

34547 State v. Colver

Subbet

Laffa - Cyer & Loom, &c

The State of New Jersey

vs
Jesse Colver. } Indictor for
 } Indictus
 } Words.

A true Bill

John Monroville, Juror.

The Defendant being
charged. plead
guilty of ~

Wm. Caterton, A. G. Genl.

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The Jurors, on Behalf of the State of New Jersey, for the
Body of the County of Sussex, upon their Oath ^{sworn} depone, That ^{Joseph}
Colver, late of the Township of New Town - in the County of
Sussex a^d ^{Minister of the Gospel} ~~man~~, being a pernicious and disaffected Man,
and a Person of a turbulent Mind of seditious Disposition,
and Concupiscence, and contriving, practising, & falsely, malici-
ously, advisedly, and seditiously intending to terrify, disunite,
and discourage the good Subjects of this State, and to dispose
them to favour the Pretensions of the Enemy, and to alienate
their Affections from the present Government established
under the Authority of the People, in the said ^{State} ~~County~~ Colver,
on the first Day of April, in the Year of our Lord, one
thousand, seven hundred, and seventy seven, at New Town a^d
in the County of ^d, having discourse then and there with a
certain Benjamin Hull, concerning the said State of New
Jersey, and the United States of North America, and the
present War waged and carried on by the King of Great
Britain against this State and the said United States,
in the Presence and Hearing of the said Benjamin Hull
and of divers other Persons and Subjects, then and there
present, did, falsely, maliciously, advisedly, unlawfully, and
seditiously, say, assert, affirm, pronounce, and declare
these false, malicious, seditious and opprobrious English
Words following, that is to say, ~~That~~ ^{That} (meaning
the said ^{State} ~~County~~) think it is best to get up the

King's Standard (meaning the Standard of the said King of
Great Britain then and state being at open War and Enmity
with this State and the said United States) and I again
meaning the said ^{Jabez} Joseph Glover) think it would be best to
let Barton (meaning a certain Joseph Barton late of the
County of ^{Jabez} ~~York~~, who, regardless of the Duty of his Allegiance, had
gone over to and joined the Army of the said King of
Great Britain) set up the King's Standard (again meaning
the Standard of the aforesaid King) for if we (meaning the
said ^{Jabez} Joseph Glover and certain disaffected and dangerous
Persons with the aforesaid Joseph Barton at their Head)
set it (meaning the Standard aforesaid) up before the
Regulars (meaning Troops belonging to and in the
Service of the said King, who was then of state in at War
and Enmity with this State, and the said United States)
come we (meaning the said ^{Jabez} Joseph Glover and certain
other disaffected Persons) shall lose our Estates. And if
America overcome (meaning if the said United States
should be eventually victorious again in the present
War with the said King of Great Britain, and establish
their Independency) the Presbyterians will pull
down all other Confessions (meaning the Presbyterians
will establish their own Form of Church Government,
in Exclusion of that of all other religious Professions,
and will not suffer any Denomination of Christians

to worship God in any other Way than they shall
prefer and allow) to the evil and pernicious Example
of all others in the like case offending, against the Peace of
this State, the Government, and Dignity of the same.

Wm. Caterton, Att. Gen.^r

Supers. I do remember that at a Session of Oyer &
Terminar and General Gaol Delivery of the State of
New Jersey, of and for the County of Sussex, holden at
Newtown in the said County of Sussex, on Wednesday the
twenty eighth Day of May in the Year of our Lord one
thousand seven hundred & Seventy, before the honorable
Robert Morris Esq. Chief Justice of the S^d. State, the
Honorable John Lewis Symmes Esq. one of the Justices
of the Supreme Court of Judicature in and for the S^d.
State, and John Barber, Mark Thompson, Samuel
Kennedy, Jacob M^r. Lollom, Isaac Martin, Joseph
Byram and Timothy Symmes Esq. and others
their fellow-Justices and Commissioners of the
said State, assigned by Letters Patent under the great
Seal of the said State, made to the S^d. Justices & Commissi-
oners above named & others, and to any three or
more of them, of whom J^r. said Robert Morris, Isaac
Smith, and the S^d. John Lewis Symmes or any of
them should be one, to Inquire in the County of
Sussex a^d. by the Oaths of good & Lawfull men of the
said County, by whom the Truth of the matter may be
the better known, of all & all Manner of high Treason,
Petit Treason, Misprision of Treason, Murder, &
Burglary, Robberies, House-breaking, Grand Larceny,
Petit Larceny, Thefts, Trespasses, Forcettallings, &
Regrateings, Inrogings and Statutes whatsoever
and of all & singular other Felonies, Breaches of the
peace, misdeeds and Offences whatsoever concerning
the peace & good Order of the State; and to hear and
determine all and singular the Crimes, Offences
and Misdoings a^d. and to deliver the Gaol of the said
County of the Prisoners therein being, or such as shall
or

or may be detained in the same, by the Oaths
of John M. Murtrie Esq. James Davison Esq.
Peter Van der Lijp Esq. Abraham Shuman, Peter
Westbrook, Guibert Sutfield, James Laval,
Joseph Bory, Christopher Simonson, Nicholas
Imman, Henry Kover, Joannes Jacob
Westbrook, Hans Laerecht, Daniel Innis
Henry Westfall, Nathan Hopkins, Fred. B.
Pritzman, Linest Mann, & James Thomson
good & Lawfull Men of the S. County, being
then and there sworn & charged, to Enquire for
and behalf of the S. State of New Jersey, and for
Body of the County aforesaid touching & concerning
the premises in the S. Letter Patent
mentioned, It is Presented that the Bill
of Indictment to the Schedule Annexed is a
true Bill &

1777 Seditious-Words Prosecution

The State of New Jersey v. Jabez Colver, Minister of the Gospel

Court: Court of Oyer & Terminer and General Gaol Delivery, County of Sussex, holden at Newtown (now Newton), New Jersey

Indicted: 28 May 1777 — grand jury returned “a true Bill”

Offence: Seditious words spoken on or about 1–5 April 1777, in discourse with Benjamin Hull

Defendant: Jabez Colver (Collver / Culver), late of Newtown Township, Sussex County

Outcome: Pleaded GUILTY, 12 June 1777; fined £5 and imprisoned until paid (per the Sussex Oyer & Terminer Minutes)

Prosecutor: William Paterson, Attorney-General

Citation: New Jersey State Archives, Supreme Court Case Files, 1704–1844, Case No. 34547 (SSV00001); Sussex Oyer & Terminer Minutes (SOY00001)

The Indictment

The Jurors, on behalf of the State of New Jersey, for the Body of the County of Sussex, upon their Oath present, That Jabez Colver, late of the Township of Newtown in the County of Sussex aforesaid, Minister of the Gospel, being a pernicious and disaffected Man, and a Person of a turbulent Mind and seditious Disposition and Conversation, and contriving, practising, and falsely, maliciously, advisedly, and seditiously intending to terrify, disquiet, and discourage the good Subjects of this State, and to dispose them to favour the Enterprizes of the Enemy, and to alienate their Affections from the present Government established under the Authority of the People,

he the said Jabez Colver, on the first Day of April, in the Year of our Lord one thousand seven hundred and seventy-seven, at Newtown aforesaid in the County aforesaid, having Discourse then and there with a certain Benjamin Hull, concerning the said State of New Jersey, and the United States of North America, and the present War waged and carried on by the King of Great Britain against this State and the said United States, in the Presence and Hearing of the said Benjamin Hull and of divers other Persons and Subjects then and there present, did, falsely, maliciously, advisedly, unlawfully, and seditiously, say, assert, affirm, pronounce, and declare these false, malicious, seditious and opprobrious English Words following, that is to say:

“I think it is best to set up the King’s Standard” (meaning the Standard of the said King of Great Britain, then and still being at open War and Enmity with this State and the said United States) “and I” (again meaning the said Jabez Colver) “think it would be best to let Barton” (meaning a certain Joseph Barton, late of the County aforesaid, who, regardless of the Duty of his Allegiance, had gone over to and joined the Army of the said King of Great Britain) “set up the King’s Standard... for if we” (meaning the said Jabez Colver and certain disaffected and dangerous Persons, with the aforesaid Joseph Barton at their Head) “set it up before the Regulars” (meaning Troops in the Service of the said King) “come, we shall save our Estates. And if America overcome” (meaning if the said United States should be eventually victorious and establish their Independency) “the Presbyterians will pull down all other Persuasions” (meaning the Presbyterians will establish their own Form of Church Government, in Exclusion of all other religious Professions, and will not suffer any Denomination of Christians to worship God in any other Way than they shall prescribe and allow)

to the evil and pernicious Example of all others in the like Case offending, against the Peace of this State, the Government, and Dignity of the same.

Wm Paterson, Att. Genl.

The Court of Oyer & Terminer Record

Be it Remembered, that at a Session of Oyer and Terminer and General Gaol Delivery of the State of New Jersey, of and for the County of Sussex, holden at Newtown in the said County, on Wednesday the twenty-eighth Day of May in the Year of our Lord one thousand seven hundred and seventy-seven, before the Honourable Robert Morris, Esq., Chief Justice of the said State; the Honourable John Cleves Symmes, Esq., one of the Justices of the Supreme Court of Judicature; and John Barber, Mark Thompson, Samuel Kennedy, Jacob McCollom, Isaac Martin, Jephtha Byram, and Timothy Symmes, Esqrs., and others their fellow Justices and Commissioners of the said State —

by the Oaths of John McMurtrie (Foreman), James Davison, Peter Vanlet, Abraham Shurns, Peter Westbrook, Guisbert Sutfield, James Edsal, Joseph Perry, Christopher Simonson, Nicholas Emmans, Henry Hover, Joannes Jacob Westbrook, Hans Cortrecht, Daniel Innis, Henry Westfall, Nathan Hopkins, Frederick Pritzman, Ernest Mann, and James Kermer, good and lawful Men of the said County, then and there sworn and charged to inquire for the Body of the County — It is presented that the Bill of Indictment to the Schedule annexed is a true Bill.

The Plea & Sentence

Endorsed upon the indictment, in the clerk's hand: "The State of New Jersey vs Jabez Colver — Indictment for Seditious Words. A true Bill. John McMurtrie, Foreman. The Defendant being charged, plead Guilty &c." The Sussex Oyer & Terminer Minutes record that on 12 June 1777 the Court fined Jabez Colver £5 and ordered him imprisoned until the fine was paid.