

NEW JERSEY IN THE AMERICAN REVOLUTION

1. The Reverend Philip Vickers Fithian (see Sec. V, Doc. 12, headnote), an eyewitness to the tea burning, made the following notation in his diary for Friday, December 23: "Last night the Tea was, by a number of persons in disguise, taken out of the House & consumed with fire. Violent, & different are the words about this uncommon Manoeuvre, among the Inhabitants. Some rave, some curse & condemn, some try to reason; many are glad the Tea is destroyed, but almost all disapprove the Manner of the destruction." Robert G. Albion and Leonidas Dodson, eds., *Philip Vickers Fithian: Journal, 1774-1776* (Princeton, 1934), p. 248.

2. Those responsible for the destruction of the tea did in fact escape prosecution. A civil suit to recover damages filed against seven individuals by the owners of the tea dragged on in the courts until the outbreak of the Revolution precluded its completion. And, although the identity of the tea burners was common knowledge in Cumberland County, it proved impossible to secure a criminal indictment from the local grand jury.

3. Thomas Ewing (1748-1782), Greenwich physician.

15 "A Freeholder" to the Essex County Committee

[*Rivington's New-York Gazetteer* . . . , January 5, 1775.]

Whereas some Jerseymen were disturbed by the general recommendations of the Continental Congress, others were more concerned about the unqualified latitude given local committees of inspection and observation to enforce the provisions of the Association. The sweeping power of these local vigilante groups, which operated without legal sanction and without regard for due process, was a distinct threat to the civil liberties of the citizenry. As "A Freeholder" recognized, the popular front embodied the paradoxes of liberality and illiberality, freedom and constraint; as the resistance movement gathered momentum, many people began to wonder wherein lay the most serious threat to freedom—the actions of the British or of local radicals.

[January 5, 1775]

Gentlemen,¹

Your notice to the Freeholders of Essex, of the 28th of November, was conveyed to me by Holt's paper of Thursday last,² and as your motive for convening us is declared to be, in conformity to the *wise* and *prudent* resolves of the Congress, of which I had before heard, I determine to read their resolves with the greatest attention, and therefore sent Tom, with my best horse, who soon brought me the extracts of the proceedings of the Congress. I eagerly sat down to read them, but,

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alas! how was I disappointed; instead of *wise* and *prudent*, I found nothing but rude, insolent and absurd resolves, calculated to answer no end, but to stir up strife and encrease confusion among us, and to unite every spirited Briton against us. Even Burke and Barre,³ if they have the least regard for national honour, must be roused by the humiliating terms this Congress make a preliminary to Great Britain. When I voted for you, Gentlemen, last summer, and a Congress was appointed and deputies sent, I hoped to hear that something had been done to secure our liberties and make up the breach with the mother country, but by this Congress the *liberty* we *had* is taken from us, and the breach widened. Pray, Gentlemen, how can you *ask* us, nay *confidently* tell us, that we will “*unquestionably* carry into execution, &c., the *wise* and *prudent* resolutions entered into by the delegates of this continent in general congress?” Did I think them *wise* and *prudent*, or *believed* that you can think them so, I would *unquestionably* support them; but when this Congress, instead of healing differences, create confusion; when under the pretence of limiting the power of King, Lords and Commons, they create a power unknown to our constitution, a mere inquisition, what do they make of us? Do you and they apprehend us to be fools and that we are implicitly to be *led* as you direct? We know what it is to be governed by acts of Parliament, and never thought ill of them, until we were *alarmed* into other sentiments, and although we may wish, and will take all lawful ways to get those restrained, repealed, or amended, that affect liberty, yet we never can submit, nor I hope will any of us approve of men, “whose business it shall be to *observe* the conduct of all persons touching this association;” nor do I think that you will find many so “*lost in a sense of public virtue*,” and a regard for his neighbours, as to obey you or any set of men, clothed with the dangerous power to “hold up to public notice, as unfriendly to the liberties of his country, and thenceforward to break off all dealings with” any man that you, or the majority of you, shall think fit to *post* in the public papers, as an enemy to his country.⁴ To such an inquisition I shall never subscribe, and by heavens, I had rather submit to acts of Parliament implicitly, nay to the *will* of a King, than to the *caprice* of Committee-men; in the two first cases I shall face with my neighbours, and shall be allowed to speak at least; in the last I shall not dare to think or act, but I shall be in danger of being held up as an enemy of my country, and tarring and feathering is the least I am to expect. Am I to be a slave? I will then be a slave to a King and a Parliament. I will never have it said, that I voted for, or consented to my own executioners, inquisitors, *observers*, committeemen, or what you please to call yourselves, or your function in office. Let me ask you seriously, and particularly five of you who are lawyers,⁵ how can you so bare-facedly ask me to do this thing, when you *know* it is an open violation of our constitution, and that the powers committeemen will acquire by the Congress resolve, are unlimited, not to be defined, for they are to make such regulations, as they shall think *proper* to enforce the association, so they will have it in their power to rule and proscribe as they please. How can you say, that you cannot in the least doubt “our ready and immediate compliance with this article,” and blasphemously tell us that “the salutary affects to arise from this association, must, *under God*, depend upon the fidelity of Individuals,” when we know the Almighty cannot approve of it, he is a God of order and mercy, and in this association there is neither order nor mercy; you know it can have no other end than to cloath you and your succeeding Committeemen with absolute power, and so far from relieving us, that the measure will make us worse than slaves to you committee-men, and for this you “depend upon the fidelity of individuals?”

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While I live, I will not bow my neck to such servitude, I will oppose the measures of a King and his Parliament, whenever they are dangerous to my Liberty, but I will never give my voice for measures, by which the constitution of my country is thus wantonly to be altered, and by which men are to be clothed with power to revenge themselves upon their neighbours without controul, and the poor victim of their mad zeal, malice or wrath, is to be exposed to infamy and disgrace, unheard, without the form of a trial, and against the laws of this country.

Reflect, Committee-men, for a moment, on the tendency of this resolve, in the powers it invests you with, shudder at the consequences; use not these powers, [nay?] not *sparingly*, as we are to kill our sheep.⁶ Let not the prospect of unlimited power turn your heads, but animate your zeal for liberty, and desire to prevent tyranny, alter not the constitution of your country, and usurp not powers you will not allow to, nay, such as the King and Parliament *dare* not attempt. I have thought proper, thus to deliver my sentiments, and should have done it in the first paper, succeeding your notice, and before the intended meeting, had not my defiance from a printer prevented;⁷ but that the freeholders of the province, and of this county in particular, may consider of the dangerous step you have advised them to take and in time may drop the absurd and destructive measure of Committee-men and Delegates, and constitutionally by their representatives, ask redress of such real grievances, as they labour under, I have published my *resolves*, which, by the by, are equally, if not more constitutional, rational, *wise and prudent*, than either the resolves of the Congress or your notification; and I sincerely wish, that my fellow-freeholders would look before they leap; without the first, I am sure the last will endanger their *necks*, etc.

A FREEHOLDER OF ESSEX, *and real* LOVER OF LIBERTY

1. The communication is addressed to "Messrs. S. Crane, John De Hart, William Livingston, W. P. Smith, Elias Boudinot, Jo. Riggs, jun., &c."

2. See Doc. 11.

3. Edmund Burke and Colonel Isaac Barre, American defenders in the House of Lords.

4. The writer is quoting from the eleventh article of the Association, which called for the creation of the committees and outlined their duties.

5. Crane, De Hart, Livingston, Ogden, Boudinot, and Chetwood were the lawyers on the committee.

6. The seventh article of the Association proposed restrictions on the slaughter and exportation of sheep in an effort to bolster American self-sufficiency during the boycott of British goods.

7. The author may have been turned down by John Holt, whose radical *New York Journal* published the call for the Essex meeting. James Rivington's paper, on the other hand, was open to all political writers but catered especially to those of a conservative viewpoint.