

## NEW JERSEY IN THE AMERICAN REVOLUTION

3. Resolved, That, in the opinion of this Congress, the said William Franklin, Esquire, has discovered himself to be an enemy to the liberties of this country; and that measures ought to be immediately taken for securing the person of the said William Franklin, Esquire.

4. Resolved, That, in the opinion of this Congress, all payments of money on account of salary, or otherwise, to the said William Franklin, Esquire, as Governor, ought from henceforth to cease; and that the Treasurers of this Province shall account for the moneys in their hands to this Congress, or to the future Legislature of this Colony.

Resolved, That the following order do issue to Colonel Nathaniel Heard,<sup>2</sup> of the first battalion of Middlesex County:

The Provincial Congress of New Jersey, reposing great confidence in your zeal and prudence, have thought fit to entrust to your care the execution of the enclosed resolves. It is the desire of Congress that this necessary business be conducted with all the delicacy and tenderness which the nature of the business can possibly admit. For this end you will find among the papers the form of a written parole, in which there is left a blank space for you to fill up, at the choice of Mr. Franklin, with the name of Princeton, Bordentown, or his own farm at Rancocus. When he shall have signed the parole, the Congress will rely upon his honour for the faithful performance of his engagements; but should he refuse to sign the parole, you are desired to put him under strong guard, and keep him in close custody, until the further order of this Congress. Whatever expense may be necessary for this service will be cheerfully defrayed by the Congress. We refer to your discretion what means to use for that purpose; and you have full power and authority to take to your aid whatever force you may require.

1. The first resolution carried on Friday afternoon, June 14; the other three were passed the following day. None of the resolutions was adopted unanimously, but all were voted by comfortable margins: 38-11, 41-10, 42-10, and 47-3 respectively. The roll calls are deleted from the resolutions.

2. Nathaniel Heard (ca. 1730-1792), wealthy Woodbridge landowner and entrepreneur, was as zealous as a military officer as he had been as a local committeeman. It was Heard who had surrounded William Franklin's home in January 1776 in a premature attempt to arrest the governor. In carrying out his orders six months later, Heard unnecessarily insulted and harassed Franklin.

## 5 The Instructions for the New Jersey Delegates in the Continental Congress to Vote for Independence

[*PCCS Minutes*, p. 473.]

## VII FROM COLONY TO STATE

By mid-June 1776 only Maryland, New York, and New Jersey had not authorized their delegates to the Continental Congress to vote for independence. On June 22, the day after the Provincial Congress committed the colony to secession by ordering the creation of a new government, a proindependence delegation was named to represent the province in Philadelphia. Immediate action was of the utmost importance because New Jersey was unrepresented in the Congress at this most critical juncture. Congressmen Jonathan Dickinson Sergeant, John De Hart, and Richard Smith had resigned their seats, and the nonattendance of John Cooper left William Livingston as the lone Jersey delegate. When word of the composition of the new congressional contingent reached Philadelphia, the radicals knew that New Jersey would vote for independence.

June 22, 1776

To Richard Stockton,<sup>1</sup> Abraham Clark,<sup>2</sup> John Hart,<sup>3</sup> Francis Hopkinson,<sup>4</sup> Esquires, and the Rev. Dr. John Witherspoon,<sup>5</sup> Delegates appointed to represent the Colony of New Jersey in Continental Congress.

The Congress empower and direct you, in the name of this Colony, to join with the Delegates of the other Colonies in Continental Congress, in the most vigorous measures for supporting the just rights and liberties of America. And, if you shall judge it necessary and expedient for this purpose, we empower you to join with them in declaring the United Colonies independent of Great Britain, entering into a confederacy for union and common defence, making treaties with foreign nations for commerce and assistance,<sup>6</sup> and to take such other measures as to them and you may appear necessary for these great ends, promising to support them with the whole force of this Province; always observing that, whatever plan of confederacy you enter into, the regulating the internal police of this Province is to be reserved to the Colony Legislature.

1. A prominent Princeton attorney, Stockton was a member of the governor's council and an associate justice of the supreme court.

2. A rather late participant in the protest-independence movement, Abraham Clark (1726-1794) of Elizabethtown—farmer, surveyor, former clerk of the assembly and sheriff of Essex County—served in the Provincial Congress (1775-1776) prior to being sent to Philadelphia.

3. Hart, a Baptist farmer from Hopewell, had represented Hunterdon County in the assembly from 1761 to 1771.

4. Francis Hopkinson (1737-1791), a native of Pennsylvania and a graduate of the College of Philadelphia (now University of Pennsylvania) in 1757, moved to Bordentown, New Jersey, in 1774, intent upon pursuing his legal practice. But the former customs collector (Salem, New Jersey, in 1763 and New Castle, Delaware, in 1772) was immediately drawn into the rebellion.

5. Witherspoon, president of the College of New Jersey (now Princeton University) and a Presbyterian minister, was probably the most radical Whig in New Jersey at the time.

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6. Actually, the delegates were instructed to vote in favor of the momentous three-part motion offered by Richard Henry Lee of Virginia on June 7: "That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved. That it is expedient forthwith to take the most effectual measures for forming foreign Alliances. That a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation." Worthington C. Ford, et al., eds., *Journals of the Continental Congress, 1774-1789* (34 vols., Washington, D.C., 1904-1937) 5:425.

### 6 The Constitution of the State of New Jersey

[Julian P. Boyd, ed., *Fundamental Laws and Constitutions of New Jersey, 1664-1964* (Princeton, 1964), 156-63. In his definitive edition of the state constitution, Boyd collated the attested copy of the document located in Liber AB, Commissions, f. 187, New Jersey State Library, with the official printed version published by Isaac Collins at Burlington in 1777.]

The state constitution of 1776 was a hastily formulated document designed to meet the governmental emergencies brought about by the demise of royal authority and the onset of independence. On June 21 the Provincial Congress resolved by a vote of 54-3 "That a government be formed for the regulating the internal police of this Colony." On the twenty-fourth a ten-member committee headed by the Reverend Jacob Green of Hanover was instructed to draft a constitution; two days later the committee produced the finished document, apparently written largely in advance by Jonathan Dickinson Sergeant. During the ensuing debate, delegates for reasons unknown departed in droves so that when the final vote came on July 2 only slightly more than half (35 of 65) of the congressmen were on hand to adopt the new instrument of government by a margin of 26-9. Although there is no record of the discussions on the various parts of the frame of government, the constitution as a whole surely embodied the political views common to Jersey Whigs, since the document was intended to meet with the approval of the widest possible segment of the population. Presented with a rare opportunity to fashion their own constitutional-legal environment, the congressmen used the constitution as a medium to express current philosophies of government and politics and establish the most efficacious governmental structure. In so doing they were guided by time-honored beliefs and practices as well as the exigencies of the time and the lessons derived from the past decade of jurisdictional disputes with England.