The Loyalist Opposition

Not all residents of New Jersey in 1776 agreed with Thomas Jefferson that the conduct of George III and the course of imperial events had made it necessary for Americans to dissolve political ties with Great Britain and institute a new government based upon the principles of republicanism and popular sovereignty. In fact, more than one-third of a population of approximately 120,000 were active or potentially active Loyalists during the revolutionary war. Such influential personages as William Franklin, Cortlandt Skinner, David Ogden, Daniel Coxe, John Lawrence, Abraham Van Buskirk, Robert Drummond, and Thomas Bradbury Chandler opposed independence and maintained their allegiance to the crown; others like James Kinsey, James Parker, Samuel Tucker, John Rutherfurd, Peter Kemble, and John Hinchman plied a course of neutrality that was interpreted by ardent Whigs as Loyalism. But it was not only the wealthy and well-born, the members of the royal government and the established Anglican church, who flocked to the king’s standard; Loyalism in New Jersey drew most of its adherents from the ranks of the common man and cut across class, economic, ethnic, and religious lines. The New Jersey Volunteers, with a peak strength of four regiments, was the largest Loyalist military unit raised during the war. And the state ranked fourth in the number of individuals (239) who filed official claims with the British government after the war for compensation for losses sustained in support of the king. Small wonder that the republican regime in New Jersey had more difficulty than its counterpart in any other state except, perhaps, New York in suppressing royalists and establishing law and order.

Debate on the state of Anglo-American affairs was muted during most of the prerevolutionary decade. Most Jerseymen supported, albeit in varying degrees, the opposition to imperial measures; hard-core conservatives who either unquestioningly supported the British government or rued the excesses
of the protest movement were unorganized and fearful of arousing popular resentment (Secs. I-IV). But when in 1774-1775 the protest movement escalated from resistance to rebellion and the program of the First Continental Congress presented Americans with their initial crisis of allegiance, royalists and conservatives alike became more outspoken in their criticism of the burgeoning revolt. Conversely, popular leaders became more cognizant of their opponents and contemplated means of either converting or silencing them. In increasing numbers those who defied or denounced the measures of the congresses and committees were coerced into compliance or forced to flee from the province (Sec. V, Docs. 5, 9, 14, 16, and 17). And when in 1776 secession became a reality (Secs. VI and VII), Jerseymen who favored empire over independence and monarchy over republicanism took to the field to oppose the Revolution. The arrest, exile, and imprisonment of Governor William Franklin (Doc. 7) not only heralded the demise of British authority in New Jersey but also symbolized the fate that awaited recalcitrant royalists in the new state.

Although the issue of independence was the catalyst that effectively separated Jerseymen into two contending camps, the situation remained fluid from 1775 through 1776. Thomas Bradbury Chandler, the archconservative Anglican pastor and pamphleteer from Elizabethtown, perceived the handwriting on the wall and went into exile as early as May 1775 (Doc. 2). Others no less committed to the crown, such as Bernardus La Grange, maintained residency despite threats and intimidation until the situation became intolerable (Doc. 3). And while some men promptly enlisted in the service of the king (Doc. 12), others endured considerable abuse and harassment before deciding to remove behind British lines and take up the sword (Doc. 1). Then, too, there were countless individuals whose political position fluctuated with the uncertain fortunes of the armies during the initial year of the war (Sec. VII, Doc. 9, and Sec. XI, Docs. 2 and 3). But by the end of 1777 the military situation stabilized and the line between rebel and royalist became more distinct. Political positions solidified and emotions intensified during the next six years as New Jersey experienced the trauma of a vicious civil war.

The state of New Jersey faced numerous challenges during the revolutionary war (Sec. XI), but none so pervasive and serious as the Loyalist threat from within. The problem was acute because of the sheer numbers who opposed the struggle for independence; the proximity of British-occupied New York City, which served as a base of Loyalists' activities; and the inability of the administration of Governor William Livingston at first to impose its authority and control disaffected citizens. The successive means and measures employed to combat overt Loyalists and their covert supporters are indicative of the rising fortunes of the state government as well as the deepening animosities between rebel and royalists.

Initial efforts to identify and suppress adherents produced mixed results. Institution of the Provincial Association in May 1775 (Sec. V, Doc. 1), enactment of a treason ordinance in July 1776 (Sec. VII, Doc. 10), and promulgation of a state loyalty oath in September 1776 (Sec. XI, Doc. 1), were probably more important in consolidating Whig support than in countering the activities of ardent Loyalists and their silent sympathizers. Similarly, the several statutes which defined treason and provided for the trial of persons charged with
disloyal conduct could not be enforced in many parts of the state, and the laws requiring citizens to carry passports and permissions while traveling near enemy lines were cumbersome and ineffective. Actually, from its creation in March 1777 to its demise in October 1778, the Council of Safety, a thirteen-man board presided over by the governor, had nearly absolute control over the lives and fortunes of dissenters. During the war countless men and women were paroled (Doc. 4), imprisoned (Doc. 5), banished from the state (Doc. 6), or subjected to martial law (Doc. 8).

Unable to prevent Loyalist activities or punish exiles for their disloyalty, the government increasingly turned its attention to devising means of penalizing the recalcitrants in absentia for their disaffection. The legislature first moved in that direction by providing for the seizure and forfeiture to the state of the personality and reality of anyone who failed to forswear British allegiance under the terms of the Act of Free and General Pardon of June 5, 1777. The next year a series of statutes established procedures whereby the state could confiscate and dispose of the property of Loyalists convicted by inquisition. During the next decade more than 500 estates were confiscated and sold at auction, with the proceeds going to the public treasury (Doc. 11). In a sense the state paid a heavy price for its confiscatory practices, for it received highly inflated currency which yielded relatively little revenue and provoked outraged Loyalists to commit acts of retribution (Sec. XI, Doc. 15).

There were some Whig leaders, a conspicuous minority to be sure, who urged leniency in dealing with the Loyalists. Robert Morris for one realized that vengeance would beget vengeance and felt that persuasion would likely be more effective in most cases than coercion (Doc. 9). In the same vein, John Cleves Symmes thought it prudent to distinguish between unrepentant royalists and those whose Loyalism was only lukewarm (Doc. 10). In counseling moderation, both men were anticipating the time when peace would return to the state and Jerseymen would face the formidable task of reconstructing a war-torn, divided society.

The cessation of hostilities and the recognition of American independence did not immediately heal political divisions and bring Whig and Tory together. A few men such as John Rutherfurd, whose own conduct during the war had been suspect, urged that exiles be allowed to return to their homes and contribute materially to the rebuilding of the state (Doc. 14). But most residents, from Governor Livingston (Doc. 13) to Hunterdon County farmers (Doc. 15), opposed the return of refugees. The wounds inflicted during nearly eight years of interminable warfare were simply too deep for people to forgive and forget easily. While some former Loyalists whose conduct had been passive reestablished residency in the state and became respected members of the community (including the Reverend Thomas Bradbury Chandler), the more active royalists were treated with contempt if not violence. Vigilante groups were formed to ensure that former enemies would be excluded from meaningful participation in the political order they had attempted to destroy (Doc. 16). And the legislature, in direct violation of the Treaty of Paris that ended the war, not only failed to provide restitution of property to Loyalists who had not borne arms against the United States but also passed legislation in December 1783 resuming the sale of confiscated estates. In time memories receded and wounds healed, but it
NEW JERSEY IN THE AMERICAN REVOLUTION

would take a generation or more for Jerseymen to overcome the bitter legacies of the Revolution.

The Loyalists were tragic heroes. They were for the most part (there were scoundrels on both sides) people of integrity who were no less courageous or honorable, no less committed to constitutional government and civil liberties than the patriots. But unlike their rebellious neighbors, they preferred reform to revolution, compromise to confrontation, law and order to disrespect for government and disregard for laws. They simply misread the historical realities of the times and consequently cast their lot with the losing side in the first anticolonial war for independence in modern history. As a result they paid the price of verbal and physical abuse, lost property and shattered dreams, imprisonment and exile—and even death—for their principles. Even after the war most of those who remained in or returned to New Jersey were a people apart—second-class citizens who endured ostracism, discrimination, and shame. But the real losers were the refugees, for their reward for service to the crown was often only financial distress and exile in a foreign country (Docs. 17 and 18).

1 James Moody, The Making of a Loyalist

[James Moody, Narrative of the Exertions and Sufferings of Lieut. James Moody, in the Cause of Government since the Year 1776 (London, 1783), pp. 1-6.]

James Moody (1746-1809), a wealthy Sussex County farmer who owned approximately 500 acres of land near the Delaware River, was one of New Jersey’s most notorious Loyalists. In April 1777 Moody, who had opted for prudent neutrality with the onset of the Revolution, fled behind British lines with seventy-three friends and neighbors. He joined Brigadier General Cortlandt Skinner’s First New Jersey Volunteers (Loyalist), quickly rising to the rank of lieutenant because of his daring raids and successful recruiting in his native state. Captured by General Anthony Wayne and imprisoned at West Point in August 1780, the elusive Moody escaped a month later and resumed military activities briefly before embarking for London. (His brother John was not so fortunate; he was captured and hanged as a spy in Philadelphia in 1781.) Soon after the publication of his memoirs in 1783, Moody migrated to Nova Scotia. In the excerpt that follows, he recounts his reaction to the events leading to independence and the factors that prompted him to side with the British.