

## NEW JERSEY IN THE AMERICAN REVOLUTION

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

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day. The younger Hatton was the son of the controversial collector of the customs for the port of Salem and Cohansey from 1764 to 1776; father and son both became staunch Loyalists in 1776. Thomas Hatton undoubtedly is responsible for passing his nephew's letter on to Lord Dartmouth, secretary of state for the American Department.

New Jersey 17th February 1775

Honored Sir,

.... This Country at present is in a most disordered State, and the Friends of Government are very precariously situated. The present unnatural Contest will soon produce a total stagnation of Trade. The importations from Brittain are already stopped and the other Branches of Foreign Trade will soon undergo a similar fate, So that thro' the present Struggles for Liberty (as they are called) their Trade will be Confined with their own hands to a Coastways Commerce; and like the Tribe of Zebulon<sup>1</sup> originally they will only Import the Comodities of some Neighbouring Tarshish.<sup>2</sup>

It perhaps may not have been in your way to understand the *True foundation* of the present dispute, for the Public Prints<sup>3</sup> in England, if they bear any resemblance to the American, contain very eronious Information.

The political Zealots of America contend that the Parliament cannot bind the Colonies without confining the Laws entirely to the Regulation of Commerce, and that the imposition of 3d [per] lb. on Tea is a Revenue Law and not a Restriction of Trade, and is meant to establish a precedent for future Revenues.<sup>4</sup> That if the Parliament have a Right to take a penny from them they have a Right to all they have, their having this right is denied and the asserting it (say the American Patriots) is a Novel Scheme. That the punishment of Boston is unprecedented and Cruell,<sup>5</sup> the Act for removing Officers and Soldiers to England for Trial when charged of Committing any Misdemeanor is Illegal,<sup>6</sup> and that the Roman Catholick Religion is established in Canada, contrary to the Oath of the King at the Coronation and repugnant to the fundamental Laws of the Nation.<sup>7</sup>

Having thus communicated to You the Objections which the Sons of Liberty (as they call themselves) Make to the Measures of Government I shall acquaint You with the Answers given by the Sons of Loyalty amongst which Class You will be pleased to Number Me.

Since they speak of Novelties in Politicks the greatest of that Stamp is the denying the Authority of the Brittish Parliament. It is an opinion broached a few years ago. There is not a single Reign since that of Cha[rles] 1st,<sup>8</sup> (under whose immediate Successor many of the American Charters were granted)<sup>9</sup> but has produced Laws to raise Revenue in America, if We except the short and troublesome Reign of King James from his Accession to his Abdication,<sup>10</sup> besides admitting for a Moment (what I heartily deny) that the Parliament has only a Right to Regulate the Trade of these Colonies, a question will arise how that Trade can be regulated? The usuall method in all Countries I conceive is by duties, bounties and prohibitions, without which no Trade can be regulated. The assertion that the Claim of the Parliament to raise Revenues as well as regulate the Trade is no Novelty! Tho' the American Patriots assert this palpable falsity their Friend Lord Chatham<sup>11</sup> in the

House of Lords knows better. He is satisfied the Parliament have not only Claimed but exercised that power, his Lordship therefore only labours to prove in one of his Speeches that the power was exercised by Custom and not established by Law. I will not contend whether the Tea Act is a Revenue or a Regulating Bill. It is immaterial, it is the Act of the Three Estates of the Realm,<sup>12</sup> and as such should be obeyed. I am not so well informed of the designs of Government to say that they left the Tax on that Article to establish a precedent, but I am certain it stands in no need of precedents. A Cursory view of Carkesses Book of Rates<sup>13</sup> will present many precedents. It will show Cha[rles] 2nd Taxed Indico, Logwood &ca.; Geo[rge] 2nd<sup>14</sup> Wine; and other Monarchs raised other Revenues, all of which are Collected in America at this day. And in respect to their Assertion that if the Parliament have a right to take a Penny they may take all they have, I must adopt the Answer of a worthy Divine of the Church of England at New York,<sup>15</sup> who amidst the general Torrent of Sedition called upon the "True Sons of the Church" to examine the Articles of their Faith, and adhere to the well-composed Homilies on Obedience and Rebellion. He answered that the Parliament had a Right to take a Penny and even their Quota for the Support of Government and defence of the Land out of their Pockets by a Revenue on Trade, yet they had no Right to take all they had. The first would be the height of Justice and Reason, the latter would be devoid of both. A Father (continues he) has a Sovereign Authority over his Son so as to send him on a reasonable Errand, and he is bound to Obey. But the Father has no right to Command the Son to Committ any thing Criminal, and if he should he is justifiable in disobeying. For the falacy of the Arguments against the punishment of Boston as Cruell and Unprecedented, the removing Persons charged with Offenses on Government Accounts to England for Trial, and the Establishing the Roman Catholick in Canada as Illegal, I appeal to the Candour of the Judicious. The History of Brittain furnishes precedents for the Punishment, and Justice cryed aloud for the punishment of Boston. It is not Cruell, it is no more than adequate to the Offences. Nay such was the Clemency demonstrated in the Port Bill that it enacted that when Peace and Obedience was restored, the India Company<sup>16</sup> satisfied, and it appeared that the Trade of Brittain might be carried on with Peace and safety, his Majesty might immediatly give that preverse People Relief without waiting for Parliamentary concurrence.

As to their being Condemned unheard (as some have Objected), tho' it be allowed that the general Laws of our Constitution will not admit any Person to suffer before he be legally Tried, Yet the Parliament on extraordinary occasions dispences with those Laws, like the King, in cases of high Treason, stops the Habeus Corpus Act. Besides whilst a regular Trial was holding on the People of Boston more Injury would have been done—their Evils were contagious, and they would have become Ungovernable. Their unjustifiable proceedings were published with Applause in their own Prints, and the most respectable Officers, the Governor<sup>17</sup> & ca. confirmed it. It was therefore highly proper immediately to Punish and to Crush a sedition bordering on Rebellion in the Bud. The Act to remove Persons charged with Offences in pursuance to the Revenue Laws to England or the other Colonies for Trial is consonant to Justice and established by precedents in the Annals of Brittain. When they cannot have an equitable and fair Trial in Boston it was proper they should be Removed to a place where they could have such a Trial, and it would have been Injustice to have required Officers to do their duty and then deliver them into the Hands of a Bostonian Jury to Sacrifice them. That the Roman Catholick Religion

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is established in Canada is an egregious falsehood, tho' asserted by the infallible Congress.<sup>18</sup> It has been pretty plainly proved that it is only tolerated, And what is more a provision is Made for the Support of a Protestant Clergy, and the Introduction of the Brittish Laws when it may appear eligible. If the Parliament had not Tolerated the Roman Catholick Religion, their Bishop and his Suffregans, it would be a manifest Breach of the Public Faith, reflected on our National honour, and perhaps brought heavier Marks of Resentment. If any one doubts these Assertions let him Consult the Articles of Capitulation of the City of Quebec<sup>19</sup> demanded by the French Commandant<sup>20</sup> and Granted by General Townsend<sup>21</sup> the surviving Officer on whom the Command devolved on the death of Wolfe<sup>22</sup> and wounding of Moncton<sup>23</sup>—also that part of the Definitive Treaty relative to the Cession of Canada,<sup>24</sup> and lastly the Quebec Bill.

You see, Sir I have been every elaborate in the Answers to the suggestions of the Faction. I have had the Advantage of Reading every Political Tract published on either side, an advantage few persons in England, especially in Country Places, I presume can have. I suppose I have Trespassed on your Patience by this discussion—Pardon me Sir, I think it but reasonable that my Friends should understand the true foundation of the dispute, and I will Trouble You no further than just to Enquire if the Bostonions are really Aggreived whether they have sought the proper means of Redress? Have they submitted to these pretended Greivances, and humbly supplicated the Throne for Releif? No, they have not behaved with such decency. They have denied the Authority of the Parliament, shut up the Courts of Justice, Wrested the Command of the Militia from the Kings Governor, forced his Majesty's Counsellors to resign their Employment, made continual depredations on both Public and Private Property, and with the rest of the People of America broke off all Commercial Intercourse with Great Britain. I need not ask your Opinion on these Measures.

Every honest Man must heartily detest and Abhor them in the same Proportion that he honours God "*by whom Kings Reign and Princes decree Justice.*" The Sons of Liberty (I use the phrase out of Courtesy) tho' they have been continually adding Fuel to the Unnatural Fire, which yet hostilely burns between Brittain and her Colonies, And suppressing those Moderate Publications which would have Opened the Eyes of the People, are not so Elated as formerly. Many of the leading Men Recommend Amicable Measures. The Quakers have Apostatized (as they term it) from the good Cause, And in their Annual Manifestos have forbid the Members of their Society from joining in the Public Resolve.<sup>25</sup> This is called Apostatizing by some, but, I call it Conversion. But what chagrins the Sons of Faction most is the refusal of the Assembly of New York to Approve the proceedings of the Congress,<sup>26</sup> and the Merchants of that place in general threaten a total declension from the Party, and I have no doubt but firm and Resolute Measures on the part of the Government will soon Restore Peace and good Order, and Establish the Supreme Authority of the Brittish Parliament over all its dominions, so essential to the Welfare of the whole. . . .

Honored Sir,  
Your affectionate Nephew  
And most humble Servant  
JNO. HATTON JUNR.

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1. Zebulun: one of the twelve tribes of Israel.
2. Biblical authority is unclear, referring only to the "ships of Tarshish" (I Kings 10:22). Presumably the reference is to the great mercantile city of Tartesus which periodically sent large merchant fleets throughout the Mediterranean region.
3. That is, newspapers.
4. The Tea Act of May 1773.
5. The Boston Port Act of March 1774.
6. The Impartial Administration of Justice Act of May 1774.
7. The Quebec Act of May 1774.
8. Charles I, first deposed and then beheaded as a result of the English Civil War, was king from 1625 to 1649.
9. During the reign of Charles II (1660-1685), New York, East and West New Jersey, the Carolinas, Connecticut, Rhode Island, and New Hampshire were either chartered or granted recognition as distinct political entities.
10. James II reigned from 1685 to 1688; he fell victim to the Glorious Revolution, which saw William and Mary assume the throne.
11. William Pitt, defender of American opposition to the Stamp Act, who upon replacing Lord Rockingham as chief minister in 1766 was elevated to the peerage as the Earl of Chatham.
12. That is, of the crown, the House of Lords, and the House of Commons.
13. Charles Carkesse, *The Act of Tonnage and Poundage, and Rates of Merchandize . . .* (London, 1702). Hatton probably has in mind *A supplement to the Act of Tonnage and Poundage, commonly called the Book of Rates . . . containing a collection of the statutes and parts of statutes, relating to his Majesty's Customs, which have passed, since the 11th of King George the First . . .* (London, 1737).
14. George II was king of Great Britain from 1727 to 1760.
15. From the contents of this letter, it would seem that Hatton is referring to Samuel Seabury, author of the widely circulated "Westchester Farmer" pamphlets; however, he may have in mind either Charles Inglis, Myles Cooper, or even Thomas Bradbury Chandler.
16. The British East India Company, whose tea was destroyed in the Boston Tea Party of December 1773.
17. Massachusetts Governor Thomas Hutchinson.
18. The First Continental Congress, which met in Philadelphia during September and October 1774 to protest the Massachusetts ("Coercive") Acts.
19. The French stronghold of Quebec fell to the British on September 18, 1759, marking the turning point of the French and Indian War (1754-1763).
20. Jean Roch de Ramezay.
21. Brigadier General George Townshend.
22. Brigadier General James Wolfe.
23. Colonel Robert Monckton.
24. The Treaty of Paris, February 1763, which ended the French and Indian War.
25. See Doc. 3.
26. In January 1775 the New York assembly refused either to endorse the action of the First Continental Congress or to appoint delegates to the Second Continental Congress scheduled to be held in May.