

**“Judge Stockton was most particularly importunate:” Richard Stockton, American Whig
Coalition Building, and its Fragility**

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Abstract: This article examines the role of coalition building and ideological fractures within the American Whig movement during the Revolutionary era through the lens of Richard Stockton’s life and experiences. As a prominent New Jersey lawyer and politician, Stockton’s journey from moderate Whig to signer of the Declaration of Independence to parole-taker illustrates the complex and shifting nature of political allegiances during this tumultuous period. The essay argues that while a shared Whig ideology helped unite diverse factions against British policies in the 1760s–70s, the pressures of war exposed underlying tensions and differing interpretations of what it meant to be a committed Patriot. Stockton’s temporary ostracization after accepting a British pardon in 1776 reveals how radical Whigs sought to police the boundaries of acceptable patriotic behavior. However, his gradual reintegration into Patriot circles demonstrates the limits of such exclusion and the eventual reconstruction of a broader Whig coalition. By tracing these dynamics of unity, fracture, and reconciliation, this study provides new insights into the ideological complexities of the American Revolution and the malleable nature of political identity in times of crisis.

In the midst of negotiations with France in October 1777, Arthur Lee and Benjamin Franklin one day discussed “the present state” of their efforts to secure an alliance with the French monarch. Lee noted that “Dr. F.” declared that “the manner in which the whole of this business had been conducted, was such a miracle in human affairs, that if he had not been in the midst of it, and seen all the movements, he could not have comprehended how it was effected.” After discussing all the challenges that faced the revolutionaries, including the lack of military means, hostile loyalists, and what Franklin described as “a whole people for some months without any laws or government at all” he detailed how he believed the Americans were succeeding:

We must remember that the revolution was not directed by the leaders of faction, but by the opinion and voice of the majority of the people; that the grounds and principles upon which it was formed were known, weighed and approved by every individual of that majority. It was not a tumultuous resolution, but a deliberate system. Consequently, the feebleness, irresolution, and inaction which generally, nay, almost invariably attends and frustrates hasty popular proceedings, did not influence this.¹

Franklin’s statement suggested that a single united front of patriotic Americans, “the voice of the majority of the people,” were at the heart of the Revolution. This dichotomous impression of there being Americans and their enemies is not, inherently, incorrect. However, what is lost in statements such as these is the nature of coalition building from the end of the French and Indian war to the end of the American Revolution among American Whigs or Patriots.

¹ *Life of Arthur Lee, LL.D.*, ed. Richard Henry Lee (Boston: Wells and Lilly, Court Street, 1829), 343–346.

The role of ideology in American Revolutionary politics and how it shaped the formation of the American Whigs has remained a contested field. Over a century of scholarship has, at times bitterly, denied the importance of ideology in creating a major social movement in the thirteen colonies. Ideology operates in their narratives as “propaganda,” masking ulterior motives.² However, these challengers have been met by stiff resistance from historians who argue for the importance of ideas in driving the American Revolution.³ Further scholarship, particularly on American Loyalists, has emphasized the role of ideology in driving colonists’ actions both for and against the revolutionary movement.⁴ American ideology scholarship has at times been situated as a spectrum, ranging from radical Patriots to conservative Loyalists. However, this spectrum often misses the entangled ideas that inhabited the American Whig movement. Rarely are discussions centered on the disagreements among the Patriot faction, nor

² A few examples: Philip G. Davidson, *Propaganda and the American Revolution, 1773–1783* (Chapel Hill, NC: University of North Carolina Press, 1941); T.H. Breen, *The Marketplace of Revolution: How Consumer Politics Shaped American Independence* (New York: Oxford University Press, 2004); Gary Nash, *The Unknown American Revolution: The Unruly Birth of Democracy and the Struggle to Create America* (New York: Viking, 2005); Robert G. Parkinson, *The Common Cause: Creating Race and Nation in the American Revolution* (Chapel Hill: University of North Carolina Press, 2016).

³ Edmund S. & Helen Morgan, *The Stamp Act Crisis: Prologue to Revolution* (London: Collier Books, 1970, 1953 orig.); Bernard Bailyn, *The Ideological Origins of the American Revolution: Fiftieth Anniversary Edition* (Cambridge, MA: The Belknap Press of Harvard University Press, 2017); Gordon S. Wood, *The Creation of the American Republic: 1776–1787* (Chapel Hill, NC: The University of North Carolina Press, 1969); Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765–1776* (New York: Alfred Knopf, 1972); Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Alfred Knopf, 1992); Linda Colley, *Captives: Britain, Empire and the World, 1600–1850* (London: Jonathan Cape, 2002), 213. Colley rightly points out that this was a gradual separation spurred by narratives told by elites on either side of the Atlantic; Gordon S. Wood, “Reassessing Bernard Bailyn’s *The Ideological Origins of the American Revolution* on the Occasion of its Jubilee,” *The New England Quarterly* 19, no. 1 (Mar. 2018), 78–109. Jack P. Greene, “Empire and Identity from the Glorious Revolution to the American Revolution,” in *The Oxford History of the British Empire: The Eighteenth Century*, ed. P.J. Marshall (Oxford, UK: Oxford University Press, 1998), 222–229; John Shy, “The American Colonies in War and Revolution, 1748–1783,” in *The Eighteenth Century*, ed. Marshall, 300–324; Ian K. Steele, “The Anointed, the Appointed, and the Elected: Governance of the British Empire, 1689–1784,” in *The Eighteenth Century*, ed. Marshall, 121.

⁴ Jerry Bannister and Liam Riordan, *The Loyal Atlantic: Remaking the British Atlantic in the Revolutionary Era* (Toronto: University of Toronto Press, 2012), 14; John Craig, “Slavery, Sovereignty, and Empires: North American Borderlands and the American Civil War, 1660–1860,” *The Journal of the Civil War* 4, no. 2 (June 2014), 264–298; Serena R. Zabin, “Conclusion: Writing To and From the Revolution,” *Journal of the Early Republic* 37, no. 4 (Winter 2017), 771–783; Holgar Hooek, *Scars of Independence: America’s Violent Birth* (New York: Crown, 2017).

on the differing ideologies that came to make up that bloc. This article reintegrates the role of divergent ideologies into the story of the American Revolution through the examination of a single American Whig's life.

There are many lives that could illustrate the process of coalition building in the decade leading up to American independence. The Whig coalition spanned across societal barriers such as class, race, gender, religion, and physical location. While certainly white coastal elites maintained positions of leadership and power in the Revolution, the Whig coalition's revolution was only possible due to the efforts of a broad spectrum of the American populace who grasped onto some of the core ideals centered in the American Whig ideology.⁵ This ideology, built extensively on the Country Whig writings from Britain at the turn of the eighteenth century, had a uniquely American flavor centered on Englishmen's rights. While seeking to maintain what they saw as the English tradition of liberty, Americans did adjust and innovate in response to the threats from the metropole.⁶ This article will focus on the life of Richard Stockton, a New Jersey elite, who was part of a larger controversy within the Whig coalition in the early months of 1777. Lambasted as a "timid Whig," Stockton was pushed, temporarily, out from Revolutionary politics. However, prior to his death in 1781, Stockton began to reintegrate himself into the American Whig movement. As a leader, he illustrates that the coalition variances were not just based on the differences of race, gender, religion, and class, but also upon varying interpretations

⁵ It should be noted that this does not preclude other factors, such as religious sentiment, economic motivation, or racial fears. See for example: Thomas S. Kidd, *God of Liberty: A Religious History of the American Revolution* (New York: Basic Books, 2010); David L. Holmes, *Faiths of the Founding Fathers* (New York: Oxford University Press, 2006); Catherine Carté, *Religion and the American Revolution: An Imperial History* (Chapel Hill, NC: University of North Carolina Press, 2021). T.H. Breen, *The Marketplace of Revolution: How Consumer Politics Shaped American Independence* (New York: Oxford University Press, 2005); Parkinson, *The Common Cause*; Woody Holton, *Liberty Is Sweet: The Hidden History of the American Revolution* (New York: Simon & Schuster, 2022).

⁶ Bernard Bailyn, *The Ideological Origins*, 22–55; Jack P. Greene, "The Limits of the American Revolution," in *The American Revolution: Its Character and Limits* (New York: New York University Press, 1987), 1–13.

of what it meant to be an American Whig. Stockton's narrative tracks onto the rise of multiple strands of American Whig ideology but also demonstrates some of the numerous divergences within that ideology. His fall from leadership, as well as his beginning rehabilitation, are emblematic of the healing of fractures within the American Whig coalition during and after the Revolutionary era.

The end of the French and Indian Wars signaled an outpouring of pro-British sentiment from the American colonies. 1763 also began a new era for the young lawyer Richard Stockton, who appeared to have a world of possibilities before him. Born on October 1, 1730, in Princeton, New Jersey to John and Abigail Stockton, Richard entered a life of wealth and affluence. Stockton's family held a sizable estate on land that his Quaker great-grandfather had purchased from William Penn in the 1680s. Stockton's father had continued the family tradition of elevating the family's status and left his Quaker roots to become a Presbyterian. John Stockton was one of the most powerful men in Princeton, and he began to expand his influence beyond the sleepy village by serving as a judge and as a patron of the College of New Jersey, then located in Newark. The Stocktons sent their eldest son to Dr. Samuel Finley's academy in West-Nottingham, Maryland, for two years.⁷

Though quaint compared to educational establishments in Europe, Finley's academy was seen as an elite destination for Middle Colonies elites. There Stockton was inculcated in the rhetoric of New Light Presbyterianism, Western classics, and a zeal for defending the empire.⁸

Upon his return to Princeton he attended the College of New Jersey, then under the direction of

⁷ Greiff and Mary Gibbons, "The Changing Face of Princeton," *The Princeton University Library Chronicle* 25, no. 3 (Spring 1964), 185. John Sanderson, *Biography of the Signers to the Declaration of Independence: Vol. III* (Philadelphia: R.W. Pomeroy, 1820), 81–82. Scholars have since suggested that this essay was written by Stockton's son. While lacking a "full" picture of his father, it does provide a closer account of some of his history.

⁸ Lawrence A. Cremin, *American Education* (New York: Harper & Row, Publishers, 1970), 459–460; Samuel Finley, *The Curse of Meroz; or the Danger of Neutrality* (Philadelphia: James Chatten, 1757)

Aaron Burr Sr., and graduated in 1748. He apprenticed himself to David Ogden, a lawyer and rising politician in colonial New Jersey. In each of these cases, Stockton sought to connect himself to more influential and powerful patronage networks. His education appeared to be following the path of many aspiring young men in the colonies. Not connected enough in the imperial political world to be educated in England, nevertheless, Stockton participated in the growing colonial education establishment, ensuring his place as a colonial elite at the very least. Stockton's efforts paid off as he quickly advanced as a lawyer and by 1763 was a Sergeant at Law.⁹

Soon after his appointment as a member of the Board of Trustees of the College of New Jersey in late 1757 or early 1758, Richard Stockton married Annis Boudinot, the daughter of French Huguenot refugees and sister to Elias Boudinot. Stockton's relationship mimicked countless other colonial stories of increasing diversity within the empire as the colonies experienced growth through the immigration of French and German Protestants. Furthermore, it was a match that provided him with additional connections including with Benjamin Franklin, Richard Peters, William Smith, and Benjamin Rush, all friends of the Boudinot family. His marriage was one of the few moments that Stockton appears to have not attempted to climb the social ladder, as his wife's father was a silversmith and not part of the colonial elite. Instead, as seen in their surviving correspondence, the match over the years was one of love and affection.¹⁰

Richard met Annis, who was a friend of Aaron and Esther Burr, while at the College of New Jersey. Aaron Burr Sr., the president of the college, and his wife highly approved of the silversmith's daughter and encouraged the budding relationship between Annis and Stockton.

⁹ Greiff and Gunning, *Morven*, 28–30; Sanderson, *Biography*, 83–84.

¹⁰ Carla Mulford, *Only for the Eye of a Friend: The Poems of Annis Boudinot Stockton* (Charlottesville, VA: University of Virginia Press, 2012). Though some errors exist in this text, it provides an excellent survey of Annis's life.

Their relationship frustrated some local Princeton teachers, Esther Burr recording that one stated, “she [Annis] and the Stocktons are full of Talk of Friendship and society and such stuff,” to which she added he “made up a Mouth as if much disgusted.” When pressured, the tutor explained that he believed that women were “hardly capable of anything so cool and rational as friendship.”¹¹ Stockton clearly disagreed and corresponded with Annis about politics for the rest of his life.

The Stocktons animatedly went to work following their marriage in further ensuring their status as landed British elites. Like many other colonists, building a world that mirrored that of their cousins across the Atlantic was central to their identity as Britons. The Stocktons inherited Richard’s boyhood home and farm, only to have it catch fire a year later after a “servant” made “a bed by candlelight.” The *Boston Gazette* praised Stockton, the British gentleman hopeful, as one who had “Composure and Serenity of Mind, which betoken the Man and the Christian.”¹² The Stocktons took the fire as an opportunity to rebuild their home to match a new style in England, the Palladian or Early Georgian design. Annis christened the estate “Morven” after the home of Fingal in the *Poems of Ossian*, a collection of roughly translated Gaelic poems by James Macpherson that had garnered significant fame and attention across the British Empire.¹³ Two gardens, both following British patterns of geometric design, were likely created and maintained by the Stockton’s enslaved men and women: Marcus Marsh, Samuel Tucker, Houghton, Jasper,

¹¹ Esther Edwards Burr, Journal, April 12, 1757, in *The Journal of Esther Edwards Burr, 1754–1757*, ed. Carol F. Karlsen and Laurie Crumpacker (New Haven: Yale University Press, 1984), 257.

¹² “New-York January 29,” *Boston Gazette* (Boston, MA), Feb. 12, 1759, 1; “New-York January 29,” *Boston Gazette* (Boston, MA), Feb. 12, 1759, 1; Alfred Hoyt Bill, *A House Called Morven: Its Role in American History* (Princeton, NJ: Princeton University Press, 1978), 23–24.

¹³ Dafydd Moore, “Heroic Incoherence in James Macpherson’s ‘The Poems of Ossian,’” *Eighteenth-Century Studies* 34, no. 1 (Fall 2000), 43–59; Paul F. Moulton, “A Controversy Discarded and ‘Ossian’ Revealed: An Argument for a Renewed Consideration of ‘The Poems of Ossian,’” *College Music Symposium* 49–50 (2009–2010), 392–401; Kristine Louise Haugen, “Ossian and the Invention of Textual History,” *Journal of the History of Ideas* 59, no. 2 (Apr. 1998), 309–327.

as well as unnamed women and children. Morven became one of the most important edifices in Princeton, a common stopping point for travelers and visitors to the newly moved College of New Jersey (now Princeton University). Though nowhere near the splendor of Englishmen's estates, in lowly Princeton, Morven, complete with imposing name and wealth, was a local symbol of British excellence and power.¹⁴

Physical edifices were not the only means of demonstrating Britishness. Stockton was deeply religious, and his commitment to Presbyterianism was both personal and part of being an enlightened gentleman.¹⁵ He also was intensely committed to education and gathered in his home an impressive collection of books and documents, another symbol of his enlightened status. Furthermore, Stockton made himself an integral part of the College of New Jersey, providing funds and labor as a committee member to help the new college achieve its full potential. Promoting the college enmeshed Stockton not only into networks of local intellectuals but also allowed him to benefit generations of young scholars who like himself were looking to climb and succeed in the prospering British Empire. All the while, Stockton continued to develop his law practice and expand his real estate holdings.¹⁶ By all accounts, the Stocktons were prospering in a way that set them atop Princeton's social hierarchy.

Stockton's climb in colonial politics only grew following the Seven Years War. During the war he helped draft a petition to the New Jersey assembly to ask for the removal of the soldiers stationed in Princeton from the homes of civilians. This protest was in no shape or form

¹⁴ Conrad McCall Goodwin, Karen Bescherer Methany, Judson M Kratzer and Anne Yentsch, "Recovering the Lost Landscapes of the Stockton Gardens at Morven, Princeton, New Jersey," *Historical Archaeology* 29, no. 1 (1995), 35–61; Greiff, "The Changing Face," 187–189; "Slavery at Morven" and "Marcus Marsh," Morven: Museum & Garden, accessed 2023, <https://www.morven.org/slavery-at-morven>; Constance M Greiff and Wanda S. Gunning, *Morven: Memory, Myth & Reality*, 15–24.

¹⁵ One example see: Richard Stockton, "Will," 20 May 1780, Microfilm 562754, BYU Family History Library, Provo, UT; Bill, *A House Called Morven*, 24.

¹⁶ Constance M Greiff and Wanda S. Gunning, *Morven: Memory, Myth & Reality*, 29

anti-British or independence minded. Even the act of quartering was not protested. Rather, it was the unfairness of the quartering methods and the great burden the empire placed on homes that the signers resented. For the Princetonians and Stockton, this was part of their duties as Britons, to exercise their voice and seek legislative relief.¹⁷ He and others celebrated the victory over the French and like many other American colonists, Stockton was never more British than in 1763. While actively running his law practice and expanding his property holdings, Stockton began climbing as a lawyer, becoming a Sergeant at law, a distinction of prestige for the young lawyer. Stockton began planning a trip to England, perhaps seeing it as a way not only to see the heart of the empire, but also as a way to integrate himself more fully into the structures of power in the British Empire.¹⁸ He certainly would have not been odd for wanting to connect to the powerful networks of patronage.¹⁹ Yet, before he could embark in the spring of 1765, the Stamp Act Crisis escalated dramatically, paralyzing British politics.

Ever since George Grenville took control of the ministry, Americans found themselves increasingly at odds with the British Parliament over how the taxation of the British colonies should proceed. Beginning with news of Grenville's Sugar Act of 1764, numerous British Americans took to writing to protest the actions of Parliament. The British ministry's unwillingness to negate Parliament's authority to tax directly, particularly as discussions surrounding the proposed Stamp Act grew, was troubling to many Americans. Stockton, as well as others, likely protested for a variety of reasons. Economically, Stockton and other lawyers would be devastated by the taxes, which would directly cut into their business. Yet, more

¹⁷ Richard Stockton, et al., Petition to the House of Representatives, Jul. 22, 1758, Box 9, Folder 4, Special Collections, Princeton University, Princeton, NJ.

¹⁸ Richard Stockton to Benjamin Franklin, Feb. 23, 1765, *Founders Online*, National Archives.

¹⁹ For example, see: Stanley N. Katz, "Between Scylla and Charybdis: James DeLancey and Anglo-American Politics in Early Eighteenth Century New York," in *Anglo-American Political Relations, 1675–1775*, eds. A.G. Olson and R.M. Brown (New Brunswick, NJ: Rutgers University Press, 1970), 92–108.

important for Stockton and others was the belief that unrepresented taxation was a violation of colonists' fundamental rights as Britons.²⁰ Stockton, like others, waited until after the act had passed in March of 1765 before engaging in extensive debate. When calls spread in June for a "Stamp Act Congress," Stockton, who perhaps participated in debates then raging in the American print world under the pseudonym of *Caesariensis*, was a leading proponent of New Jersey sending delegates to the Congress. Stockton was alarmed when it appeared that the New Jersey Assembly would avoid participating in the Congress in early September. As would become customary for the next decade, Stockton quickly sent a letter detailing the various reasons why unity with fellow Americans was important. Writing to his mentor, friend, and now Speaker of the House Robert Ogden, Stockton hoped to push his mentor toward sanctioning a delegation to the Congress.²¹

Stockton, styling himself as a friend "to his country," dismissed New Englanders' protests over the Stamp Act as full of "unbounded License," likely referring to the mobs centered in Boston. Despite their radicalness, Stockton continued to believe the Stamp Act to be "in diametrical Opposition to our Constitution." In opposing the Stamp Act, Stockton declared that "the Representatives of the People ought not to be silent. They ought to complain constitutionally." In Stockton's mind, the assembling of an extralegal Congress was already constitutional and failing to send representatives would make New Jersey "look like a speckled Bird among our Sister Colonies" and even worse suggest "implicitly that we think it no Oppression." Even more radically, Stockton insisted that the Assembly "should complain to the

²⁰ Edmund S. & Helen M. Morgan, *The Stamp Act Crisis: Prologue to Revolution* (Chapel Hill, NC: The North Carolina University Press, 1952), 1–; Neil L. York, *The American Revolution, 1760–1790: New Nation as New Empire* (New York; Routledge, 2016), 31.

²¹ "Caesariensis' on Stamp Collectors and the Stamp Act Congress," in *New Jersey in the American Revolution, 1763–1783: A Documentary History*, ed. Larry R. Gerlach (Trenton, NJ: New Jersey Historical Commission, 1975), 10–12.

King: not to the Parliament whose Authority they do not and ought not acknowledge.” Stockton was insistent that even sending a petition to Parliament would acknowledge “some Authority they had over Us.” His suggestion to “Burn my Letter after reading it over twice” perhaps reflects his understanding of the consequences if such a letter were made public, likely ruining his further ascent in colonial politics. Ogden agreed with Stockton and delegates were sent. Stockton had firmly aligned himself with an American Whig interpretation of how the empire should function.²²

The seeming success of American protest and the retraction of the Stamp Act allowed Stockton once again to prepare for his trip to England. Arriving in England in July of 1766, he began to tour Britain, visiting historic sites and various Whig politicians. By October, Stockton had visited Ireland and traveled as far south as Clonmel. His son noted later that the trip to Ireland and seeing the “miserable and degraded state” of the Irish had a profound impact on his attitude toward colonists’ need to submit “to the plans of the British ministry.”²³ Still, at the moment Stockton subsumed these as he traveled and toured the heart of the empire. While nowhere in the league of Benjamin Franklin, whose persona captured the popular imagination of Europe for decades, Stockton also experienced a gratifying reception in Great Britain. He was presented to the King, reading to George III a letter from the Board of Trustees of the College of New Jersey, thanking the king for his intervention in the Stamp Act crisis. He also interacted with the Marquis of Rockingham and William Pitt Sr., who had recently been made Earl of Chatham. His greatest honor came when he was conferred the freedom of the city of Edinburgh while attempting to recruit John Witherspoon to be the next president of the College of New

²² Richard Stockton to Robert Ogden, Sep. 13, 1765, Revolutionary Era Manuscripts, 49, New Jersey Historical Society, in *New Jersey in the American Revolution*, 12–13.

²³ Sanderson, *Biography*, 88.

Jersey. Though Witherspoon was not to be convinced by Stockton (Benjamin Rush succeeded several months later), the two men developed a deep and lasting friendship. Stockton spent several additional months in London before returning to America in September of 1767.²⁴

While in England, Stockton wrote to Samuel Smith, who Stockton knew would deliver his letter to Lord Dartmouth, a member of the Board of Trade. Stockton defended the colonies' actions during the Stamp Act crisis and their resolve to maintain their English liberties. Gone were the criticisms of New England; instead Stockton replaced these critiques with assurances of an American. While convinced that uplifting and strengthening the British Empire was in the best interest of all British subjects, he ominously warned that continued oppression of the colonists would bring down the entire empire.²⁵ Stockton was a committed Briton. Yet, he was beginning to show an inclination to side with fellow colonists over the interests of the larger empire.

Returning to America in July of 1767, Stockton was the center of attention in New Jersey when he was nominated by Governor William Franklin to fill an opening on the Council for New Jersey. The selection to a Tory-dominated body was confirmed on November 2 by the Board of Trade and the King.²⁶ Franklin was very much aware of who Stockton was and his Whiggishness. Yet, Stockton was seen as a moderate, one who could be reasoned with and

²⁴ Sanderson, *Biography*, 84–85; Richard Stockton, “To Robert Ogden,” September 13, 1765, *New Jersey In the American Revolution*, New Jersey State Library; Richard Stockton, “To Annis Stockton, London” October 21, 1766, EM. 804, The Members of the Continental Congress, 1774–1779, Thomas Addis Emmet collection: 1483–1876 [bulk 1700–1800], Archives & Manuscripts, The New York Public Library (Hereafter NYPL); Edinburgh March 10,” Newport Mercury, No. 459. Newport RI (Jun 25, 1767), 1; “Edinburgh March 10,” Williamsburg Virginia Gazette, (Jun 25, 1767), 3; “Jul. 23, 1767,” New-York Journal, No. 1281, New York City NY, (1767) 2.

²⁵ Richard Stockton to Samuel Smith, Mar. 21, 1767, EM 803, The Members of the Continental Congress, 1774–1779, Thomas Addis Emmet Collection, Archives & Manuscripts, The New York Public Library (NYPL). See also: Sanderson, *Biography*, 92–93.

²⁶ “Jul. 23, 1767,” *New York Journal* [NYC] (1767), 2; William Franklin to Earl of Hillsborough, Aug. 13, 1768, in *Documents Relating to the Colonial History of the State of New Jersey: Vol. 10*, ed. Frederick W. Ricord and William Nelson (Newark, NJ: Daily Advertiser Printing House, 1896), 44–45; Board of Trade to William Franklin, Nov. 2, 1768, in *Documents Relating*, 5, 59–60.

lacked the bombastic nature of some of the other Whigs in the colony. Moreover, Stockton had the potential to serve as a useful middleman between the Council and the Assembly. Stockton gladly did so, and his political capital soared in the process. Stockton freely voiced his opinions, writing to Lord Hillsborough, the Secretary for the Colonies, and to Benjamin Franklin, New Jersey's colonial agent during these years. Stockton genuinely believed he could influence imperial policy.²⁷ Stockton was no longer a quiet lawyer from Princeton. His rise in politics coincided with the rise of other Whig politicians, allowing Stockton to further disseminate his views on Englishmen's rights as part of larger Whig protests. Though his and other New Jersey Whigs' focus was intently on preserving the Empire, their support of more radical patriots helped to deepen the divide between the many imperial administrators and the American Whig movement.

From 1770 to 1775, Stockton maintained his influence in both the Assembly and in the Governor's Council, while expanding his practice as a lawyer and bringing in new apprentices such as Elias Boudinot (his brother-in-law), Benjamin Rush (his future son-in-law), William Davies, Joseph Reed, William Patterson, and Jonathan D. Sergeant.²⁸ In 1774 Governor Franklin elevated Stockton to the New Jersey Supreme Court, another position of power and prestige, despite his heavily Whig sympathies. This perhaps stemmed from his disfavor of political extremism and violence, particularly over Parliament's efforts to enforce East India tea consumption.²⁹ Protests were acceptable, but violence was deemed unnecessary as of yet for the Princeton lawyer. This began to change in the aftermath of the Boston Tea Party in 1774. As

²⁷ Richard Stockton to Benjamin Franklin, Dec. 22, 1769, Founders Online, *The National Archives*; Richard Stockton to Lord Hillsborough, Feb. 26, 1770, in *Documents Relating*, 153–154.

²⁸ Harry M. Ward, *For Virginia and For Independence* (Jefferson: McFarland & Company, 2011), 166; Carla Mulford, *Only For the Eye of A Friend*, 19–20; Sanderson, *Biography*, 106.

²⁹ General Assembly, *Votes and Proceedings of the General Assembly of the Colony of New Jersey* (Burlington: Isaac Collins, 1772), 170.

Parliament moved swiftly to control and punish Massachusetts, these drastic measures convinced the now forty-four-year-old lawyer that extreme measures were necessary in order to save the empire and preserve traditional Englishmen's rights.

Stockton dashed off letters in support of the Continental Congress and also to his friends in England, hoping desperately that reason would once again prevail in the empire.³⁰ While Stockton may have disagreed with the protest methods of the Bostonians, the uncompromising and tyrannical approach of Parliament was far more damning. In one surviving letter to Lord Dartmouth dated December 12, 1774, Stockton pled for the British government to recover their senses. Stockton urged his superiors to consider four facts. First, over 500,000 fighting men stood ready in the colonies in Stockton's estimation to defend their English liberties. Second, the colonies stood, "perfectly united in a determined opposition to the authority of the British Parliament, as to all internal Taxation." Third, the colonies would band together to resist oppression and finally that the "consequences of this unnatural War will be dreadful to both Great Britain and America; and the probable effects thereof may be fatal to the whole British Parliament." Stockton pleaded with Dartmouth to send commissioners to mediate the conflict and to consider forming a second Parliament in America under the control of the British Crown. Stockton was emphatic that the Intolerable Acts had to be repealed immediately until tensions subsided.³¹ Stockton, who had almost a decade earlier argued for the colonies' ability to cast off British power through military combat, now feared that the dreaded day had come. Already the First Continental Congress had met, and a Second was underway. In Stockton's mind the fault of the conflict lay largely on Parliament's shoulders. His assertion that conflict was near proved to

³⁰ Alfred Hoyt Bill, *New Jersey and the Revolutionary War* (New York: D. Van Nostrand Company Inc., 1964), 5.

³¹ Richard Stockton to Lord Dartmouth, Dec. 12, 1774, #565, Series I, Governors of New Netherlands and the Colony and State of New York, Theodorus Bailey Myers Collection, NYPL.

be prophetic as the conflict escalated to violence during the Battles of Lexington and Concord in April of 1775.³²

As the American army began to take shape outside of Boston, tensions rose considerably in New Jersey. The Whig coalition, long divided between those favoring a more moderate, protest, petition, and letter-writing approach and those pushing for militant conflict had coalesced around the right for Americans to defend themselves. Governor Franklin, infuriated at the disloyalty of the Assembly declared, “We have now, thank Heaven, a happy Opportunity of getting entirely rid of this unnatural Contest, by only complying with what, I think has been fully proved and acknowledged to be our indispensable Duty” or in other words the new taxes. In response, the Assembly reminded Franklin, “we cannot suppose you to entertain a Suspicion that the present House has the least Design to desert the Common Cause, in which all America appears to be both deeply interested and firmly united.” They further reminded Franklin and the other Loyalists on the Council that the people of New Jersey at no point would submit to taxation without proper representation.³³ Stockton, who had sat on the Governor’s Council for over five years, made no illusions where his loyalty lay as he and other moderate Whigs came to sound much more like radical American Whigs.³⁴

British policies brought together the Whig coalition in a way it had never been united before, just as Stockton had anticipated. Increasingly, he found himself caught up in the revolutionary fervor sweeping the colonies, including calls for American independence.³⁵

³² Richard Stockton to Lord Dartmouth, Dec. 12, 1774, #565, Series I. Governors of New Netherlands and the Colony and State of New York, Theodor Bailey Myers collection: 1542–1879, Archives & Manuscripts, The New York Public Library; “Richard Stockton,” *The Historical Magazine, and Notes and Queries, concerning the Antiquities, History and Biography of America*, Vol. 3, No. 2 (1868), 228–229.

³³ Ricord, *Documents Relating*, 551, 559.

³⁴ Sanderson, *Biography*, 94–95.

³⁵ Americans’ consumption of Thomas Paine’s *Common Sense* might be indicative of the change in ideology. See Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York: Vintage Books, 1997),

Stockton's role became cemented in the American Whig coalition when he was selected on June 21, 1776, to be one of five delegates sent to replace New Jersey's delegation in the Second Continental Congress. Alongside his friend John Witherspoon, as well as Francis Hopkinson, John Hart, and Abraham Clark, the men were instructed by the provincial government to approve any votes for independence.³⁶ Many outside of the colony were shocked that New Jersey, long considered a place of Whig moderation and strong Tory leanings, would vote for independence.³⁷ Few anticipated how quickly moderates would begin to align with more radical American Whigs such as the New Englanders, thereby creating the appearance of a hegemonically united front once Parliament threatened their liberties.

The New Jersey delegation arrived June 28 in the midst of the final rounds of debate in Congress over issuing a declaration of independence.³⁸ John Dickenson, another moderate American Whig, was opposed to separating from the British Empire and his arguments had delayed the vote by several months. Once aligned with a strong coalition of fellow moderates, shifting stances and the arrival of new delegates had shifted the makeup of the Whig coalition in Congress. All recollections of Stockton's participation in the debates were recorded years after his death and ought to be viewed with caution. John Adams recalled that on the morning of July 2nd the New Jersey delegates arrived late to the debates. These debates closed out the months-long battle between the moderates in Congress and the radicals such as Adams. Adams recalled,

37–41, 47–96; Jill Lepore, "A World of Paine," in *Revolutionary Founders: Rebels, Radicals, and Reformers in the Making of the Nation*, ed. Alfred F. Young, Gary B. Nash, and Ray Raphael (New York: Vintage Books, 2012), 87–89.

³⁶ Abraham Clark to Elias Dayton, Jun. 26, 1776, in *Letters of Delegates to Congress 1774–1789: May 16–August 15, 1776*, ed. Paul H. Smith (Washington DC: Library of Congress, 1979), 378; Provincial Congress to Continental Congress, Jun. 21, 1776, *Journals of the Continental Congress: 1774–1789, Vol. V*, ed. Worthington Chauncey Ford (Washington DC: Government Printing Office, 1906), 489–490.

³⁷ "July 10, 1776," *Massachusetts Spy* (Jul. 10, 1776), 4.

³⁸ John Adams, Diary, Jun. 28, 1776, *Founders Online*, National Archives.

[The New Jerseyans] desired that the question might be discussed. We observed to them that the Question was So public and had been So long discussed in Pamphlets News Papers and at evry fireside that they could not be uninformed and must have made up their Minds. They Said it was true they had not been inattentive to what had been passing abroad, but they had not heard the Arguments in Congress and did not incline to give their opinions untill they should hear the Sentiments of Members there. Judge Stockton was most particularly importunate, till the Members began to Say let the Gentlemen be gratified,

Adams rehearsed his arguments to the satisfaction of the New Jerseyans, and Stockton supposedly told his son Richard months later that Adams was the “Atlas of American independence.”³⁹ While Stockton came to the convention primed to vote in favor of the separation from Great Britian, Adams aided in boosting his confidence for the vote. It was during that first week of July that unity between more moderate Whigs such as Stockton and those who had long been calling for independence was at its peak. Not only did Stockton sign the Declaration of Independence, but he appeared to radicals such as Samuel Adams to be “zealously attached to the American cause.”⁴⁰ This was an essential part of coalition building. As Stockton had been doing previously by tying all American Whigs together into a similar group, so had the radicals. At this moment of revolution, as American revolutionaries rode high on the energy of Washington’s success in recapturing Boston, the American Whig coalition seemed to be equally united and committed. Certainly disagreements continued in Congress, yet serious cracks and

³⁹ John Adams to Mercy Otis Warren, Aug. 17, 1807, *Founders Online*, The National Archives; Richard Stockton Jr. to John Adams, Sep. 12, 1821, *Founders Online*, National Archives.

⁴⁰ Samuel Adams to Richard Henry Lee, Jul. 15, 1776, in *American Archives, Series 5: Vol I*, ed. Peter Force (Washington DC: M. St. Clair Clarke, 1848), 347.

divisions seemed to have vanished with the defeat of the most conservative American Whigs in July.

Stockton worked furiously on various committees in the months following the Declaration, doing tasks as diverse as recruiting Hessian soldiers and supplying the Continental army. He also continued to be one of Congress's connections across the Atlantic, his correspondence with English friends providing information for the governing body. His status in the body was demonstrated when he was nearly elected to meet with the Howe brothers alongside Benjamin Franklin and John Adams.⁴¹ Instead, he was sent north to survey the Northern wing of the Continental army with Pennsylvanian George Clymer. Stockton seemed to typify the American radical, his work decidedly benefiting the American cause and expanding its reach.⁴² Though in September he had not been chosen as the new governor of New Jersey, he continued his work as a delegate in Congress by heading toward Albany sometime in early October.⁴³

⁴¹ For a description of some of Stockton's Committee assignments and work as a delegate see:

Worthington Chauncey Ford, *Journals of the Continental Congress: 1774–1789: Volume 5* (Washington DC: Government Printing Office, 1906), 543, 562, 640, 738, 741, 747; Richard Stockton, "To William Livingston," September 23, 1776, in ed. Paul H. Smith, *Letters of Delegates to Congress, 1774–1789: Volume 5* (Washington DC: Library of Congress, 1979), 228; Richard Stockton, "To Robert Treat Paine," October 1, 1776, in Paul H. Smith, *Letters of Delegates*, 284–285.

⁴² John Hancock to General Gates, Sep. 27, 1776, in ed. Peter Force, *American Archives, Series 5: Volume 2* (Washington DC: Government Printing Office, 1851), 561–562; Richard Stockton to Robert Treat Paine, Oct. 1, 1776, in ed. Paul H. Smith, *Letters of Delegates*, 284–285; Benjamin Rush to Anthony Wayne, Sep. 28, 1776, in ed. Smith, *Letters of Delegates*, 262; Richard Stockton to Benjamin Rush, Oct. 15, 1776, in ed. Smith, *Letters of Delegates*, 342; Richard Stockton to Abraham Clark, Oct. 28, 1776, in ed. Peter Force, *American Archives, Series 5: Volume 2*, 1274–1275; Richard Stockton and George Clymer to President of Congress, Nov. 10, 1776, in ed. Force, *American Archives*, 784–785.

⁴³ Benjamin Rush to Julia Rush, Jul. 23, 1776, in ed. L. H. Butterfield, *Letters of Benjamin Rush: Volume 1* (Princeton: Princeton University Press, 1951), 106; William Smith, "Thursd 16 Jany 1777," in ed. William H.W. Sabine, *Historical Memoirs*, 66. Smith noted: "[Richard Stockton] had Expectations of being the elected Governor of N Jersey, and lost them by Mr. Steven's Voice, who was in the Chair and voted for Mr Livingston. Mr. Stevens urged him to decline it before he declared himself to prevent Discord, concealing the Division, but he insisted upon being introduced to the Electors; & his Opponents fearful of the Effect of his Address, carried a Denial of his Request. He uttered himself incautiously and harshly on that Treatment; and instantly some of his Friends deserting him, Mr L on proposing the

The trip north was brutal as the roads froze following a drop in temperatures. While the delegates worked to meet with General Horatio Gates, Stockton became increasingly concerned for the state of the Continental soldier. He pled with friends in Congress to aid his “brave countrymen” who he feared would suffer needlessly that winter. Stockton gave away most of his spare socks in hopes of relieving even a small amount of suffering.⁴⁴ As it appeared that a British army would soon attack his location, Stockton hoped to share “in the glory of our Army.” Stockton had shied away from political violence, yet from his position, the Americans had rightfully broken from a despotic government that threatened the liberties inherent to the white American populace and thus violence not only was necessary but to be applauded when in defense of “the Cause.”⁴⁵ The attack never came, but Stockton faced new challenges upon his return to New Jersey.

Stockton’s return home came at the very moment that Howe’s army swept into New Jersey, chasing Washington’s disheveled and frantic army toward Philadelphia. The British advance was a disaster for the Continental army, but even more so for the Whig coalition in New Jersey. As British troops marched through the state, Whig leaders fled while Loyalists enthusiastically celebrated. Many Whigs found themselves faced with the choice to accept a pardon, often under intense pressure from nearby British troops, or to risk the consequences. Stockton rushed to Princeton, and after aiding the Continental army, evacuated his family to his fellow Whig and friend John Covenhoven’s home named Freehold, leaving behind his son and perhaps an enslaved man to watch the estate.⁴⁶ Stockton’s choice to go to Monmouth, a loyalist

Question de Novo came in by a Majority, & he lost his Aims. - Mr. Stevens was made Lt. Govr., John De Hart, the Chief Justice & Mr. Stockton their Continental Delegate; & for that Place he was lately reelected.”

⁴⁴ Richard Stockton to Abraham Clark, Oct. 28, 1776, in ed. Force, *American Archives*, Vol. II, 1274–1275.

⁴⁵ Richard Stockton and George Clymer to President of Congress, Nov. 10, 1776, in ed. Force, *American Archives*, Vol. III, 784–785

⁴⁶ Sanderson, *Biography*, 100.

hotspot, has sparked countless debates as to what his intentions were in not fleeing to Philadelphia.⁴⁷ Regardless, his decision to remain in New Jersey made him the target of local loyalists eager to enact revenge on New Jersey's Whig leadership.

Between November 30 and December 2, Stockton was forcibly taken from the Covenhoven home along with his host by a loyalist band led by Chrineyonce Van Mater.⁴⁸ Driven about twenty miles in cold and potentially rainy weather from Monmouth County to Perth Amboy in only a night's march, Stockton was forced "on Foot, through Rivers and Creeks, with the greatest Precipitation, particularly the Rarion" Stockton stayed in Amboy jail for a time before being moved to the Provost Jail in New York City. By all accounts the move did little to improve his position. Rumors circulated in the colony that he had died in captivity in Perth Amboy.⁴⁹ He survived but did become sick as a result of his march. In New York he was kept without food for a day and then only on a limited supply thereafter, according

⁴⁷ Timothy M. Barnes and Robert M. Calhoun, "Moral Allegiance: John Witherspoon and Loyalist Recantation," *American Presbyterians* 63, no. 3 (Fall 1985), 278.

William Smith opined, "it is supposed that he went there to be apprehended, for he was reelected a Delegate just before his flight, and thus had a fair Retreat to Philadelphia; which it seems he did not improve for his own Safety." He later added that the rumors started because Stockton was upset at the Legislature over their treatment of his attempt to be governor and "probably gave Rise to the Reports that he had changed Sides." However, he later came to accept the claim that Stockton was deserting the Patriots when he fled to Monmouth County.

William Smith, "Thursday, 2 Jany 1777," and "Thursd 16 Jany 1777," and "Wednesd: 30 April 1777," in ed. William H.W. Sabine, *Historical Memoirs From 16 March 1763 to 25 July 1778 of William Smith* (United States; The New York Times, 1969), 60, 66–67, 127.

Only one other potential point of evidence to indicate Stockton may have been going to resign was that his letter of resignation to the New Jersey Legislature was dated December 2, potentially on the day he was captured. However, Alfred Bill suggests that this was written two days after his capture in order that Congress might speedily have another representative. Joint Meeting, *Minutes and Proceedings of the Council and General Assembly of the State of New-Jersey* (Trenton: Isaac Collins, 1780), 16; Alfred Hoyt Bill, *A House Called Morven*, 43–44.

⁴⁸ Michael S. Adelberg, "The Transformation of Local Governance in Monmouth County, New Jersey, during the War of the American Revolution," *Journal of the Early Republic* 31, no. 3 (Fall 2011), 484.

⁴⁹ "Thursday January 30, 1777," Connecticut Journal, No. 485. New Haven CT (Jan. 30 1777) 2;

William Smith heard that, "Mr Stockton was when apprehended forced away naked to Amboy, in a most distressed Condition..."

William Smith, "Thursd 15-16 Jany 1777," in ed. William H.W. Sabine, *Historical Memoirs*, 66.

While it cannot be proven that Stockton was marched in the rain, several soldiers in the area noted the week had been very rainy and the roads muddy.

to his son, Lucius.⁵⁰ His son-in-law Benjamin Rush was livid at his treatment and the abuses shown him, and though Stockton left no account of his time in prison, contemporary accounts detail the Provost Jail as a place of disease and abuse.⁵¹ John Hancock declared it “shocking and inhuman” and requested General Washington to protest the treatment of Stockton.⁵² However, by the time the letter reached Howe, Stockton was returning home. Richard Stockton on December 29, 1776, was released with a “full pardon” from the Howe Brothers.⁵³ With this pardon it appears that Stockton committed to no longer publicly participate in the war effort, similar to paroles given to military officers at this time. Whether or not he took an oath of allegiance is unknown and the documents describing his pardon make for a muddled history. No major press releases were made by the Howes, and no newspaper accounts derided or celebrated the event, thus suggesting that the pardon was more likely framed as a parole.⁵⁴ Still, Stockton, sick and weak, returned home a defeated man.

⁵⁰ John Sanderson, *Biography of the Signers*, 102.

⁵¹ Burrows, *Forgotten Patriots*, 21–23; Benjamin Rush, “To Richard Henry Lee,” December 30, 1776, in ed. Paul H. Smith, *Letters of Delegates: Volume 5*, 705–706.

This was not as Wallace Brown would state a letter about Rush’s father, but rather his father-in-law.

Wallace Brown, *The Good Americans*, 144.

Rush would also write his wife Julia that: “when the acct. Came to congress of your Papa’s harsh treatment by General Howe, they immediately ordered General Washington to remonstrate against it, and to threaten to inflict similar indignities upon tory prisoners.”

Benjamin Rush, “To Julia Rush,” January 31, 1777, in ed. Paul H. Smith, *Letters of Delegates to Congress, 1774–1789: Volume 6* (Washington DC: Library of Congress, 1980).

⁵² John Hancock, “To The Executive Committee,” January 6, 1777, in ed. Paul H. Smith, *Letters of Delegates to Congress: Volume 6*, 39; John Hancock, “To George Washington,” January 6–7, 1777, in Founders Online, National Archives.

⁵³ James Webster, “Elisha Lawrence,” December 29, 1776, 204-L, Box 3, Miscellaneous Documents, General Documents Pertaining to the New Jersey Volunteers, Loyalist Manuscripts, 1776–1783, Department of Defense, New Jersey State Archives, Trenton.

⁵⁴ From a dispatch to Lord Germain, Howe does not state any leading colonist took the pardon. This perhaps is indicative of Stockton taking a unique pardon that did not require him to swear an oath of allegiance to the King, but that gave him the freedom he desired. In records from one of Howe’s officers there is no mention of the capture of Stockton as well. Ira D. Gruber, *The Howe Brothers and the American Revolution* (New York: The Institute of Early American History and Culture, 1972), 196–197; Ernst Kipping and Samuel Stelle Smith, *At General Howe’s Side: 1776–1778* (Monmouth Beach: Philip Freneau Press, 1974), 6–9.

Stockton arrived home to find his estate in shambles. While Stockton was in prison, his home had served as headquarters for Colonel William Harcourt of the Sixteenth Dragoons. The soldiers trashed Morven, scattering his host of books and family papers and slashing the Stockton's portraits.⁵⁵ Though still incredibly wealthy, most of Stockton's wealth appears to have been tied up in land. In the aftermath of his capture, Stockton sought aid from friends in refurbishing his once proud estate of Morven and began to rebuild his life. In alignment with his agreement with the Howes, Stockton resigned his place in Congress to wait out the war.⁵⁶ Stockton's capture and pardon ruined his reputation as an American Whig. Stockton soon experienced the realities of fractures within the Whig coalition over how to react to invasion and the threat of death. What before had seemed to be minor differences under the pressures of war had become elevated into catastrophic fissures, particularly for the most radical patriots who desperately were seeking to shore up support for independence.

The first reactions to Stockton's betrayal came from the local Loyalist gossip mill in New Jersey. These rumors appear to have begun circulating almost immediately after he was captured and suggested Stockton had gone to Monmouth not to escape the British, but to sue for pardon. While later vehemently denied by Stockton, these rumors made it back to his former circle of

Burrows provides a fascinating discussion on Stockton's pardon and his time in prison. Burrows suggests that Stockton was broken in spirit by his treatment at the hands of Loyalists and in the Provost jail. Burrows is incorrect in asserting that Cochran is the only source of Stockton heading to the British, as demonstrated previously. Edward G. Burrows, *Forgotten Patriots: The Untold Story of American Prisoners During the Revolutionary War* (New York: Basic Books, 2008), 113–116.

Suggestions by scholars such as Greiff and Gunning that Stockton recanted do not attempt to unpack his pardon/parole, nor the implications of the Howes not celebrating this pardon. The lack of engagement in this regard buries the complicated realities of the pardon. See: Greiff and Gunning, *Morven*, 33–35.

⁵⁵ Benjamin Rush, "To Richard Henry Lee," January 7, 1777, in ed. L.H. Butterfield, *Letters of Benjamin Rush*, 126; Elias Boudinot, "To Guy Carleton," October 2, 1783, in ed. Paul H. Smith, *Letters of Delegates to Congress, 1774–1789: Volume 21* (Washington DC: Library of Congress, 1994), 9–10; William Smith, "Wedn: 15 Jany 1777," in ed. William H.W. Sabine, *Historical Memoirs*, 65; Carla Mulford, *Only for the Eye of a Friend*, 24; Greiff, "The Changing Face," 191.

⁵⁶ Joint Meeting, *Minutes and Proceedings of the Council and General Assembly of the State of New-Jersey* (Trenton: Isaac Collins, 1780), 16.

associates in Congress. Interestingly, he began to be lumped into the same category as John Dickinson, the famous “Farmer” who had so eloquently defended colonial rights in his series of essays prior to the Revolution. He too was now being accused of treachery. Elbridge Gerry wrote scathingly of Stockton and Dickinson on December 23rd, 1776 stating, “I wish every timid Whig or pretended Whig in America would pursue the same plan [that is sue for pardon], as their weak & ineffectual system of politics has been the Cause of every Misfortune that we have suffered.”⁵⁷ Samuel Adams also made reference to Stockton when he wrote to his brother John, “The late Behavior of the People of Jersey, was owing to some of their leading Men, who instead of directing and animating most shamefully deserted them.”⁵⁸ Abraham Clark, a New Jersey delegate, wrote to fellow New Jerseyan John Hart expressing dismay at the situation in New Jersey. Of Stockton and another delegate he noted, “Mr. Stockton by his late procedure cannot Act, I wish their places may be Supplied by such as will be reputable to New Jersey, not only by their integrity but Abilities.” John Hancock wrote to Robert Treat Paine about Stockton and Dickinson. Hancock cleared Dickinson of wrongdoing, stating “he is not gone over to the Enemy.” However, for Stockton he left a terse note, “Stockton it is said, & truly, has Rec’d General How’s protection.”⁵⁹ John Rogers, a patriot clergyman in New York, stated that, “Stockton of Princeton was despised - That it [sic] went to surrender when taken & came out with a Protection.”⁶⁰

The frustration and resentment were only to grow among these members who felt acutely Stockton’s betrayal. Later Benjamin Rush wrote to his wife stating, “Some of the members of

⁵⁷ Elbridge Gerry, “To a Friend,” December 23, 1776, in Paul H. Smith, *Letters of Delegates: Volume 5*, 641.

⁵⁸ Samuel Adams, “To John Adams,” January 9, 1777, in Founders Online, National Archives.

⁵⁹ John Hancock, “To Robert Treat Paine,” February 9, 1777, in ed. Paul H. Smith, *Letters of Delegates: Volume 6*, 247.

⁶⁰ William Smith, “Thursd: 15 May [1777],” in ed. William H.W. Sabine, *Historical Memoirs*, 138.

Congress think your Papa will be obliged to take part with General Washington in driving the enemy out of New Jersey or submit to be treated as an enemy. This I believe will depend a good deal upon the nature of the oath & obligation he has come under to General Howe.”⁶¹ The animosity of some of his former colleagues was barely veiled by Rush. Stockton’s reaction at home was also less than favorable, and he was ridiculed and regarded with suspicion. However, his friends continued to defend his name and his actions, despite the opposition of popular opinion. John Witherspoon came to Princeton in March of 1777. He wrote to his son, “Judge Stockton is not well in health & much spoken against for his Conduct. He Signed Howes declaration & also gave his Word of honour that he would not meddle in the least in American affairs during the War.” In the next two sentences, Witherspoon moves past Stockton’s betrayal and defends his friend: “Mrs. Cochran was sent to the Enemies lines by a flag of Truce and when Mr. Cochran came out to meet his wife he said to the Officers that went with the flag that Judge Stockton had brought Evidence to General Howe to prove that he was on his Way to seek a protection when he was taken. This he denies to be true yet many credit it but Mr. Cochrans known quarrel with him makes it very doubtful to candid persons.”⁶² Witherspoon discounted the rumors and instead held to Stockton’s story of capture and taking the pardon after harsh treatment.⁶³ Annis likewise believed this narrative and declared, “He dignified the judge’s, statesman’s name!”⁶⁴ While Annis defended her husband’s memory, most of his close family and

⁶¹ Benjamin Rush, “To Julia Rush,” undated, in Constance M Greiff and Wanda S. Gunning, *Moven: Memory, Myth & Reality*, 34.

⁶² John Witherspoon, “To David Witherspoon,” March 17, 1777, in ed. Paul H. Smith, *Letters of Delegates to Congress: Volume 6*, 454–455.

⁶³ This is fascinating given how vigorously Witherspoon rejected loyalists in other scenarios. Robert M. Calhoon, “Moral Allegiance: John Witherspoon and Loyalist Recantation,” *The Loyalist Perception and Other Essays*, 179–194.

⁶⁴ Annis Stockton, “A Short Elegy to the Memory of Her Husband,” March 9, 1781, in ed. Carla Mulford, *Only for the Eye of a Friend*, 99.

friends remained silent about Richard Stockton's decisions and the betrayal they may have felt. However, not all Patriots were as harsh on Stockton. Washington himself issued a general order to search for Stockton's possessions among his men who had been in Princeton in the hopes of recovering his stolen papers. After the British retreat to New York, tensions subsided, and Stockton was forgotten.⁶⁵

The several month tensions following Stockton's pardon illustrate key divisions in the American Whig movement. His commitment to Whig ideology had not waned. However, his views of what was required by that commitment differed from his colleagues. While Stockton and others saw it as an unfortunate necessity to accept the Howe's pardon or a parole in order to save their lives, others believed it essential that sacrifice went beyond loss of property and position but also included a willingness to die for the cause.⁶⁶ Pushing Stockton and others away was in part a defensive reaction of radicals who feared that moderates threatened the movement's viability. Gerry's complaints of "timid Whigs" illustrate this perfectly. Rather than accept that the coalition could have differing views of what it meant to give all to the cause, he and others separated those they deemed less committed into a unique category of political actors that could be turned against. This rhetoric was most acute during moments of deep duress, particularly when British military forces were experiencing success. Bridges were willingly burned as American radical Whigs attempted to parse who was like themselves and who was "timid" and a liability to "the Cause."⁶⁷ They understood that presenting a strong unified front, the front that

⁶⁵ George Washington, "General Orders," February 3, 1777, in Founders Online, National Archives.

⁶⁶ T.H. Breen, "Samuel Thompson's War: The Career of an American Insurgent," in *Revolutionary*, ed. Young, Nash, and Raphael, 53–54.

⁶⁷ The "Cause" was not solely or even primarily racialized ideology. The Cause elicited ideological and at times religious imagery among Americans, in addition to fears of those racialized "others." Parkinson, *The Common Cause*. For a well-reasoned review see Matthew Mason, "Review," *The American Historical Review* 122, no. 4 (Oct. 2017), 1211–1212.

Stockton himself had advocated for over the previous decade, was essential in preserving the movement during its moments of calamity.

Yet, these divisions had limits. After positioning Stockton as outside the inner circle of Patriots and revolutionaries, the leading Patriots acted no further. Mentions of Stockton in their letters fade and he is left alone in Princeton, at the edge of the Revolution. This is striking when compared with how Patriots lambasted and tormented Loyalists, even those who did not actively support the British government. Stockton on the other hand felt few of these effects. While Rush did warn that some Congressional delegates would label him an enemy if he did not aid Washington, this threat never was followed through with, unlike the experiences of many real or accused Loyalists who faced harassment, property seizure, expulsion, and death.⁶⁸ In fact, Stockton reopened his law practice after recovering his health and was once again active in helping the College of New Jersey. He sent petitions to Congress and volunteered to draw up legal contracts for the army. He also defended Loyalist friends to only some local outcry.⁶⁹ Even more substantial were the contributions of his wife Annis. While Stockton chose to honor his pledge and remove himself from the political arena, his wife began raising funds for the Continental army. While it's possible that she had her own funds, it's far more likely that Stockton allowed family funds to be used to support these ventures, thereby indirectly supporting the Revolution. Stockton also was able to make requests of the Patriot government, despite his reputation. Even though he was no longer at the front of the movement, Stockton was allowed to

⁶⁸ Examples in New Jersey are numerous, but a sampling of sources and articles on the subject will suffice; Margaret Morris, *Private Journal kept During a Portion of the Revolutionary War* (Philadelphia: Privately Printed, 1836), 12–13; John E. Pomfret, *Colonial New Jersey: A History* (New York: Charles Scribner's Sons, 1973), 273; David J. Fowler, "Loyalty is Now Bleeding in New Jersey," in ed. Joseph S. Tiedemann, Eugene R. Fingerhut, Robert W. Venables, *The Other Loyalists* (Albany: SUNY Press, 2009), 44–66; T. Cole Jones, "'The rage of tory-hunting': Loyalist Prisoners, Civil War, and the Violence of American Independence," *The Journal of Military History* 81 (July 2017), 719–746.

⁶⁹ Richard Stockton to Annis Stockton, Nov. 30, 1778, Folder 54, Box 1, Princeton University Library Collection of Stockton Family Materials, 1701–1942 (mostly 1750–1820), Special Collection, Princeton University.

nominally participate with the Patriots.⁷⁰ This reintegration was abruptly stopped after Stockton died from throat cancer in 1781.⁷¹

During the crisis of the winter of 1776–1777, radical American Whigs were willing to burn bridges with Whig coalition members through ostracization and threats of those deemed not sufficiently committed to the cause. However, as Howe’s forces settled into New York for the winter, the rhetorical fire and brimstone began to abate, replaced by efforts to reconstruct the Whig coalition. Stockton was not the only “timid Whig” to benefit from the rebuilding efforts. New Jersey had large numbers of American Whigs who, like Stockton, had decided death or prison were less appealing than temporarily withdrawing from the movement. Many prominent Whig leaders, such as Henry Garritse, John Covenhoven, and Samuel Tucker had been dedicated participants in the buildup to the revolution. Some historians, such as Alan Taylor, have argued that this major lapse showed an abandonment of the “Patriot Cause.”⁷² However, it quickly became apparent that while some had headed straight for the approaching British armies to obtain a pardon, many others, including the leaders previously mentioned, had been forced to take the pardon or risk death or imprisonment, a sacrifice many were not willing to make.⁷³ John Covenhoven’s story particularly mirrored Stockton’s experiences.

⁷⁰ Alfred Hoyt Bill, *A House Called Morven*, 47; Carla Mulford, *Only for the Eye of a Friend*, 25.

⁷¹ Richard Stockton, “Will,” 20 May 1780, Microfilm 562754, BYU Family History Library, Provo, UT; Unknown Author, Pennsylvania Packet, March 10, 1781, Philadelphia Pennsylvania, Vol 10, Issue 714, 2. Early signs of cancer: Annis Stockton to Elizabeth Graeme Ferguson, Jul. 10, 1779, Princeton University Library Collection of Stockton Family Materials, 1701–1942 (mostly 1750–1820), Folder 7, Box 1, Special Collections, Princeton University.

⁷² Alan Taylor, *American Revolutions*, 168; Some have claimed that New Jersey was reluctant in rebellion, however Maxine Lurie sufficiently demonstrates otherwise. Maxine N. Lurie, “New Jersey: Radical or Conservative in the Crisis Summer of 1776?” in ed. Mitnick, Barbara J., *New Jersey in the American Revolution* (New Brunswick: Rivergate Books, 2005), 31–43.

⁷³ Washington was very cognizant of this British tactic. George Washington to John Hancock, Feb. 5, 1777, Founders Online, National Archives. Special thanks to Kevin Murphy for directing me to this source. See also: Richard M. Ketchum, *The Winter Soldiers*, 192.

Alfred Bill Hoyt, *New Jersey and the Revolutionary War*, 23; Andrew Jackson O’Shaughnessy, *The Men Who Lost America: British Leadership, the American Revolution, and the Fate of the Empire* (New Haven: Yale University Press, 2013), 102; Alan Taylor, *American Revolutions*, 168; Thomas Fleming, “Crossroads of the American

Covenhoven was captured the same night as Stockton and also took a pardon. Following his release, he bowed out of local Whig politics, though he continued to support the Patriot movement. Disgraced for his unwillingness to die or remain in prison for the cause, Covenhoven remained untouched by the local Patriot Committees.⁷⁴ By 1781 Covenhoven was reintegrated into local politics and was able to help maintain the American presence in Monmouth County. While no longer holding the power he had previously held in the Legislature, Covenhoven was not permanently excluded from politics. Radical American Whigs became less concerned with fellow Whigs' willingness to die for the cause or suffer on its behalf as martyrs and instead focused on creating political networks that could bind together the new nation as the direct British threat receded. Hundreds of other New Jersey Whigs found themselves in similar processes of reintegrating themselves into local power networks and demonstrating their continued loyalty to the American cause.⁷⁵ Many Whigs immediately returned after Washington's successful attack on Trenton. Local folklore states that dozens came to Washington and burned their protection papers following the battle.⁷⁶ Despite acts of penitence by "timid Whigs," the state government still required in December of 1777 oaths of loyalty from those who had taken Howe's pardon, including one from Richard Stockton.

Revolution," in ed. Mitnick, Barbara J., *New Jersey in the American Revolution* (New Brunswick; Rivergate Books, 2005), 6. Many Loyalists were infuriated at the British's accommodation with the rebels. Paul H. Smith, *Loyalists and Redcoats* (Chapel Hill: The University of North Carolina Press, 1964), 43, 132–133.

⁷⁴ For a discussion on treatment of Loyalists in New Jersey see Mark Edward Lender, "The 'Cockpit' Reconsidered: Revolutionary New Jersey as a Military Theater," in ed. Mitnick, Barbara J., *New Jersey in the American Revolution* (New Brunswick: Rivergate Books, 2005), 50–51; Donald L. Kemmerer, *Path to Freedom* (Cos Cob, Connecticut; John E. Edwards, 1968), 338–340.

⁷⁵ William L. Kidder, "A Disproportionate Burden on the Willing," in ed. James J. Gigantino, *The American Revolution in New Jersey* (New Brunswick: Rutgers University Press, 2015), 24.

⁷⁶ Ralph Ege, *Pioneers of Old Hopewell* (Hopewell, New Jersey: Race & Savidge, 1908), 26.

Similar narratives could be told about South Carolina, particularly following Clinton's successful South Carolina campaign in 1780 and 1781.⁷⁷ Other examples could likely be found in Boston, Canada, Rhode Island, Pennsylvania, and Georgia, where local Whig populations were faced with invasion and were briefly (or in the case of Canada, permanently) occupied. Whigs of all classes, including soldiers in the Continental Army, found their ideologies tested and shaped through the hardships of war. Repeatedly, the pattern of the cracking of the local Whig coalition, followed by radical Whig exclusion of those considered to be less patriotic, culminating in reintegration into the American Whig community, appears in narratives of the war. Whatever the case, these individuals populated the communities between the British and American spheres of influence along with neutrals and noncombatant Loyalists.⁷⁸

For radical Whigs, who believed that the cause demanded nothing less than complete and utter devotion, Richard Stockton and individuals similar to him presented a problem. Throughout the colonies, ardor for the American cause had swept up men and women into the Patriot's fold, at times through less-than-ideal means of persuasion. Radical American Whigs feared that many

⁷⁷ See for example: Carl P. Borick, *A Gallant Defense: The Siege of Charleston, 1780* (Columbia: University of South Carolina Press, 2003), 232.

⁷⁸ As indicated previously various punishments included harassment, extra taxation, exclusion from the community, suspicion, assaults on property, confiscation of property, threats, physical acts of violence, expulsion from the community, and death. Some of the best sources on the Loyalists and their experiences and mindset include: T. Cole Jones, *Captives of Liberty: Prisoners of war and the Politics of Vengeance in the American Revolution* (Philadelphia: University of Pennsylvania Press, 2020), 109–123; Jerry Bannister and Liam Riordan, *The Loyal Atlantic: Remaking the British Atlantic in the Revolutionary Era* (Toronto; University of Toronto Press, 2012); Ray Raphael, *A People's History of the American Revolution* (New York; The New York Press, 2001), 145–185; eds. Robert M. Calhoun, Timothy M. Barnes, and George A. Rawlyk, *Loyalists and Community in North America* (Westport, Connecticut: Praeger, 1994); Robert M. Calhoun, *The Loyalist Perception and Other Essays* (Columbia, SC: University of South Carolina Press, 1989, 2010), 147–191; Wallace Brown, *The Good Americans* (New York: William Morrow Company Inc, 1969); ed. Leslie Upton, *Revolutionary Versus Loyalist* (Waltham, MA: Blaisdell Publishing Co; 1968).

However, it should also be noted, that for the majority of Loyalists, they were able to reintegrate back into American society following the American Revolution.

Robert M. Calhoun, "The Reintegration of the Loyalists and the Disaffected," *The Loyalist Perception and Other Essays*, 195–215. One of the most notable works on the demonization of enemies by the Americans is Robert Parkinson's *The Common Cause*.

in their ranks were in fact closet loyalists.⁷⁹ American Whigs of all persuasions joined the army, participated in local councils, and were part of mobs that ransacked Loyalist estates. However, as the conflict expanded beyond Boston and the battlefields of Canada into the Middle Colonies and later the South, there was a shift. While many continued to support the Continental Army and “the Cause,” their ardor, at least to radicals, appeared to dim. What was perhaps most troubling for the radical Whigs such as Elbridge Gerry and Samuel Adams, to name a few, was the loss of former leaders who had once appeared to be as enthusiastic as they were. It had been easy to dismiss the lower sorts for dropping out of the cause, but to lose one of their own forced them to confront a new ideological dilemma.

While Gerry and others would vehemently denounce them, those closest to their “timid” compatriots found more nuanced and careful methods of sorting their friends with less extreme views of patriotism. Witherspoon’s approach to accept Stockton’s pardon, while placing blame on his captivity, was one method of coping with the sudden fall out of Stockton’s betrayal. Benjamin Rush continued to assist his father-in-law and did not mention him further in letters and even began to divide Whigs into separate categories, including one similar to timid Whigs.⁸⁰ Others such as Elias Boudinot would continue correspondence with Stockton and aid the family in recovering lost assets. While more cynical sorts will mutter about how this was an effort to save their own reputations, perhaps it is wise to consider the alternative that these American Whigs genuinely wanted their friends and family to remain in the cause and not completely disappear from the movement.

Stockton’s story captures the messiness of American coalition building and how the pressures of war caused fractures within the movement. Yet, this coalition-building narrative

⁷⁹ Parkinson, *The Common Cause*, 303–304.

⁸⁰ Benjamin Rush, “To John Adams,” August 8, 1777, in ed. L.H. Butterfield, *Letters of Benjamin Rush*, 152.

remains relatively obscured, in part because of the ways in which descendants and those more moderate Whigs themselves recalled their participation in the movement. Nowhere is this better seen than in Stockton's narrative. His experiences can also be representative of the way collective memory changed over time for those who had been cast out. As his sons Lucius and Richard entered the realm of politics in the years following the Revolution, former colleagues remembered Stockton kindly. John Adams wrote to Richard Jr., "I have received your kind letter... As it is a demonstration of the continued friendship of a family for whom I have felt for more than five & 40 years the highest respect esteem & affection. For your father the chief justice of N Jersey and a fellow laborer with me in Congress I had a great veneration. I may boast that he was always partial to me."⁸¹ Benjamin Rush also wrote sympathetically, "[Stockton] was timid where bold measures were required but was at all times sincerely devoted to the liberties of his country."⁸²

Unlike Benedict Arnold and others who had offered their services to the British, Stockton and those who had merely moved from the front of the movement to the side were gradually forgotten or lionized in the coming decades.⁸³ Thanks to the efforts of his descendants, Stockton was elevated as a martyr for the cause.⁸⁴ Others also experienced similar elevations that they

⁸¹ John Adams, "To Richard Stockton," September 23, 1821, in Founders Online, National Archives.

⁸² Benjamin Rush, *Dr. Benjamin Rush* (Lanoraie: Louis Alexander Biddle, 1905), 109.

⁸³ Other examples of Turncoats include Joseph Galloway, Herman Zedtwitz and Eugene R. Fingerhut, "From Revolutionary to Traitor: The Revolutionary Career of Herman Zedtwitz," in ed. Joseph S. Tiedemann, Eugene R. Fingerhut, Robert W. Venables, *The Other Loyalists* (Albany: SUNY Press, 2009), 179–191.

⁸⁴ This is best seen in his lionization in post-revolution histories. See: John Sanderson, *Biography of the Signers of the Declaration of Independence: Vol. III* (Philadelphia: R.W. Pomeroy, 1820); L. Carroll Judson, *A Biography of the Signers of the Declaration of Independence* (Philadelphia: Thomas, Cowperthwait & Co. 1839), 66–70; B.J. Lossing, *Biographical Sketches of the Signers of the Declaration of American Independence* (New York: George F. Cooledge & Brother, 1848), 77–80; Charles A. Goodrich, *Lives of The Signers to the Declaration of Independence* (New York: William Reed & Co., 1829), 204–210. Stockton has done far worse in popular histories of the American Revolution. David Fischer's work has been influential on most recent mentions of Richard Stockton in larger histories of the war. This perhaps explains the minimal depth authors have given to his capture and the circumstances of his pardon. See: David Hackett Fischer, *Washington's Crossing* (Oxford: Oxford University Press, 2004), 164–165.

could only have dreamed of during their lifetime. This pattern perhaps follows a trend in reconciliation that occurred between some former Loyalists and Patriots following the war and the glorifying of the founders that was typical of the 19th century.

Ideology was a potent factor in the American Revolution, enough that American Whig leaders fretted about the purity of their friends and family members' commitment to supporting the ideals of the Revolution. Yet, as these narratives of fracture and divided coalitions reflect, ideology was not the only factor at play in the American Revolution. Warfare challenged even the most deeply held ideological commitments, testing men and women's adherence to the official narrative of pledging life, fortune, and sacred honor to the Cause. It pushed individuals to divergent conclusions on what it meant to be an American Whig. Those divergences mattered, particularly in the moments of crisis when the American experiment seemed the most in jeopardy. Yet, in the war's aftermath, the narratives of division and coalitions were buried beneath the stories of unity and sacrifice, masking the convoluted and deeply fragile origins of the American Republic.

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