

15 Hunterdon County Residents Petition the  
Legislature to Banish Loyalists

[Revolutionary Documents, 129, New Jersey State Library.]

Not surprisingly the protracted, internecine civil war that raged in America from 1775 to 1783 produced deep feelings of resentment and bitterness toward those who had opposed the creation of the new republic. Such sentiment was especially strong in warred-over New Jersey. When the end of fighting brought the prospect of a return of refugees and participation by former royalists in the affairs of the state, there arose a great hue and cry. Publication of the provisional peace treaty sparked a concerted anti-Loyalist outburst. Embodying a spirit of conciliation, Articles V and VI of the treaty called upon Congress to "earnestly recommend" that the state legislatures provide for the restitution of "all estates, rights, and properties" of refugees who had not borne arms against the United States, allow exiles to return to the states for a period of up to twelve months to recover their lost property, desist from any future property confiscations or criminal prosecutions for wartime activities, and free persons convicted or awaiting trial on charges relating to their support of the crown. Naturally Jerseymen who had purchased or hoped to purchase confiscated property opposed such action, and predictably the magnanimous provisions of the treaty were generally ignored. But the issue went beyond vested interest. Many Whigs were determined that the Loyalists should be excluded from the political order they had attempted to destroy. The following petition from residents of Hunterdon County calling for the permanent banishment of Loyalists from the state bespeaks the anger, even hatred, that gripped the emotions of men subjected to the travails or war. Some could not easily forget — nor forgive — the conduct of the Loyalists.

[1783]<sup>1</sup>

The Petition Of the Inhabitants, of the County of Hunterdon, Humbly Sheweth,

That Impressed with the Information, Of A Bill having Been Presented to your Honours, Requesting an Act of Grace,<sup>2</sup> for the Purpose of Permitting those who have Gone from Amongst us, to the Enemy, to have Leave to Return Such an Innovation, your Petitioners Trusts no Well Wishers to the Glorious Cause of America, will Countenance for Several Reasons.

1st. Because they Left us, and Joined the Enemy Voluntarily, They Choos'd it, Otherwise they wou'd not have Done it.

2dly. Because they Left thier Country from Real Principals Of Disaffection to the Cause, And have Done All In thier Power to Subjugate us to the Tyranny Of Britain, And are therefore Unworthy [of] the Liberty we Contend for.

3ly. Because the Proclamation Of His Excellency General Washington, Gave them An Oppertunity Of Returning which they Did Not Choose to Except.<sup>3</sup>

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4ly. Because As they Left thier Country from Principal, thier Return Could Only be for Interest—they might Serve as Emissaries for our Enemies, Sow the Seeds Of Discord, Raise Mutanies And Disaffection Amongst us.

5ly. Because No true friend to his Country Could but with Horror, See those Miscreants Injoying those Priviledges which by Shedding the Blood Of thier Countrymen, they strove to Obstruct, which therefore they Cannot have the Least Right too, founded Either in Reason Or Equity.

6ly. Because the Admitting thier Return would we Humbly Conceive, be Dealing Unjustly by us, And Treacherously by them. Unjustly by us Because we Receive them with Good faith, And Treacherously by them, Because we Cannot think any honest man would be Security for thier Safety By Reason Of thier many Various And Malignant Crimes.

7ly. Because they have Been Guilty Of the Greatest Cruelty and Devastation, Can those who wish thier Return Either Palliate Or Defend the Actions Of an Arnold?<sup>4</sup> No. Can they Give to the Murderer his former state Of Innocence? No. Can they Raise from the Dead the Mother and helpless Infant who have Been Cruelly Murdered by the Indians thro' thier Perfidy? No. Can Nature Forgive Such Crimes? No. She must Cease To be Nature if She Did.

We Wish not to Call On the Manes<sup>5</sup> Of those who have Been Barbarously Murdered by them, But to Shew that Reason And Justice, forbids thier Return, Nay Every thing that is Right Does, and All must, To whom Nature Hath Given the Power Of Feeling. As Men And As Christians We Wish To forgive them, But To Receive Such Cruel Paracides into the Bosom Of Our Country, the Weeping Voice of Nature Remonstrates Against. We do therefore Ardently beg that your Honours Zeal & Good will for your Country will not Admit any Act of Grace to Pass and your Petitioners as in Duty Bound Shall Ever pray.

[Ninety-seven signatures affixed.]

1. Although the document is undated, the petitioners voice sentiments similar to those in several petitions sent to the legislature from various parts of the state in the spring of 1783 after the publication of the terms of the Treaty of Paris.

2. This may relate to John Rutherford's proposal of amnesty (see Doc. 14).

3. Acting upon a congressional resolution of December 27, 1777, authorizing him to "arrest and confine" disaffected persons, Washington sought to resolve the problem of Loyalism in New Jersey by ordering on January 25, 1778, all those who had sworn allegiance to the crown under General Sir William Howe's proclamation of November 1776 either to renounce their protections or retreat behind British lines within thirty days. Anyone who failed to comply with the directive was to be deemed an enemy of the state and dealt with accordingly. Washington's desperate pronouncement had little effect because of the magnitude of Loyalist strength in New Jersey and the weakness of the state's law enforcement agencies. Actually, the proclamation served only to intensify Loyalist recalcitrance and arouse the ire of Whigs who felt the commander in chief had infringed upon the civil liberties of the citizenry by his unilateral declaration.

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4. The treasonous conduct of Benedict Arnold who, while an officer in the American army, plotted to turn the strategic fortress of West Point, New York, over to the British in 1780.
5. Manes: the spirits of the dead.

### 16 The Monmouth County Association to Oppose the Return of Loyalists

[Revolutionary War Documents, Monmouth County Historical Association.]

During the latter stages of the war, it became apparent that the greatest Loyalist threat to the state was political rather than military. As the fighting diminished and the independence of the new nation seemed assured, hard-core royalists and British sympathizers alike began increasingly to operate within the framework of the republican regime. For all the rhetoric directed toward preventing the return of refugees, they were not the major problem. Rather, the principal fear was that the considerable number of disaffected persons who had attempted to undermine the state government during wartime would strive to weaken the political establishment during peacetime. Control over suffrage was one of the principal weapons used to limit Loyalist influence in governmental affairs. As early as 1776 the franchise was restricted to those who signed the Association (see Sec. V, Doc. 1), and after 1777 anyone who joined or assisted the enemy was barred from political activity. But these temporary wartime measures produced only limited results; a more effective means of identifying Tories and trimmers was necessary. Responding to public pressures, the legislature in September 1782 passed a law substituting viva voce voting for the ballot as a means of ensuring the political purity of the voters. However, since voice voting was a two-edged sword that intimidated Whigs as well as Loyalists, the statute was repealed in June 1783. Finally, in December 1783 the legislature enacted a comprehensive election law that denied the vote to all persons who had either voluntarily joined the enemy, been convicted of treasonous acts, suffered confiscation of property, or been fined or imprisoned for refusing to take the state loyalty oath (see Sec. XI, Doc. 1). Of course, the effectiveness of laws depends upon enforcement, and the measure did not prevent extensive Loyalist participation in politics. Thus local Whig vigilante groups, like David Forman's Committee of Retaliation (see Sec. XI, Doc. 17), which had used violence against admitted or suspected Loyalists during the war, turned to more peaceful methods of intimidation to keep the dissidents out of the new political order. In signing the Association that follows, more than two hundred residents of Monmouth County publicly announced their determination to exclude active Loyalists and suspected Tory sympathizers from meaningful participation in the affairs of the community and to consign them to a second-class citizenship.