Richard Stockton: Rebel With A Cause

by Larry R. Gerlach

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John Adams was fond of declaring the "real" American Revolution took place not on battlefields or in state houses but "in the hearts and minds of the people" long before "a drop of blood was drawn at Lexington." Whatever the validity of that oft-quoted analysis, historians have had a difficult time assessing the nature of the transformation of attitudes and ideals that led to the creation of the American republic. Adams himself recognized the complexity of the problem: "The principles of the American Revolution," he observed, "may be said to have been as various as the United States that went through it, and in some sense as diversified as the individuals who acted in it."

One of those who played a conspicuous role in the drama of the Revolution was Richard Stockton. Early in the evening of July 4, 1776, Stockton, a delegate from New Jersey, joined some fifty other members of the Continental Congress in adopting Thomas Jefferson's Declaration of Independence; in so doing, he pledged his life, fortune, and sacred honor in support of the new nation. One wonders what thoughts passed through his mind as he sat in the Pennsylvania State House that fateful day. Of course, Jefferson's immortal words voiced noble political principles and indicted the government of George III for a long train of constitutional abuses and usurpations. On the other hand, to endorse the document was to commit treason against king and country and to consign family, friends, and countrymen to a future that promised untold bloodshed, social and economic dislocation, and civil turmoil. Perhaps his thoughts strayed from time to time away from the debate of the moment to the events of recent years that had brought a wealthy, socially prominent and politically conservative Princeton lawyer to Philadelphia to launch a revolution.

From almost every perspective, Richard Stockton appears at first glance as a most unlikely rebel. When he entered this world on October 1, 1730, it was as the first-born in an opulent, influential family whose roots ran deep into the American past. His great-grandfather, Richard Stockton, was a prosperous farmer who migrated from Cheshire, England, to Long Island sometime before 1656; he became active in public affairs after the British conquered New Amsterdam in 1664, acquired a modest farm, joined the Society of Friends, and in 1691 moved to Quaker-dominated Burlington, New Jersey, where he purchased a 2,000 acre plantation in what would become Springfield Township. His grandfather, Richard II, likewise moved to New Jersey in 1691, but settled in Piscataway Township in Middlesex County; after acquiring some 5,500 acres of prime real estate near what is now Princeton in 1701, he prospered off the labor of a work force composed mainly of black slaves and white indentured servants and built the lovely mansion later to be called "Morven." In the personage of his father, John, who inherited "Morven" along with a sizable tract of adjacent land, the tradition of the Stocktons as American gentry reached its height; John Stockton's materialistic life-style and his wife's religious preferences prompted him to convert to Presbyterianism, while his deep-felt need to discharge social responsibility through community service resulted in his serving for many years as a judge of the Somerset County Court of Common
Pleas and becoming first a patron of the infant College of New Jersey and then a prime mover of the transfer of the institution from Newark to Princeton in 1756.

Richard Stockton III, it seemed, was destined to lead the life of a gentleman farmer amid the gently rolling hills of central Jersey. At age fourteen he was sent to the Reverend Samuel Finley's West Nottingham Academy in Rising Sun, Maryland, to commence his formal education; two years later he entered the College of New Jersey, matriculating in 1748 at the head of its first graduating class. He then studied law with the foremost attorney in the province, David Ogden of Newark, and in 1754 was admitted to the bar. Convention, among other considerations, dictated that he now take a wife; the following year, 1755, he married Annis Boudinot, daughter of a well-to-do Jersey merchant, and opened a law office in Princeton.

With the death of his father in 1757, Richard not only came into possession of the family seat, but also assumed leadership of the prestigious Stockton clan. His personal fortune mounted — the farms were productive, his legal practice was lucrative, and the economy of the small village of Princeton, located midway between the mercantile towns of New Brunswick and Trenton on the main road between New York City and Philadelphia, was booming. Annis, an intelligent, self-educated, refined woman with considerable talent as a poetess, proved an amicable companion and bore him six children. Morven, the social center of the community, was the scene of continuous bustling and bustling; numerous relatives were always on hand, and the Stocktons entertained often and lavishly. In his spare time, Richard enjoyed breeding choice cattle and horses, collecting art objects and fine furniture, and building an impressive library. But his principal passion was his profession. Both his practice and reputation grew rapidly: he became a counselor-at-law in 1758 and sergeant-at-law five years later, and soon counted among his clients residents of New York and Pennsylvania as well as New Jersey. He was obliged to open a second law office in Newark, and, as a master attorney, directed the training of a growing number of law students, including William Paterson, Elias Boudinot, and Joseph Reed. In short, by 1765 Richard Stockton ranked among the socioeconomic elite in New Jersey and was one of the leading lawyers in the Middle Colonies. All was well with life in that remote part of His Britannic Majesty's world-wide empire known as New Jersey.

Until 1765 Stockton devoted his time and energies almost exclusively to family and professional matters. To be sure, he continued the association of the Stockton family with the Presbyterian church and the College of New Jersey. He donated land and cash toward the construction of a church to serve both the collegians and townspeople and, as a member of the college's Board of Trustees, helped direct the operation of New Jersey's first institution of higher learning. But such activities were the least one might expect from the head of the most prominent family in the community. Generally speaking, public affairs, especially politics, were of little concern to a man who, born to affluence and position, was interested primarily in expanding his personal fortune and enjoying the pleasures afforded by his privileged station in life. "The publik is generally unthankful," he once declared, "and I will never become a servant of it, till I am convinced that by neglecting my own affairs, I am doing more acceptable service to God and Man."

However, Richard Stockton soon found himself embroiled in public affairs. Upon the conclusion of the French and Indian War in 1763, Great Britain attempted to establish closer supervision over colonial affairs through a series of administrative reforms and Parliamentary statutes. New customs regulations, restrictions on colonial currency, temporary limitations on western
expansion, import taxes on molasses, and stricter enforcement of trade laws—
these were among the new imperial measures that caused much talk and
considerable resentment in America. Since the new imperial program,
particularly the mercantile and tax laws, would have little direct effect on
agrarian New Jersey, Stockton and his fellow Jerseymen were not opposed to
any specific measure so much as they were uneasy about the overall prospect of
increased British control over American affairs. Moreover, their concern was
almost exclusively economic. Stockton discussed Parliamentary taxation several
times in 1764 but not once questioned the constitutionality of such laws.
Rather, his opposition stemmed from an instinctive aversion to paying taxes and
a fear that without representation in Parliament, Americans were unable to
defend their best interests. He repeatedly argued that unless the colonies each
“send over one or two of their most ingenious Fellows... into the House of
Commons... we shall be fleeced to some purpose.”

At times pecuniary concerns give rise to political convictions, and that is
precisely what happened in America during the Stamp Act crisis of 1765-66. The
disconcerting prospect of imperial taxation became dreaded reality for the
people of New Jersey when Parliament in the spring of 1765 enacted a law
which imposed stamp duties on a wide variety of items, chiefly legal documents
such as wills and deeds and publications ranging from newspapers to pamphlets.
As opposition to the Stamp Act increased in America, New Jersey remained
relatively calm since the province contained relatively few lawyers and even
fewer printers—the two groups most adversely affected by the tax. In fact, the
New Jersey Assembly declined to accept the invitation of the Massachusetts
House of Representatives to send delegates to the intercolonial Stamp Act
Congress scheduled to be held in New York in October. However, it is not
surprising that Richard Stockton, whose legal practice encompassed three
colonies, was outraged by the Stamp Act and bitterly denounced it.

Where his opposition to the prospect of imperial taxation in 1764 was
restrained, private, and wholly economic, his opposition to the reality of the
Stamp Act a year later was strident, public, and chiefly constitutional. Evidence
strongly points to Stockton as the author of an essay published in the September
12 issue of the New York Gazette under the pseudonym "Caesariensis." The
primary purpose of the piece was to urge stamp distributors to resign their posts,
thus preventing implementation of the Stamp Act. At times Stockton's anger
found expression in base threats: "resign," he warned, "or you will answer the
contrary at your Peril, to your sovereign lords and masters, the incensed mob."
The bulk of the essay, however, consisted of a denial of the legality of the Stamp
Act itself coupled with commentary about the proper constitutional relationship
between Britain and America. To begin with, Stockton argued that Parliament
had no more right to tax Americans who were unrepresented in the imperial
legislature than "the inhabitants of the moon." Moreover, for colonials to
submit to arbitrary taxation imposed without their consent would be to become
slaves of the British government. He recognized that George III reigned over the
entire British empire, and that Americans ought properly to appeal to the king
to repeal the Stamp Act. But in so doing, he urged that "all submission to,
dependence upon, or connection with, the commons and lords of Great Britain,
in a legislative way, be carefully and absolutely disclaimed." In essence, his
advocacy of home rule or local autonomy for the colonies in provincial matters
anticipated the nineteenth century concept of self-governing dominions within a
federated empire.
Stockton did more than speak out against the Stamp Act. Believing that united opposition was necessary to thwart the measure, he urged the Speaker of the House to take whatever action was necessary to reverse the Assembly’s decision in June not to send delegates to New York. If New Jersey failed to participate in the intercolonial conference, he observed, “we shall not only look like a speckled bird among our Sister Colonies, but we shall say implicitly that we think it no oppression.” (An illegal rump session of the Assembly was held shortly thereafter and sent representatives to New York.) Stockton was quick to back up his words with deeds; in September he willingly entered into the voluntary agreement of Jersey lawyers not to transact any legal business until the Stamp Act was repealed.

Eventually, the Stamp Act was rescinded in March 1766. But Richard Stockton’s entrance into public affairs had been most significant. The conservative Princeton lawyer whose inclinations and temperament marked him as a firm law-and-order man had intimated the use of violence to achieve political ends, sanctioned an extra-legal popular assembly whose purpose was to challenge the authority of the government, issued a radical declaration of American legislative independence that threatened the constitutional foundation of the empire, and engaged in civil disobedience as a means of protesting a legitimate act of government.

By the spring of 1766, Stockton’s intense application to public and private affairs had taxed his health to the point where his physician prescribed a trip abroad as the best means of obtaining much needed rest and relaxation. So, bidding farewell to his family, Stockton left in June 1766 on what was to be a fifteen-month sojourn in the British Isles — a trip that would not only bring physical recuperation but also a reorientation of his political views.

The trip to England proved to be an important chapter in the political education of Richard Stockton. Prior to embarkation his political perceptions were parochial, his political horizons provincial. His was a world of local politicians wrestling with local issues on a local stage. He had a firm grip only on the politics of the village of Princeton and Somerset County; his grasp of provincial affairs was less sure, his feel for intercolonial and imperial affairs tenuous.

The trip to Britain broadened Stockton’s horizons in three ways. First and most obvious, it introduced him to new lands and new people. He had previously spent two years in Maryland as a youth, but as an adult had not traveled beyond New York City or Philadelphia. Now he crossed the Atlantic and lived and traveled in England, Scotland, and Ireland; London, Dublin, and Edinburgh became familiar haunts. He rubbed elbows with the wealthy and well-born, was a guest in the elegant homes of the landed gentry, received the key to the city of Edinburgh, met literary giants like Samuel Johnson, attended theaters and frequented coffeehouses, appeared at numerous social functions, had an audience with the King, and even attended the Queen’s birth-night ball — heady stuff for a provincial lawyer from Princeton, New Jersey. Stockton returned home with a far greater understanding of the mother country — its people, its geographical components, and its political and economic problems. In a word, he returned from Britain with a vision of empire.
He also brought back a markedly different attitude toward British politicians, imperial administrators, and even Parliament itself. During the Stamp Act crisis he had denounced both ministers and members of Parliament as tyrants whose ill-conceived programs were designed to enslave Americans. He carried that jaundiced view to England. In the first letter from London to his wife he noted that it was appropriate for him to discuss cattle before commenting on ministers of state “considering how much more useful an animal the former is, than the latter.” He then expressed his disgust that William Pitt, the so-called champion of American liberties, had degraded himself by accepting elevation to the peerage as the Earl of Chatham. His attitude changed, however, as he visited the august chambers of Parliament and listened to the debates of those entrusted with the governance of the empire, as he talked with London merchants about the imperial economy, and as he consulted with colonial agents such as Benjamin Franklin and with British politicians such as Lords Rockingham and Dartmouth about colonial affairs. He returned to the rural hamlet of Princeton more knowledgeable about the affairs of empire and more respectful of the men charged with governing the realm.

Finally, during his stay in Britain, Stockton profoundly altered his views about his own involvement in politics. As he became more aware of the art of politics and the operation of government, he also became convinced that a man of his ability and place in society had a responsibility to assume the burdens of governance. Had not statesmen throughout Britain solicited his views about colonial affairs? Indeed they had, and before leaving England he wrote a lengthy analysis of imperial affairs that ultimately found its way into ministerial circles.

Stockton’s commentary on the state of the empire in the spring of 1767 contrasts sharply with his protest against the Stamp Act in the fall of 1765. Where his earlier writings were strident, impulsive, and concerned mainly with denying Parliamentary authority and denouncing evil ministers, his observations were now restrained, reasoned, and devoted to proposing practical solutions for real problems. He completely ignored the overriding issue of Parliamentary authority, terming it a point “which had better never be decided upon, or even debated.” His concern was not theory but practice. He conceded that imperial officials had tried virtually everything that might possibly resolve the financial crisis that had led to plans to raise an American revenue and the ill-fated Stamp Act. The American colonies, he suggested, were indeed the answer to Britain’s economic plight but not as a source of revenue. Rather, he suggested that by lifting the restrictions on American trade with the West Indies and by permitting the provincial assemblies to resume issuing paper currency designated as legal tender, the colonies would prosper greatly and thus be able to contribute handsomely to imperial coffers. Moreover, to facilitate harmonious relations between crown and colony he proposed filling provincial positions with Americans of “Fortune, Character & Influence” rather than sending over Britons who were often of questionable ability and usually ignorant of local affairs. He took pains to stress his belief that increased colonial prosperity and an American civil establishment would not lead to what he termed “independence.” Estrangement was always a possibility, he conceded, but only when caused by arbitrary actions from London.

Richard Stockton, then, returned home in September 1767 with an expanded social and political awareness. He had been deeply impressed with Britain, especially the elegant lifestyle of the upper classes. So great was his identification with the English landed gentry that he painstakingly transformed the grounds at Morven into a faithful reproduction of Alexander Pope’s lavish gardens at Twickenham. He did not, however, affect to be an Englishman; his experience in the mother country only intensified his identity as an American.
Moreover, he returned convinced that he was one of those Americans of "Fortune, Character & Influence" who ought to play an important role in colonial government. He sought to discharge that obligation not by sitting on the county court as his father had done, not by standing for election to the popularly elected provincial assembly, but by accepting in November 1768 a seat on the royally appointed Governor's Council.

The twelve-man Council was a powerful element in the Jersey political structure. It served variously as the upper house of the legislature, as the governor's board of advisers, and, with the governor, as the highest court in the colony. Its members, who held their seats at the pleasure of the crown, were drawn from the wealthiest and most socially prominent families in the colony. In becoming a councilman, Richard Stockton became a member of the political elite in New Jersey; that he did so without prior public service is remarkable—a testimony to his influence and reputation.

Stockton took his seat on the Council just as the constitutional dispute between Britain and America flared once again. He undoubtedly watched closely as Jerseymen joined in the vigorous opposition to the Townshend duties from 1767 to 1770 in a manner reminiscent of the earlier protest against the Stamp Act; he surely read many of the increasingly numerous pamphlets and newspaper essays—like John Dickinson's "Letters from a Farmer in Pennsylvania"—that forcefully challenged British authority in America; and he certainly pondered the implications of such provocative incidents as the Boston Massacre of 1770, the burning of the revenue schooner 'Gaspee' in Rhode Island in 1772, and the unceremonious Boston Tea Party in 1773.

Unfortunately, we do not know just how Richard Stockton responded to these developments; none of his comments about the intercolonial and imperial events of the years 1767-1774 have survived. However, the following observations may be appropriate. First, whatever his views on a specific event or issue, he was now in the position of viewing the protest movement from the vantage point of a member of the governmental establishment rather than as the outraged private citizen who had denounced the Stamp Act. Second, one suspects from his hard law-and-order attitude toward the popular riots against lawyers and proprietors that broke out in Essex and Monmouth counties in 1769-70, that he had tempered his views of violence and civil disobedience as acceptable political methods. Third, since he accepted the additional responsibilities of an associate justice of the Supreme Court in 1774 (again by crown appointment), it is safe to assume that his official, public deportment did not clash with the strongly conservative attitudes and action of the Council. In short, while Richard Stockton remained a staunch defender of American rights and liberties, he had become dedicated by 1774 to the protection of those freedoms not through the vehicle of popular protest but rather by working through established governmental channels.

The year of decision for both American Whigs and British ministers was 1774. The Boston Tea Party— as much an attack upon the sovereignty of the British government as upon the property of the East India Company—prompted London officials to take decisive action to stem the rising tide of rebelliousness in America. The result was the so-called Coercive or Intolerable Acts passed by Parliament during the spring of 1774. The American response was equally resolute. During the summer months local committees formed
throughout the colonies to pledge support of the Massachusetts martyrs and protest the Coercive Acts; in the fall the First Continental Congress met in Philadelphia and organized a united front of intercolonial resistance to Great Britain.

These were trying times for moderates like Richard Stockton who affirmed the constitutional rights of the colonists but at the same time recognized the governmental responsibilities of the mother country. In a desperate attempt to bridge the growing constitutional chasm between Britain and America, Stockton in December 1774 sent to Lord Dartmouth, secretary of state for the colonies, “An Expedient for the Settlement of the American Disputes.” Stockton prefaced his comments with the observation that the colonists were on the verge of taking up arms to resist Parliamentary taxation and implementation of the Coercive Acts. To avert the “dreadful” consequences that would necessarily ensue in “an obstinate, awful, and tremendous war” between Britain and America, and to resolve once and for all the recurring confrontations over governmental authority, he offered the following proposals for Dartmouth’s consideration:

1. That the King immediately suspend the Boston Port Act to allow tempers to cool.

2. That commissioners from each of the North American colonies be authorized to meet with British ministers to discuss the current points of contention and to resolve the same.

3. That the Anglo-American commissioners create a new system of government for America — either by unifying all the colonies into one general government or by making “material alterations” in the present provincial governments; in either case, Americans were to be taxed only by their own representatives, not Parliament. In essence Stockton was proposing self-government for America whereby the colonies would be independent of Parliament but still owe allegiance to the crown; once again he advocated something approximating dominion status.

It was, of course, a vain attempt at reconciliation. The concept of a commonwealth system was an idea whose time had not yet come. Besides, conciliatory proposals would find few supporters on either side of the Atlantic, for the imperial dispute had deteriorated to the point where negotiation was no longer possible. As George III put it in September 1774: “the dye is now cast, the colonies must either submit or triumph.”

The situation worsened rapidly as Americans took up arms. Lexington. Concord. Bunker Hill. The siege of Boston. Although Richard Stockton clearly supported the colonial position, he neither said nor did anything in public to support the rebellion. His name does not appear on the rosters of town or county committees. His support was neither organized nor effective. The two Continental Congresses, nor elected to the Provincial Congresses that steadily assumed effective governmental power in the colony. He did not join with his brother-in-law Elias Boudinot, his son-in-law Benjamin Rush, or his good friends John Witherspoon, Jonathan Dickinson Sergeant, and Frederick Frelinghuysen in their efforts to promote rebellion and independence. Rather, he continued throughout 1776 to discharge his duties as a member of the Council and associate judge of the Supreme Court.

By the early months of 1776 one could no longer avoid the momentous issue of empire or independence. Men now had to decide whether their allegiance was to Great Britain or the American rebellion. For Jerseymen the moment of truth came on June 21 when the Third Provincial Congress voted to
establish an independent government for the province; the next day it named a
new five-man contingent to attend the Continental Congress and join in
declaring "the United Colonies independent of Great Britain." One of those so
charged was Richard Stockton.

A
nd so, we return to the question with which we began: What brought
Richard Stockton to the Pennsylvania State House to vote for independence? I
wish I knew. The frustrating fact of the matter is that we do not have a single
statement by Stockton — written either before or after July 4, 1776 — in which
he even hints at what led him to renounce empire in favor of independence.

We can, however, suggest some possible explanations. Stockton was first
and foremost an American: "Whenever I can serve my native country," he once
told a British official, "I leave no occasion untried." Patriotism. Also, he
objected strongly to many of the British policies instituted after the French and
Indian War, unequivocally rejected the constitutionality of Parliamentary
taxation in America, and in general supported the colonial quest for greater
home rule. Principle. Remember, too, that Richard Stockton "had it made": he
possessed great wealth, moved in the highest social circles, and exercised great
influence in the provincial government. And the only threat to his place,
prominence, and privilege came not from within, but from without — from
Great Britain. To resolve the Anglo-American disputes that created increasingly
serious political, social, and economic disruptions and to secure greater political
autonomy for America was also to consolidate Richard Stockton's position at
the apex of New Jersey Society. Prudence.

There was, perhaps, another reason. For a decade or more Americans had
attempted to work within the system to redress political grievances. Petition
after petition, appeal after appeal had been sent to London only to be ignored or
disregarded. The Stamp Act crisis and subsequent events demonstrated that the
British government would respond only to coercion — civil disobedience,
extralegal activities, boycotts, even violence. By 1776 the alternatives had been
reduced to two: Americans could choose between empire or independence.
With a full-scale war raging around them, with organs of royal authority having
been either driven from the continent or replaced by rebel organizations, many
Americans of a moderate or even conservative bent realized that they had passed
the point of no return, that resistance had become rebellion, and that there was
no practical alternative to the quest for nationhood. Pragmatism.

Patriotism, principle, prudence, pragmatism — Richard Stockton
undoubtedly weighed all four considerations as he rode to Philadelphia and his
rendezvous with destiny. Indeed, it was probably his reputation for integrity, his
wealth and position, his lack of identification with previous protest activities,
and his political moderation that led to his selection as a congressional delegate.
Benjamin Rush's later characterization of Stockton is applicable to the summer
of 1776: "He was timid where bold measures were required, but was at all times
sincerely devoted to the liberties of his country. He loved law and order . . . His
habits as a lawyer and a judge . . . produced in him a respect for the British
constitution, but this did not lessen his attachment to the independence of the
United States." Just so. Richard Stockton was a reluctant rebel whose
commitment to political liberty caused him to sanction revolution.
Although predisposed to vote for independence, Stockton apparently had not made a definite decision when he reached the Pennsylvania capital. He arrived on July 1; the congressmen, who had been discussing and debating the merits of independence for weeks, were prepared to vote on Richard Henry Lee’s motion of independence. But Stockton refused to vote until he had heard “at least a Recapitulation” of the pros and cons concerning secession. A disgruntled John Adams obligingly delivered a stirring oration in which he “Sumed up the Reasons, Objections and Answers” relative to independence. Now satisfied — and presumably convinced — Stockton voted for Lee’s motion on July 2 and for Jefferson’s Declaration two days later.

As one who had publicly pledged his life, fortune, and sacred honor to American independence, Richard Stockton might reasonably have expected to play a prominent role in the prosecution of the Revolution. Indeed, when the first state legislature met in late August and proceeded to elect the state’s first governor, the balloting ended in a tie between Stockton and the transplanted New Yorker, William Livingston; backroom politics subsequently provided Livingston with a single-vote victory on a second ballot. (Ironically, Morven, the home of the man who strove unsuccessfully to be governor, is now the official residence of the governor of New Jersey.) Stockton was then offered the position of chief justice of the state Supreme Court, but for reasons unknown declined the appointment. For the time being, Richard Stockton would serve the new nation as a member of the national Congress.

His congressional career was brief and wholly undistinguished. As a newcomer and as a man whose reputation did not extend beyond the Middle Colonies, Stockton was named to only a few minor committees; there is no indication that he ever made a major speech in Congress. His only noteworthy assignment came on September 26, when he and George Clymer of Pennsylvania were instructed to travel to Fort Ticonderoga and report on the condition of the Northern Army.

On that tour Richard Stockton confronted the horrors of war. Initially, he was appalled by the miserable condition of the Continental Army. From Saratoga on October 28 he wrote to fellow Jersey signer Abraham Clark that the New Jersey soldiers were

> marching with cheerfulness, but great part of the men barefooted and barelegged. My heart melts with compassion for my brave countrymen who are thus venturing their lives in the public service, and yet are so distressed. There is not a single shoe or stocking to be had in this part of the world, or I would ride a hundred miles through the woods and purchase them with my own money.

Then, as he left Albany on November 21 to return to Philadelphia, he witnessed an increasingly depressing military scene. As he rode down the Hudson River Valley he viewed the ravages caused by the bitter civil war that raged between rebels and royalists in New York. As he entered New Jersey he encountered the near panic that beset the people. The British juggernaut, directed by the brothers Howe (Admiral Richard and General William), was seemingly invincible: the Redcoats had whipped the Continentals in a series of battles in and around New York City, had crossed the Hudson and taken Fort Lee, and were now marching across New Jersey in pursuit of Washington’s fleeing forces.

Understandably, Richard Stockton forgot about Philadelphia and headed for Princeton. With the British only a few miles away in New Brunswick, the Stocktons buried their valuables in the orchard and joined in the exodus of rebels out of the area. That was wise. They took refuge in Monmouth County at
the home of an old friend, assemblyman John Covenhoven. That was a mistake. During the night of November 30, one of the many Loyalist bands that roamed the area burst into the Covenhoven home, dragged Stockton from bed, and turned him over to the British at Perth Amboy; from there he was marched to New York City and sent to the Provost Prison where he was clapped in irons and kept without food for 24 hours. (Ironically, November 30 was also the day that the New Jersey legislature reappointed Stockton to another term in Congress and the day that General Howe issued a proclamation offering to pardon all rebels who signed an oath of loyalty to the King.)

While we do not know the details of Stockton's imprisonment, every indication is that it was extremely harsh. The horrors of the overcrowded, unsanitary, make-shift prisons kept by both sides during the war are as familiar as they are frightening. The reports of the fate of one of the Founding Fathers were so appalling that Congress on January 3 took steps to intervene on his behalf by ordering George Washington to make an official inquiry into the matter. By mid-March Richard Stockton was back home in Princeton. He had not escaped. Neither had been exchanged for a British prisoner of war. He had walked out of prison a free man because he had signed an oath of loyalty to the King and had been paroled.

Richard Stockton has been called "the single signer who recanted." That is true, but then he was the lone signer of the Declaration whose allegiance was ever put to the ultimate test. Why did Stockton sign an oath in which he pledged not to support the American cause in any way during the war? (Equally baffling is why the British paroled such a prominent "rebel.") Transfer of allegiance is not an acceptable answer: Stockton never did anything to aid the British in suppressing the rebellion and, after all, he did return to rebel territory instead of joining the ranks of royalists refugees.

Two considerations likely led him to accept parole. One surely was the condition of his confinement. While we do not know exactly how he was treated, we do know that he left prison in extreme ill health. Very probably numerous cruelties - psychological as well as physical - were imposed upon one who had signed the treasonous Declaration of Independence. Second, he may well have accepted parole for reasons of practicality. Capture had effectively ended his participation in the Revolution. He could either remain in prison indefinitely and perhaps be executed, or go home and sit out the war as neutral while tending to the needs of his family. Of course he might have stuck it out, hoping to escape or, more likely, be exchanged. Some may find it easy at the distance of 200 years to decide what Stockton should have done; I, myself, having never been a POW in the American Revolution cannot render such judgement.

When Richard Stockton returned home he faced the monumental task of rebuilding three things that were now in a state of ruin - his home, his honor, and his health.

Morven, like the town of Princeton, had been devastated during the British occupation of December 1776 - January 1777. The once palatial house, used as headquarters by Lord Cornwallis and Colonel Harcourt, had been sacked. Furniture, clothing, books, personal papers, pictures had been destroyed; cattle,
horses, and sheep had been killed or driven off; the east wing had been burned; the fields, orchards, gardens, and outbuildings had been ravaged. (Benjamin Rush estimated the loss at over $5,000.) No longer an active participant in public affairs, Stockton turned to the task of rebuilding and refurbishing; by late 1780 Morven had begun to resemble its pre-war appearance.

Repairing a damaged reputation was more difficult. At first, as John Witherspoon noted, Stockton was "much spoken against for his conduct." In December 1777 he made formal amends by signing an oath of allegiance to the state of New Jersey. (Cynics might term it another act of perfidy by a man given to switching sides as prudence dictated.) He could never, of course, entirely escape the stigma of the parole; yet he soon became an accepted and admired member of the community once again. People knew of his reputation and service prior to his capture; they understood what the privations and pressures of imprisonment could do to a man; and they probably could count themselves or friends or relatives among the 2700 Jerseymen who accepted Howe's offer of parole as the British swept through the state in late 1776. Whatever the case, Stockton again moved easily in social circles that included government officials and ardent Patriots; upon resuming legal practice, he found no shortage of clients.

His health also returned, albeit slowly. We do not know if he suffered some specific malaise such as pneumonia or whether poor treatment in prison had simply sapped his vitality. And of course there is no way of measuring either the lingering emotional impact of his imprisonment and the subsequent ignomy of the parole or the anxiety attendant to living in the middle of the military cockpit of the Revolution.

In any event, just as he appeared to have recovered fully in body and spirit, he became afflicted with a new ailment. A sore that would not heal appeared on his lower lip, and in December 1778 he went to Philadelphia to have it diagnosed by his physician son-in-law. When other doctors confirmed Rush's suspicion that the growth was malignant, it was surgically removed. Four months later an "ugly kernel" appeared in Stockton's throat; another trip to Philadelphia and another operation removed the tumorous mass in his throat but not the cancer spreading through his body. For almost two years Richard Stockton was continually racked with pain, death finally brought an end to his suffering on February 28, 1781, at the age of 50.

"History," Thomas Carlyle once observed, "is but the essence of innumerable biographies." In several respects, Richard Stockton personified important features of American Revolution in New Jersey. He was a strong Whig, firm in his support of American liberties and political autonomy. Yet like most Jersey Whigs, he was a moderate who eschewed the radicalism that characterized the protest-independence movement elsewhere and only reluctantly came to support secession from the British empire. Perhaps that is because neither Stockton nor his fellow Jerseymen were so directly or significantly affected by British imperial policies as were their counterparts in, say, Massachusetts or Virginia; perhaps that is also because the absence of political factions, the lack of an urban environment, and the want of a newspaper inhibited the growth of radical activities in the colony. Whatever the case, Richard Stockton and New Jersey offers a classic example of a rebel and rebellion whose purpose was to preserve rather than destroy, whose objective
was to reform not revolutionize. While many Americans prospered during the War for Independence, others like Stockton lost huge sums to the ravages of war; while some Americans were scarcely touched by the horrors of warfare, others like Stockton endured the sufferings of imprisonment; while some Americans received public accolades and honors for their patriotic conduct, others like Stockton received rebukes and ignominy for action taken (or not taken) in the most trying of circumstances; while many Americans lived to witness the winning of independence and the successful launching of the experiment in republicanism, others like Stockton took to their graves the hopes and fears of an unfinished quest.

I cannot help but wonder what role Richard Stockton might have played in the new state and nation had he not been taken prisoner that November day in 1776 and had not died before the war had run its course. Certainly many men of lesser ability made indelible marks on the pages of New Jersey and American history. And they have been honored in various ways for their contributions to the creation of the republic. As I reviewed the life of Richard Stockton for this occasion, the Reverend Samuel Stanhope Smith's eulogy of Stockton at the funeral held in the college chapel in Princeton took on special significance:

It was one of his earliest honours to have been a son of this college . . . and having adorned the place of his education by his talents, he soon rose to the board of its trustees, and hath ever since been one of its most distinguished patrons. Young gentlemen . . . another of the fathers of learning and eloquence is gone. He went before you in the same path in which you are now reading, and hath, since, long presided over, and helped to confirm, the footsteps of those who were here labouring up the hill of science and virtue. While you feel and deplore his loss as a guardian of your studies . . . let the memory of what he "was" excite you to emulate his fame . . .

It is appropriate, I think, that we meet on the eve of the bicentennial of American Independence to commemorate the Revolution at a college named in honor of one of New Jersey's signers of the Declaration of Independence. Richard Stockton would be pleased.

Stockton State College, Pomona, New Jersey, October 23, 1975
Larry R. Gerlach

Larry R. Gerlach received his Ph.D. in History from Rutgers, The State University in 1968. His dissertation dealt with New Jersey history from 1760 to 1766.

Currently Dr. Gerlach is Associate Professor of History at the University of Utah. He is a member of numerous professional organizations, including both the New Jersey and New York Historical Societies, and is a life member of the American Historical Association. Among his many awards is the William Aden Whitehead Award for the best article published on New Jersey History in 1972. Dr. Gerlach has authored four volumes, three of which deal with New Jersey history. He has edited and written numerous articles dealing with American history and New Jersey history in particular. He is currently working on a biography of William Franklin, son of Benjamin Franklin. William Franklin was royal governor of New Jersey and a prominent American Royalist.

On October 23, 1975, Dr. Gerlach delivered his address on Richard Stockton, for whom Stockton State College is named, as part of Stockton’s celebration of the Bicentennial Year.
Stockton State College is one of nine state colleges in New Jersey. Originally authorized by the passage of the State's 1968 bond referendum, the College is designed to provide a distinct alternative to other more traditional modes of undergraduate education through specialized programs in the arts, sciences, and professional studies.

Stockton enrolled its "charter class" in September 1971 and September enrollments at the College have climbed regularly with each successive academic year. Currently Stockton's enrollment numbers approximately 4,300 full- and part-time students. Drawn from over 300 high schools and from highly varied backgrounds, Stockton's student body represents a multiplicity of interests, expectations, and career goals.

Stockton's faculty of approximately 170 is composed of individuals with broad academic training and diverse professional experience. The faculty works closely with students in all aspects of academic life to help students chart their academic programs and plan for the future. Additionally, faculty and staff share with students the initiative and responsibility for the College's social, recreational, athletic, and cultural programs and activities.

Baccalaureate degrees are awarded in twenty-three Degree Programs, encompassed by five major divisions of study: Arts and Humanities, General Studies, Natural Sciences and Mathematics, Professional Studies, and Social and Behavioral Sciences.

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Stockton State College does not discriminate in admission or access to, or treatment or employment in, its programs and activities on the basis of race, color, creed, national origin, handicap, age, or sex.