

***THE WILLIAM LIVINGSTON ERA:  
DOCUMENTS OF THE AMERICAN REVOLUTION***

**EXHIBITION  
at  
MONMOUTH COUNTY LIBRARY HEADQUARTERS  
125 SYMMES DRIVE  
MANALAPAN, NJ**

**OCTOBER 2003**

*Facsimiles of Revolutionary War Era documents from the Monmouth County Archives, Monmouth County Parks System Archives, New Jersey Historical Society, New Jersey State Archives, Princeton University Library, and Rutgers University Library*

*Curated by  
Gary Saretzky  
Monmouth County Archivist*

*with the advice of historians David J. Fowler and Richard Walling; research, transcription, and caption contributions by Martha McDuff, Sally Weiner, and Shane Wilson; and technical exhibition preparation by Eugene Osovitz. Editorial assistance provided by Joya Anderson and Patrick Caiazzo.*

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***Tour of the exhibit with historians Michael S. Adelberg and David J. Fowler  
2:00-2:30pm, October 18, 2003***

## NEWS OF THE DAY, MAY 1776

*Elijah Brown to Richard Waln, May 29, 1776*

In this letter to a wealthy merchant, miller, and sawmill owner in Upper Freehold, Elijah Brown reports on news from Philadelphia, as one Loyalist Quaker to another “brother.” He encloses a response to Thomas Paine’s 1775 pamphlet *Common Sense*, before Paine admitted authorship. *Common Sense* sold half a million copies (to no financial benefit to Paine) and gained widespread support for independence. George Washington wrote that its “sound doctrine and unanswerable reasoning” would help citizens “decide upon the propriety of separation,” and no doubt it did. But Waln, like many other Quakers, initially opposed independence. Paine was surprised by Quaker Loyalism, writing at the time, “the wise are become foolish.”

Enclosing a newspaper reporting Virginia’s declaration of independence, Brown also mentions recent naval actions involving the British frigate *Liverpool* and the Continental schooner *Wasp*, one of the first four ships purchased by the Continental Congress in 1775. In Spring 1776, the *Wasp* helped capture Nassau in the Bahamas (perhaps the most ambitious operation of the Continental Navy) and by May, under Captain Charles Alexander, was patrolling Delaware Bay, using Christiana Creek (near New Castle, Delaware) as a safe haven. According to Brown, the *Liverpool* had captured a small boat and wanted to trade captured passengers for men taken with a prize by the *Wasp*.

*Monmouth County Park System Archives*

Allen, Gardner W. *A Naval History of the American Revolution*. Williamstown, MA: Corner House, 1970.

Boatner, Mark Mayo, III. *Encyclopedia of the American Revolution*. New York: David McKay, 1966.

Conway, Moncure Daniel. *The Life of Thomas Paine*. New York: G.P. Putnam’s Sons, 1908.

Fowler, William M., Jr. *Rebels Under Sail: The American Navy During the Revolution*. New York: Scribner’s, 1976.

*Prepared by Gary Saretzky*

## **EXILED MERCHANT DEPENDS ON HIS WIFE TO CONDUCT BUSINESS**

*Richard Waln letter to his wife, Elizabeth, January 13, 1778.*

References to neighbors, household chores, and recent illness make this letter seem almost mundane, but Upper Freehold citizen Richard Waln was writing to his wife from Philadelphia for a reason: he was in exile. As a Quaker, Waln opposed the war on religious, pacifist grounds; as a merchant, he was more pragmatic, drawn to the glimmer of British gold. He was even said to entertain British military officers in his spacious home while his countrymen were out fighting. Arrested by New Jersey's revolutionary Council on Safety for "disaffection," Waln chose relocation to British-occupied Staten Island over incarceration in Monmouth County. He was later allowed to move to Philadelphia, but at the time of the letter was still prohibited from entering New Jersey. Waln's words reveal the emotional difficulty of life in exile, separated from his wife and six children, but also show that life went on: Waln reported that "all the Refugees" (the other expelled Quakers, or "Friends") were "well." Waln himself still had his mind on business, asking his wife to "enquire of John Lawrie what he will give in hard Dollars for...very good Molasses & for Loaf Sugar." Even though "all the Friends sent into Banishment" were not, in fact, "discharged" and sent home that week, Waln did return to Upper Freehold later in 1778. Incidentally, his exhortation that "Josey and Nich[ola]s should be kept diligently to School" seems to have paid off: after his father's death, Nicholas took over the family mill and brought it the greatest success it ever experienced while still operational. Today the mill is part of Historic Walnford.

*Monmouth County Park System Archives*

Holmes, Frank R., ed. *History of Monmouth County*. Vol. II. New York: Lewis Historical Publishing Company, 1922, p. 419.

Monmouth County Board of Recreation Commissioners. *Historic Walnford/Crosswicks Creek Park* (pamphlet).

Waln, Richard. Letter to William Livingston. August 13, 1778. New Jersey State Archives.

*Prepared by Shane Wilson*

## CONFISCATED GOODS SOLD AT MONMOUTH

*List of Sales of Sundry Goods, Wares, & Merchandise [sic] taken from Peter Corlies by Thomas Bartley & George Brinley on June 8, 1782.*

Peter Corlies was probably a merchant and a Quaker loyalist whose articles were confiscated by Thomas Bartley and George Brinley and then sold to the public. The items for sale included teapots, cups, saucers, tea, knives, watch keys, buttons, and an assortment of fabrics. The teapots, cups, and saucers were made out of enameled Queen's ware. Queen's ware was a cream colored, lead-glazed earthenware first produced by Josiah Wedgwood in 1763. He named the new ware after Queen Charlotte who expressed pleasure after having her breakfast served on it. The fabrics listed were "calliminco," russel, durant, shalloon, and fustian. Calimancoes, as described in *Textiles in America*, were dyed brilliantly and used mainly for clothing. Russels were like calimancoes but stouter. They were used for men's dressing gowns, women's shoes, bed and window curtains, and upholstery. Durants found favor in men's clothing as they had a very enduring quality. Shalloons found application in the lining of clothing. Fustian is a general term for linens and cottons.

*Monmouth County Archives*

Adelberg, Michael S. *Roster of the People of Revolutionary Monmouth County [New Jersey]*. Baltimore: Clearfield, 1997.

Comstock, Helen, ed. *Concise Encyclopedia of American Antiques*. NY: Hawthorne Books Inc, 1958.

Montgomery, Florence M. *Textiles in America, 1650-1870*. NY: W.W. Norton & Co., 1984.

Savage, George and Harold Newman. *An Illustrated Dictionary of Ceramics*. NY: Van Nostrand Reinhold Co., 1974.

Williams, Peter. *Wedgewood: A Collector's Guide*. Radnor, PA: Wallace-Homestead Book Co., 1992.

*Prepared by Martha McDuff*

## LIVINGSTON & THE COUNCIL OF SAFETY

*Order to try traitors in Monmouth County, June 5, 1778.*

One of Livingston's important functions as governor was presiding over the Council of Safety. Created by the legislature in March 1777, the Council acted as a tribunal that enforced conformity to the new regime by interrogating suspected dissenters, administering oaths of allegiance, and punishing the recalcitrant. It held approximately four hundred meetings at different locations around the state that were deemed safe. Because it was too exposed to enemy incursions, no meetings were held in Monmouth county. This order authorizes the Supreme Court justices to try John Kirby, Benjamin Allen, Uriah West, and Jesse Serran in Monmouth even if their offenses were committed elsewhere. It implies that the Council was confident that the court system in Monmouth was set up to deal decisively with offenders. In meting out punishments--fines, imprisonment, executions--to the disaffected during the war, the county criminal courts were busier than they had ever been.

*Princeton University CO 140 Li*

Bernstein, David A., ed. Introduction to *Minutes of the Governor's Privy Council, 1777-1789*. Trenton: New Jersey State Library, Bureau of Archives and History, 1974.

*Minutes of the Council of Safety of the State of New Jersey*. Jersey City: John H. Lyon, 1872.

Prince, Carl E. Prince, *et al.*, eds. *The Papers of William Livingston*, vols. 1 and 2. Trenton and New Brunswick: New Jersey Historical Commission, 1979-1980.

*Prepared by David J. Fowler*

## NEW BRUNSWICK ALMOST ENTIRELY DESTROYED

*Elias Boudinot, letter to William Livingston, June 28, 1777*

In this communiqué to William Livingston, Elias Boudinot speaks proudly of staggering losses inflicted on a retreating British force by American troops. Yet, unbeknownst to Boudinot, the “retreat” was actually part of a British strategy aimed at drawing Washington out of his strong position in the Brunswick hills. The strategy worked: in hot pursuit of fleeing redcoats, the Americans abandoned their stronghold in favor of “Quibble Town” (now the New Market section of Piscataway). However, Washington quickly recognized the deception and returned to the hills largely unscathed. Unimportant to the war’s bigger picture, the Battle of Quibbletown is often overlooked by historians, leaving Boudinot’s extravagant casualty figures unconfirmed. To New Jerseyans of the time, though, the battle was devastating: in a P.S., Boudinot notes that “[New] Brunswick is almost entirely destroyed. It looks more like a collection of deserted gaols [jails] than dwelling houses.”

Boudinot himself was a lawyer who served as Commissary General of Prisoners during the Revolution. He was later elected president of the Continental Congress and in that capacity signed the Treaty of Paris, which ended the war. His tenure was not without controversy: in 1783, after a violent protest from soldiers demanding back pay, Boudinot moved Congress from Philadelphia to Princeton, thus making the town – for four months – the *de facto* capital of the nation.

*Princeton University, Coo 34 1/F6 1 of 1*

Lossing, Benson J. *The Pictorial Field Book of the Revolution*. Vol. I. New York: Harper & Brothers, 1855, p. 331.

Stedman, C. *The History of the Origin, Progress, and Termination of the American War*. Vol. I. London: privately published, 1794, pp. 283-286.

Stryker, William, ed. *Archives of the State of New Jersey*. Second series, vol. I. Trenton: The John L. Murphy Publishing Co., 1901, p. 528.

*Prepared by Shane Wilson*

### **Transcript:**

Elias Boudinot to William Livingston, June 28, 1777.

Dear Sir

Having obtained a moment of Leisure in the general movement, I improve it to inform you, that the General being informed on last Saturday afternoon, that the Enemy

intended leaving Brunswick that Night, he ordered out proper detachments to endeavour to harrass them in their retreat. Our Troops did not appear till day light, when Genl. Howe with the rear consisting of about 4000 men immediately left the Town. Coll. Morgan came up with a detachment of about 1500 men, and not knowing their Number, attacked them with a small party of 150 men. This attack, made with chosen men, was at the mean distance of about 20 yards, so that almost every shot took place. We are well assured that their Loss is the greatest Part of 500 men. Our men finally came off with the Loss of 6 or 8 killed & wounded. The Enemy are now encamped on Strawberry Hill in Woodbridge. The chief part of our Army is here, two or 3 Brigades being near Woodbridge. The whole Army are in high Spirits and the better Opinion is that the Enemy are leaving this Province.

P.S. Brunswick is almost entirely destroyed. It looks more like a Collection of deserted gaols than dwelling Houses.

Your very humble servant,  
Elias Boudinot  
Quibble Town June 24 1777

His Excellency, Wm. Livingston

### **GOVERNOR LIVINGSTON AVOIDS A "FATAL STAB"**

*William Livingston to Lord Stirling (William Alexander), September 25, 1779.*

Livingston tactfully denies a request from an American general, Lord Stirling, for a pass for his daughter, Lady Mary (Alexander) Watts, to come to New Jersey from New York. Lady Mary was also Livingston's niece, and was married to John Watts, a Loyalist. In the letter, Livingston cites his desire to be impartial in granting passes as well as the "fatal Stab" his reputation might suffer if he were to approve the pass. He helpfully suggests that George Washington might be able to grant the pass since Washington is not related to Lady Mary.

*Rutgers Special Collections*

*Prepared by David Kuzma*

## **“THAT UNMANAGEABLE HOBBY HORSE”**

*Letter from William Livingston to Elias Boudinot, December 13, 1782*

Governor Livingston opens this letter to New Jersey representative and Continental Congress president Elias Boudinot by thanking him for a copy of the latest federal legislation. However, gratitude quickly turns to reproach, as Livingston, noting that he had already received the resolutions from Abraham Clark, another of New Jersey’s Continental Congressmen, chastises Boudinot for failing to “act in Concert” with his fellow lawmakers. In 1782, however, such cooperation would have been extraordinary: with the fighting officially over but the British still occupying New York, with independence achieved but no stable government established, everything in the newly-United States was chaotic. For a leader such as Livingston, duplicate information was still better than no information – which was what some governors got.

Talk of “[t]he disappointment of our Ally [France] and Spain in the relief of Gibraltar” underscores the oft-overlooked fact that the Revolution was only one part of a broader global conflict. Not only were the French involved; the Dutch too declared war on Britain, and Spain, seeing British distraction as a tantalizing opportunity, sought to take back Gibraltar, which it lost in the War of the Spanish Succession. Defended by an outmanned force of isolated soldiers, Gibraltar should have been easy pickings but was instead the object of an ultimately unsuccessful three-year Franco-Spanish siege. Livingston hoped that the devastating and, indeed, “mortifying” failure of a recent Spanish offensive would temper the “vehement passion” Spain had for the Rock, and in fact by January 1783 Spain had agreed to a preliminary treaty under which Britain would retain control of Gibraltar. But Livingston’s helpful (perhaps vengeful) suggestion that the Spanish “direct their operation to the British Islands in the West Indies” was never heeded, nor did Spain ever truly put down “that unmanageable Hobby horse” – even today, sovereignty over Gibraltar is a hotly contested issue.

*Rutgers University*

Stryker, William, ed. *Archives of the State of New Jersey*. Second series, Vol. I. Trenton: The John L. Murphy Publishing Co., 1901, 527.

Bradford, Ernle. *Gibraltar: The History of a Fortress*. New York: Harcourt Brace Jovanovich, 1971, 66-128.

*Prepared by Shane Wilson*



## LIVINGSTON SENDS MILITIA TO RARITAN LANDING TO DEFEND WOODBIDGE

*William Livingston letter to Henry Van Dyke, April 8, 1781*

At the time this letter was written, in the spring of 1781, the war's "official" conclusion was scarcely six months away – but New Jerseyans had no way of knowing that. Although the last major engagement in the North, the Battle of Monmouth, occurred in 1778, there was plenty of cause for anxiety: in June 1780, a Loyalist-led attempt to invade New Jersey from British-held New York was just barely repelled; in January 1781, three state regiments mutinied, resulting in the hanging of two of their leaders; and throughout the period, clashes between Loyalists and rebels dwarfed the war itself in sheer ferocity. Against this background of fear, the request of the people of Woodbridge to obtain additional military protection seems reasonable, especially considering the town's proximity to the Loyalist stronghold of Staten Island.

The way that Governor Livingston passed on that request speaks volumes about the deep sectional divisions that afflicted nearly every state during the Revolution. Although a polite mode of address was customary for correspondence of the time, Livingston exercised extra caution here, because militias were infamous for refusing to serve under outside commanders. "Outside" meant not only officers from other states but even from other counties, making an order assigning Somerset troops to guard duty in Middlesex an inherently unpopular one. Hence Livingston's "reluctance." By 1781, the United States was not quite united – but neither was each state itself.

*Rutgers University*

Ward, Christopher. *The War of the Revolution*. Vol. II. New York: The MacMillan Company, 1952. 616, 625-6.

Peterson, Harold L. *New Jersey: A History*. New York: W.W. Norton & Company, 1977. 62-5, 70, 75.

*Prepared by Shane Wilson*

## A LIST OF TRAITORS IN MORRIS COUNTY

*Order of the Council of Safety, October 19, 1777. William Livingston, President.  
Livingston sent this order to Robert Morris, Chief Justice of the State of New Jersey.*

Ninety-four Loyalists were charged with crimes violating one or more of three different acts. Under the first act, anyone caught helping the enemy was guilty of High Treason and would be punished accordingly. Even speaking out against the new government and spreading false rumors could lead to imprisonment. The second established the Council of Safety and gave the members the same powers as a Justice of the Peace. Under this act, the members could arrest those acting against the State of New Jersey, remove anyone from office for disloyalty, and call upon the militia. The third prohibited counterfeiting.

Cornelius Bogart, Stout Havens, and John Sears were among the ninety-four listed in this document. Cornelius Bogart was a private in the New Jersey Volunteers and was convicted of high treason in 1781. Stout Havens was arrested for disaffection in 1777 and jailed in Philadelphia. He, like several other Loyalists, joined the Continental army in exchange for a pardon and then refused to enlist. John Sears was also paroled in exchange for joining the Continental Army in 1776. Like Stout Havens, he refused to muster and then petitioned for Prisoner of War status, which he was denied. He was convicted of high treason and jailed in Morris County.

*New Jersey State Archives*

Adelberg, Michael S. *Roster of the People of Revolutionary Monmouth County [New Jersey]*. Baltimore: Clearfield, 1997.

Cushing, John D., compiler. *The First Laws of the State of New Jersey*. Wilmington, DE: 1981.

*Prepared by Martha McDuff*

## MUTINY IN NEW JERSEY SUPPRESSED BY WASHINGTON

*George Washington, letter to William Livingston, January 23, 1781*

On New Years' Day 1781, the Pennsylvania Line quartered near Morristown mutinied. Among their grievances were bounties, lack of provisions and equipment, and especially the duration of their enlistments. Much to Washington's chagrin, a committee of Congress acceded to their demands and many were discharged. By January 20, the contagion of mutiny had spread to regiments of the New Jersey Line at Pompton. Intending to make an example of the Jerseymen, the commander-in-chief ordered that "an immediate stop shall be put to such horrid proceedings." At daybreak on the 27th, New England troops under Gen. Robert Howe surrounded the mutineers. Two ringleaders were summarily executed. A month later at Princeton, vengeful New Jersey troops set upon a unit of the New England troops that had helped suppress the mutiny.

*Rutgers University Special Collections*

Neimeyer, Charles P., *America Goes to War: A Social History of the Continental Army*. NY: NYU Press, 1996.

Van Doren, Carl. *Mutiny in January*. NY: Viking, 1943.

*Prepared by David J. Fowler*

## HANG THE REBELS!

*Statement of a spy, William Sands, April 24, 1777, before the Council of Safety. William Livingston, President*

In this deposition, Sands tells the Council of the activities of a group of Loyalists, including Thomas and Revaud Kearny, Richard Francis, and John Provoost. These men were involved with trading contraband goods such as a yoke of fat oxen, a New York newspaper, and poultry. They also concealed Refugees (Loyalists who had fled their homes) from cavalry militia and helped them escape to Staten Island.

Thomas Kearny had a very negative opinion of the new government. According to Sands, Kearny said that "the Congress were a damned set of Rebels, that they did not aim at the Liberty of the States, but to Aggrandize themselves, that they wanted to become great Dukes Earles & Lords & Dimigods." He also told his sons to shoot Rebels whenever they found them and that "he wished every Tree in his Woods had on each Limb a Rebel hanging to it."

Apparently prone to violence, Kearny was arrested for assault and battery in 1762. In 1777, he was jailed for disaffection and, in 1778, he was indicted for a misdemeanor.

*New Jersey State Archives*

*Prepared by Martha McDuff*

***Transcript:***

*County of Burlington  
State of New Jersey*

Deposition of Wm Sands etc.

William Sands inhabitant of Freehold in the County of Monmouth and State of New Jersey being duly sworn on the holy Evangelists of Almighty God deposeth & sayeth, that on ye 17<sup>th</sup> of March last Captain Loyall, Revaud Kearny, Richard Francis, and Cyrenius Van Mater, were at Thomas Kearny's [\_at] Mrs Henry came to ye said Thomas Kearny's on ye Evening of said Day, & that she the said Mrs Henry informed ye said Thomas Kearny that Mr Burrows had refus'd to let her ye said Mrs Henry have a certain quantity of Flour althogh [sic] she ye said Mrs Henry had then one barrel at which ye said Thomas Kearny in ye hearing of the Deponent used ye said Mr Burrows with abusive Language and called him a Rebel.

That Thomas Kearney & Richard Francis said in the hearing of the Deponent, that ye Revd. Mr [William]Tennent had Preached sedition since he took a Protection from General Howe, that he was dead, which was a Mercy, that now parhaps [sic] the People would be more cool and return to their allegiance. About sunset said Richard Francis & Cyrenius Van Mater went to go home.

That ye said Deponent was going in a Canoe with an intention to visit William Provoost & was taken Prisoner as a Spy a Rebel a Trader [traitor] & an Enemy by James Kearny William Henry Shore Stephens & others, and on Staten Island was kept a Prisoner, that soon after James Kearny William Henry Shore Stephens &c went to ye said Thomas Kearney's to inquir [sic] into ye said Deponent's Character [.] That when they returned to Staten Island they viz ye said James Kearny William Henry Shore Stephens &c said that Thomas Kearny had informed them that he ye said Deponent was a Spy a Rebel a Traitor & an Enemy, and should not be allow'd (by any means) to return to Monmouth. On that James Kearny William Henry & Shore Stephens wrote these Charges and Order'd him ye said Deponent together with ye said Charges to be delivered to Genl. Vaughan at Amboy [.]

That the Regular Sergeant told him ye said Deponent as they were going to Amboy that he ye said Deponent would be ha[n]ged if he delivered them Charges against him ye said Deponent and offer'd to keep them back if he the said Deponent would inlist & give him (ye Sergeant) the Bounty to which ye said Deponent agreed. That while he ye said Deponent was upon Staten Island James Kearny William Henry & Shore Stephens together with [?]3 More went over to ye said Thomas Kearny's & bought three quarters of a stall fed Bull that said ye Thomas Kearny had killed for them together with a good Deal of Poultry Potatoes && and when they embarked to return fired several vollies [sic].

That ye said Thomas Kearny John Provoost Old Springstead and Wine Bennet are to his ye said Deponents knowledge concern'd in supplying ye Enemy on Staten Island with various kinds of fresh provisions and they ye said Thomas Kearny John Provoost and Old Springstead keep signals to hoist to inform any of ye said Refugees that should be coming over whether any of our guards or Light Horse were near. That Some of ye Refugees declar'd to him said ye Deponent that they purchase Continental Money of our Deserters & ye People of Staten Island use & send it over to ye above named Persons, who buy up Provisions for them [.] That he ye said Deponent had a 20 Shilling Bill which was purchased by John Bowne & together with other of the like Money was sent over to John Provoost as he the said John Bowne inform'd him ye said Deponent and further the Deponent sayeth, That Mr Clark who lives near John Bowne's sent a Yoke of fat Oxen over from John Provoost to Staten Island, That he said ye Deponent has frequently heard the said Thomas Kearny say that the Congress were a damned set of Rebels, that they did not aim at the Liberty of the States, But only to Aggrandize themselves, that they wanted to become great Dukes Earles and Lords & Dimigods that the plan for an Independent State has been their design for this Two seven years past, that the People of the States were deluded & infatuated, that they were also aiming to establish a Presbyterian government, that he never had signed the association nor for Independency nor against it, that if he had signed against Independency, twould be tacitly acknowledging the authority of Congress, which he never would that he advised his son James Kearny in the Deponents hearing to accept of a Captaincy in the Kings service & inlist all those refugees who have gone from Cheesequake Matawin [sic] Contascank [Conesconk] & to Staten Island, that as old as he was that he would go into the Regular service as a Volunteer that he had but one life to loose [sic] & would be glad to loose it in his Majesties service, that he order'd his sons never to make Peace with the [Robert\_?] But to shoot them whenever they found them [.] That he wished every Tree in his Woods had on each Limb a Rebel hanging to it, that Richard Francis was by at an other Time & heard expressions of the like import, and seem'd to give his assent[.]

That after the Battle that General Maxwell had with ye Kings Troops he the said Deponent heard Thomas Kearny say that General Howe should give orders to cut and slash without distinction of age or sect[.] That he would never conquer the Damned Rebels untill he kil'd all said Damned Cromwellian Breed nits & lice & all God Damn them.

That Thomas Kearny conceal'd Shore Stephens Gershom Stillwell and another Person in his Store House & there treated them with as much Cyder [sic] as they could drink, at which Time they were pursued by the Light Horse that ye said Thomas Kearny provided them with a Boat, in which they went to Staten Island. That Thomas Kearny ye said Deponent [that] the Rebels had robbed Mr Wilkerson of sixteen pounds in Silver, that while the guards had him ye said Wilkerson he s'd Wilkerson attempted to whisper some What to said Thomas Kearny which was forbid him That said Wilkerson made a sally Towards the said Thomas Kearny and let fall into his coat Pocket a piece of gold to the amount of near one hundred pounds which was returned to the said Wilkerson the next day. [?] being discharged that ye money was Kings money.

That Stephen Hedger after the Death of his Father came to Thomas Kearny's and fetched with him a quarter of a fine shote & gave it to ye said Thomas Kearny as a present, who invited some of his neighbours to dine with him ye said Thomas Kearny ye

next day. That the following night William Henry came over from Staten Island to ye said Thomas Kearny armed with two Pistols Brought with him a New York NewsPaper of the 13<sup>th</sup> of March That ye said Thomas Kearny let ye said William Henry have the quarter of a shote together with some Poultry that ye said Thomas Kearny asked William Henry to take over with him a number of Turkeys Ducks and Fowl which had been sent to ye said Thomas Kearny some days before by Cyrenius Van Mater to be sent to Staten Island which said William Henry refused upon which ye said Thomas Kearny pulled out one dollar & gave to William Henry to buy Sugar and Tea for said Van Mater that the next day morning ye said Thomas Kearny went to Richard Francis with said Newspaper.

William Sands

Sworn in Council of Safety

The 24 April 1777 Before Wil. Livingston Presd. [Presiding]

**MAY IT PLEASE YOUR EXCELLENCY**

*Robert Morris to Governor William Livingston, May 1, 1778*

***Transcript***

Mrs. Rutgers of this place has represented to me that a considerable part of her property is in the city of New York and occupied [sic] by the british troops for the use of the hospital for which she has the promise of rent from Genl Robinson and that this is her only reliance for the support of a young family. She has requested me to recommend her to your Excellency for a pass to go to New York some time the latter end of this month.

Rebecca Johnson of this town has also desired me to request a pass ~~for her~~ of your Excellency for her to go to Bergen Point ~~where for~~ to assist nurse her sister ~~in child bed~~ ~~who~~ now dangerously ill in child bed. She was sent off to her husband ~~and~~ who was [?], there with him ~~there~~ without other friends or connections.

Good policy in the one, and humanity in both these instances have induced me to attend to these applications, and as I can see no disadvantage that can result from complying with them I have taken the liberty of recommending them to you accordingly.

I have the honor to be  
Your Excellency's  
most obed't [obedient] &  
humble Servant,

RM [Robert Morris]

Newark May 1, 1778

Gov. Livingston

## "TAKEN IN THE PINES"

*Statement of Justice of the Peace William Tapscott in case of the State vs. Samuel Johnston, Monmouth County Court of Common Pleas, May 28, 1782*

William Williams called on Justice Tapscott, a phonetic speller, after he had seized contraband goods from New York belonging to smuggler James Lipincot. Williams found the merchandise in a two-horse wagon being driven through the forest by Samuel Johnston, whom Lipincot had hired. Johnston confessed and waived his right of trial by jury. Tapscott immediately held an auction. The horse and wagon were sold for £18 and the goods for £20, with the proceeds going to Williams, as per a New Jersey Act passed October 8, 1778.

*Monmouth County Archives*

*Prepared by Gary Saretzky*

### **Transcript:**

*State of New Jersey Monmouth May 28 1782*

William Williams the day before cald on me to condem sum contraband goods which he had taken in the Pines when I came to see the goods I ask him whose they were he told me that that he took them from one Samuel Johnston and James Lipincot I told him he should have brought them along he said he could git them if I grant a warant to take them and the wagon and horses which I did and he went and brought Lipincot and his wagon and two horses when Lipincot came before me I requested of him if he demanded a jury he said not and confes[ed] the goods was come from New York and they was none of his but one Samuel Johnston imployd him to cary them for him with his wagon the night Williams took them on his confesion I condemd to the goods captors and the captor [?] made publick notis by notifying that he would sel them and as their was Sundry people presant the wagon and two horses was set up and bid for and sold for £18 then the goods was set up and bid for and cryd of for £20 this is the whole affair as transacted before me the day above writon

*William Tapscott Justis*

## **LETTER TO PATRICK HENRY URGES ABOLISHING SLAVERY**

*Third page of a five-page letter from abolitionist Samuel Allinson, a Burlington, NJ, Quaker, to Patrick Henry, May 1774, from a later copy by Allinson's son.*

In this letter, Allinson, who didn't know Henry, wrote the Virginia patriot at length urging liberty for all. The Quaker argued that "a fairer time never offered to give a vital blow to the shameful custom of Slavery in America," since Americans were "groaning under unconstitutional impositions destructive of their Liberty." "Can we say," argued Allinson, "that a limited Slavery is injurious & disagreeable to ourselves, &, by our practice declare, that absolute Slavery is not unjust to a race of fellow Men because they are black?" The following year, on March 23, 1775, Henry stated, "Is life so

dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!"

*Special Collections, Rutgers University*

*Prepared by Gary Saretzky*

### **“AUTHORITY . . . DERIVED FROM THE PEOPLE”**

*Constitution of New Jersey, 1776, Burlington, New Jersey, pages 1 and 9*

In June 1776, the fourth Provincial Congress of New Jersey transformed itself into a constitutional convention. Meeting in Burlington, the assembly rather hastily adopted a declaration of independence from Great Britain on July 2. The document outlined the form of government to be installed. A two-house legislature was created, the upper chamber comprised of one representative from each county. Representation in the lower chamber was apportioned among the counties roughly by population. The governor was elected to a year-long term by the legislature, not a direct public election. This means of electing the governor continued for sixty-eight years. The document ends rather curiously with an escape clause of sorts, providing for its nullification “if a reconciliation between Great Britain and these colonies should take place.” Of course, no such reconciliation took place, and this document remains New Jersey’s own declaration of independence, predating the nation’s by two days.

*Reproduction and caption, New Jersey State Archives*

### **“A TYRANNY SET UP AMONGST US”**

*Petition of 25 Monmouth County citizens to the Legislative Council and General Assembly concerning the illegal behavior of the Retaliators, [1781]*

One of several petitions to the General Assembly complaining about the excesses of the Monmouth “Committee of Retaliation,” a vigilante organization formed in 1780 under David Forman that acted as a shadow government to the duly elected county representatives. Forman (1745-1797) was a Continental army colonel, former brigadier general of militia, and justice of the peace who was then judge of the county court. The “Associators,” as they were also called, were supposed to protect its members from Loyalists and outlaws. But they used their power to plunder and physically abuse peaceful Crown sympathizers and to settle private grudges. A committee of the state legislature condemned the Retaliators but it continued to operate until the end the war.

*New Jersey State Archives, #10948*

*Prepared by Gary Saretzky*



**“Bistado . . . shot Williams dead; & took him the said Fowler Prisoner”**

*Confession before Governor’s Council of Safety, April 11, 1777*

Thomas Fowler, along with Samuel Woodward and Nicholas Williams, went to Shrewsbury to join the British at Sandy Hook. Woodward recruited Fowler with “promises of great reward” if he would help recruit men to carry out British General Howe’s order to seize the Salt Works at Sandy Hook, “that the Whigs might be conquered the easier.” Fowler and Williams then “waylaid” Lewis Bistado to take him “to the Hook, to prevent his hunting them in the Pines.” But after Williams shot at Bistado and missed, Bistado killed Williams and took Fowler prisoner.

*New Jersey State Archives*

*Prepared by Gary Saretzky*

**“SHORTLY TO DEPART THIS LIFE...”**

*Will of Captain Joshua Huddy, April 12, 1782*

On March 30, 1782, Loyalist raider Philip White was captured by militia near Long Branch. White was murdered by his guards, among them the son of a man slain in 1780 by a raiding party that included White. Two weeks later, Joshua Huddy was seized during a Loyalist raid at Toms River. After writing his will, Huddy was hung and left with a note pinned to his chest that read in part, “Up goes Huddy for Phil. White.” In Monmouth, this incident led to further revenge killings and petitions to the legislature. As for George Washington’s response, he came close to hanging a British officer, Captain Charles Asgill, and threatened to scuttle the Paris peace talks.

*New Jersey Historical Society, Revolutionary Era Collection, #MG4*

*Prepared by Gary Saretzky*

## INQUISITION AT MONMOUTH 1783

*“Mercy Stillwell late of the township of Middle Town . . . did join the Army of the King of Great Britain”*

Thirteen men here sign an oath that on about January 1, 1781, Mercy Stillwell had joined the British army. Such Loyalists were termed “fugitives and offenders” and the Inquisition was a prelude to the seizure of their property. The Inquisition was made in the court of Justice of the Peace David Forman, a leading patriot in Monmouth County. Forman was also a Colonel in the Continental Army and the Chairman of the “Retaliators,” a vigilante group that persecuted Loyalists outside the courtroom. Inquisitions for women are rare in the Monmouth County Archives.

*Monmouth County Archives - RWB*

*Prepared by Gary Saretzky*

## GOING TO NEW YORK WITHOUT A PASSPORT

*Indictment of Joel Bedell, Monmouth Court of Quarter Sessions, October 1780 [pleaded guilty]*

### **Transcript:**

“The Jurors on behalf of the State of New Jersey for the body of the County of Monmouth upon their oath present That the State of New Jersey and the United States of America now are and for some time past have been at open war and enmity with George the third King of Great Britain and that Joel Bedell late of the Township of Middletown in the said County of Monmouth, yeoman on the twentieth day of June in the Year of our Lord one thousand Seven hundred and Eighty and during the war aforesaid from the said Township of Middletown in the County aforesaid and within the Jurisdiction of this court did voluntarily, maliciously advisedly, unlawfully and seditiously go over to the City of New York, Long Island and Staten Island in the State of New York, which Said City and Islands were then and still are in the possession of the troops and Subjects of the Said King of Great Britain, without any leave license or passports previously obtained from any competent authority, to the evil example of all others in like case offending, against the form of the act of the Council and General assembly in such case made and provided, against the peace of this State the government and dignity of the same.”

*Monmouth County Archives*

## “AN ENTHUSIAST FOR INDEPENDENCE”

*Letter from General “Mad” Anthony Wayne to Robert Morris, a signer of the Declaration of Independence, after the victory at Yorktown, October 26, 1781 [1<sup>st</sup> and 3<sup>rd</sup> pages]*

Wayne urges that America quickly take advantage of the surrender of Lord Cornwallis to secure “a glorious & happy peace.” Wayne (1745-1796), who served under Lafayette at Yorktown, had led his Pennsylvania regiment at the Battle of Monmouth in 1778 and was one of George Washington’s most effective and trustworthy officers. In 1779, when Washington asked him to attack the British at Stony Point, where the enemy was protected by a 200 foot cliff, he replied, “Issue the orders, Sir, and I will storm hell!”

*Rutgers University, Special Collections, Ac. 1023*

*Prepared by Gary Saretzky*

## WIFE OF CAPTURED LOYALIST SEEKS NEWS

*Mary Leonard. Letter to R.D. Hooper, Jr., requesting information on the whereabouts of her husband (presumably an imprisoned Loyalist) and aid for her distress. Lebanon, NJ, October 29, 1777.*

### **Transcript:**

“Since I left East Town I have been indissposed that I have not been able to write till now. I send the inclosed to Mr. Leonard beg the Favour that you will [fourd / forward?] it as soon as Possible. I flater my Self Sir by this time you have heard from him where his Lot is to be, if he Should happen to be placed at Reading or East Town I should Esteem it one of the greatest Blessings I could enjoy at this time. If he is Sent two Hundred mile from me my State of Health will not admit my going to him, as you have the Character of a Gentleman of Great Humanity I make not the least dought but you will assist and befriend the Distressed as sure as is Consistant with your Honer. I have not heard if you have sent to Gen. Dickerson for my things. I should be Extremely obliged to you for that favour as I have nothing to Shift in nor can not buy any. Sir complying with my request you lay me under the highest Obligation. From your Sincer Friend Mary Leonard”

*Special Collections, Rutgers University, Loc. S*

## **RICHARD WALN'S PLEA TO RETURN HOME**

*"To William Livingston Esq. Governor of the State of New Jersey & to the Council of Safety... August 13, 1778*

Richard Waln's petition to return to his home in Upper Freehold (the largest house in Monmouth County at the time), now Historic Walnford, a county park. Waln was a Quaker, which precluded active involvement on either side of the war. But as a mill owner and successful trader, Waln wanted to continue trading with the British if possible. The Council on Safety ordered his arrest on July 21, 1777. On October 11, he appeared and refused to affirm his allegiance to the government. The Council then let him go to Staten Island with his family "into the Enemy's lines." On August 20, 1778, he returned via Philadelphia and was arrested again, resulting in this successful petition, in which he promises to be a "good Subject."

*New Jersey State Archives*

*Prepared by Gary Saretzky*

## **THE JERSEY PRECEDENT THE ORIGINS OF JUDICIAL REVIEW**

*New Jersey Supreme Court. John Holmes & Solomon Ketcham v. Elisha Walton, In Certiorari... [November 1779]*

As per an Oct. 8, 1778, state law, Elisha Walton, a militia major, seized more than \$70,000 worth of silk brought from behind enemy lines to Monmouth County. Attorney William Willcocks here argues that the subsequent conviction of his clients Holmes and Ketcham should be reversed, stating, "In that the Jury who tried the said plaint before the said Justice consisted of Six men only contrary to the constitution of New Jersey." On Sept. 7, 1780, Chief Justice David Brearley agreed, overturned the conviction, and struck down the portion of the 1778 law on trading with the British that provided for juries of six, thereby establishing the principle of judicial review later adopted by the Supreme Court of the United States. English King Ethelred mandated the standard jury of twelve in the year 997.

*New Jersey State Archives, #18354*

*Prepared by Gary Saretzky*

Scott, Austin. "Holmes vs. Walton: The New Jersey Precedent." *American Historical Review*, 4:3 (April 1899), 456-469.

## **“CONTINENTAL” PORK SEIZED BY LOYALISTS**

*Affidavit of Thomas Carter and William Hunt, Allentown, before Joseph Lawrence, Justice of the Peace, March 19, 1777*

According to this complaint, a gang of about a dozen men led by Anthony Woodward, Jr., seized three wagon loads of pork from the storehouse of Isaac Rogers, Esq., in Allentown. When the deponents wanted to weigh the meat, Woodward told them it was “Continental pork and that Mr. Rogers should never have any satisfaction for it.” Woodward and his first cousin Anthony, “commonly called Black Nat,” were white middle class Quaker landowners who sided with the British. Woodward was convicted in 1778 for riot and sentenced to one month in jail.

*New Jersey State Archives, R.D. 27*

*Prepared by Gary Saretzky*

## **WIDOW WOODWARD HARBORS NOTORIOUS PINE ROBBERS**

*Conviction of Elizabeth Woodward, Burlington County, from New Jersey Supreme Court Records, 1782*

The jurors here conclude that Elizabeth Woodward, a widow of Chesterfield, Burlington County, did conceal Moses Doan, Nathan Tomlinson and “diverse others,” armed with “Guns & Pistols & other Weapons offensive and defensive,” despite knowing them to be “notorious Thieves & Robbers.” Marauding parties of these “Pine Robbers,” loosely affiliated with the British, plagued New Jersey during the Revolutionary War. Doan was a member of a notorious Tory outlaw family in Bucks County, PA.

*New Jersey State Archives*

*Prepared by Gary Saretzky*

**“INTEMPERATE ZEALOTS” DRIVE OUT  
ROYAL GOVERNOR**

*William Franklin, last Royal Governor of New Jersey, to New Jersey House of Representatives and his Majesty’s Council, 17 June 1776  
[two selected pages]*

Less than three weeks before the Declaration of Independence, Governor Franklin (son of Benjamin) was arrested. Here he promises to depart to his place of residence for the duration of the war and not to provide any intelligence to the “Enemies of the United Colonies.” He also states, “. . .no office or honor in the power of the Crown to bestow, will Ever Influence me to forget or neglect the Duty I owe my Country, nor the most furious Rage of the most Intemperate Zealots Induce me to Swerve from the Duty I owe his Majesty.” Franklin, politically at odds with both his father and his son, violated his parole and was imprisoned in Connecticut until freed in a prisoner exchange. After serving as president of the Board of Associated Loyalists in New York (1781-82), which conducted violent raids on Monmouth County, he moved permanently to England.

*New Jersey State Archives*

*Prepared by Gary Saretzky*