

NEW JERSEY IN THE AMERICAN REVOLUTION

hear that the commons of Great-Britain had resolved *nem. con.*² that their vellum should be stamped; no one would expect them to petition the said commons against it. And the fate of the petitions which were sent, is quite sufficient to shew our brethren of the other colonies, that they, in the form they were sent, might better have been spared, or at least, that our omitting a step in New-Jersey, which was of no service to those who thought proper to take it, ought to secure our Assembly from some unkind insinuations which have appeared in print on that occasion. I am not for silence, or slavish submission; no, let us act like Freemen, like Englishmen, who know the limits of their freedom. Let us petition our gracious sovereign, whose paternal regard, is equally extended to his American, as his other subjects; his authority we glory in submitting to; he is king of Great-Britain; and blessed be God, king of America too: but the parliament of Great-Britain is not the legislature of America; we have by our constitution complete legislation independent of the lords and commons of Great-Britain, of which the king, by his several governors, is the head. I hope all the Provinces will unite in sending their several humble petitions to his majesty, without delay; whose royal heart, I doubt not, will be touched with reasonable complaint of so great a body of his faithful subjects, and that ample redress will be given us; but in such petitions let all submission to, dependence upon, or connection with, the commons, and lords of Great-Britain, in a legislative way, be carefully and absolutely disclaimed. In the mean time, all ye stamp officers resign: resign, as you will answer the contrary at your Peril, to your sovereign lords and masters, the incensed mob.

CAESARIENSIS³

1. On August 30 the *Gazette* issued a call for all stamp collectors to resign their commissions.
2. *nemine contradicente*: unanimously, without a dissenting vote.
3. The sentiments expressed in this essay correspond strikingly to those contained in a letter from Richard Stockton to Robert Ogden on September 13, 1765 (see Doc. 5). Is Stockton "Caesariensis"?

5 Richard Stockton to Robert Ogden

[Revolutionary Era Manuscripts, 49, New Jersey Historical Society.]

Support for the proposed Stamp Act Congress grew steadily during the summer of 1765. By the end of September seven colonies—Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, and South Carolina—plus the Three Lower Counties on the Delaware (now the state of Delaware) had made arrangements to send delegates to the conference. The

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New Hampshire legislature declined to name representatives; the governors of Virginia, Georgia, and North Carolina refused to summon their assemblies and no extralegal appointments were made as was done in Delaware. Only New Jersey's participation was in doubt; Richard Stockton's letter came at the right time to promote action. Stockton (1730-1781) was a dominant figure in prerevolutionary New Jersey government and politics. A member of the first graduating class of the College of New Jersey (now Princeton University) in 1748, he studied with the eminent Judge David Ogden and soon became one of the leading lawyers in the middle colonies. Besides attending to a lucrative private practice, he trained a host of brilliant young lawyers including Elias Boudinot, William Paterson, Joseph Reed, Benjamin Rush, and Jonathan Dickinson Sergeant, all of whom became leading Whigs. Stockton served on the provincial council from 1768 to 1776 and on the supreme court as an associate justice from 1774 to 1776; he declined the opportunity of becoming the state's first chief justice in 1776 and narrowly missed being elected its first governor. An ardent Presbyterian, he was active in local church affairs and sat on the board of trustees of his alma mater. Stockton quickly moved to the forefront of the protest-independence movement in New Jersey, capping his involvement by serving in the Continental Congress in 1776 and signing the Declaration of Independence.

Princeton, Sept. 13th, 1765

D[ea]r Sir

.... I confess that I am much concerned about the present State of our Public Affairs. You see the spirit that the Stamp Act has raised throughout the Colonies. The People certainly ought to complain when they are oppressed. The unbounded License of some to the Eastward,¹ ought to be discountenanced by every friend to his Country; yet the Stamp Act cannot be extended here but in diametrical Opposition to our Constitution: wherefore I am humbly of Opinion that the Representatives of the People ought not to be silent. They ought to complain constitutionally. They should complain to the King; not to the Parliament whose Authority they do not and ought not to acknowledge. Upon mature Deliberation therefore I think that our Assembly ought to send Deputies at the Congress to be held this Fall at New York. If your House does not do it, we shall not only look like a speckled Bird among our Sister Colonies, but we shall say implicitly that we think it no Oppression. I always approved, you know, of your not petitioning the Parliament. That was in my Opinion, a very wrong step. It was acknowledging some Authority they had over Us. But humbly & sensibly petitioning the King I think might be of great service; and I doubt not, if there is such a Change in the Ministry as may be expected, but the Act will be repealed. Suppose you should apply to half Doz[e]n Members; and sign a Request to the Gov[erno]r to call you immediately, that you may reconsider the propriety of sending Deputies to New York. This, out of Love to my Country, and Regard to the House of Assembly, especially it's Speaker, I suggest. Burn my Letter after reading it over twice, and considering It maturely. I wish I had one hour with you, this week, but I cannot.

Adieu, and believe me your respectful friend and most h[umb]l[e] Ser[van]t,

RICHD. STOCKTON²

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1. The New England colonies.
2. Internal evidence suggests that Stockton may be “Caesariensis.” See Doc. 4, note 3.

6 “A. Lawyer” [Elias Boudinot] on the Suspension of Legal Proceedings

[An undated manuscript copy of this letter in the hand of Elias Boudinot is in the Elias Boudinot Papers, I, Library of Congress; it was published, with alterations by the printer, in the *New-York Gazette; or, the Weekly Post-Boy*, October 24, 1765 and reprinted *NJA*, 24:660-62. The text below is that of the original, not the published letter.]

Since the Stamp Act imposed a wide range of graduated duties upon numerous legal documents and transactions, Jersey lawyers were directly affected by the tax. Yet their respect for due process and order ruled out the more extreme forms of protest. Summoned by “the Principal Gentlemen of the Profession,” attorneys from all parts of the province gathered in Perth Amboy on September 19 to declare their opposition to the statute and thwart its execution. The result was a course of peaceful yet forceful resistance that suspended legal activities (except for criminal proceedings) pending repeal of the Stamp Act. One of the participants was Elias Boudinot (1740-1821), an Elizabethtown lawyer who coupled firmness with prudence in playing a leading role in the politics of protest in both Essex County and the colony. In essentials, his political philosophy mirrored that of Richard Stockton, with whom he had studied law and whose sister, Hannah, he married in 1762. His career included service as trustee of the College of New Jersey (now Princeton University) from 1772 to 1821; commissary general of prisoners (1777); member of the Continental Congress (1781-1784); president of Congress (1782-1783), member of the Federal Congress (1789-1795); director of the Philadelphia Mint (1796-1805); and first president of the American Bible Society (1816). The following is the only extant firsthand account of the lawyers’ meeting.

[October 1765]

Sir,

At a Time when every person, who is in the least accessory to the Countenancing or forwarding that Enemy of our Peace (the Stamp Act) is justly rendered Odious to every friend of Liberty, common Benevolence will lead the generous Mind to prevent such a Curse from falling on the Innocent: therefore it is, that the Public are again troubled with the following simple Detail of the Proceedings of the Gentlemen of the Law in this Colony and the Behaviour of the Chief Justice,¹ on