to annual election by the Assembly-dominated joint-meeting, the Governor had no check upon the Assembly. He could make no appointments even in the area of military affairs, although he was designated captain-general and commander-in-chief. Consequently, the primary function of the Privy Council may have been to place a further check upon executive authority by countering any suspected extension of executive power through its advisory role. In actual practice, when the new State faced its greatest challenge to its continued existence during the Revolutionary War, the Privy Council was looked to by the legislature to provide much needed and effective leadership.

INTRODUCTION

The thirteen members of the Legislative Council also constituted the membership of the Privy Council. For their election, the State Constitution established a property qualification of £1000 "of real and personal estate," a stipulation that placed the councillors among the State's economic elite. As was common in early America, men of substance often wore many occupational hats, landowner as well as lawyer, doctor, iron mill owner, and merchant. Almost all members of the Privy Council had been politically active before the Revolutionary War, as sheriff, justice of the peace, town councillor, mayor, assemblyman, and royal councillor. With few exceptions, privy councillors had served in the provincial congresses which had directed New Jersey's move toward self-government in the years immediately prior to the signing of the Declaration of Independence. Their experience was to be a valuable asset in helping to formulate the executive's war-time leadership role.

New Jersey was not unique among the new state governments created during the American Revolution in providing for a privy council. Seven other states—Massachusetts, New York, Delaware, Maryland, Virginia, North Carolina, South Carolina—incorporated a privy council or council of advisors in their constitutions.² However, none of the other councils had so nebulous a definition of powers as New Jersey's. The Massachusetts' council of advisors, numbering ten, was empowered "for the ordering and directing the affairs of the Commonwealth, according to the laws of the land." The most extensive authority was delegated to the Maryland privy council. Composed of six men including the governor, the Maryland council could embody and direct the militia, call the general assembly into session in case of an emergency, and appoint a host of officers including the attorney general, chancellor, all judges and justices, officers of the navy and army, and all other civil officers except assessors, constables, and overseers. Generally other councils had less power than their Maryland counterpart, but some outstanding exceptions should be noted. New York's council comprised a board of review with veto power

INTRODUCTION

over legislation which could be overruled by a two-thirds vote of both houses. The Delaware board could temporarily fill vacancies in elected offices until the next election. The North and South Carolina councils could lay trade embargoes for up to 30 days while their general assemblies were in recess. New Jersey's Constitution delegated none of the above authority to its Privy Council. In time, however, legislation and practice would define its role.

Although membership in the Privy Council was identical with the Legislative Council, the functions of the two bodies differed, notably in the military area. The calling up, deployment and supply of the militia were powers assumed by the Privy Council through the extension of legislative directives. Tasks relating to the judicial branch were derived from the functions of the Provincial Council.

Widespread inclusion of a privy council in the first state governments reflected the presence of the institution within Great Britain's governmental framework. Analogous to the modern cabinet, the King's Privy Council was a body of advisors, selected by the sovereign, who were his principal counselors in matters of state.³ The Privy Council had two functions with respect to the colonies: it reviewed colonial court decisions upon appeal and disallowed colonial laws. In point of fact, by 1700 the King's Privy Council ceased to be an important executive body. Its activities were actually performed by a series of committees, whose recommendations and actions the Privy Council generally approved as a matter of course.⁴

Under New Jersey's colonial government, the Royal Governor had a formally constituted body of advisors known as the Provincial, or Governor's Council. The members, generally recommended by the Governor, nominated by the board of trade, and appointed by the Crown, tended to be respectful of the wishes of the royal authority. The Provincial Council had three principal functions. It served as a legislative upper house, a provincial court of appeals, and an advisory body to the Governor.

INTRODUCTION

As an upper house, the council's approval was necessary for the passage of all legislation and it claimed the right to amend any act which came before it. The council's judicial function, with the Governor presiding, was as the highest court of appeals in the province. Finally, the Provincial Council's advisory status dated formally from 1702 when New Jersey became a royal colony. Queen Anne's instructions to Lord Cornbury, the first Royal Governor, directed him to get the advice and consent of his council before summoning general assemblies, establishing courts, regulating fees, building forts, incorporating towns, declaring martial law and issuing pay warrants.⁵ In performing these functions the Provincial Council was acting as a "privy council." In time, the State Privy Council would assume the Provincial Council's role of advisor to the governor, though on a more limited range of affairs. Thus, the Privy Council after 1776 represented not an innovation but a continuation in modified form of the colonial practice. The reason why the post-1776 Privy Council had fewer functions than its predecessor was because the new State executive had fewer functions. In referring to the Privy Council in the 1776 Constitution, the framers were obviously copying the colonial precedent.

The primary historical value of the *Minutes of the Governor's Privy Council* of New Jersey is its contribution to an understanding of the formation of a viable government in the new State amid the turmoil of the Revolutionary War. The wartime experience stimulated the evolution of the Privy Council from a nebulous consultative body to a full-fledged executive board. After hostilities ended, the council's business slackened measurably, serving to further emphasize its earlier contribution. Thus to put this document and the role of the Privy Council into perspective, its relationship to the war effort and the activities of other governmental bodies during that time of crisis must be examined.

Although the colonial protest received significant support from Jerseymen, the movement toward, and decision for, independence created unprecedented divisions and disruption within

INTRODUCTION

the State. A large Loyalist faction was apparent. Trade with the enemy was commonly resorted to as a means of earning a livelihood in a State confronted by the British in New York or Philadelphia or as an army of occupation. As the result of British and American armies traversing the State, physical damage to the country-side was extensive. Recruitment for the State militia and Continental Army fell short of the desired manpower levels. Requirements for military stores were often unfilled and methods of procurement resulted in charges of waste, mismanagement, insufficient compensation, and undue force in their appropriation. Demands from the Continental Congress for men and material met with increased hostility from the New Jersey government as the war progressed. Financial chaos threatened the State. Currency depreciated rapidly. Prices rose to astronomical heights. The government approached bankruptcy. Once it declared its independence, New Jersey was a State plagued with troubles, and harassed by friend and foe alike.⁶

The burden of finding solutions to these problems fell most directly upon the shoulders of the legislature. Constituted as the most powerful government body, the legislature faced its most immediate challenges in two critical areas: controlling a large Loyalist population and the preparation of adequate defenses. In time, the tasks of controlling the disaffected and organizing the State's military response would devolve upon two executive agencies, the Council of Safety and the Privy Council.

The Council of Safety was established to counter the ominous threat which the Loyalists or Tories posed to the legitimacy of the new government. The outbreak of hostilities in April 1775 produced fissures in the ranks of the Whigs, and the decision for independence created a fundamental issue upon which men of all ranks held differing opinions. The issue of allegiance was not entirely clear-cut, for while minorities quickly and seemingly irrevocably made a firm choice of loyalties, many wavered indecisively, unsure of their ultimate commitment. In the final

INTRODUCTION

analysis, this large middle group would swing to the side that seemed best able to maintain authority.

Legislative attempts to control the Loyalists and gain the allegiance of the uncommitted were extensive during the State's early days. Militia, justices of the peace, and sheriffs were ordered to subdue areas of Loyalist support. Former public officials, mostly from Perth Amboy, suspected of Toryism, were confined in Trenton. Treason, treasonable acts and counterfeiting were defined. Punishment, as in colonial days, was death.⁷ But no matter what the government did, its efforts were of little avail. The State was too deeply divided to adhere steadfastly to the new authority.

Conscious of its own shortcomings, and harassed by a portion of the citizenry it could not control, the legislature, early in 1777, began to look to the executive to solve the problems of loyalism and allegiance. Reverting to a device that had been employed by the Provincial Congress in 1775-1776, the legislature, in March 1777, created the Council of Safety. By the legislature's own admission a centralized authority was needed to rectify its own shortcomings. In the preamble of the enabling legislation the self-criticism was evident,

. . . the executive Powers of Government should be strengthened and increased at a time when, by the Invasion of the Enemy, and other concurrent causes, the natural Strength of Government is greatly obstructed in its usual Operation and Energy.⁸

The formal proposal for a Council of Safety had come from Governor Livingston in a message to the Assembly on 11 Mar. 1777. In his address the Governor noted that the laws were of "little Avail . . . unless faithfully executed" and asked "for an executive Body, vested with such Powers . . . as may appear requisite for the Publick Safety, and which cannot at present be legally exercised by any Person or Persons within the State. . ."⁹ Livingston's concern about the Loyalist threat emanated from his realization that strong leadership was necessary, yet he would not ask for such unprecedented authority without first consulting the legislature. The speed with which his idea was put into

INTRODUCTION

legislative form, debated, and passed—a total of four days—suggests that the Council of Safety had been discussed with legislators before being presented.

The Council of Safety was composed of the Governor and twelve men appointed by the legislature mostly from among its own membership. The primary task of the council was “to expedite” the laws of the State by entering into any county, interviewing those suspected of being Loyalists, administering the oaths of allegiance, when necessary, and confining persons believed dangerous to the government. The Governor was empowered, with the advice and consent of the Council of Safety, to apprehend suspected Loyalists and move them from jail to jail. If needed, the council could call upon the militia to enforce its edicts.¹⁰

The authority conferred upon the Council of Safety was extensive. Combined in one body were judicial, legislative, and executive functions as well as the authority to call the militia. The legislature had the power to abolish the Council of Safety and did restrict its life to a specific period. Nevertheless, the creation of the council, primarily to cope with the Loyalist challenge, was an admission by the legislature of its own shortcomings in dealing with the problem. As shall soon be demonstrated, the developing prominence of the Privy Council resulted from a similar legislative failure to marshal the State’s militia defenses.

The life of the Council of Safety,¹¹ originally set for six months, was extended to a year and a half. It exercised its delegated authority with dispatch and dedication. During its tenure, the council was in session 24 times, holding about 400 sittings. It assembled in ten different places in Morris, Hunterdon, Gloucester, Burlington, Somerset and Essex Counties. It met most often in Princeton, centrally located and a hotbed of Whiggism, and Morristown, close to the protection of the Continental Army. The temper of the Council of Safety was in sharp contrast to the attitude of the Assembly. Governor Livingston

INTRODUCTION

presided at every session. Its minutes reflect a certain calm efficiency and urgency in getting the job done.

No full and accurate assessment of the consequences of the activities of the Council of Safety against the Loyalists is available. The best indication that the council accomplished substantive results was the legislature's renewal of its power at approximately three-month intervals. The council provided the first semblance of a government at work, traveling throughout the State and exercising its powers as best it could. Its mere existence, as a legitimate arm of a government striving for acceptance, was an important point. The Council of Safety, able to represent the power of the new State on the local level, became the first authority of the State which extended its control and power with some effectiveness.

In the same manner that the Council of Safety was created to deal with the disloyalty, the Privy Council was entrusted with extraordinary authority to cope with other critical matters. The security of the State was threatened by the absence of a dependable militia establishment. The presence of enemy armies either within or on the State's borders had brought confusion to the conduct of the State and county courts. As the relative success of the Council of Safety had indicated, the legislature needed an executive agency as crises arose. It was the Privy Council to which the legislature turned to fill this administrative void. In time the expanded role of the Privy Council became threefold: to maintain the everyday services of the government, particularly the administration of the courts; to reinforce or implement legislation lacking the proper authority to make it operative; and, most importantly, to supply and deploy the militia. The success of this last function would affect the others. The Privy Council provided leadership in military affairs which complemented the Council of Safety's preoccupation with Loyalist matters.

New Jersey became the major battleground of the war in November and December 1776, when the British and their Hessian mercenaries overran the State in slow pursuit of the retreating

INTRODUCTION

American army. Upon assuming the governorship in August, Livingston had urged the legislature to organize an effective militia apparatus. Despite the military emergency, the lawmakers had failed to act. The issues which stalled the crucial legislation were the traditions of hiring a substitute and using an exemption fee to escape military duty. Both practices angered Livingston, who believed that anyone fit and without religious reservations should be forced to face his military obligations.¹² Deadlocked over the militia question and faced with an enemy invasion, the legislature adjourned on 2 Dec. 1776. Meanwhile, during the forced recess, the British and Hessian forces were defeated at Trenton and Princeton. The main British army returned to winter quarters in New York, with a truncated line of posts from New Brunswick to Perth Amboy. Washington camped the American army at Morristown.

The New Jersey militia had contributed little to the sudden turn of events in favor of the American army. The reluctance of Jerseymen to join the fray had reflected not only a divided population, but also the fear of a supposedly invincible enemy, and the inability of the new State to establish its military command and provide direction. Writing to Livingston 24 Jan. 1777, Washington chose to emphasize the latter failure in a heated letter critical of the State's lawmakers.

Sir: The irregular and disjointed State of the Militia of this Province, makes it necessary for me to inform you, that, unless a Law is immediately passed by your Legislature, to reduce them to some order, and oblige them to turn out, in a different Manner from what they have hitherto done, we shall bring very few into the Field, and even those few will render little or no Service. Their Officers are generally of the lowest Class of People; and instead of setting a good Example to their Men, are leading them into every Kind of Mischief, one Species of which is, Plundering the Inhabitants, under pretence of their being Tories. A Law should, in my Opinion, be passed, to put a Stop to this kind of lawless Rapine; for, unless there is something done to prevent it, the People will throw themselves, of Choice, into the Hands of the British Troops. But your first object should be a well regulated Militia Law; the People, put under good Officers, would behave in quite another Manner; and not only render real Service as Soldiers, but would protect, instead of distressing, the

INTRODUCTION

Inhabitants. What I would wish to have particularly insisted upon, in the New Law, should be, that every Man, capable of bearing Arms, should be obliged to turn out, and not buy off his Service by a trifling fine. We want Men, and not Money.¹³

When the Assembly reconvened on 20 Jan. 1777, it waited another two weeks before finally sending to the council a measure which incorporated both exemption fees and the practice of substitutes. The frustrated Governor asked the Assembly to erase these practices from the law and force the people to answer the muster.¹⁴

The plea went unheeded. On 15 Mar. 1777, the State's first general militia act included the use of substitutes and exemption fees. However, the new code did include one section which was to assume greater importance as the war progressed. Listed last among the various ways whereby the Governor might call out the militia was the following, "with the Advice of the Legislature, when sitting, or in their Recess, with the Advice of the Privy Council."¹⁵ Combined with his chairmanship of the Council of Safety, created two days after passage of the militia law, Livingston's use of the Privy Council vaulted him into the center of power. Legislative weakness had perhaps left him no other choice.

Languid passage of this first major militia law focused attention upon the leadership crisis faced by New Jersey's revolutionary government. Legislative deliberations on the militia bill posed a challenge to the Assembly's constitutionally pre-eminent position. Faced with a military crisis and the need to take action, the Assembly had procrastinated and the impetus for militia reform came from the Governor, not from within the legislature. Moreover, the chief executive's recommendations incorporated new, far-reaching and dramatic changes. The Assembly's response was to back away and return to a *status quo* which failed to meet the State's needs. Furthermore, Livingston's inability to convince the Assembly of the need for revision of the militia code may have greatly influenced his own assessment of the leadership needs of the State. While the legislature considered the militia bill, the Governor had written to Washington that the lawmakers "are so

INTRODUCTION

unduly influenced by the Fear of disobeying their constituents that they dare not exert themselves with the requisite Spirit of the exigencies of War.”¹⁶ The legislature’s failure to extend its authority to confront the Loyalist challenge reinforced Livingston’s critical assessment. Thus in March 1777 he moved to assert his leadership. Directing the efforts of the Council of Safety and the Privy Council, the chief executive assumed a dominant role seemingly at odds with the intention of the State Constitution.

The basis of the Privy Council’s military authority came from the legislature. According to the Constitution the Governor was the commander-in-chief. Nevertheless, the lawmakers chose to inhibit this authority in the March 1777 militia act by having the Governor, except in case of surprise invasion, consult with the legislature, or in its absence, the Privy Council before calling out the militia. In effect, the legislature created a military high command. This command, however, chose to exceed its authority by directing militia units while the legislature sat. The result was a high degree of effectiveness lacking during previous military crises.

The principal test of the Privy Council’s command arose in 1778 during the British march across New Jersey from Philadelphia to New York, culminating in the Battle of Monmouth on 28 June. Between February and June a constant flow of correspondence with military commanders kept the Privy Council abreast of the latest movements of the British forces. With each bit of news, the Privy Council responded accordingly, advising Livingston on deployment of the militia. In preparation for the battle, forces from at least seven counties, from all parts of the State, were moved into position to harass General Henry Clinton’s army. Some units were stationed by the council without the approval or disapproval of the legislature.¹⁷ The Jerseymen’s raids and attacks are credited with forcing Clinton to halt his march and fight.¹⁸ The battle at Monmouth was indecisive with both sides claiming victory. However, a notable feature of the campaign was the turnout of the Jersey militia. This fact was not

INTRODUCTION

lost on General Washington, whose sentiments regarding the militia were in marked contrast to his thoughts of January 1777:

... the Militia of this state are also thanked for the noble Spirit which they have shown in opposing the Enemy on their march from Philadelphia and for the Aid which they have given by harrassing and impeding their Motions so as to allow the Continental Troops time to come up with them.¹⁹

There were, of course, reasons other than the spirited leadership of the Privy Council for the militia turnout. As the State continued to function, more people identified with its existence. Previous military successes by Continental troops, especially the surrender in October 1777 of British forces commanded by General John Burgoyne, gave those loyal to the State the will to fight. Such victories seriously tarnished the British aura of invincibility. Nevertheless, the new infusion of leadership by the Privy Council cannot be discounted.

As in the case of the Council of Safety, the legislature recognized the Privy Council's effectiveness and continued to delegate increased military powers to it. When the militia was to be alerted for a possible campaign in conjunction with the Continental Army, the Privy Council was empowered to command the mobilization.²⁰ The protection of the State's "frontiers" became a special area of council concern. The "frontiers" referred to areas vulnerable to attack by the British occupation forces in New York, specifically Bergen, Essex, Middlesex, Monmouth, and Sussex counties. These locales were subject to constant raids by British and Loyalist troops searching for supplies and forage. Time and again the council was entrusted with the deployment of militia to meet these incursions. Included in the Privy Council's authority was the appointment of the commanding officers of these frontier forces.²¹ In all previous cases the legislature had made these choices. Considerable effort, with only limited success, was expended to pacify the "frontiers," but the effort alone was indicative of a strengthened military command and commitment. The dependence of the legislature upon the military command of the Privy Council was evident in February

INTRODUCTION

1778, when 100 militiamen were dispatched by the council into Trenton to protect the immediate safety of the representatives.²² It was only with enactment of a new general militia code in 1792 that authority to muster the militia was denied the Privy Council.²³

As the war continued, the military responsibilities of the Privy Council broadened. To provide continuity in wartime services the council appointed, subject to later legislative approval, commissioners delegated to compensate soldiers deficient in their pay as the result of the depreciation of the continental currency.²⁴ A similar charge was issued regarding the State Clothier and Superintendent of Purchases, entrusted with procuring and issuing clothing and provisions to Jerseymen in the Continental Army. In addition, during legislative recess, the council could direct the clothier regarding the full spectrum of his duties.²⁵ Regarding supplies for the militia, problems arose, in part, because of the harsh methods used by the quartermaster department to procure needed staples. The Privy Council was entrusted with directing efforts to protect the citizenry from highhanded practices. In March 1778 Livingston reported to the council that complaints had been received from citizens, accusing the commissary and quartermasters of "... Oppressions, in seizing by Violence what they might have peaceably procured either by voluntary Consent of the Proprietors, or in the Mode prescribed by Law; . . ." On advice of the council, Livingston issued a proclamation, reiterating these complaints, listing the laws covering procurement and inviting the citizenry to report the violators.²⁶ Further efforts were expended to alert local magistrates to the avarice of the Continental quartermaster²⁷ and to carry out the directives of the Continental Congress empowering state executives to investigate the practices of the quartermaster department.²⁸

Illicit trade with the enemy also occupied the Privy Council's agenda. Proclamations enforcing legislative edicts and directions for the control of river traffic,²⁹ combined with similar efforts

INTRODUCTION

by the Council of Safety, make evident how extensive trading with the enemy had become. Intercourse across enemy lines continued to flow throughout the conflict.

The demise of the Council of Safety in October 1778 shifted a number of its duties to the Privy Council. Authority was vested in the Privy Council to control the exchange and care of prisoners of war.³⁰ It became the agency empowered to direct efforts to apprehend felons, often suspected Loyalists, responsible for particularly reprehensible crimes—murder, robbery, kidnapping—which disturbed the “Peace of the State.”³¹ An extradition law gave the council wide discretionary powers to return criminals and Loyalists to another state.³² The increased scope of activities serves to underscore the confidence of the legislature in the Privy Council’s performance.

Although the military crises had provided the main impetus for the Privy Council’s leadership role, the board undertook functions to maintain the everyday services of the new regime, and in that way bolster the legitimacy of the Whig government. As its proceedings indicate, the Privy Council granted pardons, commissioned courts of oyer and terminer, changed the venue of the supreme court and the court of general quarter sessions, issued proclamations for days of thanksgiving and prayer, approved pay warrants, and administered legislation, often executing new trusts as the legislature saw fit. For the most part, authority for these various activities came from the legislature. However, the council did accept certain directives from the Continental Congress. Some other duties were assumed because of colonial precedent.

The granting of pardons during the colonial era had been the prerogative of the King through his representative, the Royal Governor. William Franklin, New Jersey’s last Royal Governor, had exercised his pardoning power in council.³³ This executive function was continued by the State Constitution under article IX which designated:

That the Governor and Council (seven thereof shall be a Quorum) . . . possess the Power of granting Pardons to Criminals after Condemnation in all Cases of Treason, Felony or other Offenses.

INTRODUCTION

During the Revolutionary period the Privy Council met over 40 times as a committee of pardons. Clemency was considered only when recommended by the justices of the county and supreme court or when requested by personal petition. The leniency of the council was exemplary. The minutes do not record the denial of a plea for mercy. Apparently such leniency was not unusual. The criminal code of the period was harsh and the punishments severe. Governor Franklin had used his pardoning power liberally³⁴ and the new regime followed suit.

The power to change the time and place of State and county courts and the commissioning of courts of oyer and terminer were also legacies of the provincial era. The establishment of the courts had been specifically commissioned by the king to the Governor-in-Council. The Constitution of 1776 conferred no such power, but Livingston assumed the authority based upon a 2 Oct. 1776 law providing continuity between provincial and State courts. The law stipulated that the State courts should be "confirmed and established, and continued to be held with the like Powers under the present Government as . . . before the Declaration of Independence."³⁵ Livingston's desire to claim his predecessor's prerogative was important because the presence of the enemy and of Loyalist strongholds played havoc with the orderly convening of the State's courts. The October legislation also empowered the Governor and Privy Council "to alter Times and Places" of any of the State courts.³⁶

Courts of oyer and terminer were especially important to the administration of justice. These courts met upon special commission to try all felonies. The Royal Governor-in-Council had issued such commissions previously and the State Privy Council continued the practice. Evidently the convening by the council of courts of oyer and terminer had upset some citizens. In September 1777 the legislature specifically conferred upon the Governor and council the authority to establish such courts because "Doubts" had arisen "with Respect to the Authority" of these bodies as established by Livingston.³⁷ Throughout the period the

INTRODUCTION

Privy Council convened over 50 separate courts of oyer and terminer. In 1788 the legislature ended this practice because of the expense of calling a Privy Council for that purpose. Thereafter the Governor alone issued the necessary commissions.³⁸

The issuing of thanksgiving day proclamations was at the behest of the Continental Congress. These proclamations represented pleas for moral strength and unity against the common enemy. The call for prayer was often timed with an auspicious occasion such as the defeat of the army of General John Burgoyne or the signing of the French alliance.³⁹ The Congress had designated either the legislative or executive branches to publish the edict, but in New Jersey Livingston assumed the task without legislative protest.

The approval of pay warrants was another function performed previously by the Royal Governor and council and subsequently delegated to the executive by the legislature.⁴⁰ The legislature established the salary scale for all government officials but the Privy Council approved only those warrants for the "Governor and other officers appointed for the Administration of Government." They included the justices of the supreme court, attorney general, treasurer, secretary, and clerk of the circuit court. Later this list was expanded to include the general auditor of the State's accounts. On two occasions, early in 1778, the council appeared to overstep its bounds by sanctioning payment to two militia companies.⁴¹ The action was not repeated. Thereafter the legislature approved similar warrants.

The warrants themselves reveal a startling picture of the severe inflation which gripped New Jersey and the other states during the Revolution. Initially Governor Livingston's salary was set at £600 per year. In 1777 the figure was £1000. By 1780 Livingston's stipend reached £8000. In like manner the salary for chief justice rose from £300 in 1777 to £5000 in 1780. The state treasurer was the lowest paid administrator, beginning with £80 per year in 1777 and rising to £3000 in 1780.⁴²

INTRODUCTION

Even more dramatic was the effect of the new financial plan begun by Congress in 1780 to substitute a stable currency for the depreciated Continental currency. The Congress began recalling the old currency while issuing "new Emission" money arbitrarily valued at 40:1 with specie. To accommodate the new effort Livingston's salary was revalued from £8000 to £1000 per year. In 1782 another revaluation set the sum at £650. As deflation continued Livingston's stipend dropped to £600 in 1783 finally stabilizing at £550 in 1784. Similarly the chief justice's salary was deflated from £5000 in 1780 to £500 in 1781 and set at £300 in 1784.⁴³ The salary warrants are ample proof of the havoc which resulted from the financial instability of the Revolutionary era.

Finally, the Privy Council received from the legislature two special charges, both involving potentially controversial matters. The first, in November 1780, empowered the Governor and Privy Council "to ascertain and declare . . . the Rate of Exchange between Continental Currency and Specie."⁴⁴ The "new emission" money, arbitrarily valued in March at 40:1 with specie by the Continental Congress, had immediately begun to depreciate. To halt the depreciation the Privy Council was to set a ratio based on current values. At first the ratio was established at 75:1 but within nine months the value was lowered to 175:1. The action of the Privy Council set the stage for a major controversy over the question of whether the bills should be redeemed at face value or at their actual worth.⁴⁵

The second charge was not made until after the adoption of the Federal Constitution. At that time the Governor and Privy Council were delegated the responsibility of counting the ballots and judging who was elected to the House of Representatives. In 1789 they also had the task of appointing presidential electors. New Jersey was the only state to choose electors by this method.⁴⁶ The first congressional election was controversial as the minutes indicate.⁴⁷ However, the full intensity of the contest, which was fought along sectional lines—East Jersey versus West Jersey aided by a few powerful Eastern allies—is not evident from the record.

INTRODUCTION

The election became a farce as each side manipulated the closing of the polls in its section. With an incomplete tally, the Privy Council certified the election of the West Jersey ticket. Eventually the decision was ratified by the House of Representatives after East Jersey appealed. The Privy Council's role in this election was its last significant act of the Revolutionary era. New Jersey had weathered the storm of war and reconstruction.

Despite its heavy administrative and executive workload, the Privy Council conducted its affairs with a calm efficiency and surprising unanimity. Only two instances of division appeared. One roll-call vote was registered in May 1782, when a question arose over the extent of the council's pardoning power.⁴⁸ The second schism arose in 1777 and 1778 and involved a controversy over the State executive's prerogative to issue charters of incorporation, a duty performed previously by the Royal Governor. The council, over the objections of two of its members, approved this assumption of power. Eventually, the Assembly, in countering Livingston's action, stated that the "Powers of granting Patents and Charters of Incorporation" rested solely with the legislature.⁴⁹

These disagreements did not disrupt the basic effectiveness of the council's deliberations. The internal workings of the council stressed the unity needed in a constantly challenging and changing situation. The key to this unity was Governor Livingston. The usual formula for the conduct of business was for the Governor to introduce a particular matter, and then for the council to advise a course of action. In this manner Livingston generally controlled the council's agenda, dominating its proceedings, but in a subtle way. Decisions were made through informal discussions rather than debate. No instance appeared where Livingston countermanded the advice of the council.

The unceremonious nature of the council's proceedings did not inhibit it from executing its duties quickly. Militia deployment demanded speed. It was not unusual for the council to dispatch units on the same day it was authorized to do so by the legislature.⁵⁰ Quick action followed legislative mandates in other

INTRODUCTION

tasks, such as the setting of the ratio of continental currency to specie.⁵¹

From its first recorded meeting in July 1777 through March 1789 the Privy Council met 227 times in 15 different locations, most often in Princeton and Trenton. The majority of the sessions, 150, convened while the legislature was in session. There does not appear to have been any problem in regard to attendance. The council membership never deviated from the constitutional charge that "any three or more of the (Legislative) Council shall, at all Times, be a Privy Council. . . ." Every member of the Legislative Council from 1776 through 1789, at one time or another, attended the meetings of the Privy Council. When the council considered pardons, seven members represented a quorum. All other matters might be handled by three councilmen. To summon the Privy Council during legislative recess, the Governor dispatched messengers to inform the representatives of the session.

The salary for each councilman, on a *per diem* basis, was the same as he received for his attendance on the Legislative Council. The stipend rose from 8 shillings per day in 1777 to £9.07.06 at the height of the inflationary spiral in 1780. Four years later the figure had fallen back to 10 shillings. However, privy councillors were paid only for those days when they met while the legislature was not sitting. Thus a councilman who had attended every Privy Council meeting in 1780 would have received a salary for only 15 meetings because 34 of the sessions were held while the legislature sat.

By the end of the Revolutionary War, the authority of Governor William Livingston and his Privy Council had become established. The importance of this authority was accurately assessed in 1780 by William Churchill Houston, a New Jersey delegate in the Continental Congress. The British were making their last great thrust of the war in the South and the problems of money and supply were once again upon a war-weary people. Houston wrote the Governor,

INTRODUCTION

Our situation being critical, I would suggest to your Excellency . . . that you and the Privy council should be frequently together. If anything is within your power there never was a time when the Practice of that Power was more indispensable.⁵²

Combined with the activities of the Council of Safety, the role of the Privy Council illuminates the struggle of New Jersey's Whigs to create a viable government during the Revolutionary War. It is difficult to assess the true relationship between the Privy Council's military leadership and the State's continued existence. The Privy Council did not end the practice of substitutes or exemption fees in place of military service. Supply problems throughout the war remained critical. But the Privy Council did fill a leadership void. Like the Council of Safety, the Privy Council provided a semblance of executive authority and an example of the new government in action. From its first recorded meeting in July 1777, until November 1782, when it made its last military decision, the Privy Council met 167 times. In 1778 and 1780, as military crises deepened, the Council convened 38 and 47 times respectively. Often in almost constant session, able to cut through the formalities of government, the Privy Council could meet each problem as a committee and act accordingly. In contrast, from 1782 to 1789 it met only 60 times.

The expansion and utilization of the Privy Council and the Council of Safety revealed the pragmatic attitude of the New Jersey Whigs in achieving the creation of a more effective government. Gordon Wood's analysis of the revolutionary generation indicates that the executive's assertion of power, influence and leadership was not unique to New Jersey.⁵³ In other states, however, this factor became part of the debate over the ultimate form which the state governments were to assume. Cries arose that the early state charters had created "feeble" governments, "a want of energy in the administration of government." These doubts were accompanied by demands to increase the executive powers to provide for law and order. Benjamin Franklin observed, "We have been guarding against an evil that old States are most liable to, excess of *power* in the rulers, but our present danger seems to be

INTRODUCTION

defects of obedience in the subjects.”⁵⁴ Men argued that times of change were unsettled.

Some time must always intervene before new ideas can be received, new forms established, and the machine of government brought back to a regular motion. . . . Defects appear which time only could bring to view; many things required amendment, and some must undergo a total alteration.⁵⁵

Ardent Whigs were seriously doubting their own handiwork and the principles of popular government upon which they were based.

The experience of New Jersey during the Revolutionary War had proved the need to bring the “machine of government back to a regular motion.” Fortunately, a skillful chief executive was available to do it. William Livingston managed the needed alterations. Developing methods similar to modern war cabinet procedures, Livingston directed an informal shadow government based upon the authority delegated to the Council of Safety and the Privy Council. Combining the constituted powers of the legislature with the more workable institutional structure of the executive, the Council of Safety and Privy Council were designed to handle the most pressing problems of the day, the Loyalist and military threats respectively. The actions of each board illustrated the special circumstances affecting the establishment of the State. Livingston’s direction of each council indicated the degree of change in the State government as constituted. The wartime emergency had forced the legislature to share its primary leadership role, if not formally through a change in the Constitution, then substantively through legislatively authorized delegations of power.

Comparison with postwar activities of the Privy Council serves to increase appreciation of its wartime leadership. After 1782 the Council continued to function as an executive agency considering pardons and establishing courts of oyer and terminer. However, the demand for these services slackened. Between 1783 and 1789 the Council met on an average of nine times a year compared with an average of 28 sessions during the war years.

INTRODUCTION

The New Jersey Privy Council did not cease to be active in 1789. The minutes run through a second manuscript volume which covers its proceedings until 1844. At that time a new State Constitution eliminated what had become a generally useless agency. As noted, after the adoption of the Federal Constitution, the Privy Council had received the task of validating congressional election returns. This function ended in 1816. The convening of courts of oyer and terminer had ended in 1788, followed four years later by the formal end to the Privy Council's military role. In 1812 the council issued its first and last thanksgiving day proclamation since 1783. The approval of pay warrants halted in 1820. In December 1802, the Privy Council, confronted by a Federalist-Republican deadlock in the legislature, did rule that the failure of the lawmakers to elect a Governor devolved the responsibilities of the office to the council's vice president.⁵⁶ This single exercise of authority, however, only serves to underscore the generally unproductive nature of the Privy Council's proceedings. The Privy Council ended its days as a "Court of Pardons" honoring requests for pardons from individuals confined in the state prison.

Publication of the *Minutes of Governor's Privy Council* of New Jersey from 1777 to 1789 makes possible acquaintance with the full scope of council activities. Its military leadership during the Revolutionary War was crucial. Whatever success the government of New Jersey had in dealing with the concerns of the Revolution becomes intelligible only through an appreciation of the role of the Privy Council. Its activities, previously ignored and forgotten, can now be studied. Used in conjunction with the record of the Council of Safety, these minutes provide significant insight into the functioning of New Jersey's governmental apparatus as it struggled to assert itself and to provide leadership amid the crises of war and reconstruction.

¹ The best studies of New Jersey's transition from colony to state are Donald L. Kemmerer, *Path to Freedom: The Struggle for Self-Government in Colonial New Jersey, 1703-1776* (Princeton, 1940); Richard P. McCormick, *New Jersey from Colony to State, 1609-1789* (Princeton, 1964); and Larry R. Ger-

INTRODUCTION

lach, "Revolution or Independence? New Jersey, 1760-1776," unpublished Ph.D. dissertation, Department of History, Rutgers—The State University, 1968.

² The several state constitutions are contained in *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of . . . the United States of America*, comp. by Francis Newton Thorpe, 7 vols. (Washington, 1909).

³ Sir David Lindsay Keir, *The Constitutional History of Britain Since 1485* (London, 1961), 19-20, 113-115, 122-123.

⁴ The board of trade, ostensibly subordinate to the King's Privy Council, was the primary committee charged with administering the colonies. The relationship of the board of trade and the Privy Council to the colonies is discussed in Oliver Morton Dickerson, *America Colonial Government 1696-1765* (New York, 1962).

⁵ *New Jersey Archives*, 1st series, II, 492-499; 508; 515; 521; 524. Hereafter *NJA*.

⁶ These difficulties form an integral part of New Jersey's Revolutionary experience. See Lundin, *Cockpit of the Revolution*; Adrian C. Leiby, *The Revolutionary War in the Hackensack Valley* (New Brunswick, 1962); McCormick, *Experiment in Independence*; and David Bernstein, "New Jersey in the American Revolution: The Establishment of a Government Amid Civil and Military Disorder, 1770-1781," unpublished Ph.D. dissertation, Department of History, Rutgers—The State University, 1970.

⁷ *Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey* (Trenton, 1879), 387-95; 497; 499; 561-563; Hereafter *Minutes, Acts of the General Assembly of the State of New Jersey*, 1st session, 1st sitting, 4 Oct. 1776. Hereafter *Acts*.

⁸ *Ibid.*, 15 Mar. 1777.

⁹ *Votes and Proceedings of the General Assembly of the State of New Jersey*, 1st session, 99-100. Hereafter *VPS*.

¹⁰ *Acts*, 1st session, 1st sitting, 15 Mar. 1777.

¹¹ The *Minutes of the Council of Safety of the State of New Jersey* (Jersey City, 1872) has been printed without any annotation.

¹² Margaret Burnham MacMillan, *The War Governors in the American Revolution* (New York, 1943), 234.

¹³ *The Writings of George Washington from the Original Manuscript Sources*, 39 vols., ed. John C. Fitzpatrick (Washington, 1931-1944), VII, 56-57.

¹⁴ *VPS*, 1st session, 94.

¹⁵ *Acts*, 1st session, 1st sitting, 13 Mar. 1777.

¹⁶ MacMillan, *The War Governors*, 234-235.

¹⁷ See entries for 23 and 28 Feb. 1778, 63 and 64; and 21 Mar. 1778, 71.

¹⁸ John Richard Alden, *The American Revolution 1775-1783* (New York, 1954), 202.

INTRODUCTION

- ¹⁹ Fitzpatrick, *Writings of Washington*, XII, 130.
- ²⁰ *Acts*, 5th session, 2nd sitting, 27 June 1781.
- ²¹ *Ibid.*, 3rd session, 2nd sitting, 2 June 1779; 4th session, 3rd sitting, 7 June 1780; 5th session, 1st sitting, 26 Dec. 1780; 2nd sitting, 27 June 1781; 6th session, 1st sitting, 7 Jan. 1782; see also entry in minutes below for 25 June 1779, 121.
- ²² Entry for 23 Feb. 1778, 63.
- ²³ *Acts*, 17th session, 1st sitting, 30 Nov. 1792.
- ²⁴ *Ibid.*, 5th session, 1st sitting, 6 Jan. 1781; also entry in the Minutes for 18 June 1782, 223.
- ²⁵ *Acts*, 2nd session, 2nd sitting, 18 Apr. 1778; 3rd session, 2nd sitting, 11 June 1779; 4th session, 1st sitting, 25 Dec. 1779.
- ²⁶ See entry for 9 Mar. 1778, 69; *NJA*, 2nd series, II, 111.
- ²⁷ Entry for 13 Jan. 1779, 109.
- ²⁸ *JCC*, XIV, 812-815.
- ²⁹ See entries for 14 Aug. 1777, 32 and 21 Feb. 1778, 61.
- ³⁰ *Acts*, 4th session, 3rd sitting, 17 June 1780; also see entry in the Minutes for 2 Nov. 1779, 136.
- ³¹ *Acts*, 3rd session, 2nd sitting, 9 June 1779; entry 28 Aug. 1779, 124-125.
- ³² *Acts*, 2nd session, 4th sitting, 2 Oct. 1778.
- ³³ Henry Clay Reed, "Chapters in a History of Crime and Punishment in New Jersey," unpublished Ph.D. dissertation, Department of History, Princeton University, 1939, 83.
- ³⁴ *Ibid.*, 77-85.
- ³⁵ *Acts*, 1st session, 1st sitting, 2 Oct. 1776; Lucuis Q.C. Elmer, *The Constitution and Government of the Province of State of New Jersey . . . during more than half a century* (Newark, 1872), 269-270.
- ³⁶ *Acts*, 1st session, 1st sitting, 2 Oct. 1776.
- ³⁷ *Acts*, 1st session, 3rd sitting, 20 Sept. 1777.
- ³⁸ *Ibid.*, 12th session, 2nd sitting, 5 Sept. 1788.
- ³⁹ Entries for 12 Nov. 1777, 54 and 24 Nov. 1778, 105.
- ⁴⁰ *Acts*, 1st session, 1st sitting, 14 Mar. 1777.
- ⁴¹ Entries for 5 Mar. 1778, 67; 18 Mar. 1778, 70; 11 Apr. 1778, 75.
- ⁴² Entries for 4 Oct. 1777, 42; 4 Nov. 1780, 182.
- ⁴³ Entries for 6 Feb. 1781, 195; 16 Feb. 1782, 216; 8 Apr. 1783, 242; 14 Apr. 1784, 255.
- ⁴⁴ *Acts*, 5th session, 1st sitting, 17 Nov. 1780.
- ⁴⁵ Entries of 22 Nov. 1780, 185; 28 Apr. 1781, 199; 2 June 1781, 200. McCormick, *Experiment in Independence*, 158-185.
- ⁴⁶ *Acts*, 13th session, 1st sitting, 21 Nov. 1788; McCormick, *Experiment in Independence*, 288n.

INTRODUCTION

⁴⁷ See entries for 18 and 19 Mar. 1789, 288-290; a full account of the election's twists and turns is in McCormick, *Experiment in Independence*, 287-303.

⁴⁸ Entry for 24 May 1782, 218.

⁴⁹ Entries for 7 Oct. 1777, 43; 18 Mar. 1778, 70; VPS, 3rd session, 182; John William Cadman, *The Corporation in New Jersey, 1791-1875* (Cambridge, 1949), 3-5.

⁵⁰ Entries for 25 Dec. 1780, 190; 27 June 1781, 201-202.

⁵¹ Entry for 22 Nov. 1780, 185.

⁵² William Churchill Houston to William Livingston, 4 Apr. 1780, William Livingston Papers, Ledyard Collection, Manuscripts and Archives Division, New York Public Library, Astor, Lenox and Tilden Foundations, New York City, N. Y.

⁵³ Gordon Wood, *The Creation of the American Republic 1776-1787* (Chapel Hill, 1969), chapter XI.

⁵⁴ *Ibid.*, 432.

⁵⁵ *Ibid.*, 430-431.

⁵⁶ Prince, *New Jersey's Jeffersonian Republicans*, 106.

Minutes of
the Governor's Privy Council
1777-1789

First Legislative Session

1776/1777

MEMBERS OF THE PRIVY COUNCIL

Governor William Livingston
Bergen County, John Fell
Burlington County, Richard Smith
Cape May County, Jonathan Hand
Cumberland County, Theophilus Elmer
Essex County, Stephen Crane
Gloucester County, John Cooper
Hunterdon County, John Stevens, Vice-President
Middlesex County, Jonathan Deare
Monmouth County, Nathaniel Scudder
Morris County, Silas Condict
Salem County, Andrew Sinnickson
Somerset County, William Paterson
Sussex County, John Cleves Symmes

At a Council Held at New Germantown,¹ the
18th day of July, 1777.

PRESENT

His Excellency the Governor [William Livingston]²
the Vice-President [John Stevens]³
Mr. [Stephen] Crane⁴ Mr. [Theophilus] Elmer⁷
Mr. [Silas] Conduct⁵ Mr. [Nathaniel] Scudder⁸
Mr. [John Cleves] Symmes⁶ Mr. [William] Paterson⁹

His Excellency laid before the Board the Petition of Nathaniel Pettit, Thomas Woolverton, Francis McGee, Timothy Skinner, Jonas Johnson, Robert Rosbrook, Sebastian Chestnutwood, William Green, [torn]son and Henry Shipler, all Prisoners in the County Jail at Newtown in Sussex County, who by the Judgement of the Court of Oyer and Terminer¹⁰ lately held in the said County were fined and imprisoned, four of them for speaking seditious Words, and others for Misdemeanors, praying the Clemency of Government to be extended to them in such Manner as the Board should think meet in remitting their Fines and Time of Confinement or any Part thereof.

The Board, taking the said Petition into Consideration, advised His Excellency to remit six months of the Term for which the said Nathaniel Pettit and Sebastian Chestnutwood were adjudged to imprisonment, and all the Fine unpaid by the said Henry Shipler and all the Term of his imprisonment except six Months thereof and all the remaining term for which the rest of the Petitioners are adjudged to imprisonment.

MINUTES FOR 1776/1777

At a Council held at Morristown on the 14th Day
of August, 1777.

PRESENT

His Excellency the Governor

Mr. Crane

Mr. Elmer

Mr. Condict

His Excellency was pleased to acquaint this Board that he had received Information that diverse military Officers authorized by law have granted Permissions and Passes to many Persons, some of whom were of Suspicious [2] Characters, to pass to and from the Enemy's Lines, whereby an undue and dangerous Intercourse hath been kept up with the Enemies of the United States:¹¹

Whereupon the Council advised His Excellency to issue a Proclamation forbidding the granting of such Permissions and Passports except by Persons thereunto authorized by Law; which Proclamation was issued accordingly, in the Words following to wit:

By His Excellency William Livingston Esquire

Gov[ernor, Cap]tain-General and Commander in Chief in and over [the State] of New Jersey and Territories thereunto belonging, Chancellor and Ordinary in the Same

A Proclamation

Whereas by a certain Act of the Council and General Assembly of this State intituled *An Act for rendering more effective two certain Acts therein mentioned*,¹² passed the fourth Day of June last, it is among other Things enacted that if any Person

MINUTES FOR 1776|1777

being a Member of, or owing Allegiance to this Government as described in the first Section of the Act therein first mentioned (intituled *An Act to punish Traitors and disaffected Persons*)¹³ passed the fourth Day of October Last, shall be apprehended on his Way to the Enemy with Intent to go into their Lines or Encampments, or into any Place in their Possession, without the Licence, Permission or Passport of the Commander in Chief of the United States of America or of the Governor or Commander in Chief of this State for the Time being, or of some General Officer of the Army of the said United States, or of one of the Brigadiers General of the Militia of this State, such Person is thereby declared guilty of a capital Felony, and being thereof legally convicted shall suffer Death accordingly; Provided nevertheless that if any Person is offending as aforesaid shall, at the Time of his Examination before the Governor and Council of Safety, or within six Days thereafter, declare his Willingness to enlist and shall actually enlist with the Leave of the Governor and Council aforesaid to serve on Board any of the Vessels of War belonging to the United States, it shall be lawful for them to suffer him so to enlist, [3] and such his Enlistment shall be for a full Pardon of his Offences aforesaid, anything therein before contained to the Contrary notwithstanding. And whereas it was by the said Act further enacted That if any Person being a Member of or owing Allegiance to this Government as in the said first mentioned Act is described, who hath since the fourth Day of October last, voluntarily gone into the Enemy's Lines or Encampments, or into any Places in their Possession, shall return to any Part of this State in a secret or clandestine Manner, or without Leave, Licence or Passport previously obtained from the Governor or Commander in Chief of this State for the Time being, or from a General Officer of the Army of the United States, or of one of the Brigadiers General of the Military of this State, such Person is thereby declared to be guilty of a Capital Felony, and being thereof convicted shall suffer Death accordingly; Provided nevertheless that he may enlist as aforesaid and that such his Enlistment

MINUTES FOR 1776/1777

shall be considered and operate in like manner as the Enlistment of a Person committing the Offense specified in the last preceding Section of the said Act.

And Whereas it has been represented to me that notwithstanding the said Act (and I would presume from a non-knowledge of the Existence thereof) several Officers of the Militia of this State, and others while stationed in the same, of inferior Rank to those mentioned in the said Act, unauthorized thereby and in violation thereof, have granted fresh Licences, Permissions and Passports, and frequently upon very frivolous Occasions, and to Persons of Suspicious Character of both Sexes, by means whereof a constant Communication and Intercourse has for some Time past been supported between the Malignants of this State and the British Troops on Staten Island and in New York, and many have been furnished with opportunities to carry or transmit Intelligence to the Enemy and to circulate Dispatches from them among their secret Abettors in the interior Parts of the Country, and thereby facilitating their infamous Attempts to disperse their counterfeit Bills & reprobated Wares and Merchandize, as well as to seduce the loyal and enlist into their Service the disaffected Inhabitants of our Territories. For preventing of which unwarrantable, illegal and pernicious Practices, I have thought proper, by and with the Advise of the Council of this State, to issue this Proclamation, hereby strictly prohibiting all the Officers of the Militia of this State and other Persons whatsoever, (those so as aforesaid [4] authorized only excepted) to grant for the future any such Licences, Permissions or Passports under any Colour or Pretence whatsoever, as they shall answer the Contrary at their Peril; and requiring all Officers both civil and military within this state to exert their utmost Endeavors in apprehending every Person belonging to the same on his or her Way to the Enemy with Intent to go into their Lines or Encampments or any Places in their Possession without such Licenses, Permission or Passport as for that Purpose is by the said Act required, or returning from thence directed, having voluntarily gone into the same since the

MINUTES FOR 1776/1777

fourth Day of October last. And such Offender to commit to safe Custody, transmitting the Causes of his or her Capture, Detention and Place of Confinement to the Governor or Commander in Chief for the Time being of this State with convenient Speed, in order that such Offender may be brought to condign Punishment: And all other Subjects of this State are hereby required to be aiding and assisting in the Apprehension of such Offenders as they hinder the Welfare of their Country and are ambitious of signaling themselves in the glorious Conflict of Liberty and Virtue.

Given under my Hand and Seal at Morris Town the seventeenth Day of August in the Year of our Lord One thousand seven hundred and seventy seven.

William Livingston

By His Excellency's Command
William Livingston

God save the People.

The Board being informed that the next Supreme Court is appointed by Ordinance to be held at Perth Amboy on the first Tuesday in September next;¹⁴ and that by Reason of the present Situation at Amboy¹⁵ it is not probable that this said Court with Propriety be held there, the Council advised His Excellency to appoint by Ordinance that the said Court be held at Princeton in the County of Middlesex on the first Tuesday in September next; which Ordinance was accordingly passed, and is in the Words following, to wit

“By His Excellency William Livingston Esquire, Governor and Commander in Chief in and over the State of New Jersey and Territories thereunto belonging, Chancellor and Ordinary in the same—

“In Council [5]

MINUTES FOR 1776/1777

This fourteenth Day of August in the year of our Lord One thousand seven hundred and seventy seven: Whereas by a certain Act of the Council and General Assembly of this State intituled An Act to confirm and establish the several Courts of Justice within this State passed at Princeton the second Day of October last, it is among other Things enacted that the Governor or Commander in Chief for the Time being with the Consent of the Council (any three whereof to be a Quorum) shall be and they are thereby authorized by Ordinance or otherwise to alter the Times and Places of holding the Supreme Court and the Inferior Courts of Common Pleas and Courts of General Quarter Sessions of the Peace whenever they find it most for the Public Ease and Convenience: And whereas it has been represented to his said Excellency that it will be against the Public Ease and Convenience to hold the next Supreme Court at Amboy, the Place in which the same has been usually held in the Month of September annually, but that it will be most for the Public Ease and Convenience to hold the same at Princeton. His said Excellency the Governor, by and with the Advice and Consent of the Council, three whereof being present, and by virtue of the Power & Authority to him given by this said Act of the Council and General Assembly hath there thought fit to ordain & declare and he doth, by and with the Advice and Consent, and by Virtue of the Power and Authority aforesaid, hereby Ordain and Declare That the next Supreme Court of this State shall be held in Princeton on the first Tuesday of September next, of which all Judges, Justice of the Peace, Sheriffs, Coroners and other Officers are to take Notice and govern themselves accordingly."

His Excellency was pleased to lay before the Board the Resolution of Congress of the 3rd of August Instant That Notice be immediately sent to the Executive Powers of the United States and that they be earnestly requested to get the Militia in those Parts of their respective States most contiguous to the northern Department ready to march at a Moment's Warning, and to send with all possible Expedition such Parts of them as the General

MINUTES FOR 1776/1777

commanding in the northern Department shall require [6] to serve till the 15th of November, if not sooner relieved by Continental Troops or dismissed by the Commanding Officer of the Department, and be entitled to the continental Pay and Rations; and that the commanding Officer in the northern Department have discretionary Power to make Requisitions on the States from Time to Time for such additional Numbers of the Militia to serve in that Department as he shall think necessary for the public Service.¹⁶

His Excellency also laid before the Board the Resolution of Congress of the 5th of August Instant That the commanding Officer in the northern Department be directed to apply to the executive Powers of the respective States of New Hampshire, Massachusetts Bay, Connecticut, New York, New Jersey and Pennsylvania for such a number of their respective Militia as he shall judge sufficient to reinforce the Army under his Command; that such Militia be entitled to continental Pay and Rations, and be continued in Service until the last Day of November next unless sooner relieved by continental Troops or discharged; and that it be earnestly recommended to the executive Power of the said States to exert their most vigorous Efforts to comply with the Requisition of the said commanding Officer without Delay that a speedy and effectual Stop may be put to the Progress of the Enemy in that Quarter.¹⁷

His Excellency also laid before the Board the Resolution of Congress of the 6th of August Instant That Major General [Horatio] Gates inform those States he shall apply to for Militia that Congress think it impossible, in the present Circumstances of Things, to adhere to settled Quotas which ought to be called out from each particular State:¹⁸ And also a Letter of the same dates from the honourable John Hancock Esquire earnestly intreating this State to order such Part of this Militia to reinforce the Army under General Gates as he may judge sufficient, and to exert themselves to comply with the Requisitions of Congress therein inclosed.¹⁹

MINUTES FOR 1776/1777

His Excellency also laid before the Board a Letter from Major General Gates of the 6th Instant by which the General applies to the Executive Power of this State for a Reinforcement of five hundred Militia to be immediately sent to the Head Quarters of the northern Army.²⁰

The Board, taking the said resolutions and Letters into Consideration, [7] and considering how greatly the Militia of this State have been harrassed for about a year past; we having been all that Time either actually invaded or having the Enemy so near us as to require a constant Guard along the most accessible Parts;²¹ the Numbers of our Inhabitants that have enlisted into different Regiments of the Continental Army, exclusive of the four Battalions raised by this State; the Numbers that have gone over to the Enemy and now serve in what they call the New Levies, or New Jersey Volunteers;²² the extensive Frontier in the Counties of Essex, Middlesex and Monmouth which we are obliged constantly to guard to prevent the Incursions of the Enemy; and that almost the whole County of Bergen which lies contiguous to the State of New York is disaffected, and has, for about a year past, refused to do any military Duty;²³ and that a considerable Force of the Enemy is stated by posted on Staten Island within less than half a Mile from the opposite Shore of New Jersey; the Board are of Opinion that the said Requisition of Congress, and of Major General Gates, cannot at present be complied with.²⁴

His Excellency was also pleased to lay before the Board a Resolution of Congress of the 31st of July last recommending it to the executive Authorities of each of the United States, to divide their respective States into Districts, and to appoint a proper Person in each District to recruit Men to fill up the Regiments raised in such States; and to appoint convenient Places of Rendezvous in their respective States for receiving Recruits and Deserters, and that they transmit to General [George] Washington with as much Expedition as possible the Names of such Places of Rendezvous, in order that proper Officers may be sent to receive such Prisoners and Deserters.²⁵ And also a Letter from General Wash-

MINUTES FOR 1776/1777

ington of the 4th of August Instant on the same Subject.²⁶ The Board taking the said Resolution and Letter into Consideration, and considering the Difficulty of dividing the State into the most proper [8] Districts, and of appointing proper Persons in each for the Purpose aforesaid till the meeting of the Assembly, advise His Excellency to postpone the Matter till the next Session.

At a Council Held at Haddonfield the
6th Day of September 1777.

PRESENT

His Excellency the Governor
The Vice-President

Mr. Condict

Mr. [Jonathan] Hand²⁷

Mr. Symmes

Mr. [John] Cooper²⁸

His Excellency was pleased to acquaint the Board that Application had been made to him to appoint a Guard of the Militia to be stationed in South Amboy as a Protection to that Part of the Country from the Incursions of the Enemy.

The Council having taken the same into Consideration, and being of Opinion that such Guard is highly necessary, advised His Excellency to order a Number of the Militia, not exceeding fifty Men, under the Command of Captain James Morgan,²⁹ to be stationed as a Guard on the South side of Amboy Bay and River; the said Guard to continue for two Months unless sooner discharged.

MINUTES FOR 1776/1777

At a Council held at Haddonfield on the
22nd Day of September 1777.

PRESENT

His Excellency the Governor

The Vice-President

Mr. Conduct	Mr. Paterson
Mr. [Andrew] Sinnickson ³⁰	Mr. Hand
Mr. Cooper	

His Excellency was pleased to acquaint the Board that a Number of Prisoners had been for some Time confined in the Gaol of the County of Morris, and that it will be necessary to appoint a special Court of Oyer and Terminer & General Gaol Delivery³¹ in the said County,—Whereupon the Council advised His Excellency to appoint such special Court to be held at the Court House in the said County of Morris on Thursday the sixteenth Day of October next, and to issue a Commission accordingly.

At a Council held at Haddonfield the
24th Day of September 1777. [9]

PRESENT

His Excellency the Governor

The Vice-President

Mr. [John] Cox ³²	Mr. Cooper
Mr. Paterson	

MINUTES FOR 1776/1777

His Excellency was pleased to sign the following Warrants ordering the Treasurer to pay;

No. 29.	To Himself or Order for one Quarter Salary as Governor due the last of August last.....	150.0.0
30.	To the honourable John Stevens Esquire for 28 Days Attendance as a Member of the Council at this Sitting.....	14.0.0
31.	To the honourable Andrew Sinnickson for 26 Days in like Manner	13.0.0
32.	To the honourable John C. Symmes Esquire for 31 Days in like Manner.....	17.10.....
33.	To the honourable Jonathan Hand Esquire for 31 Days in like Manner.....	15.10.....
34.	To the honourable John Cooper Esquire for 22 Days in like Manner.....	11.....
35.	To the honourable William Paterson Esquire for 26 Days in like Manner.....	13.....
36.	To the honourable John Cox Esquire for 19 Days in like Manner.....	9.10.....
37.	To Charles Pettit Esquire for 21 Days Attendance as Clerk of the Council £16.16.0 & for $\frac{1}{4}$ Salary as Secretary £30. due the 1st of September Instant.....	46.16.....
38.	To the honourable William Paterson Esquire for $\frac{1}{4}$ Salary as Attorney General due the 3rd Instant.....	10.....
39.	To Isaac Collins ³³ for printing the Laws & Votes & other printing for the State as per Account certified by Peter Tallman ³⁴ & Joseph Holmes Esquire ³⁵	772.13.4

MINUTES FOR 1776/1777

At a Council held at Princeton the fourth Day
of October 1777.

PRESENT

His Excellency the Governor

Mr. Elmer

Mr. Scudder

Mr. Condict

Mr. Paterson

His Excellency was pleased to sign the following Warrants ordering the Treasurer to pay

No. 40.	To the honourable Richard Stockton ³⁶ Esquire or Order for 2 Months Salary as one of the Justices of the Supreme Court, due the 1st of June 1776, in Lieu of a Warrant issued by Governor Franklin about 3rd June 1776, supposed to be lost	25.0.0
41.	To the same for 3 Months Salary to the 1st September 1776.....	37.10.....
42.	To the honourable Robert Morris ³⁷ Esquire for Half a year's Salary as Chief Justice due 11th September last.....	150.....
43.	To the honourable Isaac Smith ³⁸ Esquire for half a year's Salary as one of the Justices of the Supreme Court, due 14 September last.....	125.0.0
44.	To the honourable John C. Symmes Esquire for half a year's Salary as one of the Justices of the Supreme Court due 11th September last.....	100.0.0
45.	To John Stevens junior ³⁹ Esquire for half a year's Salary as Treasurer due the 12th of September last.....	£ [10] 40.0.0

MINUTES FOR 1776/1777

46. To the honourable Silas Condict Esquire for 32 Days Attendance as a Member of the Council at a Sitting begun this 3rd of September last.....	16.0.0
47. To Charles Pettit ⁴⁰ Esquire or Order for ten Days Attendance as Clerk of the Council since 24 September last	7.0.0
48. To the honourable John Stevens Esquire for ten Days Attendance as one of the Council since the 24th September last.....	5.0.0
49. To the honourable John C. Symmes Esquire for ten Days Attendance as one of the Council, since the 24th September last..	5.0.0 ⁴¹

At a Council held at Princeton the
7th Day of October 1777.

PRESENT

His Excellency the Governor .

The Vice-President

Mr. Cox	Mr. Elmer
Mr. Condict	Mr. Symmes
Mr. Scudder	Mr. Paterson

His Excellency was pleased to lay before the Board a Petition from this Society of First Day Baptists in the Township of Hope-well in the County of Cumberland; setting forth That as a Society they have had an Existence in the said Places almost as early as the first Settlement of the County; and of late have had several Donations, and Legacies of Goods, Lands & Chattels left by Will to them as a Society for the pious and charitable Uses of

MINUTES FOR 1776/1777

supporting a preached Gospel, maintaining the Poor among them, and other valuable Purposes; And therefore praying a Charter to erect the said Society into a Body Politic and Corporate by the Appellation of *The first Day Baptist Society Incorporated in Hopewell in the County of Cumberland.*

The Council having taken the said Petition into Consideration and being of Opinion that it is highly reasonable the Prayer of the said Petitioners should be granted, advised His Excellency to grant a Charter of Incorporation to the said Society in the usual Form.⁴²

At a Council held at Princeton the
Eleventh Day of October, 1777. [11]

PRESENT

His Excellency the Governor
The Vice-President

Mr. Symmes	Mr. Condict
Mr. Cox	Mr. Scudder
Mr. Elmer	Mr. Paterson

His Excellency was pleased to sign the following Warrants, ordering the Treasurer to pay;

No. 47. To the honourable John Stevens Esquire for 17 Days Attendance as a Member of the Council since the 24th of September last	8.10.0
48. To the honourable John Cox Esquire for 10 Days in like Manner.....	5.0.0
49. To the honourable John C. Symmes Esquire for 17 Days in like Manner.....	8.10.....

MINUTES FOR 1776/1777

50. To Charles Pettit Esquire or Order [crossed out] for 17 Days Attendance as Clerk of the Council, since the 24th September last..... 11.18.0

¹ Now known as Oldwick.

² William Livingston (1723-1790), reelected annually from 1776 to his death, was the first Governor of the State of New Jersey. Before moving to New Jersey in 1772, Livingston contributed to his family's prominent role in New York provincial politics. After graduating from Yale in 1741, Livingston studied law under James Alexander, whose liberal views greatly influenced his student. Livingston opposed the role of the Anglican establishment in New York politics, leading to clashes with the powerful DeLancey family. Livingston helped edit the *Independent Reflector*, which became a forum for his satirical prose aimed at halting the Anglican effort to create Kings College in New York City. In 1758 the Livingston faction wrested control of the New York Assembly from the DeLanceys. Unable to unify their forces in the 1760s against Parliament's efforts to increase its colonial rule, the Livingstons were decisively defeated by the DeLanceys in 1769. Three years later Livingston moved to Elizabeth Town, erected his mansion, "Liberty Hall," and assumed the role of gentleman lawyer and farmer. The colonial protest, however, interrupted his "retirement." In 1774 he was chosen a member of New Jersey's first delegation to the Continental Congress. Despite his moderate views toward independence, Livingston became a brigadier general of the militia shortly before beginning his remarkable tenure as chief executive. Livingston added great strength and experience to the new government during and after the war. In 1787 he attended the Constitutional Convention and strongly supported ratification of the new document. *Dictionary of American Biography*, under the auspices of the American Council of Learned Societies, 22 vols., (New York, 1928-1940), XI, 325-327.

³ John Stevens (1715-1792), was a wealthy land owner, merchant, and ship owner active in both provincial and State affairs. Under the royal government Stevens was colonial treasurer and a member of Gov. William Franklin's council. His tenure as vice-president of the Privy Council lasted from 1776 to 1782. Stevens' prestige contributed greatly to the new government's legitimacy and his relationship with Livingston was a warm one. After the war Stevens returned to his activities as an East Jersey Proprietor, attempting to recoup the financial and political losses which the once powerful landed Proprietors had suffered during the conflict. In 1787 Stevens presided over the New Jersey convention to ratify the new Constitution. McCormick, *Experiment in Independence*, 17; 149-157; 268-269.

⁴ Stephen Crane (1709-1780) was born in Elizabeth Town. He was a leading public figure in his community before independence. In 1743 Crane was chosen by the Elizabeth Town Associates to go to England to lay a

MINUTES FOR 1776/1777

petition before the King. He was Essex County sheriff and a member of the assembly from 1766 to 1773 serving as speaker in 1771. Crane was mayor of Elizabeth Town for three years, 1772-1774. During the colonial protest he worked on a number of committees, and became a member of the colony's first delegation to the Continental Congress. After independence Crane was elected for three terms to the council before his death. U. S. Congress, *Biographical Directory of the American Congress, 1775-1961* (Washington, 1961), 749-750.

⁵ Silas Condict (1742-1814), a resident of Morristown, was a member of the New Jersey Provincial Congress and the committee to draft the State Constitution. Besides tenure on the council, Condict, was a delegate to the Continental Congress (1781-1784) and was elected eight times to the State assembly serving as speaker of the assembly from 1792-1794 and 1797-1798. *NJA*, 2nd series, I, 372n.

⁶ John Cleves Symmes (1742-1814) was born on Long Island and settled in Sussex County in 1770. He became chairman of the county committee of correspondence and served in the Provincial Congress, helping to draft the State Constitution. Following a six year term as associate justice of the State Supreme Court, Symmes, in 1785, became a delegate to the Continental Congress. In Congress he became interested in Ohio land speculation and acquired 2,000,000 acres from the government in 1787. The following year Symmes received a congressional appointment as a judge in the Northwest territory. Moving to the area, he settled Cincinnati and helped develop the Ohio frontier. *DAB*, XVIII, 258-259.

⁷ Theophilus Elmer (1727-1783), son of Rev. Daniel Elmer, served as sheriff in Cumberland County from 1767-1769. After a term in the Assembly in 1772, Elmer's advocacy of the Whig cause is represented by the membership in the council from 1776-1778 and again in 1782. He served on the Committee of Safety 1777-1778. Among Elmer's numerous children from his three marriages, his eldest son Eli served in the Assembly in 1788-1789 and the council 1795-1796. Thomas Cushing and Charles Sheppard, *History of the Counties of Gloucester, Salem and Cumberland, New Jersey* (Philadelphia, 1883), 673; *Daughters of the American Revolution Patriot Index* (Washington, 1967), 219.

⁸ Nathaniel Scudder (1733-1781) was a prominent member of Monmouth County's movement toward independence. Upon graduation from the College of New Jersey in 1751, Scudder became one of the colony's foremost physicians. Following his term on the council, he served in the Continental Congress from 1777 to 1779. He returned to the State for militia duty but was killed repelling a Loyalist landing on the Jersey coast. *DAB*, XVI, 524-525.

⁹ William Paterson (1744-1806) was born in Ireland emigrating to the colonies in 1747 with his parents who were merchants and land speculators. Following graduation from the College of New Jersey in 1763, Paterson studied law. He served in the Provincial Congress and served on the first Legislative Council. Paterson was New Jersey's first attorney general serving

MINUTES FOR 1776/1777

until 1783. Returning to his law practice after the war, Paterson attended the Constitutional Convention where he presented the "New Jersey plan." A strong Federalist, Paterson won election to the Senate in 1789. The next year he succeeded Livingston as governor but resigned in 1793 to accept an appointment as an associate justice of the United States Supreme Court. On the court he presided over trials of several "Whiskey Rebels." In 1798 the prosecution of Matthew Lyon under the Sedition Act came before his bench. *Ibid.*, XIV, 293-294.

¹⁰ Courts of Oyer and Terminer were convened to try felonies or more severe crimes. These courts met whenever necessary upon special commission issued by the governor and privy council. Each commission constituted a separate court.

¹¹ Trading with the enemy posed a challenge to the new state authority. Numerous legislative acts failed to curtail the practice. See Lundin, *Cockpit of the Revolution*, 377-378; 407-409.

¹² Acts, 1st session, 4th sitting.

¹³ *Ibid.*, 1st sitting.

¹⁴ *Ibid.*, an act to conform and establish the several Courts of Justice within this State.

¹⁵ In August 1777 Perth Amboy was under constant threat of attack because of the British occupation of Staten Island. *Selections from the Correspondence of the Executive of New Jersey from 1776 to 1786* (Newark, 1848), 7-8.

¹⁶ *Journals of the Continental Congress 1774-1789*, 34 vols. (Washington, 1904-1937), VII, 600. This mobilization and related actions were part of the effort to counter the Northern invasion by the forces led by General John Burgoyne.

¹⁷ *Ibid.*, 614.

¹⁸ *Ibid.*, 616.

¹⁹ *Letters of Members of the Continental Congress*, 8 vols., ed. Edmund C. Burnett (Washington, 1921), II, 441-442.

²⁰ Horatio Gates to State Executives, 6 Aug. 1777, Horatio Gates Papers, New-York Historical Society.

²¹ A short survey of the military events of the Revolution in New Jersey is Alfred Hoyt Bill's, *New Jersey and the Revolutionary War* (Princeton, 1964).

²² William S. Stryker, "*The New Jersey Volunteers*" (*Loyalists*) in the *Revolutionary War* (Trenton, 1887).

²³ Throughout the war Bergen County was the most difficult part of the state in which to establish Whig authority. Leiby, *War in the Hackensack Valley*, *passim*.

²⁴ There is no notice in the *Journals of the Continental Congress* of New Jersey's refusal to comply with the troop requisition.

²⁵ JCC, VIII, 593-595.

MINUTES FOR 1776/1777

²⁶ Fitzpatrick, *Writings of Washington*, IX, 10-11.

²⁷ Jonathan Hand (1728-1789) served in the council for only one term 1776-1777. *Patriot's Index*, 300.

²⁸ John Cooper (1729-1785) was born in Woodbury. He took an active role in the colonial protest despite the admonitions of his Quaker meeting not to get involved in the political intrigues of the day. After serving on the Gloucester County committee of correspondence, Cooper attended the Provincial Congress in 1775 and 1776 helping to draft the State Constitution. He was elected in 1776 for one term in the Continental Congress. Cooper had two tenures on the council, 1776-1780 and 1784-1785. He became one of Livingston's strongest critics regarding the executive's assumption of increasingly broader powers. In 1779 Cooper began a six-year term as Gloucester County judge of pleas. Outspoken in his views Cooper publicly attacked the institution of slavery. *Congressional Directory*, 736-737.

²⁹ 2nd Regiment, Middlesex County militia. *Official Register of the Officers and Men of New Jersey in the Revolutionary War*, comp. William S. Stryker (Trenton, 1872), 402.

³⁰ Andrew Sinnickson (1719?-1790) was a judge of the court and a justice of the peace in the colonial government. An ardent Whig, Sinnickson served in the council 1776-1777 and 1778-1780. His son, also Andrew, was paymaster of the Gloucester, Salem, Cumberland, and Cape May militias and a captain in the 1st Regiment, Salem County Militia. Thomas Shourds, *History and Genealogy of Fenwick's Colony New Jersey* (Bridgeton, N. J., 1876), 188-201; New Jersey Department of Defense Documents, Bureau of Archives and History, New Jersey State Library, Trenton.

³¹ The Court of General Gaol Delivery had the authority to try all persons in the appointed gaol (jail) for any offense with which an individual might be charged.

³² John Cox (?-1793) before the war was a Philadelphia merchant with large landholdings in New Jersey. Poor health forced his move to the outskirts of Trenton. Cox also owned iron mills in Burlington County. While serving a second term on the Council in 1781-1783, Cox was elected vice-president. In 1793 Cox returned to Philadelphia. *NJA*, 2nd series, I, 98n-99n.

³³ Isaac Collins (1746-1817) was born in Delaware and became the leading printer of New Jersey. Residing in Burlington, Collins became the official printer under the Royal Governor from 1770 to 1776. After the Declaration of Independence he continued in a similar capacity for the new government, printing the official proceedings and laws of the New Jersey legislature. At Livingston's urging, Collins printed the first regular newspaper in New Jersey established in December 1777. For his efforts on behalf of the Whig cause, Collins was ostracized from his Quaker meeting. Following the war his reputation as a printer increased, culminating in a heralded version of the King James Bible. Richard F. Hixson, *Isaac Collins, a Quaker Printer in 18th Century America* (New Brunswick, 1968).

MINUTES FOR 1776/1777

³⁴ Peter Tallman (?-1786) in 1774 was a Justice of the Court of General Quarter Sessions for Burlington County. He served in the assembly in 1776-1777 and in the council 1778-1780 and 1783-1784. Described as a man of prominence, Tallman was married to Margaret Imlay. John Edwin Stillwell, *Historical and Genealogical Miscellany; Data Relating to Settlement and Settlers of New York and New Jersey* (Baltimore, 1970), V, 20-21.

³⁵ Joseph Holmes (1736-1809) was a member of the council of safety in 1775-1776. His epitaph in The Yellow Meeting House Yard reads: "He was honest, benevolent & friendly. He took . . . part in the Revolution . . . He was early a member of the provincial congress & of the Legislature . . ." *Ibid.*, III, 337.

³⁶ Richard Stockton (1730-1781) was born in Princeton, graduated from the College of New Jersey in 1748 and rapidly developed an extensive law practice. Recognized as one of the most eloquent members of the bar, Stockton counted among his legal protégés Elias Boudinot and William Paterson. Although a late arrival to public life, Stockton was entrusted by his alma mater in 1766 with convincing John Witherspoon to become president of the College of New Jersey. In 1768 he was appointed by the King to the Governor's council and served until 1776. A moderate toward friction between colony and crown, Stockton suggested in 1764 that Americans be elected to Parliament. Ten years later he advocated a relationship between England and her colonies similar to commonwealth status today. The alternative, Stockton believed, was a bloody war. In 1776 he was elected to the Continental Congress and signed the Declaration of Independence. Soon after he lost the gubernatorial contest to Livingston after a tie vote in the legislature on the first ballot. Denied the governorship Stockton was elected the State's first chief justice. Captured in the 1776 British invasion, Stockton was mistreated, and his release the following year found the eminent jurist in shattered health. He spent his remaining years as an invalid. *DAB*, XVIII, 45-47.

³⁷ Robert Morris (1745-1815) was the son of Chief Justice Robert Hunter Morris and grandson of Royal Governor Lewis Morris. He had never presided over a court when he was elected chief justice by the New Jersey legislature in 1777. Resigning in 1779, Morris practiced law and speculated in land. In 1790 he was appointed federal judge of the New Jersey district and served in that post until his death. *Ibid.*, XII, 223.

³⁸ Isaac Smith (1740-1807) graduated from the College of New Jersey in 1755 and studied medicine before taking up the law. He served as associate justice of the State supreme court from 1777 to 1804. While on the bench, Smith was elected to the House of Representatives, 1795-1797, and was a presidential elector on the Democratic ticket in 1800. While in Congress Smith was appointed by Washington to treat with the Seneca Indians. *Congressional Directory*, 1617.

³⁹ John Stevens Jr. (1749-1838) was the son of John Stevens, vice-president of the council. A 1768 graduate of Kings College, New York City, he studied

MINUTES FOR 1776/1777

law but never practiced. Aided by his father, the younger Stevens served occasionally as an assistant to the Royal Governor. In 1776 he was appointed state treasurer, serving until 1784. Following the war Stevens became enthralled with the development of the steamboat. The rest of his life was devoted to the advancement of mechanical transport on water and land. *DAB*, XVIII, 614-616.

⁴⁰ Charles Pettit (1736-1806) was born in Hunterdon County and admitted to the bar in 1770. He held a number of appointed positions in the provincial government: aide-de-camp to Governor William Franklin, clerk of the council, clerk of the supreme court and of the pleas court, surrogate and keeper and register of the provincial records, and provincial deputy secretary. Although apparently Franklin's private secretary, Pettit joined the forces of independence when the Governor was arrested in 1776. Pettit continued as Gov. Livingston's aide and secretary of state of New Jersey. In 1778 Pettit became assistant adjutant general on the staff of Gen. Nathanael Greene. Upon his resignation in 1781, Pettit moved to Philadelphia and entered mercantile life. He served in the Pennsylvania house of representatives in 1783 and 1784 and the Continental Congress from 1785 to 1787. *NJA*, X, 133; *DAB*, XIV, 517-518.

⁴¹ In the margin opposite nos. 47, 48, 49 appeared the following: "These Warrants were drawn on the Supposition that the Session would end this Day—but as it continued later, these Warrants were delivered up and destroyed."

⁴² The decision of the Governor, with the advice of the council, to grant this charter of incorporation sparked an important controversy between the Governor and the State Assembly. See future entry in minutes for 18 Mar. 1778. A full discussion of the incorporation issue and its implications is found in John William Cadman, *The Corporation in New Jersey, 1791-1875*, (Cambridge, 1949), 3-5.

Second Legislative Session

1777/1778

MEMBERS OF THE PRIVY COUNCIL

Governor William Livingston
Bergen County, Robert Morris
Burlington County, John Imlay
Cape May County, Jesse Hand
Cumberland County, Theophilus Elmer
Essex County, Stephen Crane
Gloucester County, John Cooper
Hunterdon County, John Stevens, Vice-President
Middlesex County, Jonathan Deare
Monmouth County, Nathaniel Scudder
Morris County, Silas Condict
Salem County, Edward Keasby
Somerset County, James Linn
Sussex County, Robert Hoops

At a Council held at Princeton on the 7th Day
of November, 1777.

PRESENT

His Excellency the Governor
The Vice-President

Mr. Conduct	Mr. [James] Linn ²
Mr. Cooper	Mr. [Robert] Hoops ³
Mr. [Edward] Keasby ¹	Mr. Elmer

His Excellency was pleased to lay before the Board a Letter from the honourable Isaac Smith Esquire one of the Justices of the Supreme Court, setting forth that at the late Assizes in Morris County a certain John Sanders was convicted of Horsestealing & thereupon sentenced to be whipped at two several Times at the Publick Whipping Post, that one of the said Whippings had been inflicted; and that the said John Sanders had signified his willingness to enlist in the Continental Services on having the rest of his Punishment remitted; & recommending it to His Excellency to grant a Pardon to the said John Sanders on the said Condition.

Whereupon the Council advised His Excellency to grant a Pardon to the said John Sanders on Condition that he enlist forthwith, in his own Right and not as a Substitute, in one of the four Battalions of this State.

The Council taking into Consideration the present Importance of [12] the Post at Red Bank,⁴ and the salutary Influence Major-General [Philemon] Dickinson⁵ may have on the Militia in that Quarter, advised His Excellency immediately to write to him by Express, desiring him, if consistent with the Safety of his Post at Elizabeth Town, to leave the same under the Command of

MINUTES FOR 1777/1778

Col. [John] Neilson,⁶ and with all convenient Speed, repair to Red Bank and take Command of the Militia which are or may be there collected.⁷

At a Council held at Princeton on the
10th Day of November, 1777.

PRESENT

His Excellency the Governor
The Vice-President

Mr. Elmer

Mr. Conduct

Mr. Cooper

Mr. Scudder

His Excellency was pleased to ask the Advice of the Council respecting the Militia now on Service in the County of Gloucester. Whereupon the Council advised His Excellency to order General [Silas] Newcomb⁸ to attend at Princeton on or before Friday next.

At a Council held at Princeton on the 12th Day
of November, 1777.

His Excellency was pleased [to] lay before the Board a Resolution from the Honourable the Continental Congress, recommending it to the Executive Powers of the several United States to appoint the 18th Day of December next as a Day of Publick Thanksgiving to almighty God, for the Reasons set forth in the said Resolution.⁹

Whereupon the Council advised His Excellency to appoint the said 18th Day of December next at a Day of Publick Thanks-

MINUTES FOR 1777/1778

giving, and to publish the same by Proclamation,—which was accordingly done, and the said Proclamation was issued in the Words following, viz.

[Insert the Proclamation]¹⁰

At a Council held at the House of John Ringo¹¹
in Amwell on the 30th of December, 1777¹²

PRESENT

His Excellency the Governor
The Vice-President
Mr. Condict
Mr. Linn

His Excellency was pleased to acquaint the Board that Application [13] had been made to him by the Magistrates of the County of Middlesex, setting forth that the City of Perth-Amboy, where the Inferior Court of Common Pleas and the Court of General Quarter Sessions of the Peace¹³ for the said County of Middlesex have been usually held, is at present a very improper Place for holding the said Courts, by Reason of its vicinity to the Enemy¹⁴ and the want of proper Accommodations; and therefore praying that an Ordinance may be issued appointing the said Courts to be held at New Brunswick.

Whereupon the Council advised His Excellency to issue an Ordinance accordingly; and the said Ordinance was thereupon issued in the Words following—vizt

“By His Excellency William Livingston Esquire, Governor
“Captain General and Commander in Chief in and over the

MINUTES FOR 1777/1778

“State of New Jersey and Territories thereunto belonging,
“Chancellor and Ordinary in the same—

‘In Council

‘The thirtieth Day of December in the year of our Lord
‘one thousand seven hundred & seventy-seven

‘His said Excellency the Governor by and with the Advise
‘and Consent of the Council, and by virtue of the Power and
‘Authority to him given by a certain Act of the Council &
‘General Assembly of this State intituled “An Act to confirm
‘& Establish the several Courts of Justice within this State”,
‘passed at Princeton the second Day of October in the year
‘of our Lord One thousand seven hundred & seventysix, find-
‘ing it most for the public Ease & Convenience, Hath thought
‘fit to ordain and Declare, and Doth hereby Ordain and
‘Declare that the next Court of General Quarter Sessions of
‘the Peace to be holden in and for the County of Middlesex,
‘shall be held in the City of New Brunswick on the third
‘Tuesday in January next of which all Judges, Justices of
‘the Peace, Sheriffs & other Officers are required to take
‘Notice and govern themselves accordingly.

‘By Order of His Excellency

William Livingston’

‘In Council

‘Charles Pettit Secretary

His Excellency was pleased to acquaint the Board that Appli-
cation had been made to him for the Continuance of the Guard
under the Command of Captain Morgan on the South Side of
Amboy Bay, whose Times are now expired, or nearly expired.

The Council thereupon advised His Excellency to continue
the said [14] Guard under the Command of Captain Morgan till
the first Day of March next.

MINUTES FOR 1777/1778

At a Council held at Princeton, the 15th Day of
November, 1777¹⁵ [15]

PRESENT

His Excellency the Governor

Mr. [John] Imlay ¹⁶	Mr. Linn
Mr. Cooper	Mr. Condict
Mr. Elmer	Mr. Scudder
Mr. Crane	

His Excellency was pleased to lay before the Board a Petition from John Robertson, directed to the honourable the Justices of the Court of Quarter Sessions for the County of Essex, and by them referred to the Governor and Council, with a Request that the Prayer of the Petition may be granted. And also a Letter from the Attorney General, [William Paterson] setting forth that the Petitioner is confined at Morris Town under a sentence of the said Court, that he be imprisoned for six Months for refusing to take the Oaths of Abjuration & Allegiance, that he has already suffered four Months of the said Imprisonment, and that he is now willing to take the said Oaths, and therefore praying that the remainder of the said Imprisonment may be remitted.¹⁷

Whereupon the Council advised His Excellency to remit the Residue of the said Imprisonment, on the said John Robertson voluntarily taking the said Oaths of Abjuration and Allegiance.

MINUTES FOR 1777/1778

At a Council held at Princeton on the 20th of
November, 1777

PRESENT

The Vice-President & Members as before

His Excellency was pleased to acquaint the Board that Judges and Attorney General have requested that a Court of Oyer & Terminer may be appointed to be held in the County of Hunterdon on the 16th Day of December next; and to ask the advice of the Council thereon.

The Council advised His Excellency to issue a Commission accordingly for the Holding the said Court at Flemington in the said County of Hunterdon.

At a Council held at Princeton December 9,
1777 [16]

PRESENT

His Excellency the Governor

The Vice-President

Mr. Linn

Mr. Cooper

Mr. Imlay

Mr. Condict

Mr. Elmer

Mr. [Robert] Morris

Mr. Crane

His Excellency was pleased to lay before the Board Representation from Moore Furman,¹⁸ Richard Stevens, Samuel John-

MINUTES FOR 1777/1778

ston and Charles Coxe Esquire, in Behalf of Benjamin Hull, now confined in Morris County Gaol under Sentence of Imprisonment for one Year. And the said Representation & some other Circumstances having been taken into Consideration,

Ordered That so much of the Imprisonment of the said Benjamin Hull be then discharged from the said Imprisonment on Payment of Costs.

His Excellency was pleased to lay before the Board a Representation from Joseph Hedden, John Peck, and John Treat Crane Esquire setting forth that they as Justices of the County of Essex had sentenced Thomas Cadmus, Eliphalet Johnson and James Nutman to six Months Imprisonment for refusing to take the Oaths of Abjuration and Allegiance; that the said Thomas Cadmus, Eliphalet Johnson and James Nutman, have since manifested their Repentance and willingness to take the said Oaths, and therefore recommending that the further Imprisonment of the said Thomas Cadmus, Eliphalet Johnson and James Nutman be remitted.

Ordered That the further Imprisonment of the said Thomas Cadmus, Eliphalet Johnson and James Nutman be remitted on their severally taking the said Oaths of Abjuration and Allegiance, and Paying Costs.

His Excellency was pleased to lay before the Board a Petition from John MacGinnis, a Prisoner in the Gaol of Morris County, setting forth [17] among other Things that in the Term of June last he was sentenced by the Court of Quarter Sessions in the County of Essex, to be imprisoned for nine Months, and that he has ever since been Safely confined; and also setting forth some Circumstances in Extenuation of the Crime for which he is punished.

Ordered that the Residue of the said Imprisonment yet unexpired, be remitted on Payment of Costs.

His Excellency was pleased to ask the Advice of the Council as to the proper Time of holding a Court of Oyer & Terminer in

MINUTES FOR 1777/1778

the County of Monmouth. Whereupon the Council advised His Excellency to appoint the said Court to be held on the 20th of January next, and to issue a Commission accordingly.

It appearing to the Board that John Alias was sentenced by the Court of Oyer & Terminer at Morris, to nine Months Imprisonment, for a Misdemeanour.

Ordered That he be pardoned on his Enlisting in one of the four Battalions of Troops in the Continental Service.

At a Council held at Trenton February 18, 1778

PRESENT

His Excellency the Governor

Mr. [Joseph] Holmes	Mr. Crane
Mr. [Jesse] Hand ¹⁹	Mr. Cooper
Mr. Condict	Mr. Keasby
Mr. Morris	

The Council advised His Excellency to appoint that Courts of Oyer & Terminer be held in for the county of Cumberland, at the Court House, the 10th of March next Burlington, at Crosswicks the 17th of March next Essex the 16th of April next and that Commissions be issued accordingly.

MINUTES FOR 1777/1778

At a Council held at Trenton 21st of February,
1778 [18]

PRESENT

His Excellency the Governor

Mr. Holmes	Mr. Keasby
Mr. Elmer	Mr. Crane
Mr. Condict	Mr. Imlay
Mr. Cooper	Mr. Hand

The Board having been informed that an illicit Correspondence is carried on from the Coast of this State bordering on the Delaware with the Enemy in Pennsylvania, and conceiving it to be a Matter of great Consequence to the Publick Safety that the Boats and Water-Craft on the said Coast, especially from Burlington southward, should be secured.²⁰

This Council advised His Excellency to issue Orders to the Officers commanding on the said Coast to cause all Shallops, Boats and Water-Craft of every kind below the Trenton Ferries on Delawares, and on the Rivers & Creeks leading to the same, to be so far secured as that no Person what ever may use them for the Purpose of such illicit Correspondence or Trade with the Enemy; to which End the Council think it proper that Colonel [Joseph] Ellis²¹ or the Officer commanding in that District be ordered to cause all such Boats & Craft (except as herein after excepted) in the said River & Creeks & Coast aforesaid, capable of Removal, to be taken out of the said Rivers and Creeks and removed to places of Safety in the Country. And that all Boats and Craft incapable of removal by Land, be secured in the best Manner possible in Places the most remote from the Enemy's Lines or Quarters, and so disabled that they cannot be used for the illicit Purposes aforesaid.

MINUTES FOR 1777/1778

That in Cases where any of the said Boats or Craft cannot otherwise be effectually secured so as to answer the Design of this Order, the Commanding Officer aforesaid be directed to cause them to be destroyed.

That the scows at the two Ferries on Ancocas [Creek] be nevertheless permitted to remain for the Use of the said Ferries till farther Orders or till the Commanding Officer as aforesaid shall think it necessary farther to secure them. That the Ferry Boats at Burlington & Bordentown be also permitted to remain for the Use of the said Ferries under the Direction of Colonel [Charles] Read²² at Burlington & Major [Oakey] Hogeland [Hoagland]²³ at Bordentown, and that they be respectively directed to remove or secure [19] the said Ferry Boats when they shall think it requisite on an Emergency. That such Ferry Boats on these Rivers and Creeks leading into the Delaware below Salem Creek, as are necessary for internal Intercourse be permitted to remain subject to the like Discretion of such Officer or Officers as Colonel Ellis or the Officer commanding as aforesaid shall for that Purpose appoint, residing in the neighbourhood of such Ferries respectively.

At a Council held at Trenton, the 23d of February,

1778

PRESENT

His Excellency the Governor

Mr. Cooper	Mr. Morris
Mr. Keasby	Mr. Imlay
Mr. Linn	Mr. Hand
Mr. Holmes	Mr. Elmer
Mr. Condict	Mr. Crane

MINUTES FOR 1777/1778

His Excellency was pleased to acquaint the Board that a Division of Waggons were now in Town on their Way to Head Quarters [Valley Forge] with Provisions for the Army, and that Mr. John Hunt who has the Care of the said Waggons has applied to him for a Guard to conduct them from Coryell's Ferry [Lambertville].

The Council thereupon advised His Excellency to order Colonel [David] Chambers²⁴ to detach twelve Men under the Command of a subaltern Officer, together with four Light Horse Men from Captain [Israel] Carle's²⁵ Troop to go as a Guard with the said Provision Waggons to Head Quarters unless sooner relieved by another Guard in Pennsylvania.

The Council also advised His Excellency to order the two Classes of the Militia of Colonel [Joseph] Philips'²⁶ Battalion now under Orders to march out in their monthly Tour, and such other of the Militia in the Neighbourhood of Trenton as will make up at least 100 Men to be stationed in and near Trenton during the Sitting of the Legislature.²⁷

At a Council held at Trenton February 28, 1778 [20]

PRESENT

His Excellency the Governor

The Vice-President

Mr. Imlay

Mr. Hand

Mr. Elmer

Mr. Morris

Mr. Crane

Mr. Holmes

Mr. Condict

Mr. Cooper

His Excellency was pleased to lay before the Board a Letter from Colonel Ellis commanding the Militia in Gloucester County,

MINUTES FOR 1777/1778

informing that a large body of the Enemy from Philadelphia have landed in this State and are now at and below Haddonfield.²⁸

Whereupon the Council advised His Excellency to order four Classes of the Militia of Colonel Philip's Battalion of Hunterdon, of Colonel Samuel Forman's Battalion of Monmouth,²⁹ of Colonel [Jacob] Hyer's Battalion of Middlesex,³⁰ and of all the Battalions of the Counties of Burlington, Gloucester, Salem and Cumberland, forthwith to be called out to repel the said Invasion of the Enemy.

At a Council held at Trenton March 3d, 1778

PRESENT

His Excellency the Governor

Mr. Hand

Mr. Crane

Mr. Condict

Mr. Keasby

Mr. Elmer

His Excellency was pleased to acquaint the Board That Application had been made to him to appoint by Ordinance that the next Supreme Court & Courts of Common Pleas & General Quarter Sessions of the Peace for Middlesex County be held at New Brunswick on the first Tuesday in April next, instead of the same Court being held at Amboy as by a former Ordinance the same Court was appointed to be held.

Whereupon the Council advised His Excellency to issue an Ordinance making the said alteration accordingly, and an Ordinance was thereupon passed in the Words following, to wit

By His Excellency [21]

William Livingston Esquire

Governor, Captain General & Commander

MINUTES FOR 1777/1778

in Chief in and over the State of
New Jersey and Territories therein
belonging, Chancellor and Ordinary
in the same, in Council

An Ordinance

Whereas in and by a certain Act of the Council & General Assembly of this State intituled An Act to confirm and establish the several Courts of Justice within this State passed at Princeton the second Day of October in the year of our Lord One thousand seven hundred and seventy-five, it is among other Things enacted That the Governor or Commander in Chief for the Time being, with the Consent of the Council, any three whereof to be a Quorum, shall be, and they are thereby authorized by Ordinance or otherwise to alter the Times and Place of holding the Supreme Court and the Inferior Courts of Common Pleas and Courts of General Quarter Sessions of the Peace whenever they find it most for the Public Ease and Convenience. And whereas it has been represented to His said Excellency in Council that it will be against the publick Ease and Convenience to hold the next Supreme Court, Courts of Common Pleas, General Quarter Sessions of the Peace for Middlesex County at Amboy, the Place in which the same hath since been usually held in April annually and that it will be most for the publick Ease and Convenience to hold the said Courts at New Brunswick. His said Excellency the Governor, by and with the Advice and Consent of the Council, three whereof being present, and by Virtues of the Power and Authority given in and by the aforesaid Act, hath therefore thought fit to ordain and declare, and doth hereby ordain and declare that the next Supreme Court of this State, Courts of Common Pleas & General Quarter Sessions of the Peace for Middlesex County shall be held in New Brunswick on the first Tuesday in April next, of which all Judges, Justices of the Peace, Sheriffs, Coroners & other Officers, and all other Persons whom it may concern, are to take Notice and govern themselves accordingly.

MINUTES FOR 1777/1778

Given under the Hand of His said Excellency the Governor
in Council at Trenton the third Day of March in the Year
of our Lord One thousand seven hundred & seventy eight.

William Livingston

His Excellency was pleased, with the Advice of the Council,
to sign [22] the following Warrants on the Treasury.

No. 51. To the Honourable Robert Morris Esquire for one Month & 3 Days Salary from the 11th of September to the 14th of October, 1777—at £300 per Annum	27.10.0	
And for 4 Months Salary due the 14th of February last at £400 per Annum	133.6.8	160.16.8
52. To the same for holding the Courts of Oyer and Terminer & in the Counties of Sussex & Essex, £5 each—and for the like Courts in Morris and Monmouth at £10 each.....		30.....
53. To the honourable Isaac Smith Esquire for 1 Month Salary due the 14th of October last at £250 per Annum	20.16.8	
And for 4 Months Salary due 14th February last at £300 per An- num	100.....	120.16.8
54. To the same for holding the Courts of Oyer and Terminer in Sussex and Essex £5 each, and for the like Courts in Morris and Hunterdon at 10. each		30.....
55. To the honourable John Cleves Symmes Es- quire for one Month & 3 Days Salary due 14th of October last	18.6.8	
And for 4 Months Salary due 14th February last	100.....	118.6.8
56. To the same for attending the Courts of Oyer & Terminer & in Sussex		5.....

MINUTES FOR 1777/1778

57. To William Paterson, Esquire Attorney General for 1 Month & 11 Days Salary due 14th October last at £48	4.11.1	
And for 4 Months Salary due 14th February at £60;	20.....	24.11.1
58. To John Stevens junior Esquire Treasurer for 1 Month & 2 Days Salary to 14 October last at £80 per Annum	7.2.2	
And for 4 Months Salary to 14 February at £300	100.0.0	107.2.2
59. To Charles Pettit for half a years Salary in Lieu of Fees on Commissions to Militia Officers & due 1 March Instant		60.....

At a Council held at Trenton 5th March 1778 [23]

PRESENT

His Excellency the Governor

Mr. Keasby	Mr. Hand
Mr. Holmes	Mr. Cooper
Mr. Condict	Mr. Crane
Mr. Hoops	Mr. Imlay
Mr. Elmer	Mr. Linn

The Pay Rolls for the Pay & Bounty of Captain James Morgan's Company of Militia stationed on the South side of Amboy Bay & River,³¹ having been duly attested were laid before the Board, examined & approved; whereupon His Excellency, by the Advice of the Council was pleased to sign the following Warrants on the Treasury.

MINUTES FOR 1777/1778

No. 60. To Captain James Morgan on Order being the Amount of the Pay Roll of his Company of Militia in the Continental Service stationed on the south side of Amboy Bay & River from the 8th September to the 7th last, & from the 5 January to the 5 of March Instant	765.18.4
61. To Captain James Morgan on Order for the Bounty of the said Company for the same Time	584.8.4

At a Council held at Trenton the 9th Day
of March, 1778

PRESENT

His Excellency the Governor
The Vice-President

Mr. Elmer	Mr. Cooper
Mr. Keasby	Mr. Crane
Mr. Holmes	Mr. Linn
Mr. Hand	Mr. Imlay
Mr. Hoops	

His Excellency was pleased to lay before the Board an Application from Thomas Denny Esquire, one of the Judges of the Inferior Court of Common Pleas for the County of Gloucester, requesting for the Reason therein set forth, that the next Term of the said Court may be held at Longacoming in the said County.

The Council having taken the same into Consideration, and being of Opinion that it is proper to change the Place of holding

MINUTES FOR 1777/1778

the said [24] Court for the next Term; and being also of Opinion that The Town of Haddonfield is the most proper Place in the said County for the Purpose, advised His Excellency to appoint by Ordinance that the next Term of the said Court & of the General Quarter Sessions of the Peace be held at Haddonfield aforesaid.³²

His Excellency was pleased to acquaint the Board that divers complaints had been made to him that sundry Persons acting in the Departments of Commissary & Quarter-Master of the Army have been guilty of Oppressions, in seizing by Violence what they might have peacefully procured either by voluntary Consent of the Proprietors, or in the Mode prescribed by Law. Not only some of the said Officers, but many of the Inhabitants of this State are unacquainted with the Laws by which they are to be governed in such Cases.

Whereupon the Council advised His Excellency to issue a Proclamation reciting the said Laws & forbidding such Oppressions; and a Proclamation was issued & published accordingly.³³

At a Council held at Trenton the 18th day of
March, 1778

PRESENT

His Excellency the Governor

The Vice-President

Mr. Elmer

Mr. Cooper

Mr. Keasby

Mr. Crane

Mr. Holmes

Mr. Imlay

Mr. Hand

Mr. Conduct

Mr. Hoops

Mr. Linn

MINUTES FOR 1777/1778

His Excellency was pleased to lay before the Board a pay Roll of Lieutenant Amos Cress³⁴ Company of Militia stationed as a Guard in the County of Cape May from July 10th to January 1st, 1778. Whereupon the Council advised His Excellency to draw a Warrant on the Treasurer payable to Mr. Hand for the sum of Five Hundred & Twentysix pounds one shilling the amount of said pay Roll.

No. 62. And His Excellency was pleased to issue a

Warrant accordingly [25] for the sum of..... £526.7.0

The engrossed Charter of Incorporation to the first day Baptist Church incorporate in Hopewell in the County of Cumberland,³⁵ was brought in and having been read and compared with the Draught inclosed & certified by the Attorney General, The Council advised His Excellency to affix the Seal to, and pass the said Charter.³⁶

At a Council held at Trenton the 19th day of
March 1778

PRESENT

His Excellency the Governor

The Vice-President

Mr. Elmer

Mr. Hoops

Mr. Keasby

Mr. Cooper

Mr. Holmes

Mr. Crane

Mr. Hand

Mr. Imlay

His Excellency the Governor was pleased to lay before the Board a recommendation of Congress to the respective United States to appoint, Wednesday the 22d day of April next, as a day of

MINUTES FOR 1777/1778

Fasting, Humiliation and prayer. Whereupon the Council advised His Excellency to issue a proclamation appointing the said day for the purposes aforesaid.³⁷

His Excellency the Governor was pleased to lay before the Board a petition from sundry Inhabitants of Cape May County praying that the Militia may not be called out of the said County. Whereupon the Council advised His Excellency to issue Orders to the Officers not to call the Militia out of the said County of Cape May until further Orders

At a Council held at Trenton March 21st, 1778 [26]

PRESENT

His Excellency the Governor

The Vice-President

Mr. Elmer

Mr. Hand

Mr. Keasby

Mr. Hoops

Mr. Holmes

Mr. Cooper

Mr. Imlay

It having been represented to His Excellency that the Frontier of this State on the Delaware is at present very much exposed to the incursions of the Enemy, and that very few Militia are at this time embodied on the said Frontier. Whereupon the Council advised His Excellency to order the five following Battalions to the Assistance of the Militia in that Quarter to wit The Hunterdon Battalion & Colonel [Jacob] West's³⁸ Battalion from Sussex, two Classes to be drawn out from each of the said Battalions at a time and that Captain [Joseph] Clunn³⁹ be Ordered to join Colonel Ellis now at Haddonfield with his Company of Artillery, And also that His Excellency direct Colonel

MINUTES FOR 1777/1778

Ellis to remove the Militia under his Command to such place directed to call out, two Classes immediately from the Regiments of Burlington, Gloucester, Salem & Cumberland.⁴⁰

At a Council held at Trenton March 24th, 1778

PRESENT

His Excellency the Governor

The Vice-President

Mr. Elmer	Mr. Hand
Mr. Keasby	Mr. Hoops
Mr. Holmes	Mr. Cooper

His Excellency was pleased to acquaint the Board that Isaac Hay Esquire had resigned his Commission as Marshall of the Court of Admiralty⁴¹ [27] of the State. Whereupon the Council advised His Excellency to appoint John Stokes⁴² of Gloucester County to that Office.

At a Council held at Trenton April 1st, 1778

PRESENT

His Excellency the Governor

The Vice-President

Mr. Cooper	Mr. Condict
Mr. Keasby	Mr. Elmer
Mr. Imlay	Mr. Hand
Mr. Holmes	Mr. Morris

MINUTES FOR 1777/1778

His Excellency the Governor was pleased to lay before the Board a Letter from the Chief Justice and his Associates, setting forth that at a late Assises in Cumberland County a certain Samuel Davis Junior was convicted and received Sentence of Death for feloniously coming from the City of Philadelphia, being in the possession of the Enemy, and returning to Cumberland on the 22d day of December last, and recommending to His Excellency to grant a pardon to the said Samuel Davis Junior. Whereupon the Council advised His Excellency to grant a Pardon to the said Samuel Davis Junior.

At a Council held at Trenton April 2nd, 1778

PRESENT AS ABOVE

His Excellency was pleased to lay before the Board a Letter from Captain John Mauritius Goetschius⁴³ of Bergen County acquainting him that the Enemy are daily making incursions into that County whereby the disaffected have an Opportunity of furnishing the Enemy with Grain & by means of a number of Boats that lay in Hackensack River. Whereupon the Council [28] advised His Excellency to call out two Classes of the Militia in said County to be commanded by Captain [Abraham] Harring⁴⁴ and that His Excellency write to Mr. [Ralph] Pomroy [Pomeroy]⁴⁵ and direct him to apply to the Commissary at Pompton to join with him in purchasing all Grain in the said County that is within the reach of the Enemy for the use of the Continents. And to direct Captain Harring to collect and remove all the Craft in Hudson & Hackensack Rivers, those in Hudson River to Tappen Shoals and those in Hackensack to the Old Bridge and halled up at the two places. And also that His Excellency directs Mr. Condict to draw on the Owners of the Powder Mill at Morris Town for 16⁺⁴⁶ weights of gun powder for the use of the above detachments of Militia.⁴⁷

MINUTES FOR 1777/1778

At a Council held at Princeton April 8th, 1778

PRESENT

His Excellency the Governor

The Vice President

Mr. Cooper

Mr. Hand

Mr. Holmes

Mr. Crane

Mr. Linn

Mr. Elmer

Mr. Hoops

His Excellency the Governor was pleased to lay before the Board a Petition from the Civil and Military Officers in the County of Cumberland and others setting forth that the Military Force in that part of this State are unable to oppose the Incursions of the Enemy in that Quarter.⁴⁸ And that unless they are speedily assisted they will be under the necessity of abandoning their Dwellings and retiring to a place of more safety, [29] by which means a large extent of fertile Country will fall into the hands of the Enemy from which they may draw considerable supplies of provisions. Whereupon the Council advised His Excellency to transmit a Copy of the said Petition to the Delegates of this State to be laid before Congress, also a Copy to His Excellency General Washington and request His Excellency that the Continental Light Horse now in the State may be stationed so as to co-operate with the Militia in repelling the Incursions of the Enemy in that part of the State mentioned in the petition.⁴⁹

MINUTES FOR 1777/1778

At a Council held at Princeton April 11th, 1778

PRESENT

His Excellency the Governor
The Vice-President

Mr. Crane	Mr. Hand
Mr. Elmer	Mr. Holmes
Mr. Condict	Mr. Hoops

His Excellency the Governor was pleased to lay before the Board several Accounts for furnishing provisions for Lieutenant Amos Cress & Company of Militia stationed as a Guard in the County of Cape May from July 10th to January 1st 1778. Whereupon the Council advised His Excellency to draw a Warrant on the Treasurer payable to the Honourable Jesse Hand for Fivehundred & Seventy pounds one shilling & ten pence.

No. 63. And His Excellency was pleased to issue a
Warrant accordingly for the sum of..... £570.1.10

At a Council held at Princeton
April 18th, 1778 [30]

PRESENT

His Excellency the Governor
The Vice-President

Mr. Cooper	Mr. Holmes
Mr. Crane	Mr. Elmer
Mr. Hand	Mr. Linn
Mr. Hoops	Mr. Condict

MINUTES FOR 1777|1778

His Excellency was pleased to acquaint the Board that Application has been made to him to appoint by Ordinance that the next Supreme Court be held at Crosswicks on the second Tuesday in May next, instead of the same Court being held at Burlington as by a former Ordinance the same Court was appointed to be held.

Whereupon the Council advised His Excellency to issue an Ordinance making the said Alteration accordingly and an Ordinance was thereupon passed in the words following, Viz.

By His Excellency William Livingston Esquire Governor Captain General and Commander in Chief in and over the State of New Jersey and Territories thereunto belonging Chancellor and Ordinary in the same in Council—

An Ordinance

Whereas in and by a certain Act of the Council and General Assembly of this State intituled an Act to Confirm and establish the several Courts of Justice within this State passed at Princeton the second day of October in the Year of our Lord One thousand seven hundred and Seventy six, This among other things Enacted that the Governor or Commander in Chief for the time being with the Consent of the Council, any three [31] whereof to be a Quorum shall be and they are thereby authorised by Ordinance or otherwise to alter the times and places of holding the Supreme Court and the Inferior Courts of Common pleas and Courts of General Quarter Sessions of the peace, whenever they find it most for the publick Ease and Convenience. And Whereas it has been represented to his said Excellency in Council that it will be against the publick Ease and Convenience to hold the next Supreme Court at Burlington the place in which the same hath been usually held in May annually and that it will be most for the publick Ease and Convenience to hold the same Court at Crosswicks. His said Excellency the Governor by and with the advice and consent of the Council, three whereof being present, and by Virtue of the power and Authority given in and by the aforesaid Act hath therefore thought fit to Ordain and declare that the next

MINUTES FOR 1777/1778

Supreme Court of this State shall be held at Crosswicks on the second Tuesday in May next of which all Judges, Justices of the peace, Sheriff, Coroners and all other persons whom it may Concern are to take Notice and Govern themselves accordingly.

Given under the hand of his said Excellency in Council at Princeton the eighteenth day of April in the Year of our Lord One thousand seven hundred & Seventy eight

William Livingston

At a Council held at Princeton June 3d, 1778 [32]

PRESENT

His Excellency the Governor

The Vice-President

Mr. Elmer

Mr. Imlay

Mr. Cooper

Mr. Conduct

Mr. Keasby

Mr. [Jonathan] Deare⁵⁰

Mr. Hand

Mr. Linn

Mr. Crane

His Excellency was pleased to acquaint the Board that application had been made to him to appoint by Ordinance that the Supreme Court in future should be held at Millstone in the County of Somerset instead of the same Court being held at Amboy & Burlington as by a former Ordinance the same Court was appointed to be held.

Whereupon the Council advised His Excellency to issue an Ordinance making the said Alteration accordingly, and an Ordinance was thereupon passed in the words following, Viz. By His Excellency William Livingston Esquire Governor Captain

MINUTES FOR 1777|1778

General and Commander in Chief in and over the State of New Jersey & Territories thereunto belonging Chancellor and Ordinary in the same in Council.

Whereas in and by a certain Act of the Council & General Assembly of this State intituled an Act to confirm and establish the several Courts of Justice within this State, passed at Princeton the second day of October in the Year of Our Lord One thousand seven hundred & Seventy six, This among other things Enacted that the Governor or Commander in Chief for the time being with the Consent of the Council any three whereof to be a Quorum shall be and they are thereby authorized by Ordinance or [33] otherwise to alter the time and place of holding the Supreme Court and the Inferior Courts of Common pleas and Courts of General Quarter Sessions of the peace, whenever they find it most for the publick ease and Convenience. And Whereas it has been represented to his said Excellency in Council that it will be against the publick Ease and Convenience to hold the Supreme Court at Amboy and Burlington the place in which the same hath been usually held and that It will be most for the Publick Ease and Convenience to hold the said Court in future at Hillsborough in the County of Somerset. His said Excellency the Governor by and with the advice and Consent of the Council, three whereof being present and by virtue of the power and Authority given in and by the aforesaid Act, hath therefore thought fit to Ordain and declare that the Supreme Court of this State shall be held at Hillsborough in the County of Somerset for the future of which all Judges, Justices of the peace, Sheriffs, Coroners and other Officers and all persons whom it may Concern are to take Notice & Govern themselves accordingly.

Given under the hand of his said Excellency in Council at Princeton the third day of June in the Year of our Lord One thousand seven hundred & Seventy eight

William Livingston

MINUTES FOR 1777/1778

At a Council held at Princeton the

4th June, 1778 [34]

PRESENT

His Excellency the Governor

The Vice-President

Mr. Cooper

Mr. Keasby

Mr. Hand

Mr. Imlay

Mr. Condict

His Excellency was pleased to ask the advice of Council whether the Guard under the Command of Captain James Morgan at South Amboy should be continued any longer or not. Whereupon the Council advised His Excellency to continue the said Guard for two Months from this time.

At a Council held at Princeton June 5th, 1778

PRESENT

His Excellency the Governor

The Vice-President

Mr. Cooper

Mr. Elmer

Mr. Keasby

Mr. Hand

Mr. Imlay

Mr. Linn

Mr. Condict

Mr. Deare

Mr. Crane

MINUTES FOR 1777/1778

His Excellency the Governor was pleased to lay before the Board a Letter from the Chief Justice and his Associates setting forth that at a late Assises in Essex County a certain John Edison was convicted and received Sentence of death for High Treason and recommending to His Excellency & the Council to Grant a Pardon to the said John Edison. Whereupon The Council advised His Excellency to Grant a Pardon to the said John Edison accordingly.

At a Council held at Princeton the

15th June, 1778 [35]

PRESENT

His Excellency the Governor
The Vice-President

Mr. Crane

Mr. Deare

Mr. Elmer

Mr. Linn

Mr. Hand

Mr. Keasby

His Excellency was pleased to ask the advice of Council as to the proper time & place of holding a Court of Oyer & Terminer in the County of Middlesex. Whereupon the Council advised His Excellency to appoint the said Court to be held at New Brunswick on the 8th day of July next, and to issue a Commission accordingly.

MINUTES FOR 1777/1778

At a Council held at Princeton the 16th June, 1778

PRESENT

His Excellency the Governor
The Vice-President

Mr. Hand	Mr. Elmer
Mr. Cooper	Mr. Keasby
Mr. Imlay	Mr. Morris
Mr. Linn	Mr. Deare

His Excellency was pleased to lay before the Board a Letter from General Dickinson, informing him that the Enemy was expected hourly to march through this State, and submitting to the Governor and Council the propriety of calling out the Militia. Whereupon the Council advised His Excellency to Order out Four Classes of the Militia of this State to join General Dickinson immediately and for the remainder to hold themselves in readiness, to march immediately upon the Signal being given, and that they bring four days' provisions and all the Ammunition they have with them.⁵¹

At a Council held at Princeton June 17th, 1778 [36]

PRESENT AS BEFORE

His Excellency was pleased with the Advice of the Council to sign the following Warrants on the Treasury.

No. 64. To himself for a half Year's Salary due 14th
April last..... £500.0.0

MINUTES FOR 1777/1778

65. To the Honourable Robert Morris Esquire for 4 Months Salary due him the 14th June Instant	133.6.8
66. To the same for holding Courts of Oyer & Terminer & in the Counties of Cumber- land & Essex.....	20.0.0
67. To the honourable John Cleves Symmes Esquire for 4 Months Salary due him the 14th June Instant.....	100.0.0
68. To the same for holding Courts of Oyer and Terminer in the Counties of Hunterdon, Burlington, Essex & Monmouth.....	40.0.0
69. To the Honourable Isaac Smith Esquire for 4 Months Salary due the 14th June Instant	100.0.0
70. To John Stevens Junior for 4 Months Salary due the 14th June Instant.....	100.0.0
71. To William Paterson Esquire Attorney General for 4 Months Salary due the 14th June Instant.....	20.0.0

At a Council held at Princeton June 22d, 1778 ^[37]

PRESENT

His Excellency the Governor

The Vice-President

Mr. Morris
Mr. Cooper
Mr. Crane
Mr. Elmer

Mr. Hand
Mr. Linn
Mr. Keasby
Mr. Deare

MINUTES FOR 1777|1778

Mr. Symmes, third Justice of the Supreme Court having acquainted this Board that at a late Assises in Monmouth County, John Polhemus and William Grover were Convicted and received Sentence of Death for High Treason, and that William Dillen, Robert Mullen and Michael McEllery were convicted and received Sentence of death for Felony, and recommending to His Excellency & the Council to Grant a Pardon to the said John Polhemus, William Grover, William Dillen, Robert Mullen and Michael McEllery.⁵²

Whereupon the Council advised His Excellency to Grant a Pardon to the said John Polhemus, William Grover, William Dillen, Robert Mullen and Michael Ellery accordingly.

At a Council held at Princeton, on the
tenth day of August, 1778⁵³

PRESENT

His Excellency the Governor
The Vice-President

Mr. Hand	Mr. Keasby
Mr. Elmer	Mr. Linn
Mr. Imlay	Mr. Deare
Mr. Holmes	Mr. Morris

His Excellency The Governor was pleased to lay before the Council a Representation of the Court of Oyer and Terminer and General Goal delivery which lately met, in Monmouth County in behalf of Ezekiel [38] Forman who was condemned for High Treason at the said Court. Also a Petition from the Grand Jury

MINUTES FOR 1777/1778

and sundry other Inhabitants of the said County and some other papers in Behalf of the said Ezekiel Forman. And on Deliberation The Council advised His Excellency to respite the Execution of the said Ezekiel Forman to Friday the Twenty fifth day of September next.⁵⁴

The Council also advised His Excellency to Order out for one Month one Class of the Militia from each of the Counties of Burlington and Monmouth to be stationed in such place or places in Monmouth as Colonel Asher Holmes⁵⁵ Shall think proper for securing the Inhabitants and their property from the Enemy and the disaffected persons skulking in the Pines.

The Council also advised His Excellency to continue Captain Morgan's Company of Rangers, in the County of Middlesex for Month longer for the purpose they were directed to be raised.

Nicholas Van Brunt, one of the Commissioners for securing the Tar in Monmouth County applied to His excellency and the Council to know what price the Commissioners should give to the Owners of the Tar.⁵⁶ The Council were of Opinion that the Commissioners aforesaid transport the Tar contracted for to Philadelphia and sell it for the best price they can get, and account to the Owners for such price deducting the Charges.

MINUTES FOR 1777/1778

At a Council held at Princeton September
12th, 1778 [39]

PRESENT

His Excellency the Governor
The Vice-President

Mr. Elmer	Mr. Conduct
Mr. Hand	Mr. Holmes
Mr. Cooper	Mr. Deare
Mr. Morris	Mr. Linn

His Excellency was pleased to ask the advice of Council as to the proper times of holding Courts of Oyer and Terminer in the Counties of Gloucester, Salem, Cumberland, & Cape May. Whereupon the Council advised His Excellency to appoint the said Courts to be held as follows to wit, Gloucester on Tuesday November the seventeenth, Salem on Monday November the 30th, Cumberland Friday December the 11th and Cape May on Monday December the 21st next, and to issue Commissions accordingly. It having been represented to His Excellency & The Council that the Frontier of this State to the Northward is at present very much opened to the Incursions of the Indians and disaffected persons, and that very few Militia are at this time embodied on the said Frontier. Whereupon the Council advised His Excellency to Order out to the Assistance of the Militia in that Quarter one Class of the Militia from Colonel [Joseph] Beaver's⁵⁷ Regiments of Hunterdon to join Major [Samuel] Westbrook⁵⁸ and be under his Command and one Class from Colonel [John] Munson's⁵⁹ Regiment of Morris to join Major [Samuel] Meeker⁶⁰ and Captain [William] Chambers⁶¹ on Delaware and be under his Command and that the said Classes be relieved Monthly from

MINUTES FOR 1777/1778

His Excellency was pleased to lay before the Board a Letter from Mr. Justice Symmes dated the 14th Instant informing him that at the joint request of the Chief Justice, Justice Smith & himself and of the Inhabitants of Sussex to have a Court of Oyer and Terminer appointed for the Said County on the 15th day of September next. Whereupon the Board advised His Excellency to issue a Commission for holding the said Court accordingly. And also advised his Excellency to issue a Commission for [41] holding a Court of Oyer and Terminer and General Goal delivery in the County of Morris on Thursday the 24th day of September. The Council also advised His Excellency to Order One hundred & fifty of the Sussex Militia to be called out to Guard the frontier of that Country against an Apprehended Incursion of the Enemy into Minisinks, that they remain on duty for one Month unless General [William] Winds⁶⁵ shall sooner discharge them and that General Winds appoint the Officers who is to Command the said detachment.

At a Council held at Princeton on the 17th day
of September, 1778⁶⁶

His Excellency was pleased to lay before the Council sundry papers relative to Ezekiel Forman. Whereupon on deliberation the Council advised his Excellency to Grant a pardon to the said Ezekiel Forman on Condition that he leave this State within two Months and the United States of America within six Months from the date of his Pardon not to return again to either. Otherwise the Sentence of the Court to be carried into Execution.

MINUTES FOR 1777/1778

At a Council held at Princeton September
18th, 1778 [42]

PRESENT

His Excellency the Governor
The Vice-President

Mr. Holmes	Mr. Imlay
Mr. Elmer	Mr. Crane
Mr. Linn	Mr. Keasby
Mr. Cooper	Mr. Hand
Mr. Morris	Mr. Deare

His Excellency was pleased to lay before the Board a Letter from Colonel John Neilson, representing that a Boat with a Flag from the Enemy at New York had lately come to New Brunswick and during his Stay in the River had taken on Board provisions and requesting His Excellency directions in this Matter. Whereupon the Council advised His Excellency to write to General [William] Maxwell⁶⁷ directing him to inform the Commanding Officer at New York that in future it is expected he will send all the Flags to Elizabeth Town or to some part of the American Army. And also to write to Colonel Neilson directing him to endeavour to discover the persons who carried the provisions on Board said Flag and to send The Captain of the Flag Boat with his papers under Guard before the Board.⁶⁸

MINUTES FOR 1777/1778

At a Council held at Princeton September 21st,

1778

PRESENT

His Excellency the Governor

Mr. Holmes

Mr. Crane

Mr. Elmer

Mr. Keasby

Mr. Linn

Mr. Hand

Mr. Cooper

Mr. Deare

Mr. Morris

Captain Crowell who lately came with a Flag to New Brunswick having [43] been brought before this Board according to Order. Upon Consideration The Council advised His Excellency to write to General Washington representing the Conduct of the said Flag and request his Advice in the matter and also to write to Colonel Neilson directing him to Confine the said Captain Crowell to any House in New Brunswick he may think proper until the Council can determine with more certainty as to the propriety of making prize of the said Flag Vessel.⁶⁹

MINUTES FOR 1777/1778

At a Council held at Princeton
September 24th, 1778

PRESENT

His Excellency the Governor
The Vice-President

Mr. Holmes	Mr. Imlay
Mr. Elmer	Mr. Condict
Mr. Linn	Mr. Keasby
Mr. Cooper	Mr. Hand
Mr. Morris	Mr. Deare

His Excellency the Governor laid before the Board a Letter from General Maxwell informing him that the Enemy had invaded this State & was pleased to ask the advice of Council what Militia should be called out to repel the said Invasion.⁷⁰ Whereupon The Council advised His Excellency to Order out all the Militia, both Horse & Foot from the Counties of Bergen, Essex, Morris, Middlesex, Somerset & Hunterdon, & that they carry three days provisions with them and repair to General Maxwell with the utmost dispatch.

MINUTES FOR 1777/1778

At a Council held at Princeton

October 1st, 1778 [44]

PRESENT

His Excellency the Governor

The Vice-President

Mr. Crane

Mr. Inlay

Mr. Holmes

Mr. Cooper

Mr. Keasby

Mr. Deare

Mr. Condict

Mr. Linn

His Excellency was pleased to ask the advice of the Board whether it would be proper to issue at this time a proclamation for apprehending certain Criminals in Monmouth County and what reward should be offered for their Apprehension. Whereupon the Council advised his Excellency to issue a proclamation offering Five hundred dollars each for apprehending & Securing in any Goal of this State Jacob Fagan and Stephen Emmons alias Burke and One hundred dollars a piece for Samuel Wright, late of Shrewsbury, William Vannote, Jacob Vannote, Jonathan Burdge & Elijah Groom which Proclamation was issued in the words following⁷¹

By His Excellency William Livingston Esquire Governor Captain General and Commander in Chief in and over the State of New Jersey and Territories thereunto depending Chancellor and Ordinary in the same

A Proclamation

Whereas it has been represented to me, that a Number of persons in the County of Monmouth and particularly those herein aforementioned have Committed divers Robberies, Violences and

MINUTES FOR 1777/1778

depredations on the persons and property of the Inhabitants thereof, and in Order to screen themselves from Justice secret themselves in the said County. I have [45] therefore thought proper by and with the advice of the Council of this State to issue this Proclamation, hereby promising the Rewards herein mentioned to any person or persons who shall apprehend and secure in any Gaol of this State the following persons or Offenders to wit, for Jacob Fagan and Stephen Emmons alias Burke Five hundred dollars each and for Samuel Wright late of Shrewsbury, William Vannote, Jacob Vannote, Jonathan Burdge and Elijah Groom One hundred dollars each. And all Judges, Justices of the peace, Sheriffs and other Officers or Ministers of Justice and all other the Subjects of this State are hereby required to be aiding and assisting in the Apprehension of the above Offenders as they hinder the Welfare of their Country and are Ambitious of signaling themselves in the Glorious Cause of Liberty and Virtue Given under my hand and Seal at Arms in Princeton the fifth day of October in the Year of our Lord One thousand seven hundred and seventy eight.

By His Excellency's Command

William Livingston

Bowes Reed⁷² D. Secretary

At a Council held at Princeton October 8th, 1778

PRESENT

His Excellency the Governor

Mr. Stevens

Mr. Imlay

Mr. Crane

Mr. Cooper

Mr. Holmes

Mr. Deare

Mr. Condict

Mr. Linn

MINUTES FOR 1777/1778

His Excellency the Governor was pleased to acquaint the Board That it had been represented to him by the Vice President of Pennsylvania [George Bryan] and supported by sundry Affidavits that a most atrocious [46] robbery had been Committed in the said State of Pennsylvania by several persons belonging to this State and was pleased to ask the Advice of this Board whether a Warrant should be issued for apprehending and securing the Offenders. Whereupon the Council advised his Excellency to issue a Warrant against the following person to wit, Edward Wilstead, Joseph Clun, Peter Pancake and John Stillwell and on their being apprehended to deal with them according to Law.

At a Council held at Princeton October 8th, 1778

PRESENT

His Excellency the Governor
The Vice-President

Mr. Hand	Mr. Condict
Mr. Deare	Mr. Cooper
Mr. Linn	Mr. Holmes

Mr. Alexander Chambers⁷³ of Trenton having resigned his Office of Receiver General of Clothing, The Council advised His Excellency to appoint Enos Kelsey Esquire⁷⁴ to that Office, and to empower the said Enos Kelsey to send as many persons as he may find or think necessary to the Regiments of this State in the Continental Service to deliver the Clothing he may receive from time to time and that he endeavour to procure return of the respective Companies in the said Regiments.⁷⁵

His Excellency was pleased to lay before the Board a petition from several persons in Monmouth County, requesting that a

MINUTES FOR 1777/1778

larger Guard might be kept up in said County for the defence of the same. Whereupon the Council advised His Excellency to Order out one Class of the Militia from each of the Regiments in Burlington County, and one Class out of [47] each of the Regiments in Monmouth County.

¹ Edward Keasby (1726-1779), served one term on the council from Salem County. *NJA*, 2nd series, I, 24; *Patriot's Index*, 378.

² James Linn (1749-1821) was born in Bedminster, graduated from the College of New Jersey in 1769 and was admitted to the bar in 1772. Linn attended the Provincial Congress in 1776 and was active in the Somerset County militia for the duration of the war. In addition to his tenure on the council, Linn served in the Assembly, 1790-1792, was elected as a Democrat to the 6th Congress, 1799-1801, was appointed by Jefferson as supervisor of the revenue, 1801-1809, and became secretary of the State of New Jersey, 1809-1820. *Congressional Directory*, 1222.

³ Robert Hoops was the Sussex County representative in the council 1777-1778, 1784-1785, 1789-1790. During the Revolutionary War Hoops served as assistant deputy quartermaster general for the State and supply purchaser and contractor for the county. *NJA*, 2nd series, I, 36; NJDOD.

⁴ Red Bank, a fortified eminence on the Jersey side of the Delaware River just below Philadelphia, became a military objective when the British, while occupying the city, attempted to clear the river. See Lundin, *Cockpit of the Revolution*, 336-371. Red Bank fell to the British on 20 Nov. 1777.

⁵ Philemon Dickinson (1739-1809) was Brigadier General of the New Jersey militia during the Revolutionary War. Born in Maryland and educated at the College of Philadelphia, Dickinson lived on a family estate near Trenton. He was defeated by Livingston for governor in 1778, 1779, and 1780. In 1782 he was a delegate to the Continental Congress from Delaware where he owned another estate. In 1783 Dickinson returned to New Jersey to serve until 1785 on the Legislative and Privy Councils holding the post of Vice-President. In 1788 Dickinson was defeated by Paterson in his quest for a Senate seat. However, when Paterson became Governor in 1790, Dickinson filled his unexpired term in the Senate, *DAB*, V, 302-303.

⁶ John Neilson (1745-1833) was a Brigadier General of the New Jersey militia. Born at Raritan Landing, Neilson was raised by his uncle James, a wealthy shipping merchant. His promising business career was interrupted by the Revolution. Twice during the war Neilson declined appointment to the Continental Congress. At the war's end he returned to a successful business life. He was a member of the State convention to ratify the Constitution. In 1789 he was a presidential elector. Other public honors included: judge of court of common pleas, 1795-1798; state assemblyman, 1800-1801; trustee of Rutgers College 1782-1833. *Ibid.*, XIII, 411-412.

MINUTES FOR 1777/1778

⁷ Dickinson, from West Jersey, was needed at Red Bank in part because of the sectional jealousies that interfered with military operations. Lundin, *Cockpit of the Revolution*, 353. On October 22 and 23 Washington urgently requested aid at Red Bank in letters to Livingston, Dickinson, and Gen. Silas Newcomb. Fitzpatrick, *Writings of Washington*, IX, 413, 417-420.

⁸ Brigadier General, New Jersey militia. Stryker, *Official Register*, 350.

⁹ *JCC*, IX, 854-855.

¹⁰ The text of the proclamation is published in *NJA*, 2nd series, I, 500-501.

¹¹ John Ringo's (?-1779) tavern in Amwell Township was a center of Whig activity in Hunterdon County. The tavern served as an election poll and a meeting place for various local committees of government. Quick, E.H., *John Ringo and His Gold* (1964), 6; Tavern Licenses, Hunterdon County, 1738-1874, Archives and History Bureau, New Jersey State Library, Trenton.

¹² Margin Note: "A Blank of two Pages was left here for the Proclamation respecting the thanksgiving and by Mistakes those Entries of 30th December were inserted in it, by which Means they appear before those of the 16th of November & 9th of December, which must be regulated in engrossing the Minutes in the Bound Book."

¹³ The court of common pleas had exclusive jurisdiction in all civil actions between individuals. The court of general quarter sessions of the peace had jurisdiction over criminal matters in each county.

¹⁴ Despite their evacuation of New Jersey during the summer, the British continued to occupy Staten Island. Moreover, detachments of New Jersey Volunteers (Loyalists) raided the Jersey coast from Staten Island late in 1777. See Lundin, *Cockpit of the Revolution*, 331; 380.

¹⁵ Margin Note: "In the Entries of 30 December Beginning in Page 12. To be entered after these."

¹⁶ John Imlay (1749?-1813), a shipping merchant from Mansfield Township in Burlington County, was appointed a Judge for the Court of Admiralty in 1781, *NJDOD*; *Patriot's Index*, 361; *The Trenton Banking Company; a History of the First Century of its Existence* (Trenton, 1907), 74.

¹⁷ Texts of the oaths appear in "An Act for the Security of the Government of New Jersey" passed 19 Sept. 1776. *Acts*, 1st session, 1st sitting.

¹⁸ Moore Furman (1728-1808) was a merchant in Trenton and Pittstown before and after the war. In 1778 Furman was appointed quartermaster general for the State of New Jersey by General Nathanael Greene. He was a trustee of the First Presbyterian Church of Trenton, and the first mayor of that city under its 1792 charter. *Collections*, 116; *NJDOD*.

¹⁹ Jesse Hand (1738-1791) was the Cape May County representative on the council 1777-1778, 1779-1781, 1782, 1784. During the war he was paymaster for the county militia and commissioner to purchase and collect clothing within Cape May for the New Jersey soldiers in the Continental army. After

MINUTES FOR 1777/1778

the war, Hand served as appraiser for Cape May to estimate the wartime damages sustained by its citizenry. NJDOD.

²⁰ In West Jersey, intercourse with the enemy occupying Philadelphia during the winter of 1777-1778 was common, especially among the extensive Quaker community. Self-declared neutrals in the struggle, the pacifist Quakers, especially the merchants among them, continued their occupational pursuits across the battle lines. See Lois V. Given, "Burlington County Friends in the American Revolution," *Proceedings of the New Jersey Historical Society*, LXIX (July, 1951), 196-211, hereafter PNJHS; Lundin, *Cockpit of the American Revolution*, 104-105, 164, 374.

²¹ 2nd Battalion, Gloucester County militia. Stryker, *Official Register*, 349.

²² 2nd Regiment, Burlington County militia. *Ibid.*, 359.

²³ 1st major, 1st Regiment, Burlington County militia. *Ibid.*, 354.

²⁴ 2nd Regiment, Hunterdon County militia. *Ibid.*, 351.

²⁵ Light Horse Troop, Hunterdon County militia. *Ibid.*, 384.

²⁶ 1st Regiment, Hunterdon County militia. *Ibid.*, 354.

²⁷ The British presence in Philadelphia prompted the special militia guard for the New Jersey legislature.

²⁸ This incursion was one of many raids which the British conducted into West Jersey from their encampment in Pennsylvania. *NJA*, 2nd series, II, 90-91.

²⁹ 2nd Regiment, Monmouth County militia. Stryker, *Official Register*, 352.

³⁰ 3rd Regiment, Middlesex County militia. *Ibid.*, 353.

³¹ Margin Note: "The Council advised His Excellency to continue the Guard under the Command of Captain Morgan on the South side of Amboy & for three Months unless His Excellency shall think proper and order to discharge the Guard."

³² Change of venue was considered necessary because of the proximity of Gloucester to British-occupied Philadelphia.

³³ *NJA*, 2nd series, II, 110-112.

³⁴ 2nd Lieutenant, Captain Jonathan Jenkins Company, Cape May County militia. Stryker, *Official Register*, 443.

³⁵ See entry for 7 Oct. 1777, 44.

³⁶ Inserted between the pages of the minutes was the following statement: "On the Above question, whether the Council would advise the Governor to affix the Seal to, and pass the Charter of incorporation to the Society of First Day Baptists in the township of Hopewell in the County of Cumberland, which passed in the affirmative, some of the members dissenting, offered their dissent in writing as follows, viz.

Because we conceive the Governor is not vested with authority to grant charters in incorporation in any case, or for any purpose whatever; and that his granting one in the present case will therefore be deceiving the grantees, and may be attended with effects highly injurious to them and the publick.

MINUTES FOR 1777/1778

Because we conceive that the Governor's claiming the power of granting charters in one case, is, in effect, claiming the power of granting charters in every case where they have heretofore been grantable by the Crown; and as such a claim appears to us to be dangerous to the rights of the people, we are therefore of opinion that it ought not be countinanced by this Board.

Because we conceive that the power of granting charters of incorporation is, and ought to be, in Supreme Legislature of the States, and there only."

John Cooper

Joseph Holmes

³⁷ *NJA*, 2nd series, II, 163-165.

³⁸ 1st Regiment, Sussex County militia. Stryker, *Official Register*, 357.

³⁹ 1st Regiment, Hunterdon County militia. *Ibid.*, 385.

⁴⁰ This enemy raid which began in Salem on March 11 was one of the most widely reported of the war. *NJA*, 2nd series, II, 129; 133; 144-149; 159; 167-170. See also Lundin, *Cockpit of the Revolution*, 388-389.

⁴¹ The court of admiralty exercised jurisdiction in all maritime affairs including prize cases.

⁴² Resident of Newton Township, Gloucester County. Captain, 2nd Regiment, Gloucester County militia, NJDOD.

⁴³ "Bergen County Rangers," Bergen County militia. Stryker, *Official Register*, 365.

⁴⁴ "Bergen County Rangers." *Ibid.*, 393.

⁴⁵ Lieutenant Ralph Pomeroy was a member of the quartermaster staff of the Continental Army. Fitzpatrick, *Writings of Washington*, XVI, 32n.

⁴⁶ Abbreviation for cwt or hundredweight.

⁴⁷ Bergen County, situated across the Hudson River from the British headquarters in New York City, was never a safe territory for Whigs. Bergen's numerous loyalists citizens actively supplied and supported the enemy forces. This flurry of military activity may have been in response to Whig assertions that they had uncovered the main Tory supply route into New York City. Leiby, *War in the Hackensack Valley*, 152.

⁴⁸ See entry for 21 Mar. 1778, 71.

⁴⁹ There is no evidence that any request was made.

⁵⁰ Jonathan Deare (1739?-1796), Middlesex County Councillor, 1777-1779, was born in England. A lawyer, Deare was a deputy to the first Provincial Congress in 1775. Deare, also a member of the Assembly, was a resident of Princeton before moving to New Brunswick. John Frelinghuysen Hageman, *History of Princeton and its Institutions*, 2 vols. (Philadelphia 1879), I, 96-97.

⁵¹ On June 18, the British evacuated Philadelphia, returning to New York by forced march across New Jersey. A pursuing American army under Washington overtook the British forces at Monmouth Courthouse on June 28.

MINUTES FOR 1777/1778

NJA, 2nd series, II, 263-280; 285-292. Lundin, *Cockpit of the Revolution*, 393-401.

⁵² *NJA*, 2nd series, II, 312.

⁵³ Margin Note: "Here take in Minutes of Council at Hillsborough & Morris entered on the 2nd Leaf forward."

⁵⁴ *NJA*, 2nd series, II, 312; 453.

⁵⁵ 1st Regiment, Monmouth County militia. Stryker, *Official Register*, 353.

⁵⁶ "An Act to restrain the Exportation of Pitch, Tar, Turpentine, and other Naval Stores, from the State of New Jersey." *Acts*, 1st session, 5th sitting, 20 Sept. 1777. Commissioners were empowered to acquire stores subject "to such Limitations and Reflections as the Governor . . . in Council . . . shall direct and appoint."

⁵⁷ 2nd Regiment, Hunterdon County militia. Stryker, *Official Register*, 350.

⁵⁸ 3rd Battalion, Sussex County militia. *Ibid.*, 370.

⁵⁹ "Western Battalion," Morris County militia. *Ibid.*, 354.

⁶⁰ 2nd Major, 2nd Regiment, Sussex County militia. *Ibid.*, 367.

⁶¹ 3rd Battalion, Sussex County militia, *Ibid.*, 384.

⁶² 2nd Regiment, Sussex County militia. *Ibid.*, 352. No attacks were reported at this time. Assignment of militia appears to have been a precautionary measure.

⁶³ William Franklin (1730-1813) a son of Benjamin Franklin, had been the Royal Governor of New Jersey, 1763-1776. In June 1776 William was arrested by the New Jersey Provincial Congress and sent as a prisoner to Connecticut by the Continental Congress. In July 1778 he was exchanged for the Whig Governor of Delaware, John McKinley. For the balance of the war, Franklin lived in New York City directing Loyalist activities. In 1782 he left the United States to live out his life in England. *DAB*, VI, 600-601. The most complete biography of Franklin, as yet unpublished, is by William Herbert Mariboe: "The Life of William Franklin, 1730-1813 'Pro Rege et Patria,'" Ph.D. dissertation, Department of History, University of Pennsylvania, 1962.

⁶⁴ Born in 1736, William Thompson served in Pennsylvania's Rifle Regiment and the 1st Continental Infantry before becoming a Brigadier General in March 1776. Taken prisoner at Three Rivers in June 1776, Thompson was exchanged in October 1780 and died the following September. Francis Bernard Heitman, *Historical Register of Officers of the Continental Army During the War of the Revolution* (Washington, 1914), 541.

⁶⁵ Brigadier General, New Jersey militia. Stryker, *Official Register*, 350. This "incurSION" may have been a false alarm. No mention was made of it in the newspapers.

⁶⁶ Margin note: "Present His Excellency, the Vice-President, Mr. Deare, Mr. Condict, Mr. Morris, Mr. Cooper, Mr. Imlay, Mr. Hand, Mr. Linn, Mr. Holmes, Mr. Keasby, Mr. Elmer, Mr. Crane.

MINUTES FOR 1777/1778

⁶⁷ Brigadier General, Continental Army. Stryker, *Official Register*, 353.

⁶⁸ *NJA*, 2nd series, II, 492-493.

⁶⁹ Apparently Crowell was a New Jersey man turned Loyalist who attempted to carry a shipload of flour back to New York, Washington's response to the incident is noted in Fitzpatrick, *Writings of Washington*, XIII, 27-29; 39. In April 1779 Crowell was sent to New York. See entry for 9 Apr. 1779, p. 111.

⁷⁰ A British expedition for food supplies was launched into Bergen County on 22 Sept. 1778. *NJA*, 2nd series, II, 454; 462-463. Leiby, *War in the Hackensack Valley*, 160 seq.

⁷¹ *NJA*, 2nd series, II, 465-466; 466n; 477.

⁷² Bowes Reed (? -1794) was an attorney and brother of Joseph Reed, Pennsylvania revolutionary leader. In 1776 Bowes Reed was appointed surrogate of Hunterdon County and received a commission as colonel of the Burlington County militia. At various times Reed occupied the posts of clerk of the supreme court, clerk of chancery, and secretary of state. Edwin Robert Walker *et al.*, *A History of Trenton*, 1679-1929, 2 vols., (Princeton, 1929), 604; *NJA*, 2nd series, III, 415n-416n.

⁷³ Born in 1716 Alexander Chambers was a prominent Trenton merchant and one of the first aldermen of the city. Among his eight children were David, a colonel in the Revolution, and Alexander, one of the guides at the battle of Trenton. The elder Chambers died in 1798. William Nelson, *New Jersey biographical and genealogical notes . . .* vol. IX of *Collections of the New Jersey Historical Society*, (Newark, 1916), 71. Hereafter *Collections; Patriot's Index*, 123.

⁷⁴ A graduate in 1760 of the College of New Jersey at Princeton, Enos Kelsey was Treasurer of the college 1796-1810. During the Revolution Kelsey served on the committee of safety, as a major in the 2nd Regiment, Somerset County militia, and a commissioner to sell forfeited lands. A merchant, Kelsey became deputy quartermaster and deputy commissary general in addition to clothier general and purchaser of military stores, NJDOD; Hageman, *Princeton*, I, 70-72; Biographical Files, Princeton University Archives.

⁷⁵ *NJA*, 2nd series, II, 510-511. Clothing procurement was covered under "An Act to procure certain Articles of Clothing for the Use of the New Jersey Regiments in the Continental Establishment." *Acts*, 2nd session, 1st sitting, 25 Nov. 1777.

Third Legislative Session

1778/1779

MEMBERS OF THE PRIVY COUNCIL

Governor William Livingston
Bergen County, Robert Morris
Burlington County, Peter Tallman
Cape May County, Jonathan Jenkins
Cumberland County, Ephraim Harris
Essex County, Abraham Clark
Gloucester County, John Cooper
Hunterdon County, John Stevens, Vice-President
Middlesex County, Jonathan Deare
Monmouth County, Joseph Holmes
Morris County, Silas Condict
Salem County, Andrew Sinnickson
Somerset County, Abraham Van Neste
Sussex County, Robert Ogden

At a Council held at Trenton November 6th, 1778

PRESENT

His Excellency the Governor

The Vice-President

- | | |
|----------------------------------|-------------------------------------|
| Mr. Morris | Mr. Sinnickson |
| Mr. [Abraham] Clark ¹ | Mr. [Robert] Ogden ² |
| Mr. Deare | Mr. Condict |
| Mr. Holmes | Mr. [Jonathan] Jenkins ³ |
| Mr. Cooper | |

His Excellency was pleased with the advice of Council to sign the following Warrants on the Treasurer.

No. 72. To himself for half a Year's Salary due the 14th October last	£500.0.0
73. To the honourable Robert Morris Esquire for 4 Months Salary due him the 14th October last	133.6.8
74. To the same for holding a Court of Oyer & Terminer in Middlesex	10.0.0
75. To the honourable Isaac Smith for 4 Months Salary due him the 11th of October last.....	100.0.0
76. To the same for holding Courts of Oyer & Terminer in Middlesex and Burlington.....	20.0.0
77. To the honourable John Cleves Symmes for 4 Months Salary due him the 14th October last	100.0.0
78. To the same for holding Courts of Oyer & Terminer in the Counties of Middlesex, Sussex and Morris	30.0.0

MINUTES FOR 1778/1779

79. To John Stevens Junior Esquire for 4 Months Salary due him the 14th of October last.....	100.0.0
80. To William Paterson Esquire for 4 Months Salary due him the 14th of October last.....	20.0.0
81. To Charles Pettit, Esquire for 7 Months & 6 days Salary in lieu of Fees on Commissions to Militia Officers & due to him the 7th of October last	72.0.0

At a Council held in Trenton November (no date)
[48]

PRESENT

His Excellency the Governor

Mr. Morris	Mr. Sinnickson
Mr. Clark	Mr. Condict
Mr. Deare	Mr. Jenkins
Mr. Holmes	Mr. Ogden
Mr. Cooper	

His Excellency the Governor was pleased to lay before the Board a petition from sundry persons in Bergen County praying that an addition might be made to the Guard in that County for the defence of its Frontier. Whereupon the Council advised His Excellency, to write to General Washington and request him to Order as many Continental Troops for the defence of the said Frontier as may be necessary.⁴

MINUTES FOR 1778/1779

At a Council held at Trenton on the 24th day
of November, 1778

PRESENT

His Excellency the Governor

The Vice-President

Mr. Clark	Mr. Jenkins
Mr. Holmes	Mr. Condict
Mr. [Ephraim] Harris ⁵	Mr. Ogden
Mr. Deare	Mr. Cooper

His Excellency was pleased to lay before the Board a Resolution of the honourable the Congress recommending it to the executive powers of the several United States to appoint Wednesday the 30th day of December next as a day of publick Thanksgiving & praise to Almighty God for the Reasons set forth in the said Resolution.⁶

Whereupon the Council advised His Excellency to appoint the said 30th day of December as a day of publick Thanksgiving and to publish the Same by proclamation which was accordingly done in the Words following:

By His Excellency William Livingston Esquire Governor Captain General [49] & Commander in Chief in and over the State of New Jersey & Territories thereunto belonging Chancellor and Ordinary in the same.

A Proclamation

Whereas the honourable the Congress by their Resolution of the seventeenth Instant, reciting that its having pleased Almighty God, through the course of the present Year to bestow great & Manifold Mercies on the people of these United States,

MINUTES FOR 1778/1779

and that it being the indispensable duty of all Men gratefully to acknowledge their Obligations to him for Benefits received, did recommend it to the Legislature or executive Authority of each of the said States to appoint Wednesday the 30th day of December next to be observed as a day of publick Thanksgiving and praise. That all the people may with united hearts on that day express a just sense of his unmerited favours, particularly in that it hath pleased him by his over-ruling providence to support us in a just and necessary War for the defence of our Rights and liberties, by affording us seasonable supplies for our Armies, by disposing of a powerful Monarch to enter into Alliance with us, and aid our Cause by defeating the Council and evil designs of our Enemies, and giving us victory over their Troops and by the Continuance of that Union among these States which by his Blessing will be their future Strength and Glory. And further Recommended that together with devout thanksgivings may be joined a penitent Confession of our sins and humble Supplication for pardon through the Merits of our Saviour, so under the Smile of Heaven, our publick Council may be directed, our Arms by Land and Sea prospered [50] our Liberty and Independence secured, our Schools and Seminaries of learning flourish, our Trade be revived, our Husbandry and Manufactures increased, and the hearts of all impressed with undissembled piety with benevolence and Zeal for the publick good.

I have therefore thought fit by and with the advice of the honourable privy Council of this State to appoint the said thirtieth day of December next to be set apart and observed throughout this State as a day of publick thanksgiving and praise for the purposes in the above Resolution set forth, where of all the Inhabitants of this State are hereby required to take Notice and Govern themselves accordingly. And I do hereby recommend it to the Ministers of the Gospel of every denomination in this State to perform divine Service and to the People committed to their charge to attend on publick Worship on that day and to abstain from all servile Labour and all recreation inconsistant with the

MINUTES FOR 1778/1779

His Excellency was pleased with the Advice of Council to sign the following Warrant on the Treasurer.

No. 82. To Elisha Boudinot⁹ for one Years Salary due to him the 2nd Tuesday in October last as Clerk of the Council £75.0.0

At a Council held at Princeton January 13th, 1779
by Summons from His Excellency the Governor

PRESENT

His Excellency the Governor

Mr. Morris	Mr. Sinnickson
Mr. Holmes	Mr. Condict
Mr. Tallman	Mr. Van Nest
Mr. Cooper	

His Excellency was pleased to lay before the Board an Application from the Attorney General by the request of Mr. Justice Smith for appointing Courts of Oyer & Terminer and General Gaol Delivery for the Counties of Essex, Bergen and Monmouth. Whereupon the Council advised his Excellency to issue Commissions for holding Courts of Oyer and Terminer & General Gaol Delivery in the said Counties of Essex, Bergen and Monmouth, to be dated on the twenty fifth Instant, the Commission for Essex to be in force for three Months and those for Monmouth and Bergen for four Months each.

His Excellency was also pleased to lay before the Board an [52] Application from Clement Biddle Commissary General of Forage requesting the Aid and advice of the Governor and Council for drawing forth all the Forage that can be spared in the State for the use of the Army now Quartered therein.¹⁰

MINUTES FOR 1778/1779

The Council after hearing Colonels Biddle and Forman on the Subject and duly considering the present scarcity of Grain and other Forage in New Jersey advised His Excellency the Governor to issue a proclamation requiring the Magistrates to be attentive to the Application of the persons employed in collecting Forage for the Troops, and in executing the Laws of the State for that purpose made, and at the same time to recommend to them in the Execution of their duty to pay due regard to the wants of the Inhabitants and not to exact more Grain or other Forage in any District than the Neighbourhood can safely spare, having respect to the Necessities of all the Inhabitants of such districts.¹¹ The Council further advised the Governor to write to His Excellency General Washington representing to him the General scarcity of Grain and other Forage in the State, and that there is a probability that the Inhabitants and their Stock will suffer for want before the Spring Supplies come in, and requesting the General to Order out of New Jersey all the Dragoons draughts & Officer's Horses that are not absolutely necessary for the service during the Winter.¹²

His Excellency was also pleased to lay before the Board a Letter from Mr. Justice Symmes relative to Jonathan Chew, Harrison Wells, William Hammil, John Dilks, Isaac Lord, Thomas Nitingale, Abraham Fennimore, Joshua Dilks, Joseph Pratt, John Franklin, Charles String alias Christopher String, James Birch, Joseph Dill, Daniel Feesman, Gideon Urine, David Lloyd, Lawrence Cox and Paterson Cook convicted of High Treason, and Benjamin Bartholemew convicted of Burglary, under Sentence of Death in Gloucester County, and a Number of Petitions from several Inhabitants of the said County praying that the said Convicts may be pardoned and also [53] some Affidavits relative to several of them. Whereupon the Council advised the Governor to Grant a Pardon to Benjamin Bartholemew on Condition that he leaves the State in two Months and the United States of America in Six Months from the date of the Pardon, unless within the said two Months he inlists in one of the Battalion of the State

MINUTES FOR 1778/1779

and afterwards faithfully serve in the Troops of the said State during the War.

The Council also advised the Governor to Grant a pardon to Jonathan Chew and Harrison Wells on Condition that they severally leave this State in two Months and the United States of America in Six Months from the date of their Pardons.

The Council also advised the Governor to Grant Pardons to John Dilks, Joseph Pratt, John Franklin, Charles String alias Christopher String, James Birch, Joseph Dill, Daniel Feesman, Gideon Urine, David Loyd, Lawrence Cox and Paterson Cook.

His Excellency was also pleased to lay before the Board a Representation of the Court of Oyer and Terminer and general Gaol Delivery for the County of Salem respecting Robert Witaker, Abdon Abbott Junior, Reuben Langley and Joseph Hilton convicted of High Treason in the said Court and under Sentence of death in the said County for Friday the twelfth day of February next, and also sundry Petitions praying that the said Convicts may be pardoned. Whereupon the Council advised the Governor to Grant a Pardon to Robert Whitaker on Condition of his leaving this State in two Months and the United States of America in six Months from the date of his pardon. The Council also advised the Governor to Grant Pardons to Abdon Abbott Junior, Reuben Langley and Joseph Hilton.

His Excellency was also pleased to lay before the Board an Application from the Court of Oyer and Terminer and General Gaol Delivery [54] for the County of Cumberland recommending George Gibson & Elphingston Thomson convicted at the said Court of a highway Robbery and under Sentence of Death, to the Governor & Council for a Pardon. Whereupon the Council advised the Governor to Grant a Pardon to the said George Gibson & Elphingston Thomson, on Condition that he leave this State in two Months and the United States of America in six Months from the date of his Pardon.

Here take in the Minutes of the 15th January entered on the other side.

MINUTES FOR 1778/1779

Here take in the Minutes of the 3rd February entered on the next leaf.

At a Council held at Princeton April 9th, 1779

PRESENT

His Excellency the Governor

Mr. Morris

Mr. Holmes

Mr. Deare

His Excellency was pleased to lay before the Board a Letter from Elias Boudinot¹³ Esquire, Commissary of prisoners for this State, informing him that the Enemy did not Countenance the Conduct of Captain Crowell,¹⁴ but they were desirous, if the State thought he had been sufficiently punished, that he might be sent in to New York. Whereupon the Council advised to Order him sent in accordingly.

The Board also advised His Excellency to issue a proclamation Ordering all prisoners taken in Vessels belonging to the Enemy or cast away on our Shores, or surrendering themselves to the Militia of this State to be secured and a proper return immediately made to the Commissary of Prisoners of this State.¹⁵

His Excellency was pleased to lay before the Board a Letter from General Washington requesting that Beacons and places of Rendezvous for the Militia might be fixed for open places in this State.¹⁶ Whereupon [55] the Board advised His Excellency to direct General Dickinson to appoint places of Rendezvous and Order Beacon fuel agreeable to the plan laid down by General Washington and transmitted to His Excellency the Governor (except the Beacon on Nevasink), And that General Dickinson keep an exact Account of the expence attending the fixing Beacons.

MINUTES FOR 1778/1779

His Excellency was pleased to lay before the Board a Letter from the President of Congress with a Resolution recommending that the first Thursday in May next be appointed as a day of Fasting Humiliation and prayer.¹⁷ Whereupon the Board advised His Excellency to issue a proclamation appointing the said first Thursday in May next for the purpose aforesaid.¹⁸

His Excellency was also pleased to lay before the Board a Petition from sundry Inhabitants in Woodbridge praying a Guard for their protection against the incursions of the Enemy.¹⁹ Whereupon the Council advised His Excellency to order out two Classes of the Militia from Colonel [John] Webster's²⁰ Battalion in Middlesex for that purpose to continue for one Month unless sooner discharged.

At a Council held at Princeton the

15th January, 1779

PRESENT

His Excellency the Governor

Mr. Morris

Mr. Holmes

Mr. Sinnickson

Mr. Cooper

Mr. Tallman

His Excellency mentioned to the Council an Application for a party of Men to be stationed in Monmouth County in aid of the Militia of that County now constantly in Service. The Council advised His Excellency to call two Classes of the Militia from Burlington, one Class of Colonel [Joseph] Phillip's²¹ Battalion of Hunterdon, and one Class of Colonel [56] [William] Scudder's²² Battalion of Middlesex and one Class of the Militia of Monmouth

MINUTES FOR 1778/1779

to be Stationed under the Command and in such parts of Monmouth County as Colonel Asher Holmes shall think best adapted to Guard the Frontier of that County from the inroads of the Enemy, and to be reviewed Monthly.

At a Meeting of the Council at Springfield the
third day of February, 1779

PRESENT

His Excellency the Governor

Mr. Van Nest

Mr. Condict

Mr. Clark

His Excellency laid before the Council the Application of the Inhabitants of Hackensack for a Guard of the Militia of the County of Bergen to be stationed at the Liberty Pole [Englewood] in the said County for the defence of the Inhabitants.²³ Whereupon the Council advised His Excellency to direct Colonel [Theunis] Dey²⁴ to station as a Guard at the Liberty Pole a detachment of the said Militia not exceeding One hundred Men to consist of Volunteers, if they can be procured, but if not, then the Colonel to call out as many Classes as will make up the Compliment of Men which the Governor shall Order to be stationed as aforesaid not exceeding One hundred Men to be relieved Monthly till further Orders.

MINUTES FOR 1778/1779

At a Council held at Trenton, May 1st, 1779

PRESENT

His Excellency the Governor

Mr. Cooper

Mr. Jenkins

Mr. Harris

Mr. Clark

Mr. Sinnickson

Mr. Deare

Mr. Condict

Mr. Van Nest

Mr. Holmes

His Excellency was pleased to lay before the Board a Letter from [57] His Excellency General Washington²⁵ acquainting him that he should call off the Continental Troops stationed in different parts of this State, by the 10th of this Month. Whereupon the Council advised His Excellency to order out the following Classes of Militia to wit from Somerset, Morris and Bergen Counties one Class to be stationed in Bergen and Commanded by Colonel [Frederick] Frelinghuysen,²⁶ from Gloucester, Burlington and Monmouth one Class to be stationed in Monmouth County and Commanded by Colonel Holmes, from Middlesex, Hunterdon and Essex one Class to be stationed in Essex County, and Commanded by Colonel Neilson, to continue in Service for one Month unless sooner relieved.

MINUTES FOR 1778/1779

At a Council held at Trenton May 19th, 1779

PRESENT

His Excellency the Governor

Mr. Stevens	Mr. Ogden
Mr. Morris	Mr. Van Neste
Mr. Clark	Mr. Jenkins
Mr. Cooper	Mr. Holmes
Mr. Harris	Mr. Deare

His Excellency was pleased to ask the advice of Council respecting the ordering a Number of Militia light Horse to attend the Detachments of Militia lately called out for the defense of the State. Whereupon the Council advised His Excellency to Order eight Militia light Horse to attend at each of the Posts, to wit Monmouth, Bergen and Essex.

Colonel [John] Rosecrants²⁷ from the County of Sussex having represented to the Council the dangerous Situation of the Inhabitants of that County near the Delaware from the Incroachments of the Indians, and praying relief,²⁸ The Council advised His Excellency to Order out one Class from each of the Regiments of the Militia of the said County for the defense thereof to wit, one Class from Colonel Rosecrants' Regiment, one from Colonel Hankinsons, and one from Colonel West, the said [58] Classes to be under the Command of Lieutenant Colonel [John] Seward.²⁹

MINUTES FOR 1778/1779

At a Council held at Trenton May 25th, 1779

PRESENT

His Excellency the Governor
The Vice President

Mr. Morris	Mr. Cooper
Mr. Clark	Mr. Sinnickson
Mr. Deare	Mr. Jenkins
Mr. Holmes	Mr. Condict
Mr. Van Neste	Mr. Harris
Mr. Tallman	Mr. Ogden

His Excellency the Governor was pleased to represent to this Board, that but few of the Militia Ordered out the 1st Instant for the protection of the Frontier of this State have come out, agreeable to said Order.³⁰ The Board therefore advised His Excellency to Order out immediately one Class of the Militia from each County not before Ordered out (except the Counties of Sussex & Cape May) the former being already Ordered to another Service, and the latter being too far distant to expect any material Service from them on the present occasion, and to renew the Order to those Counties that have neglected to Comply with the former Order. And the Council also advised His Excellency to Station the said Militia as follows

In Bergen

Bergen Militia
Morris Militia
Somerset ditto
Hunterdon Colonel
Beaver's & [John] Taylor³¹
Regiments

In Essex & Middlesex

Middlesex Militia
Essex ditto
Hunterdon Colonel
[David] Chambers³² & [Joseph] Phillips³³
Regiments
Burlington ditto
Gloucester Colonel
Ellis & [Bodo] Otto's³⁴
Regiments

MINUTES FOR 1778/1779

Monmouth
Monmouth Militia
Salem ditto
Cumberland
Gloucester Colonel
[Richard] Somers³⁵
Regiment

At a Council held at Trenton May 26th, 1779

Present as before except Mr. Morris & the
Vice President.

His Excellency the Governor was pleased to lay before the Board the Confession of James Allen a Robber, and a Letter from Mr. [Robert] Erskine,³⁶ accompanying the same requesting that a party of Militia may be Ordered [59] from the Upper Companies of Bergen to scout in the Mountains in Order to apprehend the Gangs of Robbers concealed in the said Mountains and their Abettors. Whereupon the Council advised his Excellency to Order out Twenty five Men from the said Companies to be Comanded by Captain Joseph Board³⁷ and to continue in Service for one Month unless sooner discharged.

MINUTES FOR 1778/1779

At a Council held at Trenton, June 7th, 1779

PRESENT

His Excellency the Governor

The Vice President

Mr. Morris

Mr. Cooper

Mr. Clark

Mr. Sinnickson

Mr. Deare

Mr. Jenkins

Mr. Holmes

Mr. Conduct

Mr. Van Nest

Mr. Harris

Mr. Tallman

Mr. Ogden

His Excellency was pleased to acquaint the Board that the Militia ordered out for the defense of the Frontiers time is expired. Whereupon the Council advised His Excellency to Order out another Class of the Militia to relieve them to continue by monthly relieves till further orders or till they are relieved by the State Regiments.

MINUTES FOR 1778/1779

At a Council held at Trenton June 11th, 1779

PRESENT

His Excellency the Governor

The Vice President

Mr. Morris	Mr. Cooper
Mr. Clark	Mr. Sinnickson
Mr. Deare	Mr. Jenkins
Mr. Holmes	Mr. Condict
Mr. Van Nest	Mr. Harris
Mr. Tallman	Mr. Ogden

His Excellency was pleased with the Advice of Council to sign the following Warrants on the Treasurer.

No. 83 To himself for half a years Salary due the 13th of April last.....	1000.0.0
84. To the Honourable Robert Morris for Seven Months & 12 days [60] Salary due to him 25th of May last.....	613.13.11
85. To the same for holding Courts of Oyer & Terminer in Gloucester, Salem, Cumberland, Cape May and Essex.....	50.0.0
86. To the honourable Isaac Smith for half a Years Salary due to him on the 13th day of April last.....	400.0.0
87. To the honourable John Cleves Symmes for half a years Salary due to him the 13th of April last.....	350.0.0

MINUTES FOR 1778/1779

88. To the same for holding Courts of Oyer and Terminer in Salem, Gloucester, Cumberland and Bergen.....	40.0.0
89. To William Paterson for half a years Salary due to him 13th of April last.....	40.0.0
90. To John Stevens, Esquire for half a Years Salary due to him 13th of April last.....	500.0.0
91. To Elisha Boudinot Esquire for one Year Salary due to him the 2nd Tuesday in October, 1777 as Clerk of the Circuits.....	50.0.0
92. To Bowes Reed Esquire for half a Years Salary due to him the 7th day of April last as Secretary in lieu of Fees on Commissions	60.0.0

His Excellency the governor and council appointed the following Officers for the one thousand Militia directed by law to be embodied for the defense of the Frontiers.³⁸

- Colonel John Neilson
- Lieutenant Colonel Peter Fell³⁹
- Major Samuel Hayes⁴⁰
- Major Elisha Walton⁴¹

The Governor and Council also Ordered the said 1000 Militia to be stationed as follows

Bergen from York line to Passaick	255 Men
Essex & Middlesex from Passaick to Raritan	445 ditto
From Raritan Southward	300 ditto
	1000

MINUTES FOR 1778/1779

At a Council held at Bound Brook in the County
of Somerset on Monday [61] the 25th
day of June, 1779

PRESENT

His Excellency the Governor

Mr. Stevens

Mr. Van Nest

Mr. Clark

Mr. Condict

Mr. Deare

Colonel Neilson having declined the Command of the 1000 Militia to be Embodied by Act of Assembly for the defense of this State and Colonel Frelinghuysen having been consulted with respect to his accepting Command, declared his willingness to accept of the same provided the Legislature would allow him a Lieutenant Colonel additional to the one already appointed, who in the necessary absence of the Colonel Commandant to visit Posts etc. may have the Superintendency & Command, and requested that Lieutenant Colonel John Taylor⁴² might be appointed as an additional Lieutenant Colonel to the said Command. The Governor and Council having taken the same into Consideration do agree that the said Colonel Frelinghuysen be appointed to the Command of the said men. And also that the said Lieutenant Colonel Taylor be employed in the said service, in Confidence that the Legislature will at their next sitting provide for his pay and allowance as a Lieutenant Colonel, and if the said provision be not made at the next sitting of Assembly the above named officers be at Liberty to retire.

Mr. Stevens has leave of Absence.

His Excellency laid before the Board a Petition and Representation from a number of Inhabitants of the County of Somers-

MINUTES FOR 1778/1779

set setting forth that a number of their Barns have been taken and occupied as hospitals for the sick of the Army to the great damage and Inconvenience of the Petitioners. The Council having taken the same into Consideration and being well informed there are a number of empty public Buildings at Pluckamin sufficient to receive the said Sick and convenient for them, The Council advised His Excellency to give Orders to the [62] Director of the Hospital or person or persons having the Care of the said Sick to remove the Same from the said Barns or Out Houses of the said Inhabitants in one week from this day. And that in case the above order is not Complied with, That His Excellency be Authorized to call out such number of the Militia of the County of Somerset as may be sufficient to remove the Sick as aforesaid.⁴³

On Application of Colonel Rosecrants of the County of Sussex for an additional number of the Militia for the defense of the Frontiers thereof, The Council advised His Excellency to Order out for that purpose one Class from Colonel Rosecrants' Regiment of said County and to be relieved monthly by one class from Colonel Hawkinson's and one class from Colonel West's Regiment alternately till further Orders.

His Excellency laid before the Board a Letter from Mr. Robert Harper, Commissioner of Conspiracies, dated at Poughkeepsie, State of New York, informing His Excellency that a number of persons, harbourers of Robbers, to wit Tunis Helme, Benjamin Demarest, Peter Maybee and Mendert Maybee have been apprehended in the State of New York, who are Inhabitants of this State, and requesting that measures may be taken to convey them to the Gaol of the respective Counties where they belong.

Whereupon the Council advised His Excellency to Order the said prisoners to be delivered to the first Colonel, Lieutenant Colonel or Major of Militia in the County of Sussex nearest the State of New York, and that the officer who receives them, delivers them to the Sheriff or Gaoler of the said County, till delivered by due course of Law.

MINUTES FOR 1778/1779

At a Council held at Worley's Tavern
[Bridgewater] in the County of Somerset

PRESENT

His Excellency the Governor

Mr. Stevens

Mr. Van Nest

Mr. Deare

Mr. Ogden

His Excellency laid before the Board a Petition from the Justices [63] and Freeholders of the County of Gloucester for a Commission for holding a court of Oyer and Terminer in the said County in the month of August next. The Council having taken the same into consideration advised His Excellency to issue the said Commission accordingly.

The Council further advised His Excellency to call from each of the Regiments of Militia of the several Counties such a number of Men as amounts to the deficiency of such Regiments in their Quota of the State Regiments, to be continued in service by monthly Rotation till they shall have compleated their Completments of Men and Officers.

The Council agreed to the Governors appointing the following persons to take subscriptions for the Loan recommended by Congress by their resolution of the 29th June last⁴⁴ to wit.

For the County of Hunterdon, Nathaniel Temple, Joshua Curshon and David Frazier.

For Middlesex, William Deursen, Jacob Martin Esquire and John Anderson

For Essex, The Rev. Mr. Jacob [sic] Caldwell⁴⁵ or Robert Ogden
For Monmouth, Nicholas Van Brunt and Peter Schenck

For Morris, Henry Remsen Esquire, Ellis Cook & David Thompson

MINUTES FOR 1778/1779

For Bergen, Hendrekus Huysen Esquire, David Board Esquire and Peter Haring.

For Burlington, Joseph Borden Esquire

For Sussex, Abiah Brown, Esquire Jacob McCollough and John McMurtrie

For Gloucester, John Sparks Esquire, Thomas Denny Esquire and Richard Wescot

For Salem, Joseph Bloomfield Esquire.⁴⁶

For Cumberland, Ephraim Seely Esquire

For Somerset, Major William Davison Esquire and John J. Schenck Esquire

And that the Appointments for Cape May be at present Omitted.

At a Council held on the 28th of August, 1779 [64]

PRESENT

His Excellency the Governor

Mr. Stevens

Mr. Condict

Mr. Deare

His Excellency laid before the Board the affidavit of Rachel Furguson, respecting an apprehended Irruption of a party of Indians into the County of Sussex, as also the relation of Jesseur Decker relative to the Action with the Indians near Lakarsack on the 22nd day of July last, and also the Affidavit of Abraham Sehymor on the same Subject, and also a Letter from the Inhabitants of the Minisinks praying for a Guard for the Security of the Frontier.⁴⁷

Whereupon the Council having taken the same into Consideration, advised His Excellency to direct the Officer Com-

MINUTES FOR 1778/1779

manding the State Regiment at Elizabeth Town to order all the Quota of the said Regiments raised and to be raised in the County of Sussex, into the said County for the defense of the Frontiers thereof, along the Minisink, and that he immediately supply the Posts at present occupied by them by the like number of Men of the said Regiments from any other Post from which they can best be spared. And further advised His Excellency to call Twenty men of the Militia of Colonel West's Regiment and Twenty of the Regiments of Colonel Hankinson to join the said detachment of the State Regiments to be stationed along the Minisink at such Posts as the Commanding Officer of the said detachment shall direct, to be relieved Monthly, till further orders.

His Excellency was also pleased to lay before the Board, the Affidavit of Thomas Farr concerning a Number of Villains who on the Night of the 31st of July last, broke into His House, murdered his Wife and shot him, the said Farr, who of the Wounds he received is since dead, and also the Affidavits of Elizabeth Andrews of the Robbery and [65] Burglary Committed on the Night of the 21st June last in the House of Andrews by Lewis Fenton and others unknown.

Whereupon the Board taking the matter into Consideration advised His Excellency to issue a Proclamation, promising a Reward of Five hundred pounds for apprehending the said Lewis Fenton and Three hundred pounds for apprehending any each and every of the persons concerned with him in the said Burglary and Murder and Two hundred and Fifty pounds for each and every of the persons concerned in Committing the Robbery on the House of the said Andrews, to be paid on the Conviction of the party charged, and that the State Printer be directed to print Fifty Copies of the said Proclamation and to insert the Same in the News Paper.⁴⁸

His Excellency was also pleased to lay before the Board, a Resolution of Congress of July last empowering and requesting the Executive powers of the different States to make deligent inquiry into the Conduct of the Officers in departments of the Quarter

MINUTES FOR 1778/1779

Master and Commissary General with the direction to remove if necessary any not immediately appointed by Congress.⁴⁹ Whereupon, the Board advised His Excellency to publish a proclamation recommending to every Citizen of the State acquainted with the Misbehavior or Strong suspicion thereof, in any person employed in this State in those departments, to declare such his knowledge upon Oath before some Neighbouring Justice of the peace, and to the Justice to take such affidavits and transmit them to the Governor.⁵⁰

At a Council held at Trenton September 21st, 1779

PRESENT

His Excellency the Governor

The Vice President

Mr. Deare

Mr. Cooper

Mr. Condict

Mr. Ogden

Mr. Sinnickson

Mr. Holmes

Mr. Tallman

His Excellency was pleased to lay before the Board two petitions [66] and a Letter from the Chief Justice in favor of Joseph Stockton Nicholson lately Convicted of High Treason in the County of Monmouth recommending him as a proper Object to be pardoned.

Whereupon the Council advised His Excellency to grant a Pardon to the said Joseph Stockton Nicholson, upon Condition That he does not go into the Counties of Monmouth, Middlesex, Essex or Bergen during the present War. His Excellency was pleased with the advice of Council to Sign the following Warrants,

MINUTES FOR 1778/1779

No. 93. To the Honourable Isaac Smith Esquire for one Quarter Salary due him on the 13th of July last.....	200.0.0
94. To the Same for holding Courts of Oyer & Terminer in the Counties of Essex, Monmouth and Gloucester.....	70.0.0

At a Council held at Trenton October 7th, 1779

PRESENT

His Excellency the Governor

Mr. Stevens

Mr. Conduct

Mr. Holmes

Mr. Ogden

His Excellency was pleased to lay before the Board a Letter from General Washington, representing that several Militia Officers & others had violated their Paroles given to the Enemy.⁵¹ Whereupon the Council advised His Excellency to issue a proclamation requiring the said Delinquents to return to the Enemy agreeable to parole and in all respects to conform themselves thereto.⁵²

¹ Abraham Clark (1726-1794), frail and studious, pursued a career in law and surveying. Born in Elizabeth Town he became known as "the poor man's counsellor" because of his habit of giving free legal advice. Before 1776 Clark was clerk of the colonial assembly and high sheriff of Essex County. Outspoken proponent of independence, Clark expressed his views while a member of the Provincial Congress. Elected to the Continental Congress, he signed the Declaration of Independence and served during the war in the state and national legislatures. After the war, Clark led the East Jersey delegations in the New Jersey Assembly. He attended the Annapolis Convention but ill health kept him from participating in the Constitutional Convention. Clark opposed the new document until a bill of rights was

MINUTES FOR 1778/1779

added. He terminated his political career after terms in the second and third congresses. *DAB*, IV, 118-119.

² Robert Ogden 3rd (1746-1826) was the son of Robert and Phebe (Hatfield) Ogden. While attending Princeton, Ogden joined William Paterson, Luther Martin, Oliver Ellsworth and others in founding the American Cliosophic Society. After graduating in 1765, Ogden studied law with Richard Stockton. In 1776 Livingston appointed Ogden a surrogate. He served only one term on the council 1778-1779. *Collections*, 171.

³ Jonathan Jenkins was a captain in the 1st Regiment, Cape May County militia. In 1778, in addition to his service on the council, Jenkins was county paymaster and clothier. He conducted recruits raised in Cape May to the New Jersey Continental troop brigade. *NJDOD*; Lewis Townsend Stevens, *The History of Cape May County, New Jersey* (Cape May, 1897), 203.

⁴ Fitzpatrick, *Writings of Washington*, XIII, 276. Livingston's letter was sent on November 7 which may have been the date of the Privy Council meeting.

⁵ Ephraim Harris (1732-1794), described as a "strong Presbyterian," was a ruling elder of "the Old Stone Church" of Fairfield, Cumberland County. Harris served in the Assembly 1776-1777, 1782-1784, 1786-1787, and 1792-1793, holding the speakership in 1782-1783. *Patriot's Index*, 306; Francis Bazley Lee, *Genealogical and Memorial History of the State of New Jersey*, 4 vols. (New York, 1910), III, 876.

⁶ *JCC*, XII, 1138-1139.

⁷ The New Jersey Brigade of the Continental Line, commanded by General William Maxwell was stationed at Elizabeth Town for winter quarters. Carl Prince, *Middlebrook—the American Eagle's Nest* (Somerville, 1958), 8-9.

⁸ Abraham Van Neste in addition to his service on the council from Somerset county, 1778-1779, was a justice in Somerset in 1772 and became a judge of the court of quarter sessions in 1778. James P. Snell *et al.*, *History of Hunterdon and Somerset Counties, New Jersey* (Philadelphia, 1881), 771-772.

⁹ Elisha Boudinot (1742-1819) was the younger brother of the more renowned Elias Boudinot. Schooled in the law, Elisha, following his service as clerk of the circuit court, became associate justice of the State supreme court, 1798-1806. Lucius Q. C. Elmer, *The Constitution and Government of the Province and State of New Jersey . . .* (Newark, 1872), 279-280.

¹⁰ From the first week in December 1778 through May 1779 the main body of the Continental Army established winter quarters at the Middlebrook encampment in Morris County. The story of the harsh winter at Middlebrook is examined by Prince, *Middlebrook*, *passim*.

¹¹ *NJA*, 2nd Series, III, 33.

¹² Washington, anticipating Livingston's request, ordered Count Pulaski to remove his cavalry to Delaware. Fitzpatrick, *Writings of Washington*, XIV, 24-26; 63.

MINUTES FOR 1778/1779

¹³ Elias Boudinot (1740-1821), born in Philadelphia, was a protégé of the eminent jurist Richard Stockton. Tall, handsome, and eloquent, Boudinot represented the views of conservative Whigs who were involved in the colonial protest but did not favor immediate independence. After July 1776 Boudinot expected to retire from public life, but he was called by the Continental Congress to supervise the care of American prisoners of war, an effort to which he contributed \$30,000 of his own fortune. He was a delegate to the Congress, 1778-1784, serving as its president in 1782 and 1783. Boudinot signed the Treaty of Paris in 1783. A strong Federalist, Boudinot aided ratification of the Constitution and served in the first three Congresses where he stoutly defended the policies of Alexander Hamilton. In 1795 Boudinot became director of the mint. Ten years later he retired to study the Bible and write religious works. From 1782 to 1821, he was a trustee of the College of New Jersey at Princeton. *DAB*, II, 477-478.

¹⁴ See entry for 21 Sept. 1778, p. 89.

¹⁵ *N. J. Gazette*, 14 Apr. 1779.

¹⁶ Fitzpatrick, *Writings of Washington*, XIV, 281-282.

¹⁷ *JCC*, XIII, 342-344.

¹⁸ *N. J. Gazette*, 21 Apr. 1779.

¹⁹ No attack was reported. *NJA*, 2nd series, III, 176-177; 216.

²⁰ 1st Regiment, Middlesex County militia. Stryker, *Official Register*, 357.

²¹ 1st Regiment, Hunterdon County militia. *Ibid.*, 354.

²² Lieutenant Colonel, 3rd Regiment, Middlesex County militia. *Ibid.*, 360-361.

²³ During the winter of 1778-1779, the citizens of Bergen County found themselves between the American headquarters at Middlebrook and the British headquarters in New York City. Leiby, *War in the Hackensack Valley*, 200 *seq.*

²⁴ Bergen County militia. Stryker, *Official Register*, 351.

²⁵ Fitzpatrick, *Writings of Washington*, XIV., 426-428, 434-435; See also Prince, *Middlebrook*, 72, 75.

²⁶ 1st Battalion, Somerset County militia. Stryker, *Official Register*, 352. Frederick Frelinghuysen (1753-1804) was the grandson of Dominie Theodorus Frelinghuysen, Great Awakening preacher of the Dutch Reformed Church. Frederick became a lawyer after graduating from the College of New Jersey in 1770. Only twenty-two years old, he became a representative in the Provincial Congress. During the war Frelinghuysen held a variety of military and political posts including delegate to Congress 1778-1782. He was a member of the New Jersey convention to ratify the Constitution. From 1790-1793 he served on the Legislative and Privy Councils. While a United States Senator, 1793-1796, Frelinghuysen was appointed a major general in the militia during the Whiskey Rebellion. *DAB*, III, 15.

²⁷ John Rosecranz, 3rd Battalion, Sussex County militia. Stryker, *Official Register*, 354.

MINUTES FOR 1778/1779

²⁸ Sussex County continually faced the problem of Indian incursions during the war. James P. Snell, *et al.*, *History of Sussex and Warren Counties, New Jersey* (Philadelphia, 1881), 54-56.

²⁹ 2nd Regiment, Sussex County militia. Stryker, *Official Register*, 355.

³⁰ The response of the militia to the call to arms was often poor. Lundin, *Cockpit of the Revolution*, 130-131; 144-146; 218-219; 239-240; 333-335; 353-354; 382-384.

³¹ 1st Regiment, Hunterdon County militia. Stryker, *Official Register*, 356.

³² 2nd Regiment, Hunterdon County militia. *Ibid.*, 351.

³³ 1st Regiment, Hunterdon County militia. *Ibid.*, 354.

³⁴ 1st Battalion, Gloucester County militia. *Ibid.*, 354.

³⁵ 3rd Battalion, Gloucester County militia. *Ibid.*, 355.

³⁶ Robert Erskine (1735-1780) was manager of the iron mines at Ringwood and Charlottesburg. He served as Geographer and Surveyor General of the Army of the United States. During the early months of 1779, Washington repeatedly expressed concern for the safety of Erskine and the military surveys in his possession at Ringwood. An attempted robbery did in fact occur. It was probably this crime to which James Allen confessed, and which prompted Erskine's letter to the council. Allen was perhaps also involved in an abortive attempt to kidnap Governor Livingston in February 1779. *NJA*, 2nd series, I, 114; Albert H. Heusser, *The Forgotten General; Robert Erskine* (Paterson, 1928), 149-152; *NJA*, 2nd series, III, 515-516.

³⁷ Bergen County militia. Stryker, *Official Register*, 382.

³⁸ "An Act to Embody, for a limited Time, One Thousand of the Militia of this State, for the Defense of the Frontiers thereof. *Acts*, 3rd session, 2nd sitting.

³⁹ Bergen County militia. Stryker, *Official Register*, 358.

⁴⁰ 1st Major, 2nd Regiment, Essex County militia. *Ibid.*, 366.

⁴¹ 1st Major, 1st Regiment, Monmouth County militia. *Ibid.*, 370.

⁴² John Taylor (1751-1801) graduated from the College of New Jersey at Princeton in 1770. A close friend of Frederick Frelinghuysen, Taylor succeeded Frelinghuysen in 1773 as the lone tutor at newly founded Queens College. Taylor was the mainstay of the faculty for two decades. During the war he conducted classes while the conflict raged and Taylor fulfilled his military obligations. In 1791 he moved to Elizabeth Town to teach at the academy. Three years later he moved to the faculty of the academy at Schenectady, New York, later to become Union College. Richard P. McCormick, *Rutgers, A Bicentennial History* (New Brunswick, 1966), 13, 14, 17-19.

⁴³ This protest involved actions taken by the Continental Army during the Middlebrook encampment. Prince, *Middlebrook*, 15. 34-35.

⁴⁴ The loan was for \$20,000,000 distributed among all the States. *JCC*, XIV, 783-785.

MINUTES FOR 1778/1779

⁴⁵ James Caldwell (1734-1781) was born in Virginia and graduated from the College of New Jersey in 1759. Two years later Caldwell was ordained by the Presbytery and became the pastor of the First Presbyterian Church in Elizabeth Town. He preached a "muscular type" of Christianity. When the war began, Caldwell was a militant clergyman who became known as the "Soldier Parson." He served one term in the council. While a chaplain in the Continental Army, Caldwell was a target of British kidnappers. His wife was killed during the British invasion of the state in 1780. The following year Caldwell was killed in a dispute with American sentries. *DAB*, III, 408-409.

⁴⁶ Joseph Bloomfield (1753-1823) was the son of Dr. Moses Bloomfield, founder of the New Jersey Medical Society and member of the Provincial Assembly and Provincial Congress. Joseph, born in Woodbridge, became a lawyer after serving in the Continental Army during the war. Between 1783 and 1792, Bloomfield occupied the post of State attorney general. As a presidential elector in 1792 Bloomfield opposed John Adams as Vice President. Despite his Jeffersonian attitudes, Bloomfield took part in suppressing the Whiskey Rebellion as a captain in the New Jersey militia. After serving as mayor of Burlington for five years, Bloomfield, in 1801, became Governor for one term. In 1803 he was again elected Governor holding the post until 1812. At the outbreak of the War of 1812 President James Madison appointed Bloomfield brigadier general of the army. *DAB*, II, 385-386.

⁴⁷ A skirmish at Minisink near Sussex County took place on 22 July 1779. *NJA*, 2nd series, III, 477-481.

⁴⁸ The attack upon Thomas Farr and his wife, the council's proclamation, and a description of the capture of the notorious Lewis Fenton is found in *Ibid.*, 548, 571, 641, 649-650.

⁴⁹ *JCC*, XIV, 812-815.

⁵⁰ *NJA*, 2nd series, III, 569-570.

⁵¹ Fitzpatrick, *Writings of Washington*, XVI, 175-176; 242.

⁵² *NJA*, 2nd series, III, 678-679.

Fourth Legislative Session

1779/1780

MEMBERS OF THE PRIVY COUNCIL

Governor William Livingston
Bergen County, Theunis Dey
Burlington County, Peter Tallman
Cape May County, Jesse Hand
Cumberland County, John Buck
Essex County, Stephen Crane
Gloucester County, John Cooper
Hunterdon County, John Stevens, Vice-President
Middlesex County, Jonathan Deare
Monmouth County, Joseph Holmes
Morris County, Silas Condict
Salem County, Andrew Sinnickson
Somerset County, Ephraim Martin
Sussex County, Robert Ogden

At a Council held at Mountholly November 8th,

1779

PRESENT

His Excellency the Governor

Mr. Stevens	Mr. [Ephraim] Martin ¹
Mr. Crane	Mr. Ogden
Mr. Deare	Mr. Holmes
Mr. Tallman	

His Excellency was pleased to lay before the Board a Letter from the President of Congress with a Resolution recommending that Thursday the 9th day of December next be set apart as a day of public Thanksgiving.² Whereupon the Board advised His Excellency to issue a proclamation [67] appointing the said Ninth day of December for the purpose aforesaid.³ And requested the Governor to send a Copy of the said proclamation to Mr. [Shepard] Kollock⁴ to be printed in his Newspaper and also that he be desired to Strike off one hundred Copies in hand Bills and to send another Copy to [David] Hall & [William] Sellers to be printed in their Newspaper. [Pennsylvania Gazette]

The following Minute should have been Entered before the last preceding Entry.

MINUTES FOR 1779/1780

At a Council held at Trenton November 2nd, 1779

PRESENT

His Excellency the Governor

Mr. Stevens	Mr. Martin
Mr. Deare	Mr. Ogden
Mr. Tallman	Mr. Holmes
Mr. Cooper	Mr. Condict
Mr. [John] Buck ⁵	

His Excellency laid before the Board Letters from Captain Nathaniel Fitz Randolph,⁶ now a Prisoner at New York, Complaining of his Sufferings and of the Severe Treatment he and one John Lozhier⁷ and others receive from the Enemy. And praying that Measures may be Taken for his relief.

Whereupon the Council advised His Excellency to direct the Commissary of prisoners of this State immediately to Cause Colonel Christopher Billop to be Confined in close Goals and treated in the Same Manner as the said Fitz Randolph and Lozhier are used until they the said Captain Fitz Randolph and John Lozhier are relieved from their Severe Treatment or Exchanged; And whereas Lieutenant Colonel [John] Simcoe,⁸ a prisoner to this State, from his late inhumane Treatment of some of the Inhabitants of this State has made himself Obnoxious to a Number of the Friends of those who have Suffered by his Means. And the said Lieutenant Colonel Simcoe having declared that if he apprehended his person in Danger, he would, notwithstanding he had given his Parole, make his Escape; therefore as well to Protect him from the resentment of the Injured people as to secure him as a prisoner the Board also advised His Excellency to direct the Commissary of prisoners to Cause the said Lieutenant Colonel Simcoe to be Confined and Secured in Close Gaols. And that his Excellency direct

MINUTES FOR 1779/1780

the said Commissary of prisoners to Negotiate an Exchange of Colonel [Thomas] Reynolds,⁹ Captain Fitz Randolph, Mr. John Lozhier, and Mr. Charles Jackson¹⁰ and such numbers [68] of Citizens or Privates shall make the Equal, for the said Colonel Billop and Lieutenant Colonel Simcoe, and further advise the Governor to direct the Commissary of prisoners to Commit the said Colonel Billop and Lieutenant Colonel Simcoe to the Gaol of the County of Burlington.

At a Council held at Mountholly on the 15th day
of November, 1779

PRESENT

His Excellency the Governor

Mr. Stevens	Mr. Condict
Mr. [Theunis] Dey ¹¹	Mr. Buck
Mr. Deare	Mr. Ogden
Mr. Holmes	Mr. Sinnickson
Mr. Cooper	Mr. Crane
Mr. Martin	

His Excellency was pleased to lay before the Board a Petition from the Petty Jury¹² in the County of Gloucester praying a pardon for Peter Helm lately convicted of High Treason in said County. Whereupon the Council advised the Governor to Grant a Pardon to the said Peter Helm accordingly. And also advised him to Grant a pardon to James a Negro Slave of Anthony Warwick lately convicted in the said County of Stabbing his Master.

MINUTES FOR 1779/1780

At a Council held at Mountholly on the 20th day
of November, 1779

PRESENT

His Excellency the Governor

Mr. Stevens	Mr. Conduct
Mr. Dey	Mr. Buck
Mr. Deare	Mr. Ogden
Mr. Holmes	Mr. Sinnickson
Mr. Cooper	Mr. Crane
Mr. Martin	

His Excellency was pleased to lay before the Board a petition from Petty Jury in the County of Burlington praying a pardon for Humphrey a Negro Slave of Elijah Bond lately convicted of Burglary.

Whereupon the Council advised His Excellency to grant a pardon to the said Humphrey accordingly.

MINUTES FOR 1779/1780

At a Council held at Mountholly December 7th,

1779

PRESENT

His Excellency the Governor

Mr. Dey	Mr. Conduct
Mr. Deare	Mr. Buck
Mr. Holmes	Mr. Ogden
Mr. Cooper	Mr. Sinnickson
Mr. Martin	Mr. Tallman

His Excellency was pleased with the advice of Council to sign the [69] following Warrants.

No. 95. To himself for half a Years Salary due the thirteenth day of October last	1000.0.0
96. To the honourable David Brearly Esquire ¹³ for 2 Months & 11 Days Salary due him on the 13th of October last as Chief Justice	196-16.6
97. To the same for holding Courts of Oyer and Terminer in the Counties of Monmouth, Essex and Middlesex	90.0.0
98. To the honourable Isaac Smith for 3 Months Salary due to him as Second Justice of the Supreme Court on the 13th of October last	200.0.0
99. To the honourable John Cleves Symmes Esquire for half a Years Salary due to him	

MINUTES FOR 1779/1780

as third Justice of the Supreme Court on the 13th of October last	350.0.0
100. To William Paterson Esquire for half a Years Salary due to him as Attorney General on the 13th of October last	40.0.0
101. To John Stevens Junior Esquire for half a Years Salary due to him the 13th of October last as Treasurer	500.0.0
102. To Bowes Reed Esquire for half a Years Salary due to him on the 13th of October last as Secretary in lieu of Fees on Commissions etc.	60.0.0

At a Council held at Mountholly December 23rd

1779

PRESENT

His Excellency the Governor

Mr. Stevens

Mr. Buck

Mr. Dey

Mr. Ogden

Mr. Deare

Mr. Sinnickson

Mr. Holmes

Mr. Tallman

Mr. Cooper

Mr. Hand

Mr. Martin

His Excellency was pleased to lay before the Board a petition from Sundry persons in the County of Monmouth praying a Guard for the protection of the said County. Whereupon the Council advised His Excellency to order fifty men out of Middlesex County

MINUTES FOR 1779/1780

to be stationed at South Amboy & Commanded by Captain James Morgan and sixty men out of Hunterdon County, sixty men out of Burlington County and Eighty [70] men out of Monmouth County to be stationed in the said County of Monmouth and to be Commanded by Colonel Holmes. And that the Said Guard be relieved monthly till further Orders.

His Excellency was pleased to lay before the Board a Letter from the Members of Bergen County, requesting that the time limited for the persons appointed in June last to take in Subscriptions for the Loan recommended by Congress on the 29th June last might be lengthened. Whereupon the Council advised his Excellency to lengthen the time till the first of March next.

At a Council held at Mountholly December 21st,

1779

PRESENT

His Excellency the Governor

The Vice President

Mr. Hand

Mr. Ogden

Mr. Dey

Mr. Tallman

Mr. Martin

Mr. Deare

Mr. Holmes

His Excellency the Governor mentioned to the Board an Application made to him by the Members of Assembly for the County of Bergen for a Guard for the defence of the Frontiers of the Said County, the State Regiments by the expiration of the time for which they were enlisted, having left them intirely unguarded.¹⁴

MINUTES FOR 1779/1780

His Excellency also laid before the Board a petition from several of the Inhabitants of the County of Bergen praying for a guard against the frequent inroads of the Enemy and also a letter from Mr. [G.] Van Wagenon to the Representatives of the said County, in Council and Assembly recommending Captain [John] Outwater¹⁵ to command the Said Guard, Lieutenant David Demarest,¹⁶ to be Lieutenant thereof and Ensign Cadirus Hogeland¹⁷ to be Ensign thereof. Whereupon the Council advised His Excellency to authorize Captain Outwater to raise a Company of Volunteers of One hundred Men to be commanded by himself as Captain. And of which the said Demarest is to be Lieutenant and the said [71] Hogeland Ensign for the defence of the Frontiers of the County of Bergen upon the pay of the Militia of this State to continue in Service until the first day of March next, unless sooner discharged.

At a Council held at Mountholly December 26th,

1779

PRESENT

His Excellency the Governor

The Vice President

Mr. Dey

Mr. Deare

Mr. Hand

Mr. Ogden

Mr. Buck

Mr. Cooper

Mr. Tallman

Mr. Martin

Mr. Holmes

His Excellency was pleased to lay before the Board a Resolution of the Legislature¹⁸ of this day empowering the Governor

MINUTES FOR 1779/1780

and Privy Council to appoint Some proper persons to fix Beacons and establish any other conventional Signals in different parts of the State. Whereupon the Board advised His Excellency to appoint General [Nathaniel] Heard¹⁹ for the above purpose and request him to employ as many persons under him as may be necessary to carry the said Resolution into Effect.

At a Council held at Elizabeth Town the
28th January, 1780

PRESENT

His Excellency the Governor

Mr. Crane

Mr. Condict

Mr. Martin

The Council advised His Excellency to issue a Commission for holding a Court of Oyer & Terminer & General Gaol delivery for the County of Morris to continue and be in force for the space of three months from the date hereof, the persons to be put in the Commission, John Carle, Benjamin Halsey, David Thomson, Jonathan Stiles, John Brookfield, Abraham Kitchel,²⁰ Benjamin Lindsly and John Jacob Faesch.

His Excellency was pleased to lay before the Board a Petition from Several of the inhabitants of Aquaconack [Passaic] for a Guard to serve that part of the Frontier against the invasion of the enemy. Whereupon the Council advised his Excellency to direct Colonel [Philip] Van [72] Cortlandt²¹ to call out two Classes of the Companies of his Regiment in the Township of Aquaconack, also two Classes out of the most Northern Companies of Newark to be stationed as a Guard for the defence of the Frontiers

MINUTES FOR 1779/1780

along Second River and the places most exposed in that Neighbourhood, to be continued in Service for one Month. The Council also advised the Governor to prolong the time of the Guard stationed in Bergen County under the Command of Captain Outwater from the first day of March to the sixteenth day of March next.

At a Council held at Elizabeth Town the
3rd of February, 1780

PRESENT

His Excellency the Governor

Mr. Crane

Mr. Condict

Mr. Martin

His Excellency was pleased to lay before the Board two Petitions from the Inhabitants of Newark both dated the 31st day of January last praying for a patrolling Guard to be kept on the lines during the night to relieve the Inhabitants of the Burden of keeping such Guard at their own expence as they have done for sometime past.

The Governor also laid before the Board a Petition from Several of the Inhabitants of Elizabeth Town dated the first day of February Instant praying for two Classes of Colonel [Moses] Jaques'²² Regiment to guard the Town, in order to give the Alarm before the Enemy can reach the Town which the Petitioners conceive the Soldiers stationed there cannot do by reason of their being Strangers and so frequently relieved. And also another Petition of several of the Inhabitants of the Counties of Essex and Middlesex dated the 2d of February instant praying that some

MINUTES FOR 1779/1780

parts of the Militia may be called out to Guard the Coasts along the said Counties; which they conceive will be least expensive and best answer the purpose if done by Horsemen during the Sounds being passable on the Ice, and to make it their duty to patrol the Shores between Amboy and Newark in Order to watch the Motions of the Enemy and give immediate Notice to the Inhabitants [73] and Continental Troops; which they are of Opinion will be a means of preserving the persons and property of many of the good Inhabitants of the said Counties.

The Governor also laid before the Board the verbal Representation of Caleb Camp Esquire, Speaker of the Assembly, that five and Twenty of Newark Horsemen would be more serviceable than Infantry and the Board being informed by Mr. Daniel Marsh that he had been requested by General [Arthur St. Clair of Pennsylvania] Sinclair to raise Twenty Horsemen at the expense of the Continents to patrol in front of the detachment of the Army stationed between Newark and Amboy, and that he conceived Twenty-five Horsemen in addition to the said Twenty would be a proper security for the purpose of guarding from surprises all the Frontiers proposed to be guarded by all the Petitions above recited.

Whereupon the Council, taking into Consideration the several matters above mentioned & conceiving that the addition of the Said Twenty-five Horsemen to the Twenty so as aforesaid intended to be raised at the request of General Sinclair would more fully answer the desire of the Said Petitioners, be a better defence against the Irruptions and Surprises of the Enemy and attended with a less expense to the State, than the Number of Infantry petitioned for, and hoping that if it should not be allowed by the Continents, the Legislature will provide Such additional pay for the Said Twenty-five Horsemen as may be adequate to their Service and necessary expences, Advised His Excellency to Authorize Mr. Daniel Marsh²³ to engage Twenty-five Horsemen, either from Captain [Obadiah] Meekers Company of light Dragoons or such others of our Militia, as he can voluntarily procure

MINUTES FOR 1779/1780

for that purpose to patrol during the Night on the Shores between Newark & Amboy for one Month unless sooner discharged, in order to watch the Motion of the Enemy and to give immediate Notice thereof to the Inhabitants & Continental Troops.²⁴

At a Council held at Trenton February 22,
1780 [76]

PRESENT

His Excellency the Governor

Mr. Dey	Mr. Ogden
Mr. Cooper	Mr. Deare
Mr. Hand	Mr. Stevens
Mr. Tallman	Mr. Holmes
Mr. Buck	Mr. Condict

The Council advised His Excellency to issue a Commission for holding a Court of Oyer and Terminer and General Gaol delivery for the County of Sussex to continue and to be in force for the space of three Months from the date hereof.

The Council also advised His Excellency to prolong the time of the Guard stationed in Bergen County under the Command of Captain Outwater from the sixteenth day of March to the first day of May next.

MINUTES FOR 1779/1780

At a Council held at Trenton March 6th, 1780

PRESENT AS ABOVE

The Council advised His Excellency to issue Commissions for holding Courts of Oyer and Terminer and General Gaol Delivery for the Counties of Bergen, Middlesex and Somerset to continue and be in force for the space of Four Months from the date hereof, and Bergen & Middlesex to continue & be in force for the space of Four Months from the 18th day of this instant March.

At a Council held at Trenton March 13th, 1780

PRESENT AS ABOVE & MR. MARTIN

His Excellency was pleased with the Advice of Council to Sign the following Warrants.

No. 103.	To James Ewing Esquire ²⁵ for two Months Salary due to him as Auditor of Accounts the 25th of February last	1000.0.0
104.	To himself for four Months Salary due the 13th day of February last as Governor.....	2666.13.4
105.	To the honourable David Brearly Esquire for four months Salary due to him the 13th of February last as Chief Justice.....	1666.13.4
106.	To the honourable Isaac Smith Esquire for four Months Salary [75] due to him on the 13th day of February last as Second Justice	1333.6.8
107.	To the honourable John Cleves Symmes Esquire for four months Salary due to him on the 13th day of February last as third Justice	1333.6.8

MINUTES FOR 1779/1780

108. To the same for holding Courts of Oyer and Terminer & General Gaol Delivery in the Counties of Monmouth, Essex & Bergen in the months of Monmouth, Essex & Bergen [sic]	90.0.0
109. To William Paterson Esquire for four Months Salary due to him on the 13th of February last as Attorney General	166.13.4
110. To John Stevens Junior Esquire for 4 Months Salary due to him on the 13th day of February last as Treasurer	1333.6.8
111. To Bowes Reed Esquire for four Months Salary due to him on the 13th day of February last as Secretary in lieu of Fees for Commissions etc.	333.6.8

At a Council held at Trenton March 19th, 1780

PRESENT

His Excellency the Governor
The Vice President

Mr. Dey	Mr. Cooper
Mr. Deare	Mr. Hand
Mr. Holmes	Mr. Condict
Mr. Martin	Mr. Ogden
Mr. Tallman	

On the Representation of the Honourable David Brearly Esquire, Chief Justice of this State, That one Peter Musick could and was willing to make some important discoveries respecting

MINUTES FOR 1779/1780

sundry persons who have been conceived in Counterfeiting and passing Counterfeit money, on Condition of his having reasonable assurance of his Pardon. It is the Opinion of the Governor and Council, that the Chief Justice ought to give the said Musick, such assurances of his pardon as may be proper.

On a Representation from the County of Monmouth for a number of Militia to guard the Frontiers of Said County, The Council advised His Excellency to order out Forty Men from each Regiment of Militia [76] in the County of Burlington and thirty from each Regiment in the County of Hunterdon, and Eighty from the County of Monmouth to be relieved by the like number from the County of Gloucester, Salem and Cumberland, to be stationed under the Command of Colonel Asher Holmes in the County of Monmouth for the defense of the Frontiers thereof.

At a Council held at Trenton March 25th, 1780

PRESENT

His Excellency the Governor
The Vice President

Mr. Dey	Mr. Martin
Mr. Deare	Mr. Hand
Mr. Holmes	Mr. Ogden
Mr. Cooper	

His Excellency was pleased to lay before the Board a proclamation from Congress recommending that Wednesday the Twenty-Sixth day of April next be set apart as a Day of Fasting Humiliation and Prayer.²⁶ Whereupon the Board advised His Excellency to issue a proclamation appointing the said day to be observed throughout this state accordingly.²⁷

MINUTES FOR 1779/1780

At a Council held at Morris Town April 3d, 1780

PRESENT

His Excellency the Governor

Colonel Dey

Mr. Condict

Colonel Martin

His Excellency was pleased to lay before the Board a Memorial from the Magistrates and other civil and Military Officers of the County of Bergen dated the 24th day of March last, praying the Governor and Privy Council to take the most speedy and effectual measure for the protection and defence of the Township of New Barbadoes, Harrington, and Hackensack as far as is consistant with the Safety of the State. Whereupon the Council advised His Excellency to station as a Guard for the defence of the County of Bergen, Forty Men of the Militia of the County of Sussex [77] and the like number from the County of Somerset and Twenty from the County of Bergen with a Captain of the said County of Bergen to Command the whole Guard. That Twenty of the Forty men to be ordered from Sussex called out from the Regiments of Colonels West & Hankinson in equal proportion with one Lieutenant from one and an Ensign from another of the said Regiments. That the other Forty be called in equal proportion from the Regiments of Colonel Frelinghuysen and [Hendrick] Van Dyck²⁸ with a Lieutenant to the one and an Ensign to the other detachment. That the whole Guard be Commanded by Captain Peter Ward²⁹ of Bergen and continue in actual Service for one Month to Rendezvous at or near Hackensack.

MINUTES FOR 1779/1780

At a Council held at Morris Town on the 27th
day of April, 1780

PRESENT

His Excellency the Governor

The Vice President

Mr. Condict

Mr. Martin

Mr. Dey

His Excellency was pleased to lay before the Board a Representation of Colonel Rosecrants of the Militia of Sussex of a late Alarm on the Frontiers of that County by a number of Indians who lately appeared at Minisink and killed Some of the Inhabitants,³⁰ in Consequence of which a Number of the Inhabitants of the said County on the North west side of the Mountains are leaving their habitations and removing with their families into the more internal parts of the County, and Soliciting for a number of Militia on the South east side of the Mountains to be stationed as a Guard on the said Frontiers for the defence thereof and to induce those of the Inhabitants who have removed to return to their Habitations as well as to prevent others from abandoning their possessions. Whereupon the Council advised His Excellency to call out two Classes of Colonel Hankinson's Regiment to be stationed as a Guard on the said Frontiers in Such manner as to form the best defence against the Incursions of the Enemy to be continued in the Said service for one Month unless sooner discharged.

MINUTES FOR 1779/1780

At a Council held at Trenton May 12th, 1780 [78]

PRESENT

His Excellency the Governor

The Vice President

Mr. Tallman

Mr. Sinnickson

Mr. Cooper

Mr. Deare

Mr. Condict

His Excellency was pleased to lay before the Board a Representation from a Number of Inhabitants of the Southward of Perth Amboy in the County of Middlesex, that it is absolutely necessary for the Safety of the Inhabitants that a Guard of One hundred Men or thereabouts should be Stationed in that part of the said Ward adjacent to the lines of the Enemy. Whereupon the Council advised His Excellency to order out from Colonel Neilson's Battalion in Middlesex two Classes of the Militia and a Subaltern Officer as a Guard for the protection of the Inhabitants of said Southward of Amboy to be under the Command of Captain Morgan.

MINUTES FOR 1779/1780

At a Council held at Trenton May 18th, 1780

PRESENT

His Excellency the Governor

The Vice President

Mr. Holmes

Mr. Condict

Mr. Martin

Mr. Sinnickson

Mr. Tallman

Mr. Buck

Mr. Cooper

Mr. Deare

His Excellency was pleased to lay before the Board a Representation from the Inhabitants of the County of Bergen respecting the exposed Situation of the Frontiers of said County and praying that a number of Militia may be Ordered out for the defence thereof. Whereupon the Council advised His Excellency to order out for that purpose two Classes of Militia from the Regiment in the County of Bergen one Class from each Regiment of the County of Somerset and one Class from each Regiment of the County of Hunterdon to be under the Command of Colonel Frelinghuysen.

MINUTES FOR 1779/1780

At a Council held at Trenton May 23rd, 1780 [79]

PRESENT

His Excellency the Governor

Mr. Condict	Mr. Ogden
Mr. Tallman	Mr. Sinnickson
Mr. Holmes	Mr. Dey
Mr. Martin	Mr. Buck
Mr. Cooper	Mr. Deare

His Excellency was pleased to lay before the Board an application from Captain [Barnes] Smock³¹ of Monmouth for an Order to get a Field piece now at Princeton belonging to the State in exchange for a heavier one now at Monmouth. Whereupon the Council advised His Excellency to issue the said Order.

At a Council held at Trenton May 29th, 1780

PRESENT

His Excellency the Governor

Mr. Condict	Mr. Sinnickson
Mr. Tallman	Mr. Dey
Mr. Holmes	Mr. Buck
Mr. Martin	Mr. Deare
Mr. Cooper	Mr. Hand
Mr. Ogden	

MINUTES FOR 1779/1780

Upon the Representation of Mr. Justice Symmes to His Excellency the Governor of the distressed situation of the Inhabitants at Minisink, The Council advised His Excellency to Order out Four Classes of Colonel Hankinson's & Colonel West's Regiments unless a fewer Number of Classes when called out Shall make up Sixty Men from each Battalion.

At a Council held at Trenton May 31st, 1780

PRESENT

His Excellency the Governor
The Vice President

Mr. Condict	Mr. Hand
Mr. Tallman	Mr. Ogden
Mr. Holmes	Mr. Dey
Mr. Martin	Mr. Buck
Mr. Cooper	Mr. Deare

The Council advised His Excellency to issue Commissions for holding Courts of Oyer & Terminer and General Gaol Delivery in the Counties of Essex and Burlington to continue and be in Force for the Space of [80] six months from the date hereof.

At a Council held at Trenton June 1st, 1780

PRESENT AS ON THE 31ST OF MAY LAST

It being represented to His Excellency that John Hampton, Matthias Halstead & Robert Neal, now prisoners with the Enemy

MINUTES FOR 1779/1780

are treated in a most cruel Manner, The Council advised His Excellency to direct the Commissary of prisoners to send for Captain John Jones, now on parole on Staten Island and treat him in the Same manner as the said John Hampton, Matthias Halstead & Robert Neal are treated.

At a Council held at Trenton June 13th, 1780

PRESENT

His Excellency the Governor

The Vice President

Mr. Cooper

Mr. Dey

Mr. Condict

Mr. Sinnickson

Mr. Holmes

Mr. Ogden

Mr. Hand

Mr. Deare

Mr. Buck

On an Application laid before the Board by His Excellency from the County of Bergen, The Board advised His Excellency to Order out two Classes of the Militia of the County of Bergen to relieve those now in Service in the said County to be continued in Service for one Month unless Sooner discharged.

MINUTES FOR 1779/1780

At a Council held at Trenton June 14th, 1780

PRESENT

His Excellency the Governor

The Vice President

Mr. Deare

Mr. Holmes

Mr. Buck

His Excellency was pleased with the advice of Council to Sign the following Warrants.

No. 112.	To himself for 4 Months Salary due the 13th June Instant as Governor.....	2666.13.4
113.	To the Honourable David Brearly Esquire for 4 Months Salary due to him as Chief Justice 13th June Instant.....	1666.13.4
114.	To the honourable Isaac Smith Esquire for 4 Months Salary due him the 13th day of June Instant as Second Justice of the [81] Supreme Court.....	1333.6.8
115.	To the honourable John Cleves Symmes Esquire for 4 Months Salary due the 13th day of June Instant as Third Justice of the Supreme Court.....	1333.6.8
116.	To William Paterson Esquire for 4 Months Salary due him the 13th of June Instant as Attorney General.....	166.13.4
117.	To John Stevens Junior Esquire for 4 Months Salary due him the 13th of June Instant as Treasurer.....	1333.6.8

MINUTES FOR 1779|1780

118. To James Ewing Esquire for three months Salary due him the 25th of May last as Auditor General.....	1500.0.0
119. To Bowes Reed Esquire for 4 Months Salary due him on the 13th of June Instant as Secretary in lieu of Fees on Commissions etc.	333.6.0

At a Council held at Trenton June 15th, 1780

PRESENT

His Excellency the Governor

Mr. Dey	Mr. Hand
Mr. Deare	Mr. Condict
Mr. Holmes	Mr. Buck
Mr. Tallman	Mr. Ogden
Mr. Cooper	Mr. Sinnickson

The Council advised His Excellency to continue the Guard, appointed on the 12th of May last, for one Month unless Sooner discharged under the Command of Captain Morgan at South Amboy.

At a Council held at Trenton June 16th, 1780

PRESENT AS YESTERDAY

His Excellency was pleased to lay before the Board a Letter from Mr. Justice Symmes and Several Affidavits relative to John

MINUTES FOR 1779/1780

Maxwell lately convicted in the County of Sussex & under sentence of death for Burglary, from which Affidavits there Seems a possibility of the said Maxwell's innocence. Whereupon The Council advised His Excellency to Respite the execution of the said John Maxwell from the 7th day of July next to the 29th day of September next.³²

At a Council held at Trenton June 19th, 1780 [82]

PRESENT AS ON THE 16TH INSTANT

Major Hays having declined accepting of the Command of the detachment directed to be Stationed in the County of Monmouth by the Act for raising 624 Men for the defence of the Frontiers,³³ The Council advised His Excellency to appoint Major John Mauritius Goetschius of the County of Bergen to the Command of the said detachment.

At a Council held at Bloomsberry July 8th, 1780

PRESENT

His Excellency the Governor

Mr. Dey

Mr. Martin

Mr. Condict

The Board advised His Excellency to Order out two Classes of Colonel Jaques' Regiment to be Stationed as a Guard for the defence of the Frontiers about Elizabeth Town under the Command of Major William Crane³⁴ for the Term of Fourteen days,

MINUTES FOR 1779/1780

at the expiration of which, to be relieved by two other Classes for fourteen days more.

The Board also advised His Excellency to Order out one Class from Colonel Scudder's Regiment to relieve Captain [William] Guest's³⁵ Company now Stationed at Cheesquake. The Board also advised His Excellency to Order out two Classes of Colonel Webster's Regiment to be Stationed as a Guard for the defence of the Frontiers of the State about Woodbridge, leaving, however, to Colonel Webster's discretion the necessity of appointing Such Guard considering that part of the State Regiment is Soon expected to be Stationed in that part of the County. And the Board also advised His Excellency to issue a Commission for holding a Court of Oyer and Terminer and General Gaol Delivery for the County of Salem to continue in force for three months.

At a Council held at Preakness July 17th, 1780 [83]

PRESENT

His Excellency the Governor

Mr. Dey

Mr. Conduct

Mr. Martin

Upon the Representation of some of the Inhabitants of the County of Sussex respecting one Ensign [James] Moody³⁶ formerly an Inhabitant of the said County, but now in the British Service, who with a number of Men under his Command is lurking in the said County enlisting men in the British Service. And as he has Opportunity impelling people to Sign Paroles, The Board advised His Excellency to direct Colonel West to call out of his Regiment Forty men to Serve as Scouts to apprehend the said Ensign Moody and his party or prevent their further Opera-

MINUTES FOR 1779/1780

tion, with discretionary power to Colonel West not to carry the said Order into Execution in Case the said Moody and his party should have left the County before he receives it, and after they are called out to discharge them before the expiration of their Monthly Tour, if he shall judge their longer continuance in Service unnecessary. The Council further advised His Excellency to order Colonel Hankinson to call out of his Regiment Ten men to Scout near the Burnt House in the said County of Sussex upon the probable information that the said Moody and his party have it in design to release prisoners and Burn the Gaol and Court-house in which they are confined, and that the Said Colonel Hankinson be invested with the like descretionary authority respecting the calling out and discharge of the Said Ten Men as is to be confided in Colonel West to those whom he is to call out.

The Board also requested the Governor to write to the Several Colonels to use the utmost dispatch in procuring and Sending to camp the Recruits to be raised by this State for Completing its Quota of troops in the Army of the United States, and also in raising the State Regiment and sending the Men to the Several Posts assigned them by the Act of the Legislature.³⁷

His Excellency laid before the Board a Letter from General Washington and the Committee of Congress, with a Requisition of [84] Nine hundred and forty five Men of the Militia of this State besides Officers to rendezvous at Morris Town by the first of August next to Co-operate with the Grand Army and to be well armed and equipped for the Field in the best manner circumstances will admit of.³⁸ Whereupon the Council advised His Excellency to call out Nine hundred & forty five privates to be formed into two Regiments of six Companies to each Regiment to remain in Service for one Month and to be monthly relieved until discharged by His Excellency General Washington or the Commander in Chief of this State, and that the proportions of the several Counties out of which the said Militia is to be called be as follows to wit.³⁹

MINUTES FOR 1779/1780

From the County of Bergen, one Lieutenant, one Ensign and Forty three privates, From the County of Essex, one Captain, one Ensign & Sixty five privates, From the County of Middlesex, one Captain, one Lieutenant, an Ensign and Eighty seven privates, From the County of Somerset, one Captain, one Lieutenant and Seventy privates, For the County of Monmouth, one Captain, one Lieutenant, one Ensign and eighty privates, From the County of Morris, one Captain, one Lieutenant, one Ensign and Seventy privates, From the County of Sussex (excluding Colonel Rosecrants' Regiment) One Captain, one Lieutenant, one Ensign and Sixty privates, From the County of Burlington, two Captains, two Lieutenants, two Ensigns and One hundred and Twenty privates, From the County of Gloucester, one Captain, one Lieutenant, one Ensign and Seventy privates, From the County of Salem, one Captain, one Lieutenant, one Ensign and Sixty five privates, From the County of Hunterdon, three Captains, two Lieutenants, two Ensigns and One hundred and Seventy privates, From the County of Cumberland, one Lieutenant, one Ensign and Forty five Privates, and that the Several Colonels be directed to call out as many Classes not exceeding four as will produce the number of Men ordered out of their respective Regiments. And that Colonel [Sylvanus] Seely⁴⁰ and Major [Clarkson] Edgar⁴¹ be appointed Colonel & Major of the Regiment to be composed of the militia from the Counties of Bergen, Essex, Middlesex, Somerset, Monmouth, Morris and Sussex and [85] that Lieutenant Colonel Hogeland and Major [Samuel] Growendyck⁴² be appointed Lieutenant Colonel and Major of the Regiment to be composed by the Militia from the Counties of Burlington, Gloucester, Salem, Hunterdon and Cumberland.

MINUTES FOR 1779/1780

At a Council held at Preakness July 19th, 1780

PRESENT

His Excellency the Governor

Mr. Conduct

Mr. Dey

Mr. Martin

Mr. Israel Morris,⁴³ having in writing declined his appointment of State Clothier and Agent of Stores to the New Jersey Brigade, The Board appointed James McComb⁴⁴ in his room till the next meeting of the Legislature.

The Board advised His Excellency to call out two Classes of Colonel Cortland's Regiment to guard the Frontiers of Newark to Serve for one month unless Colonel Van Cortland together with a Majority of the Magistrates in the Township of Newark shall think proper to discharge them Sooner.

At a Council held at Morris Town July 31st, 1780

PRESENT

His Excellency the Governor

Colonel Martin

Colonel Dey

Mr. Conduct

On Considering the great Number of the Prisoners lately apprehended and now confined in the Gaol of the County, the insufficiency of the Gaol itself, the Connections of the Criminals

MINUTES FOR 1779/1780

and the probability of their being a great number of the like Offenders not yet discovered, whose safety depends on the escape of those already confined, together with the Accounts of some parties of the Enemy being lately sent from Staten Island into this State, whose Errand, from a similar parties having lately broke open the Gaol of Sussex, is probably to relieve that of Morris, especially as there is far the greater number of prisoners confined in the latter, it is a more important Object than the former and farther considering, that it is of the utmost Consequence [86] to the State to prevent the escape of the said prisoners, many of whom are charged with knowingly passing Counterfeit money, and others with assisting the Enemy's detachments in passing through the State, The Board conceives it absolutely necessary, and accordingly advised His Excellency to order a Guard of Militia of Thirty Men for guarding the said Gaol, and that one half of the said Men be called from the County of Morris and the other half from the County of Somerset to be relieved monthly and that Mr. Cateline⁴⁵ be appointed for the Commanding Officer of the said Guard through all their rotations till they shall be dismissed by any of the Justices of the Supreme Court or by His Excellency the Governor.

The Governor laid before the Board a Petition from the Justices and Chosen Freeholders of the County of Morris to appoint a Special Court of Oyer and Terminer and General Gaol Delivery to be holden in and for the County of Morris as speedily as possible. Whereupon the Council advised His Excellency to issue a Commission for holding such Courts to be in force for four Months from the date hereof.

MINUTES FOR 1779/1780

At a Council held at Morris Town

August 4th, 1780

PRESENT

His Excellency the Governor

Mr. Martin

Mr. Dey

Mr. Condict

The Board advised His Excellency to order Colonel Jaques to relieve the Guard now posted at Elizabeth Town by calling out two Classes of his Regiment for the defence of the Frontiers of Elizabeth Town to be under the Command of Major William Crane for one Month.

His Excellency laid before the Board a Letter from Chief Justice Brearly acquainting him that the Commission for holding a Court of Oyer and Terminer in Middlesex County is expired without a Court being held, occasioned by the Enemy being in the State at the time the Court [87] was to have been held,⁴⁶ and that a Court in that County is much wanted, there being several Capital offenders from it now in Burlington Gaol. The Board therefore advised His Excellency to issue a Commission for holding a Court of Oyer and Terminer for the said County to be in force for Four Months.

His Excellency also laid before the Board a letter from His Excellency General Washington at Peakskill the 1st Instant intreating the Governor to order our State Regiment and the Militia called for by the Committee of Congress to march as soon as possible to Dobbs' Ferry, subject to General Washington's directions, where the Officers are to receive further Orders, and that he also thought it advisable, that the Governor should Order

MINUTES FOR 1779/1780

the whole Militia to hold themselves in readiness to march in case of Orders as events may arise to make their aid essential and important for a few days, and that it will not be called for but in that Case.⁴⁷

Whereupon the Board advised His Excellency to order the Militia called for by the Committee of Congress and also the State Regiment to march as Soon as possible to Dobbs' Ferry, subject to General Washington's directions and to march into the State of New York if he shall so direct. And that upon the Requisition of General Washington for the Militia to march to co-operate with the Army of the United States, The Governor call out half of the Militia Subject to the same Orders as above, unless the General should require a less number, and in that Case the number so required.

At a Council held at Morris Town the
9th of August, 1780

PRESENT

His Excellency the Governor

Mr. Martin

Mr. Dey

Mr. Condict

His Excellency laid before the Board a letter from Chief Justice Brearly dated the first of August Instant applying for a Guard for the [88] Gaol of Burlington in which a great number of prisoners are confined for Capital Crimes. And that the Sheriff has great reason to believe, that there is a design formed to rescue them by a party from the pines, and that independant of that it appears to him absolutely necessary for their safe keeping

MINUTES FOR 1779/1780

(the charge being too great for a Single Gaol). Whereupon the Board advised the Governor to Order a Guard of a Sergeant and twelve Men out of Colonel William Shreeve's Regiment⁴⁸ to guard the Said Gaol for the space of one month to be relieved by the like Guard at the expiration of the said Month.

At a Council held at Morris Town

15th of August, 1780

PRESENT

His Excellency the Governor

Mr. Stevens

Mr. Martin

Mr. Dey

Mr. Condict

Mr. Deare

Mr. Ogden

His Excellency laid before the Board, The Act to provide for the security, support and exchange of Prisoners of War, with relation to the 16th, 17th, 18th & 19th Clauses respecting the Building of a Gaol in the County of Morris.⁴⁹ Whereupon the Board advised the Governor to give direction to the Sheriff of the County of Morris to Summon a Meeting of the Board of Justices and Freeholders of the Said County to meet next Tuesday at Morris Town in Order that application may be made to them when so met for the Grant of a piece parcel or plot of Ground adjoining to the Court House and Gaol of the said County and to agree with and hire the same for the use of the State for the purpose of Building one or more additional Room or Rooms to the said Gaol or prison House and of enclosing a Guard pursuant to the 16th Clause of the said act.

MINUTES FOR 1779/1780

At a Council held at Morris Town

16th August, 1780

PRESENT

His Excellency the Governor

Mr. Stevens

Mr. Condict

Mr. Ogden

Mr. Martin

The Field Officers now Commanding the Militia called out to join [89] the Grand Army having represented it to the Board that their private affairs will not admit their continuing in Service after the expiration of their Monthly Tour, The Board advised His Excellency to appoint four Field Officers to the said Command for next month Colonel Frelinghuysen, Lieutenant Colonel John Taylor, Major [Godfrey] Rinehart⁵⁰ of New Germantown and Major Daniel Brown; Colonel Frelinghuysen and Major Brown in the room of Colonel Seely and Major Edgar, and Lieutenant Colonel John Taylor and Major Rinehart in the room of Lieutenant Colonel Oakey Hogeland and Major Growendyck.

The County of Sussex being under Some Apprehension from the inroads of Indians, The Board advised the Governor to order out one hundred of the Militia for the defence of the Frontiers of that County in the following manner to wit: from Colonel Taylor's Regiment in Hunterdon, *Twenty* with one Lieutenant, From Colonel Beaver's, *Twenty* with one Lieutenant, From Colonel [John] Stark[e]'s⁵¹ of Morris County, *Twenty* with one Ensign, From Colonel West's in Sussex, *Twenty* with one Captain and from Colonel Hankinson to be under the Command of Major [Samuel] Meeker⁵² to continue in Service for one Month.

MINUTES FOR 1779/1780

At a Council held at Morris Town

August the 22d, 1780

PRESENT

His Excellency the Governor

Mr. Stevens

Mr. Martin

Mr. Ogden

Mr. Condict

Mr. Dey

His Excellency was pleased to lay before the Board an application from Justice [William] Burnet⁵³ setting forth that the time of the Guard was expired that was Stationed at Newark and praying for a Guard to be again Stationed for the protection of the Frontiers of that place.

Whereupon the Board advised His Excellency to issue Orders to Colonel Van Cortlandt to call out two Classes of the Militia of his Regiment to be stationed as a guard for the Frontiers of Newark for one Month.

At a Council held at Morris Town

August 23, 1780 [90]

PRESENT

His Excellency the Governor

Mr. Stevens

Mr. Martin

Mr. Ogden

Mr. Condict

Mr. Dey

MINUTES FOR 1779/1780

The Board of Justice and Freeholders having met pursuant to an Order given to the Sheriff of the County of Morris, His Excellency with the advice of Council made application to the said Justices and Freeholders for the Grant of a parcel of Land adjoining the Gaol of the said County for the purpose of Building a State Prison and yard agreeable to the directions of the Law.⁵⁴ And the said Board of Justice and Freeholders having produced their answer in writing, The Board advised His Excellency to defer Building the said State Prison and Yard until the next sitting of the Legislature, and to lay before them the Said answer of the Justices and Freeholders together with an estimate of the expense of such Building made at the request of the Board by Benjamin Lindsly Esquire.

At a Council held at Trenton September 24, 1780

PRESENT

His Excellency the Governor

Mr. Stevens

Mr. Holmes

Mr. Martin

Mr. Dey

Mr. Ogden

Mr. Deare

Mr. Buck

His Excellency laid before the Board a request from Essex County, that the Guard ordered from Colonel Jaques Regiment of Militia for the defence of the Frontiers about Elizabeth Town be continued. The Board advised His Excellency to order out two Classes from Colonel Jaques' Regiment for the purpose aforesaid for one Month and that they be relieved by the like number from the said Regiment for another Month, so that the said Guard be kept up for two months from this time, to be under the Command of Major William Crane.

MINUTES FOR 1779/1780

At a Council held at Trenton September

14th, 1780 [91]

PRESENT

His Excellency the Governor

Mr. Stevens

Mr. Deare

Mr. Buck

Mr. Dey

His Excellency laid before the Board a request of several of the Inhabitants of Middlesex County for a Guard at South Amboy. Whereupon the Board advised His Excellency to order out one Class of the Militia from Colonel Scudder's Regiment, Fifty of which are to be stationed at South Amboy under the Command of a proper Officer (and the Overplus if any be) to be dismissed, to continue in Service for one Month and at the expiration thereof to be relieved by the like numbers.

At a Council held at Trenton September

25th, 1780

PRESENT

His Excellency the Governor

Mr. Stevens

Mr. Conduct

Mr. Dey

Mr. Sinnickson

Mr. Deare

Mr. Holmes

Mr. Buck

Mr. Cooper

Mr. Martin

Mr. Tallman

MINUTES FOR 1779/1780

His Excellency was pleased to lay before the Board an application from the Chief Justice for a Commission for holding a Court of Oyer and Terminer and General Gaol Delivery in the County of Gloucester. Whereupon the Board advised His Excellency to issue a Commission accordingly, to continue in Force for three months from this day.

At a Council held at Trenton September
29th, 1780

PRESENT

His Excellency the Governor

Mr. Stevens	Mr. Condict
Mr. Dey	Mr. Sinnickson
Mr. Deare	Mr. Holmes
Mr. Buck	Mr. Cooper
Mr. Martin	

His Excellency was pleased to lay before the Board an application from several Inhabitants of Newark praying Guard for their protection. Whereupon the Council advised [His] Excellency to Order out two Classes of the Militia from Colonel Cortlandt's Regiment to be Stationed [92] at Newark. And to continue in Service for one month and at the expiration thereof to be relieved by the like Number. The Council advised His Excellency to direct Captain B. Edgar [to] Jail, professing himself to be a deserter from the British Army, now in this Town to remove himself to Philadelphia tomorrow, and thus take the direction of the Board of War, this being thought by this Board an improper place for his Residence.

MINUTES FOR 1779/1780

At a Council held at Trenton, September
29th, 1780

PRESENT

His Excellency the Governor
The Vice President

Mr. Dey	Mr. Hand
Mr. Deare	Mr. Ogden
Mr. Martin	Mr. Holmes
Mr. Cooper	Mr. Conduct
Mr. Sinnickson	Mr. Buck

His Excellency was pleased to lay before the Board a Letter from the Attorney General requesting a Pardon for Richard Hadon convicted of Felony on two Indictments in the County of Morris. Whereupon the Board thought proper to pardon the said Richard Hadon accordingly.

At a Council held at Trenton October 7th, 1780

PRESENT

His Excellency the Governor

Mr. Dey	Mr. Cooper
Mr. Deare	Mr. Sinnickson
Mr. Martin	Mr. Hand

His Excellency was pleased to sign the following Warrants on the Treasurer with advice of Council.

MINUTES FOR 1779/1780

No. 120. To himself in addition to his Salary as Governor	300.0.0
121. To the honourable David Brearly Esquire in addition to his Salary as Chief Justice.....	150.0
122. To the honourable Isaac Smith Esquire in addition to his Salary as Justice.....	150.0
123. To the honourable John Cleves Symmes in addition to his Salary as Third Justice [none indicated]	

¹ Ephraim Martin (1733-1806), over a 20 year period, represented three counties in State government. He was a member of the Provincial Congress from Sussex in 1775, a member of the council from Somerset in 1779-1780 and 1781 to 1789, and from Middlesex in 1795-1796, 1797-1798, and 1799-1806. While a colonel in the 2nd regiment Sussex County militia, Martin was wounded at the battle of Long Island. *NJA*, 2nd series, I, 289; *Somerset County Historical Quarterly*, 8 vols., (January, 1912), VII, 233-234.

² *JCC*, XI, 1191-1193.

³ *NJA*, 2nd series, IV, 31-33.

⁴ Shepard Kollock (1750-1839) was born in Delaware but apprenticed as a printer in Philadelphia. He became a lieutenant in the Continental artillery serving at one time under Alexander Hamilton. In 1779 Kollock began printing the *New Jersey Journal* within the lines of the army at Chatham. After New York was evacuated in 1783 he moved his press across the Hudson and published the *New York Gazeteer* for three years. At the same time Kollock's *Political Intelligencer* appeared in New Brunswick. In 1785 he moved the *Intelligencer* to Elizabeth Town, renamed it the *New Jersey Journal*, and published it until its sale in 1818. Meanwhile Kollock gained fame as a publisher of religious books. Despite his early association with Hamilton, Kollock was a Republican advocate. *DAB*, X, 493-494.

⁵ John Buck (?-1783) resided in Deerfield Township, Cumberland County. While a member of the Assembly from 1776 to 1778, Buck was a purchaser of clothing for the army. He served one term in the council 1779-1780. *NJDOD*.

⁶ Nathaniel Fitz Randolph was an elected naval captain of New Jersey's Eastern District. Honored for bravery by the State during the war, Fitz Randolph was kidnapped by Tories in January 1779 and taken to New York City. Two months after being exchanged in May 1780 he died of his wounds in Woodbridge. Stryker, *Official Register*, 406.

⁷ Ensign, Capt. Abraham Johannes Blauvelt's company, Bergen County militia. *NJDOD*.

MINUTES FOR 1779/1780

⁸ John Simcoe led the famous Simcoe's Raiders, part of the British detachment known as the Queen's Rangers. Simcoe was greatly disliked for his mistreatment of captives and was himself captured in October 1779, in a skirmish with New Jersey militia. *NJA*, 2nd series, IV, 4, 20, Lundin, *Cockpit of the Revolution*, 416-418.

⁹ 2nd Regiment, Burlington County militia. Stryker, *Official Register*, 354.

¹⁰ A resident of Woodbridge, Charles Jackson was assistant deputy quartermaster general until taken prisoner in February 1779. One year later he was exchanged for Nathaniel Collyer, assistant deputy commissary in the British army. *NJDOD*.

¹¹ Theunis Dey (1726-1787) was a member of the colonial Assembly from 1761 to 1776, served in the council from 1779 to 1781, and returned to the State Assembly in 1783. In 1774 Dey became a member of the Bergen County Committee of Correspondence. During the war he served as a colonel in the Bergen County militia. Dey was active in the founding of Queen's (Rutgers) College and was named a member of its Board of Trustees in the royal charter granted in 1766. Carl Raymond Woodward, *Ploughs and Politicks; Charles Read of New Jersey and his Notes on Agriculture*. (New Brunswick, 1942) 280.

¹² A petty jury was an ordinary jury of twelve men for the trial of a civil or criminal action, as distinguished from a grand jury.

¹³ David Brearly (1745-1790), born near Trenton, became a lawyer. On the eve of independence Brearly was arrested by the Crown for treason, but was soon freed by a mob of citizens. From 1776 to 1779 he was a lieutenant colonel in the Continental army but resigned his commission upon being named chief justice of the New Jersey supreme court. Brearly's ten year tenure on the court was interrupted in 1787 by his attendance at the Constitutional Convention. In 1789 the Trenton barrister was a presidential elector. Brearly was one of Washington's first appointments to a federal district judgeship. *DAB*, III, 1-2.

¹⁴ Apprehension over enemy raids grew despite Lighthorse Harry Lee's success at Paulus Hook, 18 Aug. 1779, when he captured over 150 British regulars. Fear of reprisals may have been unwarranted since only two small skirmishes occurred. Leiby, *War in the Hackensack Valley*, 226-227; 232-233.

¹⁵ Bergen County militia. Stryker, *Official Register*, 403.

¹⁶ Thomas Blanch's Company, Bergen County militia. *Ibid.*, 388.

¹⁷ Appears in the official military records as Joseph C. Hogeland. *NJDOD*.

¹⁸ *VPS*, 4th session, 111.

¹⁹ Brigadier General, New Jersey militia. Stryker, *Official Register*, 349.

²⁰ Abraham Kitchel (1736-1807) served in the Assembly in 1779 before becoming the Morris County councilman 1785-1789 and 1793-1795. A brother, Aaron, was a United States Congressman and Senator. *Patriot's Index*, 391.

²¹ 2nd Regiment, "Heard's Brigade" Essex County militia. Stryker, *Official Register*, 357.

MINUTES FOR 1779/1780

²² 1st Regiment, Essex County militia. *Ibid.*, 353.

²³ "Captain Marsh's Troop, Lighthorse," Essex County militia. *Ibid.*, 401.

²⁴ These arrangements were made to guard against British attacks from Staten Island and New York City. On 14 Jan. 1780 Lord Stirling attacked British and Loyalist positions on Staten Island. Eleven days later the Loyalists launched a retaliatory raid. Similar clashes continued through June. Leiby, *War in the Hackensack Valley*, 226-227, 235 *seq.*

²⁵ James Ewing (?-1823), a member of the "Indians" of the Greenwich "Tea Party" of 22 Dec. 1774, was elected to the Assembly from Cumberland County in 1778. For several years Ewing was one of the commissioners of the State loan office. From 1797 to 1803 he served as Mayor of Trenton. *Collections*, 108.

²⁶ *JCC*, XVI, 252-253.

²⁷ *NJA*, 2nd series, IV, 272-273.

²⁸ 2nd Battalion, Somerset County militia. Stryker, *Official Register*, 357.

²⁹ Lighthorse Troop, Bergen County militia. *Ibid.*, 417.

³⁰ *NJA*, 2nd series, IV, 352.

³¹ Company Artillery, Monmouth County militia. Stryker, *Official Register*, 410.

³² Details of the capture, conviction and eventual escape of John Maxwell are found in *NJA*, 2nd series, IV, 380, 476.

³³ Acts, 4th session, 3rd sitting.

³⁴ Essex County militia. Stryker, *Official Register*, 363.

³⁵ Middlesex County militia. *Ibid.*, 392.

³⁶ Ensign James Moody gathered 73 of his neighbors and defected to the British in 1777. His activities marauding over the countryside, and his eventual capture, are described in *NJA*, 2nd series, IV, 552; Leiby, *War in the Hackensack Valley*, 279-280; and Lundin, *Cockpit of the Revolution*, 83-85, 414.

³⁷ This directive referred to two legislative acts: "An Act for Compleating the Quota of Troops belonging to this State in the Service of the United States," passed February 9, 1780. *Acts*, 4th session, 2nd sitting; "An Act to raise and embody for a limited time Six Hundred and Twenty-Four Men, for the Defense of the Frontiers of this State," passed June 14, 1780. *Ibid.*, 3rd sitting.

³⁸ Fitzpatrick, *Writings of Washington*, XVIII, 468-470; *LCC*, V, 262.

³⁹ This flurry of activity appears to be related to a plan to dislodge the British from New York City with the aid of the recently arrived French fleet. Fitzpatrick, *Writings of Washington*, XIX, 169-170, 174-176, 178-181.

⁴⁰ Eastern Battalion, Morris County militia. Stryker, *Official Register*, 355.

⁴¹ 1st Regiment, Middlesex County militia. *Ibid.*, 364.

⁴² 2nd Major, Hunterdon County militia. *Ibid.*, 365.

MINUTES FOR 1779/1780

⁴³ Israel Morris, a resident of Haddonfield, served as assistant commissary of purchases in West Jersey from December 1776 to 1780. *NJDOD*.

⁴⁴ James McComb served as State clothier and agent of stores to the New Jersey Brigade until June 1782. He was a marshal for the Court of Admiralty in 1781. *NJDOD*.

⁴⁵ In addition to serving as a lieutenant in the Somerset County militia, Joseph Catterline also saw Continental service at Valley Forge and acted as a recruiting officer for the Continental Army. He served as lieutenant in Capt. John Outwater's Company of State Troops, raised for the defense of the frontiers from 1 Apr. to 31 Dec. 1781 in Bergen County, and with Capt. Peter Ward's Company 1 Apr. to 15 Dec. 1782. *Patriot's Index*, 120. *NJDOD*.

⁴⁶ This interruption was probably the result of the last British invasion of New Jersey during June 1780. Lundin, *Cockpit of the Revolution*, 432-434. At the time major skirmishes were waged at Connecticut Farms and Springfield.

⁴⁷ Fitzpatrick, *Writings of Washington*, XIX, 292. This command was related to the abortive effort to occupy New York City. The campaign never began because of the failure of the French and American forces to coordinate their operations.

⁴⁸ 1st Regiment, Burlington County militia. Stryker, *Official Register*, 355.

⁴⁹ *Acts*, 4th session, 3rd sitting.

⁵⁰ 4th Regiment, Hunterdon County militia. Stryker, *Official Register*, 366.

⁵¹ Lieutenant Colonel, Western Battalion, Morris County militia, *Ibid.*, 361.

⁵² 2nd Major, 2nd Regiment Lighthorse, Sussex County militia, *Ibid.*, 367.

⁵³ William Burnett (1730-1791) graduated from the College of New Jersey in 1749, studied medicine in New York and began practice in Newark. In 1775 Burnett was the chairman of the committee of public safety in Newark. The following year he was appointed presiding judge of the State court of common pleas. Burnett served as surgeon general of the eastern district of the United States, 1776-1783. From December 1780 until his resignation the following April, Burnett was a delegate to the Continental Congress. He became the first judge of Essex County in 1781. A founder of the New Jersey Medical Society, Burnett served as its president in 1787. *Congressional Directory*, 631.

⁵⁴ See entry for 15 Aug. 1780, p. 167.

Fifth Legislative Session

1780/1781

MEMBERS OF THE PRIVY COUNCIL

Governor William Livingston
Bergen County, Theunis Dey
Burlington County, Peter Tallman
Cape May County, Jesse Hand
Cumberland County, Jonathan Elmer
Essex County, James Caldwell
Gloucester County, John Cooper
Hunterdon County, John Stevens, Vice-President
Middlesex County, Benjamin Manning
Monmouth County, Elisha Lawrence
Morris County, Silas Condict
Salem County, Whitten Cripps
Somerset County, John Witherspoon
Sussex County, John Cleves Symmes

At a Council held at Trenton November 1st,
1780 [93]

PRESENT

His Excellency the Governor
The Vice President

Mr. [James] Caldwell	Mr. [Benjamin] Manning ²
Mr. [John] Witherspoon ¹	Mr. [Elisha] Lawrence ³
Mr. Tallman	Mr. Cooper
Mr. Condict	Mr. Symmes

The Board advised His Excellency to Order out one class of Militia from each Regiment in the Counties of Somerset and Hunterdon for the defence of the Frontiers about Elizabeth Town, to continue in service for one month under the Command of Major [Joseph] Brearly.⁴

At a Council held in Trenton November 4, 1780

His Excellency was pleased with the advice of Council to sign the following Warrants on the Treasurer.

No. 129. To himself for 4 Months Salary due to him as Governor on the 11th day of October last	2600.
130. To the honourable David Brearly for 4 Months Salary due to him as Chief Justice 11th October last	1666.13

MINUTES FOR 1780/1781

131. To the honourable Isaac Smith for 4 months Salary due to him as second Justice 11th October last	1333.6
132. To the honourable John C. Symmes for 4 Months Salary due to him as 3d Justice 11th October last	1333.6.8
133. To William Paterson Esquire for 4 Months Salary due to him as Attorney General 11th October, 1780	166.13.4
134. To John Stevens Junior Esquire for 4 Months Salary due to him as Treasurer 11th October last	1333.6.8
135. To Bowes Reed Esquire for 4 Months Salary due to him as Secretary (in lieu of Fees on Commissions)	333.6.8
136. To James Ewing Esquire for 2 Months Sal- ary due to him as Auditor General 25th October last	1000.0.0

At a Council held at Trenton November 7th, 1780

PRESENT

His Excellency the Governor

The Vice President

Mr. Witherspoon

Mr. Manning

Mr. Cooper

Mr. Lawrence

Mr. Symmes

Mr. Condict

His Excellency was pleased to lay before the Board a Reso-
lution [94] of Congress of the 18th of October last recommending
the seventh day of December next to be set apart as a day of public

MINUTES FOR 1780/1781

Thanksgiving to Almighty God.⁵ Whereupon the Council advised His Excellency to issue a proclamation for that purpose.⁶

At a Council held at Trenton November 9th, 1780

PRESENT AS ON THE 7TH

His Excellency was pleased to lay before the Board an application from the Chief Justice for a Court of Oyer and Terminer for the County of Salem. Whereupon the Council advised His Excellency to issue a Commission for that purpose to continue in force for Three Months from this date.

At a Council held at Trenton November 14th, 1780

PRESENT

His Excellency the Governor

Mr. Cooper

Mr. Symmes

Mr. Caldwell

Mr. Manning

Mr. Witherspoon

Mr. Lawrence

His Excellency was pleased to lay before the Board a Petition from sundry Inhabitants of the County of Gloucester praying that William Wells who was late at a Court of Oyer and Terminer held in said County convicted of High Treason may be pardoned. Also a Representation from the Chief Justice, setting forth the little importance of the Criminal etc. Whereupon the Council advised His Excellency to Grant a Pardon to the said William Wells Upon Condition that he enlist and serve on Board some one of the Continental Frigates during the War.

MINUTES FOR 1780/1781

At a Council held at Trenton November 15th, 1780

PRESENT

His Excellency the Governor

The Vice President

Mr. Cooper	Mr. Manning
Mr. Caldwell	Mr. Lawrence
Mr. Witherspoon	Mr. [Jonathan] Elmer ⁷
Mr. Symmes	

His Excellency was pleased to lay before the Board an application [95] from the Chief Justice for a Court of Oyer and Terminer for the County of Monmouth. Whereupon the Council advised His Excellency to issue a Commission for that purpose to continue in force for three Months from this day.

At a Council held at Trenton November 20th, 1780

PRESENT

His Excellency the Governor

The Vice President

Mr. Cooper	Mr. Manning
Mr. Caldwell	Mr. Elmer
Mr. Witherspoon	Mr. Symmes

The Council advised His Excellency to Order the Officers and Men raised for six Months out of the Counties of Essex and Somerset and now Stationed in Bergen County, to the Frontiers of Essex County as a Guard for that County.

MINUTES FOR 1780/1781

At a Council held at Trenton November 22nd, 1780

PRESENT

His Excellency the Governor

The Vice President

Mr. Cooper

Mr. Symmes

Mr. Caldwell

Mr. Manning

Mr. Witherspoon

Mr. Elmer

The Board pursuant to the directions of the Law entitled "An Act to amend An Act entitled An Act for establishing a Fund for Sinking and redeeming the proportion of the Bills of Credit of the United States assigned as the Quota of this State," fix the rate of exchange of the Said Bills of Credits at Seventy five to one.⁸

At a Council held at Trenton November 28th, 1780

PRESENT

His Excellency the Governor

The Vice President

Mr. Caldwell

Mr. Manning

Mr. Symmes

Mr. Elmer

Mr. Tallman

Mr. Lawrence

His Excellency laid before the Board a Letter informing him of the Enemy's intention of landing in the Neighbourhood of Woodbridge. Whereupon the Board advised His Excellency to

MINUTES FOR 1780/1781

send expresses immediately [96] to the following Colonels to wit Scudder, Neilson, Frelinghuysen, Webster and Jaques, to call as expeditiously as possible four Classes each from their respective Regiments the two former to parade at Brunswick, the third at Raritan Landing, the fourth at Woodbridge and the fifth at Rahway. Also to send Expresses to Captain Carle and Captain [John] Striker⁹ to call the whole of their company of light Horse, the former to proceed immediately to Brunswick, the latter to Raritan Landing, and there put themselves under the Command of the Field Officer having Command at those Posts. Also to order Colonel Webster to appoint Major Edgar or other suitable officers in case he apprehends the danger of an invasion to continue to drive off all the Cattle, Horses, Sheep or Hogs near the line between Amboy and Rahway River to such place or places as he may think proper, for which purpose Colonel Webster is to furnish a sufficient number of Men from his Regiment and give the inhabitants all possible aid in removing their effects from the Enemies supposed Route.

Also to give Colonel Jaques directions similar to those given Colonel Webster to be executed by such person as he shall appoint between Rahway River and Elizabeth Town. Also to direct the Colonel or officer Commanding the Regiments aforesaid if they shall not receive any further orders when paraded, and shall receive authentic intelligence that the alarm ceases, to discharge the Men or if it continues to march them to place or places as the Conditions of the Enemy may in their judgment require. Also to direct Major [Thomas] Egbert¹⁰ of Princeton to appoint some suitable person to see that the Piece of Cannon at that post be in readiness to fire on Alarm and to have it fired three times on the first intelligence that the Enemy are actually landed.

Also to require all Officers aforesaid as soon as the Enemy land to sound the Alarm to every part of the State adjacent and also to [97] direct the Officer at Raritan Landing to have a Horseman to communicate the earliest intelligence to him.¹¹

MINUTES FOR 1780/1781

At a Council held at Trenton December 1st, 1780
half past twelve P.M.

PRESENT

His Excellency the Governor

The Vice President

Mr. Tallman

Mr. Manning

Mr. Lawrence

Mr. Cooper

Mr. Elmer

Mr. Caldwell

Mr. Symmes

The Board understanding that doubts have arisen in consequence of the Sheriff of Morris County not having taken an Oath of Office, whether he could exercise the Office of Sheriff on which account there was Some reason to apprehend the Execution of Richard Dove Stevens, now under Sentence, might not take place at the time affixed. And should that be the Case, his Execution must be delayed till April Term next which must mean expense to the State with the risk of the prisoners escape. To prevent which, the Board have thought proper to respite the said Richard Dove Stevens until the Fifteenth day of December Instant.

MINUTES FOR 1780/1781

At a Council held at Trenton December 16th, 1780

PRESENT

His Excellency the Governor
The Vice President

Mr. Lawrence	Mr. Cooper
Mr. [Whitten] Cripps ¹²	Mr. Symmes
Mr. Caldwell	Mr. Manning
Mr. Elmer	Mr. Tallman

His Excellency was pleased to acquaint the Board that he had received information of a party of the Enemy coming and now lurking about the Border of Burlington County to the Great Terror of the Inhabitants. Whereupon the Board advised his Excellency to issue Orders to Colonel Shreeve to call out of his Regiment one Class or as [98] many Men as will make up Sixty, to continue in Service fourteen days [unless] sooner discharged. John James having been lately convicted in the Supreme Court of Judicature of a Misdemeanor for which he was adjudged to pay a Fine of Ten pounds lawful money and to be imprisoned for four Months. And the same John James having been recommended to this Board as proper to have the remainder of his Imprisonment remitted. The Board therefore advised His Excellency to issue a Pardon remitting the remainder of the Said Imprisonment.

MINUTES FOR 1780/1781

At a Council held at Trenton December 18th, 1780

PRESENT

His Excellency the Governor

The Vice President

Mr. Lawrence

Mr. Symmes

Mr. Cripps

Mr. Manning

Mr. Caldwell

Mr. Tallman

Mr. Elmer

Mr. Dey

Mr. Cooper

Mr. [Frederick] Frelinghuysen

His Excellency was pleased to lay before the Board a letter from Jacob Arnold, Sheriff of Morris County, acquainting him that there were Several prisoners in Confinement in the Gaol of Morris Town, Some of them to be tried in Morris & Some in Bergen County, and requesting Courts be appointed as soon as possible in each County. Whereupon the Board advised His Excellency issue Commissions of Oyer and Terminer and General Gaol delivery for each of the said Counties to continue in force in Morris for Six Months & in Bergen ten months from this day.

MINUTES FOR 1780/1781

At a Council held at Trenton December 25th, 1780

PRESENT

His Excellency the Governor

The Vice President

Mr. Tallman

Mr. Caldwell

Mr. Cripps

Mr. Manning

Mr. Elmer

Mr. Frelinghuysen

Mr. Dey

Mr. Symmes

The Board advised His Excellency to order out the following [99] Classes of Militia for guarding the Frontiers of this State, to wit

Two Classes from Colonel Jaques's Regiment to be stationed between Rahway River and Bound Creek

Two Classes from Colonel Cortland's Regiment to be stationed at Newark and adjacent posts

Two Classes from Colonel Scudder's Regiment to be stationed at South Amboy

Two Classes from Colonel Neilson's Regiment (the Brunswick Company excepted) one to guard at South Amboy in conjunction with those from Colonel Scudder's Regiment and the other half to guard at Woodbridge

Two Classes from Colonel Van Dyke's & Colonel Frelinghuysen's Regiments to be stationed at Elizabeth Town under the Command of Major Baird

Two Classes from Colonel Dey's Regiment to be stationed on the Frontier of Bergen County

Two Classes from each Regiment in the County of Monmouth to be stationed on the Frontiers of the said County under the Command of Major Walton.

MINUTES FOR 1780/1781

All which Militia are to continue in Service for one Month unless sooner discharged

At a Council held at Trenton January 1st, 1781

PRESENT

His Excellency the Governor

Mr. Symmes	Mr. Cooper
Mr. Manning	Mr. Cripps
Mr. Caldwell	Mr. Dey
Mr. Elmer	Mr. Tallman

His Excellency was pleased to lay before the Board a Recommendation from His Chief Justice Setting forth that at a Court of Oyer and Terminer lately held in the County of Monmouth Benjamin Lee was convicted of a Rape upon Sarah Phillips and Henry Sellers of a Robbery for which Sentence of Death have passed against them, and requesting a pardon for them. Whereupon the Board advised His Excellency to issue a Pardon for the said Benjamin Lee and Henry Sellers upon Condition that they enlist and serve on Board some one of the Continental Frigates [100] during the War.

MINUTES FOR 1780/1781

At a Council held at Trenton January 3rd, 1781

PRESENT

His Excellency the Governor

Mr. Symmes	Mr. Cooper
Mr. Frelinghuysen	Mr. Manning
Mr. Lawrence	Mr. Cripps
Mr. Tallman	Mr. Dey
Mr. Elmer	

Whereas the Board have received advice that The Pennsylvania line have mutinied, from which there is great reason to apprehend a descent from the Enemy into this State.¹³ The Board therefore advised His Excellency to Order General Dickinson to call out the Militia from Hunterdon and Burlington (excepting the Egg Harbour Militia and Colonel Burr's Regiment). The Burlington Militia to rendezvous at Crosswicks and Hunterdon at the Baptist Meeting House in Hopewell until further Orders, and that General Dickinson be requested to take the Command of the Same.

MINUTES FOR 1780/1781

At a Council held at Trenton January 6th, 1781

PRESENT

His Excellency the Governor

The Vice President

Mr. Lawrence

Mr. Elmer

Mr. Symmes

Mr. Cooper

Mr. Manning

Mr. Frelinghuysen

Mr. Caldwell

Mr. Cripps

Mr. Dey

Mr. Tallman

His Excellency laid before the Board a Petition from the Justices and Freeholders in the County of Gloucester requesting that a Court of Oyer and Terminer may be appointed in the said County. Whereupon the Board advised His Excellency to issue a Commission for holding a Court of Oyer and Terminer and General Gaol delivery in said County accordingly, to continue in force for four Months.

MINUTES FOR 1780/1781

At a Council held at Trenton January 7th,
1780 [1] [101]

PRESENT

His Excellency the Governor
The Vice President

Mr. Lawrence	Mr. Cooper
Mr. Elmer	Mr. Frelinghuysen
Mr. Symmes	Mr. Cripps
Mr. Manning	Mr. Tallman
Mr. Caldwell	

His Excellency acquainted the Board that he had received information that the Enemy were about to make a descent into this State.¹⁴ Whereupon the Board advised His Excellency to request General Dickinson to order out the whole of Monmouth County Militia and to take the Command of all the Militia now in Service.

At a Council held at Trenton the 6th day of
February, 1781

PRESENT

His Excellency the Governor

Mr. Tallman	Mr. Lawrence
Mr. Manning	

MINUTES FOR 1780/1781

His Excellency was pleased with the advice of Council to sign the following Warrants on the Treasurer:

No. 137. To himself for 3 Months Salary due to him as Governor on the 13th day of January last	250.0.0
138. To the honourable David Brearly Esquire for 3 Months Salary due to him as Chief Justice the 13th day of January last	125.0.0
139. To the same for holding Courts of Oyer & Terminer in the Counties of Middlesex, Gloucester, Salem & twice in Monmouth...	50.0.0
140. To the honourable Isaac Smith for 3 Months Salary due to him as second Justice of the Supreme Court on the 13th day of January last	112.10.0
141. To the honourable John C. Symmes Esquire for 3 Months Salary due to him as 3rd Justice of the Supreme Court on the 13th day of January last	87.10.0
142. To William Paterson Esquire for 3 Months Salary due to him as Attorney General on the 13th January last	15.0.0
143. To John Stevens Junior Esquire for 3 Months Salary due to him as Treasurer on the 13th day of January last	125.0.0
144. To Bowes Reed Esquire for 3 Months Salary due to him as Secretary in lieu of Fees on Justices Commissions etc.	30.0.0
145. To Elisha Boudinot Esquire for 3 Months Salary due to him as Clerk of the Circuits on the 13th day of January last	10.0.0
146. To James Ewing Esquire for 3 Months Salary due to him as Auditor of Accounts on the 13th day of January last	

MINUTES FOR 1780/1781

Note—£2.13.4 lawful is deducted from
this Quarters Salary, on Account of his
having drawn last Years Salary to the 25th
day of October last 109.16.8

At a Council held at Princeton March 28th, 1781

PRESENT

His Excellency the Governor

The Vice President

Mr. Dey

Mr. Sy[mmes]

Mr. Manning

[Mr]. Fre[linghuy]sen

Mr. Caldwell

[Mr.] Lawren[ce]

The Board advised His Excellency to issue a proclamation pursuant to the proclamation of Congress bearing date the 20th day of March instant, appointing Thursday the third day of May next as a day of Fasting and Prayer in this State.¹⁵

His Excellency laid before the Board a Recommendation from the Chief Justice in favor of Robert James lately convicted at a Court of Oyer and Terminer in the County of Monmouth of High Treason. Whereupon the Board advised His Excellency to grant a Pardon to the said Robert James for the said Crime.

His Excellency was pleased with the advice of the Board to Sign the following Warrants on the Treasurer:

- No. 147. To Azariah Dunham¹⁶ for one Years Salary due to him as Superintendent of purchases on the Twenty fifth day of December last. Continental Currency 6000.0.
148. To the honourable John Cleves Symmes Esquire for holding a Court of Oyer &

MINUTES FOR 1780/1781

Terminer and General Gaol Delivery in
the County of Morris in the Month of
February last lawful 10.0.0

His Excellency represented to the Board that a Guard at Toms [103] River was necessary. Whereupon the Board advised his Excellency to Order a detachment of Twenty-five Men Officered with a Subaltern from the State Troops under the Command of Captain John Walton¹⁷ to be stationed at Toms River until further Orders.

At a Council held at Princeton the 29th of
March, 1781

PRESENT AS OF YESTERDAY & MR. TALLMAN

It being represented to the Board that it was necessary a Court of Oyer and Terminer and General Gaol Delivery should be held in the County of Middlesex The Board advised His Excellency to issue a Commission for holding the said Courts to continue in force for Six Months from this day.

Upon the representation of the Chief Justice, the Board advised His Excellency to issue Commissions for holding Courts of Oyer and Terminer and General Gaol delivery in the Counties of Sussex and Burlington to continue in Force for six Months from this day.

MINUTES FOR 1780/1781

At a Council held at Trenton April 28th, 1781

PRESENT

His Excellency the Governor

The Vice President

Mr. Tallman

Mr. Lawrence

His Excellency was pleased with the advice of Council to sign the following Warrants on the Treasurer:

No. 149. To himself for 3 Months Salary due to him as Governor on the 13th of April instant	250.0.0
150. To the honourable David Brearly Esquire for 3 Months Salary due to him as Chief Justice 13th April Instant	125.0.0
151. To the honourable Isaac Smith Esquire for 3 Months salary due to him as second Justice of the Supreme Court 13th of April Instant	112.10.0
152. To the same for holding Courts of Oyer and Terminer in the Counties of Middlesex & Gloucester	20.0.0
153. To the honourable John Cleves Symmes Esquire for 3 Months salary due to him as third Justice of the Supreme Court 13th of April instant	87.10.0
154. To William Paterson Esquire for 3 Months Salary due to him [104] as Attorney General on the 13th of April Instant	15.0.0
155. To John Stevens Junior Esquire for 3 Months Salary due to him as Treasurer on the 13th of April instant	125.0.0

MINUTES FOR 1780/1781

156. To Bowes Reed Esquire for 3 Months Salary due to him in as Secretary in lieu of Fees on Justices, Coroners and Military Commissions 13th April Instant	30.0.0
157. To Elisha Boudinot Esquire for 3 Months Salary due to him as Clerk of the Circuits 13th of April Instant	10.0.0
158. To James Ewing Esquire for 3 Months Salary due to him as Auditor of Accounts 13th of April Instant	112.10.0

Upon a Representation of the Chief Justice, the Board advised His Excellency to issue a Commission for holding a Court of Oyer and Terminer and General Gaol Delivery in the County of Somerset to continue in force for Six Months from this day.

An Affidavit having been presented to His Excellency by the Chief Justice and by His Excellency laid before Council charging a Number of persons with atrocious Robberies and Murders, some of which persons the Chief Justice acquainted the Board, were apprehended in the County of Somerset, and there being no Gaol in the said County and a Court having been this [sic] appointed for their Trial; great danger of their escaping is apprehended before such Trial can be had, unless a number of Militia Sufficient to guard them is Ordered out. The Board therefore advised His Excellency to order out of Colonel Vandike's Regiment Eighteen Men for the above purpose, to be relieved monthly.

The Board agreeable to the directions of the Act intituled "An Act to amend" an Act for establishing a Fund for Sinking and redeeming the proportion of the Bills of Credit of the United States assigned as the Quota of this State, have this day ascertained and declared the Exchange between Continental Currency and Specie to be One hundred and Fifty for one.¹⁸

MINUTES FOR 1780/1781

At a Council held at Trenton

June 2nd, 1781 [105]

PRESENT

His Excellency the Governor

The Vice President

Mr. Cooper

Mr. Manning

Mr. Dey

Mr. Hand

Mr. Symmes

Mr. Tallman

Mr. Lawrence

Mr. Condict

The Board agreeably to the directions of the Act intituled "An Act to amend An Act for establishing a Fund for sinking and redeeming the proportion of the Bills of Credit of the United States assigned as the Quota of this State," have this day ascertained and declared the Exchange between Continental Currency and specie to be One hundred & Seventy five for one.

At a Council held at Princeton June 13th, 1781

PRESENT

His Excellency the Governor

The Vice President

Mr. Cooper

Mr. Lawrence

Mr. Manning

Mr. Tallman

Mr. Symmes

Mr. Frelinghuysen

Mr. Caldwell

MINUTES FOR 1780/1781

Mr. Justice Symmes represented to the Board that one William Thomas was lately at a Court of Oyer and Terminer held in Somerset County, convicted of Felony—and that there was several circumstances much in his Favour. Whereupon the Board advised His Excellency to issue a pardon to the said William Thomas for the said crime.

At a Council held at Princeton June 25th, 1781

PRESENT

His Excellency the Governor

The Vice President

Mr. Caldwell

Mr. Hand

Mr. Condict

Mr. Dey

Mr. Manning

Mr. Symmes

It being represented to the Board that the Commission for holding a Court of Oyer and Terminer in Morris issued in December last is [106] expired, and that it is necessary another Court should be held in the said County. The Board therefore advised His Excellency to issue a Commission accordingly to continue in force for Six Months from this day.

At a Council held in Princeton June 27th, 1781

PRESENT AS ON THE 25TH INSTANT

The Board pursuant to the directions of An Act to authorize the Governor or Commander in Chief of this State for the time being to call out a part of the Militia of this State and to continue

MINUTES FOR 1780/1781

them in Service for three Months,¹⁹ advised his Excellency to call out from each Regiment in this State half a Class to rendezvous at Morris Town on the fifteenth day of July next and to the said detachment to be under the Command of Colonel Seely and in Case he declines, Colonel Hogeland, the other Field Officers as follows Lieutenant Colonel [George] Ely,²⁰ Major William Crane, Growendyck & Edgar or such of them as will accept and are necessary.

At a Council held at Boundbrook July 20th, 1781

PRESENT

His Excellency the Governor
The Vice President
Mr. Caldwell
Mr. Frelinghuysen
Mr. Manning

The Governor was pleased to lay before the Board Sundry Affidavits relative to the Cruelties exercised by the British upon the Militia of this State in the late excursion into the County of Monmouth.²¹ The Board advised His Excellency to transmit the aforesaid Affidavits to Congress, and to apply to them in the most pressing Terms for Retaliation agreeably to their former Resolutions.²²

His Excellency was also pleased to lay before the Board from Justices [Thomas] Canfield²³ & Crane respecting the Behaviour of some of the Officers & Privates of the State Regiment stationed at [107] Newark. Upon hearing the Complaint aforesaid contained in the Letter aforesaid, The Board advised His Excellency to Order the Complainants aforesaid to produce to him as speedily as possible Affidavits in Support of the Charges by Them exhibited against the Officers and privates of The State Troops at Newark.²⁴

MINUTES FOR 1780/1781

At a Council held at Boundbrook August 2nd, 1781

PRESENT

His Excellency the Governor

Mr. Condict

Mr. Manning

Mr. Caldwell

Mr. Frelinghuysen

The Board advised His Excellency to order the Companies of State Troops Commanded by Captains [John] Scudder,²⁵ [Jonas] Ward,²⁶ Guilham & Lieutenant [John] Williams²⁷ at present stationed in Elizabeth Town & Newark forthwith to join Colonel Seely and to continue under his Command until further Orders.

The Board also advised His Excellency to issue a proclamation offering the sum of Two hundred dollars in the Bills of Credit issued on the Faith of this State, as a Reward for taking & securing each of the following persons to wit,

Caleb Sweesy

Isaac Sweesy

James O'Hara

John Moody

William Gyberson²⁸

MINUTES FOR 1780/1781

At a Council held at Princeton

September 21st, 1781

PRESENT

His Excellency the Governor

The Vice President

Mr. Cooper

Mr. Dey

Mr. Cripps

Mr. Manning

Mr. Hand

Mr. Harris

The Board advised His Excellency to issue a proclamation offering the sum of One hundred pounds in the Bills of Credit issued on the [108] Faith of this State as a reward for taking and securing North Marpole a Noted Horse Thief.²⁹

At a Council held at Princeton

September 25th, 1781

PRESENT

His Excellency the Governor

The Vice President

Mr. Cooper

Mr. Cripps

Mr. Harris

Mr. Tallman

Mr. Hand

Mr. Symmes

Mr. Manning

Mr. Dey

MINUTES FOR 1780/1781

His Excellency laid before the Board a Letter from His Excellency the president of Congress [Thomas McKean], of the 12th Instant enclosing the Recognition of the Sieur [John] Holker as Consul General of France in the States of New York, New Jersey, Pennsylvania and Delaware, and recommending to each of the said States to make publick Declaration thereof.³⁰ And the same being considered Resolved That the Declaration of the said Consul in this State be as follows Vizt.

His Excellency William Livingston, Esquire etc

To all whom it may Concern

The Sieur Holker, having been recognized by The United States in Congress assembled, as Consul General of France, in the Commonwealth aforesaid:

It is hereby declared that the priviledges preeminences and Authority belonging to such Character and Quality are due to him.

At a Council held at Princeton the
5th day of October, 1781

PRESENT

His Excellency the Governor

The Vice President

Mr. Caldwell

Mr. Hand

Mr. Manning

Mr. Cripps

Mr. Lawrence

Mr. Harris

Mr. Conduct

The Council advised His Excellency to Sign the following Warrant [109] on the Treasurer:

MINUTES FOR 1780/1781

No. 159. To the honourable John C. Symmes for attending Courts of Oyer & Terminer in the Counties of Bergen & Morris..... 20.0.0

His Excellency the Governor laid before the Board A Petition from Ezekiel C. Forman, who was Convicted of High Treason and received Sentence of death at a Court of Oyer & Terminer held in the County of Monmouth in the Year 1778, praying to be pardoned for the said Offense.³¹ Whereupon the Board advised His Excellency to issue a pardon to the said Ezekiel Forman for the Crime aforesaid.

¹ Reverend John Witherspoon (1723-1794) was born in Yester, Scotland and received his Presbyterian divinity degree from the University of Edinburgh. In Scotland he led the fight for church orthodoxy but did advocate the right of the people to choose their own ministers. In November 1776 Witherspoon assumed the presidency of the College of New Jersey at Princeton, where he contributed to the growth of the Presbyterian church during the Revolutionary era. Witherspoon was instrumental in healing the factional struggle within the church between the Old-Side and New-Side viewpoints. Although he disapproved of ministers involved in politics, Witherspoon could not resist involvement in the movement toward independence. He became a member of the Somerset County committee of correspondence and the Provincial Congress. In June 1776 he was chosen a delegate to the Continental Congress and signed the Declaration of Independence. With short interruptions he actively served in the Congress until 1782. After the war he returned to the task of rebuilding the college which had been barely operating during the conflict. Twice more, in 1783 and 1789, Witherspoon was elected to the State legislature. In 1787 he was a member of the State convention to ratify the Constitution. *DAB*, XX, 435-438.

² Benjamin Manning (1744-1801) was a member of the council from Middlesex County 1780-1781, 1783-1784, and 1788-1789. In 1782 Manning was one of the appraisers for Revolutionary War damage claims in Middlesex County. *Patriot's Index*; Claims for Damages by the British and Americans in New Jersey, 1776-1782. Middlesex County. Archives and History Bureau, New Jersey State Library, Trenton.

³ Elisha Lawrence (1746-1799) was a member of the council from Monmouth County 1780-1784, 1789-1793, and 1795-1796, serving as Vice-President 1789-1793. During the war Lawrence rose through the ranks of the Monmouth County militia from 1st major, 2nd regiment to lieutenant colonel to brigadier general. He served as quartermaster and foragemaster at Cranbury and Allentown 1778-1779. In 1775 Lawrence was town clerk of Upper Freehold, later becoming judge of common pleas court. Stillwell, *Historical and Genealogical Miscellany*, III, 417-418.

MINUTES FOR 1780/1781

⁴ 1st Regiment, Hunterdon County militia. Stryker, *Official Register*, 363.

⁵ *JCC*, XVIII, 950-951.

⁶ *NJA*, 2nd series, V, 113-114.

⁷ Jonathan Elmer (1745-1817), born in Cedarville, studied medicine at the College of Philadelphia. He began his public career as the sheriff of Cumberland County in 1772. Three members of the Elmer family, Eli and Theophilus in addition to Jonathan, served the Whig cause in public office. Following membership in the Provincial Congress, Jonathan was elected to the Continental Congress in 1776. His total service in the Congress spanned 1776-1778, 1781-1784, and 1787-1788. A strong supporter of the Constitution, Elmer was elected to the first House of Representatives where he endorsed the policies of Alexander Hamilton. Elmer was a member of the 1812 meeting which nominated George Clinton for the Presidency. His Federalist stance led to his opposition to the War of 1812. *DAB*, VI, 116.

⁸ *Acts*, 5th session, 1st sitting. The need to fix the rate of exchange of the Continental currency was the result of the inflationary money policies of the Continental Congress. By 1780 the country was overrun with \$200,000,000 of depreciated Continental currency. In March, the Congress began recalling the old currency while issuing "new emission" money arbitrarily valued at 40:1 with specie. However, no sooner had the "new emission" been issued than it also began to depreciate. Thus the need arose to depreciate officially the value of the new money, a task which the above law delegated to the privy council. See E. James Ferguson, *The Power of the Purse* (Chapel Hill, 1961), 26-31, 50-51; Edward A. Fuhlbruegge, "New Jersey Finances During the American Revolution," *PNJHS*, LV (July, 1937); McCormick, *Experiment in Independence*, 101, 160-164, 171.

⁹ (Stryker), Lighthorse troop, Somerset County militia. Stryker, *Official Register*, 413.

¹⁰ 2nd Major, 3rd Regiment, Middlesex County militia. *Ibid.*, 364.

¹¹ This state of readiness was in response to an expected invasion from Staten Island. It never took place. *NJA*, 2nd series, V, 128.

¹² Whitten Cripps (1740-1796) served on the council from Salem County 1780-1781, 1782-1783, and 1786-1787. In 1776 Cripps was a lieutenant colonel in the 1st battalion of the Salem County militia. *Patriot's Index*, 163.

¹³ The mutiny of the Pennsylvania Line of the Continental Army while in winter quarters north of Morristown centered attention upon the hardships of the Continental soldier, especially regarding his pay. See Carl Van Doren, *Mutiny in January* (New York, 1943). Lundin, *Cockpit of the Revolution*, 434-444, centers his concern upon the role New Jersey's contingent played in the affair. See *NJA*, 2nd series, V, 186, 190.

¹⁴ No attack was reported, but a small raid did occur. *Ibid.*, 178.

¹⁵ *JCC*, XIX, 284-285. The Governor's proclamation may be found in *NJA*, 2nd series, V, 221-222.

MINUTES FOR 1780/1781

¹⁶ Azariah Dunham (1718-1790), a surveyor and resident of New Brunswick, was appointed in 1763 by the colonial legislature to examine land titles in Bergen Township. Two years later Dunham became an active Whig with membership on the Middlesex committee of observation, the committee of safety, and in the Provincial Congress. During the war Dunham served as lieutenant colonel, 2nd regiment, Middlesex County militia, and as commissary general. He was the first president of the corporation of New Brunswick under its 1790 charter. Hageman, *Princeton*, I, 105; Isaac Watson Dunham, *Dunham Genealogy. English and American Branches of the Dunham Family* (Norwich, Conn., c. 1907), 255-256.

¹⁷ Troop of Horse, Major Samuel Hayes' Battalion. Stryker, *Official Register*, 417.

¹⁸ See entry for 22 Nov. 1780, p. 1850.

¹⁹ *Acts*, 5th session, 2nd sitting. The callup was for the purpose of cooperating, if needed, with the Continental Army in another campaign which was being organized to capture New York City. See Fitzpatrick, *Writings of Washington*, XXI, 116-117, 119-122.

²⁰ 3rd Regiment, Hunterdon County militia. Stryker, *Official Register*, 352.

²¹ *NJA*, 2nd series, V, 264-265.

²² *JCC*, XII, 1080-1082; XIV, 640.

²³ A resident of Newark, Thomas Canfield (1717-1791) was a farmer and tanner. He was a commissioner for the sale of the forfeited estates of the Loyalists. At one point in the war Canfield was taken to New York as a prisoner. *Patriot's Index*; Frederick A. Canfield, *A History of Thomas Canfield and of Matthew Canfield, with a Genealogy of their Descendants in New Jersey* (New Haven, 1897), 116.

²⁴ No evidence has been found of either the charges or the alleged incidents leading to the charge.

²⁵ 2nd Regiment, Essex County militia. Stryker, *Official Register*, 408.

²⁶ Essex County militia. *Ibid.*, 417.

²⁷ 2nd Regiment, Essex County militia. *Ibid.*, 419.

²⁸ Governor Livingston issued two proclamations, 3 Aug. 1781, and 9 Oct. 1781. *NJA*, 2nd series, V, 283, 307.

²⁹ *Ibid.*, 298.

³⁰ Congressional approval of the appointment of Sieur John Holker is indicated in *JCC*, XXI, 946; New Jersey's declaration recognizing the consul is in *NJA*, 2nd series, V, 302-303.

³¹ See entries for 19 Aug. and 17 Sept. 1778, pp. 86-87.

Sixth Legislative Session

1781/1782

MEMBERS OF THE PRIVY COUNCIL

Governor William Livingston
Bergen County, Theunis Dey
Burlington County, John Cox
Cape May County, Elijah Hughes
Cumberland County, Samuel Ogden
Essex County, Josiah Hornblower
Gloucester County, Joseph Hugg
Hunterdon County, John Stevens, Vice-President
Middlesex County, John Beatty
Monmouth County, Elisha Lawrence
Morris County, John Carle
Salem County, John Holme
Somerset County, Ephraim Martin
Sussex County, Hugh Hughes

At a Council held at Trenton October 31st, 1781

PRESENT

His Excellency the Governor

The Vice President

- | | |
|--------------------------------------|--------------------------------|
| Mr. [Josiah] Hornblower ¹ | Mr. [Joseph] Hugg ⁵ |
| Mr. [John] Holme ² | Mr. Cox |
| Mr. [John] Beatty ³ | Mr. [John] Carle ⁶ |
| Mr. [Elijah] Hughes ⁴ | |

Chief Justice Brearly, having represented to the Board that there is a necessity of holding a Court of Oyer and Terminer in the County of Monmouth; Whereupon The Board advised His Excellency The Governor to issue a Commission for holding said Court accordingly to continue in force for Six Months from this day.

At a Council held at Trenton November 2nd, 1781

PRESENT AS ON 31ST OCTOBER

His Excellency with the advice of Council was pleased to sign the following Warrants on the Treasurer:

- | | |
|--|---------|
| No. 160. To himself for 6 Months Salary due to him
as Governor on the 13th of October last | 500.0.0 |
| 161. To the honourable David Brearly Esquire
for 6 Months Salary [110] due to him as
Chief Justice on 13th October last..... | 250.0.0 |

MINUTES FOR 1781/1782

162.	To the honourable Isaac Smith Esquire for 6 Months Salary due to him as second Justice on 13th of October last.....	225.0.0
163.	To the Same for holding a Court of Oyer & Terminer in Middlesex County.....	10.0.0
164.	To the honourable John Cleves Symmes Esquire for 6 Months Salary due to him as third Justice 13th October last.....	175.0.0
165.	To William Paterson Esquire for 6 Months Salary due to him as Attorney General 13th October last.....	30.0.0
166.	To John Stevens Junior Esquire for 6 Months Salary due to him, as Treasurer 13th October last.....	250.0.0
167.	To Bowes Reed Esquire for 6 Months Salary due to him as Secretary in lieu of Fees or Commissions	60.0.0
168.	To Elisha Boudinot Esquire for 6 Months Salary due to him as Clerk of the Circuits	20.0.0
169.	To James Ewing Esquire for 6 Months Salary due to him as Auditor of Accounts on 13th October last	225.0.0
170.	To the honourable David Brearly Esquire for holding Courts of Oyer & Terminer in the Counties of Somerset, Middlesex & Burlington.....	30.0.0

MINUTES FOR 1781/1782

At a Council held at Trenton November 9th, 1781

PRESENT

His Excellency the Governor

The Vice President

Mr. Cox

Mr. Hugg

Mr. Hornblower

Mr. Carle

Mr. Beatty

Mr. Martin

Mr. [Samuel] Ogden⁷

His Excellency, having laid before Council a Letter from the president of Congress accompanied with a proclamation, recommending the 13th day of December next to be set apart as a day of Thanksgiving & prayer.⁸ Whereupon the Board advised His Excellency the Governor to issue a proclamation for the purpose therein set forth.⁹

At a Council held at Trenton November

13th, 1781 [111]

PRESENT

His Excellency the Governor

Mr. Cox

Mr. Ogden

Mr. Hornblower

Mr. Hugg

Mr. Beatty

Mr. Martin

Chief Justice Brearly having represented to the Board that there is a necessity of holding Courts of Oyer and Terminer in the Counties of Gloucester & Essex. Whereupon The Board

MINUTES FOR 1781/1782

advised His Excellency to issue Commissions for holding the said Courts to continue in Force for Six Months.

At a Council held at Trenton December 21st, 1781

PRESENT

His Excellency the Governor
The Vice President

Mr. Lawrence	Mr. Hornblower
Mr. Cox	Mr. Holme
Mr. Martin	Mr. Carle
Mr. Beatty	Mr. Ogden
Mr. Hughes	

His Excellency was pleased to lay before the Board a Representation from the Chief Justice Setting forth that at a Court of Oyer and Terminer lately held in the County of Monmouth, John Thomson, Richard Bell and Joshua Pierce were convicted of Felony, that the two former are executed,¹⁰ but that he had respited Joshua Pierce on Account of his *Youth* and Submitting to the Board Whether the Executions that have already taken place, may not be sufficient by Way of example, and whether it will not be consistant with the Wisdom and Policy of Government to pardon the said Joshua Pierce. And the Board having taken the said Representation into Consideration, Advised His Excellency to Issue a pardon to the said Joshua Pierce for the Crime aforesaid.

MINUTES FOR 1781/1782

At a Council held at Trenton December
26th, 1781 [112]

PRESENT

His Excellency the Governor
The Vice President

Mr. Cox	Mr. Holme
Mr. Beatty	Mr. Hughes
Mr. Martin	Mr. Ogden
Mr. Hornblower	

His Excellency acquainted the Board That the Chief Justice had represented to him That there was occasion for holding a Court of Oyer and Terminer in the County of Sussex. Whereupon the Council advised His Excellency to issue a Commission for holding the said Court to continue in Force for 6 Months.

At a Council held at Trenton the 16th
day of February, 1782

PRESENT

His Excellency the Governor
Mr. Cox
Mr. Beatty
Mr. Lawrence

His Excellency was pleased with the Advice of Council to Sign the following Warrants on the Treasurer:

MINUTES FOR 1781/1782

No. 171.	To himself for 3 Months Salary due to him as Governor on the 13th day of January last	162.10.
172.	To the honourable David Brearly Esquire for 3 Months Salary due to him as Chief Justice on the 13th day of January last.....	87.10.
173.	To the Same for holding Courts of Oyer and Terminer in the Counties of Monmouth & Essex.....	20.0.0
174.	To Isaac Smith Esquire for 3 Months Salary due to him as Second Justice of the Supreme Court on the 13th of January last	62.10.0
175.	To the honourable John C. Symmes for 3 Months Salary due [113] to him as third Justice of the Supreme Court on the 13th January last.....	50.0.0
176.	To John Stevens Junior Esquire for 3 Months Salary due to him as Treasurer on the 13th day of January last.....	56.5.0
177.	To William Paterson Esquire for 3 Months Salary due to him as Attorney General on the 13th of January last.....	10.0.0
178.	To Elisha Boudinot Esquire for 3 Months Salary due to him as Clerk of the Circuits on 13th day of January last.....	7.10.0
179.	To Bowes Reed for 3 Months Salary due to him as Secretary in lieu of Fees on Justices & Coroners Commissions etc. on the 13th day of January last.....	30.0.0
180.	To James Ewing Esquire for 3 Months Salary due to him as Auditor of Accounts on the 13th day of January last.....	75.0.0

here take in Minutes of March 7th, April 5th & 19th entered one leaf forward

MINUTES FOR 1781/1782

At a Council held at Trenton the 17th May, 1782

PRESENT

His Excellency the Governor

The Vice President

Mr. Carle

Mr. Ogden

His Excellency was pleased with the advice of Council to sign the following Warrants on the Treasurer:

No. 181. To himself for 3 Months Salary due to him as Governor on the 13th day of April last	162.10.0
182. To the honourable David Brearly Esquire for 3 Months Salary due to him as Chief Justice on 13th April last.....	87.10.0
183. To the honourable Isaac Smith Esquire for 3 Months Salary due to him as second Justice on 13th April last.....	62.10.0
184. To the honourable John Symmes Esquire for 3 Months Salary due to him as third Justice on the 13th of April last.....	50.0.0
185. To the Same for holding of Courts of Oyer & Terminer in the Counties of Morris, Essex & Sussex	30.0.0
186. To John Stevens Junior Esquire for 3 Months Salary due to [114] him as Treasurer on the 13th of April last.....	56.5.0
187. To William Paterson Esquire for 3 Months Salary due to him as Attorney General on the 13th of April last.....	10.0.0

MINUTES FOR 1781/1782

188. To Elisha Boudinot Esquire for 3 Months Salary due to him as Clerk of the Circuits on 13th of April last.....	7.10.0
189. To Bowes Reed Esquire for 3 Months Salary due to him as Secretary in lieu of Fees on Military Commissions etc on the 13th day of April last.....	30.0.0
190. To James Ewing Esquire for 3 Months Salary due to him as Auditor of Accounts on 13th day of April last.....	75.0.0
191. To Azariah Dunham Esquire for one Years Salary due to him as Superintendent of purchases on the 13th day of October last	450.0.0

At a Council held at Trenton May 24th, 1782

PRESENT

His Excellency the Governor

The Vice President

Mr. Cox	Mr. Holme
Mr. Lawrence	Mr. Carle
Mr. Hugg	Mr. Ogden
Mr. Martin	Mr. Beatty

On Motion That It is the Opinion of the Board that the Governor and Council are vested with full power by the 9th Section of the Constitution of this State to pardon all Offences as well under as of a Capital Nature,¹¹ and that when a fine is unpaid, the remission of the fine will be the necessary Effects of the pardon. Upon which Motion the Yeas & Nays were called for.

MINUTES FOR 1781/1782

And upon the Question, It was carried for the Motion as follows

Yea	Yea	Nay
Mr. Cox	Mr. Carle	Mr. Martin
Mr. Lawrence	Mr. Ogden	
Mr. Hugg	Mr. Beatty	
Mr. Holme		

A Certificate from the Court of Gloucester was laid before the Board, in favor of Caleb Matlack, who was lately fined in said Courts for a Misdemeanor. Whereupon the Board advised His Excellency to [115] issue a pardon to the said Caleb Matlack for the said Offence.

At a Council held at Trenton the 3rd of June, 1782

PRESENT

His Excellency the Governor

Mr. Cox	Mr. Carle
Mr. Beatty	Mr. Hughes
Mr. Martin	Mr. Holme
Mr. Ogden	

His Excellency was pleased to lay before the Board a Letter from Colonel [Elias] Dayton,¹² enclosing several Letters to & from Pierre DePeyster & Isaac Ogden, which contain Intelligence highly detrimental to the United States, and acquainting His Excellency, that the said DePeyster was apprehended by Order of General Washington, & Was to be sent to Head Quarters unless His Excellency the Governor, should think proper to have him tried by a Civil Jurisdiction. Whereupon His Excellency the Governor requested the advice of Council.

MINUTES FOR 1781/1782

And it appearing to Council that the said Pierre DePeyster is a Spy, and has behaved as such within the environs of the Army, whereby the Offense becomes particularly interesting to the Army. The Board therefore unanimously advised His Excellency not to interfere with the said DePeyster, but suffer him to be sent to Head Quarters and signify such as the determination to His Excellency General Washington.¹³

At a Council held at Trenton March 7th, 1782

PRESENT

His Excellency the Governor

Mr. Cox

Mr. Beatty

Mr. Lawrence

His Excellency laid before the Board a Letter from the Sheriff of Burlington County informing there were 27 prisoners confined in Burlington Goal. From the Insufficiency of said Goal, he is apprehensive of the prisoners making their escape. He therefore requests the Governor to Order a Guard for the further security of said prisoners. Whereupon the Council advised the Governor to order Twenty Men from [116] Colonel Shreeve's Regiment to Guard said Goal to continue for one month unless sooner discharged and to be relieved monthly till further Orders.

MINUTES FOR 1781/1782

At a Council held at Trenton the 5th day
of April, 1782

PRESENT

His Excellency the Governor

Mr. Lawrence

Mr. Beatty

Mr. Cox

His Excellency laid before the Board a proclamation from Congress recommending to the United States to set apart the last Thursday in April, as a day of Fasting Humiliation & prayer etc.¹⁴ Whereupon the Council advised His Excellency to issue his proclamation to the Inhabitants of this State to set apart the last Thursday in April for the purposes above mentioned.¹⁵

At a Council held at Trenton the 19th day
of April, 1782

PRESENT

His Excellency the Governor

Mr. Lawrence

Mr. Beatty

Mr. Cox

His Excellency the Governor laid before the Board a Letter from the Chief Justice, representing the necessity of Granting Commissions for holding Courts of Oyer and Terminer & General Gaol delivery in the Counties of Essex, Monmouth, Gloucester, Salem, Burlington, Cumberland, Cape May and Middlesex.

MINUTES FOR 1781/1782

Whereupon the Council advised His Excellency to issue Commissions for holding the said Courts and that each of the said Commissions be in force for the Term of Six Months.

His Excellency also laid before the Board an Affidavit of Mr. Justice Smith proving a Robbery having been committed on his House on the Night of third of April last instant by a number of armed Men who robbed his House of Cash and effects to upwards of the value of One [117] hundred and sixty pounds. Whereupon the Council advised His Excellency to issue a proclamation offering a reward of One hundred pounds lawful money to any person that shall apprehend and secure any of the persons concerned in perpetrating the said Robbery, so that the Said Offenders be legally convicted of such Robbery.¹⁶

At a Council held at Trenton the 18th day of
June, 1782

PRESENT

His Excellency the Governor
The Vice President

Mr. Cox	Mr. Lawrence
Mr. Hugg	Mr. Carle
Mr. Martin	Mr. Holmes
Mr. Ogden	Mr. H[ugh] Hughes ¹⁷
Mr. E. Hughes	

His Excellency was pleased to lay before the Board An Affidavit of Abraham Hendricks Collector of the Township of Freehold in the County of Monmouth, proving a Robbery having been Committed on his House on the Evening of the 12th of June

MINUTES FOR 1781/1782

Instant by a Number of Armed Men who robbed his House of cash and effects to a considerable value. Whereupon the Council advised His Excellency to issue a Proclamation offering a Reward of Fifty pounds lawful money to any person that shall apprehend and Secure any of the persons concerned in perpetuating the Said Robbery so that Such Offenders be legally convicted of such Robbery.¹⁸

At a Council held at Trenton June 18th, 1782 [118]

PRESENT

His Excellency the Governor

Mr. Cox

Mr. Carle

Mr. Hugg

Mr. Ogden

Mr. Martin

Mr. H. Hughes

Mr. Holme

Mr. Beatty

Whereas His Excellency the Governor laid before the Board a Letter from Colonel Frederick Frelinghuysen resigning his Appointment as Commissioner for the purpose of liquidating and settling the deferment of the pay of the Troops of this State, occasioned by the depreciation of the Continental currency. And also acquainted the Board that he was authorized to inform them, That the Honourable John Mehelm Esquire declined acting any longer as another of the said Commissioners. And it also appearing to the Board that the Reverend James Caldwell is deceased since his Appointment as a Commissioner as aforesaid.

Whereupon the Board thought proper to appoint William Churchill Houston,¹⁹ John Neilson and James Ewing Esquire Commissioners in the room and Stead of the said Frederick Frelinghuysen, John Mehelm²⁰ and James Caldwell, persuant to the

MINUTES FOR 1781/1782

power and Authority given the Governor and Privy Council in and by the Law for making Compensation to the Troops of this State in the Service of the United States, for the depreciation of their pay.²¹

At a Council held at Trenton June 20th, 1782

PRESENT

His Excellency the Governor

The Vice President

Mr. Ogden

Mr. Holme

Mr. H. Hughes

Mr. Cox

Mr. Carle

Mr. Beatty

Mr. Lawrence

Mr. Hugg

His Excellency was pleased to lay before the Board a Recommendation [119] of Mr. Justice Smith and his Associates in favor of a pardon for William Harbert and Timothy Seaby, lately convicted at a Court of Oyer & Terminer in the County of Monmouth of High Treason. Whereupon the Board advised His Excellency to issue a pardon to the said William Harbert and Timothy Seaby for the Crime aforesaid.

MINUTES FOR 1781/1782

At a Council held at Trenton June 24th, 1782

PRESENT

His Excellency the Governor

The Vice President

Mr. Cox

Mr. Beatty

Mr. Hughes

His Excellency with the advice of Council was pleased to Sign the following Warrant on the treasurer:

No. 192. To Isaac Smith Esquire for attending Courts
of Oyer & Terminer in the Counties of
Monmouth, Middlesex & Gloucester £30.0.0

The Board advised His Excellency to Issue Commissions of Oyer & Terminer & General Gaol Delivery for the Counties of Bergen and Somerset. The Commission of Bergen to continue in force for 4 Months and the one for Somerset 3 Months.

At a Council held at Trenton the tenth day of

August, 1782

PRESENT

His Excellency the Governor

Mr. Cox

Mr. Beatty

Mr. Lawrence

MINUTES FOR 1781/1782

His Excellency with the advice of Council was pleased to sign the following Warrants on the Treasurer:

No. 193.	To himself for 3 Months Salary due to him as Governor on the 13th July last	162.10.0
194.	To David Brearly Esquire for 3 Months Salary due to him as Chief Justice on the 13th of July last	87.10.0
195.	To the Same for holding Court of Oyer & Terminer in the Counties of Cape May, Cumberland, Salem & Gloucester & Burlington	50.0.0
196.	To Isaac Smith Esquire for 3 Months Salary due to him as second Justice of the Supreme Court on the 13th of July last	62.10.0
197.	To the Same for holding a Court of Oyer & Terminer in the County of Burlington.....	10.0.0
198.	To John Cleves Symmes Esquire for 3 Months Salary due to [120] him as third Justice of the Supreme Court on 13th July last	50.0.0
199.	To John Stevens Junior for 3 Months Salary due to him as Treasurer on the 13th July last	56.5.0
200.	To William Paterson Esquire for 3 Months Salary due to him as Attorney General on the 13th July last	10.0.0
201.	To Elisha Boudinot for 3 Months Salary due to him as Clerk of the Circuits on 13th July last	7.10.0
202.	To Bowes Reed Esquire for 3 Months Salary due to him as Secretary in lieu of Fees on Commissions etc. on the 13th July last	30.0.0

MINUTES FOR 1781/1782

203. To James Ewing Esquire for 3 Months Salary due to him as Auditor of Accounts on 13th July last 75.0.0

At a Council held at Trenton September 23rd, 1782

PRESENT

His Excellency the Governor

The Vice President

Mr. Holme

Mr. Martin

Mr. Carle

Mr. Hugg

Mr. Cox

Mr. Beatty

Mr. Hornblower

His Excellency was pleased to lay before the Board a Petition & recommendation for a Pardon in favor of James Armstrong lately convicted at the Supreme Court for passing Counterfeit money, for Which Crime he was sentenced to pay a fine of £20..... And also the like in favor of Garrabrant Clauson convicted at a Court of Oyer & Terminer in Somerset County of the same Crime for which he was sentenced to be whipped thirty-nine lashes. Whereupon the Council advised His Excellency to issue a Pardon to the said James Armstrong & Garrabrant Clauson for the Crime aforesaid.

MINUTES FOR 1781/1782

At a Council held at Trenton September 24th,
1782 [121]

PRESENT AS OF YESTERDAY

His Excellency was pleased to lay before the Board a Representation from the Justices of the Supreme Court in favor of a Pardon for Joseph Davison and John Mulliner convicted at the last Supreme Court of Horse Stealing for which Offense they were sentenced to suffer death. Whereupon the Council advised His Excellency to issue a pardon to the Said Joseph Davison and John Mulliner for the Crime aforesaid.

At a Council held at Trenton September 27th, 1782

PRESENT

His Excellency the Governor

The Vice President

Mr. Holme

Mr. Cox

Mr. [Samuel] Ogden

Mr. Hornblower

Mr. Hugg

Mr. Beatty

Mr. Carle

Mr. Lawrence

The Board advised His Excellency to issue a Commission for holding a Court of Oyer and Terminer in the County of Morris to continue in force for six months from this day.

MINUTES FOR 1781/1782

At a Council held at Trenton September 30th, 1782

PRESENT

His Excellency the Governor

The Vice President

Mr. Holme

Mr. Cox

Mr. Ogden

Mr. Hornblower

Mr. Hugg

Mr. Beatty

Mr. Carle

His Excellency was pleased to lay before the Board a Petition in favor of a pardon for Thomas Reed convicted sometime past at a Court of General Quarter Sessions of the peace in Essex County of going to within & returning from the Enemies lines without permission for which Offense he was fined £600. Whereupon the Council advised his Excellency to issue a pardon to the said Thomas Reed for the offense [122] aforesaid.

The Council also advised His Excellency to discharge the Company of Men commanded by Captain Charles Allen²² in the County of Cumberland, which Company were directed to be raised & Commanded by the said Allen in and by the Act entitled "An Act to provide for the defence of the Frontier, and for defraying the expences of the Governments of this State passed December 29th, 1781."²³ They being represented to the Governor as being totally useless.

MINUTES FOR 1781/1782

At a Council held at Trenton October 3rd, 1782

PRESENT

His Excellency the Governor
The Vice President [John Cox]

Mr. Hugg	Mr. Ogden
Mr. Beatty	Mr. Holme
Mr. Lawrence	Mr. Martin
Mr. Carle	Mr. Hornblower

His Excellency was pleased to lay before the Board a Petition in favour of David Ogden convicted at a Court of General Quarter Sessions of the peace in The County of Essex of Assault & Battery on Aaron Williams, for which he was adjudged by the said Court to pay a fine of £50. Whereupon the Council advised His Excellency to grant a pardon to the said David Ogden for the said Offence.

¹ Josiah Hornblower (1729-1809) was born in Staffordshire, England, where he absorbed the engineering technology of his family of inventors. He came to New Jersey in 1753 to help erect the first steam engine in America for Robert Schuyler and remained to manage Schuyler's New Jersey copper mines. During the war, besides his tenure on the council, Hornblower was elected to the Assembly in 1779 and 1780, serving as speaker during the latter term. In 1785 he became a delegate to the Continental Congress, but after that service Hornblower retired from public life except for tenure as a judge of the Essex County court of common pleas, 1790-1809. *DAB*, IX, 231-232.

² John Holme was a colonel, 2nd regiment, Salem County militia. Before resigning 7 May 1777, Holme commanded his regiment in the Flying Camp, September 1776 and at Elsinborough the following spring. In November 1777 Holme was appointed as a purchaser and collector of clothing for troops in the Continental service. He sat on the council 1781-1782 and 1783-1785. *NJDOD*.

³ John Beatty (1749-1826) was born in Neshaminy, Pennsylvania, and graduated from the College of New Jersey in 1769. After studying under Dr. Benjamin Rush, Beatty began the practice of medicine in Bucks County, Pennsylvania. When the war erupted, Beatty received a commission in the Pennsylvania line of the Continental Army. He was captured at Fort Wash-

MINUTES FOR 1781/1782

ington in November 1776, badly treated by the enemy, and not exchanged until May 1778. Beatty resigned from the army in March 1780 after his arrest and trial for trading with the enemy, for which he was severely reprimanded. Following this episode Beatty settled near Princeton to practice medicine, immediately becoming involved in public affairs through his election to the council. In 1784 he was appointed as a delegate to the Continental Congress. Later Beatty was a member of the New Jersey ratifying convention and served in the third Congress, 1793-1795. From 1795-1805 he was the New Jersey secretary of state. *DAB*, II, 100-101.

⁴ Elijah Hughes (1744-1797), from Cape May County, was the county clerk from 1762 to 1768 and surrogate from 1768 to 1787. Before joining the council for two terms, 1781-1782 and 1785-1786, Hughes was a member of the ten-man committee appointed by the Provincial Congress to draft the first State Constitution which was approved on 2 July 1776. Raymond Finley Hughes, *Hughes Family of Cape May County, New Jersey, 1650-1950* (Cincinnati, c. 1950), 5.

⁵ Joseph Hugg (1741?-1796), a resident of Gloucester Town, was a member of the Provincial Congress, 1775-1776, and a member of the council, 1781-1782. He served from 1776 through 1781 as a commissioner for the purchase of provisions for the New Jersey militia. *Patriot's Index*, 352; *NJDOD*.

⁶ John Carle (1733-1815) was a member of the council from Morris County 1781-1785. An elder in the Basking Ridge Church, Carle was a justice of the peace and a Morris County judge appointed for five year terms in 1776, 1781, 1786, and 1791. *Patriot's Index*, 113; *History of Morris County, New Jersey, with Illustrations and Biographical Sketches of Prominent Citizens and Pioneers* (New York, 1882), 24.

⁷ Samuel Ogden (1733?-1805), a resident of Deerfield Township, Cumberland County, was a member of the council 1781-1782, 1783-1784, 1785-1795. *Trenton Federalist*, 11 Feb. 1805, 3; *NJA*, XXXIX, 335.

⁸ *JCC*, XXI, 1074-1076.

⁹ *NJA*, 2nd series, V, 325-326.

¹⁰ *Ibid.*, 344.

¹¹ The 9th Section of the New Jersey Constitution of 1776 stated: "That the Governor and Council (seven whereof shall be a Quorum) be the Court of Appeals in the last Resort in all Causes of Laws as heretofore; and that they possess the Power of granting pardons to Criminals after Condemnation in all cases of Treason, Felony and other offences." This matter prompted the only roll call vote in the minutes. It does not appear evident why this issue arose at this particular time, except for the Matlack case, next considered, which pardoned a misdemeanor offense.

¹² Elias Dayton (1737-1807) was born in Elizabeth Town. Dayton's experience as a veteran of the French and Indian War led to his appointment as a brigadier general in the New Jersey line of the Continental Army. In the army Dayton saw considerable service throughout the war. He was instrumental in quelling mutinous activity in the New Jersey line in January 1781, and led the New Jersey contingent at Yorktown. After the war Dayton

MINUTES FOR 1781/1782

returned to his general store in Elizabeth Town and entered public service. He was a delegate to the Continental Congress, 1787-1788, and a member of the New Jersey Assembly during 1791-1792 and 1794-1796. *DAB*, V, 165-166.

¹³ Pierre DePeyster was a Loyalist from Essex County who was arrested for spying. The matter of whether civil or military justice should prevail complicated the situation. Washington became upset with Dayton's handling of the matter because Dayton ignored a *habeas corpus* DePeyster had received to release him from military custody. On June 11, Washington had DePeyster delivered to the State civil authorities. Fitzpatrick, *Writings of Washington*, XXIV, 292, 326-330.

¹⁴ *JCC*, XXII, 137-138.

¹⁵ *NJA*, 2nd series, V, 408-409.

¹⁶ *Ibid.*, 420, 422, 426-427.

¹⁷ Hugh Hughes (1738-1790), a Sussex County freeholder in 1774, served in the Provincial Congress, 1775-1776, and the council from 1781 to 1784. *Patriot's Index*, 355; James P. Snell, *History of Sussex and Warren Counties, New Jersey* (Philadelphia, 1881), 49, 53.

¹⁸ *NJA*, 2nd series, V, 426, 458.

¹⁹ William Churchill Houston (1746-1788) was born in South Carolina and graduated from the College of New Jersey in 1768. Three years later he became professor of mathematics and natural philosophy at the college, establishing a firm friendship with John Witherspoon. Houston began his public career in 1775 as deputy secretary of the Continental Congress. While serving in the State Assembly in 1777 and the Continental Congress in 1779, Houston studied the law and was admitted to the bar in 1781. That year he became clerk of the New Jersey supreme court, ending his association with the college soon after. While serving a second term in the Congress, 1784-1786, Houston attended the Annapolis Convention. He was a delegate to the Constitutional Convention, but died the following year of tuberculosis. *DAB*, IX, 267-268.

²⁰ John Mehelm (1735-1809) represented Hunterdon County in the Provincial Congress and served on the committee of safety. Mehelm's extensive military activity included serving as a colonel in the 4th regiment, Hunterdon County militia; muster-master, eastern and western companies of artillery, state troops; and quartermaster general and paymaster of Philemon Dickinson's brigade, New Jersey militia. As the war was ending, Mehelm was appointed as commissioner to fix amounts due men of the New Jersey continental line for depreciation of continental pay. *Patriot's Index*, 462; *NJDOD*.

²¹ *Acts*, 5th session, 1st sitting. This legislation, passed January 1781, was in response to discontent within the New Jersey line of the Continental Army while winter-quartered in Morris County. The act established a scale of depreciation and made preliminary allocation of money to the officers and privates. The action may have thwarted wide-scale mutinous activity in the New Jersey line. See entry for 3 Jan. 1781.

²² Cumberland County militia. Stryker, *Official Register*, 380.

²³ *Acts*, 6th session, 1st sitting.

Seventh Legislative Session

1782/1783

MEMBERS OF THE PRIVY COUNCIL

Governor William Livingston
Bergen County, John Fell
Burlington County, John Cox, Vice-President
Cape May County, Jesse Hand
Cumberland County, Theophilus Elmer
Essex County, Josiah Hornblower
Gloucester County, Elijah Clark
Hunterdon County, Joseph Reading
Middlesex County, John Beatty
Monmouth County, Elisha Lawrence
Morris County, John Carle
Salem County, Whitten Cripps
Somerset County, Ephraim Martin
Sussex County, Hugh Hughes

At a Council held at Trenton October 28th, 1782

PRESENT

His Excellency the Governor

The Vice President

Mr. [John] Fell¹

Mr. Beatty

Mr. Hornblower

Mr. Carle

Mr. Elmer

Mr. [Joseph] Reading³

Mr. [Elijah] Clark²

Mr. Martin

His Excellency was pleased to lay before the Board a Letter from Chief Justice Brearly, representing that it was necessary a Court of Oyer & Terminer & General Gaol delivery should be held in the County. Whereupon the Board advised His Excellency to issue a Commission [123] for holding the said Courts to continue in force for 2 Months from this day.

At a Council held at Trenton October 31, 1782

PRESENT

His Excellency the Governor

The Vice President

Mr. Reading

Mr. Clark

Mr. Elmer

Mr. Carle

Mr. Martin

Mr. Hornblower

Mr. Fell

MINUTES FOR 1782/1783

His Excellency with the Advice of Council was pleased to Sign the following Warrants on the Treasurer:

No. 204.	To himself for 3 Months Salary due to him as Governor on the 13th of October Instant	162.10.0
205.	To the honourable David Brearly Esquire for 3 Months Salary due to him as Chief Justice on the 13th of October Instant	87.10.0
206.	To the Honourable Isaac Smith for 3 Months Salary due to him as second Justice on the 13th of October Instant	62.10.0
207.	To the honourable John Cleves Symmes Esquire for 3 Months Salary due to him as third Justice of the Supreme Court on the 13th October Instant	50.0.0
208.	To William Paterson Esquire for 3 Months Salary due to him as Attorney General on 13th October Instant	10.0.0
209.	To Bowes Reed Esquire for 3 Months Salary due to him as Secretary in lieu of Fees on Commissions etc. on the 13th October Instant	30.0.0
210.	To John Stevens Junior Esquire for 3 Months Salary due to him as Treasurer on the 13th of October Instant	56.5.0
211.	To Elisha Boudinot Esquire for 3 Months Salary due to him as Clerk of the Circuits on 13th October Instant	7.10.0
212.	To James Ewing Esquire for 3 Months Salary due to him as Auditor of Accounts on the 13th of October Instant	75.0.0

MINUTES FOR 1782/1783

At a Council held at Trenton November 4th,

1782 [124]

PRESENT

His Excellency the Governor

Mr. Elmer	Mr. Fell
Mr. Martin	Mr. Reading
Mr. Clark	Mr. Hornblower

The Board advised His Excellency to discharge the Company of Men commanded by Captain Nicholas Kean⁴ of the County of Salem which Company was directed to be raised and Com-manded by the said Nicholas Kean by the Act intitled "An Act to provide for the defence of the Frontier and for defraying the expences of the Government of this State passed 29th December, 1781.⁵ They being represented to the Governor useless.

At a Council held at Trenton November 16th, 1782

PRESENT

His Excellency the Governor

The Vice President

Mr. Carle	Mr. Martin
Mr. Elmer	Mr. Clark
Mr. Hornblower	Mr. Fell
Mr. Reading	Mr. Beatty
Mr. Cripps	Mr. Hand

MINUTES FOR 1782/1783

His Excellency was pleased with the advice of Council to Sign the following Warrant on the Treasurer:

No. 213. To the honourable John C. Symmes Esquire
for holding Courts of Oyer and Terminer
& General Gaol delivery in the County of
Essex twice, Bergen and Morris once 40.0.0

At a Council held at Trenton November 19th,

1782 [125]

PRESENT

His Excellency the Governor

The Vice President

Mr. Fell

Mr. Elmer

Mr. Clark

Mr. Martin

Mr. Carle

Mr. Hornblower

Mr. Cripps

Mr. Hand

The Board advised His Excellency to issue a Commission for holding a Court of Oyer and Terminer in the County of Bergen to continue in force for two Months from this day.

MINUTES FOR 1782/1783

At a Council held at Trenton December 4th, 1782

PRESENT

His Excellency the Governor

The Vice President

Mr. Hornblower	Mr. Elmer
Mr. Hand	Mr. Reading
Mr. Cripps	Mr. Martin
Mr. Clark	Mr. Beatty

His Excellency was pleased to Lay before the Board a petition in favour of a pardon for John Wall convicted at a Court of General Quarter Sessions held in the County of Essex in January last of going within the Lines of the Enemy without permission or passport, for which Crime he was fined in the sum of Three hundred pounds. Whereupon the Council advised his Excellency to issue a pardon to the said John Wall for the Crime aforesaid.

At a Council held at Trenton December 11th, 1782

PRESENT

His Excellency the Governor

The Vice President

Mr. Carle	Mr. Cripps
Mr. Martin	Mr. Hand
Mr. Beatty	Mr. Reading
Mr. Hornblower	Mr. Elmer
Mr. Clark	

MINUTES FOR 1782/1783

His Excellency was pleased to lay before the Board a Recommendation [126] for a pardon from Justice Smith and his Associates at Court of Oyer and Terminer lately held in Monmouth in favor of the following persons convicted at said Court to wit:

Joseph Sheldon for Robbery,

Judiah Lippincott, as an accessory to a Murder.

Whereupon the Council advised his Excellency to issue a pardon to the said Criminals accordingly.

His Excellency by advice of Council was pleased to sign the following Warrant on the Treasurer:

No. 214. To the honourable David Brearly Esquire
for holding a Court of Oyer & Terminer
in the County of Somerset in August last 10.0.0

At a Council held at Trenton December 26th, 1782

PRESENT

His Excellency the Governor

The Vice President

Mr. Beatty

Mr. Hand

Mr. Fell

Mr. Reading

Mr. Cripps

Mr. Hornblower

Mr. Elmer

Mr. Clark

Mr. Carle

Mr. Martin

His Excellency was pleased to lay before the Board an Affidavit of Thomas Fennimore Esquire, Collector of The County of Burlington, proving a Robbery having been committed on his House in the Month of September last and a considerable quantity of money taken therefrom, and that he has reason to believe

MINUTES FOR 1782/1783

John Bacon, Icabod Johnson and Job Atkinson were amongst those who committed the Robbery. Whereupon the Board advised His Excellency to issue a proclamation offering a reward of £50, for John Bacon and for Icabod Johnson and Job Atkinson £25. each.⁶

At a Council held at Trenton the 1st day of
February, 1783 [127]

PRESENT

His Excellency the Governor

Mr. Reading

Mr. Cox

Mr. Beatty

The Board advised His Excellency the Governor to issue a Commission for holding a Court of Oyer and Terminer in the County of Bergen to continue in force for two months from this day.

At a Council held at Trenton the eighth day of

April, 1783

PRESENT

His Excellency the Governor

The Vice President

Mr. Beatty

Mr. Reading

MINUTES FOR 1782/1783

His Excellency with the advice of Council was pleased to Sign the following Warrants on the Treasurer:

No. 215.	To himself for 6 Months Salary due to him as Governor on the eighth day of April Instant	300.0.0
216.	To the honourable David Brearly Esquire for 6 Months Salary due to him as Chief Justice on the 8th April Instant	175.0.0
217.	To the honourable Isaac Smith Esquire for 6 Months Salary due to him as second Justice of Supreme Court the 8th April Instant	75.0.0
218.	To the honourable John Cleves Symmes Esquire for 6 Months Salary due to him as third Justice of Supreme Court the 8th April Instant	75.0.0
219.	To William Paterson Esquire for 6 Months Salary due to him as Attorney General on the 8th of April Instant	10.0.0
220.	To John Stevens Junior Esquire for 6 Months Salary due to him as Treasurer on the 8th of April Instant	87.10.0
221.	To James Ewing Esquire for 6 Months Salary due to him as Auditor of Accounts on the 8th of April Instant	75.0.0
222.	To Bowes Reed Esquire for 6 Months Salary due to him as Secretary in lieu of Fees on Justices, Coroners & Military Commissions on 8th of April Instant	60.0.0
223.	To the honourable John Cleves Symmes Esquire for attending Courts of Oyer & Terminer in the Counties of Bergen & Morris in February & March last	20.0.0

MINUTES FOR 1782/1783

His Excellency laid before the Board the written application of Mr. Justice Smith for Commissions for Court of Oyer and Terminer for [128] the Counties of Cape May, Cumberland, Salem and Gloucester upon which the Council advised His Excellency to issue the said Commissions, that for the County of Cape May to be in force for two Months from this day, and the Commissions for the Counties of Cumberland, Salem and Gloucester to commence the first day of May next and to be in force for two Months from that day.

At a Council held at Burlington May 23rd, 1783

PRESENT

His Excellency the Governor

The Vice President

Mr. Fell

Mr. Elmer

Mr. Lawrence

Mr. Reading

Mr. Hornblower

Mr. Martin

His Excellency laid before the Board the written application of Mr. Justice Smith for Commission for Courts of Oyer and Terminer for the Counties of Monmouth and Burlington. Upon which the Council advised His Excellency to issue the said Commission to be in force for four Months from this day.

MINUTES FOR 1782/1783

The Council held at Burlington June 17th, 1783

PRESENT

His Excellency the Governor

The Vice President

Mr. Hornblower	Mr. Cripps
Mr. Reading	Mr. Hand
Mr. Carle	Mr. Elmer
Mr. Clark	Mr. Fell
Mr. Hughes	Mr. Lawrence

His Excellency was pleased to lay before the Board a Petition from sundry persons of the denomination of Quakers praying for a pardon for Samuel Worth Junior confined in Middlesex Gaol, and convicted before John Schenck⁷ Captain of Militia of not doing Military duty and fined the Sum of £21.3.9. Whereupon the Board advised His Excellency to issue a Pardon to the said Samuel Worth Junior for the offence aforesaid.

At a privy Council held in the house of Mr. Bryant
Innkeeper in [129] Springfield the 2nd day
of August, 1783

PRESENT

His Excellency the Governor

Mr. Hornblower

Mr. Carle

Mr. Beatty

MINUTES FOR 1782/1783

The Governor laid before the Board a written application from Abraham Kitchel, Jonathan Slater, Benjamin Halsey Esquire, Justices of the peace for the County of Morris for a Commission for holding a Court of Oyer & Terminer in & for the Said County of Morris on the fourth Tuesday of September next for the reasons therein set forth. Whereupon the Council advised his Excellency to grant the said Commission accordingly to be in force for the Space of two months from the date hereof. The Council also advised His Excellency to issue a proclamation for the better execution of the Laws against vice and immorality & especially that of profane swearing & sabbath breaking.⁸

At a privy Council held in the house of Mr. Bryant
Innkeeper in Springfield the 17th day
of September, 1783

PRESENT

His Excellency the Governor

Mr. Carle

Mr. Martin

Mr. Beatty

The Governor laid before the board a Letter from Chief Justice Brearly desiring commissions for holding Courts of Oyer & Terminer for the Counties of Sussex, Essex & Middlesex. Whereupon the Council advised his Excellency to issue the said Commissions accordingly the [130] first and the last to be in force for the space of two months from the date hereof & the commission for the County of Essex to be in force for three months from the date hereof.⁹

MINUTES FOR 1782/1783

At a Council held at Burlington

June 20th, 1783 [131]

PRESENT

His Excellency the Governor

The Vice President

Mr. Hughes

Mr. Lawrence

His Excellency with the advice of Council was pleased to sign the following Warrant on the Treasurer:

No. 224. To Isaac Smith Esquire second Justice of the
Supreme Court for holding Courts of
Oyer & Terminer in the Counties of
Monmouth, Cape May, Cumberland,
Salem & Gloucester..... 50.0.0

¹ John Fell (1721-1798) was a wealthy New York merchant before deciding to move to Bergen County in 1759. Fell served as judge of the court of common pleas 1766-1774, and 1776-1786. He was an avid adherent of independence. During his second tenure on the bench he was known for his harsh judgment of Loyalists. After his election to the council in 1776, Fell was captured by Loyalists in April, 1777, and suffered in the hands of the British. Upon his release in 1778, Fell was elected to the Continental Congress where he attended diligently to his office for two terms. Following the war he returned to New York City to follow his mercantile pursuits. *DAB*, VI, 314.

² Elijah Clark (1730-1795), educated at Yale and an officer in the French and Indian War, was a representative in the Provincial Congress 1775-1776. While a lieutenant colonel in the 3rd battalion, Gloucester County militia, Clark saw action at the battles of Trenton and Princeton. He resigned his commission to become a member of the Assembly. *NJDOD*; Arthur Dudley Pierce, *Iron in the Pines: The Story of New Jersey's Ghost Towns and Bog Iron* (New Brunswick, 1957), 177-184.

³ Joseph Reading (1730-1806), before becoming a member of the council from Hunterdon County, 1782-1783, was appointed judge of the court of

MINUTES FOR 1782/1783

common pleas in 1776. *Patriot's Index*, 559; Eli Field Cooley, *Genealogy of the Early Settlers in Trenton and Ewing, "Old Hunterdon County," New Jersey* (Trenton, 1883), 195-202.

⁴ 1st Battalion, Salem County militia. Stryker, *Official Register*, 397.

⁵ See entry for 30 Sept. 1782.

⁶ *N. J. Gazette*, 1 Jan. 1783.

⁷ 3rd Regiment, Hunterdon County militia. Stryker, *Official Register*, 408.

⁸ *N. J. Journal*, 10 Sept. 1783. The laws alluded to are cited in the proclamation.

⁹ Margin Note: "Minutes of Privy Council, 29 August, 1783." The minutes of this meeting were not transcribed.

8th-13th Legislative Sessions

1783-1789

MEMBERS OF THE PRIVY COUNCIL

Governor William Livingston

BERGEN COUNTY

John Fell, 1783-1784; Peter Haring, 1784-1789

BURLINGTON COUNTY

Peter Tallman, 1783-1784; William Newbold, 1784-1787;
Joseph Smith, 1787-1789

CAPE MAY COUNTY

Jesse Hand, 1783-1784; Jeremiah Eldridge, 1784-1785, 1786-1789;
Elijah Hughes, 1785-1786

CUMBERLAND COUNTY

Samuel Ogden, 1783-1784; 1785-1789; Jonathan Elmer, 1784-1785

ESSEX COUNTY

Josiah Hornblower, 1783-1785; Matthias Ogden, 1785-1786;
John Peck, 1786-1788; John Chetwood, 1788-1789

GLOUCESTER COUNTY

Elijah Clark, 1783-1784; 1785-1787; John Cooper, 1784-1785;
Joseph Ellis, 1787-1789

HUNTERDON COUNTY

Philemon Dickinsohn, 1783-1785, Vice-President; Robert Lettis
Hooper, 1785-1788, Vice-President; Benjamin Van Cleve,
1788-1789, Vice-President

MIDDLESEX COUNTY

Benjamin Manning, 1783-1784; 1788-1789;
Samuel Fitz Randolph, 1784-1788

MONMOUTH COUNTY

Elisha Lawrence, 1783-1784; Asher Holmes, 1784-1785, 1786-1789;
David Forman, 1785-1786

MORRIS COUNTY

John Carle, 1783-1785; Abraham Kitchel, 1785-1789

SALEM COUNTY

John Holme, 1783-1785; John Mayhew, 1785-1786, 1787-1789;
Whitten Cripps, 1786-1787

SOMERSET COUNTY

Ephraim Martin, 1783-1789

SUSSEX COUNTY

Hugh Hughes, 1783-1784; Robert Hoops, 1784-1786;
Mark Thompson, 1786-1789

At a Council held at Burlington
November 5th, 1783

PRESENT

The Honourable Philemon Dickinson Esquire, Vice President

Mr. Fell

Mr. Carle

Mr. Lawrence

Mr. Hornblower

Mr. Clark

Mr. Tallman

Mr. Ogden

His Honor the Vice President laid before the Board a letter from the Chief Justice recommending Asa Wilson who was lately convicted at a Court of Oyer & Terminer in the County of Middlesex of a Robbery, as proper to be pardoned. Whereupon the Council advised His Honor to grant a pardon to the said Asa Wilson for the said Crime.

At a Privy Council held at Trenton the
11th November, 1783

PRESENT

His Excellency the Governor

Mr. Hornblower

Mr. Clark

Mr. Carle

Mr. Ogden

Mr. Martin

Mr. Manning

Mr. Fell

MINUTES FOR 1783-1789

His Excellency the Governor laid before the Board a proclamation by Congress dated 18th of October last recommending to the several States to set apart the second Thursday in December next as a day of publick thanksgiving.¹ Whereupon the Council advised His Excellency to issue his proclamation for appointing the said day to be observed as a day of publick thanksgiving in this State & order that one hundred Copies of such proclamation be printed by Isaac Collins.²

At a Council held at Trenton November

13th, 1783 [132]

PRESENT

His Excellency the Governor

Mr. Clark	Mr. Ogden
Mr. Hornblower	Mr. Carle
Mr. Fell	Mr. Manning

His Excellency with the advice of Council signed the following Warrants on the Treasurer:

No. 225. To himself for 6 Months Salary due to him as Governor on the 14th day of October last	300.0.
226. To the honourable David Brearly Esquire for 6 Months Salary due to him as Chief Justice on the 14th of October last	175.0.0
227. To the Same for holding Courts of Oyer & Terminer in the Counties of Monmouth, Burlington, Sussex & Middlesex	40.0.0

MINUTES FOR 1783-1789

228.	To the honourable Isaac Smith Esquire for 6 Months Salary due to him as second Justice of Supreme Court on the 14th day of October last	75.0.0
229.	To the honourable John Cleves Symmes Esquire for 6 Months Salary due to him as third Justice on the 14th of October last	75.0.0
230.	To John Stevens Junior Esquire for 6 Months Salary due to him as Treasurer on 14th of October last	87.10.0
231.	To William Paterson Esquire for 4 Months Salary due to him as Attorney General on 13th June last	3.10.0
232.	To Joseph Bloomfield Esquire for 4 Months Salary due to him as Attorney General on 14th of October last	87.10.0
233.	To James Ewing Esquire for 6 Months Salary due to him as Auditor on the 14th of October last	75.0.0
234.	To Bowes Reed Esquire for 6 Months Salary due to him as Secretary in lieu of Fees on Military Justices & Coroners Commissions etc.	60.0.0
235.	To the honourable John Cleves Symmes Esquire for holding a Court of Oyer & Terminer in the County of Morris	10.0.0

MINUTES FOR 1783-1789

At a Council held at Trenton

December 8th, 1783 [133]

PRESENT

His Excellency the Governor

The Vice President

Mr. Ogden

Mr. Martin

Mr. Clark

Mr. Manning

Mr. Hornblower

Mr. Carle

Mr. Fell

Mr. Holmes

His Excellency was pleased to lay before the Board a Recommendation from the Court of Quarter Sessions in the County of Bergen in favor of Abraham Allen who was fined £50 and on Hendrick Vanderhoof £40 State money for going within the Enemies lines. Whereupon the Board advised His Excellency to grant a Pardon to the Said Abraham Allen and Hendrick Vanderhoof for the Crime aforesaid.

At a Council held at Trenton December

24th, 1783

PRESENT

His Excellency the Governor

The Vice President

Mr. Ogden

Mr. Hornblower

Mr. Clark

Mr. Manning

Mr. Tallman

MINUTES FOR 1783-1789

His Excellency with the advice of Council was pleased to Sign the following Warrant on the Treasurer:

No. 236. To Bowes Reed for 66 days Salary due him as Secretary in lieu of his Fees on Justices, Coroners and Militia Officers Commissions to the 19th day of December instant when the Act declaring him a Salary of £120 was repealed	21.13.0
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At a Council held at Trenton April 14th, 1784 [134]

PRESENT

His Excellency the Governor

The Vice President

Mr. Manning

Mr. Tallman

Mr. Lawrence

His Excellency with the advice of Council, was pleased to Sign the following Warrants on the Treasurer:

No. 237. To himself for 6 Months Salary due to him as Governor on the 14th Instant	275.0.0
238. To David Brearly Esquire for 6 Months Salary due to him as Chief Justice on the 14th Instant	150.0.0
239. To Isaac Smith Esquire due to him as second Justice on the 14th Instant	62.10.0
240. To John C. Symmes Esquire for 6 Months Salary due to him as third Justice on the 14th Instant	62.10.0
241. To Joseph Bloomfield Esquire for 6 Months Salary due to him as Attorney General on 14th Instant	10.0.0

MINUTES FOR 1783-1789

242. To James Mott ³ Esquire for 4 Months & 19 days Salary due to him as Treasurer 14th Instant	67.9.0
243. To James Ewing Esquire for 6 Months Salary due to him as Auditor of Accounts on the 14th Instant	65.0.0
244. To Bowes Reed Esquire for 3 Months & 25 days Salary due to him as Secretary in lieu of his Fees on Justices, Coroners etc. Commissions on 14th Instant	15.18.6
245. To Mr. Isaac Collins printer for printing 32,032 Bills of Credit	81.0.5
246. To David Brearly Esquire for attending a Court of Oyer & Terminer in Essex November, 1783	10.0.0

The Council upon Application of the Chief Justice advised His Excellency to issue Commissions of Oyer and Terminer and General Gaol Delivery for the Counties of Cape May, Cumberland, Salem & Gloucester. The Commissions for the Counties of Cape May & Cumberland to be in force for two Months, and those for Salem and Gloucester for three Months from this day.

At a Council held at Elizabeth Town

June 16th, 1784 [135]

PRESENT

His Excellency the Governor

Mr. Martin

Mr. Carle

Mr. Hornblower

Mr. Manning

MINUTES FOR 1783-1789

His Excellency laid before the Board a Letter from the Chief Justice dated in May last applying for Commissions for holding Courts of Oyer & Terminer for the Counties of Burlington, Monmouth, Somerset and Sussex. Whereupon the Council advised His Excellency to issue the said Commissions accordingly. That is to say the Commissions for the Counties of Burlington and Monmouth to continue in force for two Months from the date thereof and no longer, the Commissions for the Counties of Somerset & Sussex to continue in force for three months from the date thereof and no longer.

At a Council held at N[ew] Brunswick

September 1st, 1784

PRESENT

His Excellency the Governor

Mr. Carle

Mr. Hughes

Mr. Tallman

His Excellency with the advice of Council was pleased to sign the following Warrant on the Treasurer:

No. 247. To Isaac Smith Esquire for holding Courts
of Oyer & Terminer in the Counties of
Cape May, Cumberland, Salem, Glou-
cester & Burlington £50.0.0

MINUTES FOR 1783-1789

At a Council held at Trenton November 5th, 1784

PRESENT

His Excellency the Governor

The Vice President

Mr. Cooper	Mr. [William] Newbold ⁴
Mr. Martin	Mr. [Samuel] Fitz Randolph ⁵
Mr. Hoops	Mr. [Asher] Holmes ⁶
Mr. Carle	Mr. Hornblower
Mr. Imlay	Mr. [Peter] Haring

His Excellency with the advice of Council was pleased to Sign the following Warrants on the Treasurer:

No. 248. To himself for 6 Months Salary due to him as Governor on the second Tuesday in October last	275.0.0
249. To the honourable David Brearly Esquire for 6 Months [136] Salary due to him as Chief Justice on the second Tuesday in October last	150.0.0
250. To the same for holding Courts of Oyer & Terminer in the Counties of Somerset & Sussex in the Month of August last and in Bergen in the month of October last	30.0.0
251. To the honourable Isaac Smith Esquire for 6 Months Salary due to him as second Justice on the second Tuesday in October last	62.10.0
252. To the honourable John C. Symmes Esquire for 6 Months Salary due to him as third	

MINUTES FOR 1783-1789

Justice on the second Tuesday in October last	62.10.0
253. To the Same for holding a Court of Oyer & Terminer in Monmouth in July last	10.0.0
254. To Joseph Bloomfield Esquire for 6 Months Salary due to him as Attorney General on the second Tuesday in October last	10.0.0
255. To James Ewing Esquire for 6 Months Salary due to him as Auditor of Accounts on the second Tuesday in October last	60.0.0
256. To James Mott Esquire for 6 Months Salary due to him as Treasurer on the second Tuesday in October last	87.10.0
257. To Bowes Reed Esquire for 6 Months Salary due to him as Secretary in lieu of his Fees on Justices, Coroners & Militia Officers Commissions on the second Tuesday in October last	25.0.0

At a Council held at Trenton November 10th, 1784

PRESENT

His Excellency the Governor

Mr. Carle	Mr. Haring
Mr. Hornblower	Mr. Newbold
Mr. Martin	Mr. Cooper
Mr. Fitz Randolph	Mr. Hoops
Mr. Imlay	Mr. Holmes

His Excellency with the advice of Council was pleased to Sign the following Warrant on the Treasurer:

MINUTES FOR 1783-1789

No. 258. To James Ewing Esquire for Signing the Bills of Credit directed to be issued by the Act intituled "An Act for raising a Revenue of Thirty one thousand two hundred and fifty nine pounds 5/. p Annum for the Term of 25 Years passed December 25th, 1783⁷ 10.0.0

At a Council held at Trenton December
3rd, 1784 [137]

PRESENT

His Excellency the Governor

The Vice President

Mr. Carle	Mr. Imlay
Mr. Martin	Mr. Holmes
Mr. Fitz Randolph	Mr. Newbold
Mr. Hoops	Mr. Elmer

His Excellency was pleased to lay before the Board a Petition from Isaac Oakes, Father of Elijah Oakes, who was lately convicted of a Rape in the Supreme Court on Elizabeth Jones and also a Representation from the Chief Justice. Whereupon Council advised His Excellency to issue a pardon to the said Elijah Oakes for the crime aforesaid.

MINUTES FOR 1783-1789

At a Council held at Trenton December 24th, 1784

PRESENT AS ON THE 3RD INSTANT

William Churchil Houston Esquire having, by Letter to the Governor, requested leave of the Board to resign their appointment of him of the 18th day of June, 1782 as a Commissioner in conjunction with John Neilson and James Ewing Esquire, respecting the compensation to Sundry persons in the publick Service for the depreciation of their pay.⁸ Resolved That his Resignation be accepted.

At a Council held at Elizabeth Town

March 16th, 1785

PRESENT

His Excellency the Governor

Mr. Hornblower

Mr. Martin

Mr. Carle

Mr. Fitz Randolph

The Governor was pleased to lay before the Board a Letter to him from Mr. Justice Symmes of the 5th Instant Setting forth that it was then eighteen Months or more since any Circuit had been held for the County of Morris. That there was several felonies as Robberies [138] and counterfeiting Certificates which he thinks ought to be punished. Besides that it was his opinion that if the Grand Jury should indict some of the Ringleaders of the Mobs which are so troublesome in that County by their violently opposing the levying or collecting of taxes,⁹ it would be attended with salutary effects. And therefore prayed that a Commission for holding a Court of Oyer and Terminer and General

MINUTES FOR 1783-1789

Gaol delivery for the County of Morris might be made out. Whereupon the Council advised His Excellency to issue a Commission accordingly to be in force for three months from the date thereof and no longer.

At a Council held at Elizabeth Town the
28th day of April, 1785

PRESENT

His Excellency the Governor

Mr. Hornblower

Mr. Carle

Mr. Fitz Randolph

His Excellency laid before the Board a Letter from the Chief Justice dated 16th Instant informing him that the Supreme Court then sitting had appointed the Circuit Court to be held among others for the County of Cape May the last Tuesday in May, for Cumberland on the first Tuesday of June and for Salem on the third Tuesday in June. Whereupon the Council advised His Excellency to issue the said Commissions accordingly to continue in force for three Months from the date thereof.

MINUTES FOR 1783-1789

At a Council held at Trenton May 18th, 1785 [139]

PRESENT

His Excellency the Governor

The Vice President

Mr. Elmer

Mr. Haring

Mr. Fitz Randolph

Mr. Martin

His Excellency with the advice of Council was pleased to Sign the following Warrants on the Treasurer:

No. 259. To himself for 6 Months Salary due to him as Governor on the 13th day of April last	275.0.0
260. To the honourable David Brearly for 6 Months Salary due to him as Chief Justice on the 13th day of April last	150.0.0
261. To the honourable Isaac Smith Esquire for 6 Months Salary due to him as second Justice the 13th of April last	75.0.0
262. To the honourable John C. Symmes Esquire for 6 Months Salary due to him as third Justice the 13th of April last	75.0.0
263. To James Mott Esquire for 6 Months Salary due to him as Treasurer on the 13th of April last	200.0.0
264. To Joseph Bloomfield Esquire for 6 Months Salary due to him as Attorney General on the 13th of April last	15.0.0
265. To James Ewing Esquire for 6 Months Salary due to him as Auditor of Accounts on the 13th of April last	65.0.0

MINUTES FOR 1783-1789

266. To Bowes Reed Esquire for 6 Months Salary due to him as Secretary in lieu of Fees on Justices, Coroners & Military Commissions on the 13th of April last 25.0.0

His Excellency the Governor was pleased to lay before the Board a Letter from the Chief Justice dated 16th of April last informing him that the Supreme Court then sitting had appointed the Circuit Court for the present Year to be held at the several respective times therein mentioned. Whereupon the Council advised His Excellency (Commissions of Oyer & Terminer having already been issued for the [140] Counties of Cape May, Cumberland and Salem) to issue the like Commissions for all the other Counties, each of which except that for the County of Sussex to continue in force Six months, from this date thereof, and no longer, and that for the County of Sussex to continue in force for seven months from the date thereof and no longer.

At a Council held at Trenton 19th of May, 1785

PRESENT AS OF YESTERDAY & MR. IMLAY

His Excellency with the advice of Council was pleased to Sign the following Warrants on the Treasurer:

- No. 267. To the honourable David Brearly for holding a Court of Oyer & Terminer in Middlesex County in November last 10.0.0
268. To James Mott Esquire for signing & Numbering 32,032 Bills emitted pursuant to the Act for raising the revenue of £31.259.05 passed December 25th, 1783 10.0.0

MINUTES FOR 1783-1789

At a Council held at Trenton the 29th
day of October, 1785

PRESENT

His Excellency the Governor

Mr. [John] Mayhew ¹⁰	Mr. Newbold
Mr. [Fitz] Randolph	Mr. Hoops
Mr. Haring	Mr. [David] Forman ¹¹
Mr. Ogden	

His Excellency with the advice of Council was pleased to sign the following Warrants on the Treasurer:

No. 269. To His honourable John C. Symmes Esquire for 6 Months Salary due to him as second Justice of the Supreme Court 11th of October Instant	75.0.0
270. To the same for holding Courts of Oyer & Terminer in the Counties of Essex & Morris twice, the former in November '83 & October '85, the latter in April & September '85	40.0.0

MINUTES FOR 1783-1789

At a Council held at Trenton the 10th
day of November, 1785 [141]

PRESENT

His Excellency the Governor

Mr. Martin	Mr. Randolph
Mr. Newbold	Mr. Mayhew
Mr. Haring	Mr. Clark
Mr. S. Ogden	Mr. Hoops

His Excellency with the advice of Council was pleased to
Sign the following Warrants on the Treasurer:

No. 271. To himself on order for 6 Months Salary due to him as Governor on the 11th October last	275.0.0
272. To the honourable David Brearly for 6 Months Salary due to him as Chief Justice on 11th October last	150.0.0
273. To the Same for holding Courts of Oyer and Terminer in the Counties of Cape May, Cumberland, Salem, Gloucester, Middle- sex, Monmouth, Somerset, Bergen & Burlington twice	100.0.0
274. To the honourable Isaac Smith for 6 Months Salary due to him as second Justice of the Supreme Court on the 11th October last	75.0.0
275. To James Mott Esquire for 6 Months Salary due to him as Treasurer on the 11th October last	200.0.0

MINUTES FOR 1783-1789

276. To James Ewing for 6 Months Salary due to him as Auditor on the 11th October last	65.0.0
277. To Joseph Bloomfield Esquire for 6 Months Salary due to him as Attorney General 11th October last	15.0.0
278. To Bowes Reed for 6 Months Salary due to him as Secretary in lieu of Fees on Justices, Coroners & Military Commissions 11th October last	25.0.0

At a Council held at Trenton November

24th, 1785 [142]

PRESENT

His Excellency the Governor

The Vice President [Robert Lettis Hooper]¹²

Mr. Haring	Mr. Clark
Mr. [Matthias] Ogden ¹³	Mr. Kitchel
Mr. Randolph	Mr. Mayhew
Mr. Martin	Mr. S. Ogden
Mr. Newbold	Mr. Hoops

His Excellency the Governor was pleased to lay before the Board a Petition from William Rednor, a prisoner in the common Goal in the County of Bergen, setting forth that he has been fined One hundred pounds for going within the Enemies lines, and also the hardships of his case. And the Council taking the same into consideration advised His Excellency to grant a pardon to the said William Rednor for the Crime aforesaid.

MINUTES FOR 1783-1789

At a Council held at Trenton November 28th, 1785

PRESENT

His Excellency the Governor
The Vice President

Mr. Haring	Mr. Mayhew
Mr. M. Ogden	Mr. Kitchel
Mr. Randolph	Mr. S. Ogden
Mr. Clark	

The Council advised His Excellency to issue a Commission for holding a Court of Oyer & Terminer in the County of Essex to continue in force for four Months from this day.

At a Council held January 14th, 1786 [143]

PRESENT

His Excellency the Governor

Mr. Martin	Mr. Randolph
Mr. Kitchel	Mr. Ogden

His Excellency was pleased to lay before the Board a Letter to him from the Chief Justice dated 7th Instant informing him that an application to him by the Justices and seven Freeholders of the County of Somerset in due form of Law requesting that a Court of Oyer and Terminer may be immediately holden in that County. Wherefore he requested the Governor that a Commission may be issued for holding the said Court. Upon which the Council advised His Excellency to issue the said Commission

MINUTES FOR 1783-1789

accordingly to be in force for three months from the date thereof and no longer.

At a Council held at Elizabeth Town

April 19th, 1786

PRESENT

His Excellency the Governor

Mr. Martin

Mr. Kitchel

Mr. Fitz Randolph

The Governor was pleased to lay before the Board a Letter from Chief Justice Brearly of the 7th Instant informing him that the Supreme Court then sitting Circuit Court was appointed to be held in the Counties of Cape May, Cumberland, Salem, Gloucester, Burlington & Monmouth and therefore requested the Governor that Commissions of Oyer and Terminer and General Gaol delivery might issue for holding the said Courts in the said Counties. Whereupon the Council advised his Excellency to issue Commissions for the Counties of Cape May and Cumberland to continue in force for three months from the date thereof.

MINUTES FOR 1783-1789

At a Council held at New Brunswick the
18th day of May, 1786 [144]

PRESENT

His Excellency the Governor
The Vice President

Mr. S. Ogden	Mr. Mayhew
Mr. M. Ogden	Mr. Martin
Mr. Randolph	Mr. Newbold
Mr. Haring	Mr. Holmes

The Board advised His Excellency to issue Commissions for holding Courts of Oyer and Terminer in the Counties of Salem, Gloucester, Burlington & Monmouth agreeably to the requests of the Chief Justice's Letter laid before Council on the 19th day of April last, to continue in force for four months from this date thereof.

At a Council held at N[ew] Brunswick the
22nd day of May, 1786

PRESENT AS ON THE 18TH INSTANT & MR. [JEREMIAH] ELDRIDGE¹⁴
& MR. CLARK

A Representation from several of the Judges & Justices of the County of Hunterdon was laid before the Board by his Excellency setting forth that John Schenck, Ralph Schenck, Jacob Schenck, Abraham Schenck and Cornelius Ten Eycke was at the Court of Quarter Sessions of the said County in February last indicted

MINUTES FOR 1783-1789

and Convicted of a Riot, and the said John Schenck fined in the sum of £50. and each of the others in the sum of £20. And recommending the said several persons so convicted as proper to be pardoned. Whereupon the Council advised His [145] Excellency to issue a pardon to the said John Schenck, Ralph Schenck, Jacob Schenck, Abraham Schenck and Cornelius Ten Eycke for the Crime aforesaid.

At a Council held at N[ew] Brunswick

May 31st, 1786

PRESENT AS OF THE 18TH INSTANT

His Excellency with the advice of Council was pleased to sign the following Warrants on the Treasurer:

No. 279.	To himself for 6 Months Salary due to him as Governor on the 12th of April last	275.0.0
280.	To the honourable David Brearly Esquire for 6 Months Salary due to him as Chief Justice on the 12th of April last	150.0.0
281.	To the same for holding Courts of Oyer & Terminer in the Counties of Essex & Somerset in the month of February last	20.0.0
282.	To the honourable Isaac Smith for 6 Months Salary due to him as second Justice of the Supreme Court on the 12th of April last	75.0.0
283.	To Joseph Bloomfield Esquire for 6 Months Salary due to him as Attorney General on the 12th of April last	15.0.0
284.	To James Mott Esquire for 6 Months Salary due to him as Treasurer on the 12th of April last	200.0.0

MINUTES FOR 1783-1789

285. To Bowes Reed for 6 Months Salary due to him as Secretary in Lieu of Fees on Justices, Coroners and Military Commissions on the 12th of April last 25.0.0

Here take in the entry on the other side of September 13th, 1786

At a Council held at Trenton

October 25th, 1786 [146]

PRESENT

His Excellency the Governor

The Vice President

Mr. Holmes	Mr. Martin
Mr. [John] Peck ¹⁵	Mr. Ogden
Mr. Newbold	Mr. Kitchel
Mr. Haring	Mr. Cripps
Mr. Clark	

His Excellency laid before the Board a Petition from a large number of the Inhabitants in the County of Gloucester setting forth that Aaron Chew was at a Court of Oyer & Terminer held in the said County convicted of an Assault & Battery on Joseph Hugg Esquire and sentenced by the Supreme Court to pay a fine of £50 and be imprisoned for three Months and praying for the reasons therein set forth that the said Aaron Chew may be pardoned. Whereupon the Council advised His Excellency to issue a Pardon to the said Aaron Chew for the Crime aforesaid.

MINUTES FOR 1783-1789

At a Council held at Elizabeth Town September
13th, 1786

PRESENT

His Excellency the Governor

Mr. Kitchel

Mr. Randolph

Mr. Ogden

His Excellency was pleased to lay before the Board a Letter from the Chief Justice of the 6th Instant informing him that the Supreme Court had that day appointed the time of holding the Eastern Circuit Court to wit; for the County of Morris the 3rd day of October next, For the County of Sussex the seventeenth, For the County of Somerset the 24th day of the Same month, For the County of Bergen the 3rd day [147] of November, For the County of Essex the 5th day of December, and for the County of Middlesex the 19th day of the same month, and therefore applying to the Governor for the Commissions of Oyer & Terminer for those Counties. Whereupon the Council advised His Excellency to issue Commissions of Oyer and Terminer for the said Counties of Morris, Sussex & Somerset to be in force for two months from the date.

At a Council held at Trenton October 27, 1786

PRESENT AS ON THE 25TH INSTANT

His Excellency with the advice of Council was pleased to sign the following Warrants on the Treasurer:

MINUTES FOR 1783-1789

No. 286.	To himself for 6 Months Salary due to him as Governor on the 12th Instant	275.0.0
287.	To the honourable David Brearly Esquire for 6 Months Salary due to him as Chief Justice on the 12th Instant	150.0.0
288.	To the honourable Isaac Smith Esquire for 6 Months Salary due to him as second Justice of the Supreme Court on the 12th Instant	75.0.0
289.	To Joseph Bloomfield Esquire for 6 Months Salary due to him as Attorney General on the 12th Instant	15.0.0
290.	To James Mott Esquire for 6 Months Salary due to him as Treasurer on the 12th Instant	200.0.0
291.	To Bowes Reed Esquire for 6 Months Salary due to him as Secretary in lieu of fees on Justices, Coroners & Military Commissions	25.0.0
<p>The Vice President with the Advice of Council was pleased to Sign the following Warrant on the Treasurer:</p>		
No. 292.	To Isaac Smith Esquire for holding Courts of Oyer and Terminer in the Counties of Cape May, Cumberland, Salem, Gloucester and Burlington	50.0.0

MINUTES FOR 1783-1789

At a Council held at Trenton November 3rd,

1786 [148]

PRESENT

His Excellency the Governor

The Vice President

- | | |
|----------------------------------|--------------|
| Mr. Martin | Mr. Randolph |
| Mr. Kitchel | Mr. Haring |
| Mr. [Mark] Thomson ¹⁶ | Mr. Ogden |
| Mr. Holmes | Mr. Newbold |
| Mr. Peck | Mr. Cripps |

The Board advised His Excellency to issue Commissions of Oyer & Terminer for the Counties of Bergen, Essex and Middlesex to continue in force for three Months from the date.

His Excellency the Governor was pleased to lay before the Board a Letter from the Chief Justice representing that Jeremiah Van Alstine was lately convicted of Horse Stealing at a Court of Oyer & Terminer held in the County of Morris and recommending him as proper to be pardoned. Whereupon the Council advised His Excellency to issue a pardon to the said Jeremiah Van Alstine for the said Crime. His Excellency with the advice of Council was pleased to Sign the following Warrant on the Treasurer:

No. 293. To the honourable David Brearly Esquire
for attending Courts of Oyer and Terminer in the Counties of Monmouth, Morris, Sussex & Somerset in the months of July & October last 40.0.0

MINUTES FOR 1783-1789

At a Council held at Trenton November 9th,

1786 [149]

PRESENT AS ON THE 3RD INSTANT & MR. CLARK

His Excellency with the advice of Council was pleased to Sign the following Warrants on the Treasurer:

No. 294. To Mr. Maskell Ewing ¹⁷ for signing the new emission of loan office money	30.0.0
295. To the honourable Benjamin Van Cleve ¹⁸ for the like service	30.0.0

At a Council held at Trenton November 9th, 1786

PRESENT AS ON 9TH INSTANT & MR. ELDRIDGE

His Excellency with the advice of Council was pleased to Sign the following Warrants on the Treasurer:

No. 296. To James Ewing Esquire for Signing the new Emissions of Loan Office Money	£30.0.0
297. To Benjamin Smith ¹⁹ Esquire for Signing the new Emission of Loan Office Money.....	30.0.0

MINUTES FOR 1783-1789

At a Council held at Elizabeth Town April 23rd,

1787

PRESENT

His Excellency the Governor

Mr. Peck

Mr. Kitchel

Mr. Martin

Mr. Randolph

His Excellency was pleased to lay before the Board a Letter from the Chief Justice informing him that the Supreme Court has appointed the Western Circuit as follows: Cape May the last Tuesday in May, Cumberland the first Tuesday in June, Salem the second Tuesday, in Gloucester the third Tuesday & Burlington the fourth Tuesday of same Month, & that he therefore made Application for Commissions of Oyer & Terminer for those Counties. Whereupon the Council advised His [150] Excellency to issue Commissions for Cape May & Cumberland to continue in force for three months from the date.

At a Council held at Burlington May 22, 1787

PRESENT

His Excellency the Governor

& ALL THE COUNCIL EXCEPT MR. KITCHEL

The Council advised his Excellency to issue Commissions of Oyer & Terminer pursuant to the Chief Justices request of 23rd of April for the Counties of Salem, Gloucester and Burlington to continue in force for four months from this time.

MINUTES FOR 1783-1789

At a Council held at Burlington May 28th, 1787

PRESENT

His Excellency the Governor

Mr. Newbold	Mr. Thomson
Mr. Ogden	Mr. Haring
Mr. Randolph	Mr. Eldridge
Mr. Cripps	Mr. Holmes

His Excellency with the advice of Council was pleased to sign the following Warrants on the Treasurer:

No. 298. To himself for 6 Months Salary due to him the 12th of April last	275.0.0
299. To the honourable David Brearly Esquire Justice for 6 Months Salary due 12th April last	175.0.0
300. To the same for holding Courts of Oyer & Terminer in the Counties of Bergen, Essex & Middlesex	30.0.0
301. To the honourable Isaac Smith Esquire second Justice for 6 Months Salary due to him 12th April last	75.0.0
302. To James Mott Esquire Treasurer for 6 Months Salary due to him 12th April last	200.0.0
303. To Joseph Bloomfield Esquire Attorney General for 6 Months Salary due to him 12th April last	15.0.0
304. To Isaac Collins for printing etc. one hun- dred thousand [151] pounds of Bills of Credits	675.15.9

MINUTES FOR 1783-1789

305. To Aaron Dunham Esquire ²⁰ Auditor for 6 Months Salary due to him 12th April last	100.0.0
306. To Bowes Reed Esquire Secretary for 6 Months Salary in lieu of Fees on Justices, Coroners & Military Commissions due him the 12th April last	25.0.0

At a Council held at Trenton October 25th, 1787

PRESENT

His Excellency the Governor
The Vice President

Mr. Mayhew	Mr. Martin
Mr. Randolph	Mr. Peck
Mr. [Joseph] Smith ²¹	Mr. Holmes
Mr. Haring	Mr. Kitchel
Mr. [Joseph] Ellis ²²	Mr. Ogden

His Excellency with the advice of Council was pleased to Sign the following Warrants on the Treasurer:

No. 307. To himself for 6 Months Salary due to him the 12th of October Instant	275.0.0
308. To the honourable David Brearly Esquire Chief Justice for 6 Months Salary due the 12th October Instant	175.0.0
309. To the Honourable Isaac Smith Esquire for 6 Months Salary due to him as second Justice of Supreme Court	75.0.0

MINUTES FOR 1783-1789

310. To James Mott Esquire for 6 Months Salary due to him as Treasurer the 12th Instant	200.0.0
311. To Joseph Bloomfield Esquire for 6 Months Salary due to him as Attorney General on the 12th of October Instant	15.0.0
312. To Aaron Dunham Esquire for 6 Months Salary due to him as Auditor on the 12th of October Instant	100.0.0
313. To Bowes Reed for 6 Months Salary due to him as Secretary in lieu of fees on Justices, Coroners & Military Commissions on the 12th day of October Instant	25.0.0

At a Council held at Trenton October 26 [152]

PRESENT AS OF YESTERDAY

His Excellency with the advice of Council was pleased to sign the following Warrant on the Treasurer:

No. 314. To Isaac Smith Esquire for holding Courts of Oyer and Terminer in the Counties of Cape May, Cumberland, Salem, Gloucester and twice in Burlington in the months of May, June and September last	60.0.0
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At a Council Held at Trenton May 21st, 1788 [153]

PRESENT

His Excellency the Governor

Mr Ogden

Mr. Peck

Mr. Martin

Mr. Haring

MINUTES FOR 1783-1789

His Excellency with the advice of Council was pleased to Sign the following Warrants on the Treasurer:

No. 315.	To himself for 6 Months Salary due to him on the 12th day of April last	275.0.0
316.	To the honourable David Brearly for 6 Months Salary due to him as Chief Justice on the 12th day of April last	175.0.0
317.	To the honourable Isaac Smith Esquire for 6 Months Salary due to him as second Justice of the Supreme Court on the 12th day of April last	75.0.0
318.	To the honourable John C. Symmes Esquire for 6 Months Salary due to him as third Justice of the Supreme Court on the 12th of April last	75.0.0
319.	To Joseph Bloomfield Esquire for 6 Months Salary due to him as Attorney General on the 12th of April last	15.0.0
320.	To James Mott Esquire for 6 Months Salary due to him as Treasurer on the 12th of April last	200.0.0
321.	To Aaron Dunham Esquire for 6 Months Salary due to him as Auditor of Accounts on the 12th of April last	100.0.0
322.	To Bowes Reed for 6 Months Salary due to him as Secretary in lieu of fees on Justices, Coroners & Military Commissions on the 12th of April last	25.0.0
323.	To the honourable David Brearly for holding Courts of Oyer and Terminer in the County of Essex in the Months of December & February last	20.0.0

MINUTES FOR 1783-1789

At a Council held at Trenton May 22nd, 1788 [154]

PRESENT AS YESTERDAY

On Application of His honor the Chief Justice the Council advised His Excellency to issue Commissions of Oyer and Terminer for the Counties of Morris and Middlesex to continue in force for 4 Months.²³

[155-blank]

At a Council held at Trenton September 1st,

1788 [156]

PRESENT

His Excellency the Governor

The Vice President

Mr. Randolph

Mr. Holmes

Mr. Martin

Mr. Peck

Mr. Ogden

Mr. Eldridge

Mr. Haring

Mr. Ellis

Mr. Mayhew

Mr. Smith

Mr. Thomson

Mr. Kitchel

His Excellency was pleased to lay before the Board a Petition from James Steel a prisoner confined in the Goal of the County of Gloucester setting forth that he was convicted at a Court of Quarter Sessions of an Assault & Battery; and fined in the Sum of £30 which he is unable to discharge & praying a Pardon. Whereupon the Council from the Circumstances which appeared to them advised his Excellency to grant a Pardon accordingly.

MINUTES FOR 1783-1789

At a Council held at Trenton September 2nd, 1788

PRESENT AS OF YESTERDAY

His Excellency with the advice of Council was pleased to sign the following Warrants on the Treasurer:

- No. 324. To the honourable David Brearly Esquire
for holding Courts of Oyer & Terminer in
the Counties of Bergen, Morris, Essex,
Somerset & Middlesex 50.0.0
325. To the honourable Isaac Smith Esquire for
holding Courts of Oyer & Terminer in the
Counties of Cape May, Cumberland,
Salem, Gloucester & Burlington 50.0.0

At a Council held at Trenton September 4th,

1788 [157]

PRESENT AS OF THE 2ND INSTANT

His Excellency was pleased to Lay before the Board a Petition from James Abeel setting forth that in December, 1786, at a Court of Oyer & Terminer held in the County of Bergen he was indicted and convicted for Fraud and thereupon fined £500 and that he is unable to discharge the said Fine etc. Whereupon the Council advised His Excellency to issue a Pardon to the said James Abeel for the said Offense.

MINUTES FOR 1783-1789

At a Council held at Trenton October 31st, 1788

PRESENT

His Excellency the Governor

The Vice President [Benjamin Van Cleve]

Mr. [John] Chetwood ²⁴	Mr. Haring
Mr. Holmes	Mr. Martin
Mr. Manning	Mr. Ogden
Mr. Thomson	Mr. Mayhew

His Excellency with the advice of Council was pleased to Sign the following Warrants on the Treasurer:

No. 326. To himself for 6 Months Salary as Governor due to him on the 12th of October Instant	275.0.0
327. To the honourable David Brearly Esquire for 6 Months Salary due to him as Chief Justice on the 12th of October instant.....	175.0.0
328. To the honourable Isaac Smith Esquire for 6 Months Salary due to him as third Justice on the 12th of October instant	75.0.0
329. To James Mott Esquire for 6 Months Salary due to him as Treasurer on the 12th October Instant	200.0.0
330. To Joseph Bloomfield Esquire for 6 Months Salary due to him as Attorney General on the 12th of October instant	15.0.0
331. To Aaron Dunham Esquire for 6 Months Salary due to him as [158] Auditor of Accounts on the 12th of October Instant	100.0.0
332. To Bowes Reed Esquire for 6 Months Salary due to him as Secretary on the 12th day of October instant in lieu of Fees on Justices, Coroners & Military Commissions ...	25.0.0

MINUTES FOR 1783-1789

At a Council held at Princeton November 12th,

1788

PRESENT

His Excellency the Governor
The Vice President

Mr. Eldridge	Mr. Holmes
Mr. Chetwood	Mr. Mayhew
Mr. Manning	Mr. Martin
Mr. Ogden	Mr. Thomson
Mr. Kitchel	Mr. Ellis
Mr. Haring	Mr. Smith

His Excellency was pleased to lay before the Board a Petition from the Judges & Justices of Somerset County, sitting forth that a Court of Quarter Sessions lately held in the said County, Sam a Negro Slave of Major Richard McDonald²⁵ was convicted of Arson for which he has been sentenced to Suffer death, and recommending the said Negro Sam as proper to be pardoned. Whereupon the Council advised His Excellency to issue a pardon to the said Negro Sam for the said Crime.

At a Council held at Princeton November 28th,

1788

PRESENT AS THE 12TH INSTANT

His Excellency was pleased with the advice of Council to Sign the following Warrants on the Treasurer:

MINUTES FOR 1783-1789

No. 333. To the honourable John Chetwood Esquire for 1 Month & eight days Salary as third Justice of the Supreme Court on the 12th of October last	15.16.8
334. To Bowes Reed for 29 days Salary due to him as Secretary [159] in lieu of fees on Justices, Coroners & Military Commis- sions on the 12th day of November Instant	4.0.5

At a Council held at Princeton January 7th, 1789
for the purpose of choosing Electors
persuant to Law²⁶

PRESENT

His Excellency William Livingston
The Vice President

Mr. Martin	Mr. Kitchel
Mr. Mayhew	Mr. Ogden
Mr. Chetwood	Mr. Manning
Mr. Smith	Mr. Holmes
Mr. Thomson	Mr. Haring

The following persons were appointed Electors for the purpose of choosing a president & Vice president of the United States agreeably to the Constitution of the said United States:

MINUTES FOR 1783-1789

David Brearly
 James Kinsey²⁷
 John Neilson Esquires
 David Moore²⁸
 John Rutherford²⁹
 Matthias Ogden

At a Council held at Trenton May 20th, 1789

PRESENT

His Excellency the Governor

Mr. Haring	Mr. Ellis
Mr. Smith	Mr. Martin
Mr. Manning	Mr. Thomson
Mr. Holmes	Mr. Ogden

His Excellency with the advice of Council was pleased to Sign the following Warrants on the Treasurer:

No. 335. To himself for 6 Months Salary due to him as Governor on the 12th of April last	275.0.0
336. To the honourable David Brearly Esquire for 6 Months Salary due to him as Chief Justice 20th April last	175.0.0
337. To the honourable Isaac Smith for 6 Months Salary due to [160] him as second Justice 12th of April last	75.0.0
338. To the honourable John Chetwood for 6 Months Salary due to him as third Justice 12th of April last	75.0.0
339. To James Mott for 6 Months Salary due to him as Treasurer 20th April last	250.0.0

MINUTES FOR 1783-1789

340. To Joseph Bloomfield Esquire for 6 Months Salary due to him as Attorney General 12th April last	15.0.0
341. To Aaron Dunham Esquire for 6 Months Salary due to him as Auditor of Accounts 12th of April last	100.0.0

The Governor was pleased to lay before the Board a Petition in favour of Uzal Meeker setting forth that the said Uzal Meeker in January, 1787 was convicted at a Court of Oyer & Terminer in the County of Bergen of a Misdemeanor for which he was fined £250, And praying a Pardon for the said offense. Whereupon the Council advised his Excellency to issue a Pardon to the said Uzal Meeker for the Offense aforesaid.

At a Meeting of the Privy Council at Elizabeth
Town the 18th day [161] of March, 1789

PRESENT

His Excellency the Governor
The Honourable

John Chetwood	John Mayhew
Benjamin Manning	Robert Lettis Hooper
Asher Holmes	Abraham Kitchel
Ephraim Martin	Samuel Ogden
Joseph Smith	Mark Thomson
Joseph Ellis	Esquires

The Governor and Privy Council being met in consequence of a certain Act of the Legislature of the State passed the twenty first day of November last intituled An Act for carrying into effect

MINUTES FOR 1783-1789

on the part of New Jersey the Constitution of the United States,³⁰ assented to, ratified and confirmed by this State on the eighteenth day of December in the Year of our Lord One thousand Seven hundred and eighty seven, in expectation that before this day every County in this State would have returned to the Governor a list of the Candidates voted for in such County to represent this State in the Congress of the United States. But so it is that one [Essex] of the thirteen Counties into which this State is divided hath not yet made such return, and as this State may suffer detriment by remaining unrepresented in the Congress of the United States, The Governor and Privy Council think it for the publick Good and agreeable to the true intent and meaning of the said Act at this day to cast up the whole number of Votes from the twelve Counties of this State that have made such return, leaving the decision of the legality of the election of the four Persons who have the Majority of Voices from the twelve Counties that have made such return as aforesaid upon the special matter, and above representation thereof, to those to whom it appertains. And upon casting up the whole number of Votes from the said twelve Counties which have made return for all the Candidates voted for to represent the State in the [162] Congress of the United States by the said twelve Counties:

The Governor and Privy Council do determine that the four persons who have the greatest number of Votes from the said twelve Counties for such representation as aforesaid, are James Scureman,³¹ Lambert Cadwallader,³² Elias Boudinot and Thomas Sinnickson,³³ Esquires. And the said Privy Council do advise His Excellency the Governor to frame his Proclamation agreeably to this determination.³⁴ March 19th, 1789. The honourable Jeremiah Eldridge Esquire joined the Privy Council as a Member thereof and agreed to the foregoing determination.

The following Gentlemen protested against the foregoing proceeding in the words following:

MINUTES FOR 1783-1789

We think it a duty which we owe as well to the State as to our immediate Constituents to dissent from and enter our protest against the Vote carried in the Privy Council (of which we are Members) this day, & against their determination and proceedings relative to their declaration of the persons chosen to represent this State in Congress for the following reasons Vizt.

1st Because the returns from Seven Counties only were made at the time evidently intended and by plain construction of the Law appointed for the whole thirteen Counties to have sent in their returns to the Governor Vizt. the day immediately preceding that, on which the Congress were to proceed to business.

2ndly Because all the returns have not yet been delivered in nor been laid before the Council, one County not having sent in theirs.

3rdly Because the Time appointed by Law to commission the Members is either altogether passed or has not yet arrived: It must be considered [163] as past if it be admitted that the law expressly or constructively prescribes any limitation, and as not yet arrived if without limitation, the returns of all the Counties within the State are necessary.

March 18th 1789

Abraham Kitchel
Asher Holmes
Ephraim Martin

¹ JCC, XXV, 699-701.

² *The Political Intelligencer and New Jersey Advertiser*, 25 Nov. 1783.

³ James Mott (1739-1823) was born in Middletown. A farmer with significant acreage, Mott's long period of public service began when he accepted a commission in the Monmouth County militia. From 1776 to 1779 Mott was a member of the State Assembly. His tenure as State treasurer, begun in 1783, lasted for sixteen years. For two terms, 1801-1805, Mott was a member of the House of Representatives where he supported Jefferson's policies. In 1808 he was a presidential elector on the Madison-Clinton ticket. *Congressional Directory*, 1367.

⁴ William Newbold (1736-1793) was a Burlington County Quaker who was read out of the meeting in May 1777 for being "concerned" in military service. Newbold served on the county committee of safety and the board of chosen freeholders. He represented Burlington County on the council 1784-1787 and 1792-1793. Charles Platt, *Newbold Genealogy in America* (New Hope, Pa., 1964), 61; *Patriot's Index*, 493; *NJDOD*.

MINUTES FOR 1783-1789

⁵ Samuel Fitz Randolph was a captain in the Middlesex County militia in 1775 and served in the council 1784-1788 and 1792-1795. *Ibid.*

⁶ Asher Holmes (1740-1808) saw extensive military action in the battles at Trenton, Germantown, and Monmouth as a major, later a colonel, in the Monmouth County militia. Holmes also commanded the privateer brig *Britannia* before its capture in 1779. He served in the council 1784-1785 and 1786-1789. *Ibid.*; *Patriot's Index*, 339.

⁷ *Acts*, 8th session, 1st sitting December 20, 1783. This legislation was part of New Jersey's effort to meet its financial obligations during the Confederation period. See McCormick, *Experiment in Independence*, 175-177.

⁸ See entry for 18 June 1782, p. 223.

⁹ Despite this report of disturbances apparently similar to some aspects of the famous Shay's Rebellion in Massachusetts, August-December 1786, there was no report of the Morris County troubles in the newspapers of the day.

¹⁰ John Mayhew (?-1797) served as a private in Captain Cornelius Newkirk's Co., 2nd regiment, Salem County militia in 1777 and 1778. He sat on the council 1785-1786 and 1787-1794. *NJDOD*.

¹¹ David Forman (1745-1797) was born in Monmouth County. In 1776 Forman became a brigadier general in the militia receiving the name of "Devil David" for his harsh treatment of suspected Loyalists. His activities in this regard angered George Washington. After the war Forman became a judge of common pleas in Monmouth County. In 1794 he moved to Kent County, Maryland. *DAB*, VI, 524-525.

¹² Robert Lettis Hooper III (1730-1797) was a member of a distinguished land-owning family with holdings in Pennsylvania and New Jersey. His grandfather had been chief justice of New Jersey's provincial supreme court. Robert Lettis Hooper III lived in Easton, Pennsylvania, but when the war began, he moved to Trenton. During the war he served as deputy quartermaster general of the Continental Army. In 1782 Hooper became judge of the common pleas in Hunterdon County. During his tenure on the council, from 1785 to 1788, Hooper served as Vice-President. Walker, *History of Trenton*, 599-600.

¹³ Matthias Ogden (1755-1791) was born in Elizabeth Town and graduated from the College of New Jersey. When hostilities began in Boston, Ogden traveled north with his boyhood friend and cousin Aaron Burr to join the Continental Army. Ogden participated in numerous northern campaigns including the ill-fated Canadian invasion. In 1780 he was captured by the British, but was exchanged the next year in time to see action at Yorktown. During the war he married the daughter of Elias Dayton. In 1783 Ogden began a law practice which he combined with mercantile affairs and land speculation. He died of yellow fever. Theodore Thayer, *As We Were: The Story of Old Elizabeth Town* (Elizabeth, 1964), 105-107, 146-148, 165-166.

¹⁴ Jeremiah Eldridge (1745-1795) was a lawyer who represented Cape May County in the Assembly 1777-1778 and 1780-1781, and the council 1784-1785

MINUTES FOR 1783-1789

and 1786-1793. *NJA*, 1st series, XXXVII, 121-123; Stevens, *The History of Cape May County, New Jersey* (Cape May, 1897), 183-194.

¹⁵ John Peck (1732?-1811) represented Essex County on the council from 1786 to 1788. He was a judge of the court of common pleas. In 1774 Peck was chosen a member of the committee of observation for Newark. He became a captain in the 2nd regiment of the Essex County militia but resigned in 1777 because of his appointment as a justice of the peace. Lee, *Genealogical and Memorial History*, III, 1135-1136; *Patriot's Index*, 523; *NJDOD*.

¹⁶ Mark Thomson (1739-1803) was born near Norris Town, Pennsylvania. A miller by trade, Thomson became a justice of the peace in Sussex County in 1773. The following year he joined the colonial protest, serving in the Provincial Congress. During the war, in addition to various militia posts, Thomson represented Sussex County in the Assembly in 1779. His tenure on the council lasted until 1788. Five years later Thomson became an aide on the staff of Governor Richard Howell. He was elected for two terms as a Federalist to the House of Representatives, 1795-1799. *Congressional Directory*, 1712.

¹⁷ Maskell Ewing (1758-1825) was elected clerk of the Assembly before he was 21 and held that position for 20 years. In 1803 he moved to Philadelphia and two years later to Delaware County. Ewing represented that county in the Pennsylvania State Senate for six years. *Collections*, 108.

¹⁸ Benjamin Van Cleve (1747-1836) began his long public career in 1774 as a member of the Maidenhead [Lawrence], Hunterdon County, Township committee. He rose to the rank of major in the 1st regiment of the county militia but resigned in 1777 upon his election to the assembly. Van Cleve served in the Assembly 18 single year terms between 1777 and 1805, and was the speaker of the house from 1784 to 1788. While a member of the council from 1788 to 1790, Van Cleve served as Vice-President. In addition Van Cleve was a trustee of the Maidenhead Presbyterian Church, a justice of the peace, and a judge of the county court of common pleas. *Ibid.*, 205-206.

¹⁹ A native of Elizabeth Town, Benjamin Smith moved to Trenton and became president of the trustees and treasurer of the First Presbyterian Church. He later returned to his birthplace and died in 1824 at the approximate age of 79. *NJA*, 2nd series, I, 542; *The Trenton Banking Company*, 70.

²⁰ Aaron Dunham served as State auditor from November 1786 to April 1789. He issued certificates to soldiers for the depreciation of their Continental pay. *NJDOD*.

²¹ Joseph Smith served as the Burlington County representative on the council from 1787 to 1789. He died in 1798. *NJA*, 1st series, XXXIX, 335-336.

²² Joseph Ellis, a captain in the French and Indian War, was a colonel in the 2nd regiment of the Gloucester County militia. He was appointed by the legislature to purchase ammunition and military stores for the western division of New Jersey. He assisted in the removal of military stores from Philadelphia in order to prevent them from falling into British hands. Ellis was a member of the Assembly 1778-1779 and 1781-1785 and served in the

MINUTES FOR 1783-1789

council from 1787 to 1794. He was sheriff of Gloucester County prior to 1782. Ellis died in 1796. *NJDOD*.

²³ On 5 Sept. 1788, the legislature ended the practice of having the Privy Council convene oyer and terminer courts due to the expense of calling a council for that purpose. Thereafter the governor alone issued the necessary commissions. *Acts*, 12th session, 2nd sitting.

²⁴ John Chetwood (1734-1806) was born in Elizabeth Town. During the Revolution Chetwood was a delegate from Essex County to the Provincial Congress and served on the county committee of correspondence. Beginning in 1788, he served nine years as associate justice of the state supreme court. Family tradition states that he offered his resignation rather than condemn a man to die, an act antithetical to Chetwood's Quaker beliefs. *NJA*, 2nd series, I, 29n; *Elmer Constitution*, 279.

²⁵ 2nd Major, 1st Battalion, Somerset County militia. Stryker, *Official Register*, 367.

²⁶ *Acts*, 13th session, 1st sitting. The process of choosing presidential electors is described in McCormick, *Experiment in Independence*, 288, and *The History of Voting in New Jersey, A Study of the Development of Election Machinery, 1664-1911* (New Brunswick, 1953), 109.

²⁷ James Kinsey (1731-1803) was descended from a distinguished family active in New Jersey and Pennsylvania politics. Schooled in the law, Kinsey was elected to the Provincial Assembly in 1772 and led the opposition to Governor Franklin in the dispute over the stolen treasury of East Jersey. Active in the colonial protest, Kinsey was chosen as a delegate to the first Continental Congress in 1774. The next year he withdrew from public life preferring to follow the noninvolvement principles of his fellow Quakers. This decision forced Kinsey to give up his law practice. After the war he returned to the bar. In 1789 Kinsey became chief justice of the state supreme court serving until his death. He was also a councilman in 1791-1792. *Elmer, Constitution*, 275-279.

²⁸ David Moore (1747-1803) was born in Cumberland County. During the war he was a lieutenant colonel in the state artillery attached to the Continental Army. Moore saw action at the Battles of Germantown, Brandywine and Monmouth. Apparently Moore's duty as an elector was his first public position. He was a member of the Assembly, 1796-1798, and served in the council, 1801-1803. Cushing and Sheppard, *History of Gloucester County*, 656.

²⁹ John Rutherford (1760-1840) was born in New York City to a wealthy land-holding proprietary family. A graduate of the College of New Jersey in 1782, Rutherford studied law with William Paterson. In 1787 he moved to Sussex County becoming an assemblyman the following year. At the age of 30 Rutherford was chosen to a United States Senate seat which he resigned in 1798. The balance of his life was spent managing the family's extensive land-holdings. In 1804 Rutherford become President of the East Jersey Proprietors serving until his death. *Elmer, Constitution*, 456.

MINUTES FOR 1783-1789

³⁰ See entry for 7 Jan. 1789, p. 294.

³¹ James Schureman (1756-1824), born in New Brunswick, graduated from Queens College in 1775 and entered his family's large mercantile business. Schureman served two terms in the Assembly, 1783-1785 and 1788-1789. In between he was a delegate to the Continental Congress. After the ratification of the Constitution, Schureman was elected to three Congresses the first, 1789-1791, the fifth, 1797-1799, and the thirteenth, 1813-1815. In 1799 Schureman became a Federalist Senator resigning shortly after Jefferson's inauguration. He was mayor of New Brunswick from 1801 to 1813 and from 1821 to his death. *Congressional Directory*, 1570.

³² Lambert Cadwalader (1743-1823) was born in Trenton and educated at the College and Academy of Philadelphia. His business interests were in both New Jersey and Pennsylvania. In 1765 he signed the Pennsylvania non-importation agreement. Ten years later Cadwalader served in Pennsylvania's provincial congress and constitutional convention. A colonel in the Pennsylvania line of the Continental Army, Cadwalader was taken prisoner in 1776. Following the war, he was elected to the New Jersey delegation of the Continental Congress, 1784-1787. Cadwalader's tenure in the House of Representatives lasted for two terms, 1789-1791 and 1793-1795. *DAB*, 399-400.

³³ Thomas Sinnickson (1744-1817), born in Salem, became a prosperous merchant in the riverport community. While an officer in the Salem County militia, Sinnickson began his public career, serving in the Assembly in 1777. During the 1780s he returned to the Assembly for five more terms. In addition to his election to the first Congress, Sinnickson again served in the House in 1797-1799. The following year he was a presidential elector for the Adams-Pinckney ticket. Sinnickson's local service included justice of the peace, judge of the pleas, and Salem County treasurer. *Congressional Directory*, 1605; *NJA*, 2nd series, I, 313n.

³⁴ The controversy under discussion in these deliberations involved the New Jersey Congressional election of 1788. The complicated dispute was eventually taken to the committee on elections of the House of Representatives. See McCormick, *Experiment in Independence*, 287-303.

APPENDIX

MEMBERS OF THE PRIVY COUNCIL OF NEW JERSEY

1776-1789

BERGEN COUNTY

John Fell, 1776-1777; 1782-1784

Robert Morris, 1777-1779

Theunis Dey, 1779-1782

Peter Haring, 1784-1789

BURLINGTON COUNTY

Richard Smith, 1776-1777

John Imlay, 1777-1778

Peter Tallman, 1778-1781; 1783-1784

John Cox, 1781-1783

William Newbold, 1784-1787

Joseph Smith, 1787-1789

CAPE MAY COUNTY

Jonathan Hand, 1776-1777

Jesse Hand, 1777-1778; 1779-1781; 1782-1784

Jonathan Jenkins, 1778-1779

Elijah Hughes, 1781-1782; 1785-1786

Jeremiah Eldridge, 1784-1785; 1786-1789

CUMBERLAND COUNTY

Theophilus Elmer, 1776-1778; 1782-1783

Ephraim Harris, 1778-1779

John Buck, 1779-1780

Jonathan Elmer, 1780-1781; 1784-1785

Samuel Ogden, 1781-1782; 1783-1784; 1785-1789

ESSEX COUNTY

Stephen Crane, 1776-1778; 1779-1780

Abraham Clark, 1778-1779

James Caldwell, 1780-1781

Josiah Hornblower, 1781-1785

Matthias Ogden, 1785-1786

John Peck, 1786-1788

John Chetwood, 1788-1789

GLOUCESTER COUNTY

John Cooper, 1776-1781; 1784-1785

Joseph Hugg, 1781-1782

Elijah Clark, 1782-1784; 1785-1787

Joseph Ellis, 1787-1789

HUNTERDON COUNTY

John Stevens, 1776-1782

Joseph Reading, 1782-1783

APPENDIX

Philemon Dickinson, 1783-
1785

Robert Lettis Hooper, 1785-
1788

Benjamin Van Cleve, 1788-
1789

MIDDLESEX COUNTY

Jonathan Deare, 1776-1780

Benjamin Manning, 1780-
1781; 1783-1784; 1788-1789

John Beatty, 1781-1783

Samuel FitzRandolph, 1784-
1788

MONMOUTH COUNTY

Nathaniel Scudder, 1776-1777

Joseph Holmes, 1777-1780

Elisha Lawrence, 1780-1784

Asher Holmes, 1784-1785;
1786-1789

David Forman, 1785-1786

MORRIS COUNTY

Silas Conduct, 1776-1781

John Carle, 1781-1785

Abraham Kitchel, 1785-1789

SALEM COUNTY

Andrew Sinnickson, 1776-
1777; 1778-1780

Edward Keasby, 1777-1778

Whitten Cripps, 1780-1781;
1782-1783; 1786-1787

John Holme, 1781-1782; 1783-
1787-1789

SOMERSET COUNTY

William Paterson, 1776-1777

James Linn, 1777-1778

Abraham Van Neste, 1778-
1779

Ephraim Martin, 1779-1780;
1781-1790

John Witherspoon, 1780-1781

SUSSEX COUNTY

John Cleves Symmes, 1776-
1777; 1780-1781

Robert Hoops, 1777-1778;
1784-1786

Robert Ogden, 1778-1780

Hugh Hughes, 1781-1784

Mark Thomson, 1786-1789

INDEX

- Abbott, Abdon, 110
Abeel, James, 283
Alias, John, 60
Allen, Abraham, 254
Allen, Capt. Charles, 229
Allen, James, 117
Amwell, council convened at, 55
Ancocas (Rancocas) Creek, 62
Anderson, John, 123
Andrews, Elizabeth, 125
Acquackanonck,
 militia requisitioned, 143
 militia sent to, 120
Armstrong, James, 227
Arnold, Jacob, 189
Atkinson, Job, 240-241
Attorney General,
 see Joseph Bloomfield,
 William Paterson
Bacon, John, 240-241
Baird, Maj., 190
Baptists, First Day, Hopewell, Cum-
 berland County, 19, 43-44, 70
Bartholemew, Benjamin, 109
beacons for rendezvous, 111, 142-143
Beatty, John, 219; 230*n*-231*n*
Beaver, Col. Joseph, 85, 116, 168
Bell, Richard, 214
Bergen County, 13, 38, 124, 126, 141,
 159, 184, 189, 254, 267
 circuit court, 273
 court of oyer and terminer, 108,
 120, 147, 148, 189, 206, 225,
 238, 241, 242, 258, 266, 275,
 278, 283, 288
 enemy incursions, 73, 142
 militia requisitioned, 90, 104,
 113, 114, 115, 116, 117, 120,
 141-142, 144, 146, 150, 153, 156,
 162, 190
Biddle, Clement, 108, 109
Billop, Christopher, 136-137
bills of credit, 203, 204, 278
 exchange rate, 185, 199-200
Birch, James, 109-110
Bloomfield, Joseph, 124; 131*n*
 pay warrants, 253, 255, 259, 263,
 267, 271, 274, 278, 280, 281,
 284, 288
Bloomsberry, council convened at,
 159
Board, David, 124
Board, Capt. Joseph, 117
Bond, Elijah, 138
Borden, Joseph, 124
Bordentown, 62
Boudinot, Elias, 111, 129*n*, 289
Boudinot, Elisha, 128*n*
 pay warrants, 108, 120, 195, 199,
 212, 216, 218, 226, 236
Bound Brook, council convened at,
 121, 202, 203
Bound Creek, 190
Brearily, David, 148, 165, 166, 175*n*,
 211, 213, 235, 269
 pay warrants, 139, 147, 157, 181,
 195, 198, 211, 212, 216, 217,
 226, 236, 240, 242, 252, 255,
 256, 258, 263, 264, 266, 271,
 274, 275, 278, 279, 281, 283,
 284, 287
 presidential elector, 286-287
Brearily, Maj. Joseph, 181
Bridgewater, council convened at, 123
British Army, 9-10, 12-13, 34, 160, 172
 raids by, 63-64, 73, 74, 84, 87, 90,
 112, 113, 142
Brookfield, John, 143
Brown, Abiah, 124
Brown, Maj. Daniel, 168
Bryan, George, 93
Bryant, Innkeeper, 244, 245
Buck, John, 174*n*
Burdge, Jonathan, 91-92
Burgoyne, Gen. John, 13, 17
Burlington, 61, 62, 220
 council convened at, 243, 244,
 246, 251, 277, 278
 Supreme Court at, 76-78
Burlington County, 8, 124, 137, 138,

INDEX

- 220, 240-241
circuit court, 269, 277
court of oyer and terminer, 60, 82, 103, 155, 165, 197, 212, 221-222, 226, 243, 252, 257, 266, 270, 274, 277, 280, 283
enemy incursion, 188
militia requisitioned, 64, 72, 84, 94, 112, 114, 116, 141, 149, 162, 166, 192
- Burnett, William, 169
Burr, Col., 192
Cadmus, Thomas, 59
Cadwallader, Lambert, 289
Caldwell, Reverend James, 123, 131*n*, 223
Camp, Caleb, 145
Canfield, Thomas, 202
Cape May County, 70, 71, 75, 116, 124
circuit court, 262, 269, 277
court of oyer and terminer, 85, 119, 221-222, 226, 243, 246, 256, 257, 264, 266, 269, 274, 277, 280, 283
Carle, Capt. Israel, 63, 186
Carle, John, 143, 219, 231*n*
Caterline (Catterline), Lt. Joseph, 164
Chambers, Alexander, 93, 99*n*
Chambers, Col. David, 63, 96*n*, 116
Chambers, Capt. William, 85, 98*n*
Cheesquake, 160
Chestnutwood, Sebastian, 31
Chetwood, John, 293*n*
pay warrants, 286, 287
Chew, Aaron, 272
Chew, Jonathan, 109-110
Clark, Abraham, 127*n*-128*n*
Clark, Elijah, 246*n*
Clauson, Garrabrant, 227
Clerk of the Circuit Court, 17, 120, 195, 198, 212, 216, 218, 226, 236
Clerk of the Council, 41, 43, 45, 108
Clinton, Gen. Henry, 12
Clun, Joseph, 93
Clunn, Capt. Joseph, 71, 97*n*
Collins, Isaac, 41, 48*n*, 252
pay warrants, 256, 278
Commissary General of Forage, 108
Commissary of Prisoners, 111, 136-137, 155-156
Commissioners to settle pay of the New Jersey State Regiment, 14, 223-224, 261
Condict, Silas, 46*n*, 73
pay warrant, 43
Connecticut, 37
Constitution, State of New Jersey, 1, 2, 3, 4, 5, 15, 16, 22, 218-219
Constitution, United States, 18, 23, 286, 288-289
Continental Army, 6, 8, 10, 13, 14, 33, 36, 37, 38, 68, 93, 104, 114, 145-146, 161, 166, 168
light horse, 74, 145
Continental Congress, 6, 14, 15, 17, 18, 20, 36-37, 70, 74, 289-290
board of war, 86, 161, 165-166, 172
loan to states, 123, 141
President, 93, 135, 205, 213
proclamations, 149, 196, 213, 221, 252
resolutions, 36, 37, 38-39, 54, 105, 112, 123, 125, 135, 183-184, 202
Continental currency, 18, 199-200, 223-224
see also bills of credit
Cook, Ellis, 123
Cook, Paterson, 109-110
Cooper, John, 48*n*
pay warrant, 41
Cornbury, Lord, 5
Coryell's Ferry (Lambertville), 63
Council of Safety, 1, 8, 11, 12, 22, 23, 33
functions, 7
performance, 8-9, 15, 21
powers defined, 1, 6, 8
Court of Admiralty, 72
Court of Common Pleas, 64-65

INDEX

- Court of General Gaol Delivery, 83, 110, 197, 238
 General Quarter Sessions, 36, 55-56, 57, 59, 64-65, 69, 76, 78, 229, 230, 239, 254, 270-271, 282, 285
- Cox, John, 48*n*
 pay warrants, 41, 44
- Cox, Lawrence, 109-110
- Coxe, Charles, 59
- Crane, John Treat, 59, 202
- Crane, Stephen, 45*n*-46*n*
- Crane, Maj. William, 159, 170, 176*n*, 202
- Cress, Lt. Amos, 70, 75, 96*n*
- Cripps, Whitten, 207*n*
- Crosswicks, 60, 76-77, 192
- Crowell, Capt., 89, 111
- Cumberland County, 73, 124, 229
 circuit court, 262, 269, 277
 court of oyer and terminer, 60, 82, 85, 110, 119, 120, 221-222, 226, 243, 246, 256, 257, 264, 266, 269, 274, 277, 280, 283
 enemy incursion, 74
 militia requisitioned, 64, 72, 117, 149, 162
- Curshon, Joshua, 123
- Davis, Samuel, 73
- Davison, Joseph, 228
- Davison, Maj. William, 124
- Dayton, Col. Elias, 219, 231*n*-232*n*
- Deare, Jonathan, 97*n*
- Decker, Jesseur, 124
- defense of the frontiers, 13, 38, 39, 71-72, 85-86, 87, 104, 113, 116, 118, 120, 122, 124, 141-142, 143-144, 149, 159-160, 165, 190, 229, 237
- Delaware, 3, 4, 205
- Delaware River, 61-62, 71, 85, 115
- Demarest, Benjamin, 122
- Demarest, Lt. David, 142, 175*n*
- Denny, Thomas, 68, 124
- De Peyster, Pierre, 219-220
- Deursen, William, 123
- Dey, Col. Theunis, 113, 175*n*, 190
- Dickinson, Maj. Gen. Philemon, 53, 81, 94*n*, 111, 192, 194
- Dilks, John, 109-110
- Dilks, Joshua, 109
- Dill, Joseph, 109-110
- Dillen, Williams, 83
- Dobb's Ferry, 165-166
- Dunham, Aaron, 292*n*
 pay warrants, 279, 280, 281, 284, 288
- Dunham, Azariah, 208*n*
 pay warrants, 196, 218
- East Jersey Proprietors, 2
- Edgar, Maj. Clarkson, 162, 168, 176*n*, 186, 202
- Edger, B., 172
- Edison, John, 80
- Egbert, Maj. Thomas, 186, 207*n*
- Egg Harbor, 192
- Eldridge, Jeremiah, 291*n*-292*n*
- elections,
 Congressional, 1788, 18-19, 288-290
 Gubernatorial, 1802, 23
- Elizabeth Town, 53, 88, 107, 125, 186
 council convened at, 143, 144, 256, 261, 262, 269, 273, 277, 288
 militia requisitioned, 144, 203
 militia sent to, 159, 165, 170, 181, 190
- Ellis, Col. Joseph, 61, 62, 63, 71-72, 116, 292*n*-293*n*
- Elmer, Jonathan, 207*n*
- Elmer, Theophilus, 46*n*
- Ely, Lt. Col. George, 202, 208*n*
- Emmons, Stephen, 91-92
- Erskine, Robert, 117, 130*n*
- Essex County, 8, 13, 38, 57, 59, 80, 123, 126, 229, 230, 239
 circuit court, 273
 court of oyer and terminer, 60, 66, 82, 108, 119, 127, 139, 148, 155, 213-214, 216, 217, 221-222, 238, 245, 256, 265, 268, 271, 275, 278, 281, 283
 election of 1788, 289

INDEX

- militia requisitioned, 90, 114, 116, 144-145, 162, 170, 184
 militia sent to, 114, 115, 116, 120, 184
 Ewing, James, 176*n*, 223, 261
 pay warrants, 147, 158, 182, 195, 199, 212, 216, 218, 227, 236, 242, 253, 256, 259, 260, 263, 267, 276
 Ewing, Maskell, 276, 292*n*
 Faesch, John Jacob, 143
 Fagan, Jacob, 91-92
 Farr, Thomas, 125
 Feesman, Daniel, 109-110
 Fell, John, 246*n*
 Fell, Lt. Col. Peter, 120
 Fennimore, Abraham, 109
 Fennimore, Thomas, 240
 Fenton, Lewis, 125
 ferries, 62
 fines, 31, 188, 218, 229, 239, 244, 254, 267, 271, 272, 282, 283, 288
 Fitz Randolph, Capt. Nathaniel, 136-137, 174*n*
 Fitz Randolph, Samuel, 291*n*
 Flemington, 58
 Forman, David, 291*n*
 Forman, Ezekiel, 83-84, 87, 206
 Forman, Col. Samuel, 64, 96*n*, 109
 France, 205
 Franklin, Benjamin, 21
 Franklin, John, 109-110
 Franklin, William, 15-16, 42, 86, 96*n*
 Frazier, David, 123
 Freehold, 272
 Frelinghuysen, Col. Frederick, 114, 121, 129*n*, 150, 153, 168, 186, 190, 223
 French alliance of 1778, 17, 106
 French Consul General, 205
 Furguson, Rachel, 124
 Furman, Moore, 58, 95*n*
 Gates, Maj. Gen. Horatio, 37, 38
 General Auditor of Accounts, 17
 see James Ewing, Aaron Dunham
 Gibson, George, 110
 Gloucester County, 8, 54, 68, 109, 124, 137, 183, 219, 282
 circuit court, 269, 277
 court of oyer and terminer, 85, 119, 120, 123, 127, 149, 172, 193, 195, 198, 213-214, 221-222, 225, 226, 243, 246, 256, 257, 266, 270, 272, 274, 277, 280, 283
 enemy incursion, 63-64
 militia requisitioned, 64, 72, 114, 116-117, 163
 militia sent to, 63-64
 Goetschius, Capt. John Maurituis, 73, 97*n*, 159
 Grand Jury, 261
 Green, William, 31
 Groom, Elijah, 91-92
 Grover, William, 83
 Growendyck, Maj. Samuel, 162, 168, 176*n*, 202
 Guest, Capt. William, 162
 Guilham, Capt., 203
 Gyberson, William, 203
 Hackensack, 73, 113, 150
 Haddonfield, 64, 69, 71
 council convened at, 39, 40
 Hadon, Richard, 173
 Hall, David, 135
 Halsey, Benjamin, 143, 245
 Halstead, Matthias, 155-156
 Hammil, William, 109
 Hampton, John, 155-156
 Hancock, John, 37
 Hand, Jesse, 70, 75, 95*n*-96*n*
 Hand, Jonathan, 48*n*
 pay warrant, 41
 Hankison, Col. Aaron, 86, 98*n*, 115, 122, 125, 150, 151, 155, 161, 168
 Harbert, William, 224
 Haring, Peter, 124
 Harper, Robert, 122
 Haring, Capt. Abraham, 73, 97*n*
 Harrington, 150
 Harris, Ephraim, 128*n*
 Hay, Isaac, 72

INDEX

- Hayes, Maj. Samuel, 120, 130*n*, 159
 Heard, Gen. Nathaniel, 143, 175*n*
 Hedden, Joseph, 59
 Helm, Peter, 137
 Helme, Tunis, 122
 Hendricks, Abraham, 222
 Hessians, 9-10
 Hillsborough, council convened at, 78, 86
 Hilton, Joseph, 110
 Hoagland, Maj. Oakey, 62, 96*n*, 162, 168, 202
 Hogeland, Ens. Cadius, 142, 175*n*
 Holker, Sieur John, 205
 Holme, John, 219, 230*n*
 Holmes, Col. Asher, 84, 98*n*, 113, 114, 141, 149, 290, 291*n*
 Holmes, Joseph, 41, 49*n*
 Hooper, Robert Lettis, 291
 Hoops, Robert, 94*n*
 Hopewell, Cumberland County, 43, 70
 Hopewell, Hunterdon County, 192
 Hornblower, Josiah, 230*n*
 hospitals, 122
 House of Representatives, 18, 288-290
 Houston, William Churchill, 20-21, 223, 232*n*, 261
 Hugg, Joseph, 219, 231*n*, 272
 Hughes, Elijah, 231*n*
 Hull, Benjamin, 59
 Hunt, John, 63
 Hunterdon County, 8, 123, 270
 court of oyer and terminer, 58, 66, 82
 militia requisitioned, 64, 71, 85, 90, 112, 114, 116, 141, 149, 153, 162, 181, 192
 Huysen, Hendrekus, 124
 Hyer, Col. Jacob, 64, 96*n*
 Imlay, John, 95*n*
 Indians, 85, 115, 124, 151
 Inferior Courts of Common Pleas, 36, 55, 68, 76, 78
 Jackson, Charles, 137, 175*n*
 James, John, 188
 James, Robert, 196
 Jaques, Col. Moses, 144, 159, 170, 176*n*, 186, 190
 Jenkins, Jonathan, 128*n*
 Johnson, Eliphalet, 59
 Johnson, Icabod, 241
 Johnson, Jonas, 31
 Johnston, Samuel, 58-59
 Jones, Elizabeth, 260
 Jones, John, 156
 Kean, Capt. Nicholas, 237, 247*n*
 Keasby, Edward, 94*n*
 Kelsey, Enos, 93, 99*n*
 King's Privy Council, 4
 Kinsey, James, 287, 293*n*
 Kitchel, Abraham, 143, 175*n*, 245
 Kollock, Shepard, 135, 174*n*
 Lakarsack, 124
 Langley, Reuben, 110
 Lawrence, Elisha, 206*n*, 219
 Lee, Benjamin, 191
 Liberty Pole (Englewood), 113
 Lindsly, Benjamin, 143, 170
 Linn, James, 94*n*
 Lippincott, Judiah, 240
 Livingston, Governor William, 1, 8, 10, 11, 12, 20
 council of safety, 7-8
 ordinances, 55-56, 64-66, 76-77, 78
 pardoning policy, 15-16
 pay warrants, 81, 103, 119, 139, 147, 157, 174, 181, 195, 198, 211, 216, 217, 226, 236, 242, 252, 255, 258, 263, 266, 271, 274, 278, 279, 281, 284, 287
 proclamations, 17, 32-35, 35-36, 91-92, 105-107, 205
 Longacoming, Gloucester County, 68
 Lord, Isaac, 109
 Loyalists, 6, 7, 8, 9, 12, 13, 33, 34, 38
 Loyd, David, 109-110
 Lozhier, John, 136-137
 McCollough, Jacob, 124
 McComb, James, 163, 177*n*
 McDonald, Richard, 285, 293*n*
 McEllery, Michael, 83

INDEX

- McGee, Francis, 31
 McKean, Thomas, 205
 McMurtrie, John, 124
 MacGinnis, John, 59
 Manning, Benjamin, 206*n*
 Marpole, North, 204
 Marsh, Capt. Daniel, 145, 176*n*
 Martin, Ephraim, 174*n*, 219, 290
 Martin, Jacob, 123
 Maryland, 3
 Massachusetts, 3, 37
 Matlack, Caleb, 219
 Maxwell, John, 159
 Maxwell, Gen. William, 88, 90, 99*n*
 Maybee, Mendert, 122
 Maybee, Peter, 122
 Mayhew, John, 291*n*
 Meeker, Capt. Obadiah, 145
 Meeker, Maj. Samuel, 85, 98*n*, 168
 Meeker, Uzal, 288
 Mehelm, John, 223, 232*n*
 Middlesex County, 13, 35, 38, 55-56,
 65, 80, 123, 126, 244
 circuit court, 273
 court of oyer and terminer, 103
 139, 147, 165, 195, 197, 198,
 212, 221-222, 225, 243, 251, 252,
 264, 266, 275, 278, 282, 283
 militia requisitioned, 64, 90, 112,
 114, 116, 140, 144-145, 152, 162,
 171
 militia sent to, 84, 116, 120
 military stores, 6, 14, 21, 63, 93, 108-
 109, 185-186
 militia, 6, 7, 8, 9, 10, 33-34, 54, 56,
 63-64, 68, 71, 111, 127, 202
 appointments, 13-14, 53-54, 120,
 121, 159, 168, 223
 cruelties by, 202
 desertion, 38, 172
 exemption fee, 10-11, 21
 light horse, 115, 145-146
 quotas, 37
 refusal to serve, 244
 substitutes, 10-11, 21, 53
 Millstone, 77
 Minisink, 125, 151, 155
 Monmouth, battle of, 12
 Monmouth, campaign of, 81
 Monmouth County, 13, 38, 83, 123,
 126, 159, 222
 circuit court, 269
 court of oyer and terminer, 59-60,
 66, 82, 83, 108, 127, 139, 148,
 184, 191, 195, 196, 206, 211,
 214, 216, 221-222, 224, 225, 240,
 243, 246, 252, 259, 266, 270,
 275
 enemy incursion, 202
 militia requisition, 64, 84, 93,
 94, 112, 114, 117, 140, 141, 149,
 162, 190, 194
 militia sent to, 84, 93-94, 112-113,
 114, 115, 117, 141, 149, 190
 Moody, James, 160-161, 176*n*, 203
 Moore, David, 287, 283*n*
 Morgan, Capt. James, 38, 48*n*, 67, 79,
 84, 152, 158
 pay warrant, 68
 Morris County, 8, 53, 59, 60, 123, 164,
 167, 170, 173, 187, 189, 245
 circuit court, 273
 court of oyer and terminer, 40,
 66, 87, 103, 143, 164, 189, 196-
 197, 201, 206, 217, 228, 238,
 242, 245, 253, 261-262, 265, 273,
 275, 282, 283
 militia requisitioned, 85, 90, 114,
 116, 162, 164
 Morris, Israel, 163, 177*n*
 Morris, Robert, 49*n*
 pay warrants, 42, 66, 82, 103, 119
 Morristown, 8, 10, 57, 73, 161, 189, 202
 council convened at, 32, 86, 150,
 151, 163, 165, 166, 167, 168, 169
 Mott, James, 290*n*
 pay warrants, 256, 259, 263, 264,
 266, 271, 274, 278, 280, 281,
 284, 287
 Mount Holly,
 council convened at, 135, 137,
 138, 139, 140, 141, 142

INDEX

- Mullen, Robert, 83
 Mulliner, John, 228
 Munson, Col. John, 85, 98*n*
 Musick, Peter, 148-149
 Neal, Robert, 155-156
 Neilson, Col. John, 54, 88, 89, 94*n*,
 114, 120, 121, 152, 186, 190, 223,
 261, 286-287
 Navesink, 111
 Newark, 145-146, 202
 militia requisitioned, 143, 144,
 145, 169, 172, 203
 militia sent to, 163, 169, 172, 190
 New Barbadoes, 150
 Newbold, William, 290*n*
 New Brunswick, 10, 55-56, 64, 65, 88-
 89
 council convened at, 257, 270, 271
 court of oyer and terminer, 80
 militia sent to, 186
 Newcomb, Gen. Silas, 54, 95*n*
 New Germantown (Oldwick), 168
 council convened at, 31
 New Hampshire, 37
 New Jersey State Regiments, 123, 124-
 125, 141, 160, 165-166, 197, 201-202,
 203
 New Jersey Volunteers,
 see Loyalists
 Newtown, 31
 New York, 3, 6, 10, 12, 13, 34, 37, 38,
 88, 111, 122, 136, 166, 205
 Nicholson, Joseph Stockton, 126
 Nitingale, Thomas, 109
 North Carolina, 3, 4
 Nutman, James, 59
 Oakes, Elijah, 260
 Oakes, Isaac, 260
 Ogden, David, 230
 Ogden, Isaac, 219
 Ogden, Matthias, 286-287, 291*n*
 Ogden, Robert, 123, 128*n*
 Ogden, Samuel, 219, 231*n*
 O'Hara, James, 203
 Old Bridge, 73
 Oldwick, council convened at, 31
 Otto, Col. Bodo, 116, 130*n*
 Outwater, Capt. John, 142, 144, 146,
 175*n*
 Pancake, Peter, 93
 pardons, 15-16, 19, 20, 22, 31, 53, 57,
 59, 60, 73, 80, 83, 87, 109-110, 126,
 137, 138, 149, 173, 183, 188, 191,
 196, 206, 214, 218-219, 224, 227, 228,
 229, 230, 239, 240, 244, 251, 254,
 260, 267, 270-271, 272, 275, 282,
 283, 285, 288
 Paterson, William, 46*n*-47*n*
 pay warrants, 41, 46, 82, 104, 120,
 140, 148, 157, 182, 195, 198,
 212, 216, 217, 226, 236, 242,
 253
 Peakskill [Peekskill], New York, 165
 Peck, John, 59, 292*n*
 Pennsylvania, 37, 61, 63, 93, 205
 Pennsylvania Line, mutiny of, 192
 Perth Amboy, 7, 10, 55, 64, 65, 77-78,
 145, 146, 186
 militia requisitioned, 152
 Supreme Court at, 36-38, 77-78
 Pettit, Charles, 50*n*, 56
 pay warrants, 41, 43, 45, 67, 104
 Pettit, Nathaniel, 31
 Philadelphia, 6, 12, 64, 73, 84, 172
 Philips, Col. Joseph, 63, 64, 96*n*, 112,
 116
 Phillips, Sarah, 191
 Pierce, Joshua, 214
 Pluckamin [Pluckemin], 122
 Polhemus, John, 83
 Pompton, 73
 Pomray (Pomeroy), Ralph, 73
 Poughkeepsie, New York, 122
 Pratt, Joseph, 109-110
 Preakness,
 council convened at, 160, 163
 President of the United States, 286
 Presidential electors, 18, 286
 Princeton, 8, 10, 20, 54, 56, 65, 76-77,
 78, 92, 154, 186
 council convened at, 42, 43, 44,
 53, 54, 57, 58, 74, 75, 77, 79,

INDEX

- 80, 81, 82, 84, 85, 87, 88, 89, Ringo, John, 55, 95*n*
 90, 91, 92, 93, 108, 111, 112, Robertson, John, 57
 196, 197, 200, 201, 204, 205, Rosbrook, Robert, 31
 285, 286, 287 Rosecrants, Col. John, 115, 122, 129*n*,
 Supreme Court at, 35-36 151, 162
 Prisoners, 31, 40 Rutherford, John, 287, 293*n*
 care and exchange, 15, 86, 111, St. Clair, Gen. Arthur, 145
 127, 136-137, 155-156, 163-164, Salem County, 124, 137
 166, 167, 172 circuit court, 262, 269, 277
 Privy Council, court of oyer and terminer, 85,
 appointments, 13-14, 53-54, 72, 110, 119, 120, 160, 183, 195,
 93, 120, 121, 142-143, 159, 168, 221-222, 226, 243, 246, 256, 257,
 223-224 264, 266, 270, 274, 277, 280,
 arrest warrant, 93 283
 congressional election returns, 1-8 militia requisitioned, 64, 72, 117,
 19, 23, 288-290 149, 162
 currency, 18, 19, 185, 199-200 Salem Creek, 62
 executions, 84, 159, 187 Sanders, John, 53
 extraditions, 15 Schenck, Abraham, 270-271
 powers defined, 2, 4, 6, 9-11, 13-19 Schenck, Jacob, 270-271
 quartermaster department, 14, 69, Schenck, John, 270-271
 125-126 Schenck, Capt. John, 124, 244, 247*n*
 recruitment, 38-39, 161 Schenck, Peter, 123, 270-271
 Proclamations, Continental Congress, Schenck, Ralph, 270-271
 149, 196, 213, 221, 252 Schureman, James, 289, 294*n*
 Quakers, 244 Scudder, Capt. John, 203
 Queen Anne, 5 Scudder, Nathaniel, 46*n*
 Rahway, 186 Scudder, Col. William, 112, 160, 171,
 Rahway River, 186, 190 186, 190, 208*n*
 Raritan, 120, 156 Seaby, Timothy, 224
 Read, Col. Charles, 62, 96*n* Secretary of State, 17
 Reading, Joseph, 246*n*-247*n* see Charles Pettit,
 Receiver General of Clothing, 93, Bowes Reed
 107, 163 Seeley, Ephraim, 124
 Red Bank, 53-54 Seeley, Col. Sylvanus, 162, 168, 176*n*,
 Rednor, William, 267 202, 203
 Reed, Bowes, 92, 99*n*, 107 Sehymor, Abraham, 124
 pay warrants, 120, 140, 148, 158, Sellers, Henry, 191
 182, 195, 199, 212, 216, 218, Sellers, William, 135
 226, 236, 242, 253, 255, 256, Seward, Lt. Col. John, 115, 130*n*
 259, 264, 267, 272, 274, 279, Sheldon, Joseph, 240
 280, 281, 284, 286 Shipler, Henry, 31
 Reed, Thomas, 229 Shreave, Col. William, 167, 177*n*, 188,
 Remsen, Henry, 123 220
 Reynolds, Col. Thomas, 137, 175*n* Shrewsbury, 91-92
 Rinehart, Maj. Godfrey, 168, 177*n*

INDEX

- Simcoe, Lt. Col. John G., 136-137, 175*n*
 Sinnickson, Andrew, 48*n*
 pay warrant, 41
 Sinnickson, Thomas, 289, 294*n*
 Skinner, Timothy, 31
 Slater, Jonathan, 245
 slaves, 137, 138, 285
 Smith, Benjamin, 276, 292*n*
 Smith, Isaac, 49*n*
 pay warrants, 42, 66, 82, 103, 119, 127, 139, 147, 157, 174, 182, 195, 198, 212, 216, 217, 225, 226, 236, 242, 246, 253, 255, 257, 258, 263, 266, 271, 274, 278, 279, 280, 281, 283, 284, 287
 Smith, Joseph, 292*n*
 Smock, Capt. Barnes, 154, 176*n*
 Somers, Col. Richard, 117, 130*n*
 Somerset County, 8, 77-78, 121-122, 124, 199, 285
 circuit court, 273
 court of oyer and terminer, 147, 199, 201, 212, 225, 227, 240, 257, 258, 266, 268-269, 271, 273, 275, 283
 militia requisitioned, 90, 114, 116, 122, 150, 153, 162, 164, 181, 184
 South Amboy, 39, 56, 67-68, 79, 141, 158, 171, 190
 South Carolina, 3, 4
 Sparks, John, 124
 Springfield, council convened at, 113, 244, 245
 Starke, Col. John, 168, 177*n*
 Staten Island, 34, 38, 156, 164
 Steel, James, 282
 Stevens, John, 45*n*
 pay warrants, 41, 43, 44
 Stevens, John Jr., 49*n*-50*n*
 pay warrants, 42, 67, 82, 104, 120, 140, 148, 157, 182, 195, 198, 212, 216, 217, 226, 236, 242, 253
 Stevens, Richard, 58
 Stevens, Richard Dove, 187
 Stiles, Jonathan, 143
 Stillwell, John, 93
 Stockton, Richard, 42, 49*n*
 Stokes, John, 72, 97*n*
 Striker (Stryker), Capt. John, 186, 207*n*
 String, Charles, 109-110
 Superintendent of Purchases, 14, 196, 218
 Supreme Court
 Associate Justices,
 see Isaac Smith, John Cleve Symmes, John Chetwood
 Chief Justice,
 see Robert Morris, David Brearly
 Sussex County, 13, 116, 122, 124, 151, 159, 160-161, 164
 circuit court, 273
 court of oyer and terminer, 66, 87, 103, 146, 197, 215, 217, 243, 252, 258, 264, 273, 275
 militia requisitioned, 71, 115, 122, 125, 150, 162
 Sweesy, Caleb, 203
 Sweesy, Isaac, 203
 Symmes, John Cleves, 46*n*
 pay warrants, 41, 43, 44
 Associate Justice, 83, 87, 109, 155, 158, 201, 261
 pay warrants, 42, 66, 82, 103, 119, 139, 147, 157, 174, 182, 195, 196-197, 198, 206, 212, 216, 217, 226, 236, 238, 242, 253, 255, 258, 263, 265, 281
 Tallman, Peter, 41, 49*n*
 Tappen Shoals, 73
 Taylor, Col. John, 116, 121, 130*n*, 168
 Temple, Nathaniel, 123
 Ten Eycke, Cornelius, 270-271
 Thanksgiving proclamations, 54-55, 105-107, 135, 182, 183, 213, 252
 Thomas, William, 201
 Thompson, David, 123

INDEX

- Thompson, Brig. Gen. William, 86, 98*n*
- Thomson, David, 143
- Thomson, Elphinstone, 110
- Thomson, John, 214
- Thomson, Mark, 292*n*
- Toms River,
 militia requisitioned, 197
- trade with the enemy, 6, 14-15, 32-35, 60-62
- Treasurer, 17
 see John Stevens Jr., James Mott
- Trenton, 7, 10, 14, 20, 61, 66, 93, 107,
 council convened at, 60, 61, 62, 63, 64, 67, 68, 69, 70, 71, 72, 73, 103, 104, 105, 107, 114, 115, 116, 117, 118, 119, 126, 127, 136, 146, 147, 148, 149, 152, 153, 154, 155, 156, 157, 158, 159, 170, 171, 172, 173, 181, 182, 183, 184, 185, 187, 188, 189, 190, 191, 192, 193, 194, 198, 200, 211, 213, 214, 215, 217, 218, 219, 220, 221, 222, 223, 224, 225, 227, 228, 229, 230, 235, 237, 238, 239, 240, 241, 251, 252, 254, 255, 258, 259, 260, 261, 263, 264, 265, 266, 267, 268, 272, 273, 275, 276, 279, 280, 282, 283, 284
 militia sent to, 63
- Urine, Gideon, 109-110
- Valley Forge, 63
- Van Alstine, Jeremiah, 275
- Van Brunt, Nicholas, 84, 123
- Van Cleve, Benjamin, 292*n*
 pay warrant, 276
- Van Cortlandt, Col. Philip, 143, 163, 169, 172, 175*n*, 190
- Van Dyck, Col. Hendrick, 150, 176*n*, 190, 199
- Vanderhoof, Hendrick, 254
- Van Neste, Abraham, 128*n*
- Van Wagenon, G., 142
- Vannote, Jacob, 91-92
- Vannote, William, 91-92
- Virginia, 3
- Wall, John, 239
- Walton, Maj. Elisha, 120, 130*n*, 190
- Walton, Capt. John, 197, 208*n*
- Ward, Capt. Jonas, 203, 208*n*
- Ward, Capt. Peter, 150, 176*n*
- Warwick, Anthony, 137
- Washington, George, 11, 38, 74, 89, 104, 109, 111, 114, 127, 161, 165-166, 219-220
 critical of legislature, 10-11
 praised militia, 13
- Webster, Col. John, 112, 129*n*, 160, 186
- Wells, Harrison, 109-110
- Wescot, Richard, 124
- West, Col. Jacob, 115, 122, 125, 150, 155, 160-161, 168
- Westbrook, Maj. Samuel, 85, 98*n*
- William, Aaron, 230
- Williams, Lt. John, 203, 208*n*
- Wilson, Asa, 251
- Wilstead, Edward, 93
- Winds, Gen. William, 87, 98*n*
- Witaker, Robert, 110
- Witherspoon, John, 206*n*
- Wood, Gordon, 21
- Woodbridge,
 enemy incursion, 185-186
 militia requisitioned, 112
 militia sent to, 160, 186, 190
- Woolverton, Thomas, 31
- Worley's Tavern (Bridgewater),
 council convened at, 123
- Worth, Samuel Jr., 244
- Wright, Samuel, 91-92



