

IV THE DIE IS CAST

7 The New Jersey Assembly's Petition of Grievances to George III

[*Votes and Proceedings, January 11-February 13, 1775* (Burlington, 1775), pp. 58-61.]

While William Franklin was unable to dissuade the assembly from endorsing the action of the Continental Congress, his recommendation that a dutiful petition be sent to the crown was not without effect (see Doc. 2). The assemblymen, including ardent Whigs, were bitterly divided over the nature and content of the memorial. The end product, adopted by a vote of 20-2, is a sweeping catalogue of colonial grievances past and present and an accurate reflection of the political temperament of the province. Few were applicable to New Jersey. When the governor angrily refused to send the petition to the crown, it was forwarded to the London agent who, ironically, was Benjamin Franklin.

House of Assembly, Feb. 13, 1775

Most gracious Sovereign,

We, your Majesty's most dutiful and loyal Subjects, the Representatives of the Colony of New-Jersey, in General Assembly convened, beg Leave to approach your Royal Presence to express our unfeigned Attachment to your Majesty's Person, Family and Government, and to return you our most humble Thanks for your gracious Assurance signified to us by our Governor, That "the Representations or Propositions of your Colonies will be attended to."

Firmly persuaded of your Majesty's Solicitude for the Happiness of your Subjects in the remotest Parts of your Dominions—from the above gracious Assurance—we cannot but encourage ourselves in the Prospect of your Royal Interposition for our Relief from the Grievances under which your American Subjects have been so long labouring.

We do with the greatest Sincerity assure your Majesty, that our Complaints do not arise from a Want of Loyalty to your Royal Person, or a Disposition to withdraw ourselves from a constitutional Dependance on the British Crown; but from well grounded Apprehensions that our Rights and Liberties are intimately affected by the late Measures, in their Consequences pernicious to the Welfare and Happiness both of Great-Britain and your Majesty's Colonies. The Grievances of which we complain are,

A standing Army has been kept in these Colonies, ever since the Conclusion of the late War,¹ without the Consent of our Assemblies; and this Army, with a considerable naval Armament, has been employed to enforce the Collection of Taxes.

The Authority of the Commander in Chief, and, under him, of the Brigadiers General, has, in Time of Peace, been rendered supreme in all the civil Governments in America.²

The Commander in Chief of all your Majesty's Forces in North-America, has, in Time of Peace, been appointed Governor of a Colony.³

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The Charges of usual Offices have been greatly increased, and new, expensive and oppressive Offices have been multiplied.

The Judges of Admiralty and Vice-Admiralty Courts are impowered to receive their Salaries and Fees from the Effects condemned by themselves.

The Officers of the Customs are impowered to break open and enter Houses without the Authority of any Civil Magistrate founded on legal Information.⁴

The Judges of Courts of Common Law have been made entirely dependant on one Part of the Legislature for their Salaries, as well as for the Duration of their Commissions.

Counsellors, holding their Commissions during Pleasure, exercise Legislative Authority.⁵

The Agents of the People have been discountenanced, and Governors have been instructed to prevent the Payment of their Salaries.⁶

Assemblies have been frequently and injuriously dissolved, and Commerce burdened with many useless and oppressive Restrictions.

By several Acts of Parliament made in the fourth, fifth, sixth, seventh and eighth Years of your Majesty's Reign, Duties are imposed on us for the Purpose of raising a Revenue,⁷ and the Powers of Admiralty and Vice-Admiralty Courts are extended beyond their ancient Limits, whereby our Property is taken from us without our Consent; the Trial by Jury, in many Civil Cases, is abolished; enormous Forfeitures are incurred for slight Offences; vexatious Informers are exempted from paying Damages to which they are justly liable, and oppressive Security is required from Owners before they are allowed to defend their Rights.

Both Houses of Parliament have resolved, That the Colonists may be tried in England for Offences alledged to have been committed in America, by Virtue of a Statute passed in the Thirty-fifth Year of Henry the Eighth;⁸ and, in Consequence thereof, Attempts have been made to enforce that Statute.

A Statute was passed in the Twelfth Year of Your Majesty's Reign, directing that Persons charged with committing any Offence therein described, in any Place out of the Realm, may be indicted and tried for the same in any Shire or County within the Realm, whereby Inhabitants of these Colonies may, in sundry Cases by that Statute made capital, be deprived of a Trial by their Peers of the Vicinage.⁹

In the last Session of Parliament, an Act was passed for blocking up the Harbour of Boston; another impowering the Governor of the Massachusetts-Bay to send Persons indicted for Murder in that Province to another Colony, or even to Great-Britain for Trial, whereby such Offenders may escape legal Punishment; a third, for altering the Chartered Constitution of Government in that Province; and a fourth, for extending the Limits of Quebec, abolishing the English and restoring the French Laws, whereby great Numbers of British Freemen are subject to the latter, and establishing an absolute Government and the Roman Catholick Religion throughout those vast Regions that border on the Westerly and Northerly Boundaries of the free Protestant English Settlements; and a fifth, for the better providing suitable Quarters for Officers and Soldiers in His Majesty's Service in North-America.¹⁰

To a Sovereign, who "glories in the Name of Briton," the bare recital of these Acts must, we presume, justify the loyal Subjects who fly to the Foot of his Throne, and implore his Clemency for Protection against them.

Although all the Grievances above enumerated do not immediately affect the People of this Colony, yet as, in their Consequences, they will be deeply involved, we cannot remain silent and unconcerned.

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Should our Properties be liable to the Disposal of those of our Fellow-Subjects, in whose Election we have no Voice, we conceive it evident that we have no Property but at their Will and Pleasure.

And should we be carried for Trial to Places where it is impossible for the Accused to compel the Appearance of his Witnesses, Innocence will be no Security from Punishment.

Nor is the Jurisdiction lately given to the Courts of Admiralty, which deprive your Majesty's American Subjects of Trial by Juries of the Vicinage, less repugnant to the Fundamental Principles of the Common Law.

All which necessarily tend to reduce us to a State of Servitude, from which our Affection for the English Constitution, and Duty to ourselves and our Posterity, loudly call upon us to avert by all lawful Means in our Power.

The Colony of New-Jersey, during the late glorious War, though not immediately affected, because surrounded by your Majesty's other more extensive and opulent Colonies, complied with every Royal Requisition for Aid, and cheerfully exerted itself at a very considerable Expence, whereby it incurred a heavy Debt, under a great Part of which it at present labours.¹¹

And as this Colony hath always, according to its Ability, cordially defrayed the Charge of the Administration of Justice, and the Support of the Civil Government; your Majesty may be assured, that it will ever be ready, not only to defray the same Charge, but also to contribute, when constitutionally required, to every reasonable and necessary Expence for the Defence, Protection and Security of the whole British Empire.

We do solemnly and with great Truth assure your Majesty, that we have no Thoughts injurious to the Allegiance which, as Subjects, we owe to you as our Sovereign—that we abhor the Idea of setting ourselves up in a State of Independency—and that we know of no such Design in others.

We therefore most earnestly beseech your Majesty to interpose your Royal Authority for the Redress of the above Grievances, and to vouchsafe us a gracious Answer to this our humble Petition.¹²

That the Omnipotent Being, "by whom Kings Reign and Princes decree Justice," and who hath placed your Majesty on the Throne of your Ancestors, to which they were called by the Suffrage of a free People to protect them against Popery and arbitrary Power, may bless you with every Felicity both Temporal and Eternal—and that the Colonies may vie with the most faithful of your Subjects in every dutiful and loyal Attachment to your Royal Person, Family and Government—is and always will be the sincere and fervent Prayer of your Majesty's loyal and dutiful Subjects, the Representatives of the Colony of New-Jersey.

1. The French and Indian War, 1754-1763.
2. This charge is not true; the army could not act without authorization from the civil establishment.
3. The reference is to General Thomas Gage, who replaced Thomas Hutchinson as governor of Massachusetts in May 1774.
4. The reference is to writs of assistance, in effect search warrants that did not stipulate the time, place, or object of a search. However, the writs were

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issued by civil officers and a magistrate was to accompany the customs official during the search.

5. The members of the provincial council, who functioned both as advisers to the governor and as the upper house of the legislature.

6. During the eighteenth century, the assemblies gained sole control over the appointment and payment of the London agents. Increasingly after 1763 the British government tried to enforce the requirement that the agency be the representative of all the branches of the colonial government.

7. The Sugar Act of 1764, the Stamp Act of 1765, the Revenue Act of 1766, and the Townshend duties.

8. "An act for the trial of treasons committed out of the King's dominions" (35 Henry VIII c. 2), passed in 1543 provided for the trial of persons charged with treason to be held in England regardless of where the alleged offense occurred.

9. No such act was ever passed by Parliament. In 1768 Parliament resolved that Americans charged with treasonous acts could be tried in England under the 1543 statute of Henry VIII, but the resolve did not have the force of law. Because the destruction of the British revenue schooner *Gaspee* in Rhode Island waters in 1772 was considered by some legal authorities to be an act of treason, the royal commission (which included New Jersey Chief Justice Frederick Smyth) created to investigate the incident was empowered to send indicted persons to Britain for trial. Although the identity of those responsible for the burning of the *Gaspee* was common knowledge, Rhode Islanders would not testify against their fellow provincials and so no one was ever indicted. Henry VIII's treason statute was never applied to Americans.

10. The Massachusetts Acts (the "Coercive Acts") and the Quebec Act of 1774.

11. In truth, the province's compliance was less than prompt, cheerful, or complete.

12. George III received the petition, but took no notice of it.

8 John Hatton, Jr., to Thomas Hatton

[Dartmouth Papers, 1286, Staffordshire County Record Office,
Stafford, England.]

This letter from John Hatton, Jr., to his uncle, the Reverend Thomas Hatton, Anglican cleric of Waters Upton, Shropshire, England, is the most comprehensive rebuttal to the popular front penned by a Jerseyman during the prerevolutionary decade. It is significant—and representative of the conservative position—that Hatton believed the protesters to be not only misguided in their actions but also utterly misinformed about the issues of the