

## XI GOVERNMENT AT WAR

### 17 Residents of Monmouth County to the General Assembly on Vigilantism

[Revolutionary Documents, 114, New Jersey State Library.]

Monmouth County, like Bergen County, was the scene of especially vicious internal strife which persisted even after the end of the war. Its long, unprotected coastline invited frequent raids by British soldiers and exiled Loyalists from adjacent New York and Staten Island; its vast cedar swamps and dense forests concealed a variety of disaffected persons ranging from brigands to fugitive slaves. Many of its residents were either outright royalists or crown sympathizers. And as elsewhere the partisan hatreds of the civil war were fueled by personal animosities as individuals took advantage of the unsettled times to seek revenge against their neighbors and settle private grudges. The civil turmoil in the county found frequent expression in corrupt elections, fraudulent sales of confiscated Loyalist property, and, most spectacularly, in the audacious activities of the Committee of Retaliation. The committee, or association as it was also called, apparently began as a mutual protection league to defend its members from the depredations of Loyalists and outlaws. But the vigilante group exceeded the spirit as well as the letter of the law in imposing its will upon friend and foe alike. Despite repeated complaints, like those in the petition below, the state government was unable to control the lawless activities of the Associators. Its failure to do so created doubts in the minds of many of the ability of the civil establishment to maintain law and order and govern effectively.

December 1781

The Petition of a Number of Freeholders Inhabitants of the County of Monmouth, Sheweth,

That by the Constitution of this State, (on which the Government thereof is Founded) the Laws of England Relating to the tryal by Juries are declared unalterable and to stand, without Repeal, forever;<sup>1</sup> And each Member of the Legislature, previous to takeing his Seat, takes an Oath or Affirmation, not to agree to any Law, Vote, or proceeding Contrary thereto. And in those Laws it is clearly exprest, that no Person shall be deprived of Life, Liberty, or property; or be any ways damaged, or destroyed, 'till proved Guilty by full and Clear Evidence, on a fair and impartial tryal by a Jury.

Your Petitioners being Zealously attach'd to the American cause, and fully satisfyed with the Constitutional Government established in this state, in which our most Essential priviledges are so well secured that it is not even in the Power of the Legislature Legally to deprive us of them.

Therefore Notwithstanding our Exposed situation, the constant dangers we are in, the damages & hardships we have and do suffer, from an Implacable Enemy; We are encouraged still to oppose them, & at every Risk to use our utmost Endeavour to

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defend ourselves, our Familys, Property & Cou[n]try, Trusting in the Justice of our cause, and the Felicity we should enjoy under the present Government, when clear of our British Enemies.

But alas, while the Enemy is yet formidable & almost at our Doors, there is a Tyranny set up amongst us, Equally dangerous to Liberty, with that which we are fighting against; a set of men assuming the Title of a Committee of Retaliation,<sup>2</sup> has formed a combination to trample all Law underfoot that clashes with their Measures, & under pretence of Retaliating for Crimes Committed, and injuries done by the Refugees,<sup>3</sup> to any of their Associators, to plunder any Inhabitants, subjects of this State, at will & pleasure, in such a way, & to such Amount as they direct; and send out a party to Execute their orders by force of arms, some they have Imprison'd, from some they have taken goods, & from others Money, to a great amount; & when those Injured persons have attempted to Right themselves by Law, they have been abused, their Lives threat[e]ned, & some unmercifully beaten by those persons who took their property; Officers of Justice have been prevented from doing their Duty, & threatened for Attempting it.

Some of those Men applied to the General Assembly in September 1780 for a Law to confirm their proceedings, but that house shewed their disapprobation of such unconstitutional Measures by a set of Resolves published in their Minutes.<sup>4</sup>

But disregarding those Resolves, and in open Violation of the Laws & Constitution of their Country, they have continued in those practices ever since, to the very great damage, not only of the Persons they have plunder'd but to the County in general, in corrupting the Morals of the People, & Encouraging many others in plundering for their own gain, and Committing other Crimes with Impunity, depending on being protected by that Committee & their adherents; of which we had a striking instance at the late Election, when a Number of Men, (some in Arms) appeared in a Hostile Manner, threatening all such persons, as they called Tories, or Traders,<sup>5</sup> if they should offer to Vote; a Writing was put up at the Courthouse Door to the same Effect; several Persons were Inhumanly Beaten, some of them, after they had Voted, and some they drove away who were legally Intitled to Vote, and others went away without Voting, not thinking themselves safe, as they did not Confine their abuse to persons who they deemed disaffected, but beat and abused several, whose conduct has been such, that there cannot be the least Kind of Suspicion of their Disaffection, or want of Zeal in the American cause; and at the close of the Election, One of the Inspectors was Attacked going down stairs, and most Barbarously Beaten. Such proceedings are very discouraging to every considerate person, who wished to see the Laws and Constitution of this Country Supported, and to live under an Equal & Just Government.

We would further Observe, that those Measures do not answer the purposes, which they are pretended for; that of deterring the Enemy from Plundering and Manstealing, as it is notoriously known that for more than Sixteen Months since they began, the Enemy has continued whenever opportunity offered, plundering from, and taking captive, those very Persons, who have Adopted those Measures, as well as Others.

Therefore your Petitioners earnestly Request, that your Honourable Houses will take these Matters under your most Serious consideration, and grant us some speedy and Effectual Releif against so Dangerous a combination, not only to this County but (if continued) to the State also.

[Fifteen signatures affixed.]

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1. See Sec. VII, Doc. 6, Article 22.

2. The origin and organization of the committee (or Association) are unknown. It was probably formed in 1778 or 1779 around the zealous activities of David Forman (see Sec. VIII, Doc. 8). A legislative investigation in 1782 revealed that Forman (1745-1797), former sheriff and justice of the peace who was then judge of the county court as well as brigadier general in the state militia, was indeed the ringleader of the group. However, there was insufficient evidence to impeach and prosecute him. Forman and his associates continued their activities, albeit in a more peaceful manner, after the end of the war (see Sec. VIII, Doc. 16).

3. Loyalist exiles were called "refugees."

4. On September 23, 1781, Nathaniel Scudder and Thomas Henderson presented a petition to the legislature "setting forth the daily Depredations committed on the loyal Subjects" of Monmouth County "to the great Danger of their Liberties, Lives and Property" and asking for enactment of a law which would "authorize the well-affected Inhabitants to retaliate upon the Property of the disaffected of said County." The memorial was turned over to a special committee which reported on September 29 that the basic problem in Monmouth stemmed from an ineffective use of the militia and that the Association of Retaliation was "an Illegal and dangerous Combination, utterly subversive of the Law, highly dangerous to Government, immediately tending to create Disunion among the Inhabitants, directly leading to Anarchy and Confusion, and tending to the Dissolution of the Constitution and Government." *Votes and Proceedings, September 13-October 7, 1780* (Burlington, 1780), pp. 270, 275-76.

5. That is, "traitors."

### 18 Residents of Essex County to the General Assembly on Trade with the Enemy

[Manuscript Collection, Box 5, New Jersey State Library.]

The most persistent complaint heard by governmental officials during the war concerned the considerable if indeterminable illicit commerce that passed through British and American lines. In early 1777 the legislature enacted the first of numerous laws prohibiting the exportation of certain commodities out of the state and requiring persons traveling near or through enemy lines to possess a pass or passport. As late as 1782 the government was still trying in vain to put a halt to the clandestine commerce. The trade flourished in part because handsome profits were to be made from black market operations and in part because there was no other way to acquire some goods. Besides, participation