

VIII THE LOYALIST OPPOSITION

Bound Brook, Somerset County, at the onset of the war. Although personal friends of Governor William Livingston and his family, the Van Hornes openly and regularly entertained British officers and noted Loyalists in their home.

6. The British ministers and military officers.

7. In April 1782 peace talks began in Paris with Benjamin Franklin representing America and Richard Oswald for Great Britain; negotiations continued throughout the year (see Sec. IX, Doc. 12, headnote).

8. King George III.

9. A reference to Thomas Bradbury Chandler's pamphlet *What Think ye of Congress Now?* (New York, 1775) which ridiculed the leaders of the popular movement as well as the Continental Congress.

10. New York City royalist publisher James Rivington.

11. George Clinton, governor of New York from 1777 to 1795 and from 1801 to 1804.

12. The word is "make" in the manuscript; Livingston apparently made a slip of the pen, intending to write "may."

14 John Rutherford to A Member of the Legislature

[*PNJHS*, 2d ser. (1867), 1:179-82.]

Interest outweighed principles and passions in the minds of some Jersey-men when it came to shaping attitudes toward former Loyalists. To young John Rutherford (1760-1840), who had sat out the war as a neutral in Bergen County, the key to future economic prosperity in New Jersey was the development of extensive commerce with other states and nations. But, as was the case in other states, most of New Jersey's principal merchants had been Loyalists and were now in exile. Together with his father, Walter Rutherford, and James Parker, two wealthy merchant-landowners who had retired to rural estates in Hunterdon County during the war and thus were suspected of being covert Loyalists, John Rutherford proposed the creation of free ports coupled with a plan of general amnesty as the best means of inducing royalist refugees and merchants from other states to establish business enterprises in New Jersey. The letter to an unidentified member of the New Jersey legislature which follows outlines Rutherford's thinking on the matter. The idea received a warm reception in the Jersey business community; in 1784 the legislature designated Burlington and Perth Amboy free ports and granted citizenship in those cities to anyone (except those who had engaged in wanton plunder or murder) who swore allegiance to the state and engaged in mercantile activities there for at least one month. The free port concept collapsed for both economic and political reasons: relatively few Loyalist merchants took up residence in the state, and the federal

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government, which received control over commerce when the Constitution was adopted in 1789, prohibited free ports.

New Jersey, 17th May, 1783

Sir:

In my last I endeavoured to show the Advantages arising from Commerce, with which if we are fully imprest and will now act with a Liberality of Sentiments, it is my firm persuasion that we may obtain for this State what seems now the governing Principle of the Politics of the most flourishing Nations in Europe. . . . To make Trade flourish, it must be free from all Shackles. In the first Place then, we should make a Law, to declare all our Ports free for a certain Term of Years, and to be free from all Imports during said Period. Secondly that said Law should express that all Merchants or Mechanicks who inclined to settle among us on taking the Oaths to the State should have all Manner of Protection and Encouragement. 3dly. That there should be a Clause of general Amnesty, the fewer Exceptions the better, either by Name or description, as is common in all Governments. To point out the Benefits that would arise from this Law, let us consider; That by making free Ports it would be following a Measure that has been often practised with the greatest Success, Witness Holland nearly in this Case; Leghorn¹ that suddenly rose to great Note, and many other Sea Ports; and as to taking off all Imposts, in the present State of our Commerce it would be giving up nothing, and would encourage an immediate Importation, and furnish the Goods cheaper to Farmers, who ought to have every Indulgence, and prevent us buying from our Neighbours who have or intend to load their Imports with Duties. That such Ports would even encourage Merchants residing in other States to send Cargoes of Goods to be stored here, either on Speculation or to remain Duty free till called for, as is the Case in Europe with Holland, and was the Case with [Gibraltar]² which as a free Port was the general Mart of all surrounding Nations, and converted a barren Rock into a Place of great Importance. . . .

But it is obvious we have not Merchants among us with Capitals sufficient to carry on these great Operations, which our Traders will readily acknowledge, and such as are of an enlarged way of thinking, so far from wishing to confine the Trade to the present sett, are sensible that Merchants thrive by Merchants, and that by increasing the Number with ample Capitals would be an Advantage to them, and this brings me to the second Clause of the Law proposed, to give Protection and Encouragement to all Merchants, which by good Information at this critical Juncture would bring very many wealthy Merchants among us with Capitals as I have been informed to the amount of more than a million of money, all expert in their Business, who have in general acquired their great Fortunes by their Industry and their connections in Trade with every forreign Port. To obtain such valuable Subjects is worthy our most serious Attention, and if neglected at this Crisis such an Opportunity can never be recalled. For it is past a Doubt that such a Capital in such Useful Hands would give a new Complexion to the whole State; Would greatly encrease the number of our People; give Employment to our Youth now languishing in Idleness; raise the Rents of our Lands and Houses, and consequently raise their Value; lower the Prices of Goods; furnish Sums to the Borrowers without going out of

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the State; make Money plentier; and make both the Farmer and Mechanick better able to pay their Taxes, which is a thing we should principally have in View.

The third Clause of the Law proposed would necessarily follow the Preceding, and such a general Amnesty would mark this State for a Liberality of Sentiment among all Nations, and I am fully persuaded could be of no Ill Consequence to the Peace or Harmony of the State, for admitting that they were connected or engaged in Opposition to us in the late Contest we have so gloriously ended, if we can suppose they have any feeling or Resentment, they must hereafter consider with Indignation a Nation who has so shamefully abandoned them, and will be bound by Oaths and Gratitude to support the Country they shall adopt, and which gives them a generous Asylum. Neither would such a Law be at all a new Precedent, does not every Country in Europe receive with open Arms the Refugees from other Countries, and what great Advantages have they reaped from it? Does not France make Laws to encourage them, not only by an Exemption from Taxes, but contrary to the fundamental Principles of their Government allow them to free Exercise of their Religion? And is not such an Act of Amnesty or Grace published after every Revolution, and so lately in Britain as the year 1745 with a very few Exceptions?

I cannot conclude without observing that no Time should be lost in adopting this most useful Proposal, for I am certainly informed that General Parsons³ and several other persons of Eminence from Connecticut State have been at New York inviting some of the Capital Merchants and monied Men of the City to come and reside among them, and assuring them they will meet with every Indulgence, which corresponds with the Liberality and Policy they shewed during the War by inviting the Refugees of New York State among them, and exempting them from all Taxes: but I am well informed that the Merchants and many Useful Mechanicks would prefer this State could they meet with similar Encouragement. . . .

Hoping your Sentiments will coincide with mine, which I am confident are solely dictated for the Prosperity of this State,

I am,
Your very hum. Sert,

1. A seaport in Tuscany, Italy.
2. There is a blank space in the printed version, but it seems likely that Rutherford had Gibraltar in mind.
3. Samuel Holden Parsons, general in the Continental army who became a prominent land speculator after the war. Parsons earned a reputation for avariciousness because of his numerous schemes for making quick profits.