NEW JERSEY'S TREATMENT OF ITS LOYALISTS

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by

Nelson Rozelle, B.S.in Ed.

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Approved by:

[Signature]

At request of Prof. Siebert
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CHAPTER I
THE TRANSITION FROM
THE ROYAL TO THE REVOLUTIONARY GOVERNMENT

The first prosecution of the loyalists in New Jersey was begun while that colony was still a royal province. Consequently the action against them was of a distinctly extra-legal nature. Committees of correspondence were early organized therein to carry on the patriot cause. The Virginia House of Assembly had set the example of having colonial committees of correspondence in 1773. That colony had also urged that the other colonies adopt this general method of intercourse. In spite of the opposition of Governor William Franklin, New Jersey followed the lead of Virginia. On February 8, 1774, the Assembly unanimously appointed a standing committee, whose duties were to obtain early knowledge of legislation passed by Parliament affecting the liberties of America, and to maintain correspondence with the other colonies.¹ Later in the year a letter was sent to Benjamin Franklin asking him to furnish them with early news of all parliamentary acts which might affect their liberties.²

¹Edgar Jacob Fisher, New Jersey as a Royal Province, 442.
²Documents Relating to the Colonial History of the State of New Jersey, 1st ser., X, 472. Hereafter, this work will be cited as N.J. Arch., 1st ser.
In a short time each county, township, and town of any importance had organized its own committee. It was through these committees that New Jersey first began to take note of the loyalists within its borders.

The Essex County committee soon saw the advisability of holding a convention of delegates from the various counties. This movement saw fruition on July 21, 1774, when the committees met at New Brunswick, passed suitable resolutions, and elected delegates to the First Continental Congress. That meeting may be called the first provincial congress in New Jersey.

The Articles of Association, recommended by the Continental Congress, gave the committees of New Jersey a start in their action against the loyalists. There was a general response throughout the province in favor of the Association. Essex County, in the lead as usual, issued a circular letter to the freeholders urging that the Articles of Association be obeyed and recommending that violators be ostracized.

Both communities and individuals received the label of undesirability at the hands of these county committees. Joseph Shotwell & Sons were interviewed by the Woodbridge

3 N. J. Arch., 1st ser., X, 458

4 Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey, 1775-1776, 143 et seq. Hereafter, this work will be cited as Min. of Prov. Cong.
committee on January 10, 1775, regarding the importation of provisions. The firm stated that no imported goods had been opened since December 1, 1774, but what had been examined by the New York committee. This reply seemed to satisfy the interviewing committee.5

Two merchants of New York, in the hope of great profit, stealthily unloaded a cargo from the ship Buelah. A part of the cargo found its way to Elizabethtown, where it was discovered by the committee. The merchants were accused of violating the non-importation agreement. After mature reflection for a week, the merchants decided that their conduct had been ill advised, and promised to reship their goods.6

Some of the rules of the Articles of Association seemed rather arbitrary, even to some members of the committee. The committee of Cumberland found that Silas Newcomb, one of its members, had violated article three, by drinking East India tea. They tried in vain to convince the erring man of his crime. At last the committee agreed that it was their duty to break off all dealing with Mr. Newcomb, as recommended by article eleven of the Association, "and in this manner publish the truth of the case that he might be distinguished from the friends of American liberty."

5 Min. of Prov. Cong., 46.
6 Fisher, op cit., 455.
Two months of social ostracism was evidently enough to convince Mr. Newcomb that patriotism was of greater consequence than drinking tea. In an attempt to reinstate himself in the good graces of the community he sent the following letter to the committee:

I...do hereby publickly acknowledge my former error, and voluntarily confess myself to blame for obstinately refusing to submit to a majority of the committee; and I do hereby ask pardon of the Members of the Committee for the abuses offered them and promise for the future to regulate my conduct agreeable to the aforesaid association and a majority of said committee.

Witness my hand the 11th day of May, 1775,
Silas Newcomb

This apology was accepted by the Monmouth committee and the letter was ordered published. The vigorous methods of the committee had again succeeded in bringing a laggard patriot back into step.7

James Rivington, the notorious New York printer, favored passive obedience to the British ministry. The Elizabethtown resolution of December, 1774, referred to him as "a vile ministerial hireling, employed to disunite the Colonies and calumniate all their measures entered into for the public good." The committee resolved neither to take the paper nor to insert advertisements in it. The Morris County committee even went so far as to dis-

7Min. of Prov. Cong. 94.
countenance the post-riders and stage-drivers who brought the papers into the country. His printing press was finally destroyed by a party of Connecticut patriots. 8

The small, as well as the great, offender came to the notice of the committee. Thomas Randolph, who had publicly proven himself to be an enemy of his country by reviling the proceedings of the Continental and Provincial Congresses, was taken in hand by the patriot committee. As he was judged to be a person of little consequence he was not given the more severe punishment. He was ordered to be stripped naked, well coated with tar and feathers, and carried on a wagon about the town. Under this treatment Mr. Randolph soon became sensible of his offence and earnestly begged pardon. When he promised better behavior he was released and suffered to go to his home. An observer makes the comment that the whole action was conducted with "that regularity and decorum that ought to be observed in all public punishments." 9

The absence of offenders did not prevent the committee taking action against them. Thomas Leonard was summoned to appear before the committee of Monmouth County in April, 1775. He neglected to do so. The committee,

8 Min. of Prov. Cong., 41.
after investigating the case, declared him guilty and asked all true patriots to shun him as an enemy of their country.\textsuperscript{10}

These examples are only a few of the many that came before the patriot committees. In view of the fact that open war had not yet been declared and that the government was still under the loyalist, William Franklin, it is rather surprising that these early committees attained success in bringing disaffected men back into the fold and in making life so miserable for the loyalists.

Meanwhile, the news of Lexington and Concord had spread throughout the colony. The committees became more active and royal authority became more ineffectual.

Another series of county meetings led to a Second Provincial Congress. Before the close of the session a committee of safety was chosen. It had the power to convene congress and to act while that body was not in session.

The meeting of the Third Provincial Congress practically sounded the death-knell of the royal Assembly of New Jersey. Provision was made for an elective provincial congress. At the same time freeholders were to elect county committees of observation and correspondence. Township committees were also provided for. This was a least the beginning of orderly government under the new regime. It is

\textsuperscript{10}Min. of Prov. Cong., 100.
interesting to note that from October to December, 1775, there were two representative assemblies in the province, both having all the appearances of continuing legislative bodies.

The county committees reported to the Provincial Congress those persons who were unfriendly to the Articles of Association. All persons refusing to sign the Articles of Association were to be disarmed, and compelled to give security for their good behavior. After being disarmed, they were subject to the same fines for not attending military drill properly armed as though they had not been deprived of their weapons.\(^{11}\) Such treatment was not calculated to bring much peace of mind to the Tories. They must either sign the Articles, or flee from the country if they expected to retain their property or escape bodily harm. Trials of erring countrymen followed one another in rapid succession.

Among those loyalists who were so unfortunate as to be brought to trial was Christopher Harrison, who appeared before the Congress on the charge of violating the Articles of Association. After the due weighing of evidence Harrison was found guilty, fined the costs, disarmed, and made to guarantee £50 for his future good behavior. He was to

\(^{11}\text{Min. of Prov. Cong., 437.}\)
remain in jail until he had complied with this sentence.\textsuperscript{12}

There was constant need for patriots to be on the alert for loyalists. New York and Philadelphia were the two chief loyalist centers, and New Jersey was the highway between them. On June 26, 1776, the Provincial Congress sent military expeditions against insurgents and disaffected persons in both Monmouth and Hunterdon Counties. The names of twenty-six individuals were given as dangerous persons who were to be brought before the Congress for trial.\textsuperscript{13}

A few days later news came to the Provincial Congress of a serious insurrection in Monmouth County by the loyalists, "who were preparing by force of arms to resist the cause of American freedom and to join the British troops, for the destruction of this country." On July 3, 1776, four hundred of the militia from Monmouth and Burlington Counties were ordered to proceed without delay, to put down the "insurrection", and to capture and disarm all enemies of American freedom, that they might be brought to trial before the Provincial Congress.\textsuperscript{14}

A very interesting case was that of Dr. Lawrence of Perth Amboy, who had fallen under the suspicion of the patriots in July, 1776. A petition from sundry ladies of that town soon reached the Congress, praying that Dr. Lawrence be

\textsuperscript{13}Fisher, \textit{op. cit.}, 485.

\textsuperscript{14}\textit{Min. of Prov. Cong.}, 489.
released so that he might attend his patients, who were in hourly need of his services. The ladies received a very courteous answer, regretting that the Doctor could not be released because, "motives of commiseration to individuals must give place to the safety of the publick."\textsuperscript{15}

During all this time Governor William Franklin had been the nominal head of the government. Loyal to the Crown, he had been gathering information about American affairs and sending it to England.\textsuperscript{16} This conduct was highly satisfactory to the British ministry, but not at all to the American patriots. Governor Franklin believed that he could help the British cause most by staying in New Jersey as long as possible. He could at least keep up a show of royal authority.\textsuperscript{17} It was on that account that he had inquired of the Assembly concerning his safety in November, 1775, when a good many royal officials were fleeing the country. That the popular branch of the government should show patriotic tendencies probably was not much of a surprise to him. However, when his Council showed marks of disaffection he was disappointed. Only three of his councillors could be depended upon to be loyal, and even these thought it necessary to "observe a Trimming conduct."\textsuperscript{18}

\textsuperscript{15}Min. of Prov. Cong., 510.

\textsuperscript{16}N. J. Arch., 1st ser., X, 510.

\textsuperscript{17}Documents Relating to the Revolutionary History of the State of New Jersey. 2nd ser., I, 109. Hereafter, this work will be cited as N. J. Arch. 2nd ser.

\textsuperscript{18}N. J. Arch., 1st ser., X, 678.
The final break between the Governor and the Provincial Congress came on June 14, 1776, when that body voted that his call for a meeting of the General Assembly ought not to be obeyed.\(^{19}\) The next day they passed the following resolution: "That in the opinion of this Congress the said William Franklin by such proclamation has acted in direct contempt and violation of the resolve of the Continental Congress." The Provincial Congress also resolved that the Governor had shown himself to be an enemy of this country, and that measures should be taken to arrest him.\(^{20}\)

The Provincial Congress at once took steps to secure the person of Governor Franklin. Colonel Nathaniel Heard was ordered to make the arrest. The respect of the Congress for the Governor is shown by the direction to Colonel Heard to carry out his instructions with as much "delicacy and tenderness" as possible. He was also authorized to offer a parole to Franklin, giving him the choice of staying at Princeton, Bordertown, or his own farm at Rancocus.\(^{21}\)

Colonel Heard was evidently worthy of the confidence reposed in him by the Congress. In the earlier part of the year he had been in command of a body of militia to disarm all Tories in Queens County, Long Island. His officers credited him with civility and the utmost humanity toward

\(^{19}\)Min. of Prov. Cons., 454.

\(^{20}\)Ibid., 455.

\(^{21}\)Ibid., 457.
the enemy. That some of the Tories had contrary opinions may be observed from the following contemporary verse:

Colonel Heard has come to town
In all his pride and glory
And when he dies he'll go to Hell
For robbing of the tory. 22

When Colonel Heard went to the Governor's house on June 18, 1776, to carry out his orders, he was received very coldly. Governor Franklin refused to sign the parole and forbade the Colonel to put the order into execution. Colonel Heard then stationed a guard around the place and sent a letter to the Congress for further instruction. The Congress replied by ordering him to bring Governor Franklin before them under such guard as he thought necessary. At the same time they sent a letter to the Continental Congress asking advice and also permission to send the Governor to some other colony, where he would be capable of doing less mischief. 23

In reply to this request the Continental Congress recommended that the New Jersey Congress examine Franklin. If upon such examination they should become convinced that he should be confined, the Continental Congress would designate the place of confinement. 24 The Continental Congress also accepted the responsibility for the arrest of Franklin which

22 N. J. Arch., 2nd Ser., I, 10 N.
23 Min. of Prov. Cong., 461-462.
24 Ibid., 467.
relieved the New Jersey Congress of certain apprehensions regarding the expediency of their act.

On June 21, 1776, Franklin was brought before the Congress for examination, but the Governor refused to recognize his examiners, denying their authority to question his acts. By this and his former conduct he convinced the Provincial Congress that he was a virulent enemy of his country. They therefore resolved that he be placed in confinement under the direction of the Continental Congress. 25

After the war Franklin went to England where he remained until his death on November 16, 1813. As a reward for his loyal service he was granted a pension of £420 by the British ministry. On his large claim of £45,812 for property confiscated by New Jersey, he was allowed only 31,800, together with £960 for loss of his salary as governor. 26

With the arrest of Governor Franklin the last vestige of royal authority passes away. On June 21, 1776, the Provincial Congress resolved that a constitution for a new government be drawn up pursuant to the recommendation of the Continental Congress. 27 By July 2 the constitution was completed, and was adopted on that date by a vote of

25 Min. of Prov. Cong., 470.
26 Edward Alfred Jones, The Loyalists of New Jersey, 75.
27 Min. of Prov. Cong., 471.
On August 31, William Livingston was elected Governor of the state. The old order had changed, giving place to the new, and many loyalists were wondering about the treatment they were to receive from the new administration. They were not destined to be in suspense long. The new government was not slow in passing laws calculated to make the loyalists' path a stony one to travel.

28Min. of Prov. Cong., 471.
CHAPTER II

THE PROSECUTION OF THE LOYALISTS UNDER THE TREASON LAWS

The new government, initiated August 27, 1776, immediately began the work of solving the problems confronting it. In order to carry on the war against external enemies it had first to clear its own official body of internal enemies, for there could be no efficient action against the loyalists if the government itself harbored them. As soon as the legislature had completed its organization, it began passing laws planned to drive the loyalists from official positions in the government, where they endangered the safety of the state. The first law of this nature entitled, "An Act for the Security of the Government of New Jersey," was passed September 19, 1776. The purpose of the law is clearly stated in its preamble, which declared it to be "essentially necessary for the Safety of the State" that every person holding any office or post of public nature should evince his fidelity to the government from which he derived protection and under which he was authorized to act, therefore it was necessary that a proper test be taken by all officers, civil and military, within the state.

The test oaths prescribed were as follows:

1. "I do sincerely profess and swear that I do not hold
myself bound to bear allegiance to the King of Great Britain. So help me God."

2. "I do sincerely profess and swear, that I do and will bear true Faith and allegiance to the Government established in this State under the Authority of the People. So help me God."\(^1\)

This test act eliminated the openly disaffected persons from the governmental body and made it possible for the patriot government to work as a unit in their future action against the loyalists.

The next task of the new legislature was to pass laws to punish those persons who were disloyal to the cause of freedom, for they were a menace to the state as long as they remained at liberty to plot against it. On October 4, 1776, an act was passed, which was entitled, "An Act to Punish Traitors and Disaffected Persons." The justification for this measure, as set forth in its preamble, was that in the present time "the Safety of the People" required that "all persons who are so wicked as to devise the Destruction of Good Government, or to aid or assist the Enemies of the state" should "suffer Condign Punishment." The act enumerated the classes of people who owed allegiance to the state and who should be classed as

\(^1\)Acts of the Council and General Assembly of the State of New Jersey from the Establishment of Present Government and Declaration of Independence, to the End of the First Sitting of the 8th Session on the 24th Day of December 1783, II, 4. Hereafter, this work will be cited as N.J. Laws, II.
traitors if they turned against it. The punishment for such treasonable acts was also provided for. Any one owing allegiance to the state and who should levy war against it, or be an adherent to the King of Great Britain, or to other enemies within the state or to the enemies of the United States, giving them comfort or intelligence or furnishing them "with any kind of Warlike Stores," and should be convicted was to be adjudged guilty of high treason and punished accordingly, "saving the corruption of blood."

Another provision stated that any one who should defend the power of the King over the colonies should be subject to a maximum fine of $300 and imprisonment not to exceed one year. This provision also declared that any one speaking contemptuously of the government of the state of New Jersey or the Congress of the United States, or who should encourage disaffection of the people for the government, should be subject to a like fine and imprisonment. Any two justices of the peace were competent to administer the oath of adjuration and allegiance to any person whom they might suspect of disaffection. If such person neglected, or refused to take the oath he was to be bound over to the court of quarter sessions for trial.²

All that remained for the local authorities to do was

²N.J. Laws, II, 4-5.
to apprehend disloyal persons and bring them to trial, but the justices of the peace were very negligent in complying with this law. The success of the British arms in New Jersey during the latter part of 1776 made the patriots very reluctant to disturb their loyalist neighbors, who might soon have the whip hand. The newspapers of the time show practically no cases of action taken against the loyalists during this period. On February 11, 1777, Governor Livingston issued a proclamation calling attention to the fact that some of the justices of the peace had been "too remiss in discharging the duty required of them", and adding that he had therefore thought fit, by and with the advice of the Council of the state to issue this proclamation "strictly charging and commanding all Justices of the Peace within the same" to carry the treason act into execution. 3

Even the Governor's proclamation did not stir the justices of the peace to any great amount of effort against the loyalists. The need for a central body to unite and direct the local and state activities for the suppression of disaffection was manifest. Steps were therefore taken to give the Governor and a designated Council the authority to enforce the treason laws. On March 15, 1777, the Council and General Assembly passed an act entitled, "An Act for Investing the Governor and a Council Consisting of Twelve, with

3N.J. Arch., 2nd Ser., I, 282.
Certain Powers Therein Mentioned for a Limited Time. By this act the Council was given certain extraordinary powers for the preservation of the state, which was endangered by the attacks of both internal and external foes. What powers were given this body can only be deduced from those entrusted to the Council of Safety created by the act of September 20, 1777. The act of March 15 was only temporary, and has not been recorded in the New Jersey Laws. In fact the first definite enumeration of the powers of the Council of Safety came in an act of April 4, 1778, by which that body was made to consist of twenty-three persons, five of whom constituted a quorum, with the Governor, or in his absence the vice-president of the Council, acting as president. Their powers were extensive. They were to act as a board of justice in criminal matters, apprehend disaffected persons and commit them to jail, send the wives and children of fugitives with the enemy into the enemy's lines, effect exchanges of disaffected persons for prisoners held by the enemy, disarm the disaffected, and call on the militia for such aid as might be necessary in carrying out the above duties.

As soon as the Council of Safety had received the powers granted to it by the act of March 15, 1777, it began

4Minutes of the Council of Safety of the State of New Jersey, 1777, 7. Hereafter, this work will be cited as Min. of C.S.

5N.J. Laws, II, 23.

6Ibid., 42.
to carry out its functions. Three days later it was inves-
tigating the conduct of certain suspicious persons sent
before it by General Putman.7 From that time on the Council
was kept busy examining the conduct of persons suspected of
loyalism. Many such persons were sent for examination by the
officers of the militia and the Continental army. In order
that the Council might have its own military men an order was
given to Captain Arnold to send two of his light horse to at-
tend its needs.8 This gave it more independence in dealing
with the disaffected people in the state. In order to show
the methods used by the Council of Safety in carrying out the
laws against the loyalists, it will be necessary to examine a
few of the many cases it handled.

Daniel Allis, who was summoned to appear before the board
and take the oaths, did appear but refused to take the oaths.
He was indulged at his request for a few days in order to pro-
vide securities for his appearance at the next court of the
quarter sessions of the peace of Burlington County.9

On April 24, 1777, George Applegate appeared before the
board, delivered up the "protection" given him by the enemy,
and took the oath to the state.10 This case illustrates the
action of many persons in New Jersey in changing sides as the
fortunes of war favored one or the other of the belligerents.

7Min. of C. S., 8,
8Ibid., 11.
9Ibid., 16.
10Ibid., 34.
When the British army invaded New Jersey they became British sympathizers, and accepted "protection" in return for their allegiance. When the American army drove the invader from the state, they became patriots as George Applegate had done.

However, not all of the disaffected persons called before the board were of this vacillating nature. William Grandine, who appeared before the board the same day, had the courage to stand by his British principles. After examination the oaths were offered him, but he refused to take them and requested time in order to provide bond for his appearance at the next court of quarter sessions.\(^{11}\) The next day Mr. Grandine appeared with satisfactory security. He was then released on a promise of good behavior until the meeting of the court.\(^{12}\)

Daniel Hendrichson, who was brought before the Council on April 26, 1777, also showed the courage of his convictions. He was under the charge of being a person suspected of disaffection, and dangerous to the government. He acknowledged that he had received a "protection" from the enemy, which he refused to give up when demanded to do so by the board. He also refused to take the oath to the state. The board finally agreed to release him on a security of £600 for his appearance before the next court of quarter sessions.\(^{13}\) The same day

\(^{11}\)Min. of C. S., 34.

\(^{12}\)Ibid., 35.

\(^{13}\)Ibid., 37.
Abraham Smith appeared before the board, delivered up his "protection", and was dismissed on taking the oaths of abjuration and allegiance.\(^{14}\)

Robert and Essek Hartshorne appeared before the Council pursuant to a citation on the score of being dangerous and disaffected persons. They were asked to take the oaths to the state, but refused to do so and also refused to give bond to appear before the court of quarter sessions. Thereupon the board ordered them confined in the jail at Monmouth.\(^{15}\)

Garret Rapalje and his son George were brought before the board on May 20, 1777. They were tendered the oaths of abjuration and allegiance, which they declined to take, desiring until the next day to consider the matter. On that day Garret offered security, and was released until the next meeting of the court. George asked for a further extension of time, which was granted. That afternoon the Council took up for further consideration the case of this loyalist, finding that by his own confession he had voluntarily gone over to the enemy, taken an oath of allegiance to the King, and had remained within the British lines at New York for a period of time. The board then ordered that he be committed to the Gloucester County jail.\(^{16}\)

\(^{14}\)Min. of G. S., 37.

\(^{15}\)Ibid., 35-36.

\(^{16}\)Ibid., 49.
Many of the loyalists refused to give up their allegiance to the King, and remained in jail. That the conditions in some of these jails provided a real test of loyalty may be seen by petitions presented to the Council of Safety. On July 21, 1776, the petition of Isaac Ogden, George Walts, and others, asking to be removed from the jail of Essex to that of Morris County, was taken into consideration. The reasons given were: the difficulty of getting provisions dressed, the stench and filth of the jail, the unhealthy air, the prevalence of bloody flux among the prisoners, and the danger from camp fever. The board agreed to remove the prisoners provided that the petitioners would bear the expense. Perhaps the conditions of the jails had much to do with the decision of Garret Rapalje, among others, to give bond in order to escape the discomfort and danger of such confinement. Others found it more convenient to take the oaths of allegiance.

A large number of the captured loyalists offered to join the patriot army in order to escape punishment for treason. Evidently they thought that the army provided a better chance for preserving their lives than a trial in the New Jersey courts. Eleven prisoners, taken in Monmouth County by Major Mifflin, were brought before the board on May 23, 1777.

17Min. of C. S., 95.
During the examination seven of the prisoners expressed their willingness to join the Continental army on the condition that they receive a full pardon for past offences. This was conceded and they were enrolled in the army. The obstinate four were remanded to the guard house.18

On August 11, 1777, Walter Ruthford and James Parker were confined by the Council of Safety. Both gentlemen possessed large landed estates, which they tried to save by neutral conduct. They refused to take the oaths of abjuration and allegiance, and were confined until they could be exchanged for two patriots captured by the British and Tories.19 The exchange of prisoners gave an additional incentive for capturing as many British sympathizers as possible. The refugees in New York had long been in the habit of making raids into New Jersey and capturing patriots there. In order to gain the release of their friends and even the score against the refugees, the patriots captured many loyalists, who were to be held until exchanged. A number of loyalists, chiefly from Bergen County, were confined by the Council to be released for an equal number of inhabitants captured by the Tories. Thus the Council hoped to "retaliate till the enemy shall think it proper to discontinue that infamous part of their infamous system."20

18Min. of the C.S., 54.
19N.J. Arch., 2nd ser., I, 454.
20Ibid., 457.
As a large number of New Jersey men had joined the British during their successful invasion of the state, the legislature attempted to win back the allegiance of these loyalists in the summer of 1777, after the enemy had been driven out. The loyalists were wavering in their loyalty to the Crown, and beginning to regret their former championing of the British cause. They were threatened with the loss of both life and property at the hands of the New Jersey government. Instead of pressing their temporary advantage, the legislature generously offered pardon to those who would disavow the British cause and return to the patriot fold. In the preamble of the act of "free and general pardon..." it was stated that divers subjects of the state had "by the Arts of Subtile Emissaries from the Enemy, been seduced from their allegiance, and prevailed upon by delusive promises to leave their Families and Friends and join the Army of the King of Great-Britain", that they had "since become sensible of their error, and desireous of returning to their Duty", that "many of the said Fugitives, as well as divers others" who have been guilty of treasonable practices were hiding themselves to avoid the punishment, that in compassion the legislature was desirous that no means be left untried to prevent "Effusion of Blood" and "to give those an opportunity of
returning to their Allegiance" who should testify their desire to be restored to the inestimable rights of freemen by complying with the following conditions:21 That the offender take the oaths of abjuration and allegiance, which was to be recorded by the clerk of the county. The offender was then to receive a certificate of good citizenship.

The act further provided that any offenders who should neglect to take advantage of this offer before August 1, 1777, should forfeit their personal estates. The county commissioners were empowered to make inventories of their estates, sell that portion considered perishable, and hold the remainder for the use of the state. If, however, the offender accepted the offer all property was to be returned after the commissioner had deducted all reasonable charges and expenses.22

This offer of pardon was eagerly accepted by many of the loyalists, probably from a variety of motives. Giles Williams was called before the board and examined on June 5, 1777. It appeared by the evidence that he had been persuaded to affiliate with the enemy by one Lawrence, but that he had not enlisted. He had returned to his neighborhood at the first opportunity, although he had imprudently neglected to give himself up. He was discharged by the

22Ibid., 6.
Council after he had taken the oath to the state. 23 In many such cases the men arrested for being with the British explained that they were forced to go with them as they retired from New Jersey. This was usually considered a satisfactory answer unless contrary evidence was introduced.

A more direct response to the act of pardon is shown in the case of Thomas Welcher, who was brought before the Council on August 1, 1777. He assured that body that he had left the enemy to claim the benefit of the act of pardon, having become fully convinced of his error in joining the enemy and having made up his mind to deliver himself up to the Council. Welcher then expressed a desire to join the Continental army; and upon taking the oath he was admitted to the benefit of the act. 24

Despite the efforts of the legislature to win back disaffected inhabitants, over one hundred loyalists made an attempt to join the British at New York in the latter part of August, 1778. The first night one of them deserted, and gave information of the affair to the New Jersey authorities. The next day the party was waylaid by a band of patriots. The majority were captured, but a few escaped to the swamps. Those captured were lodged in Morristown jail. Nearly forty of them were sentenced

23 Min. of G. S., 59.
24 Ibid., 110.
to be hanged, two being executed soon after. Some of the others, to save their lives, enlisted in the army. Later two of these enlisted men deserted to the British.\textsuperscript{25}

Many of the patriots thought that the policy of the state government toward the loyalists was too lenient. Governor Livingston considered the granting of easy pardons a doubtful procedure. In his message to the Assembly on May 29, 1778, he advocated a more severe treatment of the captured loyalists. He stated that those who were pardoned on condition that they join the army generally deserted to the British at the first opportunity. He cited the case of thirty-one criminals who were convicted of the most flagrant treason. These loyalists, pardoned to join the army, had deserted to a man at the first chance and had again taken up arms against their countrymen.\textsuperscript{26}

As the war continued the feeling against the loyalists gradually increased, and laws were passed which dealt more severely with them. These laws usually supplemented one of the laws already in effect. Thus a law, supplementary to the test act of September 19, 1776, was passed October 6, 1777. This act enlarged the scope of the original act, and also definitely specified certain state employees who must take the oath. The preamble stated that it was "highly

\textsuperscript{25}N.J. Arch., 2nd ser., II, 7.

\textsuperscript{26}Ibid., 235.
reasonable" that all the subjects of the state and "more especially necessary" that those who were employed in the administration of justice should manifest their allegiance to the government by taking the oaths of abjuration and allegiance. The first section provided that all counselors, solicitors, prosecutors, and attorneys-at-law should take the oaths before they could serve in court. All jurors were required to take the oaths on penalty of fine for refusal. The law further stated that whereas it was of "the last moment to a free and independent State, that the rising generation should be early instructed in the principles of public virtue, and duly impressed with the Amiable Ideas of Liberty and Patriotism, and at the same time inspired with the keenest abhorrence of despotic and arbitrary power" therefore all schoolmasters and ushers should be required to take the oaths of abjuration and allegiance on penalty of a six pound fine for every week of refusal. The law empowered every judge of the court of common pleas and every justice of the peace to administer the oath to any person in their respective counties who should apply. A roll was to be kept of such persons, which was to be turned over to the clerk of the court at every term of the quarter sessions.27

Throughout the years 1777 and 1778 New Jersey continued its stringent action against the loyalists. Light horsemen were employed by the Council of Safety to apprehend and bring loyalists before it. John Palmer was employed, November 15, 1777, to bring in Nicholas Bickle and Andrew Pichens, who were secreting themselves in Monmouth County. For this service Palmer was to receive £80. On December 12, 1777, it was ordered that Cornelius Vandeer be paid £5 for his services to the Council as a light horseman. For the performance of like duties John Bennet was to receive £7.

Nor did the Council of Safety neglect its business after the loyalists were haled before it. A very good example of the activities of the board for one day may be seen in the minutes for March 27, 1778:

The Council having received the necessary proofs from the Attorneys General respecting the prisoners who were brought before the Board on the 25th, came to the following determination concerning them; viz:

That William Rawson and Samuel Cousens for going into the Enemy's lines and furnishing them with provision and returning into this State contrary to law, have five days to consider whether they will Enlist into the Continental Army or be Committed for their trial.

28Win. of the G. S., 160.

29Ibid., 173.
That Joshua Clever and John Sweeton be dismissed on taking the oaths to the Government.

* * * * *

That William Hewling and Thomas Jones be committed to goal for trial.

That Jacob Shoulder, Jacob House, Isaac Zane and Saml. Hewling have five days to determine whether they will enlist into the Continental Service during the war or be committed for trial, for going into the Enemy's lines and returning into this State contrary to law.

That Jacob Jones, Gunrod Shoemaker, William Davenport, Thomas Smith and a negro man...be discharged, the former four having taken the oaths to the Government prescribed by law.

* * * * *

James Stealman, appeared before the Board and entered into recognizance in the sum of £100,- to appear at the next court... in behalf of William Hemling and Thomas Jones.

Six months before this day certain jails were already crowded with loyalists. On September 23, 1777, Governor Livingston informed the Council of Safety that "the insurgents and disaffected persons in Hunterdon, Sussex, etc.," were confined in the jail at Burlington. The guard of six men being deemed very inadequate, fifteen additional men were detailed to guard it. 31

30 Min. of C. S., 219.

31 Ibid., 134.
In Cumberland County eight loyalists escaped from the county jail. A reward of $50 was offered for the capture of each of the escaped men.\textsuperscript{32} A grand jury, which later investigated the case, exonerated the sheriff from any carelessness or negligence in allowing the men to escape.\textsuperscript{33}

Not all the men brought before the Council suffered imprisonment only. Numbers of them were found guilty of high treason, and suffered the penalty provided in the law of October 4, 1776.\textsuperscript{34} This law was later made more stringent by the supplementary act of October 3, 1782.\textsuperscript{35} Some evidence is gained of the number of men executed for high treason from the following laconic statements found in contemporary newspapers:

Tuesday night two men were executed at Morristown for attempting to join the enemy on Staten-Island and nine others, under sentence of death for the same crime, had their execution respited until January 2, 1778.\textsuperscript{36}

Ezekiel Forman, John Polhemus, and William Grover were tried for and convicted of high treason, who, it is said are to be executed on the 18th of August next.\textsuperscript{37}

At a special court lately held at Burlington, Joseph Mulliner of Egg-Harbour, was convicted of high treason and sentenced to be hanged this day.\textsuperscript{38}

Last Saturday the court of oyer and terminar ended at Gloucester when the follow-

\textsuperscript{32}N.J. Arch., 2nd ser., V, 19. \textsuperscript{36}N.J. Arch., 2nd ser., I, 508.

\textsuperscript{33}Ibid., 24. \textsuperscript{37}Ibid., II, 312.

\textsuperscript{34}See page 15. \textsuperscript{38}Ibid., V, 282.

\textsuperscript{35}N.J. Laws, II, 306.
ing prisoners received sentence of death for high treason, viz.

Harrison Wells  Patterson Cook
Wm. Hammet  Thomas Nightingale
John Dilkes  Isaac Lord
Joshua Dilkes  David Lloyd
Gideon Urine  Abraham Fenemore
James Birch  Daniel Fresman
Charles Stringe  Lawrence Cox
Joseph Dill  John Franklin

Joseph Pratt

Friday, the 29th of January next, is appointed for the day of execution.39

The years 1777 and 1778 saw the greatest prosecution of the loyalists under the treason laws. After 1778 there is a gradual decline in the number of cases brought before the authorities. This decline was due to the suppression, execution, and flight of the loyalists, and not to any change of heart on the part of the New Jersey government. Many of the loyalists, who were fortunate enough to have escaped the wrath of the indignant patriots, had fled to join their British friends at New York and on Long and Staten Islands. Those who remained in New Jersey contented themselves with at least giving the new government

lip service. On the whole, the loyalists remaining in New Jersey and pretending allegiance to the state fared better than their countrymen who had fled. Those who had entered the British lines, escaped personal injury from the patriots, but their worldly goods still remained under the jurisdiction of New Jersey. This presented an opportunity for revenge, as well as a source of revenue, that was too good to be long ignored by the Jersey men.
CHAPTER III

THE CONFISCATION OF LOYALISTS' ESTATES

BY THE STATE OF NEW JERSEY

The first indication that New Jersey intended to confiscate the estates of its loyalists came with the passing of the act of "Free and General Pardon" on June 5, 1777. A section of the law stated that all offenders who neglected to take advantage of the offer of pardon should forfeit their personal estates. The county commissioners were empowered to sell that portion of an offender's estate considered perishable, and to hold the remainder for the use of the state in case the offer of pardon was not accepted by August 1, 1777.¹

There were not many estates confiscated under this law. It was probably intended as a threat to cause the wavering Tory to return to his allegiance to the state. There were, however, many rumors that these estates would soon be confiscated. On August 23, 1777, such a rumor, appearing in a Pennsylvania newspaper, stated that the attention of the public in New Jersey was strongly drawn to the execution of a law for confiscating and selling the estates of Tories, who had openly taken part with the enemy. A date was appointed within which such refugees had time

¹See page 25.
for repentance. This paper reported that, "This day is now past; all who persisted in their guilt, are to be treated according to the tenor of the statute in the Eastern counties. These sales are soon to be held in the Western parts of the state." On December 29, 1776, the following brief note appeared in a New York loyalist paper, "There is also an act passed for selling the lands of all those well affected to government." Such rumors as these must have greatly disturbed the minds of the Tories who had left their property in New Jersey.

A few personal estates were confiscated under this act. A very notable case was that of David Ogden, who had fled to New York. After his personal estate had been confiscated, a petition was presented to the Council of Safety by relatives of Ogden. It stated that David Ogden, late of Newark, had gone over to Long Island on January 5 to recover his health, and had not yet been able to return, and prayed that the sale of his personal estate be deferred until his health should permit him to return. He could then comply with the terms of the act of pardon, and so regain the protection and confidence of the Government of New Jersey. After taking the petition into consideration the Council decided that the case was outside of its

2 New Jersey Archives, 2nd ser., I, 451.
3 Ibid., 531
jurisdiction and recommended that Ogden appeal to the legislature. ⁴ Evidently the petition was a fraudulent action, as Ogden had joined the British, and made no effort to renew his allegiance to the state. Many such actions were taken by friends and relatives of the refugees to save their personal property from confiscation.

This early law for the confiscation of the personal estates of the loyalists soon proved inadequate. A special act of the legislature, which was passed April 18, 1778, provided for a more efficient system of confiscating Tory estates. It was entitled, "An act for taking charge of and leasing the Real Estate and for forfeiting the Personal Estates of certain fugitives and offenders and for enlarging and continuing the powers of the Commissioners appointed to seize and dispose of such Personal Estates, and for ascertaining and discharging the lawful Debts and Claims thereon."

By this act the county commissioners were empowered and directed to make return to any justice of peace within their respective counties, of the name and place of the late abode of each person whose personal estate and effects they had seized, and thereupon to demand a precept from the justice. The precept was a summons for a jury of

⁴Minutes of the Council of Safety, 166.
the freeholders of the county, to enquire whether the persons, whose estates had been seized, were offenders within the meaning of the act. Twenty-four freeholders were to be summoned, of whom at least twelve were to be selected to sit as a jury.

The commissioner, or commissioners, then presented such evidence as had been procured. If the defendant was adjudged guilty, that finding was certified in writing under the signature of at least twelve of the jurors named. This action seems to have been equivalent to our modern grand jury investigation. The inquisition was then returned by the justice to the next inferior court of common pleas. Proclamation was then made in open court that if the person against whom such inquisition had been found, or any person in his behalf, would appear and traverse the said inquisition, trial would be awarded. If no person should appear the proclamation was to be advertised in five of the most public places, and also inserted in the New Jersey Gazette. If no person appeared at the court to traverse the inquisition, final judgment was to be entered thereon in favor of the state. Under this judgment all goods and chattels, rights and credits, and all other personal property whatsoever, were forfeited to the state.

The commissioners were further empowered to take possession of, and sell, all such properties. Ten days notice was
to be given before the sale through advertisement posted in the most public places. The commissioners were to collect all bonds, bills, mortgages, notes, and money due the offenders. Any person who neglected to make known his indebtedness was subject to a fine. The commissioners were also to lease out the real property for terms not to exceed one year. The lessee was to be responsible to the state for the rents and profits during the time of the lease. The law further provided that the sale of any estates by offenders, after they had joined the enemy, was to be void.5

The confiscation of the property of the Tories increased notably under this act. The county courts found inquisition after inquisition against offenders. The notice of the trials to be held were published in the newspapers, according to the law. The first of these notices to appear was the following, inserted on July 22, 1778, by the Morris County commissioner:

Whereas inquisition was found the 14th day of May, 1778, against Philip Von Courtland, John Bowlsby, Edward Bowlsby, etc.; of which proclamation was made in open court the 8th day of July, that they, or any person in their behalf, or any person who should think themselves interested, might appear and traverse the inquisition. This is to give notice that unless they, or some person in their behalf, agreeable to the said proclamation, do appear at the next court of Quarter-Sessions, and traverse the said inquisition, final judgment will be then entered against them.6

5 New Jersey Laws, II, 43-52.
The other counties followed the lead of Morris County in confiscating the personal estates of the loyalists. The papers are full of the names of those against whom inquisitions had been found. Hunterdon County published a list of thirty-four such persons on August 17, 1778. Among the notable Tories in this group were: John Van Buskirk, Daniel Coxe, and Barnardus LeGrange. Monmouth County was not to be outdone. Its first list of persons against whom inquisitions had been found, contained the names of one hundred and thirty-four loyalists. Middlesex County had so many fugitives that four commissioners were appointed to do the investigating, working in groups of two each. On August 15, 1778, they reported the names of over eighty offenders against whom inquisition had been found for joining the British army, or otherwise offending against the state. This list includes the names of many of the best known men in the state: Oliver Delancey, Stephen Skinner, Courtland Skinner, John Perine, and David Gosling were all men of public note. One by one the other counties followed the lead of those named above, until it would seem that inquisitions had been found against a large portion of the population. The

8Ibid., 387.
notice to appear to traverse inquisitions had in most cases a very ironical note. Most of the Tories had fled to the enemy, and if they returned for the purpose of saving their personal property they were very likely to put their necks in the noose arranged by the treason laws. Hence, in most cases the inquisitions were untraversed, with the result that final judgments were entered thereon in favor of the state. Thus their personal property was forfeited to the commonwealth, and their real estate given into the hands of the commissioners, until the legislature should take further action as to its disposal.

There was no half-way manner about the work of the commissioners. Soon after a final judgment had been entered, the personal property was put up for sale. Notices were sent out for all those who owed the offender to come in and make their indebtedness known. Likewise, all those who had claims against the offender's estate were to present them for settlement. The kinds of personal property forfeited may be seen in the following notice:

To be sold at public vendu;

At the late dwelling-house of John Hutchinson, at Troy, now a fugitive with the enemy, on Thursday, the 7th of September next, to begin at 10 o'clock in the morning;

All the perishable estate that did belong to said Hutchinson, viz. A negro wench and two children, about twenty horse kind, such as breeding mares and
likely young blooded horses; cows, young cattle, hogs, geese, etc. The money to be paid before the goods are taken away. The above articles will be sold for continental currency, ... 9

Thus far the attention of the New Jersey commissioners and courts had been given to confiscating personal estates. This was only a preliminary move towards larger things. The confiscation of personal estates had been successful, the state government had already taken charge of the more valuable real estate of the offenders. The next step was taken on December 11, 1778, when the legislature passed, "An act for forfeiting to, and vesting in, the State of New Jersey, the Real Estates of certain Fugitives and Offenders." It also directed the mode of determining and satisfying the lawful debts and demands which might be due from, or made against, such fugitives and offenders.

This act supplemented the act of April 18, 1778. It declared that after final judgment had been pronounced in favor of the state, the real estate of offenders should be forfeited to, and vested in, the state forever. It also provided that all persons who had joined the forces of Great Britain since April 19, 1778, should be subject to the above law. Inhabitants of other states possessing

property in New Jersey, if convicted of high treason, would also forfeit their property to the state. The proceedings of the commissioners in taking inquisition was to be the same as under the act of April 13.

In order that persons who had just claims against the offender should be paid, provision was made for their payment from the proceeds of the sale of the estate. The commissioners were required to advertise in The New Jersey Gazette and five public places, for the claimants to present their demands. These demands were investigated by the court of common pleas, and if adjudged valid were paid by the treasurer. Such demands must be presented within one year of the date of sale. The expenses of the inquisition and disposal of the forfeited estate were to be deducted from the proceeds of the sale. The remainder was to be turned over to the state within three months after the date of sale.\(^\text{10}\)

The passage of this act subjected those loyalists who had lost their personal estates to the additional loss of their real property. The commissioners began at once to carry out the provisions of this measure. Within a month the commissioners of Essex County were advertising the lands of thirty Tories for sale. These lands were to be

\(^{10}\) *N.J. Laws*, II, 67-75.
sold at public vendue at 10 o’clock in the morning on the first day of March. The sale was to continue from day to day until the several pieces of land were all sold. The commissioners encouraged the sale by saying that there were some elegant houses and many agreeable situations in the list. Among the names of the property owners we find those of Uzal Ward, David Ogden, Jr., Stephen Skinner, David Ogden, Esq., and Isaac Ogden. Some of these losses were later alleviated under laws passed by Parliament.

The other counties also acted promptly. On February 1, 1779, Middlesex published notice for all those who had claims against certain confiscated estates to appear and make their claims known. In this list of Tory proprietors appear the names of Bernardus Lagrange, Oliver Delancy, Andrew Mercereau, John Perine, Stephen Skinner, David Goslen, and Courtland Skinner. From the repetition of these names by various counties it is evident that these gentlemen were large landowners with property in several of the counties.

The following notice, appearing in a contemporary newspaper, of the inquisitions in Monmouth County gives a typical example of the manner in which wholesale confiscations were

11N.J. Arch., 2nd ser., III, 47.
12Ibid., 61.
Whereas inquisitions have been found, and final judgment entered thereon in favor of the state of New Jersey against the persons herein mentioned, Notice is hereby given that the real and personal estates belonging to Samuel Osburn, Thomas Leonard, Hendrick Vannater, John Throckmorton, Daniel Vannater, John Longstreet Jun., Alexander Clark, Joseph Clayton, Israel Britton, John Oxson, John Thomson, Lewis Thomson, Cornelius Thomson, Thomas Bills, and Benzear Hinshon, all of the township of Freehold, will be sold at Freehold court-house, beginning on Wednesday the 17th day of March next and continue from day to day until all are sold—Thomas Crowel, George Taylor Jun., Jonathan Stout, Peter Stout, Oliver Hicks, James Stilwell, John Mout, boatmen, Conrad Hendricks, Joseph Bailey, John Cotterel, Richard Cole, Samuel Smith, John Browne, James Pew, Thomas Thorne, Ezekiel Tilton, Joseph Taylor, John Milton, of Middletown, and William Smith, of Middlesex, having lands in said town, will be sold at publick vendue, beginning on Monday the 22nd day of March next, at the house of Cornelius Stewart, and continue from day to day until all are sold—John Taylor and William Walton, of New York, but having property in Shrewsbury, John Williams, Michael Price, James Mount, John Williams Jun., John Rintard, Clayton Tilton, Samuel Cook, James Boggs, James Curils, Asrael Chandler, John Morris, William Price, Robert Morris, Peter Vannote, James Price, John and Morford Taylor, John Hankin-son, Timothy Scaby, William Lawrence, Peter Wardel, Oliver Talman, Richard Lippincot, Joshua White, Benjamin Wooley, Ebenezer Wardel, Robert Stout, Nathaniel Parker, John Hampton, Samuel Layton, Jacob Harber, Samuel Layton, Jacob Ammons, Britten White, Tobias Kiker, and Daniel Lefetter, late of the town-ship of Shrewsbury and Gamadur Beekman of New York having property in said township, will be sold at publick vendu, beginning on Monday the 29th of March next, at Trenton Falls, and continue from day to day until all are sold—John Leonard, Gilbert Giberson, Samuel Stilwell, Brozill, Joseph, Thomas, and William Grover, John Horner, Fuller Horner, John Perine,
William Giberson, Jun., Mallakiah Giberson, John Palemas, Jun., Benjamin Giberson, Samuel Oakersen, Elisha Lawrence and John Lawrence, sons of John, late of Upper Freehold, and Isaac Allen late of Trenton, will be sold at publick vendue, beginning on Monday the 5th day of April next, at Wall's Mills, and continue from day to day until all are sold—John Iron's and David Smith's, of the township of Dover, will be sold at Freehold court-house at the time of sales there—. Two emmissions called in, and bank notes will be taken in pay, no credit will be given. The sale will begin by 9 o'clock each day. Also deeds made to the purchasers, agreeable to act of assembly, by Samuel Forman, Joseph Lawrence, Henneter Hankinson, Jacob Wickoff, Commissioners.13

This flood of confiscation proceedings reached its peak during the year of 1779. From January 1, 1779, to October 1, 1779, eight-hundred and seventy-four loyalists' estates were confiscated and sold. These were distributed among the various counties as follows:

Bergen County 184
Middlesex " 113
Somerset " 111
Monmouth " 111
Sussex " 102
Essex " 98
Gloucester " 39
Salem " 38
Hunterdon " 34
Morris " 17

13N.J. Arch., 2nd ser., III, 93.
Burlington County    14
Cumberland         "    12
Cape May           "    0

Total    874

It will be noticed from this list that the number of confiscations ranges from ninety-eight in Essex County to one hundred and eighty-four in Bergen, while in the lower section of the list it ranges from none in Cape May County to thirty-nine in Gloucester. A contemporary map of New Jersey shows that the counties with the greatest number of confiscated estates are the northern ones. There may be several reasons for the greater number of confiscations in the northern part of the state. One factor was the greater density of population in the northern counties; another was their proximity to New York City and the islands that were in the possession of the British forces; still another might be the greater activity of the county commissioners in the northern section. Of these factors the most important were undoubtedly the greater density of population in the northern counties, and their nearness to the British lines.

During the year 1780 the number of confiscations gradually declined, less than four hundred cases being recorded for that year. Evidently most of the estates of
those openly disaffected had already been confiscated by the state. Doubtless there were many loyalists who were content to hide their British sentiments in order to save their property.

During 1781 the number of confiscations fell off to such an extent that the state thought it was no longer worth while to keep three or four commissioners busy in the various counties searching out and condemning the estates of refugees. On December 20 of that year an act was passed which provided for the discharge of the commissioners of forfeited estates in the several counties. The reason given was that the business in the future would not be so extensive, or so difficult, to carry out.

In place of these officials an agent was to be appointed for each county, with all the powers the commissioners had had.\(^{14}\) These agents were soon given additional duties to perform. There was much property belonging to British subjects lying within the state, which did not come under the confiscation acts since the owners could not be classed as fugitives and offenders, as specified by the law. The government was troubled about the disposal of these estates. In the first place, they were subject to a great deal of waste and damage if uncared for; and in the

\(^{14}\) *N.J. Laws*, II, 231.
second place, such rents and profits as were accruing from
them were being sent to the enemy. This was nothing less
than aiding and abetting the enemy. Hence an act was
passed on December 29, 1781, for "taking charge and leas-
ing the Real Estates of the Subjects of Great Britan,
lying within this state." By this act the agents were em-
powered and directed to take charge of and lease the
property belonging to British subjects and deliver the
annual rent therefrom to the state treasurer after deduct-
ing 10% for their own services. Lest the act might
prevent these properties from later being forfeited to the
state, the legislature was careful to insert a provision
stating that nothing in the act was to be construed as
preventing the later confiscation of the estates, should
inquisition be found and final judgment entered in favor
of the state.15

The sale of confiscated real estate was stopped by
"An Act to Suspend the Sales of Real Estates which have or
hereafter may, become forfeited to and vested in the State,"
which was passed on June 26, 1781. It stated that as the
continuation of the sales of the forfeited estates might
prove injurious to the state, further sale of such property
should cease. It directed the agents to lease out all such

property, according to the law of April 18, 1778, and continued in force for over two years.\textsuperscript{16}

The act that repealed the above law was passed on December 16, 1783. The express purpose of this law was to direct the agents of the forfeited estates within New Jersey to proceed to the sale of such property which "here or hereafter may become forfeited to and vested in the state." In payment for these estates the agents were permitted to take state obligations, including officers' and soldiers' notes given for depreciated pay, and contractors' certificates.

Two more acts were passed by the New Jersey legislature dealing with forfeited estates. The first, passed on December 23, 1783, attempted to provide a system by which the claims against the estates could be adjusted. This question was complicated by the depreciated currency of the time.\textsuperscript{17}

The other act gave one of the confiscated estates away. It presented to Major-General Baron Von Steuben one of the estates which had been forfeited to the state, the preamble stating that whereas the legislature had been informed that the Baron was anxiously desirous of becoming a "citizen of the State of New Jersey," and it was deeply

\textsuperscript{16}\textit{N.J. Laws}, II, 211.

\textsuperscript{17}\textit{Ibid.}, 384.
impressed with a "sense of the many and signal services by him rendered, to the United States of America, during the continuance of the late war," it therefore presented him with a certain estate in New Jersey. 18

This was the last act of a rather formidable series, dealing with the confiscation of loyalist property. The laws had been efficient, and had brought about the forfeiture of a large amount of personal property, besides the real estate of more than twelve hundred loyalists, of whom we have record. The American aspect of these confiscation acts has been in part presented. There was another side to the matter, that of the loyalists who lost the property. With the defeat of the British the loyalists' hope of regaining their property vanished, and they had to look to Great Britain for recompense. This aid came very slowly. "It is well known," said a loyalist, "that this delay of justice has produced the most melancholy and shocking events. A number of the sufferers have been driven by it into insanity, and become their own destroyers, leaving behind them helpless widows and orphans to subsist upon the cold charity of strangers." Others had been sent to "cultivate the wilderness for their subsistance" without having the means, and compelled through want to throw

18 N. J. Laws, II, 381.
themselves on the "mercy of the American States and the 
charity of their former friends," to support the life 
which might have been made comfortable by the money long 
since due from the British Government. 19

From individual cases of this sort we find that the 
subsequent career of the refugees was not a happy one. 
Their estates had been confiscated and they had been left 
destitute. Many went to Canada to start anew, the more 
affluent betook themselves to England to press their claims 
for compensation, and not a few returned to New Jersey 
after spending a year or two in the wilds of Nova Scotia, 
and seem to have been welcomed by their old neighbors.

19 Lorenzo Sabine, Biographical Sketches of Loyalists of 
the American Revolution with an Historical Essay., I, 110.
CHAPTER IV

THE ATTEMPT OF NEW JERSEY

TO STOP THE ILLICIT INTERCOURSE WITH THE ENEMY

The illicit intercourse with the British had presented a serious problem to the thirteen colonies since the early violation of the Articles of Association. The most desperate struggle against this evil was made by New Jersey. From threats of very heavy fines, the severity increased until the offender, besides being fined, was to be pilloried, cropped, or imprisoned during the war. These acts against illicit intercourse took the form of laws forbidding the passage of both persons and provisions to or from the enemy's lines.

The New Jersey revolutionary government had, at an early date, set itself to the task of stopping the exportation of provisions to the British lines.

In the first law defining treason, passed November 1, 1777, there was a section stating that any person or persons procuring for, or furnishing to, the enemy any kind of provisions should be adjudged guilty of high treason.¹ This severe penalty shows how important the

¹See page 16.
early legislators thought it was to prohibit this intercourse. They thought that they could embarrass the British army, if not starve it out, by prohibiting the exportation of provisions. The enforcement of this law presented a problem of great difficulty. There was a great number of loyalists who were desirous of aiding the British all they could. It was to be expected that they would help their friends by sending them provisions if it were at all possible. There were also many persons who, although they gave allegiance to the American cause, were very glad to trade with the British for the sake of the good prices they could obtain for their products. The great difficulty of stopping this trade caused the legislature to pass law after law, each one more stringent than the last.

The first of these laws, aimed exclusively at prohibiting trade with the enemy, was passed on February 20, 1777. Its stated purpose was to prohibit the exportation of provisions and other articles therein mentioned, namely: soap, tallow, candles, bacon, salted beef, and pork. This act was only to remain in force nine months.

The state also made an attempt to prevent the indiscriminate "passage of persons to and from the enemy's
lines." By August 5, 1776, the newspapers were carrying notices that "no person whatever, either male or female above the age of 14 years will be permitted to pass any of the ferries of the state of New Jersey without a proper pass." By a system of passes and passports the state hoped to prevent both information and provisions from being conveyed to the enemy.

An act to enforce more effectually the law requiring passports was passed in September, 1777. This act stated that "any person being a member of, or owing allegiance to this government, as described in the first section of an act herein mentioned," who should be apprehended on his way to the enemy with intent to go into their lines or encampments, or any places in their possession without license, permission, or passport of the Commander-in-Chief of the Army of the United States, or the Governor of the state, or one of the brigadier-generals of the militia, should be declared guilty of a capital felony and, being legally convicted, should suffer death. This act provided that any person so convicted, choosing to enlist in the navy of the United States should receive a pardon. The Council of Safety was instructed to see that the provisions of the act were carried out. The Council set to

2 New Jersey Archives, 2nd ser., I, 160.
3 Ibid., 465.
work at once to enforce these laws along with other duties. On January 29, 1778, Caleb Avins was brought before the Council charged with having gone into the lines of the enemy and returning without a passport as prescribed by law. He pleaded guilty to the charge and offered to enlist in the service of New Jersey in return for pardon. This offer was accepted, and upon his enlisting in the militia he was discharged. 4

William Pace and Thomas Van Camp were apprehended on their way to Staten Island with a quantity of flour and four quarters of beef, which was intended for the British general. When they were brought before the Council of Safety on January 23, 1778, it did not fully appear that they were going into the enemy's lines, which would have been high treason. However, they were adjudged to have forfeited their provisions for asking more than the regulated price, and were fined in addition.

The next day evidence was produced that Jacob Fitz Randolph had made arrangements to take their provisions if they would bring them to his house. He was then to have sent the provisions on to Staten Island as soon as the ice would permit. Upon this new evidence warrants were issued

for Pace, Van Camp, and Fitz Randolph. Van Camp escaped, but Pace and Fitz Randolph were arrested and confined in jail. Fitz Randolph was brought before the Council, February 15, 1778. It appeared that he had been providing the enemy with provisions, and so he was committed to the Morristown jail on a charge of high treason. He was later released on a security of £2,000 to appear before the next court of quarter sessions.

These actions of the Council were continued throughout the years of 1777 and 1778. On April 9, 1778, William Alger was sent before the Council by Justice Loyd, charged with going into and returning from the lines of the enemy. He was committed to the Essex County jail. Andrew Lott, who had gone into the enemy's lines, appeared and gave himself up to the Council. After considering his case, it was agreed that he should be bound over to the court of quarter sessions for trial. On the same day Andrew Donaldson appeared before the Council and threw himself upon its mercy for the same offence. It was agreed that he be detained under guard for the time being. Eight days later he was released on a bond of £600 to appear before the next court.

5 N.J. Arch., 2nd ser., II, 55. 6 Ibid., 226.
6 Min. of the C.S., 204. 9 Ibid., 249.
7 Ibid., 205.
of quarter sessions.\textsuperscript{10}

A more lenient spirit was shown by the Council when Mrs. Richmond appeared, June 17, 1778. She had been within the British lines without a proper pass. After considering her case, it was agreed that "in consideration of her age and infirmities she be permitted to return to her place of abode."\textsuperscript{11}

An act to prevent more effectually the exportation of provisions to the enemy was passed, June 20, 1778. By this act an embargo was laid to prevent the exportation of wheat, flour, rye, corn, rice, bread, beef, pork, bacon, livestock, and other provisions. Governor Livingston in a proclamation of August 22, commanding the strict enforcement of this act, said that the British troops both at New York and on Long Island were "so greatly distressed for want of provisions, and especially of bread, as already to have had several mutinies among them on that account." He further stated that if the New Jersey patriots could prevent food from being sent to them that they would soon be reduced to the necessity "of surrendering themselves prisoners of war, unless they should be fortunate enough to steal an escape to their own country, with the indelible infamy due to their

\textsuperscript{10}\textit{Min. of the C. S.}, 253.

\textsuperscript{11}\textit{Ibid.}, 255.
rapes, robberies and murders." Governor Livingston also criticized the attitude of those inhabitants of New Jersey who, "instigated by the most boundless avarice" and equally regardless of the "blessings of peace and the calamities of war, the felicity of freedom and the horrors of bondage," persisted in supplying the enemy with provisions. By this aid, he said, the British were able to continue their "savage depredation" upon this "incorruptible and invincible country."

Governor Livingston concluded his proclamation by ordering the officers of the state to use their utmost vigilance to prevent all commercial intercourse with the enemy, and to seize and secure all persons concerned, that they might be brought to a "speedy and condign punishment."

In the same month Governor Livingston saw fit to issue a proclamation concerning the indiscriminate issuing of passes to go into the enemy's lines. By an earlier act the generals in the service of the United States were authorized to grant passes to the citizens of New Jersey to go into the British lines and encampments. This act had expired by its own limitation, but the generals, as well as other officers of the army never so authorized, continued to grant passes. Governor Livingston thought that the continuance of this

practice by officers "unacquainted with the true character of the applicants, who are generally disaffected," might prove "greatly injurious to the interests of America." The proclamation also forbade all citizens to accept passes from any but officers stationed within the state. Those persons who accepted passes contrary to this order, were to be subject to the law, such passes to the contrary notwithstanding.13

In some cases the county courts adopted severe methods on their own initiative to enforce the non-intercourse laws. In February, 1778, the court at Burlington published a notice that the magistrates of that county would enforce the laws with vigor. All persons who had under "various pretenses," made a practice of going to and from the city of Philadelphia, by which much injury had been done to the state, were warned to stop the practice at once.14

These attempts by the state and by the county courts to stop the intercourse with the British were not successful. The legislature then determined to remedy the condition by passing other and more stringent laws. In accordance with this determination an act was passed on October 8, 1778, entitled, "An Act to Prevent Subjects of

14Ibid., 56.
This State from Going Into or Coming Out of the Enemy's Lines Without Permission or Passports."15

This law provided that if any person were captured with the intention of going into the enemy's lines he should be subject to a fine of £50 to £1,000 and a jail sentence of three to twelve months. If the person captured had already gone within the lines of the enemy he should be subject to a fine of £100 to £2,000 and a maximum jail sentence of eighteen months. This law would seem to have been rigid enough to be effective. The principal defect in it was that it did not provide a limitation of the amount of provisions that the traveler might carry. As a result those people who could get passes, were soon carrying far more provisions within the British lines than they needed. The extra provisions could be sold to the British authorities at a good profit. This condition of affairs continued until December 11, 1778. Then the legislature undertook to supplement the previous law by passing an act providing that even if the traveler did have a passport he could not carry with him more than three days provisions.16 This law shows the determination of the government to stop the intercourse with the British. Indirectly it shows the equal determination

16Ibid., 11.
of the loyalists to continue their profitable British trade.

In order that the patriots of New Jersey should use more vigilance in apprehending the loyalists who carried on this trade, laws were passed providing that the captor should receive the contraband goods, whether they were imported illegally or exported. Thus the legislature hoped to make every patriot a sentinel on guard against illegal trade. The large profit that could be had by capturing these shipments would seem to have guaranteed the cooperation of the patriots and the consequent breakup of the intercourse. Here again, however, the legislature overlooked the resourcefulness of the Tory. He proceeded to buy goods within the British lines as before, sent them into New Jersey, where by pre-arrangement with friends or partners the shipment was captured on its arrival. Then, according to the law, they took the goods before the proper New Jersey court, and had them condemned and sold. This resulted in a handsome profit for all concerned.

The harassed legislature rose to the occasion again. An act was passed whereby the captor must bear the burden of proving that the captured goods were in the hands of another person when captured. If he could not do this, two-thirds of the captured goods went to the state, the other third to the
captor. This law, if enforced, should have broken up the connivance between the captor and his ostensible victim, for a loss of two-thirds of the goods would not leave a profit.

Many loyalists were arrested and brought to trial under these laws. On December 25, 1778, several persons were confined in Gloucester jail for trading with the enemy at Philadelphia. However, in spite of all these efforts there still continued to be considerable intercourse with the British lines.

On June 10, 1779, the legislature passed an act to "prevent persons from passing through this state without proper passports." The preamble of this law stated that, whereas the liberties of the United States might be greatly endangered while spies and other disaffected persons were suffered to travel at large and carry intelligence to the enemy, it was necessary to restrict such persons from passing throughout the state. The act provided that no persons were to be permitted to leave the county wherein they resided without a passport, except members of the legislature and governmental officers. A passport could be obtained from members of the legislature, or from the judges of state courts. It certified that the bearer was a person of good

repute and a friend of the present government.

In order that this law might be properly enforced any civil, or military, officer of the state was empowered, in the presence of two witnesses, to examine all travelers whatever. All innholders, ferrymen, and drivers of public stages were to examine the travelers who might come before them. The travelers who had no passports, were to be detained and taken before a justice of peace for examination. The justice was given the power to imprison the suspicious persons, or send them back from whence they came. It was an offence subject to a fine of £200 for any innholder, ferrymen, or stage driver to entertain, or give passage to, any person without a passport. 18 Thus the legislature hoped to prevent loyalists from traveling within the state. This law should also have aided in stopping the intercourse between the lines.

Another act to prevent more effectively the inhabitants of New Jersey from trading with the enemy, or from going within their lines, was passed on December 22, 1780. It stated that "the laws now in force are found unsufficient to prevent the inhabitants of this state from sending provisions within the lines of the enemy...." In an attempt to increase

18 N. J. Laws, II, 34.
the efficiency of the embargo, this law provided that all water craft along the New Jersey shore should be collected by the New Jersey authorities. In addition, all officers in charge of positions where trade might take place were required to take a special oath as follows:

"I do solemnly swear that I will not, directly or indirectly, allow any trade or intercourse with the enemy contrary to the act....

"So help me God."

The law further provided that any person seizing a shipment of goods made contrary to the law, should have the value of the shipment, provided he captured its owner, or possessor. In case the owner or possessor escaped, the captor could still claim his reward if he could prove that there was no connivance with the former owner of the property.19

A supplementary act of June 28, 1781, provided that the seized goods were to go to the state if the person in charge of the goods was allowed to escape. However, if the captor could prove that there had been no collusion in making the capture, he was to receive one-half the value of the goods, the other half to go to the state. The goods were to be sold by

19 N.J. Laws, II, Appendix, 16.
the state at public sale. 20

Taken as a whole these laws, passed to abolish the intercourse between the New Jersey loyalists and the British, present an imposing array. It would be supposed that they would be sufficient to eliminate such intercourse as might be carried on. However, they failed more or less in their purpose, and the illicit trade continued to flourish.

The government had decided, as early as June 22, 1779, to remove the loyalists from the regions close to the lines. 21 By this means it was hoped to make it impossible for them to escape to the British. These removals excited a great deal of opposition. When the authorities of Monmouth County attempted to transfer the loyalists to the back parts of the country, both the Tories and the moderate Whigs protested. 22 Although several efforts were made to remove them none of these efforts met with marked success.

Many of the loyalists had joined the British at New York or on Long Island, leaving their wives and children in New Jersey. This also presented a serious problem to the authorities. It was practically impossible to prevent communication between these women and their husbands. It finally was

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22 Ibid., II, 652.
decided to send as many of them as possible to the British. In carrying out this policy petitions were addressed to the Council of Safety by neighbors asking that certain families be removed to prevent correspondence with the enemy. The Council usually granted these petitions, as they were very glad to be rid of the loyalists' families. On June 30, 1777, Major Hayes reported to the Council that he had removed Catherine Longworth, Mary Longworth, Elizabeth Batsey, Hanna Ward, and Mary Wood, into the enemy's lines. Elizabeth Wheeler was in such circumstances that it was thought that her removal would endanger her life.

Some of the wives of the loyalists left voluntarily. Sarah Alboy asked permission of the Council on September 28, 1778, to be permitted to go to New York, "with her daughter Anne, and one large trunk and two small ones, with their wearing apparel and bed and bedding...." The same day Rachel Wells was also given leave to go to New York, "having both engaged not to return into this state."

The deportation of loyalists' families aroused the anger of the Tories. The patriots were accused of making war on helpless women and children. Joseph Hedden, a judge of Newark, was especially disliked for his part in this

\[23\text{Min. of C. S., 246.}\]
\[24\text{Ibid., 70.}\]
\[25\text{Ibid., 285.}\]
work. In a newspaper article of March 13, 1780, he was accused of ordering the removal of a woman too weak to travel, "having been delivered of twins about fourteen days..." before. Nevertheless, the woman was taken to Bergen, where "her death and the death of her two innocent babes, closed the tragedy."26

All these efforts to stop commerce with the enemy had proved disappointing, for there still continued to be intercourse between the lines. Violators continued to be arrested, and the courts labored to enforce the laws. On January 27, 1781, James Slover, Asher Bisset, and Daniel Melvin were convicted of trading with the enemy. They were sentenced to serve on board one of the ships in the service of the United States. In connection with this case a contemporary writer said that the government was determined to execute the intercourse acts, and he hoped that "those villainous enemies to their country" who had carried on intercourse with the British might profit by the above example, "lest another punishment enjoined by the said act soon overtake them, and they appear with one ear less than their neighbors."27

The legislature, in its zeal to put a stop to the illicit intercourse, had passed a large number of laws and

27Ibid., V, 181.
supplementary acts. This maze of laws finally became so confusing that no one could tell which law was in force. In an effort to obviate this difficulty a new act was passed on June 24, 1782, which superseded all the others.

This law provided that anyone going to, or coming from the lines of the enemy without a legal pass, should be fined not more than £1,000, and be subject to corporal punishment not extending to "life or member." If a passport was obtained it was not to be construed as protecting goods or merchandise conveyed by the traveler from seizure, or condemnation. The law also provided that any such goods, merchandise, or produce of any kind should be seized, along with the boats, wagons, teams, carriages, and horses used to transport them. These captured goods were to be taken before a board of three justices of the peace by the captor. If the goods were legally condemned one-half of their value was to go to the state and one-half to the captor after they had been sold by the local authorities at public sale. If the captor did not take the goods to a justice of peace for condemnation he was to be subject to a fine of £500. Anyone selling British goods illegally imported was subject to a fine of £5,000 and the forfeiture of the goods. If the owner of possessor of the shipment
was also captured he was made to pay a fine equal to the value of the goods seized. One-half of this fine was to go to the prosecutor, the other half to the state.

The law further provided that if collusion could be proven between the owner of the shipment and the captor, the entire shipment was to go to the state. Each of the guilty parties was also to pay a fine equal to the value of the goods seized. The law stated that passes to enter the lines of the enemy were only to be granted by the Commander-in-Chief of the army of the United States, or the Governor of the State. Any officer of the militia who should let persons or goods go through the lines without such a pass should be "forever cashiered."\(^{28}\)

This act marked the culmination of the efforts of the New Jersey government to stop the illegal traffic. It was the last of a series of laws, which had largely failed in their purpose despite their severity. The illicit intercourse continued until the end of the war. The British paid gold while the Americans paid paper, and it was a peculiar loyalist or a hardy patriot who could resist the temptation to acquire British gold.

The effect of this illicit intercourse on the war can

only be conjectured. We know the British army was often better provisioned than the American army. While Washington's army was starving at Valley Forge the British army was living on the best of the land, largely supplied by the inhabitants of New Jersey. The strenuous efforts of the New Jersey authorities to stop this intercourse indicates that they thought it of vital importance.
APPENDIX

BIOGRAPHICAL SKETCHES OF NEW JERSEY LOYALISTS

Richard Cochran, a Scotchman, came to New Jersey in 1764. He settled on a plantation which he purchased in 1765. He also bought and sold goods, although he kept no store. Governor William Franklin stated that he lived very comfortably as a country gentleman. With the outbreak of hostilities he became obnoxious to the Americans, and was frequently threatened and obliged to conceal himself. In this way he remained until General Howe came into New Jersey in 1776, when he joined the British army. He built a bridge for the convenience of the British force at his own expense. He became a deputy commissary in the army, and was paid a dollar a day. He left America in November, 1777, and went to England. His memorial was presented to the Royal Commission on September 6, 1784, when he was earning a scanty living as a clerk in Glasgow. He was given a loyalist pension of £60. On his claim of £2,554 he received £1,912.¹

Daniel Coxe was a lawyer of note at Trenton, New Jersey. He received an income of 400 a year, which classed him as being eminently successful in his pro-

¹Hugh Edward Egerton, *The Royal Commission on the Losses and Services of American Loyalists 1783 to 1785*, 190.
fession. He owned property in Hunterdon, Burlington, Sussex, Somerset, Salem, and Cape May Counties. He never gave allegiance to the American cause, and escaped to Pennsylvania at the invasion of the British troops in 1776. He was instrumental in raising the West Jersey Volunteers during the winter of 1777. He later accompanied the British army to New York, where he served on the Board of Associated Loyalists.

Notwithstanding the well known loyalty of Coxe, his houses and other property were taken over by the Hessians. His rooms, stores, and cellars were broken open, ransacked, and pillaged, and all the furniture, china, glass and liquors were destroyed or taken away. For the loss of his New Jersey property Coxe presented a claim of £41,305, on which he was allowed £9,997. He was also given a pension of £180 for his services to the British cause. After the war he went to London, where he died March 10, 1826.²

Daniel Cozens was born in America about 1746. He was a planter on his own property in Gloucester County, about fifteen miles from Philadelphia. He took the oath of allegiance to the Americans under the threat of imprisonment, but soon found opportunity to join the British, and was influential in getting one hundred of his neighbors

²Edward Alfred Jones, The Loyalists of New Jersey, 45.
to join under his command. With this company he joined
the 3rd Battalion of the New Jersey Volunteers. He served
in the South for four years, and was among the prisoners
taken at Yorktown. For his losses in the war he claimed
£41,305 but received only £997. He was granted an annual
pension of £180 and halfpay as a captain until 1808, when
he probably died.3

Cavalier Jonet was one of the wealthier loyalists of New
Jersey. He had an annual income of from £800 to £1,000.
His furniture was of the best mahogany, and his library
was worth £700. He built a fine house, which is one of
the historical mansions of America. He was a favorite of
fortune as far as money, slaves, and lands were concerned.

The outbreak of the war brought a decided change in
his life. He remained loyal to the Crown and suffered
the same fate as most of the Tories. He was imprisoned
for a time, but was later paroled. When the British with-
drew from New Jersey, he and his family took up their
residence within the British lines. His property was
forfeited by a judgment rendered on February 17, 1779.

When the war closed Cavalier Jonet went to England,
as he could not safely remain in America. He was ship-

3Jones, op. cit., 52-54.
wrecked on the voyage, and lost what little property he
had remaining. In England he began to study for the
ministry at the advanced age of fourty-nine. He was in
great distress, particularly because he was unable to
educate his children. He was granted £966 by the British
Government on his claim of £6,123. 4

An excellent example of the resentment shown by the
patriots toward the loyalists was when Cavalier Jonet
made an attempt to return to New Jersey soon after the
war. In a letter of May 4, 1783, he says that he decided
to return to see about settling his family there, and to
determine if there was any way of recovering his property.
He went to Woodbridge, where he had been treated well as
a paroled prisoner. There he was surprised at the out-
ragous insults heaped upon him. A number of men who had
formerly treated him with great courtesy, came to him with
sticks and whips, threatening to drive him out of the
country. General Heard appeared at this juncture, and
seemed to aggravate the mob by asking what they intended
to do with "that d--d rascal." A Justice Freeman called
aloud, "Hang him up, hang him up!" Cavalier Jonet
finally escaped from his perilous position by the aid of
Thomas Edgar. 5

4Jones, op. cit., 111.
5Ibid., 112.
from New Jersey who returned there in 1784 and 1785 were welcomed back.

In a memorial presented to The Royal Commission on the "Losses and Services of American Loyalists" on December 7, 1784, Bernardus Lagrange stated that he was a native American, and had been practicing law at Brunswick when the war broke out. He took an early opportunity of showing his British sentiments, and was insulted and abused early in 1775 for refusing to sign the Whig Association. He was forced to leave his home on July 1, 1775, joined General Howe, and accompanied the army that invaded New Jersey in 1776. Brigadier-General Cortlandt Skinner appointed him to administer the oaths to such persons as were disposed to take them. Later he went to New York, and remained there until August, 1783. General Skinner stated that he knew that Mr. Lagrange had taken an early and decided part in opposing the patriot committees. 6

After the war Lagrange sailed for London, where he died on December 10, 1797. He was granted £2,638 on his claim of £8,387; £240 a year for the loss of his professional income during the war; and an annual pension of £120. 7

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7 Jones, Op cit., 121.
James Moody was one of the most picturesque and gallant figures in the loyalist ranks. He owned a farm of five hundred acres in Sussex County, which he was obliged to leave. He joined the British, and was made a lieutenant in the New Jersey Volunteers. He raised one hundred and eighty-two men for the army at a cost to himself of £1,500. He served as a spy. Brigadier-General Oliver Lancey said that Moody was very enterprising and particularly successful in intercepting mails from General Washington to Congress. Notable among his acts of daring was the capture of four American field officers, three captains, and two lieutenants.

Moody thought that the Americans were not justified in rebellion, no matter what their grievances. He stated that he had been a plain, contented farmer, settled on a large and fertile farm of his own in the happiest country in the world, but had taken up arms to fight for the government he admired so much. He said that the majority of the people in the middle colonies were loyal, and would sacrifice almost anything rather than remain under the tyranny of the rebel government.

After the war Moody went to Nova Scotia, where he died shortly after the beginning of the 19th century. On his claim of 1,719 he received 1,608.8

8Jones, op. cit., 143.
David Ogden had been judge of the Supreme court of New Jersey for many years, until the war deprived him of that office and its salary on January 5, 1777. The next day a regiment of continental troops went to his house, but found that he had escaped to New York. They proceeded to plunder and destroy a great part of his personal property. Later most of his estate was confiscated and sold. In appreciation of his distinguished service to the British cause he was awarded a pension of £200, and £9,415 on his claim of £18,414. He sailed for England at the close of the war, but returned to America in 1790. He died on Long Island in 1802, aged 92.

As the agent for the New Jersey loyalists Judge Ogden was a signatory to an undated petition for compensation for them. This petition concludes by saying that a great number of the loyalists remaining in Great Britain were wasting the prime of their lives and dragging out a miserable existence without being able to settle any kind of business whatever. A number, through despondency, had died with broken hearts. Others had been arrested, imprisoned, and had perished in jail, while others had been driven through insanity to suicide, leaving their helpless widows and orphans to subsist on cold charity. The loyalist documents abound in references to arrests and
imprisonment for debt of the unhappy exiles in England. 9

Three of Judge Ogden's sons were also Tories. Of these Isaac had perhaps the most notable career. He went into the Continental Congress in 1775 with many of his friends in an effort to prevent violent measures. Having found that he was acting in vain, he soon resigned. There was a great deal of doubt about the loyalty of Isaac Ogden. John Vetherhead, Cornelius Hatfield, Jr., Cavalier Jenet, Daniel Coxe, and Governor Franklin all expressed their lack of faith in Isaac's allegiance to the Crown. It seems to have been something of a tricker in his efforts to gain popularity on both sides.

The commissioners expressed dissatisfaction with his submission to the Continental Congress. However, they allowed him £660 on his claim of £2,927 and £240 a year for the loss of his professional income in New Jersey. He went to Canada after the war and remained there until his death. 10

Stephen Skinner stayed in New Jersey until early in 1778, when he was privately told that his presence was undesirable, and advised to depart, as his brother Courtland, had already done. To avoid the persecution of the

9Jones, p. 519, 160.
10Ibid., 161.
Amboy and Woodbridge committees he moved to Newark. There he was made a prisoner in July, 1776, by order of Governor Livingston and confined in the Morristown jail. Meanwhile, his wife and six small children were treated with severity. Their wearing apparel, wagons, horses, and a chaise were taken from them and then they were turned out in a snow storm to walk four miles to Elizabethtown.

During the British invasion of New Jersey, Stephen Skinner served as a guide. Later he removed to New York, and raised a body of one hundred loyalists. In 1778 he was appointed major of a battalion. After the war, he and his family went to England, where they were in great distress in 1783. He finally was awarded £4,764 for his property loss, and a pension which continued until his death in 1809.\textsuperscript{11}

One of the notable families that joined the British was the Van Buskirk family. The names of various of its members are found in the records of the military events in and about New Jersey. The most noted Van Buskirk was Dr. Abraham, who had been a member of the Provincial Congress but resigned on being accused of unfriendliness

\footnote{Jones, op. cit., 196.}
to the American cause. He had signed the Whig Association and was a surgeon in the New Jersey militia. However, on November 16, 1776, he was commissioned lieutenant-colonel of the 3rd Battalion of the New Jersey Volunteers. Thereafter Van Buskirk’s Volunteers were a thorn in the side of the provincial patriots. Many of the raiding parties that constantly harassed the New Jersey counties were sent at his command. An attack by one of these parties on Closter, Bergen County, was reported in a rebel paper of May 10, 1779. The editor states it burned several houses and barns, destroyed all the furniture, etc. in many houses and was reported to have abused a number of the women. In their retreat the raiders were so closely pursued by the militia that they took away no cattle. The editor added: “They were of Buskirk’s corps, some of our Closter and Tappan old neighbors, joined by a party of negroes. I should have mentioned the negroes first in order to grace the British arms.”

A report of this expedition in a Tory newspaper gives a very different account of it. Closter is described as a settlement full of violent rebels, who almost daily afforded some fresh instance of barbarity. As Van Buskirk’s men approached Closter, they were fired at by the militia, which

12 Jones, op. cit., 225.

13 New Jersey Archives, 2nd ser., III, 359.
obliged them to burn the houses, on some of which printed notices were found saying, "No quarter shall be given to Refugees, etc." The editor continues: "The inhabitants of Closter have been remarkable for their persecution of, and cruelty to all friends of Government, and had fixed in many of their houses, signs in which they expressed their determination of giving no quarter to refugees, and requested all Continental soldiers, and militia to refuse them quarters." 14

At the end of the war Lieutenant-Colonel Van Buskirk sought refuge in Nova Scotia, where he lived on his military allowance of £1,57 a year and a compensation of £1,111 awarded on his claim off £1,827. 15

Major Philip Van Courtland was also a member of a well known loyalist family. In his memorial he declares that they had been treated in a manner that would have disgraced the most savage barbarians. In three months time they had been reduced from a position of affluence to the want of the common necessities of life. Van Courtland had been offered a commission in the American army, but refused it, was fined several times, and deprived of his weapons. He later served as major in the

15 Jones, op. cit., 226.
3rd Battalion of the New Jersey Volunteers.

On his voyage to England after the war, his ship was forced by severe storms to land him and his wife, and nine children at Madeira. Most of their personal property had been lost, or damaged. The British government sent £100 to relieve his distress there and to enable him to purchase necessities. Finally he was paid £1,500 on his claim of £7,522. He died in England on May 1, 1814.16

16 Jones, *op. cit.*, 228.
BIBLIOGRAPHY

A. Sources

Acts of the General Assembly of the Province of New Jersey from the Surrender of the Government to Queen Anne in the Year of Our Lord 1702 to the 14th Day of January 1776. Compiled and published under the appointment of the Assembly and compared with the original acts by Samuel Allison. Printed by Isaac Collens, Printer to the King, for the province of New Jersey, 1776, at Burlington.

Acts of the Council and General Assembly of the State of New Jersey from the Establishment of Present Government and Declaration of Independence to the End of the First Sitting of the 8th Session, on the 24th Day of December 1783. Compiled under the appointment of the legislature by Peter Wilson A.M. Printed by Isaac Collens, Printer to the State of New Jersey, 1784.


B. Secondary Works


