

NEW JERSEY IN THE AMERICAN REVOLUTION

5. In 1674 John, Lord Berkeley, one of the two proprietors of New Jersey, sold his share in the proprietary to Edward Byllynge, Quaker businessman from London. Two years later the Quintipartite Deed executed by Sir George Carteret, the other original proprietor, and Byllynge and his associates (Quakers William Penn, Gawen Lawrie, and Nicholas Lucas) divided New Jersey into the separate colonies of East New Jersey and West New Jersey. West Jersey thus became the first Quaker commonwealth in America. In 1681 William Penn obtained a charter from the crown authorizing the establishment of the province of Pennsylvania, which, like West Jersey, was intended to be a haven for persecuted Friends.

6. A Test Act was passed in 1673 which required officeholders to take oaths of allegiance and take the sacrament of the Church of England. While the statute remained in effect until 1828, it was nullified in practice after 1689 by the passage of bills of indemnity which legalized the actions of officials who had not conformed to the Act by taking communion in the Anglican Church. Such allowances were usually granted to dissenting Protestants, but not to Catholics.

7. *Acts of the General Assembly of the Province of New Jersey, 1702-1775* (Burlington, 1776).

11 Governor William Livingston to Samuel Allinson

[Letter Book; Allinson Papers, Alexander Library, Rutgers University.]

The rights of neutrals and conscientious objectors vexed government officials during the war. Governor William Livingston, whose attitude had an important bearing upon the policy of the state toward the dissenters, was basically sympathetic to the plight of the pacifists. Although he could neither comprehend nor condone refusal of Quakers to support the government, he generally counseled leniency and compassion. For example, when Colonel Israel Putnam of the Continental army sent officers through south Jersey in February 1777 collecting fines from Friends who refused to march with the militia, Livingston promptly countermanded the orders. But as the chief executive of the state, Livingston was more concerned with pragmatic considerations than abstract principles in dealing with those who failed to comply with the law. As he explained in the letter that follows, civil liberties were inevitable—and to his mind necessary—casualties of war.

Morristown 25th July 1778

Sir,

I just now received your letter of the 13th ins[tan]t¹ wh[ich], I think, is so far from requiring an Apology, that I not only accept it in good part, but shall

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always think myself under obligations to you, or any other Gentleman who shall, with equal candour & moderation, either point out my own errors, or any defect in our laws that, by my interposition, I am able to remedy. For the former, I am doubtless, responsible, but as to the latter, I presume you need not be informed, that the Governor of this State is no branch of the Legislature; & I can honestly tell you, that some laws have been enacted during my administration, to which I should not have consented, had my voice been necessary to their pass[ing]—but being enacted by constitutional Authority, I am not only bound to submit to them myself, but, by the duty of my office, to enforce them upon others; and it is the peculiar felicity of this Govern[men]t in which, without prejudice, I think it preferable to G[rea]t Brit[ai]n (having no jarring & contradictory interests, as those of Court & country party)² that whenever the people find any law inconvenient, & petition their Representatives for its repeal, it will, of course, be abolished.

With respect to persecution, by wh[ich] I understand the harrass[ing] of men on account of their religious principles, not inconsist[en]t with the good of Civil society; I flatter myself that I am as great an enemy to it as any man can possibly be: I consider it as a most daring invasion of the prerogative of the Supreme Judge of all, to whom alone a man is accountable for his Religion; & who cannot be acceptably Worshipped but in that manner which the Worshipper himself believes most acceptable to him. It is also [a] most arrogant assumption of infallibility in the persecutor; for why, upon any other supposition, may not the persecuted be right in his opinion & himself be wrong? & finally, admitting the former to be really erroneous (wh[ich] by the way can never be determined for the want of a common Judge between them) can one man be accountable to another for speculative principles that affect not the interest or weal of Society? But whenever they do, then, Sir, the difficulty commences. A number of people, for instance, claim[ing] all the benefits & immunities due to members of civil governm[en]t profess to make conscience of neither defend[ing] it ag[ain]st foreign inva[sio]n or contributing to its support by taxes; admitting that all the members claimed the same exemption, could such [a] Society subsist? I think not. Whatever therefore would occasion its destruction if allowed to all, must evidently tend to its dissolution in the proportion in wh[ich] it is granted to any. Legislators therefore will not, by men of your impartiality, be consider[e]d as persecuting conscientious men for their religious tenets, by calling upon all who equally partake the benefits of Society, to an equal participation of what is manifestly necessary to the continuance of its existence. It is not intended to distress them for their religious Tenets *as such* (in which I take the formal nature of persecution to consist) but to exact from them, without reference to their peculiar sentiments, those civil duties wh[ich] all political communities have ever exacted from the Members composing them. On the other hand, I firmly believe that the people called Quakers are conscientious ag[ain]st engaging in War, because I have the highest evidence of it that the nature of the thing admits of: their uniform & invariable profession ever since their origin. To compel them therefore, by Law, to that which is against their conscience, carries the appearance of punish[ing] them for their relig[iou]s principles. This difficulty Sir, I hope you, who are as well acquainted with Civil Governm[en]t as you are with the rights of conscience; & who have engaged me in this subject, will assist me in solving. In the mean time I cannot see how it can be against any man's conscience to suffer the officer's to take his forfeitures, in wh[ich] he is altogether passive, & the law does not compel him to actual service. . . .

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You are, in my opinion, equally mistaken in conclud[ing] from the text, that "vengeance belongeth to the Lord" that civil Rulers are not to punish offenders; for, whatever be the mean[ing] of that passage of holy writ, certain I am, that the best definition that ever was given of a good magistrate is given by infinite Wisdom in oth[er] passages, impossible to be misunderstood; as that he is "a terror to evil doers & a praise to them that do well" & that "he beareth not the sword in vain." And how is it possible for a man to become a terror to all evil doers by indiscriminate clemency, & forgiveness—or, in other words, by doing nothing that is terrible to any? Or where [is] the significancy of a Sword never to be used, I hope my fr[ie]nd Allinson will be kind enough to explain in his next. In the mean time I cannot but remark from the order observ[ed] by the spirit of God in this comprehensive description of the duty of Magistrates, that altho it is more pleas[ing] to the Deity & to all good Men, to reward than to punish; yet there being a greater number of evil doers than of those who do well; & consequent[ly] more objects of punishm[en]t than of Commendation; the Magist[r]ates duty to punish is placed before that of his commending, as the most frequent, material & necessary of the two.

By the laws of Eng[lan]d Sir, a Justice of the peace is authoriz[ed] to tender the oaths to every man whom he is pleased to suspect; & the penalty for his refusal [is] much greater than that inflicted by our Law; & I do not remember that the people of your persuasion ever manif[est]ed their dissatisfact[i]on concern[ing] that part of the old Constitution.

Our Schoolmasters were almost universally what we call Tories; and how greatly soever I lament the interruption of education, I cannot but think that the total want of letters is preferable to the instruct[i]on of youth in principles subversive of liberty & patriotism. Nor do I believe that there is any difficulty in procuring Teachers who are willing to give the Legal attestation of their attachment to the present Governm[en]t where they as diligently sought after, as those who refuse that proof of their loyalty.

Happy had it been for this State, had all the people called Quakers acted in the present contest, agreeable to what you declare to be their principles of neither pulling down nor setting up Governments; but living peaceably under whatever Gov[ernmen]t is so, *de facto*. That they did otherwise, *as a people*, I do not say; but that many of them have in various instances, countenanced & abetted the designs of the enemy's of the U.S. after we had Govern[men]ts *de facto*, & that, in publick testimonies (I will not say authorized by the fr[ie]nds as a People; nor, on the other hand that I know of ever disapproved in a publick manner, wh[ic]h it were to be wished they had been) they have given the World sufficient[ly] to understand, that they sided in the dispute with G[rea]t Brit[ai]n I think, I may safely venture to submit to your own impartiality & Candour.³ I hope you will do me the justice to think th[at] I do not mention this by way of reproach to that Society; I always m[ake] it a rule to speak my sentim[en]ts freely when there is proper occasion for so doing, & I think you have given me occasion to do it. As a private person I have not the least prejudice against that People, but love & esteem all good & religious men of every persuasion. As Governor of this State, I make no distinction between one Citiz[e]n & another on account of their ecclesiastical discrimina[tio]n but only as they are good or bad members of the Community. It is my duty, & I thank God that it is my inclination, to do equal justice to all the inhabitants of N. J. & I can tell you with great Truth, that it has given me not a little pain, that so many of the people in

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question have, at different times, rendered themselves suspected, & thereby made it my duty to pursue the directions of the law in such cases, & by that means furnished those unacquainted with my real sentiments with plausible occasion, tho not with any real cause, to represent me as acting against them from prejudice considered in their religious capacity. But as I abhor persecution on the one hand, & think myself as remote from bigotry as I am from Popery; so I can assure you, that the imputation of it, while my own heart acquits me of the charge, shall never divert me on the other hand, from the line of my duty. So far from being an enemy to that Society, I have always had a great respect for it; & I heartily wish that all other denominations, were as distinguished for their moral conduct, their oeconomy, their industry, their Ch[urch] discipline, & the order & regularity of their publick affairs. And, with respect to their Religious reformation in many instances, by wh[ich] they have retrench'd innumerable badges of Popery still unhappily retained by protest[an]t Christendom; & their nobly break[ing] the shackles of a thous[an]d cumbersome, if not sinful, forms & ceremonies, *I am more than half a Quaker myself*. Nor is it to be denied that they have been *really persecuted*, both in Old & New Eng[lan]d, the acc[oun]ts of wh[ich] I have always read with the greatest indignation ag[ain]st their oppressors, & the highest admiration of their Christian patience, their Magnanimity, & their inflexibility & persever[en]ce in what they believed to be their duty. . . .

... May the Father of Light lead us into all truth, & over-rule all the commotions of this W[or]ld to his own Glory, & the introduction of that kingdom of peace & righteousness which will endure forever.

Believe me to be, yr sincere friend
WILLIAM LIVINGSTON

1. See Doc. 10.

2. Reference to the political parties in England.

3. The Quaker position was undermined in the minds of many citizens by the not inconsiderable number of Friends who in a variety of ways (including taking up arms) actively participated in the war on behalf of either the British or the Americans. It was thus difficult in many cases to separate scruples from self-interest.

12 General George Washington to Governor William Livingston

[Fitzpatrick, ed., *Writings of George Washington*, 14:185-86.]

Conflict between soldiers and civilians was a constant, potentially