

NEW JERSEY IN THE AMERICAN REVOLUTION

2. And Be it further Enacted by the Authority aforesaid, That the said Articles of Confederation and Perpetual Union so as aforesaid subscribed and ratified, shall Henceforth become conclusive as to this State, and obligatory thereon.

1. Henry Laurens of South Carolina, who succeeded John Hancock as president of the Congress on November 1, 1777; he resigned the post on December 9, 1778.

2. See Doc. 2.

5 John Fell to Governor William Livingston

[*Executive Correspondence*, pp. 141-43.]

After amassing a sizable fortune as a New York City merchant, John Fell (1721-1798) moved to New Jersey in the 1760s and established an estate, "Petersfield," near Paramus. A zealous Whig, he served as chairman of the Bergen County Committee and member of the Provincial Congress. He was captured by Loyalist raiders in April 1777 and imprisoned in New York City; he was released in May 1778. Selected to represent his adopted state in the Continental Congress in November 1778, Fell for two years served with unusual dedication. In terms of attendance and attention to duties, he was easily the most conscientious representative New Jersey ever sent to Philadelphia. Most men considered Congress an onerous and unrewarding assignment: they were separated from families in time of danger, poorly paid and unable to attend to normal means of livelihood, assigned to numerous committees which had little real authority, and forced to endure endless debates marked more by petty bickering than substantive discussion. Not surprisingly, attendance was sporadic; New Jersey was not unusual in sometimes being unrepresented because the required two delegates were not on hand. In the letter that follows, Fell describes some of the trials and tribulations of a congressman and reveals the dedication which led him to labor diligently on behalf of the public good.

Philadelphia, March 25, 1779

Dear Sir,

I cannot help complaining to your Excellency of the behavior of some of the delegates from our state, which is not only disgraceful to the state, but in my humble

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opinion, treating me with the greatest impoliteness; they take upon them to leave Congress when they please and without leave, by which the state in course is not represented. Last Saturday Dr. Witherspoon¹ went home without ever saying one word to me on the occasion, and this day Colonel Frelinghuysen² went away in the same manner.

No man has the service of his country more at heart than I have; but then I should choose to be treated in such manner as I think I have a right to as a gentleman. And I am certain such treatment from my colleagues cannot be deemed in that line. Therefore I request it as a favor, that I may not be treated in like manner in future; to make my stay here so exceedingly disagreeable.

I received a letter this week from hon'l Mr. Scudder,³ dated 13th inst., he wrote me he expected to be here in about six weeks from that date. When Dr. Scudder comes I hope your Excellency will have no objection to my paying a visit to my family for a short time.⁴ As I have engaged to serve the state for the time of my appointment I undoubtedly shall do it, to the best of my power and ability.⁵ However, I hope the honorable Assembly will pay some regard to the increase of pay for my service, as every kind of expense has advanced in this city upwards of 50 per cent. since my appointment. It is with great reluctance I am under the disagreeable necessity to mention a circumstance of this kind, but my private fortune has suffered so much from the great losses I have met with, as well as my long, cruel captivity, that I shall not be able to support the extraordinary expense long. I am certain there is no member in Congress [who] does more duty than I do. Every morning at the commercial committee,⁶ afterwards at Congress, and three stated nights in a week at the marine committee,⁷ besides occasional committees; in short, there has been very few nights this winter that I have not been engaged in business. And not to be able to live in the manner I have ever been used to, without spending my own money as well as time, is rather too unreasonable for the public to desire of any individual.

I was exceedingly happy to hear you were from home when the enemy came to pay you a visit;⁸ as I am certain you are not one of those gentlemen who they have the greatest regard for. I should imagine Princeton or Trenton would be a much more eligible place for your residence than Elizabethtown. Your being taken, besides the many disagreeable circumstances of being a prisoner, would be of the utmost bad consequence, as I know of no person in our possession that you could be exchanged for;—however the subject is too melancholy to dwell on.

I have the honor to be, with great respect, your Excellency's most humble servant,

JOHN FELL

1. John Witherspoon served as congressional delegate from 1776 to 1782, but was very irregular in attendance; his visits to Philadelphia were usually brief.

2. Frederick Frelinghuysen (1753-1804), Somerset County lawyer and militia colonel, served in Congress 1778-1779 and 1782-1783. He had arrived in Philadelphia on January 22; he did not return during the rest of his term.

3. Nathaniel Scudder (see Doc. 3), had left Congress on January 10.

4. Fell was absent August 17-30 to visit his family.

5. Except for two weekend vacations, a ten-day illness, and a two week

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visit to Petersfield, Fell did not miss a day in Congress from December 5, 1778, to October 30, 1779.

6. The Commercial Committee, which functioned as an executive department of Congress, was charged with securing war material and supplies from abroad. It was Fell's favorite assignment.

7. The Marine Committee, progenitor of the Department of the Navy, supervised the construction and maintenance of an American fleet.

8. In late February 1779 a 1,000-man British force led by Lt. Col. Thomas Sterling crossed over from Staten Island into New Jersey near Elizabethtown and surrounded Livingston's home, "Liberty Hall," only to find that the chief executive had spent the night elsewhere.

6 "A True Patriot" on Increased National Authority

[*New-Jersey Gazette*, April 11, 1781.]

When presented with the rare opportunity of creating their own national government, the framers of the Articles of Confederation sought to avoid the political-constitutional problems that had destroyed the First British Empire. The numerous complaints about the British system generally fell into two categories: interference in local affairs by a distant legislature in which the people were not directly represented, and arbitrary acts of chief magistrates, whether provincial governors and their advisers or the king and his ministers. Not surprisingly, the Articles provided for a decentralized confederation in which the essential powers of governance resided in the individual states. But in so doing they created a national government incapable of governing nationally. The congressmen resembled ambassadors representing sovereign states more than legislators. Each state had one vote, and the assent of nine members was necessary for the passage of important measures; amendments to the Articles required unanimous consent. Congress itself was denied the crucial powers of taxation and regulation of commerce. Moreover, Congress could only recommend action, which the states could accept or reject at their pleasure; there was neither an executive to implement (the president was simply an administrative figure) nor a federal judiciary to interpret congressional measures. To "A True Patriot," that was no way to run a country. In the course of a series of articles dealing with the problems confronting the nation, the unidentified essayist assays the weakness of the federal establishment and suggests that Americans may have gone too far in the attempt to prevent governmental usurpation of their freedoms. The questions he raises were those asked later in the federal convention of 1787 that produced a new national constitution.