

NEW JERSEY IN THE AMERICAN REVOLUTION

6. According to the minutes of the Council of Safety, Mary Leonard, who "was sent over to New York Sometime ago by order of Brigdr. Genl. Foreman and, hath lately returned to this State," appeared on October 4 complaining of "indisposition" and requesting "that she may be permitted to tarry in Monmouth Co. until she be reinstated in her health, and that she be suffered to pass to Easton, to see her Husband, and from thence to return to the said Co. there to abide." The councilmen agreed that she "be permitted to pass to Easton, or to any other place in which her Husband may be fixed; and to remain with him; and that she go thither without delay." *Minutes of the Council of Safety of the State of New Jersey* (Jersey City, 1872), p. 141.

7. On December 31, 1776, General Washington issued a proclamation which called upon the militia to rally and to assist in driving the enemy out of New Jersey; the intent was for the militia to engage in military, not political activities.

8. The occasion of the first general election to be held in the state under the constitution of 1776.

9. The assembly received Lawrence's petition on October 7 and ordered a second reading; two days later it was voted to defer consideration of the complaint until the next session. On November 7 the memorial was referred to the standing Committee of Grievances where it was apparently tabled. *Votes and Proceedings, September 3, 1777-October 11, 1777* (Trenton, 1779), pp. 193, 197; *Votes and Proceedings, October 28, 1777-October 8, 1778* (Trenton, 1779), pp. 11, 13.

10. On January 31, 1777, John Hancock, president of the Continental Congress, sent a copy of the Declaration of Independence to the several state legislatures requesting that they incorporate the text into their journals; the New Jersey assembly did so on February 17. On page eighty-three of the *Votes and Proceedings, August 27, 1776-June 7, 1777* (Burlington, 1777), there is the charge against George III that "he has affected to render the Military independent of and superior to the Civil Power."

11. On February 3, 1777, Governor William Livingston read into the record of the lower house a letter he had received from General George Washington on January 24. Writing from Morristown, Washington urged the passage of a law which would effectively regulate the militia and, among other things, prevent the troops from plundering and abusing civilians. Adequate legislation was not forthcoming.

9 Robert Morris to Gouverneur Morris

[Morris Family Papers, Alexander Library, Rutgers University.]

Not all Jersey Whigs believed that force and intimidation were always the

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best means of controlling political dissidents or that harsh punishments and penalties ought to be imposed upon all dissenters. While successful in cowing the cautious and in curbing royalist excesses, a program of coercion and retribution served in most cases to alienate the uncommitted, increase Loyalist resistance, and deepen the divisions that rent the citizenry. Some government leaders, such as John Cleves Symmes, attempted to distinguish between recalcitrant royalists and the less ardent Loyalists willing to repent for their political sins (see Doc. 10). Others, like Robert Morris, favored a general policy of leniency and conciliation, both out of humanitarian conviction and out of concern for the future problem of healing wounds after the conclusion of the civil war. The natural son of Robert Hunter Morris (ca. 1700-1764), former chief justice of New Jersey (1738-1764) and governor of Pennsylvania (1754-1756), Robert Morris (ca. 1745-1815) fashioned a brilliant judicial career in his own right as chief justice of the New Jersey Supreme Court (1777-1779) and federal judge of the United States District Court in the state (1790-1815). The receipt of a letter from his New York cousin, Gouverneur Morris (1752-1815), diplomat and heir to Morrisania manor, prompted the Jersey judge to pen the following thoughts about the treatment of Loyalists. Despite their idealistic rhetoric, the Morrisises were realistic enough to recognize that most patriots would reject reconciliation in favor of revenge (see Docs. 15 and 16).

Dec. 11 1777

Your reasoning, my dear Morris, is that of liberality listening to the voice of humanity, removed from party heat, and unacquainted with the baleful effects of a conduct, whose situation, you commiserate.¹ I revere the heart capable of such expansion.

Give a just weight to the language of experience and then form a judgment; which, be assured, I shall ever be happy to hear.

Heresy in politicks, as in religion is not to be rooted out, either by indulgence, or persecution: nothing short of proselyting the community will give satisfaction. Opinion carried into action leaves a taint on the mind thro' life and, but too frequently, it descends to posterity: Witness the red and white rose,² and the Whig and Tory³ of England; witness the Jacobites⁴ and your Captn. Stewart; witness the ancestors of the partizans in the present contest, and our own.

The mind is prejudiced by favorite tenets, even while they are only matters of opinion; but if once they appear in the conduct, pride rivets the fetters on judgment, and the party dies a Marter.

Bring the case home, change situations with the persons referr'd to and suppose yourself circumstanced as you prepare for them: would it change your principles? And could you support a government inforced against them? Is want of perseverance a characteristic of the people we speak of? This applies not to the timid, who have been influenced chiefly by their fears, and, who sooner or later impelled by the same motive will find means to extricate themselves; but I fear too strongly where principle has led the actions. Would it not be safer, and more generous, and also happier for the parties, for Government to give them their property and leave them to their fortune? However, I auger ill, if both this, and what you propose is not wide

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of the sentiments of Gent[leme]n with whom I am joined,⁵ indeed of Congress also. But I hope, where I have influence to cultivate liberality on success; and without success its needless.

I am yours & c.
R. M.

1. In a letter datelined "Persepone [Parsippany] 3d Decr. 1777," Gouverneur Morris had expressed the following sentiments to his brother: "Nothing will more effectually belie the artful Tales of those who paint the little Territory which Britain possesses among us as a Paradize than the Permitting all such as being now with them [that] are sincerely desirous of returning to their Duty to become Members of the State. Such I am told have made Application and surely it is better to imitate the Mercy of him who is Mercy itself than to pretend to arrogate to ourselves that Vengeance which belongeth to him alone. Such Conduct while it increases our Strength will weaken them and believe me the Vulgar who for a Moment would exclaim against Lenity will in the End both love and admire the Legislature who exercise it for the still Voice of Reason & Humanity will at Length be heard when the Rage of Passions and Prejudices subsides. And Experience is a Liar if the Maxim which Shakespeare puts in the Mouth of his favorite Harry is not as just as it is elegant. 'When Lenity and Cruelty play for Kingdoms the gentlest Gamester is the surest Winner.' [*Henry the Fifth*, Act III, Scene VI, lines 119-20.] But after all I judge in a Corner and by a Rush Candle. You are more abroad and have the full Light of Information. For let Reason say what she will I know much is to be conformed in popular Governments to popular Clamor." Morris Family Papers, Alexander Library, Rutgers University.

2. From 1455 to 1485 England was ravaged by the Wars of the Roses, a bitter civil war between the houses of Lancaster and York, whose symbols were a red and a white rose respectively. The dynastic rivalry and unremitting warfare simultaneously came to an end when Henry, Earl of Richmond, emerged victorious at Bosworth Field in 1485 and, commencing his reign as Henry VII, established the House of Tudor.

3. The two rival political parties in England.

4. Jacobites were supporters of the claim of James II, who abdicated in 1688-1689, and his descendants to the throne of England.

5. The members of the New Jersey Supreme Court.

10 John Cleves Symmes to
Governor William Livingston

[*Executive Correspondence*, pp. 135-37.]