

XI GOVERNMENT AT WAR

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

NEW JERSEY IN THE AMERICAN REVOLUTION

in the contraband trade was widespread and involved some of the highest ranking members of the civil and military establishments. And with the British in control of New York City and Staten Island for the duration of the war (and Philadelphia from September 1777 to June 1778), it was easy for unscrupulous Jerseymen to slip in and out of enemy lines. The two-way traffic was probably of about equal benefit to both sides. For New Jersey, the trade enabled some residents to accrue a small personal fortune, provided needed and desired commodities, and brought a sizable amount of specie into the state. But the risk to the state was great since information and propaganda as well as goods passed through the lines. As the following petition demonstrates, many Jerseymen, whose scruples would not permit trade with the enemy, condemned the traffic and implored the legislature to find a means of stopping it.

[undated]

The Petition of the Subscribers I[n]habitants of the County of Essex, Humbly Sheweth

That your Petitioners from their Situation near the Lines Having had great opportunities of Seeing & haveing With Sincere Concern and Regret Seen the Numerous Arts of Disaffected & Dangerous Men to Evade the Salutory Laws of this State Cannot without the enputation of Negligence and Unconcern forbear Representing facts & Praying Redress.

The Act more Effectually to Prevent the inhabitants of this State from Trading with the Enemy or going within their Lines and for other Purposes therein Mentioned Your Petitioners Observe is too frequently Evaded:¹ by Provisions being allowed to pass in quantities to and on the Lines without Restrictions Whereby the Disaffected are enabled to Collect Quantities and for Want of Sufficient Guards, the Enemy by frequent Incurtions are Enabeled to Receive large Supplies with Safety; and by this Safety Illicit goods Wares & Merchandise are in after being got into a House Within our Lines, has produced a New mode of Negotiating Between the Publick Enemie and the Disaffected: the former in their incurtions Conveying the illicit goods Safely to the Dwellings of the Latter Where they are Secured and from Whence they are too frequently Sold by Some unworthy tho Licensed Traders. . . .

Your Petitioners Do therefore Most Humbly Pray,

That the Several Acts against furnishing the Enemy, and against Recieveing goods, wares, and Merchandise from them, May be Revised and Amended by Enacting that no Provisions or other articels of Country Produce Sutable to Suply or Relieve the Nesessities of the Enemy Shall be Allowed to be or Pass in quantities Within Some Conveneant and Secure Distance from the Shores, Rivers, & Cricks, Without Proper passports or Certificate[s].² That on Information on Oath of Circumstances that Renders it Probable, Goods, Wares or Merchandize illegally imported, are Secreted or Supposed to be secreted, in any House or Elsewhere Within this State a Justice of the peace May and Shall under Proper Restrictions and Regulations, Issue A Warrant to a Proper Officer to Serch Such Suspected place or Places and that on Like information Respecting the goods, Wares, and Merchandize in any open Shop or Store the Shop or Store Keeper Shall Make Proof of the Legal importation of Such Suspected goods &c or the Same be Condemned.³

XI GOVERNMENT AT WAR

That every Licensed Merchant or Trader be Obliged to take and Subscribe an Oath, Purporting that he will not buy or Sell or be instrumental in Secureing from Seizeur any Goods, wares or Merchandize that he Shall believe, or have any reason to Suspect have been illegally brought in to the State unless they have been previously Condemned according to Law, and that on Conviction of Mal practice in any Licenced Trader or Merchant before three Justices of the Peace, they may Deprive him or them of their Licence or Suspend the operations of it untill the Next Court of Quarter Sessions. . . .

And your Petitioners as in Duty Bound &c. &c.
[Thirty-three signatures affixed.]

1. It is impossible to determine from this undated manuscript which particular law the petitioners have in mind.
2. A typical pass identified the bearer, stated his place of residence and destination, and testified to his loyalty. The passes were signed by designated government officials or military officers.
3. The proposal bears a striking resemblance to the British writ of assistance, which some Americans had decried as a violation of civil liberties.