

## NEW JERSEY IN THE AMERICAN REVOLUTION

1. The New England colonies.
2. Internal evidence suggests that Stockton may be "Caesariensis." See Doc. 4, note 3.

### 6 "A. Lawyer" [Elias Boudinot] on the Suspension of Legal Proceedings

[An undated manuscript copy of this letter in the hand of Elias Boudinot is in the Elias Boudinot Papers, I, Library of Congress; it was published, with alterations by the printer, in the *New-York Gazette; or, the Weekly Post-Boy*, October 24, 1765 and reprinted *NJA*, 24:660-62. The text below is that of the original, not the published letter.]

Since the Stamp Act imposed a wide range of graduated duties upon numerous legal documents and transactions, Jersey lawyers were directly affected by the tax. Yet their respect for due process and order ruled out the more extreme forms of protest. Summoned by "the Principal Gentlemen of the Profession," attorneys from all parts of the province gathered in Perth Amboy on September 19 to declare their opposition to the statute and thwart its execution. The result was a course of peaceful yet forceful resistance that suspended legal activities (except for criminal proceedings) pending repeal of the Stamp Act. One of the participants was Elias Boudinot (1740-1821), an Elizabethtown lawyer who coupled firmness with prudence in playing a leading role in the politics of protest in both Essex County and the colony. In essentials, his political philosophy mirrored that of Richard Stockton, with whom he had studied law and whose sister, Hannah, he married in 1762. His career included service as trustee of the College of New Jersey (now Princeton University) from 1772 to 1821; commissary general of prisoners (1777); member of the Continental Congress (1781-1784); president of Congress (1782-1783), member of the Federal Congress (1789-1795); director of the Philadelphia Mint (1796-1805); and first president of the American Bible Society (1816). The following is the only extant firsthand account of the lawyers' meeting.

[October 1765]

Sir,

At a Time when every person, who is in the least accessory to the Countenancing or forwarding that Enemy of our Peace (the Stamp Act) is justly rendered Odious to every friend of Liberty, common Benevolence will lead the generous Mind to prevent such a Curse from falling on the Innocent: therefore it is, that the Public are again troubled with the following simple Detail of the Proceedings of the Gentlemen of the Law in this Colony and the Behaviour of the Chief Justice,<sup>1</sup> on

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the Occasion, which, I am sorry to say, has not been candidly given in a late publication.<sup>2</sup>

The Unhappy State of the whole Continent in general and some of the Colonies in particular, flowing from this most extraordinary Instance of Ministerial Influence, had determined the principal Gentlemen of the Profession,<sup>3</sup> to obtain a general Meeting of the Lawyers, at Amboy in September last, in order to consult on some necessary Measures, whereby at once, to bear a publick Testimony ag[ains]t such oppressive Measures and at the same Time, by easing the Minds of the People, to prevent any undue & indecent Behaviour to the lawfull Authority of the Government, as far as our Influence should extend.

After the Gentlemen attending had taken their Seats, (a President being chose) the Nature of the Act was opened, together with a State of the Colonies and the Effect it would naturally produce in them. We then proceeded to a free discussion of every Point worthy of Observation, and [torn] on the whole the following Question was Stated & put to Vote: "Whether, if the Stamps should arrive in the Province, the Gentlemen present (as Lawyers) would make Use of them for any Purpose, or under any Circumstances whatever?" It gives me Pleasure to say (as it must to every lover of his Country) that it was carried in the Negative, without a dissenting Voice: And a Number of the Gentlemen respectively undertook to answer for the greatest part of the absent Members.

This was the whole of the Transaction on this Day. But the next Day, the Chief Justice requested our Attendance on some Matters he was desirous of laying before Us. When assembled, His Honour informed Us, that he would be glad of our advice on a few Questions he had to propose; but first informed us that he had heard it was reported that he had Solicited and endeavoured to obtain the Office of Stamp Distributor for the Colony. In answer to which, he observed that the Impropriety of such a Step in him, was a sufficient Testimony of the falsity of the report. But in order to settle the Matter, he declared upon his Honour, that he had neither directly, or Indirectly solicited, or any ways attempted to obtain that office, which he hoped would satisfy Us, as well as the Inhabitants of the Colony on this Subject. He then proposed the following Questions: "Whether, if the Stamp'd Paper was ready to be distributed at Burlington, by the first of November, We would take the trouble of sending there for them." Each Gentleman present, gave his Answer separately, but all to the following purpose: "That they would by no means do any thing that should bear the least appearance of Opposition to the rightfull Authority of the Government, yet as it was in our Choice, to use the Stamps or refuse them, they would entirely give up the Advantage arising from their Profession, rather than join in enslaving their Country." The next Question was "As the Act pointed out the Governor & Chief Justice as Persons to whom the Distributor was to be accountable, if the Governor should insist on the Chief Justice's taking the Burden of that Office of Distributor upon him, whether, it would be consistent with his Duty & Interest to accept of it?" To which it was unanimously agreed, that there was no Words in the Act, that gave the Governor the least Authority to appoint such an Officer, and if there was, that the Chief Justice should be the last Man to accept it, as it would be the direct Means to render him odious to the People & uncomfortable in his Administration.

On this the Chief Justice applauding the Coolness of these Deliberations & recommending peaceable Measures as the most likely means of obtaining a repeal of

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this Act, returned Us his Thanks for our Kindness & dismissed Us. The whole of the Chief Justice's Behaviour being evidently in Confidence, treating Us as his private friends, I was much surprised to find these Questions made publick, especially in the form they have appeared to the World, tending Obliquely to charge the Chief Justice with endeavouring to Solicit an Office so detestable to all the Colonies, I therefore could do no less, in Justice to every one concerned, than to give this plain State of the Matter, that every thing might have its due weight.

A. LAWYER

1. Frederick Smyth (see Sec. III, Doc. 9, headnote).
2. A distorted account of the meeting appeared in the *Pennsylvania Journal and Weekly Advertiser* on October 3.
3. Most likely Judge David Ogden of Newark and attorney Philip Kearny of Perth Amboy.

### 7 Cortlandt Skinner to Thomas Boone

[Printed in William A. Whitehead, *Contributions to the Early History of Perth Amboy and Adjoining Country . . .* (New York, 1856), 102-3. I have not been able to locate the manuscript of this letter or of other valuable items cited by Whitehead from his extensive personal collection, much of which was deposited in the New Jersey Historical Society.]

Cortlandt Skinner (1727-1799) was a man of great wealth and political influence. He was a member of the Board of Proprietors of East Jersey (vice-president), a prominent lawyer, provincial attorney general, assemblyman from Perth Amboy (1763-1776), and Speaker of the House (1765-1770, 1772-1776). A devout Anglican and political conservative, he was tied by blood and marriage to the close-knit group of East Jersey merchants, shippers, lawyers, and landowners known as the Perth Amboy Group—the single most influential interest group in the colony. His unswerving loyalism prompted his flight from the province in January 1776, his organization of the royalist New Jersey Volunteers during the War for Independence, and his exile in England. Thomas Boone served as governor of New Jersey from 1759 to 1761, whereupon he became the chief executive of South Carolina. He remained governor of South Carolina until 1776, but spent the last three years of his administration in England, defending his conduct in a protracted row with the Commons House of Assembly stemming from his dissolution of the legislature in 1762 to negate the election of Christopher Gadsden. In the following letter Skinner underscores the