

NEW JERSEY IN THE AMERICAN REVOLUTION

1. The undated resolutions were probably adopted on the final day of the meeting.
2. Crane had earlier chaired the Essex County mass meeting. See Doc. 2.
3. The Glorious Revolution of 1688-1689, which brought William and Mary to the throne, provided for a Protestant succession, and produced the English Bill of Rights.
4. As asserted by Parliament in the Declaratory Act of 1766 which accompanied the repeal of the Stamp Act.
5. That is, the House of Lords.
6. Kinsey, Burlington lawyer and assemblyman, had favored the calling of the General Assembly instead of convening a popular convention to choose delegates. See Doc. 3.
7. A transplanted New Yorker, Livingston became active in Jersey politics in 1774. See Doc. 3, notes 7 and 8.
8. De Hart (1729-1795), a distinguished Elizabethtown lawyer, represented New Jersey in both the First and Second Continental Congress. He was subsequently named as a congressional delegate again in February 1776, but resigned shortly thereafter in June 1776. One of the few Anglicans at the forefront of rebel ranks, he was a member of St. John's Church in Elizabethtown, whose pastor was an archloyalist, the Reverend Thomas Bradbury Chandler.
9. A representative from Essex County since 1766, Crane was one of the most influential members of the lower house.
10. Smith, a prominent Quaker lawyer from Burlington, was active in the protest movement although the Society of Friends instructed its members to maintain a position of neutrality during the imperial crises.
11. Sergeant (1746-1793), studied law with Richard Stockton after graduating from both the College of New Jersey (now Princeton University) and the College of Philadelphia (now University of Pennsylvania) and established practice in Princeton. A strong Whig, he was a member of numerous local radical committees in addition to serving in the Provincial Congress from 1775 to 1776 (he held the posts of secretary and treasurer) and the Continental Congress from February to June 1776. He probably resigned the latter post in order to serve on the committee that drafted the state constitution of 1776.

5 "B.N." on the Continental Congress

[*New-York Journal; or, the General Advertiser*, August 4, 1774.]

The calling of the Continental Congress was unprecedented in the annals of American history, the nature and scope of the conclave far surpassing that of the earlier Stamp Act Congress. Surely the unidentified writer who penned the essay that follows bespoke the questions troubling many of his fellow

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Jerseymen. Unfortunately, few accepted the offer to discuss the impending Congress in the press.

From New Jersey, July 25, 1774

Mr. Printer

If you think the following tends to promote the interest of America, please to give it a place in your weekly paper. B. N.

It seems now to be a matter past doubt, that there will be a general congress of delegates from the several British colonies in America. A very important assembly it will be. The weal of America, yea and of Britain too, will very much depend upon their proceedings. Never in this country, has more depended upon an assembly of men, than depends upon this. Liberty or oppression, if not abject slavery, depends upon the turn that things shall now take. The contest between Britain and the colonies runs high. Matters are now come to a crisis. Something must be done by America: And nothing considerable can be done till there is a general congress. The eyes of all America will be on this assembly. The provinces are ripe for doing something: They want to know what. How much depends upon the wisdom and integrity of these delegates! How fatal to us all, if by any means they give a wrong turn to our affairs! If they should not agree, so that the colonies might unite in some proper measure, America is undone; or at best thrown into the utmost confusion.

It should not be deemed arrogance, or presumption, for any person in a modest and rational manner, to suggest what is thought proper to be done at the general congress. On the contrary, 'tis very desirable that numbers from various parts of our land, would impartially offer their sentiments on this head. The delegates must certainly desire to know the mind of the country in general. No rational man will think himself so well acquainted with our affairs, as that he cannot have a more full and better view of them. No human mind is capable of taking in all things: We by degrees obtain the knowledge which we have. No delegate, before he meets the rest should think he knows the state and interest of all the provinces, so fully and clearly as that he cannot know them better. No delegate should go with a full persuasion that he has so formed the proper plan of proceeding, as that he will by no means alter. Every wise man will alter for the better, as he sees opportunity. Yet 'tis very desirable that every member of that important assembly should have as general and complete a view of our affairs, and what is proper to be done, as he possibly can, before he meets in general congress. And for this reason the more there is suggested in our public papers the better, if it is done in a becoming manner.

The delegates should go to the congress with hearts deeply affected with the weight and vast importance of their business: With a proper concern, if not anxiety of mind, considering how much is depending, and how difficult it may be to determine matters in the best manner. Every wise man will have a modest diffidence as to his own abilities, in managing such arduous affairs. In this view let it not be thought amiss, if I say, they should go to the great congress with a proper dependance on the Father of Lights and Mercies, who gives wisdom liberally to those who ask him. And no doubt many will pray for them.

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When the delegates are met, several things will lie before them, as matters of consideration, inquiry, or debate. Some of these will be matters of great importance, others of less. One important inquiry no doubt will be, *in what manner shall we make our application to Great Britain?* Shall we petition as humble supplicants? Or shall we insist on things as our *right*? Shall we apply for all that we deem our rights and privileges? Or only for relief in those matters that now press us? Shall our application be made by this general congress? Or shall this assembly only point out and advise what the several provincial Assemblies or Houses of Burgesses shall apply for?

Another considerable head of enquiry respects our trade. Shall we stop importation only, or shall we cease exportation also? Shall this extend only to Great Britain and Ireland, or shall it comprehend the West India islands? At what time shall this cessation begin? Shall we stop trade till we obtain what we think reasonable, and which will secure us for time to come; or shall it be only till we obtain relief in those particulars which now immediately oppress us? Shall we first apply for relief, and wait for an answer before we stop trade, or shall we stop trade while we are making application?

'Tis the general voice of the colonies that we cannot submit to be taxed by the British Parliament; but we by no means refuse to bear our proper, a reasonable part in our public expences. [*We ourselves being sole judges of the propriety and reasonableness of all requisitions that may be made, and of the mode of levying and applying all we shall think proper to raise.*]¹ If we can have all our natural privileges of trade, we are willing to bear our proper part of the burden of expences. We are willing to let Britain know this; we ought now to express our readiness to it. Therefore another important enquiry may be, *in what manner shall we pay our part of the public expence?* This matter once settled, and our proper privileges, and natural rights of trade secured, then peace, most agreeable peace, is established between Britain and the colonies. Jealousies will be then removed, and cordial friendship continue. The mother country and her offspring colonies will then go on to prosper, and numerous blessings [will] attend them both. 'Tis true this matter cannot be settled by the congress, because it will be a work of time, and must be by mutual agreement between Britain and the colonies: Yet it may be highly expedient for the congress to consider this matter, and propose what may be proper for the several provincial Assemblies to offer, or comply with. The several provinces ought to be agreed in this matter; and they cannot so well agree as by a general congress.

Another enquiry among the delegates, no doubt will be, *whether we shall offer to pay for the tea that has been destroyed?*² This should be freely and calmly debated. What will be proper in point of equity? What may be proper in point of prudence or expediency? What consequences will they in Britain draw from our offering to pay for it? In point of equity the following queries may take place. Was the *act of Parliament* that brought the tea here, an unconstitutional *act*, tending to produce the pernicious consequences that have flowed from it? Was the East India company previously warned by several members of Parliament, and told they would suffer loss by sending their tea here? Has not that unconstitutional act of Parliament, and the East India company's conduct, been the proper and unavoidable cause of ten times more danger to America, than the East India company have sustained? If the company must be made whole, is it not as reasonable that the expense should lie upon Britain as America, since a *British act* was the faulty cause of it, and the destruction of the tea, was not the act of America, nor of particular cities, as such,

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but of mobs?

Some queries of less importance, may respect the mode of the delegates proceeding among themselves. Shall the congress be open to all that can see or hear, or shall the delegates be by themselves? Shall they allow their debates to be taken down in short hand? Shall they keep minutes of their proceedings and votes, to be afterwards printed, as is done in provincial Assemblies, that the colonies may know how each member stood affected, and voted?

The delegates from the province ought to be the most hearty friends to America, men that will give up their own private interest for the public good, when these two come in competition. He that will not do this is no real friend to the public. This important assembly will be in danger from false or pretended friends. There are a few in almost every province, who, from one reason or other, would be glad to bring America to submit to the ministerial unconstitutional measures which we are now threatened with. If any of these persons, under disguise, should be sent to the congress (as possibly some may) they will, under shew of friendship, try to embarrass and confound the measures proposed. They will act as *Hushai* did with *Absalom*.³ It may be difficult, sometimes, in the congress, to know whether a man opposes a proposition from a true regard to the good of his country, according to his view of things; or whether he does it to undermine the whole design. The members of this important assembly should not be too jealous of each other; that will destroy free debate. They must receive and treat one another as open hearted friends; but not be so off their guard as if they were certain there was no enemy among them.

Considering the vast importance of this congress, the long train of most interesting consequences that may follow from their advice or determinations; considering the need they have of wisdom, as well as integrity, it might be proper for the several provinces to observe a day of fasting and prayer about the time that the delegates meet; and if the provinces as such do not, yet it may be proper for as many persons, or societies, as can, to do it. There are two reasons why this may be proper: First, because human wisdom comes down from the Father of lights and mercies, and human determinations are over-ruled by the great God, who is a prayer-hearing God. A greater statesman and politician than will meet in this convention, has left us this observation: "There are many devices in the heart of man, but [it is] the *counsel of the Lord* that shall stand." Secondly, in a political view, such a day of fasting would win people's attention to the importance of the intended congress, and fit them to receive, and be ready to act, upon the determinations of that important assembly.

If what I have offered should induce any friends to America to offer their sentiments upon the fore mentioned queries, or others of the like nature, and be a means, though in the least degree, to assist any of the delegates at the intended convention, it will be a sufficient compensation for what I have here done.

1. Material in brackets was probably inserted by the printer of the *Journal*, John Holt, an ardent Whig.

2. That the Congress should determine whether or not restitution should be made for the tea destroyed during Boston's "tea party" in December 1773 is a novel suggestion. According to John Adams, William Livingston and John Witherspoon tried unsuccessfully to get the New Brunswick conference to

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instruct the New Jersey congressional delegation to oppose payment to the East India Company.

3. Hushai the Archite, and Absalom, third son of King David. Specifically, the reference is to the treachery of Hushai who, feigning loyalty to the rebel Absalom, counselled delay in attacking David in hopes that the rebellion of the self-proclaimed king and his dissident followers would be crushed by his father. See 2 Sam. 13:1-39, 14:1-24, 15:7-37, 17:1-14, 18:1-17.

6 “Z” on the Nature of the Imperial Controversy

[*New-York Gazette; and the Weekly Mercury*, August 15, 1774.]

Perhaps to most New Jerseyans the primary task of the Continental Congress would be to resolve the thorny issue of imperial taxation. There were two dimensions to the dispute. The first problem stemmed from the nature and purpose of the tax. During the Stamp Act crisis Americans had challenged the constitutionality of internal taxes (taxes designed primarily to raise revenue) but not external taxes (duties imposed on imports and exports whose principal purpose was to regulate commerce). Of course the attempt to distinguish between “internal” or revenue taxes and “external” or regulatory taxes was specious because a measure could easily do both. The Townshend duties brought the issue to the fore. Hoping to overcome the American objections to the Stamp Act, Charles Townshend devised a series of import duties that would also raise revenue. The result was the colonial denial of the authority of Parliament to levy any taxes on America. That was the crux of the issue, for in reality the debate over “internal” and “external” taxes was secondary to the larger question of the constitutional power of taxation. In protesting against the Stamp Act and Townshend duties, Americans contended that they could be taxed only by their elected representatives: since they were not actually represented in the House of Commons, Parliament had no right to impose taxes on the colonists. On the other hand, the British argued that the Americans were represented in Parliament in spirit if not in fact because its members acted in the best interests of the nation as a whole. The controversy over “actual” and “virtual” representation, like that over “internal” and “external” taxation, was further complicated because many Americans were unable to vote for their legislators just as numerous Britons were unrepresented in Parliament. The essay that follows is the most extensive discussion of the taxation-representation problem written by a resident of New Jersey during the pre-revolutionary era. Ironically, it is an anachronistic discussion, for by the summer of 1774 the stakes of the imperial contest had shifted from taxes to the more fundamental matter of sovereignty. Nonetheless, the cautious, moderate views