WILLIAM LIVINGSTON: REVOLUTIONARY WAR GOVERNOR
OF NEW JERSEY

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This investigation is concerned with the importance of the role that William Livingston played in the struggle for American independence. Two methods were used to present this role. First, a narrative account describes his work as governor of the state. Second, subjective opinions of his contemporaries and others evaluate the effectiveness of his work.

The most important sources for this investigation are the *New Jersey Archives*, Second Series (W. S. Stryker and others, editors), the *Writings of Washington* (J. C. Fitzpatrick, editor), and the *Journals of the Continental Congress* (W. C. Ford, Gaillard Hunt and others, editors). Newspapers and various manuscripts from the Papers of the Continental Congress and the Livingston Papers contain much primary information about Livingston. These state and federal government publications provide the basis for this study of Livingston.

Sedgwick's early study of his great-grandfather is the only biography written about Livingston. It is valuable for the many letters quoted and for information about the
family. Another secondary source that proved valuable was Macmillan's *The War Governors in the American Revolution*.

The introductory chapters discuss Livingston's background and its contribution to his election as governor of New Jersey. The major influences of his life—his family background, his education, his friends, his personal inclination and his political experience—prepared him for and propelled him toward public service. Livingston left New York and politics in 1772, intending to retire to a farm in New Jersey. His retirement was ended by the development of national events that ended in war with Great Britain.

Livingston was elected to the Continental Congress on the basis of his earlier political experience. When the fighting started, he was the best qualified citizen in New Jersey to be the military leader. His political career was climaxed in his election as the first governor of New Jersey and equipped him to fill that office continually for fourteen years. Having come out of retirement, he continued to serve the public until his death in 1790.

Livingston served as Governor while the war raged through the state in 1776-1777, and was for a time the sole visible representative of the newly formed state government. He functioned as the Governor while the war was fought all around the state in succeeding years. He led the effort to mobilize men and raise the state's share of supplies for the army.
The rebels found a ready spokesman in the person of the New Jersey Governor. He used speeches, newspaper articles, letters, and broadsides to argue the justice of the patriot cause and ridicule the British position on the cause of the war and their conduct in fighting it.

Livingston worked for the independence of America in spite of the personal danger to himself that resulted from his attacks on the British and support of the American effort. The special prolonged jeopardy of the Governor reflected the esteem the British had for his work. He was in danger from the British because he was important to the Americans.

The evidence supports the importance of the role Livingston played in the Revolution. Both the original documents and contemporary opinion demonstrate that Livingston was a key leader in the work of supporting the Revolution. Although constitutional limitations on his powers as governor sometimes prevented him from greater effectiveness, he nevertheless occupied a central position in the provision of troops and supplies and provided an indispensable service that was essential to the winning of the war.
WILLIAM LIVINGSTON: REVOLUTIONARY WAR GOVERNOR
OF NEW JERSEY

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CHAPTER I

THE DEVELOPMENT OF LIVINGSTON'S POLITICAL
AND MILITARY CAREER

William Livingston was born in New York in 1723, the grandson of an eminent Scottish minister, Robert Livingston. A biographer has described Robert Livingston as an intelligent and resourceful diplomat and courtier. He had come to New York in the seventeenth century as a refugee, but through his friendship with Governor Thomas Dongan, he was soon able to obtain a seat on the Governor's council and the position of Secretary of Indian Affairs. The salary from these offices, added to the income from French and Indian trade, profits from supply contracts for the government, and interest from loans made to the government made it possible for him to buy extensive tracts of land from the Indians. From these purchased tracts, he created a manor of more than 150,000 acres. The manor was confirmed by a charter from George I and became known as Livingston Manor.¹

William Livingston's father, Philip, was the second lord of Livingston Manor. William's oldest brother, Robert, became the third lord of the manor, and one of their cousins became owner of Clermont, a separate estate created by the patriarch of the clan for a younger son. Even though the manor provided wealth enough to support all the Livingstons, all the younger sons became active businessmen. Three of William's brothers were wealthy New York merchants, and William himself owned considerable property in addition to having a profitable law practice.\(^2\)

Livingston Manor was the second largest of the five great manors in New York province. Only the Van Rensselaer manor was larger. Besides their wealth, and perhaps as a result of it, the Livingston family gave its name to one of the two dominant political factions which struggled for political control of the state during the colonial era. Another of the great landholding families, the De Lanceys, wielded equal political influence and headed the opposition. Nothing was done of a political nature in the state without the support of either the Livingstons or the De Lanceys.\(^3\)


\(^3\)Catherine Drinker Bowen, John Adams and the American Revolution (Boston, 1950), pp. 461-462.
Judge Thomas Jones, a contemporary Tory historian, aptly described the makeup of the New York Assembly following the election of 1759. Included were Philip Livingston for the City, Henry Livingston and Robert R. Livingston for Dutchess, William Livingston for the Manor, William Bayard, first cousin to Philip Livingston, for the City of New York, and Alexander Tenbrook, his brother-in-law, for Albany, with other staunch Republicans. They immediately took the lead in the house.4

To participate in state politics was only natural for William Livingston, since he was born into a powerful and politically active family. The friends he made while at Yale College had similar interests. Two of them, John Morin Scott and William Smith, Jr., became his enduring colleagues and collaborators. After finishing their training for the bar, all three practiced law in New York and were so closely associated in joint efforts that they became known as the triumvirate.

Together the three lawyers wrote for the weekly newspapers, titling their column first "The Independent Reflector," and later the "Watch Tower." With telling effect, they directed their essays at the abuses of the public good by the established church and the government. "The Colony, in a short time, from a state of happiness, became a scene of confusion, of uproar, and disorder, thanks to the triumvirate Livingston, Scott, and Smith, and to them

4 Thomas Jones, History of New York during the Revolutionary War, 2 vols. (New York, 1897), I, 17.
only." The members of the triumvirate had a number of things in common: their law training under William Smith senior, their Presbyterian religion, their Republican principles, and their opposition to bishops and kings. One of their critics said that they aimed "to pull down Church and State, and to raise their own Government and religion upon its ruins, or to throw the whole realm into anarchy and confusion."6

The members of the trio were also landholders or proprietors by avocation. Thus, much of the earnings from their law practice was invested in land, mostly in upstate New York. Both marriage and blood ties connected them to the manorial families of New York, and their professional talents were often devoted to land suits concerning those families. The Dutchess County riots of 1766 provide an example. The riots resulted in the arrest, trial, and conviction of the "levellers," who wanted to distribute property more evenly. Scott and Smith personally prosecuted William Prendergrast, the leveller leader, and sixty or seventy of the levellers. Although Livingston was not directly connected with the proceedings, he sympathized with his relatives and friends who wanted to protect their vested interests. These opponents of British rule were

5Ibid., p. 7.
6Ibid., p. 5.
proponents of aristocratic rule in the internal operation of the colonies. They applauded attacks on the British, but they prosecuted attacks on property.\(^7\)

Though Livingston agreed with Scott and Smith on landed interests, their Revolutionary roles varied. He occupied a central position in the trio on the question of revolution and independence from Great Britain. He was less eager to accept independence than Scott, but in contrast to Smith he was eventually willing to make the move and pursue independence energetically. The trio, along with Peter Van Brugh Livingston, David Van Horne, William Alexander, Robert R. Livingston, William Peartree Smith and Doctor John Jones, were key members in what was called the "Whig Club." Most of the members of the club later took part in what a contemporary Tory historian called the "unnatural, unprovoked American rebellion."\(^8\)

In the late 1760's, the De Lancey political faction staged an upset and defeated the Livingston Whigs in the New York Assembly. After the De Lancey faction gained control of the house, they forced through their project of an Anglican-dominated college instead of the free college desired by the Republicans. This change in political power

in New York helped persuade Livingston to leave public life and retire to the peace and quiet of country life.

Livingston had enjoyed rural life as a boy, and while still in school he expressed a poetic desire to live the simple life of a farmer. With this goal before him, he had been studying agriculture throughout his life. He had a supply of fruit trees sent especially from England to plant on some land he owned in New Jersey. In 1772 he closed his profitable law practice and moved to Elizabethtown, New Jersey, to retire. At this time he was worth $21,000, fortune enough to support him and his family. He expected to live quietly on the interest of his investments and leave the principal to his children.

News of the Boston Port Act, which reached New Jersey in early June, 1774, ended Livingston's retirement. A Committee of Correspondence met in Essex County and suggested

Designated to punish Boston and indirectly all of Massachusetts, the act closed the harbor until damages were paid for the Tea Party.
calling a state conference to which all counties would send committees. During June and July the people chose the committees. Essex County furnished the leaders: William Livingston, Stephen Crane, Isaac Ogden, and Elias Boudinot. The conference sat briefly in New Brunswick, beginning on July 21, 1774, and made a declaration of its sympathy for the plight of Boston. Governor William Franklin sent word to England that all the leading men of the colony favored the conference's proposal that the patriots set up independent legislative groups and seize the tiller of government.13

The most significant response to the Boston Port Act and the accompanying acts, called the "Coercive Acts" by the British and the "Intolerable Acts" by the Americans, was the summoning of a Continental Congress in 1774. Fifty-five distinguished men met as representatives of twelve of the thirteen colonies, with only Georgia unrepresented. Five delegates went as the elected representatives of New Jersey with Livingston as their leader.14

The first Continental Congress met for seven weeks, September 5-October 26, 1774. The delegates' long arguments resulted in agreement on several subjects: appeals to


neighboring colonies, the King, and the people of England, and the formulation of a Declarations of Rights. The major action taken was the creation of the Continental Association, an agreement between the state representatives not to import, export, or consume British goods. Forming the Association was still not a real move toward independence, but merely a boycott to get the offensive legislation repealed.

When the colonial grievances were not redressed, a Second Continental Congress met in May, 1775, according to previous agreement of the First Continental Congress. This time all the colonies were represented. Governor William Franklin opposed the appointment of New Jersey delegates to the Congress, but the Assembly sent them by skillfully outmaneuvering the Governor. He complained that the New Jersey members of the First Continental Congress went with prepared resolutions and "caballed among the Members" so that resolutions were passed promptly. He thought they had acted too hastily when they passed resolutions the same morning they were introduced.

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While Livingston was a delegate to the second Congress in 1775, he was a member of twelve committees. He was a member of the committee that prepared the address to the people of Ireland. Twice he served on committees of three with John Adams and Thomas Jefferson, and since he reported for the committee, he was apparently chosen chairman.

In January, 1776, Livingston began his period of greatest activity as a member of Congress. For six months he was appointed to a new committee on the average of once a week, and he often served on two or more committees at the same time.

About half of his committee work dealt with the consideration of letters from various military and civilian officers and recommendations to Congress concerning their disposition. For example, on January 23, Livingston reported for his committee on the letters referred to them on the twenty-second. The committee commended Washington for sending General Charles Lee to New York and urged that additional troops be sent to help Lee. They made various

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18 On January 22, Livingston was appointed to two committees, and on January 23, he was appointed to a third committee. Ford, *Journals of the Continental Congress*, IV, 77-79. From January to June, Livingston served on about twenty-four committees. *Ibid.*, VI, 1151.
recommendations concerning the disposition of captured officers. Since there were too many prisoners at Kingston, New York, they suggested that two of the captains be moved. The committee felt that since the officers paroled at Trenton, New Jersey, were in a busy trade center and on the main route of the public stage, they should be moved to the homes of farmers a distance from town. Without specifying why, they recommended that the officers who were paroled to a Mrs. Van Camp be removed to the Lancaster, Pennsylvania, garrison.

Livingston's committee work did not deal only with letters. The day he presented his new credentials to the Continental Congress he was added to a committee which had been studying the army's need for cannons. At the time of Livingston's appointment, Congress granted the committee the authority to purchase a large number of guns when the best source was found.

Livingston was also appointed to a committee assigned to determine the best means of relief for Falmouth, Maine, a town completely destroyed by the British torch. He reported for the committee that a relief fund would be too slow to relieve those in most urgent need and would be an unfair burden on the generous. On the other hand, the most

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19Ibid., p. 81.

20Ibid., p. 162. The Continental Army needed about 275 cannons of various sizes.
equitable means would be to pay for the rebuilding of Falmouth from the Continental Treasury, which would set a bad precedent. The final decision was left to Congress.21

Aside from a resolution to observe a fast, the Journals of the Continental Congress has no record of Livingston's work in that body other than his service on committees.22 Never much of a public speaker, his real work was done in private discussion with other committee members.

Even though Livingston was elected to every session of Congress up to June of 1776, his name is not found on the Declaration of Independence. According to John Adams there may not have been a Declaration of Independence if Livingston had been in Congress.23 Adams wrote that on

Friday June 28, 1776, a new delegation appeared from New Jersey. Mr. William Livingston and all others who had hitherto resisted Independence were left out. Richard Stockton, Francis Hopkinson, and Dr. John Witherspoon were new members.24

Livingston was not basically opposed to separation from England, but he did desire a public alliance with France.

21Ibid., p. 179. This report is in Livingston's handwriting. The original copy of the report can be found in the Papers of the Continental Congress, Item 20, folio 43.

22Ford, Journals of the Continental Congress, IV, 201, 208-209.


before the colonies declared their independence. John Adams later said that although William Livingston of New Jersey and John Jay and James Duane of New York were not present at the critical vote on independence "they all acquiesced in the Declaration and steadily supported it ever afterwards." By taking the post of Commander-in-Chief of the New Jersey militia in the summer of 1776, Livingston proved his commitment to the American cause of independence. However, he felt that his militia position did not prevent him from Congressional service and was disappointed that he had not been reappointed as a delegate to the Continental Congress in June.

Livingston had been active in the militia for some time prior to June. When the British visited Elizabethtown on February 17, 1776, to obtain livestock by force, he ordered out 300 militiamen to stop them and marched personally at 3:00 a.m. to lead the battle. He was joined in the defense by Captain Blanchard and the Essex County Horse. The British

25 Livingston to Henry Laurens, February 5, 1778, Sedgwick, Life of Livingston, pp. 185-186.


left without the livestock. Livingston posted a guard against a possible return and ordered the men back home.28

On June 5, 1776, while Livingston was busy with committee work for the Continental Congress, he received a command from the Provincial Congress of New Jersey to return to New Jersey and take command of the state militia. Livingston left Philadelphia for New Jersey as soon as possible and, in anticipation of a raid on the state, immediately began to train the New Jersey militia. The British fleet convoying the army under the command of Sir William Howe, had left Boston and their destination was a matter of speculation to the patriots.29 On June 29, forty of the enemy's ships, carrying the first part of Howe's troops, anchored off Staten Island.30 Adjutant General Joseph Reed was already enroute to Livingston's camp with a routine request for militia, but the need now became so urgent an express rider was sent to overtake him. Reed and the express rider conferred with Livingston on the need for


29This threatening situation had prompted the Provincial Congress to call on Livingston; there was no other state officer of equal rank with him. Sedgwick, Life of Livingston, pp. 182-183, 186.

calling out the militia and decided to summon three companies. In spite of generous bounties offered in an attempt to entice recruits, it is doubtful that the three companies Livingston ordered out were up to more than half strength. 31

After Livingston had supplied troops for the defense of New York, the British troops occupied Staten Island, placing New Jersey in an exposed condition. Alerting Washington to his danger, Livingston made repeated requests for reinforcements for his troops. Evidently impressed that the inhabitants of New Jersey were endangered, Washington returned the New Jersey militia for home duty. He emphasized that the militia was dismissed but not discharged. General Hugh Mercer of the Continental Army was also sent to assist Livingston in the difficult task of guarding the New Jersey shore opposite Staten Island. 32

In order to calm the Whig residents of the shore area, Livingston removed all known British sympathizers from the threatened territory. This reduced communications with the enemy and minimized the threat of Tory plunder. Nevertheless, cattle and horses were moved to safer places and the ferries and boats in the area were secured and watched.

31 Fitzpatrick, Writings of Washington, V, 198; Sedgwick, Life of Livingston, p. 196.

32 Fitzpatrick, Writings of Washington, V, 225; Sedgwick, Life of Livingston, pp. 197-199.
Livingston was put in charge of the prisoners the Continental Army had already captured in the New Jersey area. Since he was a resident of the area, Livingston knew many of those arrested and accused of correspondence with the enemy. He was given authority to release the prisoners if he personally knew them to be innocent, or to send them to the Continental Congress for trial if he thought them guilty. Washington directed him to show the prisoners any kindness that would be consistent with the safety of the patriot cause.\(^3\)

Everything was in short supply among the militia Livingston commanded. He wrote to the Provincial Congress about the requests he was receiving from the troops. He said that the troops were loudly calling for all kinds of supplies except food, and that they especially needed cartridges and guns. When he received a supply of powder and lead from the Continental Army, it was accompanied by a plea for frugality in its use, for there was no abundance of ammunition in any of the patriots' arsenals.\(^4\)

In August Livingston received another urgent request for troops. Since the British army from South Carolina had

\(^3\)Washington thought many of the prisoners should be punished, but the final decision was left to Livingston. Washington to Livingston, July 6, 1776, Fitzpatrick, *Writings of Washington*, V, 227-228.

joined William Howe on Staten Island, the British force was raised to an alarming superiority over the Continental army. The Continental army was weakened by sickness, desertions, and the incomplete state of new levies. Washington wrote to Livingston asking him again to send the New Jersey militia to New York and appealing to him personally to support the recruiting drive with vigor. In expressing his confidence in Livingston's ability to assist in the performance of the task, Washington added his assurance that Livingston's "judgement will suggest everything proper."35

Livingston "discharged his duties with his usual conscientiousness," even though he did not like the irritations and inconveniences of the job.36 In a letter to William Hooper, Continental Congress delegate from North Carolina, he described his work as a militia leader:

I removed my quarters from the town hither to be with the men, and to enure them to discipline, which by my distance from the camp before, considering what scurvy subaltern officers we are ever like to have while they are in the appointment of the mobility, I found it impossible to introduce. . . . My ancient corporeal fabric is almost tottering under the fatigue I have lately undergone: constantly rising at 2 o'clock in the morning to examine our lines which are . . . very extensive, till daybreak, and from that time, perpetually till eleven in giving orders, sending despatches,

35Washington to Livingston, August 6, 1776, Fitzpatrick, Writings of Washington, V, 396.

36Krout, "Livingston, William" XI, 326.
and doing the proper business of quartermasters, colonels, commissioners, and I know not what.\textsuperscript{37}

Livingston's dislike for his job did not prevent him from becoming an active militia leader, and by taking charge of the militia in northern New Jersey during the British attacks on neighboring New York, Livingston was able to gain valuable experience as a field commander.

\textsuperscript{37}August 29, 1776, Sedgwick, \textit{Life of Livingston}, pp. 199-200. All field officers were chosen by the Council and Assembly. \textit{Constitution of New Jersey, 1776} (Burlington, 1776), p. 7.
CHAPTER II

THE NOMINEE AND WINNER IN A CONTESTED ELECTION

In accordance with a recommendation from the Continental Congress, the legislature of New Jersey drafted a new constitution in July, 1776. Under the constitution the legislative body of the state was to consist of an assembly, a council, and a governor who was elected annually by the legislature. On August 30, 1776, the two legislative groups held a joint meeting for the purpose of electing an executive. The meeting took place in the library of the College of New Jersey, later called Princeton University.

On the first ballot, Livingston and Richard Stockton, a signer of the Declaration of Independence, were tied. The session was adjourned, and that evening several of the prominent delegates met for an informal discussion of a plan to break the tie. They chose John Stevens, one of their members, to discuss the matter the next morning with Stockton, who lived nearby at his estate, "Morven." Later on that day, August 31, the session was resumed and another vote was taken. This time Livingston was chosen by a twenty-seven to fourteen majority. The delegates then elected Stockton Chief Justice of the state, giving rise to rumors that a deal had been made to divide the high offices
between the two politicians. Stockton later said that after discussing the matter with Chairman Stevens at his house that morning, he had cheerfully and voluntarily resigned any claim he had to either the governor's or chief justice's office. Furthermore, he declined the chief justice's seat when it was offered to him. However, the incident was not that simple, and the circumstances that surrounded Livingston's election as the first governor of New Jersey are still somewhat a mystery.

The official *Minutes of the Joint-Meeting* report that on August 30, the first ballot of the combined Assembly and Legislative Council resulted in a tie between Livingston and Stockton, and that the next day Livingston was elected governor and his opponent was chosen chief justice.\(^1\) The Minutes do not record the actual vote, nor do they explain how the deadlock was broken. One possible reason given by William Gordon, writing in 1788, was that the legislators learned that Stockton had just refused to furnish the rebels with his own team of horses, and that his evident lack of patriotism resulted in the immediate election of Livingston.\(^2\)

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\(^1\) *Minutes and Proceedings of the Council and General Assembly of the State of New-Jersey in Joint-Meeting, from August 30, 1776 to May, 1780*, (Trenton, 1780), pp. 3-4.

Another reason given by an early authority was the theory presented by Theodore Sedgwick, Governor Livingston's biographer. He wrote:

I am told by a person formerly intimate with John Cleve Symmes, at this time a member of the Council, that he often said between jest and earnest, 'that he made Mr. Livingston governor.' Whether by this is meant, that on the final vote, Gov. L. had only a bare majority, or that Mr. Symmes induced the adherents of Mr. Stockton to join those who were in favor of his rival, I doubt whether there are now any means of ascertaining.3

No corroboration of these explanations has been found, and this complete lack of verification tends to discount both of them as anecdotes which throw little light on the problem. The best description of what took place is found in two memorials in the Stevens Family Papers.4 They were addressed to the joint meeting of the legislature by Richard Stockton and John Stevens and set forth in detail what each man felt was the true inside story of the gubernatorial election.5 Although their memorials were presented as

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4 "The Memorial of Richard Stockton," and "The Answer of John Stevens to the memorial of the Honorable Richard Stockton, Esq.,” Stevens Family Papers in the Library of the Stevens Institute of Technology and summarized in the Calendar of the Stevens Family Papers, 2 vols. (Newark, 1941), Vol. II, Arts. 460, 464. These memorials were not entered in the Journals of the joint meeting as the writers intended. "The Answer of John Stevens" is also in the Livingston Papers, Mic. 503, Roll 1, Book A #254.

5 Stockton was a leading lawyer of New Jersey, a delegate to the Continental Congress, a former member of the colonial Governor's Council and a Supreme Court Justice
opposing viewpoints of the same event, the elements of agreement indicate the authenticity of the evidence.

According to Stockton's "Memorial," Stevens came to "Morven" to tell him of the tie vote, then asked him to withdraw from the election in favor of Livingston. Stevens pointed out the honor that would be Stockton's by preferring another to himself for the first office of the state. Stockton indicated he did not desire to be governor and declared he would be pleased to see Livingston appointed, if he could make a personal resignation to the Assembly. Stevens then turned the conversation to a subject the two men had discussed earlier. He reminded Stockton of a previous conversation in which they had agreed that the office of chief justice was to be preferred above that of governor. Stockton seemed to agree with that opinion, and Stevens hinted that Stockton would be elected to that office. The discussion closed on an uncertain note. Stockton qualified his position by indicating that in case the legislature elected him he would accept either office as a means to serve his country. Stevens immediately left under the crown. He was best known as a signer of the Declaration of Independence. Stevens, who had also been a Council member under Governor William Franklin, was a rich New Jersey landowner.
to report to the legislature the results of his conversation with Stockton. ⁶

That same morning, August 31, the joint meeting reconvened. The meeting began with a series of maneuvers, including a motion to adjourn which was defeated, a report by Stevens that Stockton would accept either position, and a motion, which was not seconded, to permit Stockton to be heard before the balloting. It ended with the election of William Livingston as Governor and Richard Stockton as Chief Justice. ⁷ Meanwhile, the master of "Morven" waited at home for the expected call to appear before the session and make a personal resignation. Finally he went to the College and called Stevens from the meeting room, only to learn that the election was over. Stockton then drew up a long "Memorial" to set forth the facts, which he said were misrepresented by Stevens' report.

Stevens then composed an "Answer" to Stockton's "Memorial." His rejoinder was intended to expose the false humility of the author of the "Memorial," whose case he judged to be "so far from being Singular that it is exactly like the Case of all other Candidates who lose their Election.

⁶Stockton's "Memorial" and Stevens' "Answer" as summarized in the Calendar of the Stevens Family Papers, Vol. II, Arts.460, 464.

⁷Minutes of the Joint-Meeting, p. 4.
for want of a Majority of Voices to carry it."  

Stevens added that had he told Stockton that Livingston "was elected Governor by a Majority of Twenty-seven to fourteen," the "Memorial" probably would not have appeared.  

In summarizing his feelings toward the disagreement, Stevens wrote:

"In a Word as the Memorialist seems to allow that the Respondent declared to both Houses what he himself would have done had he appeared in Person; and as his Sincere wishes to have his Worthy Friend Mr. Livingston chosen for Governor were carried into Execution, it is above the Respondents' Comprehension what he has to complain of."  

Stockton thought he should have made his resignation in person so he could assure the legislature of his patriotism and willingness to help at the same time he declined the first office of the state. Since Stevens had reported Stockton's willingness to resign, Stockton declared he was treated unfairly. Stevens replied that Stockton was a poor loser seeking to salvage some of his pride through a sacrificial resignation.  

It is difficult to determine if Livingston was made New Jersey's first governor through deception, for the two

8Stevens' "Answer," Livingston Papers, Mic. 503, Roll 1, Book A #254.  

9Ibid.  

10Ibid.  

11Stockton's "Memorial" and Stevens' "Answer" as summarized in the Calendar of the Stevens Family Papers, Vol. II, Arts. 460, 464. Stevens continued his active support of the revolution. Stockton was captured by the British and was forced to sign an oath of allegiance to the king. His imprisonment ruined his health.
memorials are biased and contain basic disagreements concerning the election. The most significant point is that Livingston was elected to the first office of the state after residing there for only four years, while his unsuccessful opponent was a well known native of the state and a former high royal official. Neither memorialist accused Livingston of seeking his own election by deception; the argument concerned what really happened in the meeting at "Morven."

Whatever the circumstances of the "Morven" meeting may have been, the real outcome of the election was probably settled at the informal meeting of legislators in a smoke-filled room the night before, and "the reason doubtless was that it was thought best to have a man of some military instincts in the Governor's chair, and Livingston was then in camp."\(^1\) It is possible that when the legislature chose Livingston, they were acting on much the same grounds as the Board of Trade might have used to select a royal governor, for he was a graduate of Yale, a member of a wealthy New York family and a highly successful lawyer. He had experience as a legislator through his years as a member of

the New York Assembly, and he had been three times a New Jersey delegate to the Continental Congress.\textsuperscript{13}

Although Livingston was the governor, he was severely limited in his powers. In 1774, the Provincial Congress had taken sovereignty from the King and his representatives, the Board of Trade and the royal governor. This arrangement was legalized by the New Jersey Constitution of 1776. The New Jersey Constitution, like those of the other states, reduced the powers of the executive office and made the legislature supreme. The governor became a mere political figurehead, a judge, and commander of the state military forces. He was described as the "supreme executive power" but was given no authority to appoint anyone, veto any legislation, or even be independently elected, since the legislature chose the governor. The governor had some legislative and judicial functions but very little constitutional executive authority. Since the legislature made laws and appointed officers to enforce them, they exercised effective control over both the governor and the courts.\textsuperscript{14} Evidently conscious of the abuses of the royal governors, the newly formed state government opposed the creation of a secure central executive.

\textsuperscript{13}He was graduated from Yale with a B.A. in 1741, and he was awarded an honorary doctorate in 1788. Duane Lockard, \textit{The New Jersey Governor, A Study in Political Power} (Princeton, 1964), p. 38-40; Sedgwick, \textit{Life of Livingston}, pp. 47, 431.

Hence, the governor's term of office was limited to one year, making him annually dependent upon the legislature for his office.

The provisions made the governor's office look weak, yet the significance of the office depended on the incumbent. The patrician class standing of Governor Livingston gave him almost automatic deference and respect from those less affluent.\textsuperscript{15} With very little administrative machinery to carry out his restricted executive power, Livingston still acquired influence as a "symbol of stability and patriotic attachment to the cause of Independence," and he was widely read in the press as a spokesman for the cause.\textsuperscript{16} He was more a spokesman than a practical politician, for the legislature carefully maintained its role as the real policy maker. At first the legislature was deferential to the Governor, printing across the top of each page in their journal, "William Livingston, Esquire, Governor," but in 1780 even this polite gesture was dropped.

In his acceptance speech before the joint meeting of the New Jersey Council and Assembly, September 11, 1776, Livingston set the tone of their working relationship. He declared his feeling of unworthiness for the honor of being chosen governor, and promised that although his work and ability might prove disappointing, his intentions never

\begin{itemize}
\item \textsuperscript{15} Ibid., p. 37.
\item \textsuperscript{16} Ibid., p. 44.
\end{itemize}
would. He had always opposed the British policy that he called intentional slavery, and thus he accepted the post in spite of the danger from the enemy that accompanied the job. He pledged that he would discharge the trust and fulfill the requirements of the governor's office.17

Turning his attention to practical matters, he listed the needs for action by the legislature to prosecute the war. The most urgent need was to provide for the payment of the New Jersey militia then defending New York. Payday for half the men was due within a few days. He recommended that the militia be better regulated and urged prompt enactment of a law to authorize the impressment of articles vital to the army.18 In concluding his address he complimented the members of the Council and Assembly, describing them as respectable, zealous, and united men who were truly supported by the people. He charged them to make it their aim to show to their constituents unselfish love for the common good. As he spoke of the faithfulness that the legislators would need, he asked them to set the example of integrity "and righteousness which cannot fail to 'exalt a nation,' setting our faces at the same time like a flint against that disso-luteness of manners and political corruption which will ever


be the reproach of any people."^19 This phrase so struck the popular imagination that he was known for years as "Doctor Flint."^20

His previous governmental service enabled Livingston to exercise his powers carefully but fully. His experience as a member of the colonial assembly of New York aided him in working with the New Jersey revolutionary assembly, for as a former member of an assembly he was familiar with their operation and their sensitivity to heavy-handed treatment by a governor. The time he had spent as a member of the Continental Congress had familiarized him with its operation. There he had met leaders from other sections of the country, many of whom also became state governors. Since all the governors were commanders of their state militias, Livingston was able to cooperate with them in the war effort.

His long stay in office and the force and energy of his personality enabled Livingston to exercise more influence with the Assembly than the state constitution intended. The presence of an occupation army kept the Assembly adjourned and scattered during the early years of the war, leaving the

^19 Ibid., p. 203.

^20 L. Q. C. Elmer, The Constitution and Government of the Province and State of New Jersey, with Biographical Sketches of the Governors from 1776 to 1845 (Newark, 1872), pp. 64-65. Sedgwick, Life of Livingston, p. 207, wrote that Fisher Ames set "the table in a roar" by inquiring of Livingston at a New York dinner, "Dr. Flint, whether the town of Trenton was well or ill disposed to the new constitution."
Governor the sole instrument of government for prolonged periods. He filled this role as a highly visible and very vocal propagandist, satirizing the British and the Loyalists in the press and in pamphlets and broadsides printed for distribution to the public and the army. What he could not order for lack of executive power, he could persuade by means of the public press. When the Continental Congress and George Washington urged him to move forage, wagons, and livestock out of the reach of enemy raiding parties, he offered his inadequate authority as the reason he could not order it done. But the constitution did not prohibit his personal efforts to perform the task, and he exerted his influence to persuade the citizens to action. As a lawyer he was conscious of the legal implications of forced obedience. He told Washington, "as the Governor of this State is a civil magistrate, it cannot be expected that he will act in an arbitrary, that is, an illegal part." When a British officer in New York wrote to Livingston, addressing him as the man who ran New Jersey, he replied:

> You have distinguished me by a title which I have neither authority nor ambition to assume, I know of no man who bears sway in this State. It is our peculiar felicity, and our superiority over the tyrannical system we have discarded that we are not

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swayed by men—In New Jersey, sir, the laws alone bear sway.\footnote{22}

Apparently Livingston was considered indispensable by the electorate of New Jersey for they returned him to the governor's office every year until his death fourteen years later. Livingston had complained when many of the states repeatedly sent the same delegates to the general congress, saying that for a "man vested with boundless Authority to preserve his Integrity for three years, is taking human nature in the gross as much as can be reasonably expected."\footnote{23}

So in their time, New Jersey ironically expected Livingston to maintain his integrity for fourteen years.

\footnote{22}{New Jersey Archives, Second Series, II, 14.}

CHAPTER III

EXECUTIVE'S ROLE DURING THE OCCUPATION, 1776-1777

The contested election of 1776 was only the beginning of Livingston's difficulties as governor. He barely got through the formalities of thanking the legislators and being congratulated by them before New York City fell into the hands of the British on September 15. The Hudson River and the retreating Continental Army were all that stood between the British and New Jersey, and it was only two months until Fort Washington fell, allowing the British under Lord Cornwallis to cross into New Jersey.¹ The Americans then abandoned Fort Lee and, pursued by the British army, began a rapid retreat across the state, thus transferring the agony of warfare to the heart of New Jersey.

One of Livingston's most difficult tasks as governor was the provision of New Jersey militia for the defense of the state. Before the state was invaded, Washington requested the services of the militia to prevent the British

¹Strong garrisons were kept at both Fort Washington and Fort Lee. See map, p. 34, for these places. In case of a need for retreat, Washington planned to retire through New Jersey rather than have his army cornered in New England. Lynn Montross, Rag, Tag and Bobtail: The Story of the Continental Army, 1775-1783 (New York, 1952), p. 145.
from crossing the Hudson River from New York.² Livingston attempted to have the state militia in the field to oppose the invading army. He wrote personally to all militia colonels and generals, and had circulars printed in his name and distributed widely to strengthen the spirit of resistance.³ His efforts were to no avail. The sight of defeated American troops retreating in rags before the enemy was a discouraging sight. The splendidly dressed and well-organized British army awed the people and shook their confidence in their own forces. The militiamen of the state chose not to respond to the Governor's call, leaving him little hope of helping the rebel cause. New Jersey had promised four battalions of regulars for the Continental Army, so Livingston turned his attention to filling that quota.⁴

Left without defense before the advancing foe, the state legislature became a portable government. They wandered with the Governor from Princeton to Burlington to


Pitt's Town and to Haddonfield. Unable to retreat further, they were dissolved on December 2 to allow each member to seek a place of safety. The British now occupied all the principal towns of the state, and there was no place the legislature could safely meet. In this the gloomiest period of the war for New Jersey, the people surrendered to a spirit of discouragement in the face of truly dismaying circumstances. The army had evacuated the state and the newly formed state government was nowhere to be found.

Hope returned to the patriots following Washington's brilliant victory at Trenton on December 26. The success of American arms and strategy buoyed the confidence of the citizens, and not without cause, for the British retreated from their newly conquered territory and left the Americans in possession of the southern half of the state. The sprawling occupation of the British army had proved too vulnerable to sneak attack and they never repossessed the territory they so briefly held.

Lord Stirling's letter to the Governor illustrates the spirit of elation that the Trenton victory gave to the Americans.

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^Sedgwick, Life of Livingston, p. 211, indicates that the meeting on December 2 was at Haddonfield, but the Votes and Proceedings of the General Assembly of the State of New-Jersey, 1776-1783 (Burlington and Trenton, 1777-1783), pp. 51-52, records the last meeting at Burlington.
Fig. 1--Area of operation in northern New Jersey

I dare say you have heard of our little expedition to Trentown, on the night of the 25th, the result was, that we made a most complete surprise of them, and have taken and killed at least 1200 of the best of Hessian troops, with their artillery and stores. The effect is amazing, the enemy have deserted Borden Town, Black Horse, Burlington, Mount Holly, and are fled to South Amboy; we are now in possession of all those places, and the spirit of that part of the country is roused; every

![Diagram of New Jersey showing British occupation on December 25, 1776 and January 10, 1777.]

Legend

- British occupation December 25, 1776
- British occupation January 10, 1777

Fig. 2--Area of British occupation

part of New-Jersey will take spirit if proper measures be adopted; it will in New-Jersey now greatly depend on your legislature exerting themselves. . . . 6

When the Assembly dissolved on December 2, it was agreed that they should meet again at Trenton on February 18. When much of the state was hastily evacuated after the battles of Trenton and Princeton, many of the members of the Assembly met at Pitt's Town on January 22. The meeting was adjourned when they discovered they did not have a quorum. On the next day they did obtain a quorum, but it was too late to attend to any business so they adjourned. It was on January 24 that they began the important business of enlisting men in the militia. 7

The business now confronting the New Jersey Assembly and the Governor was staggering. The regulation of the military itself was a gigantic task. Lord Stirling urged the summoning of the legislature to organize the officers more effectively so that men of character would serve and exert themselves in recruiting soldiers. 8 In the absence of a bureaucracy to administer army affairs, the Governor

6 Lord Stirling to Livingston, Dec. 28, 1776, Sedgwick, Life of Livingston, pp. 211-213. William Alexander, called Lord Stirling, was a Continental Army officer. He was married to the sister of William Livingston.

7 Votes of the New-Jersey Assembly, pp. 51-52. The Assembly moved their meetings to Haddonfield on January 29, 1777.

and the Assembly spent long hours debating appointments and promotions. This thankless task satisfied few of the officers clamoring for prominence and consumed much of the time of the already overworked legislature and executive. Captains and all inferior officers were chosen by the companies in their respective counties, but field officers were chosen by the Council and Assembly.9

One of the first items that Livingston presented to the Assembly was a law to bring every eligible man into active military service. The old law stated that all New Jersey men sixteen to fifty years of age who were able to bear arms were required to sign a muster roll in their county. As part of their duty as militiamen they were to attend drills, fully equipped, once a month. Failure to attend muster or to come properly equipped was punishable by a fine of twelve shillings. The Council and Assembly were responsible for calling out the state militia. The Governor presented the need for troops, the legislature directed that a call for men be made, and Livingston as the commander-in-chief issued the call for the troops through proclamations to the brigadier generals and colonels. The proclamations announced the time, place, and number to muster.10


It took from January 24, 1777, until March 15 for the Assembly to pass a new militia act. The new law required the colonels to make lists of all able-bodied men and that the lists be returned to the brigadier generals. Failure to submit lists was punishable by a fine of ten pounds.\textsuperscript{11}

Before it was dissolved on March 15, the Assembly created, at Livingston's suggestion, a Council of Safety composed of the Governor and twelve men, and empowered it to act against the enemy during legislative recess.\textsuperscript{12} The Council had both executive and extraordinary powers. In criminal matters it tried and committed to jail or to the enemy lines any person judged to be disloyal. It used its executive power to call out the militia and to deal with the families of fugitive Tories. As a military board it appointed officers and exchanged prisoners. The Council was unrestrained by any other agency and its authority was nearly limitless.\textsuperscript{13}

Livingston played a vital role in the work of the Council of Safety, since he was the president of the group. The Council differed from similar groups in other states in

\textsuperscript{11}\textit{Acts of the New-Jersey Assembly}, March 15, 1777, pp. 26-36. The law was weakened by a provision allowing objectors to hire substitutes or make a payment in lieu of military service.

\textsuperscript{12}Livingston to John Witherspoon, May 7, 1777, Papers of the Continental Congress (Washington, 1957), Item 68, folio 255.

\textsuperscript{13}\textit{Acts of the New-Jersey Assembly}, March 15, 1777, pp. 40-42.
its duration, for it functioned only during periods when
the legislature was in recess, not continuously throughout
the war as committees of safety did in New England. The
Council of New Jersey also contrasted to other committees
of safety in its areas of responsibility. In other states
the committees controlled or directed the army or the
treasury, but New Jersey's Council focused its energy on
judicial action. Its work was to try the disaffected and
criminals, not to organize and supply the troops, which was
primarily the responsibility of the Governor. The Council's
other responsibilities were to fill vacancies in the
military during the Assembly's recesses, communicate with
Congress, prepare items for submission to the legislature,
and to ask for special sessions of the Assembly. Through
the Council of Safety a group was set up with far more
executive and judicial power than the constitution allowed
one man to exercise.14

The Council was at least temporarily successful in
keeping the Tories subdued. In June, 1780, Livingston
stated: "The Tories are grown so impudent, that nothing
but another Council of Safety will reduce them to order,"

14Ibid. Francis Bazley Lee, New Jersey as a Colony and
as a State, 4 vols. (New York, 1902), II, 120-123, said its
powers were never abused because of the discriminating
leadership of Livingston. Agnes Hunt, The Provincial
Committees of Safety of the American Revolution (Cleveland,
1905), p. 82; Margaret Burnham Macmillan, The War Governors
implying that the other Councils had succeeded in keeping order.\textsuperscript{15}

Overall command of the militia within the state was the responsibility of the Governor, and appeals for militia action came to him from numerous sources. Counties which lay along the frontier with the enemy in New York sought stronger militia protection. Loyalist raiders were the cause of constant alarms and appeals to the Governor for protection. The Continental Army command desired both joint actions with the militia performing harassing action and outright use of the militia as part of the army. For example, in December, 1776, Lord Stirling asked that the militia attack the outlying British camps in small parties or harass the army in their retreat to further the damage done at Trenton and Princeton. He closed a letter to Livingston by saying:

\begin{quote}
Come, for God sake, and see these matters regulated, let merit in service, and not dirty connections, take place. . . . Now is the time to exert every nerve, and if we do, General Howe's army will be ruined; they will have no recruits in the spring, and the next campaign will be our own. God bless you; be active, and make the state of New-Jersey what it ought to be.\textsuperscript{16}
\end{quote}

\textsuperscript{15}Sedgwick, \textit{Life of Livingston}, p. 231. The Council of Safety was reappointed during each session of the General Assembly. \textit{Acts of the New-Jersey Assembly}, passim.

\textsuperscript{16}Lord Stirling to Livingston, Dec. 28, 1776; Sedgwick, \textit{Life of Livingston}, pp. 211-213.
With the British withdrawal to New Brunswick and Amboy, the patriot forces again faced a localized enemy threat. Washington appealed for New Jersey militiamen to attack the British outposts and harass their foraging parties. Their response was unexpectedly enthusiastic, and since the Continental Army had received a new shipment of muskets from France, it was now possible to equip the much larger fighting force. Around 20,000 muskets were distributed to large numbers of New Jersey and New York militiamen as well as to Continental regiments then being formed.17

In the autumn of 1776, New Jersey could probably be best described as being neutral toward the struggle between American and British forces. The inhabitants had watched Washington's retreat without even contributing moral support, but by the spring of 1777 many of them had torn up their royal pardons and sworn allegiance to the patriot cause. This new support of the local militia was largely the consequence of two things: British and Hessian outrages against civilians during the short time they had controlled central Jersey, and their continuing raids from New Brunswick and

Amboy. The British had plundered the helpless state from end to end in an unrestrained and systematic fashion.\textsuperscript{18}

Much of Livingston's activity in 1777 consisted of communication on the subject of using the militia. He was confronted with frequent requests for the assistance of a part of the militia. These communications give a clear picture of the change of attitude among the New Jersey inhabitants.

March 4, 1777, Livingston wrote John Hancock that he had received the resolution of Congress requesting him to order the state militia to join General Washington. He said he would gladly comply but was pessimistic about the response of the militia for the militia law was weak and inadequate. He predicted that at least four counties would refuse assistance, so probably few militia could be expected other than those already in the continental service.\textsuperscript{19}

When Washington requested militiamen, Livingston replied that he would try to procure them, but he was pessimistic about the situation.

I despair of being able to execute the requisition of Congress. . . . I cannot make our assembly sensible of the importance of an effectual militia law; or if they be, they are so unduly influenced by the fear of disobliging their constituents, they dare not exert


\textsuperscript{19}Livingston to Hancock, March 4, 1777, Papers of the Continental Congress, Item 68, folio 243.
themselves with the requisite spirit for the exigencies of war. 20

Washington replied:

Vain and useless will all our civic institution, however wise, prove, unless the state of independence, in which alone they can operate, is secured, and as this must necessarily depend on the success of our arms, military preparations should possess an eminent degree of our deliberations and care. 21

About this time three battalions of militiamen, whose enlistment had expired, were returned to New Jersey. Congress wrote: "It is melancholy to observe the number of Deserters" from this group. 22

Washington sent Livingston Congress's resolution of April 29, requesting 1000 militiamen for four weeks service to protect the Whigs at Pompton and Hackensack, to awe the Tories and to oppose the Loyalist regiments. 23 At the same time Elias Boudinot sent an express rider from Newark to get Livingston to organize the militia by appointing the necessary officers. 24 Due to the new militia law passed March 15, it was now easier for Livingston to recruit these


21 Washington to Livingston, March 9, 1777, ibid., VII, 266.

22 Livingston to Hancock, n.d., Papers of the Continental Congress, Item 68, folio 265.


needed troops. When John Hancock requested 500 men to assist in completing the defensive battery at Billingsport, Livingston immediately directed that they be sent from the Cumberland County brigade.25

Livingston consulted General Washington in July concerning the advisability of discharging the Newark militia. Washington replied that he agreed to the discharge if Livingston thought that the British on adjoining Staten Island posed no threat. But, he added, "Consider, though, when Howe's intentions are clear, I will call for the two regiments of Continentals there, and the security of the area may be threatened by troops left on Staten Island."26 On July 25, when the activity of the British indicated some kind of attack, Livingston got the call to assemble the militia of Burlington, Gloucester, Salem, and Cape May, along with some militia to replace the two regiments of Continentals in the New Jersey barracks.27

On August 21 Livingston received a request for the militia to serve outside the state. Congress asked for 1000 militiamen to serve garrison duty in the New York forts.

25 John Hancock to Livingston, June 18, 1777, Papers of the Continental Congress, Item 68, folio 267.

26 Washington to Livingston, July 12, 1777, Fitzpatrick, Writings of Washington, VIII, 390.

until November 1.\textsuperscript{28} Along with this resolution of Congress came a letter from Washington explaining why he was moving the regiments of regulars from the state, thus necessitating their replacement with militia. Howe appeared to be headed for Maryland, so the Continental Army also was moving that way.\textsuperscript{29} By August 22 it had become obvious that Howe meant to approach Philadelphia by way of the Chesapeake Bay. Livingston waited two weeks before answering Congress. He told them that he had no authority to send the militia out of the state, but that he would lay the matter before the Council of Safety. There was little possibility that the Council could persuade the militia to turn out for duty in another state.\textsuperscript{30} John Hancock, replying for Congress, complimented the New Jersey militia for their distinguished service and expressed his assurance that they would honor that earned reputation by responding to the present need.\textsuperscript{31}

In some instances the order of requests for troops was reversed. After a rebel raid on Staten Island, Livingston feared a counter-attack by British forces, for he received

\textsuperscript{28}Washington to Livingston, Aug. 21, 1777, \textit{ibid.}, IX, 113.

\textsuperscript{29}\textit{Ibid.}, 114.

\textsuperscript{30}Livingston to Hancock, Sept. 4, 1777, Papers of the Continental Congress, Item 68, folio 271.

\textsuperscript{31}Hancock to Livingston, Sept. 5, 1777, \textit{Selections from the Correspondence of the Executive of New Jersey, from 1776 to 1786} (Newark, 1848), p. 99.
word that men and supplies were being assembled on Staten Island from Long Island and New York. Since the New Jersey shore opposite the island had only a small guard, Livingston ordered 1400 militiamen to assemble there to stop the expected invasion. He was mortified to learn from the militia commander that only 400 men showed up, leaving the eastern part of the state in great immediate danger. Livingston requested Congress to petition Washington to send 1500 Continental troops from the safely secured Peekskill post to the threatened New Jersey shore. He reminded them that the New Jersey militia had been harassed all winter and that it had provided considerable help to the United States, and expressed the opinion that Congress should not now simply abandon New Jersey to the enemy.32

In a letter on the same date, Washington reported to the President of the Continental Congress that at Congress' direction he had issued the call for 3000 New Jersey militiamen to march to the Highlands. He doubted, however, that more than 300 would go; and he predicted that it would be three weeks before they departed.33

When it became definite that Howe's troops were headed for Philadelphia, Livingston received a request for 4000

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32 Livingston to Hancock, Sept. 7, 1777, Papers of the Continental Congress, Item 68, folio 277.

33 Washington to Hancock, Sept. 7, 1777, Fitzpatrick, Writings of Washington, IX, 195-196.
militiamen to oppose them. This was the largest single call for New Jersey militiamen during the war. The Journals of the Legislative-Council of New-Jersey records that the Governor presented to them a letter from Congress desiring him to order 4000 New Jersey militia to join Washington. If 4000 could not be raised, they requested that he "call out as many as possible in this critical State of our Affairs." The Assembly resolved that the Governor be advised to call out the 4000 militia and order them to Pennsylvania to join Washington. Livingston then wrote Congress that he had received the request for the militia, obtained legislative consent, and sent dispatches to all the colonels of the militia to assemble their men, exempting only those counties threatened by the British on Staten Island.

On September 20, Livingston ordered the militia which had collected at Woodbury to join Washington. A small detachment remained to protect the shore from rear guard

34 Livingston received the request for the militia and presented it to the legislature the same day, September 12, 1777. Selections from the Correspondence, pp. 99-100; Journals of the Proceedings of the Legislative-Council of the State of New-Jersey in General Assembly, 1776-1783 (Burlington and Trenton, 1777-1783), p. 103.

35 The critical situation was the enemy attack on Philadelphia.

36 Livingston to Hancock, Sept. 13, 1777, Papers of the Continental Congress, Item 68, folio 281.
attack by the British navy.\footnote{Livingston to General Newcomb, Sept. 20, 1777, Selections from the Correspondence, pp. 100-101.} On September 29, an officer from the Continental Army near Philadelphia went to Fort Mifflin in New Jersey to obtain additional reinforcement troops from Livingston.\footnote{Washington to Hancock, Sept. 29, 1777, Fitzpatrick, Writings of Washington, IX, 284.}

Meanwhile in New York, the British army under Clinton suddenly changed the course of their movements. Originally they had appeared to be heading for New Jersey; but after Washington's forces had been drawn out of position they turned toward the Highland passes in the Peekskill.

Washington asked Livingston to head off the British by sending all the New Jersey militia, or as many as he could persuade to go, to aid General Israel Putnam and the Continental troops in defending the Highland passes.\footnote{Washington to Livingston, Oct. 8, 1777, ibid., pp. 339-340. The northern American army, under General Horatio Gates, had General John Burgoyne's British force blocked near Saratoga, New York. Putnam was defending the Highland passes to prevent aid from reaching Burgoyne. The New Jersey militiamen were to assist Putnam and prevent General Henry Clinton from moving up the Hudson River to attack Gates' rear.} Livingston immediately ordered 3000 New Jersey militiamen to the Highlands and wrote to Washington that he hoped they would arrive before the enemy got too far.\footnote{Washington to Putnam, Oct. 11, 1777, ibid., pp. 355-356.}
Since the British invasion of the state disrupted the regular legislative sessions, the election of the governor could not take place on the date set by the constitution.\footnote{On November 1, Livingston was re-elected, but not before he had been embarrassed by the lapse of authority. Minutes and Proceedings of the Council and General Assembly of the State of New-Jersey in Joint-Meeting, from August 30, 1776, to May, 1780 (Trenton, 1780), pp. 22-23.} New Jersey was thus left in an awkward position. Livingston's term as governor had expired and a successor had not been chosen. No provision had been made for such a situation and no one had been given authority to call out the militia for coastal defense.\footnote{Washington to Hancock, Nov. 1, 1777, Fitzpatrick, Writings of Washington, IX, 477.} The New Jersey Constitution did not provide for an extension of the governor's term pending the selection of his successor. Perhaps its writers did not anticipate that the war might make normal legislative procedures impossible.

Since the aid of the civil government was needed to bring out a large number of soldiers, the state of New Jersey was in a dangerous situation without a chief executive. Washington had to send a detachment of Continental troops to the threatened Red Bank area.\footnote{Ibid. The enemy wanted Fort Mercer on the Red Bank shore across from Philadelphia for its cattle, provisions, and control of the river.} In a strongly worded letter to Livingston, Washington emphasized that the Red Bank post was important. He said that New Jersey should be responsible
for its defense, especially since the state had not sent the 2000 troops requested by the Continental Congress for the Continental Army. He asked, therefore, that Livingston use his personal influence to field a decent force.\textsuperscript{44} This apparent rebuke drew an angry response from the Governor. Washington, ever cautious and considerate, hastily assured Livingston that his last letter was not meant to reflect on New Jersey's efforts. He explained that when he referred to the 2000 troops that were prevented from leaving New Jersey, he only urged that they protect Red Bank and serve the particular interest of New Jersey.\textsuperscript{45}

By the end of Livingston's first year in office, New Jersey was completely evacuated by the British. The last of the occupation troops left New Brunswick and Amboy late in the summer of 1777.

Although the New Jersey militia made very little contribution to the war effort during the first half of the occupation, they improved greatly in the spring. The newly-organized and well-equipped companies of militiamen gave valuable support to the Continental Army.

\textsuperscript{44}Washington to Livingston, Nov. 8, 1777, \textit{ibid.}, X, 21-22.

\textsuperscript{45}Washington to Livingston, Nov. 10, 1777, \textit{ibid.}, p. 32. Even though Philadelphia was occupied Sept. 26, the Red Bank area was not evacuated until Nov. 22. Dupuy, \textit{Compact History}, pp. 242-244.
CHAPTER IV

THE ROLE OF THE EXECUTIVE AS A POLITICAL AND MILITARY LEADER IN A THREATENED STATE, 1777-1783

Livingston's duties as a politician and army chief merged during the war. He worked with the state and Continental military officers; he worked equally as much with the New Jersey Assembly and the Continental Congress. A great deal of his time was devoted to maintaining liaison between the legislatures and the military.

Supply work of all kinds was a regular responsibility of the Governor. Whenever the army was in New Jersey or an adjoining state, regular quotas of staples were expected to be supplied for the sustenance of the army.¹ The state supplied food, clothes, blankets and arms for the soldiers. Any time the supplies ran short, Livingston was sure to get an urgent request for a special collection of the items needed. Large areas of pasture land had to be found for the army's horses, and Livingston was frequently engaged in procuring hay and other forage for the animals in winter. When the army needed even such items as wagons, couriers came with urgent letters of request for a special drive by

¹The Continental army was quartered in New Jersey for three winters, 1778-1781. The winter of 1779-1780 was long and extremely severe.
the Governor to get the citizens to supply the need. Usually
the army paid for their purchases with rapidly depreciating
currency; sometimes only a note of promise to pay was given
to the citizens who supplied the goods. Since some of the
people refused to sell supplies for I.O.U.'s, the commissary
agents often traveled in the state with an army detachment
to force compliance with their offers. New Jersey farmers
were especially hostile to the army purchasing agents. At
one point the officers complained to Washington that they
could not buy a single item from the farmers because prices
were so high.²

Late in 1777, Livingston wrote Washington that the New
Jersey Assembly was in a mood to regulate the prices of army
supplies. Washington responded that this was pleasant news
indeed, and added that he hoped the legislature would not
forget to control the price of farm produce.³ After the
price-fixing legislation was enacted, the Commander wrote
that he was pleased with the action and felt such a law

²Washington to Livingston, Dec. 11, 1777, John C.
Fitzpatrick, editor, The Writings of Washington, from the
Original Manuscript Sources, 1745-99, 39 vols. (Washington,
1931-1944), X, 150.
³Ibid.
would contain the avaricious farmers who were taking advantage of the army's need.\(^4\)

Evidently the new law was ineffective or unenforceable, for the army impressment continued. The law was weakened by some citizens who reported that the law would not go into effect for some time. The Governor and the Council of Safety had to order the justices of the peace to enforce the law or pass on to the Council the names of those who refused to obey it, including the names of witnesses to each offense. The Governor promised that violators would be punished and treated as disaffected to the government.\(^5\) Shortly afterward, Livingston complimented the New Jersey farmers on their ardor for the cause and expressed his confidence that they would comply with Washington's wishes concerning troop supplies. He appealed to their love of liberty and their


loyalty to the country as motives for furnishing supplies for the army.⁶

When Livingston informed Washington that he had just suggested to the New Jersey Legislature measures for supplying the troops,⁷ Washington replied that he hoped the measures would pass since supplies were so important and everything the army needed came from the states.⁸ The legislature acted favorably on the matter and decided that purchases of blankets and clothes were to be made by civilian rather than military personnel.⁹ This plan pleased Washington, who thought it should always be followed. He added that all the military officers who had begun the work of purchasing supplies would be recalled.¹⁰

Livingston's eagerness to help the army was revealed by a letter he wrote to Washington. He offered to help the army by personally recommending any needed measures to the New Jersey Assembly. Washington thanked him but said that a committee of Congress was then in camp trying to find out.

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⁶New Jersey Archives, Second Series, II, 90. The law was later suspended on June 22, 1778, and again on December 5, 1778. Acts of the New-Jersey Assembly, pp. 89-90, 8.


⁸Washington to Livingston, Oct. 8, 1777, ibid., X, 22.


the army's needs, and that when they decided what would benefit most, they would inform the states what help was needed. This reply showed Washington's respect for the channels of authority and consideration for the feelings of all concerned. On February 14, 1778, Washington sent a letter from the committee of Congress. The letter contained a detailed account of the army's needs. Wagons and teams were needed immediately. Livingston sought a resolution of both houses to give the President and the Council of Safety power to impress these items. When Washington was informed of the resolution, he expressed his gratitude for this help and for the many times the Governor had previously come to his aid.

Livingston had to turn to the legislature for authorization to act concerning ordinary requests for army supplies. When the army needed forage for their horses he reminded the Assembly that they had been good to help in the past and

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13 Livingston to Washington, Feb. 16, 1778, ibid., p. 261. The power to impress goods was limited to a period of three weeks. Votes and Proceedings of the General Assembly of the State of New-Jersey, 1776-1783 (Burlington and Trenton, 1777-1783), pp. 54-55.

14 Washington to Livingston, Feb. 22, 1778, Sedgwick, Life of Livingston, pp. 262-263.
assured them that similar helpfulness would enhance their reputation. To document the need for state aid, he presented letters from Quartermaster General Charles Pettit, a Colonel Clement Biddle, and Washington on the subject of the forage problem. Washington declared his "perfect conviction that the legislature of this state will be forward to adopt every expedient that may seem calculated to afford the smallest relief in this interesting and essential point." Livingston added his assurance that the legislature would give serious attention to the problem and show their usual zeal for the colonial cause.

On November 11, 1778, a committee of Congress visited Livingston to request consumable articles for the army. They said the army needed everything edible. They requested that the Governor aid them in making a survey of the surplus foodstuffs available through some knowledgeable and trusted citizens. The committee had "no reason to doubt your Excellency's concurrence in the steps necessary to attain what we have in view." The New Jersey Assembly regularly authorized Livingston to make direct appeals for army supplies. He was acting as spokesman for the Legislative Council when he published a

15 Livingston to Legislature, Sept. 29, 1778, Selections from the Correspondence of the Executive of New Jersey, from 1776 to 1783 (Newark, 1848), p. 128.
16 Ibid.
17 Ibid., p. 130.
proclamation in January, 1779, asking for all available forage for the use of the army then quartered in the state. The proclamation ordered all justices of the peace to go to the persons hired to collect forage and to use the force necessary to obtain the needed forage. The Governor recommended that the magistrates pay attention to the needs of the inhabitants so that more forage than the citizens could spare would not be taken.\textsuperscript{18}

The winter months of 1779-1780 were possibly the most difficult of the war. The Continental Army was camped at Morristown and was isolated for days by snowbound roads. Since their supplies were already low, relief had to come from the surrounding countryside.\textsuperscript{19} On December 16, 1779, Washington wrote Livingston that the army would collapse in two weeks if the patriots in the immediate vicinity did not send supplies. This was a typical statement about the supply situation, but this was a special emergency.\textsuperscript{20} By January 8, 1780, the army was so desperate for supplies they were robbing local farmers. Since Livingston could not act without Legislative approval, Washington had to take direct action. Dividing New Jersey into districts, he set quotas


\textsuperscript{20}Washington to Governors, Dec. 16, 1779, Fitzpatrick, Writings of Washington, XVII, 273.
of cattle and grain for each to supply. He appealed to the
magistrates of each county to obtain the supplies in return
for certificates of promise to repay. At the same time,
he gave instructions to the requisition officers to take
the supplies if they were not given. 21

The response of the people of New Jersey was enthu-
siastic. They uniformly complied with the requisitions, and
in some cases exceeded them. Sometimes their cattle were
small, or they had to substitute grain for a part of the
cattle, but the Continental officers collected supplies with
ease. 22 Within two weeks after the requisitions began the
army was "tolerably well supplied." 23 Three days later
Washington wrote Congress that the army had been comfortable
for days because of the New Jersey provisions. 24

In a final proclamation on February 2, 1780, Washington
wrote that the crisis was over and that he hoped another
would not come. He added that the army appreciated the
citizens of New Jersey and would try to return the favor. 25

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21 Address to magistrates and instructions to the
officers, Jan. 8, 1780, ibid., pp. 360-365.
22 Washington to Lieutenant Colonel Isaac Sherman,
Jan. 15, 1780, ibid., p. 399.
23 Washington to Colonel Richard Butler, Jan. 24, 1780,
ibid., p. 439.
24 Washington to Congress, Jan. 27, 1780, ibid., p. 449.
A contemporary historian reports that Washington was obliged to call upon the magistrates of the Jersey state; to expose his situation to them; and to declare in plain terms, that he and his army were reduced to the alternative of disbanding or catering for themselves, unless the inhabitants would afford them aid. He allotted to each county a certain proportion of flour or grain, and a certain number of cattle to be delivered on certain days. To the honor of the magistrates and the good disposition of the people, be it added that his requisitions were punctually complied with, and in many counties exceeded. Nothing but this great and patriotic exertion . . . could have saved the army from dissolution or starving, as the troops were bereft of every hope from the commissary.26

Because he was so near and his help was needed so often, Livingston was often in the Continental Army camp.27 Washington always welcomed him because his presence improved the morale of the Continental troops from New Jersey. Livingston felt that they could discuss confidential matters more freely in person than in letters.28

However, Livingston did frequently correspond with Washington on the condition of movable goods in the state that were likely objects of British foraging raids. In a letter to Livingston, Washington described a raid on some

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27The Morristown facilities were used as the Continental Army winter camp, 1778-1781. When in camp, Livingston was safe from the frequent kidnapping attempts. *Fitzpatrick, Writings of Washington, XVII*, 398n 72.

New Jersey hay. The local troops went to impress some hay the same day a larger party of British troops had decided to take it. The small group of Continentals fought the British force of 2000-3000 troops and eight cannons. As a result of the battle, the British left in such haste that most of the hay which they had loaded fell off the wagons along the road. The American side lost two men, compared to British losses of about forty men killed and as many wounded. 29

Following the raid, Washington wrote Livingston an explanation of his actions concerning the hay, grain and other provisions stored in Monmouth County. Since they were so important to the American cause and so vulnerable to enemy seizure, Washington had directed a Continental officer to move them as soon as an adequate force could be assembled. 30 His great concern for the protection of movable supplies was revealed in another letter to Livingston. "I trust by perseverance and care, the several important Stores which were removed to Trenton will be Secured. I confess their situation has given me great uneasiness." 31

30 Washington to Livingston, April 5, 1777, ibid., p. 363.
31 Washington to Livingston, Oct. 6, 1777, ibid., IX, 315.
Later, when the British in Philadelphia presented a threat to the West Jersey shore, the state had to try to protect against raids from both borders. Washington asked Livingston to use his authority to move all but the essentials of life away from the Pennsylvania border. "The expediency and necessity of the procedure I am satisfied, will appear at once to you," he said, "and I have no doubt as far as it may be in your power it will be carried into execution." Washington knew that it might be difficult to sell the farmers on the idea of moving their goods to another part of the state, especially those who were Tory-tainted. Therefore, he suggested that Livingston remind them of the experience of their neighbors. The British had plundered East Jersey indiscriminately, and they would also plunder everyone in West Jersey. Washington felt such an understanding of the situation would cause the timely evacuation of the citizens' goods.

In order to protect exported food from being captured by the British and to stop all illicit trade with the enemy, New Jersey passed an act prohibiting the exportation of any foodstuff. When the Governor and the Council of Safety first started using the militia to stop travelers on the

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33 Washington had given a similar warning to eastern New Jersey. Washington to Livingston, Nov. 7, 1776, ibid., VI, 256.
highway for examination, they discovered that this embargo law was not adequate to control the illicit trade with the British on Staten Island. Under the existing law, any traveler stopped for questioning could be deprived of his merchandise without proper trial and the militiamen used the search order to plunder the innocent as well as the guilty.\textsuperscript{34}

Livingston turned to the legislature for a law that could stop the illegal trade yet protect the innocent traveler. He asked that a law be enacted authorizing the seizure of suspects and the inventory of their goods, which would be held until the suspect could receive a proper trial. In order to encourage arrests, he wanted the soldier who made the arrest awarded half the traveler's goods if he were convicted of trading with the enemy. In order to protect the innocent, he wanted the goods kept by the authorities so they could be restored to their owner if he were found innocent.\textsuperscript{35}

After the law was passed, Livingston issued a proclamation explaining it to the public. The loading of bread, meat or livestock on ships, other than that which was to be used as ships stores, was prohibited. In the proclamation he accused some of the citizens of black-marketeering and of helping the enemy ravage the interior of the state.


\textsuperscript{35}Message to General Assembly, Feb. 11, 1777, Votes of the New-Jersey Assembly, pp. 52-53.
He directed that the embargo be enforced by both civil and military officers and asked for the support of all the citizens of the state. Monmouth and Bergen Counties were specified as places to be especially watched, since their trade with the enemy was notorious. Any citizen caught trading with the enemy was to be seized and held for trial.\textsuperscript{36}

One of the most difficult problems the state government faced was the presence of internal enemies. Livingston sponsored vigorous measures against those men with doubtful political loyalty. He recommended to the legislature that the Loyalists' property be confiscated.\textsuperscript{37} In a letter to Washington, he even implied that they should be executed:

I really pity Your Excellency's Situation with respect to the Tories. In my small Department, I have infinite Trouble with them. A Tory is an incorrigible Animal: And nothing but the Extinction of Life will extinguish his Malevolence against Liberty.\textsuperscript{38}

Under the leadership of Governor Livingston, the Assembly sought to solve its problem of what to do with the Tories. They defined their anti-American actions as high

\textsuperscript{36}Acts of the New-Jersey Assembly, June 20, 1778, pp. 88-89. The proclamation was made August 22, 1778. New Jersey Archives, Second Series, II, 378-379.


\textsuperscript{38}Livingston to Washington, Oct. 5, 1777, Fitzpatrick, Writings of Washington, IX, 316n58.
treason, regulated the confiscation and sale of their estates, and offered them facilities for immigration to the British provinces. In a proclamation on Tories, Livingston stated that the law required the punishment of traitors and disaffected persons. He strictly charged and even commanded the justices of the peace to execute the act as far as it applied to them. Anyone traveling to enemy-held territory or back without permission would be punished with a large fine or a year's imprisonment. Livingston directed militia leaders to help in the enforcement of the laws and to arrest and jail anyone the Council of Safety thought necessary.

The confinement of prisoners in the insecure state was also a problem for the Governor. The jails were overcrowded and inadequate. When an enemy invasion was imminent, Livingston had to remove prisoners from the threatened area to prevent their escape. He especially objected to having Pennsylvania's former governor, John Penn, and chief justice, Benjamin Chew, held as prisoners in New Jersey. Livingston thought that these notorious Tories would tend to infect

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39 Treason was defined as giving any kind of aid to Great Britain. Acts of the New-Jersey Assembly, Oct. 4, 1776, pp. 4-6. On December 4, 1777, an act was passed to confiscate the goods of traitors. Votes of the New-Jersey Assembly, pp. 37-38.


41 Livingston to General Winds, July 3, 1777, and Livingston to Washington, July 7, 1777, Selections from the Correspondence, pp. 80-82.
their neighbors with Toryism. He requested that they be moved to some other state. Since the Board of War had made a mistake in moving them there, Livingston requested freedom to use his own judgment or discretion to find the best place within the state to put them. They were finally moved to Virginia.\footnote{Livingston to Hancock, Oct. 4, 1777, Papers of the Continental Congress (Washington, 1957), Item 68, folio 289. When Penn was transferred back to Pennsylvania, a copy of the letter authorizing the transfer was forwarded to Livingston. Worthington C. Ford, Gaillard Hunt and others, editors, Journals of the Continental Congress, 1774-89, 25 vols. (Washington, 1904-1922), X, 238, 260, XI, 497, 503.}

Livingston's concern for the welfare of the state prompted him to make an investigation into the hospitals. He wrote the President of Congress about the deplorable condition in the hospitals. The "astonishing Mortality rate which now rages" needed to be reduced and the hospitals reformed; otherwise, more soldiers would be lost to medical treatment than to the war itself.\footnote{Livingston to Henry Laurens, Dec. 25, 1777, Papers of the Continental Congress, Item 68, folio 309.} Livingston argued that inadequate medical care was poor payment for those who risked their lives for the preservation of the country, and that it was one reason for recruiting difficulties.

Congress responded to the need with a resolution empowering the Governor to reform the Continental hospitals in New Jersey. Livingston had begun an investigation into living conditions and management in the hospitals the previous
year. The new authorization enabled him to complete his investigation and to initiate needed reforms. He removed several officers from the Princeton hospital and compiled a detailed report on the reduction of expenses that needed to be made at the Trenton hospital.44

In another reform effort Livingston visited the supply depot at Princeton. While there he removed several excess staff members and corrected some abuses on the spot. He took sworn statements from the residents of the town to support his action. In his report to Congress he showed that as a result of his action the cost of operating the post could be reduced as much as two thirds.45 The post had been guilty of "the most unparalleled mismanagement," especially in grossly overstaffing the Quartermaster and Commissary's Departments.46 Even though they were overstaffed, the departments were underperforming. The staffs at Trenton and Morristown were similarly reduced. Reforms like these demanded that the reformer have the highest character and unassailable reputation, and Livingston had the reputation in his day of being incorruptible. Congress passed two separate resolutions of gratitude for his work

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44Ford, Journals of the Continental Congress, X, 139-140.

45Livingston to Henry Laurens, March 5, 1778, Papers of the Continental Congress, Item 68, folio 337.

46Livingston to Washington, March 2, 1778, Sedgwick, Life of Livingston, p. 264.
and voted to pay the expenses he incurred while making inquiries. Although the resolution authorizing reform applied to all the states, the success of the act depended on the industry of the individual governor. "The most vigorous in its use was Livingston of New Jersey."^48

Some revolutionary war governors were leaders of men; others were able administrators. Few were both. Most of the governors are best remembered for their political work as speakers or writers. Although Livingston wielded a prolific pen in support of the Revolution, his most outstanding work was in the administration of men, money, and supplies for the military during the revolution.^49 Among the war governors, Livingston has been ranked second only to Clinton for outstanding executive leadership.

Perhaps George Clinton of New York did the most of any governor in the work of supplying the Continental Army. He was equipped with the personal energy, state resources, and constitutional power to be of greatest assistance in providing supplies for the army. But Livingston had fully as much initiative as Clinton in supplying the troops, even though his state's resources were much smaller and had been ravaged more extensively by the war.^50


^49Ibid., p. 275.  ^50Ibid., p. 213-214.
In the fall of 1780, Livingston and the New Jersey legislature were moved to complain that the state was being reduced to poverty because they had furnished such a disproportionate share of army supplies.

The Legislature would further represent, that, notwithstanding the extraordinary exertions of the inhabitants of this State in furnishing supplies; notwithstanding they have reduced their own stores to a very scanty allowance for themselves and their domestic Dependents; yet such is the situation of New Jersey, that on every want of the Army, from what cause soever it may arise, she is first called upon to furnish a supply, and her Inhabitants are often obliged to see their Provisions and forage impressed and taken from them by force whilst their Families and cattle are reduced to absolute want: perhaps such a measure may be justifiable in the Commander in Chief, as the comfort and health of his soldiery, are and ought to be, principal objects of his care; but it is owing to a defect somewhere.\(^{51}\)

They asked Congress to relieve the state from a burden which they felt would soon become insupportable.

Washington verified their complaint that they were drained:

Jersey . . . has furnished such quantities of Hay, and Grain Forage and oftentimes Meat in the Hour of Distress, that we cannot expect a regular supply of the specific articles demanded of her in addition to what is taken by impress.\(^{52}\)

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\(^{51}\)Livingston to Continental Congress, Nov. 18, 1780, Ford, Journals of the Continental Congress, XVIII, 1087-1089.

\(^{52}\)Washington to Joseph Reed, May 5, 1781, Fitzpatrick, Writings of Washington, XXII, 49-50.
CHAPTER V

PROPAGANDA WORK BY THE CHIEF EXECUTIVE, 1776-1780

Although Livingston's literary career began in 1747, most of his writings were political essays and satires done for newspapers during the Revolution.\(^1\) His early writing in support of the Revolution began as an answer to the letters of a Westchester Farmer. In that political controversy in letters, he and John Jay shared the honor of authoring the Whig answers to the Tory pamphlets. The exact authorship of these replies was unknown at the time since they were published anonymously.\(^2\) Another contribution of Livingston's pen occurred when, as a member of the Continental Congress, he was chosen to a committee to write broadsides designed to subvert the Hessian mercenaries sent to America by the British.

In those early days of the Revolution, prominent Whigs in England provided the patriots with important documents to use in their propaganda efforts. In the spring of 1776, the Whigs sent a copy of a letter from Lord Germain to General William Howe telling of the coming of German

\(^1\)See above Chapter I.

reinforcements.\(^3\) Other papers confirmed the hiring of German mercenaries and gave the terms of the treaty between London and Hesse. Those terms included the infamous blood money provisions of extra money payment for soldiers who were killed or wounded in action. Congress appointed William Livingston, John Adams, Thomas Jefferson, Richard Henry Lee, and Roger Sherman to a committee to extract and publish the papers and prepare an address to the Hessians.\(^4\) For some unknown reason the committee published the letters but never prepared the address. It was only in August, after the Hessian troops were in New York harbor on British ships and Livingston was in New Jersey commanding the militia, that the Continental Congress formed a new committee. Thomas Jefferson, James Wilson, and Richard Stockton were appointed to work out a plan to get the mercenaries to quit. They submitted a report on August 14, which resulted in the first American broadside to German troops. The broadside was published about the time Livingston was first elected governor of New Jersey.\(^5\)


\(^5\)Ibid., V, 640.
Livingston became the most active propagandist governor of the Revolution. In his first publications as governor, Livingston mainly used the Philadelphia papers for his official proclamations and political broadsides. He used the New York Journal when he answered General John Burgoyne's proclamation to the rebels. "Livingston, Washington's right hand propagandist, parodied the proclamation, as did several others, but his was the cleverest, using the form of a poem." His stanza describing British use of Indians said:

If any should so hardened be  
As to expect impunity  
Because procul a fulmine,  
I will let loose the dogs of hell  
Ten thousand Indians, who shall yell,  
And foam and tear, and grin and roar,  
And drench their maukeskins in gore;  
To these I'll give full scope and play  
From Ticonderog to Florida;  
They'll scalp your heads, and kick your shins,  
And rip your guts, and flay your skins,  
And of your ears be nimble croppers,  
And make your thumbs tobacco stoppers.

Hugh Gaine of New York gave the Tories a medium of propaganda with his New York Gazette and Weekly Mercury. In February, 1777, Livingston wrote a long article designed to destroy the influence of the Tory press. Called the

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6Philip G. Davidson, "Whig Propagandists of the American Revolution," American Historical Review, XXXIX (April, 1934) p. 442-453; Philip G. Davidson, Propaganda and the American Revolution, 1763-1783 (Chapel Hill, 1941), passim.

7Ibid., pp. 379-380.

8Ibid., p. 380. The poem is quoted from the New York Journal, Sept. 8, 1777.
"Impartial Chronicle," it satirized the style of Gaine's journalism. Livingston sent a copy to Washington. The General replied: "If Lucre has a Spark of Modesty remaining, he must blush at seeing himself so vastly outdone in his ruling Passion."  

No newspaper existed in New Jersey, and the lack of a local patriot organ was a great inconvenience to the Governor and the Continental Army. Washington wanted a "camp-press" as a paper to spread information on military matters to the populace in the area of conflict. Since the armed forces then in New Jersey depended heavily on the citizens of the state for moral and physical support, Livingston was disturbed by the lack of zeal and enthusiasm in New Jersey to talk about independence from England. He longed to see a paper in the state to combat the effects of Gaine's Tory Gazette. Livingston proposed that the legislature establish the New Jersey Gazette as a means to disseminate reliable information and thus boost the spirits of both soldiers and citizens.  

The New Jersey Assembly accepted Livingston's suggestion for a weekly newspaper, and Isaac Collins, the  

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former royal printer, was chosen as the printer. They voted on November 5, 1777, to underwrite 700 subscriptions by paying for any part of that number that the public failed to subscribe. As an added benefit to Collins, he and his four shop employees were exempted from military duty and the employees of Schaffers paper mill were likewise exempted so they could supply paper. The post office delivered the papers at state expense, and to promote a wide circulation to all counties, each Assembly and Council member solicited subscribers for the paper.

The new New Jersey Gazette began regular publication on December 5, 1777. The stated purpose of the Gazette was to spread military information and harass the Tories. The editor announced it would contain a "faithful account of remarkable occurrences, whether foreign or domestic." He promised to "spare neither Cost or Pains to make his paper as useful and entertaining as possible." Livingston was the paper's leading supporter, and in an early issue wrote that the paper was needed because of the crisis that existed in the state. He said the paper would contain news, information concerning political acts, helpful hints on farming and manufacturing, and articles about religion and liberty.

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13 New Jersey Gazette, Dec. 5, 1777.

14 Ibid.
The Gazette was endorsed by the Governor, requested by the Commander of the army, partly paid for by the legislature, and printed and distributed by the government printer. It was the state's first newspaper, "founded by an English Quaker, sustained by a Scotch war governor, and supported by Whigs through the states."15 Livingston thought the founding of the Gazette was "one of the most effective acts of his war-time administration."16

The paper was read by legislators, military leaders, printers in other sections of the country, the clergy and the citizens. It was relied on for accuracy in reporting information on matters of public concern. State laws, proclamations and military information were given priority over news, and if necessary news was left out. The printer received news of enemy troop movements which were useful to the military. Notices from the army on recruiting, the need for supplies, furloughs and desertions appeared in the paper frequently. There was usually room on the side for the advertisement of prize horses and rewards for the return of runaway slaves, announcement of auctions and the sale of confiscated goods and estates. Those who had ideas

15Lee, New Jersey as a Colony and as a State, II, 279-280.

16Ibid., p. 280.
on the theory and practice of building new state govern-
ments had their essays printed in the columns of the patriot
press. 17

Collins fully realized that newspapers were a fine tool
for propaganda but he was usually more moderate than his
rivals, Gaine and Rivington.

Though atrocity stories were fed by newspapers in
those days as today, the distinctive feature of
the patriot press in that contest was its integrity.
In New York and New Jersey, for example the Whig
press in the Revolution maintained canons of
journalistic conduct all too often forgotten in
wartime. 18

The government-sponsored New Jersey press had to meet
the challenge of the New York-based Loyalist propagandists
while the printers were in an area of great hostility and
danger. Public demand for their product and increased
activity of the Loyalists resulted in the establishment of
new papers. American independence as a fact was accomplished
by military victory, but the part played in that victory by
the wartime newspapers is difficult to gauge. According to
the printers themselves, their efforts were "eminently
successful." 19 Rebel leaders, both public and private, were
certain that the papers helped their cause. The British

17 R. B. Morris, editor, Era of the American Revolution
18 Ibid.
19 Ibid., p. 328.
apparently agreed, for they tried to stop the circulation of the patriot weeklies.

The first publication of the New Jersey Gazette contained Livingston's proclamation of a fast. He used proclamations of days of fasting and thanksgiving as propaganda and persuaded both the Continental Congress and the New Jersey Assembly to adopt them. Ministers were directed to hold services; the people were to attend and leave off labor and recreation that would break the air of solemnity. The fasts encouraged support of the Revolution. They also gave the Council of Safety a means for determining who the Loyalists were. The patriots eagerly participated in these services, but the Loyalists, whether clergy or laity, refused to observe the fasts.

Convinced that the first British Peace Commission was a real threat to the independence movement, Livingston set about to reduce its influence. Writing under a variety of names, he sent the newspapers letters arguing against the commissioners. Calling himself "an American Whig," he pointed out that although the commissioners may have been

20 New Jersey Gazette, Dec. 5, 1777.


fine men, they came to America with a fleet and an army in one hand and a demand for submission in the other. He said that when the colonies asked justice of Britain, they got threats in reply. When the colonies could not get their claims heard, he argued that resistance with arms was just, according to the principle that "war is just which is founded in necessity, and without which justice cannot be obtained."  

When the second Peace Commission came to America, Livingston used the "Hortentius" pseudonym to argue against its efforts. He wrote the New Jersey Gazette that the Commission members, an almanac-maker and a judge, offered peace with no inducement. They tried to bribe people away from Congress, but threatened those rebels who did not return. "Hortentius" scoffed at their threats for they threatened to do what their army at its highest strength had tried but failed to do—to execute vengeance upon the rebels. He added that England probably did not know that the judge on the Commission had been rebuked by Congress for his attempts at bribery.

Livingston warned that the promises made in the British proclamations were meant to trap the credulous and fearful.

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The promises were "disingenuous and tantalizing," but in a gilded pill they concealed real poison. He argued that the British added insult to injury when they sent messengers of peace who bore a sword instead of the olive branch they had hinted they were sending. Instead of ministers plenipotentiary, he said, the Commissioners were warriors come with an army. Their terms were "the consummation of arrogance."

They said, "if you will submit without resistance, we are content to take your property and spare your lives; and then . . . we will graciously pardon you, for having hitherto defended both."

Washington grew concerned that the peace overtures sponsored by the British ministry might divide and disunite the timid patriots. He wrote to Livingston asking him to use any spare time he had to try to counteract and discredit the Commission's work. Livingston replied:

I have sent Collins a number of letters, as if by different hands, not even excluding the tribe of petticoats, all calculated to caution America against the insidious arts of the enemies. This mode of rendering a measure unpopular, I have frequently experienced in my political days to be of surprising efficacy, as the common people collect from it that everybody is against it, and for that reason those who are really for it grow discouraged,

\[25\text{Ibid.}, I, 304.\]

\[26\text{Washington to Livingston, April 22, 1778, Theodore Sedgwick, Jr., A Memoir of the Life of William Livingston (New York, 1833), pp. 287-289.}\]
from magnifying in their own imagination the strength of their adversaries beyond its true amount.27

On the same day he wrote this to Washington, Livingston wrote Henry Laurens in Congress: "My good friends in New-York have faithfully promised to cut my throat for writing, which they seem to resent more than fighting."28

When Livingston tried to get army supplies from Quaker-dominated Bergen County, he was faced with strong opposition. Especially concerned about the clothing of the troops during the bitter winter of 1777, he ridiculed the Bergen women's multitudious petticoats. He evidently hoped to use humor in order to raise the needed supplies. He wrote:

I am afraid while we are employed in furnishing our battalions with clothing we forget the county of Bergen, which alone is sufficient amply to provide them with winter waistcoats and breeches, from the redundance and superfluity of certain woolen habits, which are at present applied to no kind of use whatsoever. It is well known that the rural ladies in that part of our State pride themselves in an incredible number of petticoats; which . . . are displayed by way of ostentation, for many years before they are decreed to invest the bodies of the proprietors. . . . What I would, therefore, humbly purpose to our superiors, is to make a prize of those future female habilaments, and, after proper transformation, immediately apply them to screen from the inclemencies of the weather, those gallant males, who are fighting for the liberties of their country.29

27Livingston to Washington, April 27, 1778, ibid., pp. 281-282.
28Livingston to Henry Laurens, April 27, 1778, ibid., pp. 280-281.
29New Jersey Gazette, Dec. 31, 1777.
Though the female inhabitants of Bergen County were doubtless offended, organizations were formed among the New Jersey women to relieve the suffering soldiers. This was possibly in response to Livingston's criticism of the clothes put on display while their fighting men were practically naked.

An example of Livingston's scorching invective can be seen in a letter "Hortentius" addressed to the King of England.

Deluded Prince: how wretchedly thou art mistaken in thy idea of true grandeur! That Prince is truly great who draws his sword with reluctance, and sheaths it with pleasure—Who draws it against the enemies of liberty, and the oppressors of all human kind—Who builds of his empire, what in real value transcends all empire, virtue, patriotism, philanthropy, and the happiness of millions; and then makes his throne a scaffold to the skies. But what are thy notions of glory, who art waging war unprovoked and beyond example sanguinary?

You eagerly adopted a plan (a plan of murder and havoc, desolation and tyranny) invented by hell's prime agents, nurtured by a Scotch faction, and, now exceeding by hell's prime agents, thy bloody mercenary ministers of vengeance. A plan for depriving, by fire and sword and plunder and torture, of liberty and property, habitation and life, a people who never gave thee cause of offense but loved thee for thine grandfather's sake; and would have loved thee for thine own sake, hadst thou not compelled them, by a reversed ambition, to turn their love into hatred, and defend themselves by open force against the bloody schemes of a raging tyrant, who neither reason could convince, justice reclaim, nor supplication mollify.30

Livingston's versatile pen served a number of purposes. He wrote to sympathetic correspondents in Holland about the

30 Ibid., Jan. 21, 1778.
successes of the Americans and their prospects of future success. When the letters were spread throughout the provinces of Holland, they had a favorable effect on the decision of the Dutch to send aid to the United States. In appreciation for his influence, Washington wrote Livingston: "We are all in your debt for what you have done for us in Holland." Similarly, Livingston's son, Brockholst, wrote from Madrid, where he was acting as secretary to John Jay: "Your letters have been sent to the prime minister, and by his order inserted in the Spanish Gazette. They have dispelled some unfavorable impressions, and have been of real service in more ways than one."

The two ablest propagandists of the Revolutionary War were Thomas Paine and William Livingston. Paine's work was well known and widely circulated, but in spite of Livingston's real contribution and genuine effectiveness, his prolific pen has been largely neglected. Even while busy with government duties, Livingston found time year after year to do extensive propaganda work. He published articles, letters, poems, and satires in the Pennsylvania Packet, New York Journal, United State Magazine, the New Jersey Gazette.

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33 Brockholst Livingston to Livingston, April 29, 1781, ibid., p. 361.
and the *New Jersey Journal*. These writings were possibly less valuable as literature and less sensational in effect at any one time than such dramatic pamphlets as Paine's "Common Sense," but in the state of New Jersey they had a wide circulation and the warm response from the Whigs indicated that his contributions came close to the popular heart.

Livingston used the spoken as well as the written word as a means of propaganda. His major speeches were lively compositions that struck sparks of response in his hearers, who quoted him widely and warmly. The governors of most of the new states spent considerable time preparing their annual messages to their legislatures, only to turn them over to the speaker of the legislature or a clerk to be read to the body. The messages were factual and concise, resembling business reports more than orations. As a result few of the executive messages had any circulation outside of the legislatures who heard them read. Livingston's addresses to the New Jersey Assembly were strikingly different from those of the other governors. His long years in the caldron of controversy that was New York politics had sharpened his political pen and honed his skill in the controversial statement. Out of his energetic character and deep personal patriotism came

34Davidson, *Propaganda*, pp. 11-12.

35Lee, *New Jersey as a Colony and as a State*, II, 278.
many passionate pleas to his legislature. They were often printed and circulated widely. One such address, mailed to a Continental Congressman's wife in Massachusetts, was described as the "most elegant and masterly ever made in America." 36 Another was sent to Martinique by the Maryland Council of Safety to be translated into French and several copies forwarded to France. 37

A London paper quoted one of the Governor's speeches to the Assembly in which Livingston excoriated the colonial Loyalists. He said they were

a pensioned confederacy against virtue, and liberty, and patriotism, and the rights of man: to exalt the most profligate, and debase the most virtuous. Candor and impartiality must allow, that it is now almost impossible for an honest man to thrive in this country. 38

Their favorable quotation of patriot propaganda indicates that a strong pro-American sentiment existed in the liberal London newspapers of the time. Whether this impression was the result of propaganda or a reflection of the facts and of the true British feelings of the time is not clear.

One of the strongest condemnations of British military conduct found in writing was made in Livingston's speech


37Maryland Archives, 70 Vols. (Baltimore, 1883-1964), XVI, 169-70.

38New Jersey Archives, Second Series, II, 310.
to the legislature on February 25, 1777. He said:

They have warred upon decrepit age; warred upon defenseless youth. They have committed hostilities against the possessors of literature; and the ministers of religion; against public records; and private monuments; and books of improvement; and papers of curiosity; and against the Arts and Sciences. They have butchered the wounded, asking for quarter; mangled the dying, weltering in their blood; refused to the dead the right of sepulture; suffered prisoners to perish for want of sustenance; violated the chastity of women; disfigured private dwellings of taste and elegance; and the rage of impiety and barbarism, profaned edifices dedicated to Almighty God. . . . who will not always suffer "the sceptre to rest on the lot of the righteous. . . ."

Yet there were some who, ambitious for promotion or greedy for gain, afraid of the threat of punishment, fond of the British law, or misled by false promises, secretly and openly helped the British cause. By doing this, Livingston said they deprived the Americans of their liberty, "without which man is a beast, and government is a curse." 40

It was speeches like this which prompted a recent historian to describe Livingston as a self-confessed propagandist of real ability. Above rather than of the people, he knew them shrewdly and was one of the few who during the war not only realized the urgency of reanimating their enthusiasm but set about it. . . . His essays, broadsides, and speeches all show a real knowledge of crowd psychology. The most

39 Ibid., I, 301-302. For a similar account see Varnum Lansing Collins, editor, A Brief Narrative of the Ravages of the British and Hessians at Princeton in 1776-77 (Princeton, 1906), passim.

40 New Jersey Archives, Second Series, I, 302.
important motive in war psychosis is not reason or justice, or even self-interest, but hate, and he knew it. 41

41 Davidson, Propaganda, pp. 11-12.
CHAPTER VI

PERSONAL JEOPARDY FOR PUBLIC WORK, 1776-1783

Livingston's continuous activity as the political head of an independent state caused the British much discomfort. The state supplied troops, supplies and sanctuary to the Continental Army largely because of the insistent requests of the Governor.¹ The British could not claim to control the state as long as the Governor remained free to perform some of his duties; consequently, they attempted to capture him and deprive the state of its leader.

The wise Governor in any state sought to evade capture by the frequent raiding parties of British troops and Loyalists through constant vigilance, readiness to move quickly, or residence with the army. Livingston used all these means of evasion. Several times he left home just before a raiding party arrived. At one time the threat was so constant that the New Jersey legislature provided him with a special guard.² On another occasion the General

¹Selections from the Correspondence of the Executive of New Jersey, from 1776 to 1786 (Newark, 1943), pp. 128, 130, 173, records provisions of forage in September, 1778, edibles for the army in November, 1778, and wagons in June, 1779.

Orders of the Commander of the American forces at Morristown included the following instructions: "One orderly Serjeant and two Sentinels to be furnished Governor Livingston from the main Guard. Reports of Guards to be made to the Adjutant Genl. every morning after Guard mounting, 'till further orders." This order by Washington showed that he recognized the danger to the Governor's safety.

Joseph Galloway, Loyalist administrator of Philadelphia, suggested one of the first attempts to capture Livingston. He planned to capture the Governor and his council who were meeting at Trenton, but the British vetoed the plan. Governor William Tryon of New York, Galloway's rival in aiding the British, had plotted against Washington's life, and Galloway, determined not to be outdone, proposed the capture of Livingston.

The Governor and his family were staying at a house in Parsippany when another attempt was made to capture him. A refugee Tory band surrounded the house during the night. Deciding, however, to wait until daylight to take the

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Governor, the Tories went to sleep. When the sun aroused them, the Governor, who was in the habit of rising early, was up and gone to town, unconscious of his danger. His life-long habit was all that saved him from capture by the band of Loyalists. 5

In 1778 rumors of plots against Livingston's person or freedom flew thick and fast. Washington wrote: "I hope as you have got notice of a design against you, that you will be able to counterplot your enemies and that they may fall into the snare which they intend for you." 6 Later, referring to a letter he had received from Livingston, Washington wrote:

The recent detection of the wicked design you mention gives me the most sensible pleasure; and I earnestly hope you may be alike successful in discovering and disappointing every attempt that may be projected against you, either by your open or concealed enemies. It is a tax, however severe, which all must pay, who are called to eminent stations of trust, not only to be held up as a conspicuous mark to the enmity of the Public adversaries of the country, but to the malice of the secret traitors and the envious intrigues of false friends and factions. 7

Livingston apparently referred to another plot when he wrote to a New Jersey delegate to the Continental Congress.


6Washington to Livingston, Jan. 20, 1778, Fitzpatrick, Writings of Washington, X, 328.

I am greatly obliged to you for the intimations you gave me of the friendly designs of some British Scoundrels in New York—I was before apprized of their infernal assassinating purpose. I am provided for a small skirmish with them—the villains do me great honor without intending it, as I should certainly despize myself if they did not hate me. I suspect myself for a traitor in proportion as I had their good wishes.

One of the reasons the British wanted Livingston dead or as a prison-ship guest was his bitter criticisms of them in the press. His satirical publications elicited many angry literary replies and several armed attempts at reprisal. "During 1778 he made many contributions to the New Jersey Gazette and prided himself upon the fact that the British would rather hang him for writing than for fighting."9

In writing to the President of the Continental Congress, Livingston mentioned that rumored plots had been annoying him for three months, adding:

They certainly overrate my merit, and I cannot conceive what induces them to bid so extravagant a sum, having now raised my price from 500 to 2000 guineas, unless it be that Gen. Skinner intends to pay his master's debts as he has long been used to pay his own.10

8Livingston to Livinus Clarkson, April 10, 1778, Livingston Papers, Mic. 510, Roll 3.


10Livingston to Henry Laurens, June 25, 1778, Sedgwick, Life of Livingston, p. 242. In February, 1779, Brigadier General Cortland Skinner raised the reward again. This time it would include a life pension for the person who
Since 2000 guineas was offered for Livingston's capture, many small and large bands under Loyalist and British commands made repeated though unsuccessful attempts to kidnap him. Finally, on February 25, 1779, Sir Henry Clinton, the British Commander, sent two regiments of British troops to capture Livingston and Brigadier General William Maxwell, commander for the militia.\textsuperscript{11} The band of soldiers, having crossed the Kills at Crane's Ferry, quietly landed near town before dawn and surrounded the Governor's house at 5:00 a.m. An alert patriot, however, sounded the alarm and the militias of Newark and Elizabethtown assembled under Maxwell's command. Seeing he was outnumbered by the British regulars, Maxwell retreated and fired on them from a safe distance.\textsuperscript{12}

The assault party that had gone to Livingston's Liberty Hall estate found that the Governor was not home, for he had spent the night with a friend. His two daughters were there, could capture Governor Livingston. The reward offer was originally made to Ephraim Marsh, Jr., but when he refused to try to capture Livingston, the offer was extended to others. Nevins, \textit{The American States}, p. 304.

\textsuperscript{11}A. Van Doren Honeyman, editor, \textit{History of Union County, New Jersey, 1664-1923} (New York, 1923), p. 139.

\textsuperscript{12}New Jersey Gazette, March 3, 1779, printed an extract of a letter from an officer at Elizabethtown as an eye-witness account of the raids. The letter was dated March 1, 1779. W.S. Stryker and others, editors, \textit{New Jersey Archives, Second Series, Documents Relating to the Revolutionary History of the State of New Jersey. Extracts from Newspapers 1776-July, 1782}, 5 vols. (Trenton, 1901-1917), III, 122.
and so was a box from his sulky wagon containing his recent correspondence with Congress, Washington, and the New Jersey state officers. With great presence of mind Susan Livingston explained that the box contained her personal property and asked the officers in charge to protect it. They posted a guard with it and she led them to the library, where she surrendered the Governor's "papers," which were actually "all intercepted letters from London, taken in a British vessel." These the officers eagerly took, even carrying off the drawer in which they were stored. Forbidding the soldiers to plunder the house, the officers took their prize and joined the other troops in town. There they made threatening moves toward the village but set fire to only two buildings—the Academy, which served as a warehouse for army provisions, and the Presbyterian parsonage. After looting several other houses, they returned to New York with what they thought was the complete correspondence of the rebel Governor, only then to discover that they had been deceived.14

When Livingston learned that Clinton was supposedly behind the reward offer and the February capture attempt, he wrote him concerning the attempt and gave him a chance to deny sponsoring the plot.

14 Ibid., pp. 161-162; Sedgwick, Life of Livingston, pp. 322-323.
After having apologized for my delaying your and Mr. Franklin's dinner by being accidentally abroad when you did me the Honor a few Days ago to send Col. Stirling to wait upon me to New York, I beg leave to acquaint you that I am possessed of the most authentic proofs of a General Officer under your command having offered a large sum of money to an inhabitant of this State to assassinate me, in case he could not take me alive; this Sir is so repugnant to the Character which I have hitherto formed of Sir Henry Clinton that I think it highly improbable that you would either contenance it, or be Privy to a design so sanguinary and disgraceful.  

Livingston might also have meant to intimidate Clinton, for he added that if Clinton had had a hand in the evil plot, "your person is more in my Power than I have reason to think you imagine."  

Clinton printed his answer to Livingston in Rivington's Gazette, denying any connection with the plot and complimenting Livingston on having assassins among his friends.  

"As you address me on a grave subject, no less than life and death, and your own person concerned, I condescend to answer you, but must not be troubled with any further correspondence with Mr. Livingston. Had I a soul capable of harbouring so infamous an idea as assassination, you, Sir, at least would have nothing to fear, for be assured I should not blacken myself with so foul a crime to obtain so trifling an end. Sensible of the power you boast of being able to dispose of my life by means of intimates of yours, ready to murder at your command, I can only congratulate you on your amiable connections."  

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15 Livingston to Clinton, March 29, 1779, New Jersey Archives, Second Series, III, 252. The Livingston Letter was reprinted in Rivington's Gazette, April 14, 1779.


17 Clinton to Livingston, April 10, 1779, Rivington's Gazette, April 14, 1779.
Livingston did not allow Clinton to close the correspondence with that haughty disclaimer, arguing that by law the opener had the privilege of closing the case. To Clinton's letter he responded with another in which he attacked Clinton's logic and denied any threat or even any mention of murder. Livingston accused Clinton of being overly proud if he thought it condescension to answer his mild letter. Clinton had referred to the removal of Livingston as a "trifling end", but Livingston reminded him that that "trifling end" had been the object of a recent expedition involving 1000 British troops.\(^\text{18}\)

John Fell, a New Jersey delegate to the Continental Congress, congratulated the Governor on his escape from the capture attempt.

\begin{quote}
I was exceeding happy to hear you were from home when the enemy came to pay you a visit; as I am certain you are not one of those gentlemen who they have the highest regard for. I should imagine Princeton or Trenton would be a much more eligible place for your residence than Elizabethtown. Your being taken, besides the many disagreeable circumstances of being a prisoner would be of utmost consequence, as I know of no person in our possession that you could be exchanged for;--however the subject is too melancholy to dwell on.\(^\text{19}\)
\end{quote}

\begin{flushleft}
\(^\text{18}\)Livingston to Clinton, April 15, 1779, New Jersey Archives, Second Series, III, 266-269.
\end{flushleft}

\begin{flushleft}
\(^\text{19}\)John Fell to Livingston, March 25, 1779, Selections from the Correspondence, p. 143. John Fell knew the hardships of prison. The former New Jersey Assembly Speaker and member of the Governor's Council was a prisoner from April 25, 1776 to January, 1778. Sedgwick, Life of Livingston, p. 243; Fitzpatrick, Writings of Washington, VIII, 44.
\end{flushleft}
On June 24, 1779, Livingston answered a letter from his son, William Jr., on the subject of a plot to assassinate him. In it he referred to his son's suspicions of a plot and agreed that he was correct about the existence of one; rumors had come to the Governor that villains would come from Staten Island to assassinate him. Little could be done about the threat, since the Governor could not afford a more adequate guard. Hence, he planned to stay out of the eastern part of the state. Livingston concluded by giving the Lord credit for preventing the success of a number of previous plots. 20

On July 22, Livingston's son returned from the Assembly to set a trap for one band of conspirators out to assassinate the Governor. The trap was sprung July 23, and the conspirators were surprised and fired on by a patrol fifty yards from the Governor's house. Though the men fled, James Allen, the suspected leader, left home the next day and was pursued and caught. Allen proved to be the leader of a group that had promised David Mathews they would take care of Livingston within two months. 21

A trip to Trenton to meet with the Assembly may have prevented Livingston from being captured by Ensign James

20 Livingston to William Livingston, Jr., June 24, 1779, Livingston Papers, Massachusetts Historical Society, New Jersey State Library, n.d.

21 New Jersey Archives, Second Series, III, 515-516. An account of the incident was published in the New Jersey Gazette, July 28, 1779. David Mathews, mayor of New York, was behind the plot.
Moody. Moody was already in the immediate neighborhood when he heard that Livingston was not at home. Moody quickly changed his plan. He would attempt to capture Livingston as he returned to Elizabethtown. This plan was also foiled when one of Moody's men was captured and confessed that Moody was in the state of New Jersey planning to capture a prominent person who lived near Morristown. Livingston correctly concluded that he was that person and took every precaution to prevent a surprise capture.  

Livingston knew as early as the first week of July, 1780, that he was the object of still another plot. He received a letter from militia General Elias Dayton telling him to expect trouble. Dayton wrote:

> I am sorry to have it in my powers to assure your excellency that one night this week nine fellows crossed over from Staten Island to Amboy for the purpose of taking you off, burning a court house and murdering all the persons concerned and apprehending the spies that were executed near this place last week.  

In August, the New Jersey Gazette reported the capture of Ensign James Moody, the leader of a band of assassins. Moody had left Sussex County in New Jersey to join the British, who had assigned him to return to Sussex to recruit

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23 Elias Dayton to Livingston, June 30, 1780, as cited in "William Livingston," address by Honorable Robert Winthrop Kean (Elizabeth, New Jersey), Feb. 28, 1962, p. 5.
Tories and to engage in guerilla warfare. Subsequently he had become conspicuous for the terror he spread through raids on former Whig neighbors. At the time of his capture he was leading a band that was sent to burn the Sussex jail, capture the Governor and those who had apprehended three recently executed British spies, and enlist citizens in the British service. When captured, Moody had in his possession these orders:

You are hereby directed and authorized to proceed without loss of time, with a small detachment, in the Jerseys, by the most convenience route, in order to carry off the person of Governor Livingston, or any other acting in publick station, whom you may fall in with in the course of your march, or any person whom you meet with, and whom it may be necessary to secure for your own security, and that of the party under your command.

Should you succeed in taking Governor Livingston you are to treat him according to his station, as far as lies in your power; nor are you, upon any account, to offer any violence to his person.

The New Jersey Gazette added that when Moody was taken, the rest of his party tried to swim the river and probably drowned or were captured. Moody was jailed at West Point. He was charged with enlisting citizens in the English army, entering the state in civilian clothes, and carrying hidden weapons. These acts by common European definition qualified

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24 Francis Bazley Lee, New Jersey As a Colony and As a State, 4 vols. (New York, 1902), II, 98.

him as a spy subject to hanging. After being confined in a succession of jails, he was returned to West Point until September 1, when he was transferred to Washington's camp. While Moody was confined at Washington's camp, a rebel colonel informed him that he was to be tried in two days by a carefully picked court with Livingston as prosecutor. The colonel assured Moody that the act of enlisting men in the King's service meant death by the laws of the state of New Jersey. Facing immediate trial, Moody decided to attempt an escape. He succeeded in his attempt on September 17, 1780.26

Moody's escape and his continued Loyalist activities prompted Livingston to send a proclamation to the New Jersey Gazette. The proclamation offered a $200 reward for Moody. In answer to Livingston's proclamation, Moody offered 200 guineas for Livingston and half that sum for his nose and ears.27

As late as April 11, 1781, Livingston was still facing the alarms of possible kidnapping attempts. He wrote to Joseph Reed, then President of the Continental Congress:

I was told a few days ago by a man who had made his escape from New York after having been 13 months a Prisoner with the Enemy, that I might depend upon it there were four parties out, to take or assassinate


27New Jersey Gazette, Aug. 8, 1781; Rivington's Gazette, Aug. 25, 1781.
General Washington, your Excellency, me, and a fourth person whose name he did not hear or had forgot.  

He added that previously he had heard and ignored rumors of many plots. More recently, however, he had received through Washington intelligence from a man living near the enemy that the four men were threatened and that the fourth was Governor Clinton of New York. This time, he feared, the threat could be a real one. 

Livingston learned to go about his daily work in spite of the threats to his life. Personal danger required the provision of special guards or removal from the area of greatest danger. As time passed the Governor grew more philosophical about the position in which enemy threats placed him. He responded to a warning about a new plot on his life from one of Washington's aides with the following letter:

Many of these kinds of reports are undoubtedly without foundation: others I have afterwards been convinced were founded in fact. Providence hath hitherto been pleased to preserve me from the machinations. . . . It is, however, prudent to be watchful, and caution is better than remedy. But, after all, the fellows are as great blockheads as they are rascals, for taking so much pains and running any risk to assassinate an old fellow whose place might instantly be supplied by a successor of greater ability and greater energy. 

28Livingston to Joseph Reed, April 11, 1781, Livingston Papers.  

29Ibid. 

30Livingston to Colonel David Humphrey, Oct. 28, 1782, Sedgwick, Life of Livingston, p. 372.
The Governor kept the state's government functioning by dogged perseverance in the face of continual discouragement. Courage was of great value, perhaps more important than any word or deed. Seven Revolutionary War governors, five of them southern, refused re-election because the job was so risky and difficult. Livingston, writing to Henry Laurens, said:

Were it not for an uncommon constitution and a good stock of spirits, or as the song says, a light heart and a thin pair of breeches, I have met with discouragements that might have discomfitted a man of much greater fortitude.31

Livingston's successive re-elections came because he was reasonably successful as an administrator and evidenced his willingness to continue to serve. The Assembly and the people seemed glad to retain him as long as possible. He continued to offer his services in spite of the constant threats on his life throughout the war.

Livingston shared with most other governors the honor of performing essential tasks of an administrative nature that were inherent in the position to which they had been elected. As evidence of his character and ability he rendered unusual service in contributing to propaganda efforts and boosting morale. He was outstanding in his endurance and persistence, especially during times of great discouragement.

31Livingston to Henry Laurens, June 18, 1778, Sedgwick, Life of Livingston, p. 294.
In times of military crisis, Livingston's assistance in recruiting soldiers for the Continental Army and his quotas of fighting men from the militia to support them were significant. But the work he did to supply the army was of greater value. Only once did Washington bypass the state leader, and that was during the severe winter of 1779-1780 when all the states' resources were temporarily immobilized. Livingston fought a two-pronged battle for supplies: he sought to prevent goods from reaching the British illegally or accidentally, and helped to obtain the provisions necessary to maintain the American forces.

Because no strong central government had been established, the Governor served as a local agent for the Continental Congress, just as the other governors did. He acted as a clearing house for communications between outside authorities and agencies within his state. Military officers and other governors worked with the Assembly and magistrates of New Jersey through Livingston as an intermediary.

One of the less obvious yet very valuable aspects of Livingston's administration was the personal encouragement he gave to men in the army. The Continental Commander and the militia private alike had a friend in the New Jersey Governor. The latter sought his help with personal problems and fought under his command; the former gained strength from Livingston's presence in camp and his confidential
letters. Washington knew he could count on Livingston's loyalty and concern in time of need.

In spite of the strict controls the New Jersey Assembly originally imposed on the chief executive, they became increasingly dependent upon the Governor to carry their laws into execution. Livingston's real political work was the administration of the government of New Jersey. It was because he continuously performed at least part of his duties that the British could never claim to have the state completely conquered. While Livingston was free and active, he was a center of opposition to the enemy and an abrasive symbol of the state's new political power.

Through letters and speeches Livingston sought and gained friends abroad for the United States and increased the courage and patriotism of the common citizens. The extent to which Livingston raised morale is difficult to estimate but many officials indicated that his influence was an important factor in the war effort. Here was a steadfast man who faithfully performed countless monotonous tasks, such as granting passes and writing letters, and who furnished local leadership that was a vital link in contributing to the American victory.
## APPENDIX A

### RE-ELECTIONS OF WILLIAM LIVINGSTON

<table>
<thead>
<tr>
<th>Date</th>
<th>Candidates</th>
<th>Votes</th>
<th>Page</th>
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<tbody>
<tr>
<td>Nov. 1, 1777</td>
<td>William Livingston</td>
<td>Unanimous</td>
<td>22</td>
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<tr>
<td>Oct. 31, 1778</td>
<td>William Livingston, Philemon Dickinson</td>
<td>31, 6</td>
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<td>Oct. 30, 1779</td>
<td>William Livingston, Philemon Dickinson</td>
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<td>William Livingston, Philemon Dickinson, David Brearley, Esq.</td>
<td>28, 2, 6</td>
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<td>Unanimous</td>
<td>50</td>
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<tr>
<td>Oct. 30, 1782</td>
<td>William Livingston</td>
<td>Duly Elected</td>
<td>55</td>
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<td>William Livingston, John Cooper, Esq.</td>
<td>33, 1</td>
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<td>William Livingston, Elias Dayton, Esq.</td>
<td>38, 5</td>
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<td>William Livingston, David Brearley, Esq.</td>
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<td>47, 1</td>
<td>23</td>
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<td>Oct. 31, 1788</td>
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<td>Nov. 2, 1789</td>
<td>William Livingston</td>
<td>Re-elected</td>
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APPENDIX B

LIVINGSTON'S MAJOR PROPAGANDA WRITINGS FOR THE
NEW JERSEY GAZETTE, 1777-1781

<table>
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<tr>
<th>Date</th>
<th>Subject</th>
<th>Pseudonym</th>
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<tbody>
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<td>On the Exchange of Burgoyne</td>
<td>Hortentius</td>
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<td>Dec. 24, 1777</td>
<td>On the Conquest of America</td>
<td>Hortentius</td>
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<td>Dec. 31, 1777</td>
<td>On the Bergen Petticoats</td>
<td>Hortentius</td>
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<td>Jan. 7, 1778</td>
<td>A Satire on Sir William Howe</td>
<td>Hortentius</td>
</tr>
<tr>
<td>Jan. 21, 1778</td>
<td>To His Majesty of Great Britain</td>
<td>Hortentius</td>
</tr>
<tr>
<td>Jan. 28, 1778</td>
<td>Answer to Galloway</td>
<td>Hortentius</td>
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