THE TORY CIVILIANS OF NEW JERSEY DURING
AND AFTER THE AMERICAN REVOLUTION.

A Thesis Presented for the Degree of
Master of Arts.

By
Elizabeth Grover Beatty, B.S. in Ed.

THE OHIO STATE UNIVERSITY.
1918.

Approved by:

[Signature]
BIBLIOGRAPHY.

Sources:

Canadian Archives: Halifax; St. John; Quebec; Montreal.
Examination of Joseph Galloway, (1780)
Journal of the Continental Congress.
Minutes of the Provincial Congress and Committee of Safety.
(1776-1779).
Muster Roll.--New Jersey Volunteers.
New Jersey Archives:

1. Newspaper Extracts. (second series) I, II, III, IV, V, VI.

2. Correspondence of New Jersey Executives.

Proceedings of the Society for the Propagation of the Gospel in Foreign Parts. 1779; 1780
Thomas Paine's Works. 1774-1779.
Washington's Correspondence. (Sparks and Ford editions)

Secondary:

Local Histories:
Atkinson, Joseph, History of Newark. (1878)
Hageman, John Frelinghuysen, Princeton and Its Institutions.
(1879)
(1909)
Jubilee History of Thorold Township and Town. ed for The
Thorold and Beaverdams Historical Society. (1897)
General:


Fiske, John, *The American Revolution II.*


Lee, Francis B., and others, *New Jersey as a Colony and as a State*. (1902) II.

Perry, G.G., *History of the Protestant Episcopal Church*. (1879)


Tyler, Moses Coit, *Literary History of the American Revolution*. (2 vols) (1897)

Van Tyne, Claude Halstead, *The Loyalists in the American Revolution*. (1902)

Winsor, Justin, *Narrative and Critical History of America*. VI. (1889)
Chapter I.
Character of the Population of New Jersey.................. 1

Chapter II.
Downfall of the Royal Government in New Jersey............. 9

Chapter III.
The Occupation of New Jersey by the British, June, 1776---
June, 1777..........................................................24

Chapter IV.
British Occupation of Philadelphia..............................42

Chapter V.
Communication and Trade with the Enemy........................51

Chapter VI.
Tory Women..........................................................56

Chapter VII.
Confiscation of Tory Estates.......................................60

Chapter VIII.
Places of Settlement of New Jersey Tories....................73
Chapter I.

CHARACTER OF THE POPULATION OF NEW JERSEY.

At the beginning of the Revolutionary war, the Tory element in New Jersey, as in the other Middle Colonies may be divided into a few well defined classes. The first, and perhaps the most important class was the office holders of the colony who depended for their livelihood on the existing regime. They were the land holding class and had not felt the hand of oppression, most of the oppressive measures of Parliament having been directed against the commercial class of the colonies. They were largely men of education, ability and influence, and as such carried many others with them into the arms of the British. Cortland Skinner, the last Attorney-General of the colony was able to raise eleven hundred and seventy officers and men for his New Jersey Loyalists, a brigade of which he was brigadier-general.

A group related to the office holders comprised their friends and family connections. Often brother followed brother and son followed father into the ranks of the Tories. Of the five sons of David Ogden, the last chief justice of the colony, three joined the British with their father, while two espoused the American cause.

Next in importance to the office holders, came the

1 Claude Halstead Van Tyne, The Loyalists in the American Revolution, 25, (1902)
2 Muster roll, November 1, 1777.
3 Joseph Atkinson, History of Newark, 124.
clergy of the Anglican church, many of whom were missionaries supported by The Society for the Propagation of the Gospel in Foreign Parts with headquarters at London. Among these persons we find the name of the Reverend Samuel Cook, rector at Shrewsbury who became a chaplain in the British Army. The Reverend William Frazer, rector of the Episcopal Church at Ringos was supported by this society. Because he would not omit the prayers for the royal family he became so obnoxious that he was forced to suspend worship in his church. Another representative of this class of Anglican clergy was the Rev. Thomas B. Chandler of St. John's Church at Elizabethtown who was not backward in expressing his views. While the larger number of the clergymen supported by this society were sent from England to their parishes, we find the names of some Colonials among its missionaries. The Rev. Jonathon Odell was one of these; he received his church at Burlington through the influence of the Royal Governor, William Franklin.

This clerical class was naturally conservative and unwilling to countenance rebellion. From the pulpit, they were able to reach large numbers of people with loyal arguments and so to give support to the royal cause until their churches were closed, which took place early in the war. By 1779 there were only three missionaries of the society left in New Jersey and

1 Lorenzo Sabine, Loyalists of the American Revolution. I, 303, (ed 1864)
3 G. G. Perry, History of the Protestant Episcopal Church, 97. (1879)
4 Moses C. Tyler, Literary History of the American Revolution, II- 100.
they remained only because they had been stripped of everything they had and were in too low circumstances to get away. ¹ By 1780 there was a total cessation of Anglican worship in the province. ² The greater part of these clergymen returned to England or went to nearby British provinces; however, a few remained in the state and were able to resume worship again at the close of the war with general acceptance. ³ The large Tory element in the congregation of the Anglican clergy wished submission because of their acceptance of the doctrine of the Divine Right of Kings. "Fear God and worship the king" was one of their dogmas. ⁴

Another class of religious Tories found in New Jersey were the Quakers. They were an overflow of the Quaker element in Pennsylvania and entertained the same political views as their brethren there. They might be called quiescent loyalists. Very few of them took up arms on account of their religious convictions against war, but they hindered the Revolution by refusing to sign the associations, expressing themselves against the Provincial Congress, and refusing to pay taxes. Mathieu Dumas, the Frenchman, soon discovered that the "Quakers, with an outward show of indifference, at the bottom of their

¹ Proceedings of the Society for the Propagation of the Gospel in Foreign Parts, 1779, 56.
² Ibid, 1780, 54.
³ Proceedings of New Jersey Historical Society, V 97.
⁴ Van Tyne, Loyalists in the American Revolution, 26.
hearts are inclined toward the party of the king." ¹

Many of the quiescent Loyalists, Quakers or otherwise, were transformed into active ones by the harsh treatment which they received at the hands of the Whigs, who accepted literally the maxim, "One cannot serve God and mammon." Such an example is found in the case of James Moody, later an ensign in the New Jersey Volunteers. When the rebellion broke out, Moody lived with his wife and three children on his own farm. His only desire was "to live and die a British subject." ² The Whigs constantly molested him, shot at him several times and thus forced him to take refuge with the British in April, 1777. Seventy-three of his neighbors and friends accompanied him. He joined Colonel Joseph Barton's battalion of the New Jersey Volunteers at Bergen, and thereafter became the terror of the countryside. The cry "Moody is out" was heard in any part of New Jersey which had suffered pillage.³

From the above survey, it would appear that the Tory element in New Jersey was made up of the conservatives of all classes, which is the worst that can be said of them. With few exceptions, they were not a profligate or lightminded party, but contained a considerable portion of the more refined, although the civil strife in which many of them engaged left their reputations blackened by the charge of treason. Still New Jer-

¹ Sir George Trevelyan, The American Revolution, part II, Vol I 141 (1903)
³ W. S. Stryker, The New Jersey Volunteers, 57, (1887)
sey had at least one notorious band of freebooters in the Pine Robbers which was led by the infamous Jake Fagan, and was the terror of the eastern part of New Jersey. These robbers were considered Tories and there is some evidence that their depredations were encouraged by the Board of Loyal Refugees of New York. However, it must be remembered that their number was relatively small, and in no way indicative of the general type of New Jersey Loyalists of whom the great majority were high-minded, upright and conscientious men.

The expulsion of the Tories has been compared by one writer to the exiling of the Huguenots from France through the revocation of the Edict of Nantes; and by another to the expulsion of the Moors from Spain. In all three cases a substantial and strong class was sent into exile to the undoubted injury of the mother country. We are unable to judge America's loss in any other way than economic which, after all, was least important. Her loss in intellectual, social and moral respects was much greater, but can not be measured. However, by following the later record of the exiles, we find that they gained no little renown in the British possessions where they settled after the war. Jonathan Odell served as secretary and clerk of the Province of New Brunswick. Isaac Ogden went to Canada.

1 Memoirs of an American Lady, by Mrs Anne Grant in Tyler's Literary History of the Revolution, I, 303.
2 Fisher, New Jersey as a Royal Province, 375. (Columbia Univ. studies in History, Economics and Public Law (1911))
where he achieved great distinction on the bench. Of his three Tory sons, Peter Skene became a leading member of the Hudson Bay Company; Isaac Gouvernor served as sheriff of the district of Three Rivers; Charles Richard became Attorney-General of Canada and later held a high legal office in the Isle of Man. ¹

One New Jersey Tory who was to achieve marked distinction in his Canadian home and leave an illustrious family there was but two years of age when the Revolution broke out in 1775. It was George Keefer. The State Government confiscated the property of his father and in 1790 at the age of eighteen he and his brother Jacob, sixteen, left the United States to seek a home under British rule. They walked all the way from New Jersey to Canada following an Indian trail through the dense forest. They bought a claim on the site of Thorold in the Niagara Peninsula and built a home there for their mother and family. In 1792 they walked back for them, and several other families returned with them to Canada. George became a member of the local militia and in the war of 1812 was promoted to a captancy. He was a wide-awake, progressive citizen, giving his time and energy to any project for the betterment of the religious and commercial interests of his people. He backed the Welland Canal enterprise, was elected the president of the first company which attempted the work and turned the first sod with his own hand on November, 30, 1824. He died in 1854 at the age of eighty-five years. He left a substantial family of fifteen,

¹ Sabine, Loyalists of the Am. Rev. II, 126.
several members of which were to achieve marked distinction. His son, Samuel, was chief engineer of Public Works on the Welland and the St. Lawrence canals. He built the first suspension bridge in Canada at Ottawa and the longest in the world, at that time, at Niagara Falls for which achievement he received the gold medal at the Paris Exhibition of 1878. He was the second president of the Canadian Society of Civil Engineers, his brother Thomas having been the first. Alexander Keefer was elected a member of the Legislature of Victoria, Australia, 1855, 1860. Thomas Coltrin Keefer was an eminent canal and railway engineer. In 1859 he received Lord Elgin’s prize for the best essay on the Influence of the Canals of Canada on her Agriculture. In 1850 he was employed on the surveys for the navigation of the rapids of the St. Lawrence, and was sent by the Canadian Government to assist the United States Consul to report on Canadian trade with the United States. This report led to the reciprocity treaty of 1854. He was commissioner to the International Exhibition at London in 1861 and Executive commissioner for the Paris Exhibition, 1878. In 1886 he was Vice-President of the American Society of Civil Engineers of New York, and in 1888 was made its president.¹

A brief consideration of the Whig party will enable us to get the proper perspective for an understanding of its relations and dealings with the Loyalists. The Whigs stood for change; they were, so far as the existing government was concerned, fomenters of rebellion. As they had few office holders in their ranks, they hit upon the plan of organizing com-

¹ Jubilee History of Thorold Township and Town. Pub.by John H. Thompson for the Thorold and Beaverdams Hist.Soc. (1897)
mittees of correspondence and of safety, as well as defensive associations in every county or township of the state. Thus they soon built up an organization strong enough to overthrow the Loyal Government and supplant it with one of their own.

The Loyalists in the beginning did not organize, depending on the colonial government to look after their welfare. When the Whigs took control and did away with this government the Loyalists were left without their main prop. Being in the minority, they were not able to exert any systematic opposition to the Whigs until the coming of the British Army. Where they did attempt it, they were at once dispersed by the Whigs. We read in Holt's Journal "Four hundred militia assembled this morning at Newtown, New Jersey, and from thence proceeded in good order and regularity in quest of Tories, a considerable number of whom had entered into a combination and agreement not to comply with any congress measures. We hear about forty are taken, most of whom recanted, signed the association and professed themselves true sons of liberty, being fully convinced of their error. In like manner, all opposition among the Tories was suppressed which did not have the support of the British Army."

1 Quoted in Van Tyne's Loyalists in the American Revolution, 85.
Chapter II.

THE DOWNFALL OF THE ROYAL GOVERNMENT
IN NEW JERSEY.

When the news of the battles of Concord and Lex-
ington reached New Jersey, feeling ran high. On April 24, 1775
at a meeting of the committee of observation for the township of
Newark, a resolution was adopted which declared that the "mem-
bers of this committee are willing to risk their lives and for-
tunes in support of American liberty". The committee also re-
commended to its constituents to give all the support possible
to their brothers in Massachusetts, and urged the captain of the
militia of the township "to muster and exercise the militia at
least once a week, and to carefully exact that each man be pro-
vided with arms and ammunition as the militia law directs."
Reads of families and masters of apprentices were urged to en-
courage all of proper age under them to learn military exercise. 1
On April 28, a meeting of citizens of Perth Amboy appointed a
standing committee of correspondence. It voted, in accordance,
with a proposal from the committee of correspondence of Princet-
ton, to send delegates to a Provincial Congress to be held
May 5. Among these delegates was Stephen Skinner, later a pro-
nounced Loyalist, who subsequently made his escape to New York
and joined the British. 2

On May 1, the inhabitants of Morris county met and

1 Minutes of the Committee of Safety. 103.
2 Ibid. 103
3 Fisher, New Jersey as a Royal Province, 474.
adopted similar resolutions; they also invested their delegates to the proposed Provincial Congress with legislative power to raise men, money, and arms for the common defence. The inhabitants of Aquackanonk in Essex County, those of Upper Freehold in Monmouth County, and the committee of correspondence of Somerset County all passed similar recommendations and elected delegates to the Provincial Congress.

The proposed congress met at New Brunswick May 2, but did nothing except to call a general convention for May 23, and to appoint a committee of safety for the state. Among those appointed, was Isaac Ogden, son of Judge Ogden, Chief Justice of the colony. Isaac himself later became disaffected and removed to Montreal, where he became distinguished at the bar. He left three sons all of whom achieved marked distinction as British officials. On May 23, the proposed congress assembled at Trenton, thirteen counties being represented by eighty-seven members. Hendrick Fisher of Princeton was chosen president. This congress began work in a very vigorous manner, in consonance with the Continental Congress. It recommended to the people of New Jersey to adhere to the resolution of the Continental Congress, that exportation to Quebec, Nova Scotia, and other British possessions should cease. It communicated with

1 Minutes of the Provincial Congress, 108.
2 Atkinson, History of Newark, 123.
3 Minutes of the Provincial Congress, 169-170.
the Continental Congress and deputed two men to get from it directions concerning the line of conduct it ought to follow. It also drafted an association agreeing to carry out, the measures of the Continental Congress, firmly determined to guard against disorder and confusion. This association was sent to the committees of all counties and townships to be immediately signed by the inhabitants, "for the purpose of promoting a union among the inhabitants of this colony." ¹ On August 17, it adjourned, "until September 20, unless sooner called by the committee of safety." ²

The powers of this committee of safety may be judged from the resolutions which it adopted at its first meeting at Princeton late in August. It recommended measures for the public good; such as urging the people to examine strictly all suspicious persons passing to and fro through the state, and encourage the formation of companies of minute men.³ The committee of safety adjourned September 14. ⁴

In October the Provincial Congress assembled at Trenton. Thirteen counties were again represented and Samuel Tucker of Trenton was chosen president. ⁵ As president he signed the state constitution on July 2, 1776. The first res-

1 Minutes of the Provincial Congress, 173.
2 Ibid. 194.
3 Ibid. 195.
4 Ibid. 196.
5 Ibid. 197.
olution passed in the state concerning deserters from the Continental Army was passed by this congress on October 17, 1775. It was passed in accordance with a recommendation from the committee of safety of New York, received October 5. This resolution gave to any member of county or town committees the right to order any commanding officer to search for and apprehend any deserter, and to confine him in a safe place until he could be returned to the army. 1 As the Revolution progressed, New Jersey passed more stringent resolutions and laws concerning deserters; because as soon as the British Army approached or entered the state many of these deserters joined it.

At this time, both the Whigs and Tories hoped for reconciliation with the mother country. Independence was the aim of only a few radical leaders of the Revolution. The majority of the representatives of the common people in the Provincial Congress of New Jersey had not thought of it. During the year of 1775 the Provincial Congress passed no resolution that would cause us to believe that that body wished a separation from England. Elias Boudinot, who had been a member of the Provincial Congress during May, June, and August and who was later president of the Continental Congress, wrote early in 1776, "Nothing was farther from our Ideas than a State of Independence on the Country from which we drew all our Ideas, Principles of Happiness & Enjoyment." 2 This is also shown by

1 Minutes of the Provincial Congress. 217.
2 J. J. Boudinot, The Life of Elias Boudinot—quoted, I, 13 (1896)
the reply of the Assembly of New Jersey on November 23, to the petition of thirty-two freeholders of the County of Burlington, praying the House to enter into such resolves as would discourage independence. In response to this petition, the House resolved that, "reports of independence in the apprehension of this House are groundless." In its reply to Governor Franklin, the same assembly professed ignorance of the fact that independence was being spoken of by any one of consequence.\(^1\)

The singular thing about such answers is, that over one-third of the members of the Colonial Assembly at this time were also members of the Provincial Congress.\(^2\) Two of them were very influential men in that Congress being its two presidents, viz., Hendrick Fisher and Samuel Tucker. This petition, however, shows that some were able to read the signs of the times and feared that the course the Whigs were pursuing would ultimately lead to independence; and while many were willing to unite in protesting, and in asking for a redress of grievances, they were not willing to go as far as independence.

That the apprehension of these Burlington Petitioners had not been unduly aroused, appears from the circumstance that when the committee of safety met in January, 1776, one of the very first resolutions it passed provided for the disarming and arrest of, "extreme and violent men who traduce the friends of American liberty."\(^3\) These two resolutions passed within two

---

1 Minutes of the Assembly of New Jersey, 309.
2 Minutes of the Provincial Congress, 197; 282.
3 Ibid. 337.
months of each other, cause us to look about for some reason for such a change of sentiment. To be sure, events were moving rapidly during the closing weeks of 1775, in the direction of independence; but the sentiment for liberty was crystallized and disseminated by the publication on January 10, 1776, of Thomas Paine's pamphlet entitled "Common Sense". Professor Tyler in his "Literary History of the Revolution" says, "In just one sentiment Tories and Whigs agreed, viz., in abhorrence of the project of separation from the Empire. Suddenly, however, and within less than six months the majority of the Whigs turned completely around and openly declared for independence, which before that time they had so vehemently repudiated. Among the facts necessary to enable us to understand this almost unrivaled political somersault is that of the appearance in January, 1776, of the pamphlet entitled 'Common Sense'." In this pamphlet, Paine argued that the position of the colonies was inconsistent; that while protesting their loyalty to the King they were nevertheless, in full rebellion against him. He therefore urged them to declare openly for independence.\(^1\) Washington spoke of the "sound doctrine and unanswerable reasoning of the pamphlet;" and "Edmond Randolph, first attorney-general of the United States, said that the Declaration of Independence was due, next to George III, to Thomas Paine."

That the committee meant to pursue aggressive measures, and to carry into effect its resolution concerning the disaffected, is shown by the fact that during this Janu-

---

ary session five men were brought before it and convicted of being enemies of the country. Robert Ellison and Nathaniel Pettit were tried on a charge of misdemeanor against the liberty of America; for "associating", resolving not to pay taxes, and for non-attendance at muster. They both confessed, only alleging that they did not mean to use violent measures in opposing the actions of Congress. They were disarmed and released on $50 bail for future good behavior. The other three, Daniel Stretch, Richard Cayford, and Nathaniel Dowdney were found guilty of using their influence to raise a party to oppose the measures adopted for the redress of grievances; and of cursing and ill-treating all congresses and committees. They were given the same sentence as the former two.¹ This is the first instance in New Jersey in which the Whigs took violent measures against those suspected of being unfriendly to American liberty; and it was only another indication that the two parties were rapidly approaching the point where to be a Tory meant opposition to independence, and to be a Whig meant to favor it.

One of the most noted Tories who decided for the British during the early months of 1776 was Cortland Skinner of Perth Amboy, the last attorney-general of New Jersey and the speaker of the Colonial Assembly. On February 5, 1776, Lord Stirling, a general in Washington's army, sent a letter to the Provincial Congress then in session at New Brunswick. This letter was written by Cortland Skinner to his brother in Eng-

¹ Minutes of the Provincial Congress, 333-335.
land and contained many sentiments prejudicial to the liberties of America.\textsuperscript{1} It was also discovered that he had had some papers copied for Governor Franklin concerning the doings of Congress.\textsuperscript{2} The Congress ordered that his salary as attorney-general be stopped. This is an indication of the growing importance and power of the Provincial Congress, because the Colonial Assembly, which was not yet defunct, was vested with the authority to vote or withhold the salaries of officers. Frightened by the resolution, Skinner took refuge on board a British ship at New York in March, 1776. He was soon commissioned by General Howe as Brigadier-General of all Provincial Troops and authorized to raise twenty-five hundred men to serve under him.\textsuperscript{3}

In order to follow the Loyalist movement in New Jersey intelligently, it is necessary to trace the history of the Colonial Assembly from May, 1775, until June, 1776, when it was finally overthrown. During this period it was the main stay of Toryism in the colony, and on it the Tories depended to combat and defeat the machinations of the Whigs. It met May 15, 1775, being called together by Governor Franklin a few days before the Provincial Congress met in order to divide public opinion. There was laid before it, when it assembled, a letter purporting to have been written by Governor Franklin to Lord Dartmouth in England, which had caused much excitement in America. The governor was asked to appear before the assembly and either af-

\textsuperscript{1} Minutes of the Provinicial Congress, 403.
\textsuperscript{2} Canadian Archives, (Ontario) 1232.
\textsuperscript{3} Ibid. 1232.
firm or deny the letter. In his answer he denied the letter and the sentiments it contained; but he did it with very bad grace, closing with the words, "The most furious rage of the most intemperate zealots will not induce me to swerve from the duty I owe his Majesty."¹ He prorogued the assembly on May, 20, and three days later, May, 23, the Provincial Congress met at Trenton.

On November, 15, the assembly convened again. Estrangement had already sprung up between the governor and the assembly at the meeting in May, and this session only tended to separate them further. Governor Franklin addressed the assembly, lamenting the unhappy situation existing between the colonies and the mother country. He informed the body that independence was being openly talked by some men of consequence, and he incidentally mentioned the fact that his Majesty's fleet in America had orders to protect the persons of the King's officers.² On November 29, the assembly answered the governor over the signature of the president, Cortland Skinner, although the sentiments expressed in the answer were not in accordance with those of Mr. Skinner. It also lamented the unhappy situation of public affairs, but expressed astonishment that the governor should have been advised to seek refuge on his Majesty's ships, saying, "Your Excellency's safety ... we apprehend to be in no danger."³

¹ Minutes of the Assembly of New Jersey, 133-137.
² Ibid. 284.
³ Ibid. 309.
To this "humble address" the governor replied that it was strange that the assembly should be surprised that he should seek protection from his Majesty when so many of the crown officers had been forced to do so. This was Governor Franklin's last communication with the Assembly of New Jersey. Following his custom of convening the assembly at the same time that the Provincial Congress assembled, he summoned it to meet June, 20, 1776, at Perth Amboy. The Provincial Congress convened on June, 10, at Burlington. On June, 14, it resolved "that the proclamation of Governor Franklin in the matter of calling the General Assembly ought not to be obeyed." This resolution was signed by Samuel Tucker as president who, along with nine others of the Provincial Congress, was a member of the General Assembly also. On June 16, the congress resolved that by issuing such a proclamation, Governor Franklin had shown himself an enemy to the liberties of this country, and that measures ought to be adopted for securing his person. At the same time a parole was sent to Colonel Nathaniel Heard for the governor to sign; with instructions that if he refused to sign it he should be placed under heavy guard and kept until further orders. He refused, and on June, 21, Colonel Heard was directed to bring him before the Provincial Congress at Burlington. He was examined by the congress, and a bitter denunciation of the man and his policies was pronounced by John Witherspoon, a member of the congress and president of Princeton University. He refus-

1 Minutes of the Provincial Congress, 454-467.

2 John F. Hageman, Princeton and its Institutions, 104.
ed to answer the questions put to him by the Congress, denying the authority of that body. It was resolved that the "said" Franklin appears to be an enemy and may prove dangerous;" and further to send him to such place as the Continental Congress should direct. On June 25, the Continental Congress decided to place him in charge of Governor Trumbull of Connecticut. ¹ The arrest and imprisonment of Governor Franklin may be said to mark the downfall of the Royal Government in New Jersey. The colony was never again under the civil control of the Crown.

In May, 1776, the Continental Congress expressed its earnest desire that any state which had not already done so should provide itself with a new constitution at once. In accordance with this recommendation the Provincial Congress of New Jersey appointed a committee on June, 24, to draft a constitution. The committee reported a new constitution on June, 28. It was adopted on July, 2, ² the same day that the motion declaring independence was carried in the Continental Congress. Even in the new state constitution the possibility of a reconciliation with England was not overlooked. The last section read as follows, "Provided always and it is the true intent and meaning of this congress, that if a reconciliation between Great Britian and these colonies should take place and the latter be again taken under the protection and government of the crown of Great Britian this charter shall be null and void."

¹ Minutes of the Provincial Congress, 475.
² Ibid. 488.
Otherwise to remain firm and inviolable.\textsuperscript{1} An examination of the minutes of the Provincial Congress, however, reveals the fact that there was a great deal of discussion concerning the insertion of this proviso; and that many who voted for the constitution voted against its immediate printing with this section included. Nevertheless, the constitution was printed and the objectionable section remained in it until the adoption of a new constitution in 1844.\textsuperscript{2}

We are at a loss to understand why a body that had decreed the downfall of the Royal Government and imprisoned the Royal Governor should have inserted this anomalous clause, unless for the purpose of appeasing the Tories in the state. The number of petitions against the formation of a new state government, which were presented to this congress, show that the sentiment in the state was very much divided. On June 19, a petition came to the congress from sundry persons of Shrewsbury Township in Monmouth County, asking that no new government be established and that no measures be taken to separate the colony from Great Britain.\textsuperscript{3} Ten days later two memorials were presented to the congress by the committee of Monmouth County concerning disaffected persons who were preparing by force of arms to oppose the cause of American freedom and to join the British.\textsuperscript{4}

\textsuperscript{1} N. J. Laws, 1776, 1783, (Preface)

\textsuperscript{2} Hageman, Princeton and its Institutions, 109.

\textsuperscript{3} Minutes of the Provincial Congress, 464.

\textsuperscript{4} Ibid. 483.
The Provincial Congress ordered Colonel Read to apprehend them. The leaders of this opposition in Monmouth County were fined from £ 3 to £ 30 and put under £ 500 bond for good behavior. On July 4, however, the Congress issued a proclamation of lenity to all persons concerned in attempting armed resistance to the cause of American liberty and in joining the British. It declared that all those who would return peaceably to their homes and conform to the orders of Congress should be treated with indulgence. But the proclamation excepted the leaders who, on August 20, were fined as above stated. Anthony Woodward, accompanied by William Guisebertson fled to the enemy, and an inventory of their estates was presented to the congress on August 10. This is the first reference to confiscation of estates in New Jersey.  

Monmouth was not the only county in which disaffection existed. On June 26, the Provincial Congress ordered Lieutenant-Colonel Ten Bick and Major Berry to apprehend twenty-five insurgents in Hunterdon County, who had confederated for the purpose of opposing the measures of the Continental and Provincial Congresses, and had committed acts of open and daring violence and were now threatening to take up arms in behalf of the King of Great Britian. This list contained the names of Christopher Vaught, John Vaught, Thomas Van Buskirk, and Bartholameu Thatcher, 2 all later well known New Jersey Tories, whose property was later confiscated. At this time, however, they were placed under bond for good behavior, fined and re-

1 Minutes of the Provincial Congress, 539.
2 Ibid. 477-78.
leased.

Despite these Tory activities and the insertion of the reconciliation section in the state constitution, the Provincial Congress instructed, on June 21, the delegates whom it appointed to the Continental Congress to vote for independence, if they judged it necessary and expedient.¹

Before this Congress dissolved in anticipation of the Legislative Assembly, which it had provided for in the constitution, it prescribed a test which all persons should take before they should be entitled to a seat in it. Prospective members were required to swear that they did not consider themselves bound to bear allegiance to George III, that they would not directly or indirectly oppose the measures adopted by "this" congress or by the Continental Congress, and they were further required to swear allegiance to the government of the state.² Although referring only to members of Assembly, this test act contained the germ of the later oaths of abjuration and allegiance as prescribed by the Assembly of New Jersey on Oct. 4, 1776. On July 18, an ordinance was passed for punishing treason. It provided, first, that all persons deriving protection from the laws of the state owed allegiance to it; second, that all persons owing allegiance to the state who should after this date levy war against it or adhere to its enemies or give them aid or comfort

¹ Trevelyan, American Revolution, part II Vol I, 131.
² Minutes of Provincial Congress, 562.
should be guilty of high treason.\footnote{Minutes of the Provincial Congress, 562.} This act is almost identical with the act passed on October 6, for punishing traitors and disaffected persons.

In this chapter we see the rapidity with which events moved in New Jersey after April, 1775. The resolutions of various counties and towns; the organization of a Whig Government, which for a year existed side by side with the Colonial Government; the gradual change of the Whigs from mere petitioners for a redress of grievances to agitators for independence; and finally the entire overthrow of the old royal government and the setting up of a legitimate state government under a constitution. Our next step will be to follow the vicissitudes of that government throughout the Revolutionary war in its relations to the Tories of the state.
Chapter III.

THE OCCUPATION OF NEW JERSEY BY THE BRITISH.

JUNE, 1776-JUNE, 1777.

The month of July, 1776, marks the parting of the ways for Tories and Whigs in New Jersey. In this month was proclaimed the Declaration of Independence. Its effects on the Tories in all the colonies, of course, was momentous. Hitherto, they had been champions on one side of the debatable question of whether or not the measures of the Mother Country justified armed resistance. With the Declaration, loyalty to the king became treason to America. In New Jersey many neutrals or quiescent Loyalists now came out boldly and declared for the king. Indeed, many Whigs who had opposed British measures up to this time declared they "could not go independence." Among the more prominent Jerseymen who thus balked at independence and took up arms for the British was Philip Van Cortland, later Major in the 1st battalion of the New Jersey Volunteers.

Ebenezer Foster, a prominent man of Woodbridge, New Jersey, was another who espoused the royal cause immediately after the Declaration of Independence. He had previously been a Whig. Although he had held several offices under the crown in his native county of Middlesex, he had been prominent in the Whig ranks. In January, 1775, with two others he was appointed by his county to meet the other delegates of the Provincial Congress to select members for the Second Continental Congress, in case the Assembly failed to appoint them. On January, 16, 1776, 1

1 New Jersey Archives, III, 465.
he was placed on the committee of correspondence for Middlesex County. 1 Seven months later he was arrested and brought before the Provincial Congress, and was placed under a bond of £1000, being given leave to remove to the public house of "Mr. White" in Somerset County, and there to remain within six miles of his new abode, unless permitted by the Provincial Congress or the future legislature of the state to pass beyond this limit. On August 2, he asked leave to return to his farm at Woodbridge but as no action was taken on his petition he fled to Staten Island and was there September 22. 2 His property was confiscated and advertized for sale March 22, 1779, along with the estates of sixty-five others from the same county. 3

Other events which took place in New Jersey during July affected the local Tories in a peculiar way, viz., the passage by the Provincial Congress of the test resolutions—a resolution defining allegiance and treason and one for the punishment of counterfeiters; 4 and the arrival of the British at Staten Island and Sandy Hook.

The two resolutions just mentioned applied to all disaffected persons transgressing them. The reason for the former is obvious. Concerning the latter it may be explained that one of the sharpest weapons employed by Tories against the revolutionists was the counterfeiting of the continental money,

1 New Jersey Archives, IV, 565.
2 Ibid., 566.
3 Ibid., III, 95.
4 Minutes of the Provincial Congress, 502.
which they later refused to accept as legal tender. Indeed, the Loyalist newspapers carried on an active campaign from July, 1776, throughout the war to discourage the circulation of Continental money. The revolutionists therefore made the punishment of counterfeiting the same as that of treason, viz., death. From July, 1776, during the war, there was no time when a law for the punishment of counterfeitors was not on the statute books of New Jersey.

On August 27, 1776, the first legislature of New Jersey under the constitution met and organized a new state government. William Livingston was chosen governor, although on the first ballot the vote was equally divided between him and Richard Stockton who had been one of the King's Council. This legislature proceeded to pass laws which were almost identical with the resolutions passed by the Provincial Congress, or as that body was known after July, 18, the convention of New Jersey. The laws for punishing treason and counterfeiting were substantially identical. The test act was enlarged so as to include any one suspected of disaffection. Any two justices of the peace were empowered to apprehend a suspect and administer to him the oaths of abjuration and allegiance. In case he refused he was to be bound with sufficient security, or committed to goal if unable or unwilling to give it. 1

The arrival of General Howe and the British Army at Staten Island a fortnight before the adoption of the test reso-

1 New Jersey Laws, 1776-1783 p 5.
olutions by the Provincial Congress 1 afforded the Loyalists of New Jersey the opportunity of taking refuge within the British lines and thus of avoiding the test. The records show that very few Loyalists joined the British during the months preceding the passage of the test act, but that may be accounted for by the fact that no British troops were near for them to join. No doubt numbers of the quiescent Loyalists and the neutrals did subscribe to the test. One Whig wrote, "The Tories ought to be banished, but many of them have taken the oath and are under the protection of the law." 2 Then too, many signed the tests contrary to their principles. In a parody on Hamlet's Soliloquy referring to the test acts an anonymous poet says, "The dread of something after flight.... puzzles the will and makes ten thousand rather sign and eat than fly to starve on loyalty." 3 Those Tories who would not subscribe now had the alternative of finding protection with the British. Flights were consequently greatly stimulated.

General Howe arrived off Sandy Hook early in July and was received by the Loyalists with open arms. A letter from Staten Island dated July 8, 1776, describes the ovation which greeted his arrival:"A number of local Tories got together and celebrated it by a huge bonfire which they fed with forty pounds worth of continental money 'damning congress and

1 Washington's Correspondence, IV, 189.
2 Van Tyne, Loyalists of the Am. Rev. 140.
3 Tyler, Literary History of the Revolution, II, 54.
and saying they would have nothing more to do with it."\(^1\)

Indeed, so cordial was his reception that Howe assured his army that they were among friends. That Washington was cognizant of the seriousness of the situation is shown by a letter written on June 30, by his adjutant-general to the president of the Provincial Congress of New Jersey. In this letter it is made clear that Washington is aware of the inadequacy of his army to encounter Howe and the Provincial Congress is urged to "exert their utmost efforts at this critical juncture when in all human probability the fate of our country, our lives and property depend upon the spirit and activity which will be shown in a very short time."\(^2\)

The presence of the British aroused the enthusiasm of the Loyalists in New Jersey and gave impetus to a Tory movement. Sixty Jerseymen crossed to Staten Island, some of them carrying muskets and declaring that five hundred more were ready to follow them. They also expressed their anxiety for the arrival of Lord Howe with terms of peace.\(^3\)

Lord Howe came to America in the capacity of a mediator, bearing sealed terms of peace from the English cabinet. His first step toward mediation was his attempt to get into communication with Washington by means of letters. He sent two letters addressed to "George Washington, Esq." both of which Washington refused to receive because they did not bear his rank as General. In reporting this to the Continental Congress, Wash-

1 Quoted in Trevelyan, American Revolution, part II Vol I, 239.
2 Ibid. 237.
3 Trevelyan, American Revolution, part II, Vol I, 239.
ington said he considered it his duty toward his country to insist on a mark of respect which as an individual he was willing to forgo. ¹ This ended Howe's attempts to negotiate with "George Washington, Esq." His next step was to make known the terms of reconciliation through a circular letter to the royal governors, which terms were submitted by Washington to the Continental Congress, July 19. That body resolved to have them published "in order that the good people of these United States may be informed of what nature are the commissioners, and what the terms, with the expectation of which, the insidious court of Britain has endeavored to amuse and disarm them, and that the few, who still remain suspended by a hope founded either in the justice or moderation of their late King may now, at length, be convinced that the valour alone of their country is to save its liberties."¹ These terms were nothing more than promises of pardon to all who would return to their allegiance and aid in restoring order, and Washington described the two Howes as "Nothing more than a couple of agents dispensing pardon to repentant sinners."²

With their offers of peace so rudely repulsed, the Howes determined to attack the Americans. Subsequent events proved that Washington's diagnosis of the situation in his letter of June 30, was a correct one. By August 22, Lord Howe's fleet with some 20,000 men had arrived at Long Island, and the

¹ Journal of Continental Congress, V, 592.
defeat of Washington at Long Island was followed by his retreat up the Hudson and across New Jersey via Hackensack, Newark, New Brunswick, Princeton and Trenton and across the Delaware into Pennsylvania.\(^1\) As far as New Brunswick Cornwallis was in hot pursuit, but being ordered by Howe to go no farther than New Brunswick\(^2\) he stopped there, thus giving Washington time to get safely across the Delaware.

With Washington driven across the Delaware, the British were in undisputed possession of the entire state of New Jersey. The legislature and governor were forced to flee from Princeton to Trenton, from Trenton to Burlington, from Burlington to Pittstown, and from Pittstown to Haddonfield, where it dissolved on Dec. 5.\(^3\) Each mile of Washington’s retreat was marked by desertions. The fall of 1776 gave a bountiful harvest and the honest militiamen felt it to be little short of foolhardiness not to gather it. Complaints came in from all sides. Some had hay cut, others did not have their plowing done, etc.\(^4\) In a letter to Washington dated September 28, 1776, General George Clinton said "By the enclosed return of my brigade you will observe that there are wanting to fill it 596 men. I know it is my duty to cause deserters to be apprehended. I can’t. If I send officers and parties of faithful men after

---

1 Hart, Essentials of American History, Map opp p 169.
2 Trevelyan, American Revolution II, 19.
3 Footnote in Washington’s Correspondence, V 60. From Sedgwick’s Life of Wm. Livingston.
4 Trevelyan, American Revolution part II, Vol I, 190;
them I weaken the army."  

In a letter to congress September 2, 1776 Washington says "The army deserted by half regiments, and whole regiments." General Green in a letter to General Cook dated December 4, says, "Two brigades left us at Brunswick notwithstanding the enemy was within two hours march and coming steadily on. The loss of these troops at this critical time reduced his excellency to the necessity of ordering a retreat again.... when we left Brunswick we had not 3,000 men.  

These desertions are important for us because many of the deserters were going over to the enemy. The names of many deserters published in newspapers of this period were later found on the muster rolls of the British Army, and their property was later confiscated and sold.  

Aside, however, from the actual desertions to the British army, these desertions affected the Tory movement in New Jersey. The American army was so weakened that hitherto lukewarm supporters began to go over to the British. Howe felt that in driving Washington across the Delaware he had broken the backbone of the Revolution. Many Americans felt the same way and, wishing to be identified with the winning side, hastened to take advantage of Howe's terms of pardon and swore allegiance to the British King. Colonel Enoch Markham, who was stationed at Perth Amboy, had trouble from dawn to bed time swearing in the neigh-

1 Quoted by Trevelyan, American Revolution, part II Vol I, 193.  
2 Washington's Correspondence, V, 67.  
3 See New Jersey Archives, second series, Newspaper extracts.
bers and signing their certificates. 1 It was at this time that Cortland Skinner rendered the British army invaluable service by persuading many of his neighbors to seek protection under the British flag. In a letter dated December 20, to Lord George Germain, Howe says "I can not close this letter without making mention of the good services rendered in the course of the campaign by Cortland Skinner, Attorney-General of New Jersey, who has been indefatigable and of infinite service since the army entered these provinces. I, therefore, command him to you as a gentleman meriting favor." 2 He was appointed Lieutenant-Governor of New Jersey by Howe at this time.

In a letter to his brother dated December 17, 1776, George Washington wrote "A large part of the Jerseys have given every proof of disaffection they can do.... In short your imagination can scarce extend to a situation more distressing than mine.... I think the game will be pretty nearly up, as from disaffection and want of spirit and fortitude the inhabitants instead of resisting are offering submission and taking protection from General Howe in Jersey. 3

A few of the well known Jerseymen to take British protection at this time were Samuel Tucker, Colonel William Bayard, Reverend George Panton, Jonathan Odell and Robert Drummond. Samuel Tucker, as has been mentioned, was formerly president of the Provincial Congress. In September he was ap-

1 Trevelyan, American Revolution, part II, Vol II, 28.
2 W. S. Stryker, New Jersey Volunteers, 4, 5.
3 Washington's Correspondence. V, 79
pointed justice of the supreme court of New Jersey and in a letter dated this same month he expressed his firmness in the cause of freedom. However, the American reverses seemed to have been too serious a blow for his patriotism to rise above and he joined the British late in 1776.

Colonel William Bayard lived at Castle Point, now a part of Jersey City. At the beginning of the war he was a Whig sympathizer, but British successes on Long Island and in New Jersey soon cooled his ardor, and he joined the British in the latter months of 1776 and took an active part against his country. His property was confiscated and sold March 16, 1784. Reverend George Panton of Trenton joined the British in October, 1776, and did much to aid them by giving them information concerning whom they could trust. He remained with them during the war and was appointed Chaplain, in the Prince of Wales regiment by William Howe. Robert Drummond was a member of the Provincial Congress in 1775-1776. He joined the British early in 1777 and became a Major in the second battalion of the New Jersey volunteers. His property was confiscated in 1778 and sold March 1, 1779.

The Reverend Jonathan Odell, Rector of St. Mary's Church, Burlington, had remained neutral for a period after the passage of the Stamp Act, thinking it his duty as a clergyman to

1 New Jersey Archives, Vol I, 11.
2 Ibid. I, 412.
3 Canadian Archives, I, 354.
4 New Jersey Archives, I, 251.
promote, "a spirit of peace and good order." On October 12, 1775, he was brought before the Provincial Congress on a charge of expressing sentiments inimical to the welfare of the Continental Congress. The evidence was based on some private letters which the congress had received from the committee of safety of Pennsylvania. The congress reached the conclusion, however, that Mr. Odell's letters were not intended to influence public measures, and were somewhat ambiguous. Therefore, it declined to censure him.

Mr. Odell remained quiet and inoffensive until the first of the following June. June 4, was King George's birthday which was celebrated in banquet and song by some British prisoners in Burlington. For the occasion, Rev. Odell wrote a glowing ode in which he declared his own undying devotion to the monarch whose "throno shall stand as long as sun and moon shall endure." On July 30, the Provincial Congress ordered that Mr. Odell sign the parole as a suspected person and that he confine himself within a restricted area on the east side of the Delaware River round Burlington. Instead of this parole Mr. Odell offered another in which he was willing to agree not to hold any political correspondence with the enemy; but the congress ordered him to sign the original parole.

At length in December, 1776, when the Hessian troops arrived at Burlington they were at first prevented from taking

1 Hill, History of the Church in Burlington, 315. (Quoted in Tyler's Lit. Hist. of the Am. Rev. II, 103)
2 Minutes of the Provincial Congress, 211.
3 Tyler, Literary History of the Revolution, II, 102.
4 Minutes of the Provincial Congress, 528.
quarters there, and the local Tories were persecuted. Mr. Odell says, "Mr. Lawrence, young Mr. Hewling and myself were in particular pursued by two captains and a bunch of armed men. We made our escapes and were under the necessity of taking refuge among the King's troops... I have been obliged to leave my wife and children... and ramble a refugee, God knows when to return." This was early in January, 1777. Before his escape to the British he took refuge in the residence formerly owned by Governor Franklin but at this time owned by the Quakeress, Margaret Morris. Here he was concealed in a secret chamber, where he was overlooked by searching parties of militia. December 18, Margaret Morris wrote in her journal, "Our refugee gone off today, out of reach of gondolas and Tory hunters."  

He was received joyfully in New York, because of the information which he was able to give of conditions in New Jersey and his intimate knowledge of the personality of the American leaders. He became a Chaplain in a Loyalist corps, and besides his official duties he was entrusted with many delicate missions for the British. He acted as a go-between for Arnold and Andre, and there is still in existence one of Arnold's letters addressed to Andre under the name of "Mr. John Anderson and to be left at Rev. Mr. Odell's, New York." However, Odell's greatest work for the British was his satirical poems which he began in 1778. His three famous productions were "Congratulations...

1 Tyler, Literary History of the Revolution, II, 103 (Quoted)
3 Washington's Correspondence, VII, 521.
tions," "Feu de Jeie," and "The Word of Congress." Most of his poems appeared in Rivington's "New York Gazette", an intensely loyal newspaper, and attracted much attention at the time. His counterpart on the American side was the poet, Philip Freneau, a resident of Monmouth County, New Jersey. Here within forty miles of each other, nurtured by the same soil, breathing the same air, sprang the two men who were destined to go down in history as the satirical gladiators on the opposing sides of the Revolution.

The men who have been mentioned as joining the British in the fall of 1776 are only a few of the better known New Jersey Loyalists. To this list could be added hundreds of other names, among them being Dr. James Boggs of Shrewsbury; John Leonard of Freehold; Elisha Lawrence of Monmouth County who took fifty-seven with him; Edward Boulby of Morris County; Lieutenant-Colonel Isaac Allen; Lawrence Van Buskirk; Peter Rutten of Bergen County who brought sixty men with him for the fourth battalion of the New Jersey Volunteers, later he raised forty more for Colonel Bayard; Daniel Isaac Browne of Hackensack, raised fifty-six men for Skimmers Brigade and became a Major in the fourth battalion of the New Jersey Volunteers; Colonel Joseph Barton of Sussex County, raised about one hundred men

1 Sabine, Loyalists of the Am. Rev. II, 120.
2 Canadian Archives, I, 35.
3 Ibid. I, Jan. 25, 1786.
4 Ibid. I, 504.
5 Ibid. I, 149.
6 Canadian Archives, I, 248.
7 Ibid. I, 307.
8 Ibid. I, 429.
9 Ibid. I, 541.
for his regiment.\footnote{1} Enough has been said to show that the outlook for the Americans in the closing weeks of 1776 was very dark. Washington was considering the bold move of striking the British at Trenton and Princeton for the purpose not only of gaining possession of the cities but for the moral effect which a victory would have on the soldiers and the country at large. The result of this consideration is recorded history, but the factor that converted a wavering idea into a determination is not so well known. That factor was the information which a supposed Tory of New Jersey brought to General Washington. This "Tory Traitor" as he was called by his neighbors was John Honeyman. He was a butcher by trade, and the third week in December he was constantly in and around Trenton buying cattle. When he had received information enough to form a judgment he managed to get captured by the Americans, who at once carried him to General Washington. Here he was interviewed in private by that general and was ordered confined, and to be brought before court martial the next morning. However, the next morning the prisoner had escaped. Eighteen months later he was accused of having given the enemy aid during the latter part of 1776, and so well were his real sentiments concealed and his real work kept secret that his property was confiscated and sold by the state of New Jersey March 22, 1779. In the end he was able to satisfy his neighbors of his loyalty to the American cause, and long outlived his unpopular-

\footnote{1} Canadian Archives, I, 600.
ity. However, history had recorded him among the Tories of New Jersey, and it was not until the last quarter of the nineteenth century that he was entirely vindicated. We now know that he was one of Washington's most trusted and successful spies. Trevelyan says that "His conversation with Washington determined that General to strike at Trenton." The result of this blow was that New Jersey was cleared of British within a few months. Well did Cornwallis say that Washington's strategy at Yorktown even did not exceed his brilliant achievement in the Jerseys in this first campaign of the war. In a few weeks New Jersey was practically free of British soldiers; and with the state once more in their possession the Americans began the work of reclaiming those who had accepted British protection.

Washington on the last of January, 1777, issued a proclamation to those who had taken refuge with the British. He absolved them from the oath of allegiance to the King, and required them to swear allegiance to the United States as a condition of full pardon. A few months later, on June 5, 1777, the Legislature of New Jersey passed an act to the same effect. It provided that all recreant fugitives, as well as those guilty of treasonable practices who should appear before a justice of the supreme court, judge of the inferior court or a justice of the peace and take oaths of allegiance and of abjuration before August 1, could thereby return their allegiance.

1 Trevelyan, The American Revolution, II, 93.
3 Laws of New Jersey, 1776-1783. Appendix 8.
Many Tories left the state with the British Army, but the work of reclamation among those who remained was very successful. The pillaging of the British on their advance into the state had been terrible and those taking protection suffered quite as much as avowed Whigs. So great had been the suffering among all classes by Hessian pillaging that as soon as the tide turned and they could, the sufferers of all parties, the well disposed towards the royal cause as well as the wavering now took up arms to avenge their personal injuries. We read in the "Pennsylvania Evening Post" dated January 30, 1777, "We are informed from good authority that many of the inhabitants of Monmouth County, New Jersey, who received written protection are now determined to return it to his British Majesty in cartridges."\(^1\) After the British retreat a Delaware captain predicted that New Jersey would be the most "Whiggish state on the continent." Even the Quakers declared for taking up arms, because the distress of the country was so great, and every one had been stripped without distinction.\(^2\) For these reasons many Tories who had taken British protection returned to American allegiance. They flocked in from all sides.\(^3\) The minutes of the council of safety during the spring and summer of 1777 tell of hundreds of New Jersey Tories to whom the oaths were administered.

Another reason why so many returned to their allegiance after the passage of the General Pardon Act of June 5, was

1 New Jersey Archives, I, 277.
2 Trevelyan, The American Revolution, II, 139.
because it provided that all those who did not return to their allegiance by August 1, would have their estates confiscated. This was a serious blow to the Tory element and did much to cause quiescent Loyalists to cease their secret machinations, to hold the neutrals within the Whig lines, and to bring those back who had openly espoused the King's cause. The subject of confiscation will be discussed more fully in another chapter.

After the battles of Trenton and Princeton, Washington went into winter quarters at Morristown, whence he could watch every move of the British. In June 1777, General Howe determined to cross New Jersey and take Philadelphia. At New Brunswick he was turned back to Staten Island, then decided to go to Philadelphia by sea. Washington, leaving Lord Stirling in the Highlands on the west bank of the Hudson, and putting Sullivan in command at Morristown, hastened with about 11,000 men to the defense of Philadelphia. He met Howe's forces at Chadd's Ford on the Brandywine about twenty-six miles south of Philadelphia. The Americans were forced to retreat but their maneuvering had prevented Howe from sending succor to Burgoyne.

Though the Americans, for the time being, were in supreme control of New Jersey, and the Tories were deprived of the support of the British Army, their secret machinations did not cease. By looking at the map, it will be seen that New Jersey is the highway between New York and Philadelphia. Both of these cities were now held by the British and both were intensely loyal centers. New York and Philadelphia Tories had many friends and relatives in New Jersey, over whom they had a great
deal of influence; for this reason the Tories were still active in the state.
Chapter IV.

BRITISH OCCUPATION OF PHILADELPHIA.

During the British occupation of Philadelphia, the movement of Jersey Tories was to that new center of refuge, along with numerous others from the surrounding region. While many of these refugees from New Jersey came in by themselves, others were so situated that they had to await rescue and foraging parties from the west side of the Delaware River. A notice from Philadelphia dated February 3, 1778, says, "Yesterday about twenty New Jersey Loyalists crossed the Delaware to assist some of their friends who had expressed their desire of taking refuge here to avoid the horrid tyranny and implacable persecution of the rebels". The "Pennsylvania Evening Post" for February 28, carried the following item "Since a detachment of the Royal Army crossed the Delaware and went into Jersey we hear that large numbers have flocked to them."  

Some who took British protection seemed to have done so chiefly to escape pillage. In a petition presented to the Assembly of New Jersey in the fall of 1779 many inhabitants of Gloucester County asserted that great numbers of their neighbors, during the time the British were in Philadelphia, crossed over to that city for the purpose above given; returning to their homes, when Sir Henry Clinton and his troops evacuated the city.

1 Pennsylvania Evening Post, Feb. 3, 1778, in New Jersey Archives II, 35.
2 New Jersey Archives, III, 688.
3 Pennsylvania Evening Post, New Jersey Archives, III, 426.
Numbers of other inhabitants of New Jersey, especially of the counties bordering Pennsylvania, believing that the American cause was rapidly nearing its end, took the oath of allegiance to the crown. Doubtless, there were many Jerseymen among the twenty-three hundred deserters from Washington's army who, according to Joseph Galloway, Tory Governor of Philadelphia, came into that city from Valley Forge.\footnote{1}

However, not as many joined the British during this time as might have been expected; and the number was probably small in comparison with the number that joined them during the summer and fall of 1776. Joseph Galloway before a Committee of Parliament in 1779 testified that "The people of West Jersey had been deserted; many of them who had taken an active part and assisting to the General were obliged, to save their lives to fly to New York for protection and desert their wives, their families, and their property. And more." he continued, "it is not natural to think that people of property will join an army passing as that did from the head of Elk to Philadelphia, leave their wives and families, and their property, liable to be destroyed every moment after the departure of the army, without some assurance or without some protection left with them— or assurances that the army would continue with them, or be ready to protect them.\footnote{2}

How many Jerseymen joined Clinton's army on its march through their state after the evacuation of Philadelphia is not known, but some certainly did so.

There is no doubt but that the British would have

\footnote{1}{Examination of Joseph Galloway, 1780, 21.}
\footnote{2}{Ibid. 71.}
profited, if they had heeded the advice of such men as Galloway in regard to the organization of the Tories themselves. Leading Loyalists urged the sending skeleton regiments among the quiescent Loyalists and neutrals to be completed. Galloway strongly advised such a plan, asserting that "People in every quarter of the provinces of Pennsylvania, New Jersey, Delaware and Maryland are daily petitioning to be supported by the King's troops and offering... to take up arms in behalf of the government, to seize and disarm their oppressors." However, comparatively little of this recruiting was done in the Jerseys, and but two corps were formed among their inhabitants, viz., Skinner's New Jersey Volunteers consisting of 1,170 men; and Vandyke's West Jersey Volunteers numbering 184. Doubtless many of the refugees enlisted in other regiments, but otherwise the local Tories were left unorganized during the early years of the war. However, early in 1778 a Tory militia began to organize in New York and by 1780 it was estimated that there was 5,585 of these militiamen in that city. This militia contained many New Jersey refugees and later had a marked effect upon the warfare in the state of New Jersey.

When Clinton prepared to evacuate Philadelphia, the middle of June, 1778, those Tories who had been most active determined to leave with the army. Accordingly, three thousand of them were loaded on the transports to be sent to New York, and Clinton's army was forced to go over land to that city.

1 Van Tyne, Loyalists in the American Revolution, 159.
2 Ibid. 169.
march across New Jersey was a trying one for the British Army; the morale was low and two thousand deserted on this march. 1

The "Pennsylvania Evening Post" for June 25, 1778, states that near five hundred British deserters returned to Philadelphia since the British left it. 2 Arnold's official report for July 8, showed over six hundred there. 3

The reports show that very few New Jersey Tories joined the British on this march; the reasons are very apparent. The army was in transit and could not protect the property of those joining; experience in 1776 had shown that British protection did not insure property from pillage; perhaps most important, the French Alliance had been consummated a month before, and the Whig cause began to look very bright. Then too, the law concerning the confiscation of estates had been passed in April, and the Tories realized that if the Whigs were victorious the only way to retain their property was to remain absolutely neutral or regain favor during the remainder of the struggle and come out on the winning side.

This constant veering back and forth between the Patriot cause and the Tory cause was a source of no little annoyance to the Whigs; and it was the thing that determined them to legislate for the expulsion of the Tories. The confiscation of Tory estates was determined upon as much for the purpose of keeping those who had chosen for the British side within the

1 Washington's Correspondence, V, 434.
3 Washington's Correspondence, V, 430 (Footnote)
lines of the enemy as it was for the money which it turned into the state treasury. The Tory, who had once taken British protection and then returned to his allegiance, was never after fully trusted by his Whig neighbors. Soon the sentiment grew up in the state that the Tories should not be allowed to enjoy the fruits of independence, and from the summer of 1778 to the close of the war the Whig authorities in New Jersey bent every effort to permanently exile them. This sentiment, however, was not unanimous; in April Washington in a letter to a delegate of the Continental Congress asked if it would not be well to hold out pardon to all delinquents who would return to their allegiance by a certain day; saying, owing to the uncertainty of the times many of the Tories were frightened and giving it as his opinion, that many would be detached from the enemy. 1 Accordingly, Congress passed a resolution to that effect. 2 This resolution, however, did not find favor in New Jersey, which had suffered so much from Tory propaganda.

On May 16, 1778, Governor Livingston transmitted to the General Assembly the recommendation of the Continental Congress. In submitting it the Governor argued against it, because he "deemed it unequal and impolitic." He then reminded the assembly that of the thirty-one criminals lately convicted of the most flagrant treason but pardoned by the gracious interposition of government "upon showing hopeful signs of repentance... have all to a man deserted to the enemy and are again in arms against

1 Washington's Correspondence, V, 330.
2 Ibid. (Footnote).
their native country." The next words of Governor Livingston voiced the growing Whig sentiment that the Tories should be permanently exiled. He added, "the disgrace brought on their native country can never be expunged except by expunging them. Let them go into voluntary banishment or settle some uninhabited island rocky as their hearts, and seared as their consciences, not having one honest man among them but all being involved in the same atrocious and insuperable crime of parricide. No one traitor can upbraid another brother traitor for his treason. Or let them take sanctuary in a certain already settled island, where it is no bar to royal favor to have embrewed one's hand in a brother's blood; where massacreing and ambushing of thousands have been rewarded with a peerage; where no man need despair of promotion because of being a rascal."

Although the law making it treason for a subject of New Jersey to join the enemy or assist them in any way was on the statute books from October 4, 1776, to the close of the war, it is astonishing how few persons were executed under it. The reason was that the Whigs feared retaliation by the British. Washington's idea was to treat them as prisoners of war, and he pointed out that Great Britain could, on just as good grounds and perhaps better, treat all captured Americans as traitors. This potential power in the hands of the British deterred the states from carrying out the treason laws to the letter. This is shown

1 New Jersey Archives, II, 236.
2 Washington's Correspondence, V, 183.
by the fact that despite Governor Livingston's high sounding rhetoric in May, seven months later he pardoned seventeen Jer-seymen who had been convicted of treasonable conduct while the British were in Philadelphia.¹

Although the state of New Jersey was freed from British troops after June, 1778, except during occasional raids, the proximity to the British headquarters both at New York and on the northern frontier caused a few Tories to join the Brit-ish there throughout the remainder of the war; by far the larger number joining at New York. The number, while very small proves that the exodus of Tories from New Jersey which began in 1776 although constantly decreasing, did not entirely cease for some years after the close of the war. British sympathizers continued to find their way from the state into Canada throughout the remainder of the century. In many cases the men would go first, found homes, and then return some years later for their families.²

We find one of the Swayzea who settled in the Niagara District volunteering to return to New Jersey and convey the families of several of his neighbours to the district. In 1792 when Jacob and George Keefer of the same place returned for their mother, five families went back to Canada with them.³

Neither did the secret plots of the few Tories who remained in New Jersey entirely cease until the treaty of peace had definitely ended the war. On August 5, 1778, Governor Liv- ingston issued a proclamation forbidding any one to enter the

¹ New Jersey Archives, II, 588.
² Jubilee History of Thorold, 14.
³ Ibid. 23.
enemy's lines, except those sent by officers for military purposes. Many had taken advantage of improperly signed passports to impart valuable information to the enemy. On August 19, Harbert Henry and John Woortman were found guilty of high treason for entering into an agreement to capture a number of men and carry them to Colonel Butler in the enemy's lines. John Woortman was the leader of this party of Tories. Many quiescent Loyalists aided Tories in escaping to the enemy. The council of safety dealt with such cases throughout 1778 and 1779; in 1780 a law was passed making it a felony for any one to aid a soldier of the United States to desert to the enemy.

The change in the conciliatory attitude of the Whigs of New Jersey toward the Tories during the latter years of the Revolution is nowhere better illustrated than in the various treason acts passed. The act of October, 1776, defined treason as giving aid or comfort to the enemy. As the war progressed, and the Tories became more odious, a more stringent definition was given. March 30, 1781, it was defined as maintaining by speaking, preaching, teaching or writing that the King of England had authority over the state. This law was supplemented by an act of October 3, 1782, which declared that any one join-

1 New Jersey Archives, II, 332.
2 Minutes of the Council of Safety, 272.
3 Ibid. 235.
4 Laws of New Jersey, 148.
ing the British Army since October 4, 1776, and continuing with it, or who had voluntarily taken refuge within the enemy's lines, and after the passage of this act should return to or be found in the state should be deemed guilty of high treason. ¹ The act of March 1781, was intended to rid the state of those Tories who confined their machinations to speaking and writing against the government; the purpose of the act of October, 1782, was to prevent those who had sought refuge with the enemy from returning. The state wished them to be permanent exiles. The act of October 3, 1782, was not repealed until November 24, 1791,² although many Jerseymen who joined the British and had continued with them to the close of the war had been living peacefully in the state for several years before that. The wisdom of permanently exiling a splendid class of people like the Tories was at the time questioned by some of the most enthusiastic Whigs. To the Tories themselves it was a tragedy. They were not contented elsewhere, and many of them, braving the displeasure of their Whig neighbors, returned to their native state immediately after the close of the war or a few years later.

¹ New Jersey Laws, 307.-
² Ibid. 756.
Chapter. V.

COMMUNICATION AND TRADE WITH THE ENEMY.

The proximity of New Jersey to the British headquarters at New York and to Howe's headquarters at Philadelphia on the other side increased the difficulties of the Whig authorities in dealing with the problem of communication between the local Tories and the enemy. This communication took two forms, viz., trade with the enemy and correspondence.

In the treason act of October, 1776, it was declared high treason for any one to give the enemy advice or intelligence by letters, messages, words, signs or tokens, or for procuring for or furnishing them with any kind of provisions. 1 This act was supplemented in June, 1777, by an act making it a felony punishable by death for any one to go into the enemy's territory without a passport; unless after his conviction he should enlist on a United States vessel. 2 Besides seeking to curb illicit trade with the enemy, this act also gave the Whig authorities power to deal with those attempting to join the British, and several suffered death for that offense. A notice dated at Burlington December 10, 1777, says, "Tuesday night two men were executed at Morristown for attempting to join the enemy on Staten Island. Nine others under sentence of death for the same offense had their execution respite until January." 3

So pernicious did the practice of trading with the

---

1 Laws of New Jersey, 287.
2 New Jersey Archives, I, 465.
3 Ibid. 508.
enemy become in the states of Pennsylvania, Delaware and New Jersey that on October 8, 1777, the continental congress authorized General Washington to capture and try by court martial all persons furnishing the enemy with supplies of provisions, money, clothes, arms, forage or fuel, who were taken within thirty miles of any city or town of the states above mentioned. Many such cases were handled also by the New Jersey Council of Safety. A newspaper notice dated at Burlington, December 17, 1777, reads "The council of safety has committed six inhabitants of Bergen County, who were apprehended on their return from New York where they had traded with the enemy whether it is a common practice to carry refreshments to the British troops."\(^1\)

No less than eight laws were passed from June, 1777, to December 21, 1782, for the purpose of curbing communication with the enemy. The most important of these being dated October 8, 1778, December 22, 1780, June 24, 1782, and December 21, 1782, the other four simply being supplementary to these by providing the machinery for carrying them into effect. The law of October 8, 1778, provided for punishment by fine and imprisonment of any one on his way to the enemy’s lines without a passport. If convicted of entering them without the necessary permit fined heavily for the first offense, while the second was to be considered a felony. If convicted of conveying food into the enemy’s lines the first offense was punishable by a heavy fine, and the second was to be considered a felony.\(^2\)

\(^{1}\) New Jersey Archives, I, 514.

\(^{2}\) New Jersey Laws, Appendix, 8.
In spite of the heavy punishment for a violation of this law people still entered the enemy's lines and carried food to them; and on December 22, 1780, a more stringent law was passed to combat it. This measure stated in its preamble "Whereas the laws are insufficient to prevent inhabitants from sending provisions into the enemy's lines and carrying on commercial intercourse," all water crafts were to be collected and secured by the military authorities and all military officers were required to take an oath that they would not allow any trade or intercourse with the enemy.¹

However, the trade continued, and we find in the closing days of the same year an organization of Whigs in Middlesex County for the purpose of detecting and prosecuting "such traitorous inhabitants .... as furnished provisions to the public enemy."² On January 24, 1781, the "New Jersey Gazette" announced that three men of Middlesex County had been condemned by virtue of the law against trade with the enemy to serve on board a United States ship.³

On June 24, 1782, an act was passed which repealed the part of the act of October, 1778, making the second offense a felony, and it also disqualified any one convicted of going into or coming out of the enemy's lines after the passage of the act from holding office or voting for representatives to the

¹ New Jersey Laws, 16.
² New Jersey Archives, V, 76.
³ Ibid. V, 181.
assembly, for sheriffs, or coroners. 1 Notwithstanding this law, great quantities of provisions, through the arts of the disaffected, were constantly conveyed to the British, and on December 21, 1782, it was forbidden to drive any cattle through Bergen County, without a passport, while livestock driven within five miles of the enemy was subject to seizure, as were also all articles being carried through the counties of Bergen, Essex, Middlesex, and Monmouth toward the enemy. These laws show the strenuous efforts that New Jersey made against trade with the enemy. Van Tyne remarks that this state engaged in the most desperate struggle against the evil of any of the thirteen states. 2

Correspondence with the enemy was quite as dangerous to the American cause as was the illicit commerce; but it was harder to prevent. In July, 1776, when the British landed at Staten Island, Washington ordered Brigadier-General William Livingston to exercise vigilence in restraining the people of Amboy from opening correspondence with the enemy and trying to produce disaffection. 3 In the course of this year Lieutenant-Colonel Zederick of the colonial militia was detected holding correspondence with a British man of war, and on November 22, was sentenced by court martial to prison for the period of the war. 4

1 New Jersey Laws. 287.
2 Van Tyne, The Loyalists of the American Revolution, 209.
3 Washington's Correspondence, IV, 211.
4 New Jersey Gazette, New Jersey Archives, III, 404.
Correspondence could be employed in maintaining and even propagating loyalty to the king in a community where there were influential Tories, and it served to supply the enemy with valuable information of one kind and another. The secret correspondence between the wives who remained in New Jersey and their husbands who had joined the British went on from the beginning of the war and received serious consideration from the Council of Safety from June, 1777. The reason assigned in the case of three of these women for ordering them, June 3, 1778, to Staten Island to join their husbands, who had been residents of Sussex County, was "in order to prevent the correspondence which is kept up between them."\(^1\) The same reason would have been equally applicable in numerous other cases.

A regular correspondence route was established across New Jersey by way of Shrewsbury from Philadelphia to New York,\(^2\) between the dissatisfied in the two cities. Constant communication was kept up also between the Tories in New Jersey and New York and Buck's County, Pennsylvania. Many Quakers were banished from Philadelphia after the British evacuation of the place because of the discovery of treasonable correspondence between them and the enemy in New Jersey.\(^3\)

---

1 Minutes of Council of Safety, 246.
2 New Jersey Archives, III, 33.
3 Winsor, Narrative and Critical History of America, VI, 393.
Chapter VI.

TORY WOMEN.

The wives and children of those fleeing to the enemy were a source of grave concern to the Whig authorities, because they kept the enemy informed concerning the military operations of the patriots through correspondence with their husbands, fathers and brothers who were within the British lines; they directly aided the British by informing them where they would be able to capture Whigs; they spread false alarms concerning intended invasions of the country by the enemy, thereby attempting to get neutrals to seek British protection; they impeded the commissioners appointed to take charge of the estates of Tory refugees by secreting property; they were a burden to the well affected, especially after the loss of their estates by confiscation; and finally they sometimes traded with the enemy.

The removal of these dangers and difficulties lay in sending these women within the British lines. This plan suggested itself to the Whigs early in the war. Thus, we find that within three months after Cortland Skinner had joined the enemy in March, 1776, his family was sent out of the colony. During the balance of the year, 1776, and the early months of 1777 the British, being practically in entire possession of the state, most of the Tory women were of course within their lines.

1 Minutes of Council of Safety, 246.
2 New Jersey Archives, I, 413.
3 Correspondence of Executives of New Jersey, 82-83.
4 Canadian Archives, (St. John) 1232.
too, the Whig authorities were occupied with the problem of defense and did not have time to trouble themselves about the women left within the American lines by husbands who were daily escaping to the enemy, consequently, very few cases are on record of women exiled from New Jersey from June, 1776, to June, 1777, when the British were driven to the extreme eastern part of the state. But with the Americans again in control, the machinations of the Tory women again became a menace to the safety of the American army.

In June, 1777, the problem of these women was taken up and handled vigorously by the Council of Safety, which had superseded the old Committee of Safety in March, 1777. From June, 1777, on until the state was presumably freed of their presence, dealing with Tory women was one of the chief occupations of this council. On June 2, 1777, the names of fourteen women of Newark, whose husbands were with the enemy, were submitted to Governor Livingston. This list contained the names of the wives of Thomas and Isaac Longworth and of Uzal Ward. Seven of the list were ordered moved to the east side of the Hackensack so that they could go within the British lines; of these seven, four are known to have been sent, including the women named above.¹

In a letter dated July 12, 1777, Joseph Redden, one of the commissioners of Essex County, complained to Governor Livingston that the Tory women impeded the work of the commissioners in taking charge of the real estates of refugees, in pursuance of the Free and General Pardon Act. He charged that they secreted goods

¹ Correspondence of New Jersey Executives, 72, 77.
and concealed every thing they possibly could. He characterized Joseph O'Brien and wife as "great concealers of goods", who when called upon to surrender anything, petitioned "to leave and go among Christians." He therefore prayed the governor to issue an order "to send them among their Christian friends, our enemies." ¹

From June 21, 1777, to December 31, 1777, inclusive, according to the records, sixty-six women were ordered sent, or petitioned, to depart with their children into the British lines. Many of them were removed by the express order of the Council of Safety. Others, who had returned after accompanying their husbands in flight to the enemy, were sent back by the Council of Safety. Among those exiled during this period were the wives of such notable New Jersey Tories as John Ogden, Smith Hetfield, Thomas Leonard, Colonel Joseph Barton, John Vaught and Christopher Vaught. ²

On January 26, 1778, Mrs Hoffman, wife of Nicholas Hoffman, a well known New Jersey Tory, was brought before the Council of Safety on the charge of giving out the report of an intended invasion of the enemy. She was put under bond of £1000 for her appearance at the next court of Oyer and Terminer and detained within one mile of Morristown court house. In default of this she was to be committed to jail "as a person disaffected and dangerous." ³

The deportation of Tory women begun in June, 1777,

¹ Correspondence of New Jersey Executives, 82, 83.
² Minutes of the Council of Safety, 75 to 182.
³ Ibid. 196, 203.
continued without interruption as long as the need existed. But the greatest number was exiled from June 1777, to the fall of 1778; by that time the number of these persons seems to have been exhausted by flight and enforced departure. As the American army was in complete control of the state from June, 1777, until the end of the war the method of constraint was enforceable as long as necessary.
Chapter VII.
CONFISCATION OF TORY ESTATES.

Although Thomas Paine in his pamphlet "Common Sense", early in 1776, had urged that the patriots should confiscate and sell the property of Loyalists to get money to carry on the war, the States and the Continental Congress were slow in taking his advice. They believed that the more easily the Tories were handled the more likely they would be to return to their allegiance. The first suggestion of confiscation of estates in New Jersey was on August 2, 1776, when the Convention recommended to the county committees that they make inventories and appraisements of the personalty and realty of all persons fleeing from home and joining the enemy. In compliance with this recommendation, the inventories of the estates of William Guisebertson and Anthony Woodward of Monmouth County were reported to the Convention on August 10. These are the first inventoried Tory estates in New Jersey of which we have any record. They were not sold, however, until April 5, and June 14, 1779, respectively.

In its Free and General Pardon Act of June 5, 1777, New Jersey provided for the confiscation of the estates of those who should not have returned to their allegiance by

1 Paine's Works, 1776-79.
2 Extract from Minutes in N.J. Archives, I, 162
3 Minutes of the Provin. Congress, Aug. 10, 1776.
4 N. J. Archives, III, 7, 323.
August 1. It was not until nearly six months after the passage of this act that the Continental Congress adopted the famous resolution, November 27, 1777, recommending to the states the confiscation and sale of the real and personal property of those persons who had "forfeited their right to protection" and the investment of the money thus secured in continental loan certificates.¹ This recommendation gave the plan wide-spread popularity, and soon the states were passing laws in accordance with the resolution.

Nearly five months more were to elapse, however, before the New Jersey Legislature enacted a measure, April 18, 1778, which supplied the machinery for enforcing the confiscation clause of the Free and General Pardon Act. It was entitled "An Act for taking charge of and leasing the real estates and for forfeiting real estates of certain fugitives and offenders." It is here set forth in detail because it was the organic act for the confiscation of Tory estates in New Jersey throughout the war; and was in the main similar to the laws passed in all the states covering confiscation of estates. The confiscation in each county was entrusted to commissioners appointed by the Legislature who, prior to their entrance on duty, were required to take the oaths of allegiance and abjuration. By securing from the justice of the peace of the county a precept summoning twenty-four jurors to ascertain whether or not suspects were offenders within the meaning of the act, the commissioners instituted what was known as an

¹ Minutes of the Cont. Congress.
"inquisition". If twelve of the twenty-four found the suspect to be an offender, they so certified under seal to the justice, who transmitted the return to the inferior Court of Common Pleas. If the accused, or some one in his behalf, did not appear and give security in the sum of £1000 or such amount as the court might direct, then the result of the inquisition was to be advertized in five conspicuous places and in the New Jersey Gazette within thirty days after the court. If any one appeared in answer to this notice a trial was held; but if not, the estate was declared forfeit. Those having any claims against the estate were to prove to the satisfaction of the commissioners, who possessed the authority to settle such claims. 1

Inquisitions were conducted under this act but no sales were authorized by it. On December 11, 1778, a law was passed declaring that all those who had aided the enemy, or who had voluntarily taken refuge with them from April 19, 1775 to October 4, 1776, and had not since returned to their allegiance, were guilty of high treason, and on conviction should lose all their property. The procedure of the commissioners for the sale of estates remained the same; but the new law made possible the confiscation of the estates of Tories living in other states but owning property in New Jersey, certified copies of the records of the other states being admissible as evidence. The law also provided that if offenders died before the inquisition,

1 New Jersey Laws 1776-1783, 51.
their estates should be proceeded against the same as if they were alive. In case a person was convicted of treason and then pardoned, his estate was still to be subject to forfeiture. Persons were forbidden either to take refuge among the British or to give them aid, and the right to hold office in the state was denied to any one convicted of treason. Finally, the law permitted only such claims to be presented and sustained against confiscated estates as were valid at or before the time of the commission of the offense by the owner. 1 As this clause had the effect of exposing the Whigs to the depredations of refugee raiding parties without enabling them to collect damages from Jerseymen participating in such raids, the Whigs felt aggrieved. It is not surprising therefore to find that a number of Whigs of Gloucester County presented a remonstrance to the Legislature against the objectionable clause in the fall of 1779. This county bordering on Pennsylvania had suffered much from Tory depredations during the occupation of Philadelphia by the British. 2

The first Tory estates actually sold in New Jersey were in Essex County, and were disposed of on March 1, 1779. Among the twenty-six persons who thus suffered loss were such notable Loyalists as Stephen Skinner, Isaac Ogden and Isaac and

1 N. J. Laws, 1776-1783 pp. 67.
2 N. J. Archives, III, 688.
Thomas Longworth,\(^1\) ancestors of the Cincinnati Longworths.\(^2\)

According to the records available\(^3\) Monmouth County led in the number of confiscations, the estates of one hundred and twenty-eight different Tories within the county being advertised for sale from March 17, 1779 to March 28, 1780. The proximity of Monmouth to the British headquarters at New York helps to explain the prevalence of Tory sentiments among its inhabitants who were the first Jerseymen to welcome Howe at the time of his landing in 1776, as theirs was also the last county of the state to be vacated by the British in 1778. Here were located the estates of Dr. John Lawrence, Isaac Allen, Richard Lippincott\(^4\) and many other well known Tories. It was Richard Lippincott who obtained distressing notoriety through the unwarranted execution of Captain Huddy, a New Jersey patriot who happened to fall into his hands as a prisoner of war. At the time of this execution Lippincott was acting under instructions from the Board of Directors of the Associated Loyalists at New York, of which he was later a member, but he seems to have gone beyond his authority.\(^5\)

1 N. J. Archives III, 7.
2 Ibid. I 419 footnote.
3 It would be impossible to discover the number of Tory estates sold during the years 1779-1783 except by consulting the land records at the various county seats.
4 N. J. Archives III, IV.
5 Lee, N. J. as a Colony and a State, II, 99.
Next to Monmouth comes Middlesex County in the number of confiscations, with the estates of one hundred and seven different Tories advertised for sale between March 10, 1779, and March 8, 1780. This county borders on Staten Island, which was the seat of Cortland Skinner's Loyalist corps, the New Jersey Volunteers, during the war. It also contained the two cities of New Brunswick and Perth Amboy, both intensely loyal centers. Within the confines of Middlesex lay the estates of Cortland and Stephen Skinner, Ebenezer Foster, Barnardus LeGrange, and Daniel Coxe. Mr. Coxe had been a member of the King's Council. His home, together with those of other Jersey Tories, had been pillaged by the British army in January 1777. It is supposed that he was chiefly instrumental in establishing the Board of Refugees at New York in 1779, of which he became president. Among the men of his state, Coxe certainly suffered more severely through confiscations than any other proprietor. Five of the twelve counties in which property was advertised for sale between March 1, 1779 and July 3, 1780 contained realty belonging to him. In the three counties of Sussex, Hunterdon and Burlington he had 7,794 acres advertised for sale, besides four plantations the area of which is not given. In Somerset County he owned "one plantation" which was advertised and in Middlesex County "one small piece". Besides the above, Mr. Coxe had "several houses and lots" in Sussex County that were advertised. The plantation on which he

1 N. J. Archives III, 95, 62, 305.
2 Ibid. III, IV.
lived at Trenton Ferry and which was pillaged by the British, was sold on April 10, 1779.¹

Bergen County had sixty-two estates advertised for sale, including the property of the Van Buskirk family. Among the forty-three advertised estates of Essex County were those of the Ogdens, of whom David Ogden, Sr., had long been a member of the King's Council, while at the outbreak of the Revolution he was a justice of the Supreme Court of New Jersey. He had been obliged to flee to New York, January 6, 1777, for his personal safety.² On July 30 two of his sons, Abraham and Samuel, both of whom were patriots, presented a petition to the Council of Safety explaining that on account of ill-health their father was unable to return to the state in order to take advantage of the Free and General Pardon Act, and requesting that the sale of his estate be delayed until he could appear. The Council, however, declined to comply on the ground that it lacked the authority to interfere with an act of the Legislature.³

Remaining in New York, Judge Ogden became a member of the Board of Refugees in 1779, and after incurring debts there to the amount of £ 700 for his support, he sailed for England. As he had no faith in the permanence of American independence and expected the States to submit to the Crown, he devised a scheme of government for

¹ N. J. Archives, III, p 111.
² Ibid III, 47; Atkinson Hist of Newark, N. J. 123
³ Atkinson, Hist. of Newark, 96.
America almost identical with the present government of Canada. ¹

During his stay in England Judge Ogden served as agent in pros-
secuting the claims of New Jersey Loyalists to compensation for
their losses. ² The estimate of his own losses made by Mr.
Richard Kemble and Major Philip Van Courtlandt was $18,528,
12 s, 6½ d.

All told eight hundred and forty-one different
inquisitions were held against Tories in New Jersey, and the
estates of five hundred and six of these were advertised for
sale from March 1, 1779 to July 3, 1780. ³ That many more
than this number of estates were disposed of is clear from
the fact that not a few of the Loyalists owned several, as al-
ready illustrated in the case of Daniel Coxe. Moreover, sales
were in progress for some years after 1780. One may not as-
sume, however, that the number of inquisitions is a safe guide
to the approximate number of confiscations, for some of those
who were subjected to inquisition were able to prove that they
were not Loyalists and thus escaped confiscation, while others
who were found guilty had no property to confiscate. ⁴

The sale of confiscated estates in New Jersey

---

² Sabine, Loyalists of the Am. Rev., II, 123.
³ Latkinson, History of Newark, 103.
⁴ The above figures are arrived at by counting each person but
   once in each county, regardless of the number of pieces of prop-
   erty held.
⁴ N. J. Archives, IV, 190.
during the years 1779 and 1780 came at an unfortunate time; by November of the former year two hundred million dollars of Continental notes had been issued by Congress, and although the States passed acts making them a legal tender "they were themselves issuing large sums in a similar currency" during the same period, while "counterfeits abounded." The consequent depreciation of this currency, as well as the glutting of the real estate market, serves to explain the almost complete suspension of sales for some time after July 1780. Indeed, only three Tory estates were advertised for sale during the interval between the month just mentioned and March 24, 1781. On June 26, 1781, an act was passed directing the agents, who had succeeded the commissioners by a law of February 20, 1781, to lease all forfeited estates pursuant to the act of April 18, 1778, but to suspend the sale of them.¹

This act was in force until December 16, 1783, when it was repealed, and the agents were ordered to proceed with the sales, but only of such estates as had been declared forfeited to the state previous to December, 3.² This was after the Treaty of Paris had been signed. On Nov. 23, 1783, the last British regular had sailed from New York; but as Washington had written to Congress ten days later, informing that body of the withdrawal of the last British troops from the metropolis, the New Jersey Legislature accepted December 3, as marking the end of hostilities.

¹ N. J. Laws, 211
² Ibid. 354
Owing to the fluctuating state of the currency a great deal of confusion had arisen over the settlement of debts against forfeited estates, and different judges had disposed of these debts in different ways. Hence, on December 23, 1783, an act was passed which laid down strict regulations in regard to the presentation of all claims against confiscated estates and for their settlement. Further instructions were supplied in an extended law of September 2, 1784.

Inasmuch as the state certificates, which by law were to be accepted in payment for forfeited estates, were in an unsettled condition, a law was enacted, August 3, 1783, suspending the sale of such estates until March 1, 1785. By a similar act of December 20, 1784, the period of suspended sales was extended until March 1, 1786, and again by the act of November 23, 1785, until March 1, 1787. But some months before this last date was reached conditions had sufficiently adjusted themselves to warrant the re-opening of sales and accordingly on June 1, 1786 the agents were ordered to do so after September 1, of the same year in the case of those estates against which final judgment had been entered in behalf of the state previous to February 3, 1783.

An interesting law concerning confiscation of estates was passed November 28, 1783. It virtually constituted

1 N. J. Laws, 67.
2 Ibid. 117.
3 Ibid. 332.
those Tories whose estates had been confiscated, and who remained in the state or returned to it, as agents for their own estates. It authorized them to deliver to the Treasurer a statement in writing of all accounts due to the state by virtue of the confiscation of their property. They were required to give bond, in double the amount set out in the statement, for the payment of the amount in state securities of all money which they might receive by virtue of this act. They were further authorized to demand, sue for, and recover "all such debts and on payment to release and discharge the same as fully and as amply as the agents of forfeited estates." They were required to pay into the Treasury on the first Monday in May of each year until the first Monday in May, 1794, all monies which they had received during the year. On date last named such debts, dues, and demands as remained unpaid were to be considered the exclusive property of the state and subject to future direction and control by the legislature. An exception was made to this law, which permitted Joseph Hallet, who was considered a Tory and whose estate had been confiscated, to retain all monies received by him in payment of debts due him by virtue of this act. It had been learned that Joseph Hallet was zealous and active in the cause of United States in New York and had performed several valuable services.

Many of the confiscated estates were appropriated by the state to certain purposes. Two of the most interesting appropriations took place December 23, 1783, and November 23, 1785, respectively. December 23, 1783, the estate
of John Zabriskie of Bergen County was appropriated to the use of Baron Von Steuben during his life, providing he occupied it in person. On his death, or in case of his non-acceptance, it was to be sold for the use of the state. The Baron did not accept it, and it was sold. On November 23, 1785, the estate of Judge David Ogden was appropriated to the relief of persons financially liable for concealing debts and other property forfeited to the state. Those guilty of such acts were deterred, after a specified limit of time, from delivering up the concealed property and became subject to a fine. It was hoped by the enactment of this law that the concealed property would be surrendered.

Throughout the war, the problem of confiscated estates was an important one in all the colonies, and the part it played in the peace negotiations is a matter of history. After the system of terrorism inaugurated by the Tories had failed to deter the Whigs from selling their property, and Great Britain had refused to permit the Loyalists to negotiate with the Continental Congress or the separate states in the attempt to save their property, they could only look forward to a favorable termination of the war. "In such a state as this, with no hope except in the success of British arms, it is not strange that news of a treaty which did not guarantee restoration of property threw them into the depths of despair." Several New Jersey

1 New Jersey Laws, 545.
2 Ibid. 381.
3 Van Tyne, Loyalists in American Revolution. 285
Tories seem to have cherished the hope that after the bitter feeling between the two parties had died down at the close of the war their property would be restored to them; but they were doomed to disappointment. Others returned to their native state and bought back their property, on which they spent the remainder of their lives, enjoying the fruits of that Independence which they had done so much to oppose.
Chapter. VIII.

PLACES OF SETTLEMENT OF NEW JERSEY Tories.

New York, being the one city in America which was in British hands from 1776 until the treaty of peace, was a place of refuge for the Tories during the entire war; and owing to its proximity to New Jersey, it drew great numbers from that state. Most of them remained in that city until the close of the war, hoping for the success of British arms; as they also looked forward to being restored by that means to their rights in their native state. When, however, the war had closed with success for the American cause, and the treaty of peace was found to contain no provision guaranteeing the restoration of Tory property, the Loyalists were thrown into the depts of despair. Many of them began to cast about to find new homes within the British dominions, twenty-nine thousand Tories leaving New York within a year.¹ This number contained hundreds of New Jersey Tories.

A few Jerseysmen who had taken refuge in New York, however, returned to their native state. This number was very small in comparison with the number who went elsewhere. Their property had been confiscated and they had nothing to return to; then, too, the bitter partisan feeling did not die out in a day, and they were not welcomed by their Whig neighbors who still looked upon them as "Tory Traitors." Among those who did return were Thomas and Isaac Longworth. Both came back to their native

¹ Van Tyne, Loyalists in the American Revolution, 293.
place of Newark. 1 John Lawrence was the son of the John Law-
rence of Monmouth County who ran the division line between East
and West Jersey. The son was one of the members of the first
class graduating in medicine from the College of Philadelphia.
He practiced medicine in New York during the war and commanded
a company of militia which was raised for the defense of the
city. At the close of the war he returned from New York to Mon-
mouth and there spent the rest of his life. 2

William Taylor, a Tory lawyer of New Jersey who mar-
rried the daughter of Colonel Philip Van Courtlandt, purchased his
confiscated property at Perth Amboy some years after the war and
lived there the remainder of his days. 3

Of the number of Tories who sought homes within the
dominions of the British King the great majority went to the Can-
adian Provinces, where the British Government granted them lands.
These grants were made in towns already inhabited and also in re-
gions uninhabited so that many new villages and communities
sprang up in these provinces whose inhabitants were practically
all exiled Tories. Many of these refugees were Jerseymen, A-
mong the claims for compensation on account of losses, submitted
to the British Commissioners who held hearings at St. John, Hali-
fax, Quebec and Montreal, were those of two hundred and eight
Tories from New Jersey, that state standing forth in the list.
New York led with nine hundred and forty-one, South Carolina fol-

1 New Jersey Archives, I, 419. (Note)
2 Sabine, Loyalists of the American Revolution, II, 2.
3 Ibid. 356.
lowed with three hundred and twenty-one, and Massachusetts stood third with two hundred and twenty-six.

NEW BRUNSWICK.

One of the well known Jerseymen who sought a home in the Canadian Provinces was Lieutenant-Colonel Isaac Allen, who raised a battalion for Skinner's brigade. With this battalion he went to Georgia; he was present at the siege of Savannah and served in the South until the evacuation of Charleston in 1782. Previous to the evacuation of New York he was sent by Sir Guy Carleton to explore the region around St. John and returned a favorable report. He resided at St. John, where he subsequently rose to distinction, holding a seat in the council and being one of the judges of the supreme court. He later lived at Fredericton, where he died in 1806. ¹

Another prominent New Jersey Tory to settle in the province of New Brunswick was Hugh Casberthwaites, who joined the British while they were at Philadelphia. He acted as guide to Colonel Mawhood and Major Simcoe, and also raised a battalion under Colonel Vandyke. He went from New York to Majorfield on the St. John River in 1783. ² Ebenezer Foster of Woodbridge, New Jersey who has already been mentioned at some length settled on the St. John River. ³

John Ford of Perth Amboy was commissioned by Sir Guy

¹ Canadian Archives, 242. (St. John.)
² Ibid. 824.
³ Ibid. 594.
Carleton to take charge of a company of Loyalists who were emigrating from New York to Nova Scotia. He, however, settled at St. John, New Brunswick, but soon removed to Hampton, King's County, in the same province, where he became "one of the best farmers in the colony."\(^1\) Jesse Woodward of Monmouth County was employed by Cornwallis to contract for stores and forage for the Royal Army during the summer and fall of 1776. When the British left the state, being unable to pay for the stores he had purchased, he was imprisoned by the Whigs, and held in confinement for three years. In 1783 he removed to Beaver Harbor, New Brunswick, thence to St. John, where he died.\(^2\)

John Leonard of Freehold, Monmouth County, was before the Provincial Congress in June, 1776, on a charge of influencing the people against the measures of congress; he was found guilty and placed under a bond of £ 500. He joined the British in 1776 at Trenton. He was afterward employed by Sir William Howe in Monmouth County. The winter the British were at Philadelphia he served as a guide to foraging parties, and was a guide to the column under General Kniphausen in the march through the Jerseys and at the Battle of Monmouth. At the peace he took up his residence at Maugerville, on the River St. John. Rev. Jonathan Odell went to Fredericton, where he became secretary of New Brunswick.\(^3\)

Stephen Humbert of New Jersey was a grantee of the City of St. John, where he became a member of the Assembly and

\(^1\) Sabine, Loyalists in the American Revolution, I, 43.
\(^2\) Ibid. II, 454.
\(^3\) Canadian Archives, T, St. John, (1786)
\(^4\) Fisher, New Jersey as a Royal Province, 375.
captain in the militia. After the war of 1812, he was attached to the treasury department of the province. He died at St. John in 1849. Among other New Jersey Tories who settled in New Brunswick we find the names of Charles Richards of Elizabethtown, who settled on the St. John River; Philip Summers of Bound Brook, New Jersey, who lived at Majorfield; Andrew Pickens of Hunterdon County, who resided at Kennebeckasis Island; Joseph Williams and John Harner of Monmouth County, both of whom settled at Beaver Harbor. Only a partial list of the New Jersey Tories who settled in New Brunswick has been given. The great majority of them who came to this province settled in the valley of the St. John, where the Loyalist troops were disbanded.

NOVA SCOTIA.

The province of Nova Scotia received more New Jersey Tories than any other of the Canadian provinces. Several new towns sprang up in the province, each of which received its share of Tories from New Jersey. The most flourishing of these was Shelburne, in the extreme south-eastern part of the province. The site was chosen on account of its excellent harbor, and the influx of settlers gave promise that the town would one day ri-

1 Sabine, Loyalists of the American Revolution, I, 554.
2 Canadian Archives 842, (St. John) (1787)
3 Canadian Archives, 870. (St. John, 1787)
4 Ibid. 837.
5 Ibid. 387; Ibid. 787. (1786)
6 W. O. Raymond, The Founding of Shelburne in Collections of the New Brunswick Historical Society. 254. (1909)
val Halifax in importance. Authorities differ as to the population of Shelburne, which was probably at its maximum during the first winter, 1783-84, when the number of inhabitants reached about ten thousand. One element of weakness in the founding of Shelburne was the large proportion of disbanded soldiers located there. Soldiers, as a rule, have not proved fit for the settlement of a new country, and it is certain that they did not add to the peace and quietness of Shelburne. Many of them remained only a few months, after which they removed to the Island of St. John. ² (Prince Edward Island.) The first fleet anchored at Port Roseway (Shelburne) on May 4, 1783, and the first location of settlers by the surveyors took place on May 23. This fleet brought several New Jersey Loyalists, among them being Nathaniel Munroe of New Brunswick, New Jersey. He had been taken prisoner by the Whigs in 1776 because he refused to bear arms. He joined the British when they arrived at New Brunswick in 1776, and became a carpenter in the quartermaster-general's department. He settled at Shelburne in May, 1783.

Shelburne appears to have received more New Jersey Tories than any other town in Nova Scotia. Colonel Abraham Van Buskirk, of the third battalion of the New Jersey Volunteers was its first mayor. Forty-two of his regiment were disbanded here; seven of the first battalion and six of the second, were also disbanded at Shelburne. These numbers, however, probably do not include all the New Jersey soldiers disbanded at "Port Roseway,"

2 Ibid. 242.
3 Canadian Archives, 92. (Halifax) 1786)
because, some Jerseymen fought in other Loyalist corps, and also because many of the disbanded men had left Shelburne before the first muster was taken in the summer of 1784.  

The Loyalists going to Shelburne were organized into companies by Sir Guy Carleton, and over each was placed a Loyalist captain. John Ackerman of New Jersey was captain of one of these companies; Thomas Leonard of Freehold, New Jersey, was captain of another company which located at Shelburne, although Mr. Leonard himself settled at St. John, New Brunswick. John Van Norden, an officer in the New Jersey Volunteers, led another group. He afterwards became an instructor in King's College, Windsor. Finally, however, he went to Virginia where he filled several important positions.  

Nicholas Ogden, son of Judge Ogden, went to Shelburne at the evacuation of New York, and there obtained a lucrative position. Later, however, he returned to the property at Whitestone, New York, which his father had left him.  

Just how many New Jersey Loyalists settled at Shelburne it is impossible to say; but the evidence indicates that two or three hundred did so. The colony here did not prove as successful as its founders had anticipated, owing to the thinness of the soil; therefore, many of the settlers soon removed to more fertile parts of the Maritime Provinces. It was estimated by Hon. Charles Morris, isurveyor-general of Nova Scotia,

1 W. O. Raymond, Founding of Shelburne, CoIs.of the N. B. Hist. Soc. 242.
2 Ibid. 251.
3 Canadian Archives, 1274, (Montreal 1788)
in October 1816, that Shelburne and its suburbs contained only three hundred and seventy-four persons.¹

Other places in Nova Scotia where New Jersey Loyalists settled were Tusket River, Windsor, Cornwallis (both in Hants County), Parrsburg, (Cumberland County), Digby, (Digby County), and Annapolis Royal. Among those locating in the town last named were Thomas Milledge, of Morris County, New Jersey, Daniel Isaac Browne of Hackensack, and James Van Buren, a physician and surgeon of Hackensack. Dr. Van Buren had served as a guide to the British in November, 1776, for which he had been imprisoned by the Whigs; being released later on the petition of some women of his acquaintance. He settled in Annapolis after the treaty of peace.¹ Daniel Isaac Browne had been commissioned as a Major in the fourth battalion of the New Jersey Volunteers after joining the British in 1776.² Thomas Milledge, who had also entered the British lines in 1776 (November), had become a Major in Skinner's brigade, and at the end of the war had gone to New Brunswick, where he made a survey of the St. Creix River, thence going to Annapolis. His son Thomas, however, remained in New Brunswick, living at St. John where he was a merchant, and being elected to the provincial assembly. On Tusket River near Yarmouth settled Gabriel Van Norden, of Bergen County, New Jersey. He had rendered all the assistance possible to the British when they first entered New Jersey in 1776. For this he had been in prison for a short time in

¹Canadian Archives, 543. (Halifax)
²Ibid. 541.
the winter of that year. He was again arrested in July, 1777, and kept in confinement until January 1, 1778. He did not go to Nova Scotia until after the peace. In general most of the New Jersey Loyalists who settled in Nova Scotia found their homes in communities south and east of a line drawn across the peninsula from Halifax northwest to Cobequid Bay.

MONTREAL.

A few Jerseymen settled in or near Montreal. Among these was Isaac Ogden, who achieved distinction there as a lawyer. Peter Ruttan who joined the British in 1776 raised sixty men for the New Jersey Volunteers, and forty men for Colonel Bayard. He settled on the Bay of Quinte near the head of the St. Lawrence River in 1783. Pierre Dolier of Bergen County, and Abraham Paterson, who joined the British in 1776, also went to the Bay of Quinte in 1783. Benjamin North of Somerset County, who joined the British at Perth Amboy in 1777, settled in Upper Canada a little before the evacuation of New York. 3

Prince Edward Island received some New Jersey Tories, although the number was small. Whether or not any Jerseymen were among the disbanded soldiers who removed from Shelburne to this island it is not possible to say. Richard Robins, who had aided the British in getting wagons to bring up their stores at Trenton, settled here, 4 as did also James Fraser of Rochway. 5

---

1 Canadian Archives, 558.
2 Ibid. (Montreal) (1788) 429-449.
3 Ibid. 1273.
4 Ibid. (Halifax) (1786) 649.
New Jersey. 1

THE NIAGARA PENINSULA.

Another section of Canada which drew many New Jersey Tories was the peninsula between Lake Erie and Lake Ontario. During the Revolution not a few Loyalists fled from Jersey to the Niagara frontier, and Fort Niagara sheltered them before the boundaries as defined in the treaty of peace put that fort in American territory. After the treaty, these refugees crossed the River Niagara. In 1783, John Kelley of New Jersey took up his residence in Thorold, and his son Isaac was the first white child born in that township. 2 The earliest settlement there was at Beaverdams, where Israel Swayze, who built the first brick house in Welland County, was the original settler. He was a refugee from New Jersey, and many of his neighbors came from the same part of that state.

The Cohoes emigrated from New Jersey to Upper Canada in 1787; the children received grants of land in Thorold on the recommendation of the governor, who stated that their father had been the only Tory member of a large family and that after suffering many privations on account of his loyalty had died during the "starving year". 3 The Uppers and Hoovers, well known pioneer families of Thorold, were also Tory refugees from New Jersey. George Keefer and his brother, Jacob, settled in the Niagara Pen-

1 Canadian Archives (Halifax) (1786) 133.
2 Jubilee History of Thorold Township and Town-Published by John H. Thompson for the Thorold and Beaverdams Hist. Soc. (1897-98) 12, 13.
3 Ibid. 63.
4 Ibid. 23.
insula, in the village of Thorold, where they became leading men in their community.

A few of the Jerseymen who had taken refuge in New York, stayed in or near that city after the peace. Absalom Bainbridge remained in the city and followed the medical profession. 1 Hugh Gaim, editor of the ultra loyalist newspaper of New York, "The Mercury", was permitted to continue in New York, but was forced to abandon the publication of his newspaper. 2 Judge Ogden, after his return from England with his son Peter, took up his residence in Whitestone, New York. His son Nicholas, who had gone to Nova Scotia soon after the peace, later returned to Whitestone and took charge of the property left him by his father. He seems to have indulged in the vain hope that his property in New Jersey, which had been confiscated, would be restored to him. 3

John Smith of Somerset County, New Jersey, assisted the Hessians when they came to Trenton in 1776. After the British fell back to New Brunswick he was imprisoned, but three months later was released on parole. In 1777, when the British left the state, he fled with them "without a change of clothes." After the evacuation of New York he and his family remained at Wallbough on Long Island. 4

1 New Jersey Archives I, 146.
2 Ibid. I, 130.
3 Atkinson, History of Newark, 123 ff.
4 Canadian Archives, (St. John)(1787) 269.
Some New Jersey Refugees went to the British Isles after the peace. Daniel Cox went to England in the early eighties and was followed by his family in 1785. 1 Cortland Skinner went to England after the evacuation of New York. He received an allowance from the British Government and half pay as a brigadier-general for life. He died at Bristol, England in 1799, aged seventy-seven. 2 James Moody was sent to England in 1781 by Sir Henry Clinton on account of ill-health. He remained in England for two or three years attempting to get his claims to compensation for losses adjusted. He received a temporary allowance of £100 per annum, the grant of a tract of land in Nova Scotia and half pay of a lieutenant for life. After remaining for some time in Halifax he settled at Weymouth, Nova Scotia in 1786; he died in 1809 at the age of sixty-five years. 3

William Chandler, son of the Rev. Thomas B. Chandler of Elizabethtown, New Jersey, left Elizabethtown with the King's troops in January, 1777. He was given a captain's commission in Skinner's brigade. He died in England in 1784, at the age of twenty-eight. Robert Drummond who was a member of the Provincial Congress in 1775, joined the British early in 1777 and was commissioned a major in the second battalion. He went to London at the close of the war where he remained until his death in 1789. 4

1 Sabine, Loyalists in the American Revolution, I, 339.
2 Ibid. II, 305.
3 Ibid. II, 48.
4 New Jersey Archives I, 251.
Elisha Lawrence was the last royal sheriff of Monmouth County. He joined the British in 1776; was made lieutenant-colonel of the New Jersey Volunteers, having raised the corps of 500 men which he commanded. He received a large tract of land in Nova Scotia to which he moved but he later went to England dying at Cardegan, Wales, in 1811. 1

In December, 1778, Brigadier-General Browne gave an invitation to all "gentlemen refugees...to settle on his majesty's Bahama's Islands." This invitation attracted the attention of many Tories of the eastern part of New Jersey but no records have been found that any of them accepted the offer. 2

There is no more pathetic chapter in all history than the one dealing with the enforced expatriation of the American Loyalists. To quote Van Tyne, "The cause of the Loyalists failed, but their stand was just and natural. They were the prosperous and contented men, the men without a grievance. Conservatism was the only policy that one could expect of them. Men do rebel to rid themselves of prosperity. Prosperous men seek to conserve prosperity. The Loyalist obeyed his nature as truly as did the Patriot, but, as events proved, chose the ill-fated cause, and when the struggle ended, his prosperity had fled, and he was an outcast and exile." 3

1 Canadian Archives, (Halifax) (1784) 649; Sabine, Loyalists in the American Revolution. II, 3.
2 New Jersey Archives, II.