

*New Jersey's  
Revolutionary Experience*

**20**

*New Jersey's  
Loyalists*

DENNIS P. RYAN

*New Jersey Historical Commission*

## NEW JERSEY'S REVOLUTIONARY EXPERIENCE

Larry R. Gerlach, *Editor*

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

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## Foreword

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

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

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*Cortlandt Skinner (1727-1799). Former Speaker of the colonial assembly and provincial attorney general, Skinner commanded Loyalist troops during the revolutionary war. Courtesy New Jersey Historical Society.*

The society of revolutionary New Jersey was divided into three large segments by divergent attitudes towards American independence and the revolutionary war. While this essay will deal primarily with the one-third of the state's inhabitants who remained loyal to the British government and King George III, it will also deal briefly with those who made the often futile attempt to remain neutral in the conflict.

Leaders of both sides in the American Revolution acknowledged the existence of a substantial number of persons in New Jersey who gave their loyalty neither to the rebels nor to the king. The neutrals were a diverse group. Some took protection from the onrushing British troops that crossed the state in pursuit of Washington's army in 1776. Others did so when the British occupied their town. Before the battle of Trenton in December 1776, when the outlook for American independence was bleak, many sought British protection. Later their loyalties shifted with the tide of battle. Azel Roe, a Presbyterian minister of Metuchen, noted that many avowed or inert Loyalists sensed the impending defeat of the British by 1782 and in their behavior were "Almost Whigs." Many men of property continually feared confiscation, which kept them silent or made them attempt a public neutrality, whatever their political views. Only flight was a sure sign that a citizen was a Loyalist in the eyes of the new state government. The British did not expect all loyal Americans to flee rebel territory; a sympathizer of the king had a good chance of keeping his estate if he simply remained at home. Not that most large landowners and prosperous farmers were either neutrals or passive Tories, but as a group they

had the most to lose by active involvement on either side and were therefore a disproportionately large percentage of the neutrals. The age group most apt to be neutral was that old enough to have attained some wealth and status.

The only actively neutral group in New Jersey was Quaker. Opposed on religious grounds to war and the bearing of arms, the Friends disowned members who paid taxes, furnished substitutes for the militia or took up arms even in defense of their homes and property. This communal pressure to remain neutral accounts for the high degree of conformity to the ideals of their meeting. The large Quaker family groups remained totally uninvolved in the war effort. Quakers were a significant proportion of those who fled the state — evidence of the pressure the state government exerted on the neutral and wavering among New Jersey's population.

The numerical strength of the neutrals and Loyalists in New Jersey is unknown. One historian has examined the rolls of men who enlisted for service in Cortlandt Skinner's Loyalist New Jersey Volunteers and found that 2,450 men actively served at some time from the creation of the six battalions in 1776 to their disbandment in 1783. This figure seems small compared to New Jersey's total estimated population in 1780 of 140,000. However, one must add large numbers of Loyalists who did not serve because of infirmity, age or disinclination to fight. A list of 1,727 Loyalists contained only 16 percent who had served under Skinner. Adding wives and children, this historian has concluded that more than a third, or over fifty thousand, of New Jersey's inhabitants were Loyalists.

A neutral was, by definition, not identified by active support of either side. The only recorded evidence of his neutrality was in failure to pay taxes, payment of militia fines, or petitions to the legislature. Most neutrals were unidentified, and they lived out the war with no record of their actions or feelings. The number of apathetic, reluctant or hesitant New Jersey citizens was substantial. A study of six towns in the eastern section of New Jersey shows that neutrals ranged in numbers from 40 percent in Shrewsbury to less than one percent in Morristown. Thus, the accident of location (the proximity of the British and American armies) had a great influence upon the determination of sides — or the desire to sit out the war. In Shrewsbury the presence of British forces at Sandy Hook caused many to remain neutral. On the other hand, the Continental army



spent much of its time at Morristown. To resist service or to refuse to sell or cart supplies was an act of disloyalty in that center of patriot sentiment. Possibly one-third of the population was aiding the British cause in some manner. One-third at least during the period 1776-1778, when the American prospects were bleak probably neither participated in the war nor cared who won. Thus, roughly two-thirds of the people of revolutionary New Jersey were not engaged in winning American independence. The state government faced immense problems of support and loyalty, and internal violence was common.

The typical American Loyalist was an outsider in colonial society, with little allegiance to the American political and social order that had matured in the eighteenth century. He was, at times, a recently arrived immigrant who had no bonds of understanding or sympathy with his new neighbors. However, New Jersey by 1770 was no longer an area of immigration. Only pockets of those unassimilated by ethnicity or religion remained in such regions as the Musconetcong Valley; they made up only a small element of Loyalist sentiment.

The most obvious group of outsiders among the population was the crown officials themselves. The royal governor had the power to appoint judges, the attorney general, and members of his council. These were prestigious appointments for the ambitious members of New Jersey's elite. The primary loyalty of these officials was to the home government. All of them risked removal from office in the event of any serious breach with the crown over policy. William Alexander recognized this when he resigned from the governor's Provincial Council (the upper house of the colonial legislature) to assume a military command in 1775 in the rebel militia.

As the split between Great Britain and America widened, these officials became targets of colonial opposition. Stephen Skinner was the treasurer of East Jersey. The robbery of his home in 1768 resulted in the loss of an important source of hard coin. This crime became intertwined with the imperial crisis and Governor William Franklin's popularity. After much controversy, in particular in the assembly, blaming Skinner for his negligence, he was forced to resign in 1774. In March 1776 he returned to his home in Perth Amboy but was compelled to leave again. His house and out buildings

were burned and his property confiscated. He then served as a major in a Loyalist battalion led by his brother, Cortlandt Skinner, the last attorney general of colonial New Jersey. After refusing an offer to serve in the patriot army, Cortlandt Skinner left New Jersey early in 1776 and became head of the New Jersey Volunteers as brigadier general. Two of his sons also served actively. Other prominent officials who had a stake in their loyalty to the crown were Isaac Ogden, John Antill and Frederick and John Smyth.

The most prominent royal official to become a Loyalist was, of course, Governor William Franklin. Despite his efforts to moderate between an insensitive British ministry and rising opposition in New Jersey, Franklin lost authority as resistance led to rebellion with the formation of the revolutionary Provincial Congress in May 1775. Facing a de facto government raising troops and collecting taxes in his province, he was unable to rule effectively. In January 1776 his mansion in Perth Amboy was surrounded, and he was threatened with arrest until he agreed to remain in the state. His call for a new assembly in May 1776 was the pretext for his arrest in Perth Amboy by order of the Continental Congress. He was interrogated and sent under guard to prison in Litchfield, Connecticut. While he was there his wife died in New Jersey. After his exchange Franklin spent most of the war in New York City, where he was a founder and member of the Board of Associated Loyalists. At the end of the conflict he left for England where he died in 1813. As popular allegiance shifted to the new Provincial Congress, former royal officials, in the main, saw no future for themselves in the colony.

Another elite group, the East Jersey Proprietors, had long been regarded with hostility by the people of the region because of their efforts to gain ownership of disputed land. The conflict over claims to ownership of the land in Elizabethtown (modern Elizabeth) and Newark had come to a head in the 1740s, when there was sporadic violence in Essex and Morris counties. In 1745 the proprietors were finally able to contest the squatting on their land by filing a bill in chancery court against the settlers of Essex County. Resistance to the proprietors flared up again in the 1760s, when residents of Newark fought off efforts to evict them from the disputed lands. When some were arrested, others came to Newark and burned the home and property of David Ogden, one of the lawyers for the proprietors. Ogden became a proprietor and then a judge in 1772,

and he served in Governor Franklin's council. In January 1777 he fled to the British. Others who fled included Joseph Barton, proprietary agent, and James Parker, president of the East Jersey Board of Proprietors. Fear of retaliation and the loss of their land claims must have played a part in their decision. Understandably, Perth Amboy and Burlington, the East and West Jersey capitals, included more than their share of those who joined the British.

The Loyalist was motivated not only by a positive allegiance to his king but also by fear of the negative effects of the end of British rule. Members of the Anglican Church strongly identified with loyalism. The established Church of England was relatively new to New Jersey. When its missionaries came to Burlington, Perth Amboy, New Brunswick, Newark and other New Jersey towns, they found themselves isolated as outsiders. By 1720 Congregationalists, Presbyterians, Baptists, Quakers, and Dutch Reformed were the principal Protestant denominations in the colony. All were hostile to Anglican missionaries trained in England and sent by the Society for the Propagation of the Gospel in Foreign Parts. In the eighteenth century the Church of England grew in New Jersey. Its new members came from all ranks of society but tended to be wealthy landowners and merchants in commercial towns such as Shrewsbury and Newark. In a colony where religious persecution or favoritism was illegal, the Anglicans were tolerated.

Although religion had no part in the change of British ministerial policy, religious tension became inseparable from the political conflict between England and its colonies. By the 1760s this tension was inflamed by the Anglican ministers' appeal to the crown for the appointment of an American bishop. Their aggressive position created ill feeling between Presbyterians and Anglicans. One of the leading spokesmen for a greater role of Anglicanism in America was Thomas Bradbury Chandler, the minister at Elizabethtown. His book, *An Appeal to the Public in Behalf of the Church of England in America*, published in 1767, set forth the argument for an American bishop. With the coming of the Revolution, their tacit approval of British policy placed Anglican ministers and congregants in a tenuous position, as the patriots, many of them Presbyterians, assumed positions of leadership in the Provincial Congress. Fear of a government dominated by forces hostile to their church compelled many Anglicans to flee to British lines. They interpreted the war as



*Thomas Bradbury Chandler (1726-1790). Rector of St. John's Anglican Church in Elizabethtown, he was a prominent Loyalist pamphleteer. Courtesy Library of Congress.*

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an aggressive attempt by nonconformists to destroy the power of the British government and stop the rising competition of the Anglican Church. The leading historian of that church views the war as a religious confrontation, and it was so perceived by New Jersey Loyalists. Cortlandt Skinner, the attorney general and leader of the New Jersey Volunteers, wrote: "For the present State of it [the Revolution circa December 1775] the Pride, Ambition, and Interest of those who, Enemies to the Ecclesiastical Establishment of their Country, have long plotted..." Governor William Franklin conveyed a similar interpretation to the British ministry in 1778 in which he called the war a conspiracy.

The dimensions of the Anglican allegiance to Great Britain cannot be determined accurately for the state as a whole, but it has

been determined for the six towns of Newark, Morristown, Piscataway, Woodbridge, Shrewsbury and Middletown. Although the Anglicans were only 14.2 percent of persons with known religious affiliation in those towns, they were 40.5 percent of the Loyalists. In contrast, Presbyterians were 35.7 percent of the known congregants but only 1.3 percent of the Loyalists identified by religion. The letters of Samuel Cooke of Shrewsbury and Isaac Browne of Newark, Anglican ministers who fled to the British, leave little doubt that their parishioners generally supported the king's church. Cooke wrote: "Few of them indeed have swerved from the Path of Duty."

The only other religious group significantly aligned with the British were the Quakers. In most instances they were young people who fled to New York to bear arms in Loyalist brigades. Others left their homes in desperation to escape unremitting pressure either to disavow their religious principles or face economic retaliation. Samuel Cooke accurately reported that many of the people of Shrewsbury, "both Church [Anglican] people and Quakers," were behind British lines. Many Quakers, including prominent merchants, lawyers, and landowners, became active members of Tory regiments led by Anglicans Cortlandt Skinner, Edward V. Dongan, Joseph Barton and Elisha Lawrence.

The Loyalists of New Jersey came from all classes of society. While some enjoyed an economic status significantly above that of the majority of the population, there were also many poor and marginal individuals who served in Loyalist brigades, so that it would not be accurate to classify the friend of Britain as an elite aristocrat. We know little about the motivations of the majority of the Loyalists, who were illiterate and left no written record of their actions. Many moved to Nova Scotia after the war, leaving no trace of their former lives. The wealthy and educated fugitive, on the other hand, wrote letters to family and friends and to civil and religious leaders in England. More important, the Treaty of Paris (which formally ended the revolutionary war) allowed British sympathizers to file claims for property confiscated by the new state governments. The records of these claims provide us with a great deal of information about those Loyalists who were well-to-do professionals, landowners or merchants. Inventories of acreage, furniture, dwellings and shops were presented in support of their claims. Former Loyalist neighbors testified to the accuracy of their estimates. Cortlandt

Skinner testified that William Smith of Woodbridge and Perth Amboy was always considered a man of property. Thomas Crowell held hundreds of acres in Perth Amboy and Middletown. Isaac Longworth of Newark and William Dumayne and Thomas Gummersall were prosperous merchants. These claims were often exaggerated; desperation to recover financial losses may have stimulated excessive estimates. On the other hand, few poor Loyalists could afford to go to England to press legal claims for the small but vital wealth they had left behind. Thus, in the absence of written records the inarticulate Loyalists at the bottom of the economic ladder has remained obscure.

While the American Revolution in New Jersey was a civil war, few families divided their allegiance. Fathers generally determined the position their older sons would take in the conflict. A decision to support the king in territory controlled by the patriot government placed the father's land and other assets under threat of attack or confiscation by the revolutionary government. Sons faced little alternative to flight with their fathers, not only from filial affection but also from the realization that their inheritance would be sold if their side lost. Their only hope was to support the king and benefit from the suppression of the rebellion and the restoration of family lands. Amos Williams of the Orange section of Newark "gave Instructions to his Sons not to take any part with the Rebels." In 1776 William Drake of Piscataway followed his aged father, Fitz Randolph Drake, to Staten Island. In Middletown all of the mature sons of John Mount joined their father as loyal subjects of the crown. Many sons seem to have been motivated primarily by loyalty to their fathers.

On the other hand, in families where there was no paternal influence sons showed no definite pattern in the choice of sides. Of the five brothers in one branch of the Tallman family of Shrewsbury, one was a Whig leader, one a Tory and three were of unknown loyalties. The Kearny family of Perth Amboy and Middletown became Tories after the death of their father, Philip, in 1775. It seems that once the father in each family had died, loyalties were more often individually determined and based primarily upon political views.

Why did such a large group of New Jersey inhabitants choose to risk personal security and property to support their mother country over a government composed of their colonial neighbors

and friends? Those associated with the royal government or proprietary factions were only a small percentage of the Loyalists. We can rule out simple inertia and apathy, for that would more likely have produced either a neutral or a passive patriot position, since the state was controlled most of the time by the revolutionary government. Personal feuds with those who became Whigs was a possible motive, but we have few records to support that view. Before we consider the Tories to be simply political conservatives or ardent supporters of the crown's policies, it is necessary to examine the fragmentary evidence of their behavior.

The testimony of suspected Loyalists before patriot grand juries and the Council of Safety offers a glimpse into their motivation. The sworn statements of several suspects stress that they were recruited for the armed companies of Loyalists by inducements of pay and promises of land when victory was achieved. Thomas Fowler of Monmouth County confessed he was prevailed upon to sign a muster roll "by promises of great Reward, and of having the Land taken from the Whigs." Jeremiah Bennet said that he had met Samuel Wright, a Loyalist officer, in the woods of Monmouth County. Wright offered him 200 acres after the rebellion was suppressed. William Franklin wrote that the Middle Colonies could be an asylum for the Loyalists, "who might be put in possession of the Rebels' Estates for their present subsistence." Lord George Germain, secretary of state for the colonies, in a letter to Sir Henry Clinton, the British commander in America, wrote that 100 acres were offered to every private in the Provincial Corps and 200 to each noncommissioned officer who would serve for the duration of the war. Perhaps Loyalist recruiters were given flexibility to reward the young or the poor who were alienated from the goals and objectives of the revolutionary government.

The fundamental motivation of the Loyalists lay in their reaction to the declaration of the revolutionary government to sever ties with Great Britain and to sustain that intention by armed conflict. It is probable that most became Loyalists more from fear of the consequences of independence under the men who became Whigs than from any great love for their king and his ministers.

The patriot government made life difficult for neutrals and passive Loyalists. Facing the threat of British invasion and occupation and later the continual foraging raids, the government of New

Jersey was understandably harsh toward disloyalty and apathy. Even before independence was declared the Provincial Congress appointed a Committee of Safety to supervise the establishment of allegiance to the new regime. The committee was replaced by a Council of Safety, which was generally presided over by Governor William Livingston and included members of the Legislative Council (the upper house of the new state legislature). Suspected persons were brought before this tribunal to defend themselves against the charge of disloyalty. Witnesses gave sworn testimony (depositions) claiming that the accused individual had spoken disparagingly about the new government, had been seen in arms with Loyalist Volunteers or had helped recruit for Skinner's regiments. One such witness, Thomas Forman, testified that he had heard a suspected Loyalist speak "violently against the Congress, damning them, that they had now run away, that they had commenced the War in order to make Estates and aggrandize themselves."

Through the Council of Safety, the local and county committees of observation and various forms of communal pressure, the struggling revolutionaries made a strong effort to compel allegiance to state and nation. In November 1775 the committee of safety of Shrewsbury intercepted letters from England addressed to two Anglicans, John Wardel and Richard Tole. In February 1776 the state's Quakers were denounced for cutting off from membership young men who served in the militia. Churches that supported the Revolution, particularly Presbyterian and Baptist, used their congregational pressure to weed out the wavering or disloyal. Two leading civil officials of Middletown were denied communion by the Baptist church there because of their known, although passive, support of Britain. The same church warned a Mrs. Baly to "Forebare, Taulking So Much Against the Present State And In Behalf of the Enemy." Other churches similarly scrutinized their members.

The search for disloyalty led to numerous charges and countercharges by Jerseymen, which indicate a prevailing atmosphere of distrust and suspicion, enhanced by the length and violence of the conflict. William Sands of Monmouth County testified that he had heard his neighbor Daniel Van Mater confess privately that he and his brother were friendly to the king. Zephaniah Morris of Middletown swore that Edward Taylor of that town had refused to accept payment of a debt in Continental currency. Samuel Barron,



a patriot official, was forced to explain why he wished to travel to British territory in order to avoid suspicion of “anything derogatory, or any ways injurious to the interest of the United States of America.” Wives of Newark Loyalists who remained in their homes were forcibly sent to New York despite claims that they had not corresponded with their fugitive husbands. An anxious Quaker of Shrewsbury wrote to his brother in New York that he had “endeavor’d to avoid giving Offence to any . . . associated with very few which I have found to be much the Safest as there are many warm persons near us that are ketching at Everything they can take the Least advantage of. . . .” Other than active patriots, few people were safe from public suspicion.

As in other states, the government imposed fines for refusal to serve in the militia. The Friends were considered to be disloyal because of their religious scruples against bearing arms or paying taxes that indirectly aided the war effort. Many patriots petitioned the state legislature to take firmer action against dissenters. Militia officers of Monmouth County wrote that some inhabitants refused to pay taxes on the assumption that the British government would soon regain control of the region. Many Quakers of the Shrewsbury and Woodbridge Friends declared in a petition that they had been unfairly compelled to pay a large sum to the justices of Middlesex County. The seizure of goods and monies continued throughout the war. From 1777 to 1782 the Woodbridge Quakers suffered the confiscation of various items—furniture, livestock, crops and tools—for their refusal to pay taxes or provide substitutes to serve for them in the militia. This unrelenting pressure and financial punishment may either have pushed some Friends into submission to the patriot government or, as often happened, led them to flee to British territory.

The demand for allegiance and submission to the new regime assumed violent proportions in Monmouth County. Ardent patriots, led by David Forman, formed a group to retaliate against suspected Loyalists. The Retaliators declared war on those “unmolested amongst us numbers of which we have full Reason to believe are aiding and accessory to those Detestable Persons.” The state legislature denounced Forman’s group as “Leading to Annarchy and Confusion.”

One of the most notorious events in the protracted war be-

tween Loyalist and patriot was the hanging of Captain Joshua Huddy, a Monmouth County militia officer. The two sides afterwards gave different accounts of the events that had brought about the execution. In April 1782 Huddy was a captain in command of the troops defending the saltworks at Toms River. In a surprise attack on the blockhouse British and Loyalist raiders captured Huddy and burned the town as they withdrew to their ships. Huddy was imprisoned in New York. One of the most active Loyalist refugees was Richard Lippincott, a Quaker from Shrewbury. Lippincott learned of the death of a fellow townsman and Quaker, Philip White, while a prisoner of the Monmouth militia. The conflicting stories ascribed the cause of his death either to an attempted escape or political murder; both sides agreed that he had been struck dead with a blow from a sword. This occurred a few days after the Toms River prisoners had been brought to New York.

Desiring retribution for White's death, Lippincott met with William Franklin, the former governor, and apparently gained his tacit acquiescence in the removal of Huddy from his cell. This point is unclear, and Franklin later denied giving Lippincott authorization to take custody of Huddy. In any event, Lippincott and a small party of fellow refugees took the prisoner to a boat and landed at Gravelly Point near Sandy Hook. There Huddy was told he was to be hanged. He kept his composure while the noose was placed around his neck, reportedly by a black Loyalist. The status of prisoners was not clearly defined. Governor William Livingston and the Council of Safety believed that any active Loyalist whether serving in a Loyalist brigade or not, was to be treated as a citizen of the state guilty of treason. Some Loyalists were tried and hanged; others never received due process and were executed without a jury. On the other hand, most Americans were considered by the British to be military men and treated in accordance with the military codes of justice.

The ramifications of the killing of Huddy were momentous. The news quickly reached Governor Livingston and General Washington. Livingston and the British governor of New York, Sir Guy Carleton, traded charges concerning the treatment of New Jersey's Loyalists. Washington was under pressure to retaliate by taking the life of a British officer, and Captain Charles Asgill was selected and sent to Chatham for execution. The British authorities were equally in a quandary over Lippincott's conduct. Both sides feared the pros-

pect of continuing bloodshed at such a late stage of the long war. Lippincott was brought before a court-martial, at which Loyalists, British officials and Monmouth County inhabitants gave testimony. Despite Lippincott's acquittal, Asgill was eventually given a reprieve by Washington. Lippincott fled to Canada after the war. The Huddy-Lippincott incident symbolized the hatred that did not immediately subside with the signing of the treaty of peace.

New Jersey was the battleground of a civil war fought between patriots and Loyalists. Many patriots who remained at home learned that living in the center of war threatened their lives and property. They suffered frequent attacks by the British, Loyalist raiders, bandits and looters. Civil and military authorities were often unable to safeguard farm and family. Numerous petitions to the governor and the legislature appealed for protection. The militia was inadequate to protect the long coast and the numerous creeks and rivers. The British raids were small, swiftly executed surprise attacks, usually conducted at night, aided by intelligence supplied by local Loyalists. In many of these raids there were attempts to punish and capture patriot officials and military leaders. Henry Freeman of Woodbridge reported that he and his family had been stripped of their clothes and his eldest son taken prisoner. Joseph Hedden of Newark died of exposure to the cold as he was being transported as a prisoner to New York City. Richard Stockton and John Fell, delegates to the Continental Congress, were both captured by the British during the war.

One inhabitant of Shrewsbury reported that the British and Loyalists controlled the region by night, the American forces by day. A British garrison at Sandy Hook menaced the countryside. Militia officers on guard sometimes found themselves alone. Added to the Loyalists and British soldiers who ravaged the coast, a bizarre group of robbers lived in the dense pine forest that covered the south-central portion of the state. They professed attachment to Britain but actually hoped to profit by the anarchy and confusion of the times. Patriots were understandably reluctant to show their allegiance openly.

The destruction of property was far more common than injury or death. Local patriots suffered both from the attacks and plundering of British troops and Loyalists and from looting by American soldiers. The British indiscriminately burned churches and houses.

After the battle of Springfield (June 23, 1780) the retreating British left few buildings standing in their wake. Redcoats, Hessians and Loyalists destroyed the saltworks in Toms River and burned the town. Bedding, candlesticks, and mirrors were frequently stolen. American soldiers in winter encampment often knocked down fencing and stole chickens and clothing. Damage to citizens of New Jersey was so widespread that an inventory of property destroyed by both British and Americans was made in 1781. Damage claims filed by hundreds of inhabitants were never paid. George Washington defended the unlawful actions of his army by maintaining they were motivated by starvation and their ragged clothing. At no other time in the history of the state were the residents exposed to such a level of personal insecurity. The theft of a cow from a small farmer was often a personal disaster. Slaves often left their masters and fled to British lines in the hope of gaining freedom. Tension, fear and anxiety among the inhabitants was common. The entry of British ships into New York harbor sent the residents of parts of Essex County into panic and flight. Only after November 1783, when the British army evacuated New York, were the patriot residents of New Jersey safe.

Aside from imprisonment or execution for treasonous acts, the harshest penalty imposed by the patriots was the confiscation and sale of the personal and real property of the Loyalists. This policy evolved and became more severe as the war continued and the Loyalist problem became chronic. Since the first efforts to compel allegiance had failed, the state legislature passed a measure conditionally confiscating the property of Loyalists. On June 5, 1777, the legislature offered an unconditional pardon to Loyalists who took the oath of allegiance before a justice of the state or a county. If they failed to do so, their personal property was seized and sold by the state's commissioners.

On April 18, 1778, the legislature acknowledged the failure of its initial pressure tactic by enacting a law imposing large-scale economic penalties on those judged disloyal to the state. Notices were posted of accused Loyalists to be brought to trial in five public places in each county. The jury consisted of twenty-four freeholders (voters with a minimum wealth of £ 50) of the county. A guilty verdict could be reached by a vote of twelve. If the accused wished to defend himself, he or his attorney could post a certain sum of mon-

ey to cover court costs in the event the decision went against him. Few Loyalists risked their lives by appearing at their trials. If a guilty verdict was reached, it was posted in public places in the county and published in the *New-Jersey Gazette*. With no further public disagreement the agents of the state would then publicly sell the lands and other property of the convicted prisoner after suitable notification of the time and place of the sale. On December 11, 1778, anti-Loyalist legislation was extended to include the sale of the goods of citizens of other states. It was the state's hope to gain additional revenue from the many New York Loyalists who had previously invested in New Jersey country estates and ironworks. A guilty verdict in one county applied to the property of an individual in all parts of the state. The Kearny family, for example, had scattered and extensive holdings, particularly in Monmouth, Bergen and Morris counties.

On the surface, the confiscation and sale of Loyalist property would seem to have been a useful measure to keep the neutrals and British sympathizers in line. Those aggressive Loyalists who had fled the state would be severely punished, and their wealth would help support the depleted treasury of the state. In addition, there was the prospect that the lands of Tories would be sold to patriotic citizens who needed more acreage. Of these supposed goals, only confiscation as a pressure tactic actually worked. In an era of farming, land was the heart of a man's wealth, his legacy from his forebears, and his precious gift to his sons. Depriving him of this for his political views was a devastating weapon, which bludgeoned many into sullen submission to the oath of allegiance. The Anglican minister, Samuel Cooke, whose wife and children continued to live in Shrewsbury, wrote: "Those who remain behind conform no farther to the present Tyranny than is absolutely necessary for their safety, and to exempt them from Banishment and Confiscation or a Jail." Samuel Pound, a Quaker, conceded that he had given an affirmation "by the threats of them of the Confiscation of my Estate," and other Quakers similarly confessed to their coreligionists that they had given an affirmation of allegiance in order to protect their property.

The meager returns the state received from the sale of lands reduced the effectiveness of the punishment. Land was valuable and becoming scarce; therefore, its price rose considerably. Unfor-

tunately, the state exchanged this valuable commodity for Continental currency. This was an era of inflation and the value of paper money declined to a point of worthlessness. New Jersey received £1,390,000 from the sale of Loyalist property. The counties of Hunterdon, Middlesex, Monmouth and Essex had the largest amounts of land confiscated. Historian Richard P. McCormick has shown that the state received only about 2 percent in actual returns because of the decline in the value of the money. Sales were suspended in June 1781 but resumed intermittently after the war. Former Loyalist estates may have enriched some of the patriots of New Jersey, but they did little to relieve the financial burdens of the state. With the sale of his house, barn, horses and farm, the Loyalist became a man without a home and, possibly, without a country.

For the average patriot these public sales were disappointing. It was within his power to participate in the public auction of household items, and a large number of inhabitants did so. For the land-poor or tenant farmer both legal and extralegal problems diminished the hope of buying a farm. All lands were sold to the highest bidder for cash or militia certificates. Often the commissioner would manipulate the place of sale to prevent the attendance of certain competitors. Travel and communication, with the added threat of enemy attack, worked to keep the sales a private affair. At other times the farm was sold to someone other than the highest bidder. This was done as a measure of compassion, to allow the family of the former inhabitant to remain on the estate. Various Loyalist families were treated in accordance with the level of ill feeling toward the husband or father. Friends rarely purchased an estate to return it to a Loyalist's family. Samuel Cooke's wife remained in possession of the church land, but only until its sale by the Monmouth County commissioners. Despite some examples of moderation, the patriots were adept at finding the property and selling it. Many petitions to the legislature protested some of the tactics employed by the commissioners for forfeited estates. The accusations against the Monmouth agents were investigated, and they were censured in 1779. The causes of complaints ranged from false advertisements and unpublicized sales to friends to the sale of a personal estate in bulk. However, underhanded tactics were not universal. Loyalists reported to Richard Skinner that his estate in Middlesex County had been sold for its approximate value. While cor-

ruption and favoritism were common, there were also examples of honesty.

Aside from the tactics of public agents, the man who needed land faced other problems. Because confiscated properties were sold to the highest bidder, the wealthy could generally outbid those of moderate means. In addition, only cash payment was accepted, either in Continental currency or in militia certificates. At a time when the currency seemed useless to soldier and farmer alike and prices were high, their money usually ended up in other hands in exchange for clothing or food. In brief, the poor rarely had cash while the merchants and professionals had ample amounts of it to purchase the confiscated estates. Many people who needed an estate lacked even the down payment for a piece of property.

For the buyer, his deed often brought more than land. Many of the titles were in question due to a long history of land disputes. There were mortgages and debts to be paid. Wives of fleeing Loyalists claimed their dower rights. After the war creditors hounded the new owners from farm to courthouse. To cite one example, Daniel Cornack, the former tenant of a Loyalist landowner, realized his dream of land ownership when the estate was forfeited and sold to him in part. He was sued for rent by the former owner after the war. Many former tenants were given no first claim to the land they had lived on. In many cases they were compelled to vacate, or worse, pay rent to the state.

Most of the immense acreage sold ended in the hands of speculators. Men bought land in different counties and states and held it until settlers wished to purchase it at a much higher price. It was an almost universal economic venture for the revolutionary generation, comparable to investment in stocks and bonds today. Such illustrious men as George Washington and William Livingston had wide-ranging investments. In New Jersey many forfeited estates were bought by speculators with acquired soldiers' pay certificates. The personal needs of enlisted men made them part easily with money they considered worthless. Many army officers and civil officials accumulated pay vouchers which they applied towards the purchase of Loyalist lands.

The social and economic effects of the sale of Loyalist lands have been debated by historians. The records of sale are fragmentary, making it almost impossible to discover all of the lands

LIEUT. JAMES MOODY'S  
NARRATIVE  
OF HIS  
EXERTIONS AND SUFFERINGS  
IN THE  
CAUSE OF GOVERNMENT,  
Since the YEAR 1776;

AUTHENTICATED BY PROPER CERTIFICATES.

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THE SECOND EDITION.

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MDCCLXXXIII.

*Title page of 1783 edition of James Moody's Narrative .... Reprinted by  
Arno Press, New York, 1968.*



sold and their buyers. Many estates were not described beyond "house and lot." If it were a merchant's house and wharf in Newark, for example it would have had considerable value, but such information is often missing. The purchase price, or value of the estate, was based on an inflated currency, so that we have no accurate record of the real value. Estates were sometimes sold as a unit, sometimes divided. Adam Boyd purchased a small farm of 32 acres in Bergen County, while John Stevens Jr., the state treasurer, purchased the entire 763 acre estate of William Bayard (the site of Hoboken). The purchase of a small farm did not necessarily indicate the wealth of the buyer, since it might have been only a part of his scattered properties. Although sold in fairly small lots, the choice property in the center of the town of Newark ended in the hands of wealthy merchants and political leaders. In Monmouth County the land commissioners themselves were among the purchasers of confiscated estates.

In her study of Bergen County, Ruth Keesey concludes that the sale of land did little to change society. In towns throughout East Jersey few became instantly wealthy and few gained even the small estate they desperately needed. Society remained the same after all Loyalist estates were sold; and it remained an unequal society. For the Loyalist, of course, the sale of his estate was devastating to his personal fortunes, and his political enemies often became the chief beneficiaries of his flight.

A composite profile of the Loyalists obscures the many varieties of the group. Some, such as James Moody, were violently active in support of the king. A romantic and picturesque figure, he regarded the Revolution as a conspiracy by the "demagogues" and "pretended patriots" to overthrow the government. He remained on his farm in Sussex County until April 1777. After being fired upon by several patriots he retreated to Bergen County with a party of seventy-four men and enlisted in Colonel Joseph Barton's Loyalist battalion. In June, with the rank of lieutenant, he made one of his frequent raids to recruit for the British behind American lines. According to his account, sixty of the party were taken prisoner at Perth Amboy. Two of the captured men were tried for high treason and executed. In May 1778 Moody was once again sent into patriot territory to spy and collect intelligence. In June 1779 he attacked the Tinton area of Shrewsbury, carrying off military supplies. In May

1780 he returned, according to his own account, "into the Rebel Country with the intention of surprising Governor Livingston, a man whose conduct had been in the most abandoned degree, cruel and oppressive to the loyal inhabitants of New Jersey." His plan failed because one of his men had confessed to the Americans. On July 21 Moody was captured, transported to West Point and confined in chains in a dungeon. After being transferred to the custody of the Continental army, he escaped and made his way in the dark to the British garrison at Paulus Hook (now Jersey City). In May 1781 he was sent back to New Jersey to intercept Washington's dispatches. He was betrayed and a trap was set. According to his narrative, only a daring leap saved him from death. He returned and captured Washington's letters at Pompton. On another occasion he was surrounded by patriot soldiers but escaped after standing erect in a cornstack for two nights and two days. Although the narrative of "his Exertions and Sufferings In the Cause of Government" might have been exaggerated, he was a Loyalist feared by both military and civilian officials in New Jersey. After the war Moody relocated in Nova Scotia and died there in 1800.

James Parker, who was born in 1725 and lived in Perth Amboy, is an example of a Loyalist who did little more than uphold his allegiance to King George III. Like Peter Kemble of Morristown, respected by the patriots and inoffensive to the revolutionary government, he was considered too old to fight. He had been a member of the Provincial Council from 1765 to 1775 and registrar of the East Jersey Board of Proprietors. An Anglican and a brother-in-law of Cortlandt Skinner, he was the manager of the large proprietary holdings of Sir Robert Barker. At the outbreak of war, Parker removed to his farm in Hunterdon County. Although a friend to the British government, he had no desire to become an active Loyalist. His neighbor and friend, Walter Rutherford, shared his sentiments; both had taken an oath of allegiance to the king. On August 21, 1777, they were brought before Governor Livingston and the Council of Safety. When they refused to take oaths they were confined in Morristown jail despite the pleas of their wives. Exchanged in 1778, Parker was allowed to return to his country estate and remain there. On March 23, 1786, he became a fully qualified citizen of the state and was able to retain his property. In 1791 he was mayor of Perth Amboy. He died in 1797

after a long career of land dealings.

One of the most vitriolic opponents of American independence was Jonathan Odell. As a political satirist he was almost a perfect counterweight to William Livingston's satiric efforts on behalf of the Revolution. Before the war he was a physician and Anglican minister in Burlington. As events progressed toward independence his political sentiments became increasingly unpopular. On June 4, 1776, Odell undermined his own stated intention to remain aloof from the dispute by composing an ode to King George on the monarch's birthday. His Loyalist leanings required his departure to British-held territory, but only after a bizarre train of events. At one time he was hidden in a secret chamber of the house of a Quaker, Margaret Morris. Her diary records the intrusion of a band of patriots: "I asked what they wanted there, they said, to search for a Tory." She misled them, and Odell escaped on December 18, 1776. He reached New York City, where he served as a chaplain to Loyalist regiments. His principal contribution to the British cause was not his spiritual guidance, but the wit of his pen. Between its lines can be read the anguished conservatism of the Loyalist. In his poem "The American Times," Odell attacked one patriot leader after another, his vehement rhetoric sparing no one. Of New Jersey's governor, William Livingston, he wrote:

Whence and what art thou, execrable form,  
Rough as a bear, and roaring as a storm?  
Ay, now I know thee — Livingston thou art —  
Gall in thy heart, and malice on thy brow;  
Coward yet cruel — zealous, yet profane;  
Havoc, and spoil, and ruin are thy gain.  
Go, glut like Death thy vast unhide-bound maw;  
Remorseless swallow liberty and law;  
At one enormous stroke a nation slay —  
But thou thyself shall perish with thy prey.

Throughout the war Odell maintained his confidence in British victory. When the British evacuated New York in 1783 he fled to Nova Scotia with many other Loyalists.

At the conclusion of the war the Loyalists faced a bleak prospect. Most of them had lost their entire estates. They had no real chance of reclaiming their debts, despite the fact that the Treaty of

Paris gave sanction for a Loyalist to spend one year in America to retrieve his personal wealth. The conclusion of hostilities did not abate the tensions and hatreds of those patriots who had been plundered by Loyalists. William Paterson reported that the people of the state "seem determined not to suffer any of the Refugees to return & live among them—a few of them came over but they were immediately hunted back." Some Loyalists, such as Frederick Smyth, the former chief justice, and Thomas Bradbury Chandler, the Anglican minister of Elizabethtown who had been passive during the war, were not harrassed upon their return. Many of the merchants of Perth Amboy returned to resume their shattered businesses. Andrew Bell for example, became active commercially and politically for the remainder of the century. Only in November 1788 were former Loyalists allowed to participate fully in political activity.

Loyalists who returned to New Jersey were in the minority; most retained their allegiance to the king. By 1783 New York City had become crowded with refugees. Some Loyalists had already relocated in England and become part of English society, although usually at lower social status than they had enjoyed in America. William Franklin and David Ogden were frequently involved in testimony over the claims of their compatriots in receiving compensation for their lost estates. These men were the exceptions, for most New Jersey Loyalists were unable to establish themselves in England. The British government recognized their plight and granted them lands for settlement in Nova Scotia. On April 27, 1783, eighteen ships sailed out of New York Harbor for a new home in Canada. The passengers included former slaves who had been declared free, as well as remnants of the three brigades of New Jersey Volunteers. Many settled initially at Shelburne. There the Reverend George Panton, former rector of the Anglican church of Trenton, became one of the two ministers of the parish of Saint Patrick. These exiles were provided large estates and lumber for housing. Many were unable to adapt to the harsh climate, but a number of hardy souls remained and formed the nucleus of generations of Loyalist descendants who populate Canada today.

## For Further Reading

The historiography of loyalism is sparse. The best comprehensive treatments of the Loyalists are William H. Nelson, *The American Tory* (New York: Oxford University Press, 1961), and Wallace Brown, *The Good Americans: The Loyalists in the American Revolution* (New York: Morrow, 1969). A good documentary study is Catharine S. Crary, *The Price of Loyalty: Tory Writings from the Revolutionary Era* (New York: McGraw-Hill, 1973). Testimony of suspected New Jersey Loyalists is found in *Minutes of the Council of Safety of the State of New Jersey* (Jersey City, 1872). Religion and loyalism are discussed in Nelson R. Burr, *The Anglican Church in New Jersey* (Philadelphia: Church Historical Society, 1954), and Rufus Jones, *The Quakers in the American Colonies* (New York: Russell and Russell, 1962). An attempt to estimate the number of Loyalists is found in Paul H. Smith, "New Jersey Loyalists and the British 'Provincial' Corps in the War of Independence," *New Jersey History*, vol. 87, no. 2 (Summer 1969), pp. 69-78. Another article of great value is Larry R. Gerlach, "Politics and Prerogatives: The Aftermath of the Robbery of the East Jersey Treasury in 1768," *New Jersey History*, vol. 90, no. 3 (Fall 1972), pp. 133-168. An account of the Huddy-Lippincott affair can be found in Larry Bowman, "The Court-Martial of Captain Richard Lippincott," *New Jersey History*, vol. 89, no. 1 (Spring 1971), pp. 23-36. The confiscation of Loyalist estates is examined in Michael P. Riccards, "Patriots and Plunderers: Confiscation of Loyalist Lands in New Jersey, 1776-1786," *New Jersey History*, vol. 86, no. 1 (Spring 1968), pp. 14-28. James Moody's exploits are told in his *Lieut. James Moody's Narrative of his Exertions and Sufferings in the Cause of Government*. . . (New York: New York Times and Arno Press, 1968). The return of the Loyalists is recounted in Richard P. McCormick, *Experiment in Independence: New Jersey in the Critical Period, 1781-1789* (New Brunswick: Rutgers University Press, 1950). Ruth Keesey's works include "New Jersey Legislation Concerning Loyalists," *Proceedings of the New Jersey Historical Society*, vol. 79, no. 2 (April 1961), pp. 75-94, and "Loyalism in Bergen County, New Jersey," *William and Mary Quarterly*, 3rd. ser., vol. 18 (October 1961), pp. 558-577.

Older standard treatments include Cornelius C. Vermeule,

"The Active Loyalists of New Jersey," *Proceedings of the New Jersey Historical Society*, vol. 52, no. 2 (April 1934), pp. 87-95; A. Van Doren Honeyman, "Concerning the New Jersey Loyalists in the Revolution," *Proceedings of the New Jersey Historical Society*, vol. 51, no. 2 (April 1933), pp. 97-133; William S. Stryker, *The New Jersey Volunteers in the Revolutionary War* (Trenton, 1887); and E. Alfred Jones, *The Loyalists of New Jersey* (Newark: New Jersey Historical Society, 1927). At least two of the companion pamphlets in this series provide valuable information on the subject. Edward J. Cody's *The Religious Issue in Revolutionary New Jersey* offers insights into the role religion played in determining loyalty to the crown or the revolutionary government. Larry R. Gerlach's *William Franklin: New Jersey's Last Royal Governor* is a concise biography of a major New Jersey Loyalist. Both pamphlets were published by the New Jersey Historical Commission in 1975.

Finally, for the words of the participants themselves, patriot or Loyalist, see Larry R. Gerlach, ed., *New Jersey in the American Revolution, 1763-1783: A Documentary History* (Trenton: New Jersey Historical Commission, 1975).

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