

## NEW JERSEY IN THE AMERICAN REVOLUTION

Commerce will [then] return to our Cities, will diffuse peace and prosperity through the Colonies; joy may then be seen sitting in every face, content be felt in every heart; the Colonies will then exhibit a people unoppressed, undisturbed, unallarmed, busy to improve their private property and the Public Stock; then may be seen Commercial fleets traversing the Ocean under the lordly Auspices of the British Flag bringing home Wealth the returns of Industry triumphantly displaying to wondering Nations the Opulence and enterprise of British Colonies.

1. See Sec. V, Doc. 13.
2. Probably Henry VIII during the break with Rome and the establishment of the Anglican Church.
3. Excerpts from George III's speech to Parliament of October 26, 1775, in which he urged Lords and Commons to take whatever steps might be deemed necessary to suppress the American rebellion. See the *Journals of the House of Commons*, 35:397-98.

### 8 The Middlesex County Grand Jury to Chief Justice Frederick Smyth

[Smyth Papers, American Philosophical Society Library.]

As the remarks of the Middlesex Grand Jury reveal, defense of the English constitution did not preclude participation in or support of the rebellion. Indeed, rebellion traditionally was considered a legitimate political response to arbitrary or despotic rule. The contest between Britain and America was basically a constitutional dispute, with both rebels and royalists claiming to be defenders of the constitution. They differed, of course, not only in interpretations of parliamentary taxation but in their perceptions of the nature of constitutional government itself. The fundamental debate raged over conflicting answers to questions such as these: what is the proper means of redressing grievances and preserving liberties? are certain specific freedoms more valuable than the system as a whole? whence does government derive its authority? do citizens enjoy political rights only at the sufferance of government or are there natural rights which government can neither grant nor deny? The exchange between Chief Justice Smyth (see Doc. 7) and the jurymen clearly reveals the political chasm created by different attitudes toward constitutionalism.

## VI EMPIRE OR INDEPENDENCE

[April 1776]

May it Please your Honour.

The Grand Jury for the Body of the County of Middlesex, cannot take leave of their Offices, without thanking His Majesty's Chief Justice for the Honor conferred on them by his Charges at the opening of the Court.

The Singularity of its principal Subject, after the discharge of our Ordinary Duty, in a particular Manner commands our Attention and seems to exact from us the Political Sentiments of the County at this most critical Juncture.

Permit us therefore, Sir, with the utmost sincerity, to assure your Honor, that We are on all Occasions ready, as we are fully persuaded the Body of this Loyal County is, to demonstrate an inviolable Allegiance and Attachment to the Royal Person and Government of our most gracious Sovereign, and to those principles upon which the Establishment in the illustrious House of Hanover is founded.

That though we have the highest Sense of that Liberty, of which your Honour has been pleased so largely to speak, We are however so unhappy, as to be unable to adopt your Ideas of English Liberty.

We beg leave to assure your Honor that the enjoyment of *Constitutional* Liberty is our sole object, and that the present apprehensions of this County, are excited only by an exertion of Powers, unknown in our happy Constitution, and incompatible with *that* Liberty.

We are at the same Time so unhappy as to be obliged to dissent from your Honor's opinion, that our Liberty is founded in Law; for though We agree that it is defined and protected by Law, We Nevertheless think it is Built on the Rights of human Nature.

Our Acquaintance with our happy Constitution, teaches us, that it is the indubitable Right of Englishmen, to watch with a jealous Eye, every Exertion of Power, which, as far forth as it is destructive of Liberty, must necessarily, on your Honor's own Principles, be unconstitutional.

To Complain when we suffer is our Birthright; to oppose Oppression is Constitutional, because the Law forbids that the Subject should be oppressed by the Hand of those whose Duty it is to defend our Rights.

We can never therefore be taught to believe, that the Commons of Great Britain, have a Constitutional Right to Tax us, because we have long ago Learned as a Truth, that it is essential to the enjoyment of English Liberty, that the subject shall have the undisturbed possession and voluntary disposition of his Property.

An invasion of this essential Part of Constitutional Liberty by the Commons of Great Britain, We apprehend is the unhappy cause of our present Contention with the Mother Country. It is that alone which opposes the Current of our Affection and Deference to the Parental State, a proper Connexion with, and Dependance on which, We shall ever esteem our greatest Happiness.

We are taught by a Knowledge of the Constitutional Rights of Englishmen, that orderly Meetings of the People (however stiled) to enquire into Grievances, and to use proper Measures for Redress of those Grievances, are in no wise forbidden by the Laws of the Land.

We do not know that even at this alarming Crisis, the Committees of this Colony have exceeded those Bounds, and we are persuaded, that Notwithstanding the Danger of evil Examples, which you are pleased to suppose have been set up in some neighboring Colonies, good order and Decorum hath hitherto been observed in those Public Meetings in this Province.

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While therefore We look back on the Regularity of our Committee Meetings, We cannot apprehend any Danger, that they may be misled by the Language and Sentiments supposed to be held forth at such Meetings in other Governments. On the Contrary, We esteem the continuance of Committees in that good Order and Decency, with which they have Conducted hitherto, as essential to the preservation of our inestimable Priviledges and Liberties.

Permit us at the same Time, Sir, to assure you, that We shall return to our respective Homes, with the utmost unshaken Resolution, both by advice and example to inculcate throughout the County, the Necessity of Obedience to the Law, and the Constitutional exercise of those executive and Legislative Powers, which are the Pride of Englishmen, and the Envy of the Rest of the World.

### 9 “Cimon” on the Necessity of Independence

[*Postscript to Dunlap's Pennsylvania Packet; or, the General Advertiser, April 15, 1776.*]

With the passage of time the incongruities attendant on an undeclared rebellion became intolerable. The existence of both the formal royal government and the informal popular front caused numerous complications and outright absurdities. To whom did one pay taxes? How could men sit in both the Provincial Congress and the General Assembly? As the rebel regime increased its control over the lives of most citizens, the duly constituted government became a facade. Therefore, secessionist spokesmen reasoned, a formal declaration of independence would be nothing more than a recognition of political realities. Jerseymen had nothing to gain from a state of limbo, and independence was the only viable option available. Unlike Thomas Paine, whose *Common Sense*, published in January 1776, emphasized the long-term institutional and organizational defects of the empire, “Cimon” was concerned mainly with the tangible, immediate problems of the day. In calling for independence, he advocated a takeover of government by the people and not a revolution which would overturn established procedures and institutions.

April 1776

Friends and Countrymen,

The Colony of New-Jersey is, I fear, in a situation by no means to be desired.

Imbarked deeply, from the zeal of the inhabitants, in the general quarrel, with the war perhaps approaching to our doors; with a sea coast upon which it is probable the naval armaments of our friends and our enemies will both be employed, we are so far from being in a capacity to exert the natural strength of our country, that we