

## 10 An Ordinance for Punishing Treason and Counterfeiting

[*PCCS Minutes*, pp. 561-63.]

Independence immediately posed serious problems to the Provincial Congress. In the first place, not all New Jerseyans favored independence. Prior to July 1776 the political debate had been rather muted because the Loyalists were intimidated by rebel committees and hampered by the lack of clear-cut objectives. But as soon as the disunionists committed the colony to a secessionist course, the latent Loyalism that pervaded the province came to the fore. Bands of royalists took to the field in the summer of 1776 to do battle with rebel militia, while others either worked to frustrate the popular front at home or flocked to join the British. Apart from the problem of Loyalists, the Provincial Congress (a lame duck legislature) encountered difficulties in raising men for military service, collecting taxes, and generally gaining compliance from the population with its directives. The leaders of the rebellion, who had piecemeal dealt harshly with royalists and recalcitrants alike, finally issued a comprehensive treason ordinance on July 18. Politically, the ordinance was a master stroke, for it not only greatly discouraged dissent but also clearly defined the source of governmental authority in the province. In an incredible twist of irony, the congressmen now made treasonous the words and deeds they themselves had earlier used to overthrow the royal government.

July 18, 1776

Whereas it is necessary in these times of danger, that crimes should receive their due punishment; and the safety of the people more especially requires, that all persons, who shall be found so wicked as to desire the destruction of good government, or to aid and assist the avowed enemies of the State, be punished with death.

Therefore be it resolved and ordained by this Convention, and it is resolved and ordained by the authority of the same, That all persons abiding within this State of New Jersey, and deriving protection from the laws thereof, do owe allegiance to the government of this State as of late established on the authority of the people, and are to be deemed as members of this State; and that all persons passing through, visiting, or making a temporary stay in this State, being entitled to the protection of the law during such passage, visitation or temporary stay, during the same time owe allegiance to this government.

And be it further resolved and ordained, That all and every person or persons, members of, or owing allegiance to this government, as before described, who, from and after the date hereof, shall levy war against this State within the same, or be adherent to the King of Great Britain, or others the enemies of this State within the same, or to the enemies of the United States of North America, giving to him or them aid or comfort, shall be adjudged guilty of high treason, and suffer the pains and

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penalties thereof, in like manner as by the ancient laws of this State, he or they should have suffered in cases of high treason.

*And be it further resolved and ordained,* That all and every person or persons, who, from and after the date hereof, shall be found guilty of reviling the government of this State, as by this Convention established, or of other seditious speeches or practices, shall be punished in like manner as by the former laws of this State such person or persons might or ought to have been punished for such seditious speeches and practices against the government then in being.<sup>1</sup>

*And be it further resolved and ordained,* That all and every person or persons, who, from and after the date hereof, shall be found guilty of counterfeiting or altering the Continental bills of credit, the bills of credit issued by the late Provincial Congress of this State, or the Assemblies, Conventions, or Congresses of any of the United States of North America, or uttering<sup>2</sup> the same knowing them to be counterfeit or altered, shall be adjudged felons, and be punished with death, in like manner as persons found guilty of counterfeiting or knowingly altering the former bills of credit of this State might or should have been.

*Provided always,* That no person or persons shall suffer death, or other pains or penalties for any of the offences aforesaid, until he or they shall have been first found guilty of the same offence or offences whereof he or they shall be charged and accused in due course of law, and by the verdict of a jury.

*Provided also,* That nothing in this ordinance contained shall be construed to divest any Committee of the power they now possess of examining and committing any offenders, so that they do not proceed to the infliction of punishments for any of the offences in this ordinance contained, but leave the same to be determined in due course of law in manner aforesaid.

1. That is, the rebels invoked the treason laws of the crown to suppress opponents of the revolutionary regime.

2. Utter: to emit or put into circulation.

### 11 Abraham Clark to Elias Dayton

[Gratz Collection, Declaration of Independence, Box 19, Historical Society of Pennsylvania.]

As August 13—the date Jersey men would go to the polls to elect the members of the new state government—drew near, Abraham Clark, who had recently signed the Declaration of Independence, grew ever more pessimistic about the future of America. The Loyalists were now active politically and militarily, the British army was poised to take New York City, the Provincial