

NEW JERSEY IN THE AMERICAN REVOLUTION

requisitions. The controversy persisted throughout the Confederation and was resolved in 1787 by an ignoble compromise in the Constitution which stipulated that each slave was to be counted as three-fifths of a person in apportioning federal taxes and congressional representation. Although slavery was not so extensive in New Jersey as to figure prominently in national concerns, it was a major problem at the state level. See Sec. XIII, Docs. 6, 8-10.

10. Since it was apparent that the population of New Jersey would not increase as rapidly as that of some other states, a regular census would lead to the reduction of the state's per capita requisitions (see note 6 above).

11. The two-thirds majority requirement for passage of important legislation was a means by which the smaller, less populous states could maintain political parity with the larger, more populous states.

3 Nathaniel Scudder to John Hart

[Manuscript Collection, 143, New Jersey State Library.]

Notwithstanding its pointed criticism of certain portions of the Articles of Confederation (see Doc. 2), the New Jersey legislature was not unalterably—or even strongly—opposed to the document as a whole. In recommending unconditional ratification of the Articles to Speaker of the House John Hart, Congressman Nathaniel Scudder bespoke the views of most Jerseymen. Everyone knew that the proposed instrument of government was not perfect. But they also realized that the document could have been more disadvantageous to the interests of the state, that none of the state's objections was important enough to justify rejecting the union, and that the military and diplomatic exigencies of the times demanded confederation. In rising above parochial considerations to further the national interest, Scudder (1733-1781) continued his record of distinguished service to state and nation. A prominent Monmouth County physician, he was active during the Revolution as a member of local committees of correspondence, the Provincial Congress, the state legislature, the Continental Congress, and the state militia. Colonel Scudder was killed in a skirmish at Black Point, near Shrewsbury, Monmouth County, in October 1781.

Freehold July 13th 1778

My Dear Sir,

I do myself the Honor to address you upon an Affair to me of the most serious and alarming Importance. The Honorable Council and Assembly of this State have not thought proper to invest their Delegates with Power to ratify and sign the Confederation; and it is obvious that unless every of the thirteen States shall accede

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to it, we remain an unconfederated People. These States have actually entered into a Treaty with the Court of Versailles as a Confederated People¹ and Monsieur Girard² their Ambassador Plenipotentiary to Congress is now on our Coast with a powerfull Fleet of Ships, which have taken Pilots on Board for Delaware. He probably may be landed by this Time, and will at all Events be in Philadelphia in a few Days. How must he be astonished & confounded? and what may be the fatal Consequences to America, when he discovers (which he will immediately do) that we are ipso facto unconfederated, and consequently, what our Enemies have called us, "a Rope of Sand"? Will he not have just Cause to resent the Deception? and may not insidious Britain, knowing the same, take Advantage of our Disunion? For my own Part I am of Opinion She will never desist from her nefarious Designs, nor ever consider her Attempts upon our Liberties fruitless and vain, untill she knows the golden knot is actually tied.

I left Congress last Wednesday Evening. The Affair of Confederation was to be taken up [the] next Day. The Magna Charta of America was amply engrossed and prepared for signing. Ten States had actually authorized their Delegates to ratify; a Delegate from an eleventh (vizt. Georgia) declared he was so fully possessed of the Sense of his Constituents that he should not hesitate to subscribe [to] it. New Jersey and Maryland only stood out. Mr. Chase,³ one of the Delegates from that State, told me the Day I left Philadelphia, that he imagined the Determination of Maryland would depend much upon *that* of New Jersey and thought if our State should accede, theirs would also. He therefore concluded to go immediately down and try what could be done. I at the same Time assured him I would write you on the Subject on my Return. I ought to inform you Sir, that the Objections stated by New Jersey were read and considered in Congress, and after being entered at large on their Minutes, a Question was taken, whether Congress at that Time judged it expedient to take up the said Objections so as to admit any Emendations in the Plan of Confederation or not? and it passed in the Negative. In Consequence of which they remain both upon the Journal and Files to be taken up and considered at any future Time when they may be called for.

I expect my Colleagues will soon address you on this Subject. I left Doctr. Witherspoon, Doctr. Elmer & Mr. Boudinot at Philadelphia,⁴ whither I expect to return in a few Days.

I should have been much more uneasy, when I was last at Princeton, and should have taken more Pains to convince the Members of the Necessity of granting the Powers of Ratification to their Delegates, had I not been encouraged to expect, that the Legislature would not rise without doing it; at the same Time supposing the Reason, why they were withheld at that Juncture, to be, that their Objections might have the greater Weight with Congress. Indeed I all along expected Doctr. Witherspoon would have brought on such Powers with him, especially as I hoped the Honorable Houses would be clearly of Opinion, that it was better to confederate under all the Disadvantages they apprehended, than that the general Union should be broken or even greatly endangered.

I know not whether I ought to say any Thing respecting the Objections themselves; some of them are perhaps not very essential. The Obtaining an Admission of several of them would doubtless be of great local Advantage to this State; but every State must expect to be subjected to considerable local Disadvantages in a general Confederation. Indeed upon the whole I am fully [of]

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Opinion, that no Plan can or will ever be adopted more equal, or less generally injurious to the confederating States than the present. I also declare it as my Opinion that if the general Business of Emendation were to be fairly taken up in Congress to morrow, several Alterations would be made exceedingly disadvantageous to the smaller circumscribed States, and which perhaps might more than counterbalance the obtaining what we apply for. As to the grand and capital Objection respecting the Lands &c: I will only observe, that in Case we never obtain an original Quota of them, we shall only loose a Share in the prime Sales of them, which will probably be very low, while we shall inevitably reap a permanent and encreasing Benefit from the rapid & enormous Growth of the larger States; for surely in Proportion to their Extent and Population their Quota of the public Expense & Debt will be encreased, while ours will be proportionably diminished. What avails it therefore to us, whether five Pounds of our national Debt be paid by the Accession of a Subject to this State, or whether our Quota be really lessened five Pounds by the Settlement of a Person in the State of Virginia at the Distance of a thousand Miles from the Atlantic? For my own Part I think we shall have greatly the Advantage of these enormous unwieldy Governments; nor do I judge it unlikely they will soon find it necessary to sue for the curtailing their own extravagant Jurisdiction.

In the Settlement of our Soldiery & the foreign Deserters at the Expiration of the War, we shall incur considerable Disadvantage; however as the larger States will doubtless rejoice to have their Frontiers immediately enlarged, and will vie with each other in Courting so great an Accession of Inhabitants, there will probably be no greater Expence than barely that of locating the Lands, our Quota of which cannot be any very considerable Sum.

I congratulate you on the signal Success of our Arms in this Neighbourhood on the 28th of June.⁵ Great Plunder and Devastation have been committed among my Friends in this Quarter, but through the distinguishing Goodness of Providence my Family & Property escaped, & that almost in a miraculous Manner.

I wish you to take the above Representation into your serious consideration, and, if with me you shall judge it a Matter of sufficient Importance, that the Legislature may be as speedily as possible convened to deliberate and determine thereon.

I am Dear Sir with great Esteem Your most Obedt. Hble Servt.
NATHANIEL SCUDDER

1. On May 4 Congress had ratified a treaty of amity and commerce as well as a treaty of alliance with France.
2. Conrad Gerard.
3. Samuel Chase, signer of the Declaration of Independence.
4. John Witherspoon, Jonathan Elmer, and Elias Boudinot, the other members of the New Jersey congressional delegation.
5. The battle of Monmouth Court House (see Sec. IX, Doc. 7).