

NEW JERSEY IN THE AMERICAN REVOLUTION

January 28, 1777

To all Whome it may Concern. Whereas we ye Subscribers has by Compulsion Choice or Otherwise taken Protection¹ from ye Ministerial officers or tools of arbitrary Power, But Now being in our own Free & Independent state of New Jersey in ye Presents of Almighty God; & the now Presents Sons of Liberty² Present before the Parsons Now Present that hence forth we will Bare true Allegiance to the thirteen United States of America & that we will obey all Laws Orders & Commands of the State of New Jersey or any Other of the said thirteen United States of America we may hereafter heppen to Reside in—Or Forfit all our Estates Real & Parsonel, Life, Freedom & Previledge in the Afforesaid thirteen United States of America.³ Given under our hands this 28 of Jenuary 1777.

[Twenty-six signatures affixed.]

1. See Doc. 2, headnote.

2. Reference to the patriotism of the persons administering the oath, not to the pre-1776 protest organization.

3. "An Act to punish Traitors and disaffected Persons" passed by the legislature on October 4, 1776, declared that anyone who aided and abetted the British army or defended the authority of Great Britain was guilty of treason and liable to fine and imprisonment; there was no confiscation act until December 1777. *Acts of the General Assembly of the State of New Jersey, August 27, 1776-March 17, 1777* (Burlington, 1777), Chap. V.

4 General George Washington to the New Jersey Legislature

[Fitzpatrick, ed., *Writings of George Washington*, 7:82-83.]

Throughout the war New Jersey governmental officials had to contend with the troublesome problems of deserters from the Continental army as well as defectors from the militia. (British and German soldiers also deserted in droves, but that is another matter.) There was no way to cope effectively with the undisciplined citizen soldiers who comprised the various militia units in the state; they simply left the ranks almost at will to attend to personal affairs (or to avoid combat) and then as often as not returned to their outfits. The exodus increased during planting and harvest time. Of greater concern was desertion from the regular army. Inadequate supplies, low and late pay, and the drudgery of military duty prompted many Continentals to leave the service without authorization. Moreover, the desertion rate rose as American military

XI GOVERNMENT AT WAR

successes declined. As the following appeal from General George Washington testifies, desertion was an acute problem from the earliest days of the war. Despite numerous steps taken by military and civil officials, the problem persisted unabated. Because of the large number of troops present in the state during the war, New Jersey magistrates were constantly troubled by the problem of desertion.

Head Quarters, Morristown, January 31, 1777

The great Countenance and protection shewn and given to deserters, by persons in the different Neighbourhoods, from whence they originally came, has made that Vice so prevalent in the Army, that unless some very effectual Measures are fallen upon to prevent it, our new Army will scarcely be raised; before it will again dwindle and waste away from that cause alone.

I know of no remedy, so effectual, as for the different States immediately to pass Laws, laying a very severe penalty upon those who harbour or fail to give information against deserters, knowing them to be such, and strictly enjoining all Justices of the Peace and Officers of the Militia to keep a watchful Eye over and apprehend all such persons as shall return from the Army without a Discharge. In order that this most Salutary Measure may be carried speedily into execution, I have not only desired Congress to recommend it to the different States,¹ but have myself wrote Circular Letters to them all pressing their compliance with my request.² Desertion must cease of course, when the Offenders find that they have no Shelter. I have the Honour to be, &c.

GO. WASHINGTON

1. That the army had to turn to the states instead of the Congress for desertion laws illustrates the lack of central authority that plagued military operations during the war. General Washington literally had to negotiate with thirteen separate governments as well as the Congress on many important issues.

2. The New Jersey legislature promptly complied with Washington's request by passing "An Act to prevent Desertion from the Army of the United States of America" on February 26, 1777. The statute "required and enjoined" every citizen to apprehend "any Person suspected to be a Deserter" and take the suspect to a justice of the peace. Actual deserters were to be returned to their units, and the informer was to receive a reward of five dollars. Persons who either encouraged desertion or concealed deserters were to be fined ten pounds for the first offense and fifteen pounds thereafter. *Acts of the General Assembly of the State of New Jersey, August 27, 1776-March 17, 1777* (Burlington, 1777), Chap. XIV. Because the law proved to be inadequate, the legislature passed on June 17, 1780, "An Act more effectually to prevent Desertion." This act raised the reward for "apprehending and securing or delivering up a Deserter" to 200 pounds; it also increased the penalty for concealing deserters to a court sentence "not extending to Life or Member" and that for helping a

NEW JERSEY IN THE AMERICAN REVOLUTION

deserter reach the British to "Death without Benefit of Clergy." Peter Wilson, comp., *Acts of the Council and General Assembly of the State of New Jersey* (Trenton, 1784), Chap. CCXVIII.

5 Governor William Livingston, Speech to the Legislature on the State of the State

[*Votes and Proceedings, August 27, 1776-June 7, 1777* (Burlington, 1777), pp. 85-89.]

On December 23, 1776, Thomas Paine, who eleven months earlier had issued his famous pamphlet *Common Sense*, began the first of his *Crisis* essays with the observation that "These are the times that try men's souls." Indeed they were, for the winter of 1776-1777 saw public morale in New Jersey reach its nadir. The British had overrun the state in December, citizens had flocked to join the invaders, and the legislature had fled from Princeton to Trenton to Burlington and then disbanded. Although Washington's army had liberated West Jersey in January, the General Assembly regrouped in February at the small Gloucester County hamlet of Haddonfield in an atmosphere of foreboding. In the address below, directed to the general public as well as the legislators, Livingston sought to rally support for both the state government and the Continental army encamped at Morristown. The tone and quality of the remarks are characteristic of his future public speeches and the newspaper essays he published under the pseudonym "Hortentius." Eloquent and exaggerated, intemperate and emotional, his speech, coupling outrage at British depredations with a firm belief in the inevitable success of the American quest, was a calculated effort to transform summer soldiers and sunshine patriots into active defenders of the new state and nation.

Haddonfield, Feb. 25, 1777¹

Gentlemen,

Having already laid before the Assembly, by Messages, the several Matters that have occurred to me, as more particularly demanding their Attention, during the present Session; it may seem less necessary to address you, in the more ceremonious Form of a Speech. But conceiving it my Duty to the State, to deliver my Sentiments on the present Situation of Affairs; and the eventful Contest between Great-Britain and America; which could not, with any Propriety, be conveyed in occasional Messages; you will excuse my giving you the Trouble of attending for that Purpose.