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to extract salt from seawater.

3. "Abroad" means duty outside the county with the state militia. The state militia, comprised of volunteers drawn on a quota basis from the various county militias, was liable for service anywhere in New Jersey and the surrounding states.

10 Samuel Allinson to Governor William Livingston

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

Members of the Society of Friends, especially numerous in West Jersey from Burlington to Cumberland Counties and in portions of the East Jersey counties of Middlesex and Monmouth, posed a particularly sensitive problem to the government of New Jersey during the Revolution. Prior to 1776 Quakers suffered considerable harassment because of their refusal to participate in the violent protest against British imperial policies (see Sec. IV, Doc. 3). Things got even worse after independence was declared: many rebels thought they saw manifestations of Loyalism in the Friends' condemnation of compulsory military service, disinclination to swear allegiance to the revolutionary government, and refusal to bear arms or to pay fines for failure to do so. Quakers, like the Seventh Day Baptists who had similar religious scruples, were subjected to considerable abuse during the war because they were distrusted by both British and American forces and because their pacifism often provoked soldiers to commit extraordinary depredations. As political pressures and physical abuses increased, Burlington lawyer Samuel Allinson wrote a lengthy appeal to Governor William Livingston outlining the Quaker position and indirectly raising the thorny issue of the rights of neutrals and conscientious objectors during wartime. His appeal was unsuccessful (see Doc. 11); it was not until after the termination of hostilities in 1783 that Quakers began to regain their former positions of prominence in the state of New Jersey.

7th Mo: 13th 1778

Respected Friend

.... Whether the governm[en]t of G[rea]t Britain over these Colonies shall ever more take place, I pretend not to determine; & tho one of a Society which some have thought too much that way attached, cannot say I wish it. I believe it to be my duty to live a sober, industrious & religious life, under whatever Government my lot is cast, the question is therefore not so material to me, since, by religious principles I am restrained from taking part in the contest or advancing one side or the other;

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not only because War is unlawful to me, but it has also been held forth by us as a people, even in the last century,¹ "that the setting up & pulling down Kings & Governments is God's peculiar prerogative, for causes best known to himself, & that it is not our business to have any hand or contrivance therein; not to be busy bodies above our station, much less to plot or contrive the ruin or overturn of any of them, but to pray for the King" (or Rulers as only a Kingly governm[en]t then existed) "& safety of our nation, & good of all men, that we may live a peaceable & quiet life in all godliness & honesty under the governm[en]t which God is pleas[e]d to set over us." Now if we adhere to these & other well known religious principles of this Society, we cannot be bad members of the community; & upon the rules of Justice & Benevolence, I submit it to thy consideration, whether any requisition should be made of any one, a compliance with wh[ich] would violate his superior duty to his Maker, & consequently his peace of Mind? Whether, supposing him to be really convinced of his religious Duty, if he should break it & thus become an offender against Heaven, he can appear so respectable in the eyes of any upright religious Man, or be looked upon a better Subject of the Governm[en]t? I have thought that under this Governm[en]t, I can do any thing that I could innocently perform under the former, if permitted to do it in the like manner, without qualifications wh[ich] run counter to my religious mind: if therefore I am less serviceable under this, the fault is not mine. The distinction may be thought nice by some, but I presume thou canst see a difference between acknowledg[ing] a governm[en]t [by] paying the taxes &c. & refusing to acknowledge allegiance, abjure &c. It appears to me thus—Governm[en]t is necessary, & wherever there is a Governm[en]t De Facto under which I live, I think it my duty to pay a respect to it as such, leaving the right, wh[ich] is in contest, alone. This acknowledgm[en]t is only *temporary*; but declarations of abjurations & allegiance, go to the right, are *perpetual & final*. Indeed the declarations of Abjuration & allegiance² are not extended to so great a length here as in Pennsylv[ani]a & if Materially considered, I believe never will, since the execution of their late law on that head, must injure & oppress thousands or make them change or desert their avowed religious tenets; the latter may happen in some instances, but the truly virtuous must suffer, even to death if required, to preserve their peace of Mind. Every humane breast heaves at persecution—National injustice & oppression have ever met with heavy punishment; & the denunciation of God's Judgments by the Prophets against many of the Kings of Israel, particularly Zedekiah,³ for those causes are very exemplary.

The schools in this province have been generally broke up within the circle of my knowledge by the test act:⁴ the consequence of which if continued, may expect to be ignorance in the rising genera[tio]n. I was acquainted with a large, well regulated growing School, composed of children whose parents were not disaffected to the present Governm[en]t. It was taught by a Man as harmless & inoffensive as perhaps any in the Province; he was by religious motives solely, restrained from taking the tests, & was therefore forced by the Magistracy to lay aside his business, wh[ich] was his living: whether this or other like instances, will ever benefit the Governm[en]t or whether the imprudent behaviour of one Man in that capacity, can justify such a law, I leave to others & time to determine. It is not however, with the plan of policy wh[ich] I should adopt "Righteousness exalteth a Nation, but sin is a reproach to any People." Taking the tests is not a mark of Righteousness, nor a refusal of them an evidence of Sin, nor Econtra, but, to require them of one

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conscience bound against taking them, would be to make that Man, if righteous before, unrighteous after, & does not appear to me to be a sprout of true liberty. It is well known that the people called Quakers have never been plotters against any Governm[en]t under which they have lived, nor can they, consist[en]t with their religious principles, any more than they can abjure one contending party & join with another during the continuance of War—hence they must appear to be a people not to be fear[ed] for tho they may seem to have an attachm[en]t to the old Governm[en]t wh[ic]h in time of peace they had often promised their fidelity to, (wh[ic]h Governm[en]t oppression & injustice, if not timely & effectually guarded against under the new, may yet induce Omnipotence to reestablish) they would not now renew that allegiance any more than they can abrogate & set up another; & a requisition of either wou[ld] alike lead them into suffering; nor is this, if duly considered, any insecurity to this governm[en]t from that People; for, if the governm[en]t shou[ld] hereafter by treaty be established, their allegiance will flow as naturally to this as the former, when War & Contest is out of the question. If such an establishm[en]t never should take place, their present declarati[on]s of abjura[tio]n &c. would be of no use, for in the interim their religious principles will tie them no more or less from assisting in War, than they ever have done since they were a People.

I wish the Governor also to consider, that fr[ien]ds were not the only people who were led to seek a distant Land to obtain a perfect liberty of conscience in all respects; & to possess a free exercise of their religious persuasions, not only in the immed[iate] Worship of Almighty God but in their Conduct thro life, wh[ic]h is nearly the same thing, for I could never yet see how “the privilege of worship[ing] Him in a Manner agreeable to the dictates of a Man’s conscience” consisted, or was ratified to him, if he must be compelled to do any thing which he believed would be offensive & render his devotion of no avail & in the first settlem[en]t of these Governm[en]ts this exemption was apprehended to be included in that privelege. That fr[ien]ds were the principle cause & instrum[en]ts in settl[ing] this & the province of Penn[sylvani]a,⁵ & to the bless[ing] of Provid[en]ce on their regula[tio]ns, sober life & labours these provinces were cultivat[ed] & have now arrived to that state which has become the object of contest, & has vested the present rulers with their power.

Permit me here to query, can those rulers, some of whose ancestors were once persecuted, now become persecutors of a People who fled from it in Eng[lan]d, who expected & hope they deserve here to enjoy an assylum there from? The privation of Life, Liberty or property from any one for not complying with what he cannot perform because his conscience recoils at it, & he is persuaded the act, be it what it will, would be offensive to his Maker, & rob him of His smiles is, I apprehend, persecution. Oppression & injustice are always included, tho oppress[i]on & injustice do not always include persecution—but an opposition to what we believe our duty to God, is always a constituent part of persecu[tio]n & hence its odious estimation among Men. Will the prosecution of measures unnecessarily severe, be likely to establish & support an infant Governm[en]t? I should suppose not & as the Governm[en]t of G[reat] B[ritain] has been justly complained of for its corrup[tio]n rapacity & oppress[i]on it is but rational, that a people hav[ing] felt & know[ing] this, shou[ld] carefully avoid these & the like, with greater evils, or with what confidence can they look up to Providence, who gives victory when He pleases, &

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rules in the Kingdoms of Men, either as a benevolent Counsellor if regarded; or as a scourge if He is not looked to & relied on.

General tests have ever been opposed by some of the most virtuous in all ages; & have never been required under the Eng[li]sh governm[en]t tho' a time a little similar to this happened, wh[ic]h must have made it as necessary as now.⁶ Of persons taking offices under a Gov[ern]m[en]t, of Foreigners coming to settle & claim the benefit of the constitution and of *suspected* persons, the laws of Eng[lan]d & of Am[er]ica have heretofore exacted them, but no further. To require them of all above 18, as in Penns[ylvani]a, of Witnesses, Jurymen, & even of persons travel[ing] to their homes; refusing a passage across a ferry for want of a certificate of hav[ing] taken them, tho a pass was produced from Justice (wh[ic]h has fell within my knowl[ed]ge) is quite new & unpresident[ed] & will, if I am not mistaken, be found injudicious, hurtful, & therefore extremely impolitick. Even the current of commercial & civil Justice will be very much stopped by these & like means. To a Gen[era]l Test at present, the follow[ing] object[ion]s seem to arise:

1st. The frequency of an Oath or Affirm[atio]n will render them so famil[ia]r that it will very much take off the weight of them in most or all cases.

2nd. This frequent & undistinguish[e]d requisition of all above 18 y[ea]rs old, as in Penn[sylvani]a will occasion their being often very inconsiderat[ely] taken, & therefore frequently produce perjury.

3rd. They will rather be an insecurity, because the vile, who are most likely to be enemies, will not stick at them; but hav[ing] taken them, become vested with every privelege, even of elect[ing] & be elected to the first offices; & thereby have an opportunity to execute their evil designs; while the timidly virtuous must go into Suffering & perhaps lose his all on this account.

4th. Many are now restrained from reasons purely religious, such as are mention[e]d in the forego[ing] part of this Letter; others, having no principle against War, sett[ing] up or pull[ing] down governm[en]ts are nevertheless in doubt respect[ing] the rectitude of destroy[ing] with their own breath what they have heretofore uttered & signified they could not destroy, or be absolved from think[ing] they shall not be excusable in the sight of Him who avenges the violat[i]on of truth; & yet are not inimical to the Governm[en]t but rather wish it well, & therefore, if industrious, are valuable members, & should not be offended or burdened on acc[oun]t of these tender scruples. I say nothing of the consequences resulting from contradictory oaths whilst the two armies alternately possess the same ground within a few Weeks or Months & reduce the inhabitants into their custody & subject them to their will in this respect; for all cannot fly as it may be necessary for some to do, & if they had it is easy to see that before this time these colonies had been much nearer to subjugation, if not quite conquered: I wish this consideration was a little more adverted to, it would not be tho[ugh]t a crime to stay at home where we held no communication with the enemy.

5th. Because it is inconsistent with true Liberty, that any one should be liable to make any declaration inconsist[en]t with his conscience or opinion, or be subject to a penalty: And if he does choose what he may think the lesser evil, & comply, it cannot be looked upon fully bind[ing] to Governm[en]t being a kind of duress, but is a commission of sin against the supreme Lord of the Universe, to whom we are all bound by the strongest prior allegiance. . . .

I have wrote with freedom, but, I hope, with decency: & as I had no reflections

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or ill-will in my Mind towards any one, so, I expect none have employed my pen. The happiness of all, upon the Noble principles of *Justice & Liberty*, have been my Motive & Aim, &, I am, at least, conscious of having intended well. If these principles were made the Poll-Star in steer[ing] the political Bark, Governm[en]t would derive firmness, stability & respect therefrom.

The power of legislation, is the greatest human right delegat[ed] to man & should be exercised with much Caution, care & Tenderness. To make laws wh[ich], either from their inexpediency, impossibility, or severity, cannot be enforced, or wh[ich] it is not the apparent general interest to enforce, is the means of bring[ing] Governm[en]t into disrepute; & such had best be repealed as quick as possible upon that ground. I have so fully expressed my Sentiments on this head, in my preface to the last edition of *N.J. Laws*,⁷ that I shall forbear saying more here than this, that I am persuaded of the efficacy of those observations, towards the great ends of political harmony & union, if carried into practice; in lieu of measures which, tho popular, may be more inflammatory & violent, & therefore cannot endure. The former will produce a clear stream of refreshm[en]t to the body politic, & invigorate it; the latter, like a torrent or flame, will bear down all before it, right or wrong, good or bad. It should never be forgot, that the grand design of Governm[en]t is “for the punishm[en]t of evil doers, & the praise of those who do well” & the land will rejoice or moarn, as this is adhered to, or depart[e]d from.

My retired situation & insignificancy in publick life, will not, I expect, add weight to these hints; but there is a more sure criterion to judge them by, the feelings of thy own breast. I shall apoligize no further than to assure thee, that I am a friend to this Governm[en]t, a friend to the members of it, & I shall esteem it a favour ever to be thine.

SAML. ALLINSON

1. The Society of Friends, founded by George Fox in England in the middle of the seventeenth century, was organized into a formal church in 1668.

2. See Doc. 1.

3. Zedekiah, last king of Judah (ca. 598-587 B.C.). When Nebuchadnezzar, king of Babylon, conquered Judea (597 B.C.), he named Zedekiah, formerly known as King Mattaniah, regent at Jerusalem. A man of weak principles, Zedekiah repeatedly violated both the oath of allegiance to Nebuchadnezzar and the word of Jehovah. The Babylonian king finally launched a two-year seige against his rebellious regent—a siege compounded by pestilence and famine ostensibly brought by Jehovah. When captured, Zedekiah was forced to witness the killing of his sons; then his own eyes were put out and he was carried in fetters to Babylon, where he was imprisoned until his death. For accounts of his life and reign, see 2 Kings 24:17-25, 25:1-7; 2 Chron. 36:10-21; Ezek. 5:10-17, 17:15-17; and the numerous references in Jer. 19, 20, 27, 29, 32, 34, 37-39, 51-52.

4. On October 6, 1777, the legislature passed a law requiring jurors and schoolmasters to take oaths of abjuration and allegiance. *Acts of the General Assembly of the State of New Jersey, August 27, 1776-October 11, 1777* (Burlington, 1777), Chap. L.

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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